

A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

[That Purple Cereal](#)

Posted on March 9, 2011 by [Susan Perera](#)

As you likely know, many of the Duets Blog bloggers were involved in a full day trademark CLE last week. One of the sessions focused on the issues facing private label brands and the line between identifying your competitor by using similar packaging and infringing on their trademark or trade dress.

Along those lines, a friend recently sent me the picture below and asked my opinion of this packaging. In the interest of continuing the conversation, I thought I would post the picture here and see what our viewing audience thinks.

Is it reasonable for the private label brand to use both the main color (purple) and the secondary color (yellow) as well as a highly similar font, font color, and outline color?



Or maybe you think everyone has the right to use purple with raisin filled cereals? Even General Mills uses purple with its raisin filled [Total](#) Cereal (credit to the Big G for calling its something other than "raisin bran").



WINTHROP WEINSTINE

ATTORNEYS AND COUNSELORS AT LAW

Capella Tower | Suite 3500 | 225 South Sixth Street | Minneapolis, MN 55402
Main: (612) 604-6400 | Fax: (612) 604-6800 | www.winthrop.com | *A Professional Association*

What about the use of “Raisin Bran”? Kellogg’s owns a trademark registration for [Kellogg’s Raisin Bran](#) and the [Sun Design](#). However, like all registered marks containing “raisin bran,” the term has been disclaimed. Does the similar font, color, and outline cross the line?

Please share your thoughts on private label brand and this example!



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