TRADE DRESS AND CONSUMER PERCEPTION OF PRODUCT SIMILARITY

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A study was conducted to determine the level of perceived similarity by consumers among college students viewing two products with similar trade dress—the recently litigated Kendall-Jackson "Vintner's Reserve" and Gallo "Turning Leaf" brands of Chardonnay table wine. Using an Internet-based data collection method, this study found only one significant difference out of several variables in a comparison between groups defined by their wine purchase frequency and wine knowledge. Perceived similarity is substantially apparent; consumers did not identify differences between the two brands based on their various components of trade dress. Based on these findings, the authors suggest that brand loyalty is less likely and switching behavior may become common in a market that includes such competitive behavior.

KEYWORDS: *trade dress; consumer perception; wine brand confusion; consumer behavior.*

In an intensely competitive environment, many companies spend substantial time and resources on their products' trade dress to differentiate their offerings from similarly positioned competitors' products. Trade dress is that combination of unique elements or combination of factors that, when taken together, create a product impression that customers will consistently associate with that brand. These distinctions may include size, shape, color, texture, design, labeling, packaging, and other accoutrements that create the total visual image and serve to produce consumer response and brand loyalty.

If new-entry competing junior products are so similarly designed and dressed as the previously established senior products, at least a portion of the consuming

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market faces the possibility of confusion in making purchasing decisions. Furthermore, if this product is priced at a point substantially below that of the senior product, the net effect can be a decline in sales, erosion of brand loyalty, and diminution of brand equity on the part of the senior product.

Because of a proliferation of new wineries in California, Washington, Texas, Virginia, New York, and even such unlikely areas as New Mexico, the consumer-popular $6 to $12 price point for table wines has become an increasingly competitive niche. Add new wine at the same price points from Chile, Argentina, Italy, South Africa, France, Australia, and former Iron Curtain countries, and shelf space at the average market becomes crowded with competing brands.

The case motivating the current research began when Kendall-Jackson felt that Gallo's new "Turning Leaf" product was too similar in its trade dress to their signature product "Vintner's Reserve" Chardonnay and filed suit in federal district court. The jury found for Gallo after a 2-week trial; Kendall-Jackson appealed, and the circuit court upheld the jury verdict for the defendant. This study uses an Internet-based data collection method to test whether the copied trade dress had the potential to contribute to consumer confusion due to the perceived similarity by consumers between the two Chardonnay wine bottles.

TRADE DRESS

New entries in a given market can choose to imitate characteristics of established successful products, possibly gaining a measure of competitive advantage through successful imitation of established products. Loken, Ross, and Hinkle (1986) point out that

> as a result, it is commonplace to see bottle shapes, package design/graphics, and color schemes in many product categories which quite resemble one another . . . to a much greater extent than would have been expected by chance had there been independent consideration given to these design or other physical features decisions. (p. 195)

Although this research considered store brand imitation of national brands, the same issues can face competing national brands.

Is this imitation "innovative imitation," as suggested by Levitt (1966), or an illegal infringement on another's trade dress? Levitt's thesis was that most new products or designs in the marketplace are not innovations but innovative imitation, wherein the new entrants effectively piggyback on the research and development investments of the senior product and subsequently enter the product life cycle at a point that is relatively risk free.

Since 1966, when Levitt explored the dimensions of such a strategy, increasing court attention has been paid to the issues of trade dress litigation. More recently, Kapferer (1995) states that in addition to any immediate sales loss to the junior mark, "lookalikes do harm the whole product category because it is far easier to imitate the trade dress, the packaging, and the design than it is to match the product qualities" (p. 553). Because the inherent qualities of the junior brand may not

be up to those of the senior brand, consumers can become disappointed or wary of the entire product line. Cases in this area are typically litigated under the terms of the Lanham Trade-Mark Act (1946) and through 1992 have produced mixed results, with federal district and appellate courts disagreeing about which standards of trade dress should apply.

On one hand, the concept of a product being inherently distinctive to the point of having acquired a secondary meaning (like Xerox or Kleenex) with imitators deceiving customers was the standard applied by some courts. On the other hand, some litigants alleged that merely being inherently distinctive in and of itself was sufficient to establish trade dress and win damages from copiers.

As an illustration, consider that in deciding the case of *Two Pesos, Inc. v. Taco Cabana, Inc.* (1992), the Supreme Court held that trade dress that is inherently distinctive can in fact be protected without a showing of acquired distinctiveness or acquiring a generic (secondary) meaning, such as that enjoyed by Xerox, Kleenex, or Band Aids. In interpreting the Lanham Act, the court said that

> protection of trade dress, no less than of trademarks, serves the Act's purpose to secure to the owner of the mark the goodwill of his business and to protect the ability of consumers to distinguish among competing products. (p. 774)

In effect, the court was saying that Taco Cabana did not have to become a metaphor for all similar restaurants for its trade dress to be distinctive.

In the current research, we give consideration to trade dress as a form of trademark protection covered by the Lanham Act of 1946. As presented above, relative to the *Two Pesos, Inc. v. Taco Cabana, Inc.* (1992) Supreme Court ruling, there is no need to acquire a secondary meaning if the senior mark's trade dress is inherently distinctive and a large group finds no difference between the senior and junior marks. It is logical to conclude that when the senior mark's trade dress has been copied, the possibility therefore exists to harm sales of the senior brand.

Jacoby and Morrin (1998, p. 97) interpret trade dress as growing out of the trademark law codified in the Lanham Act (1946). Trademark is defined in the act as "any word, name, symbol, or device or any combination thereof" that identifies goods as unique products, distinguishable from other, similar products. This has been expanded to include distinctive shapes, colors, and designs. Retsky (1995) defines trade dress as "the total image of a product, including features such as size, color or color combinations, texture, graphing, or even particular sales techniques" (p. 12). This can include distinctive packaging elements (the shape of a Coke or Galliano bottle for instance) that are nonfunctional but unique to that product. Galliano, for instance, with its distinctive, 18-plus-inch, fluted, tapering bottle, would still taste the same from a Mason jar, but its package makes it so distinctive that consumers are seldom confused as to the drink's origins.

Until 1995, color, as a protectable component of trademark or trade dress, was generally held to be exempt from protection under the theory that if all colors in the spectrum are separately protected by individual firms, color choice would be depleted to the extent that no colors would be left for any producer to use (*Campbell Soup v. Armour & Co.*, 1949). In *Qualitex Co. v. Jacobson Products Co., Inc.*

(1995), the U.S. Supreme Court reversed an earlier appellate decision that the green-gold color of the plaintiff's dry cleaning pads was not protectable trade dress. This ruling established that color can indeed be afforded trademark protection if that color or color combination is distinctive and perhaps, as in the case of Qualitex, registered as a trademark. Color is directly relevant in the current study in that the senior and junior marks both feature an autumn season–colored leaf on their labels, along with white backgrounds and gold-bordered labels.

In the case of Galliano, the distinctive size and shape of the bottle is nonfunctional. However, it is so distinctive that whereas a similar product may be created without the same trade dress elements, absent the unique shape, few consumers would confuse competing products. For the wine business, trade dress associated with bottle shape is more complex; wine bottles were originally function-based regarding the origins (generally in France) of specific types of wine made from grapes with unique qualities. The distinctive, high-shouldered bottles associated with wine varietals originally from the Bordeaux area of France were designed to trap (while aging on their sides or pouring) the sediments typically formed during the maturation process of wines made from Cabernet Sauvignon, Merlot, and Cabernet Franc, or some combination thereof. Wines from the Burgundy and Rhone Valley areas are typically bottled in the slope shouldered bottles we associate with Pinot Noir or Chardonnay wines, which do not usually form large amounts of sediment while aging. Originally developed in the Champagne area of France, sparkling wine bottles with their distinctive size and heavyweight strength evolved to support the pressures generated during secondary fermentation and subsequent entrainment of the carbon dioxide bubbles that give sparkling wines their effervescence.

These functional aspects of bottle shape have been widely imitated in bottling similar wine grape varietals throughout the wine-producing regions of the world, so consumers can expect to find competing Chardonnay wines, for instance, in similarly shaped bottles. Kendall-Jackson, however, by creating a bottle with a longer, more slender neck and slightly broader base in an initially distinct color with a visible cork, was attempting to substantially differentiate its trade dress from similar varieties of wines.

All of the thousands of wineries in the Bordeaux region of France produce wine in similarly shaped and colored bottles with labels depicting the chateaux. Classification systems suggesting levels of excellence have been developed for many of Bordeaux's wine-producing regions. Though relevant for the less than 200 Chateaux that are classified under the 1855 and more recent categorizations, these systems may in fact contribute to confusion in the marketplace. For example, Chateau Lusseau, St. Emilion Grand Cru is not the same as a Grand Cru from Pauillac, such as Chateau Latour. The mere words Grand Cru, in this short example, could introduce an element of confusion for all but the most knowledgeable of Bordeaux consumers. For all but the top or most famous brands, a marketplace with multiple classification systems and thousands of producers is fertile soil for consumer confusion.

CONSUMER CONFUSION

In a comparison of national versus store brands, Loken, Ross, and Hinkle (1986) found that similarity between the packaging of different brands leads consumers to perceive a common business origin between them. Specifically, the "*physical similarities* between two brands influenced whether the brands were judged to have a common origin" (p. 207, italics added). That consumers perceive (or fail to perceive) similarities and thereby may become confused based on the physical appearance of two competing products is at the heart of the present research.

Confusion can arise "when a buyer believes that the junior mark is actually the senior mark, or the junior mark is put out by the maker of the senior mark" (Simonson, 1994, p. 182). The Lanham Act (1946) is quite specific about what constitutes confusion: misidentification of the source, sponsorship, or association of a product/service with another product/service. Similarity of product name, design, or any of a variety of other characteristics could reasonably be considered to contribute to consumer confusion. Typical users are most likely to rely on heuristics—such as color schemes, lettering, or product placement—to aid their purchase decision (Simonson, 1994).

Kapferer (1995, p. 554) summarizes the factors generally held by U.S. circuit courts that can be considered in cases involving the likelihood of confusion:

- similarity or dissimilarity of trademarks, comparing overall impression by sight of the mark;
- the stronger the senior mark, the greater the likelihood of confusion from the junior;
- the degree of similarity between the goods of the trademark owner and the infringer;
- the care exercised by consumers—the greater care taken, the less likely confusion will occur; and
- actual confusion will likely yield future confusion—survey evidence can establish confusion (cf. McCarthy, 1989; Morgan, 1990).

Miaoulis and D'Amato (1978) isolated the central assumptions of consumer confusion and their published origins. First, according to Lunsford, the consumer is unwary and their impression of the mark must be made in totality and not its component parts (as cited in Miaoulis & D'Amato, 1978). Second, the unwary consumer may have stored in memory the plaintiff's mark, but it cannot be assumed that there is always the potential for side-by-side comparison (Lunsford, 1967). And finally, Lunsford states that first impressions are important; a consumer is not likely to carefully examine marks (as cited in Miaoulis & D'Amato, 1978). Our research was motivated and designed with these issues in mind. Our consumer subjects were forced to look first at the totality of the marks, then answer questions about the elements of the trade dress, and finally answer questions about overall impressions without being able to return to earlier portions of the presentation.

THE STUDY

Subjects and Procedure

A total of 436 undergraduate business students participated in the study for a modest amount of course credit. Subjects were recruited from five geographically diverse U.S. universities. Although one might question the use of undergraduate subjects to study the phenomenon in question, our research is merely examining the viability of a general hypothesis about the likelihood of the basic psychological process of consumer confusion in a specific context. It was fortuitous that students happen to be somewhat representative of a likely market segment for the wines in question. Prestudy personal interviews indicated a wide variation in naïveté and frequency regarding wine-buying behavior. Furthermore, students would very likely constitute the near-term future market segment for wines like those being tested in the $6 to $12 price range.

Two HTML-based web pages were created for the purpose of comparing the Kendall-Jackson product to the Gallo product. Copies of the web pages are provided in the appendix. Subjects were randomly assigned to one of two conditions. Each subject saw the same questionnaire, except for the photos of the wine, which were counterbalanced to control for order effects. Subjects answered questions concerning the elements of trade dress (shape of the bottle, labels, colors, neckbands, corks, etc.) and hypothetical purchase situations. When the subject was finished, he or she clicked a submit button, and the data were sent to the server for compilation. The subjects then saw a thank you page, and were given the option to be directed to an Internet search engine.

It was impossible for a subject to repeat the questionnaire, because the server collected the ID number of each subject, as well as the IP address of the machine that the data came from. The server also checked the ID numbers associated with the captured data with a master list of subjects received from each of the participating instructors prior to the study.

The web pages are reproduced in black and white in the appendix. For a full color rendition, readers are directed to http://www.cbe.wsu.edu/~dford/wine/ for a replica of the original study instrument. It will remain active for 3 years after publication of this article.

Variables were identified by name in the database on the server. Analysis was possible a number of ways. First, the webmaster could hard code the database using Java directly into the web pages, allowing others to perform their own analysis when viewing the results postexperimentally. Also, the data are easily captured using ODBC (a program enabling different servers to communicate), therefore usable by any make of personal computer. Because of the flexibility afforded the researcher, data can easily be analyzed on any system running any platform, without the nuisance of converting documents or sending data over e-mail or by conventional means. Also, because the data stay on the server, they are easily available anywhere.

Measures

Two self-report measures (used as blocking variables and described below in Analysis and Results) were taken regarding purchase frequency and knowledge of wines. Dependent variables included perceived differences in product attributes and similarity using 7-point scales ranging from 1 (*not very similar*) to 7 (*virtually the same*). These measures included (a) How similar in quality would you say these two brands are? (b) How similar are the neck labels? (c) How similar are the corks in these two bottles? (d) How similar are the shapes of the bottles of these two brands? (e) How similar are the leaves on the labels? (f) How similar are the colors on the labels? (g) How similar in quality would you predict these two brands are? (h) Overall, how similar is the packaging of these two brands? Also included was a question asking, "If you were in the market for a wine like this and the one on the left cost $12 and the one on the right cost $6, how likely would you be to buy the more expensive one?" The scale for this question ranged from 1 (*not very likely*) to 7 (*extremely likely*). Finally, a question was included regarding perception of copying: "One of these brands is copying the other. Which brand would you guess came first?"

Analysis and Results

Analyses between counterbalanced exposure conditions showed no difference with regard to the order in which subjects saw the pictures of the brands—that is, Gallo first (on left), Kendall Jackson second (on right), or vice versa.[1] With potential order effects thus eliminated, subsequent analyses were collapsed across the counterbalanced groups.

Initial analyses regarding the packaging-based questions and the quality and similarity questions across all subjects showed no differences between perceptions of brands. There was also no significant difference regarding which brand was most likely to be copying the other across all subjects.

Subjects were then grouped based on two 7-point blocking variables: (a) How frequently do you purchase wine? (1 = *never*, 2 = *less than once a year*, 3 = *once a year*, 4 = *a few times a year*, 5 = *once a month*, 6 = *twice a month*, and 7 = *at least once a week*) and (b) How knowledgeable do you consider yourself concerning wine? (1 = *not knowledgeable*, 4 = *I possess average knowledge*, and 7 = *extremely knowledgeable*). For both variables, values 1 to 3 were considered infrequent ($n = 190$), and less knowledgeable ($n = 277$) purchasers and values 4 to 7 were the more frequent ($n = 246$) and more knowledgeable ($n = 159$) purchasers, respectively.

Between-group analysis of product attribute-, quality-, and similarity-based questions showed no difference based on frequency of purchase or wine knowledge (see Table 1). There was also no difference regarding perception of which wine was copying the other. One significant comparison was found regarding these variables: subjects that considered themselves more knowledgeable were less likely to buy the more expensive wine regardless of the brand than were the

Table 1
Mean Values of Dependent Variables (*SE* in parentheses)

	Wine Knowledge Groups		Wine Purchase Frequency Groups		
Dependent Variable[a]	Low	High	Low	High	Overall
Quality	4.24 (.09)	4.23 (.15)	4.32 (.15)	4.16 (.10)	4.24 (.09)
Neck labels	4.67 (.09)	4.60 (.15)	4.45 (.14)	4.81 (.10)	4.63 (.09)
Cork	5.18 (.10)	5.21 (.16)	5.07 (.15)	5.33 (.10)	5.20 (.09)
Bottle shape	4.12 (.11)	3.72 (.18)	3.76 (.18)	4.09 (.12)	3.92 (.11)
Leaves on labels	3.60 (.11)	3.73 (.17)	3.54 (.17)	3.79 (.11)	3.66 (.10)
Colors on labels	5.82 (.08)	5.82 (.12)	5.81 (.12)	5.84 (.08)	5.82 (.07)
Predicted quality	4.17 (.10)	4.11 (.16)	4.25 (.15)	4.03 (.10)	4.14 (.09)
Packaging	4.89 (.08)	4.84 (.13)	4.76 (.13)	4.98 (.09)	4.87 (.08)
Buy more expensive[b]	1.41 (.03)[c]	1.33 (.05)[c]	1.39 (.05)	1.35 (.03)	1.37 (.03)

a. For product attributes (first eight variables listed), these means are based on a measure of similarity ranging from 1 (*not very similar*) to 7 (*virtually the same*).
b. Based on the statement, "If you were in the market for a wine like this and the one on the left cost $12 and the one on the right cost $6, how likely would you be to buy the more expensive one?"
c. These two group means are significantly different, $F(1, 434) = 6.2$, $p = .013$.

respondents considering themselves less knowledgeable, $F(1, 434) = 6.20$, $p = .013$. It should, however, be noted that this result is potentially a Type II error (considering something true when it is false); the likelihood of finding a single significant relationship by chance out of over 20 ANOVA comparisons would be expected at an alpha level of .05.

An important consideration when pointing out the lack of a significant effect (or supporting a null finding; Greenwald, 1975) is the issue of statistical power. With $N = 436$ in the overall comparison, the power to detect even a small effect if it were to exist was sufficiently large. Average power across the packaging-based evaluation questions, the order of market introduction, and for price perceptions was greater than .90 to detect a medium-sized effect. Thus, it is with substantial confidence that we can state our conclusion that the copycat junior brand of Gallo was not perceived as differentiated from that of the senior brand Kendall Jackson across all subjects in this study.

Thus, the Gallo and Kendall-Jackson brands were perceived to be substantially similar with respect to the qualities a first-time or more frequent wine buyer might use to evaluate the product they would choose. Given that all subjects were undergraduate students, one would have to assume that the self-reported "knowledgeable" group was still relatively naive with regard to the finer points of evaluating wines. Indeed, most undergraduate students would not yet have had enough time in their lives to purchase a lot of wine (relative to an older wine buyer). Our results indicate that students, at least in this study, perceived Gallo and Kendall-Jackson's packaging to be substantially similar.

DISCUSSION

Failure to find an effect is often erroneously disdained as an experimental result (Greenwald, 1975). Greenwald suggests, however, that ignoring a null result cannot only be erroneous, but also result in substantial opportunity costs associated with ignoring information, particularly when sufficient statistical power is associated with the null finding. Indeed, in the current study, failure to find an effect is perhaps more significant from a pragmatic perspective than the alternative result might be—at least from the perspective of Kendall-Jackson.

Legal actions such as the Kendall-Jackson suit, coupled with a research technique such as that described here, gives researchers an opportunity to take a real-world example of copying trade dress and easily test it over a large sample. A substantial percentage of the population we studied indicated no preference; they were just as likely to buy the Gallo product as Kendall-Jackson's. Also, there was no perceived difference between the products based on the responses given across the pool of subjects. This suggests a potential concern for marketers and manufacturers of established senior brands.

Because the potential consumers in this study could discern no difference in the various components of trade dress, either singly or in total, the junior mark imitating the senior mark would seem to have been successful. Turning Leaf Chardonnay is priced at about one half the price point of the Kendall-Jackson product, so it is not typically placed on the same shelf in the Chardonnay section. Often, because of their substantial presence in the wine market, Kendall-Jackson and Gallo have separate, stand-alone displays throughout a market (not just in the wine section), furthering the possibility of consumer confusion absent the opportunity for side-by-side comparisons.

INTERNET DATA COLLECTION

An interesting methodological contribution of the current work is offered by its data collection method. It is clear that the Internet, when used appropriately, is a tool that could have substantial effects on the way researchers design and conduct experiments. We have shown that, with relative ease, the pencil-and-paper tasks of the past can be improved on in terms of accuracy and flexibility when administered over the Internet.

Problems concerning the internal validity of an experiment, such as experimenter bias and evaluation apprehension, are greatly reduced or eliminated by avoiding the typical subject pool setting. We also can reduce at least some of the problems associated with using small groups of homogeneous students by expanding the scope of our experiments beyond the walls of the psychology or marketing department and into other classes on our own and other campuses.

The amount of work inputting data is eliminated along with the errors that can be introduced at this stage of a study—accuracy of data collection should be greatly increased. Furthermore, increasingly expensive and wasteful resources (e.g., copying, materials, and research assistant help for coding and input) can be reduced and/or redirected to more efficient purposes. Overall, this technology

may well be a boon to researchers, and should be explored and expanded well beyond what we have seen in the present article.

CONCLUSION

From the study conducted, it is concluded that at least in the instance of Gallo and Kendall-Jackson's trade dress action, similarities were definitely perceived by consumers. Confusion, therefore, may result. Almost without exception, there is no evidence to suggest any differentiation between the two brands examined in this study by our sample—a group representative of the likely market for the wines that compete in this price category.

Clearly, a limitation of this study is that no actual purchase and subsequent product evaluation was made by subjects. A future study could include actual product choice and subsequent product evaluation to determine if differences actually exist between purchasers of the competing brands. The method, of course, would require a laboratory study as opposed to the Internet-based data collection used here.

The current study clearly establishes the perception of similarity between the two wines. The Lanham Act (1946), per se, does not legally forbid appearing similar. However, doing so in a way that results in consumers being confused regarding the true origin of goods and services usually is. Future research should attempt to establish the link between perceived similarity and the likelihood of confusion. It is hoped that our experiment and accompanying results described above provide the method and motivation for this further exploration.

APPENDIX
The Multi-University Experimental Index

Washington State University, Penn State, and University of Delaware, UNLV, Florida State University and University of Houston students, you are in the right place!!

NOTE: THE FOLLOWING PAGES WILL ONLY WORK WITH NETSCAPE NAVIGATOR!!! MICROSOFT INTERNET EXPLORER WILL NOT WORK!!

This is the starting page for the Internet experiment discussed in class. You should have been assigned a link to click on by your instructor. If this is not the case, please wait to attempt the experiment until you have been assigned an experiment.

The web pages are designed to allow your submission to be counted once. Please do not answer multiple times; those surveys submitted after the initial one will be ignored. If everything goes well, after you submit your answers you should see a confirmation screen telling you that your submission was accepted. If, after finishing the surveys, it does not mail, check to make sure that your internet browser is set up properly. You may have to upgrade your browser; older versions of Netscape Navigator (pre Version 2.0) may not work. If it still does not work, mail Andy Perkins for assistance. Thank you very much for your time!!

Please note the following:

1. DO NOT include dashes in your ID numbers!
2. Make sure that you answer all the questions. There should be ___ questions total. Make sure that you do not skip any of the pull down menus.
3. Some of the questions may seem strange. Just answer them to the best of your ability.
4. Make sure that all of the information that you submit at the end is accurate. If it is not, you will not get credit!

Please choose the link that you were assigned in class:

- Experiment l
- Experiment 2

Wine Brand Evaluation Form

This questionnaire is about wine in general and a couple of specific brands. Please wait for the entire page to stop loading before you begin (you will know that it is done loading when the icon in the upper right corner stops moving). Proceed through the questions below in order. Upon completion, submit your answer for recording. Please do not look ahead as you answer questions and do not look back after completing questions—we want your first impressions. Please do not leave any questions blank.

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1. How frequently do you purchase wine?

- ○ 1—Never
- ○ 2—Less than once a year
- ○ 3—Once a year
- ○ 4—A few times a year
- ○ 5—Once a month
- ○ 6—Twice a month
- ○ 7—At least once a week

2. How knowledgeable do you consider yourself concerning wine?

- ○ 1—Not knowledgeable
- ○ 2
- ○ 3
- ○ 4—I possess average knowledge
- ○ 5
- ○ 6
- ○ 7—Extremely knowledgeable

Please look at the following pictures and then answer the questions in order. Please do not look ahead or skip questions.

---

3. One of these brands is copying the other. Which brand would you guess came first?
Please choose by clicking the arrow ▼

4. How similar in quality would you say these two brands are?

○ 1—Not very similar
○ 2
○ 3
○ 4
○ 5
○ 6
○ 7—Virtually the same

5. How similar are the neck labels?

○ 1—Not very similar
○ 2
○ 3
○ 4
○ 5
○ 6
○ 7—Virtually the same

6. How similar are the corks in these two bottles?

○ 1—Not very similar
○ 2
○ 3
○ 4
○ 5
○ 6
○ 7—Virtually the same

7. How similar are the shapes of the bottles of these two brands?

○ 1—Not very similar
○ 2
○ 3
○ 4
○ 5
○ 6
○ 7—Virtually the same

8. How similar are the leaves on the labels?

- ○ 1—Not very similar
- ○ 2
- ○ 3
- ○ 4
- ○ 5
- ○ 6
- ○ 7—Virtually the same

9. How similar are the colors on the labels?

- ○ 1—Not very similar
- ○ 2
- ○ 3
- ○ 4
- ○ 5
- ○ 6
- ○ 7—Virtually the same

10. How similar in quality <u>would you predict</u> these two brands are?

- ○ 1—Not very similar
- ○ 2
- ○ 3
- ○ 4
- ○ 5
- ○ 6
- ○ 7—Virtually the same

11. Overall, how similar is the packaging of these two brands?

- ○ 1—Not very similar
- ○ 2
- ○ 3
- ○ 4
- ○ 5
- ○ 6
- ○ 7—Virtually the same

Now look at this picture and answer the following questions. Please do not scroll back and look at the previous questions or pictures.

12. If these brands were priced the same, which would you choose?
Please choose by clicking the arrow ▼

13. If you were in the market for a wine like this and the one on the left cost $12 and the one on the right cost $6, how likely would you be to buy the more expensive one?

- ○ 1—Not very likely
- ○ 2
- ○ 3
- ○ 4
- ○ 5
- ○ 6
- ○ 7—Extremely likely

Thanks for taking the time to let us know what you think.

14. Please enter your ID number so that you get credit. Make sure that you do not include any dashes:_____

15. Now choose the school that you are attending: Please choose your school by clicking the arrow ▼

16. Please choose the class that you attend at your school:
Please choose your class by clicking the arrow ▼

Press Send to submit this form.

NOTE

1. A tendency to guess that the second brand was copying the first (in order of appearance) was evidenced, but due to counterbalancing, this apparent order effect had no impact on the results or conclusions of the study.

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