

Is Forever 21 the Robin Hood of Fashion?

By Tamara Franklin

The Southern California based retailer Forever 21 has been known for offering trendy, inexpensive fashions and accessories for over 20 years. The retail chain has experienced tremendous growth since opening its first 900 Sq. Ft. store in Los Angeles in 1984. Forever 21 now operates nearly 400 mall-based retail locations throughout the U.S. and Canada.

Recently, Forever 21 has carved out quite a reputation for itself among high-end fashion designers. Since 2001 the retailer has had 26 copyright and trademark infringement lawsuits filed against them, most have ended with settlements; but six of these suits are still pending.

Famed designer Diane von Furstenberg filed a lawsuit against Forever 21 claiming that they copied the design of her \$325 “Cerisier” smock dress, renaming it “Sabrina” and selling it for \$32. The dresses are of the same pattern, colors and measurements; they are both 100% silk and made in China. To the untrained eye, the dresses look identical.

Von Furstenberg wasn’t the only big name that decided to fight back, Style maven Anna Sui claims that Forever 21 has infringed against her designs on 26 occasions. Gwen Stephani cited the retailer for knocking off the designs of Harajuku Lovers, one of the clothing lines under her L.A.M.B. brand. The only distinguishable difference between Forever 21 and Stephani’s hearts and heart boxes designs are the words surrounding the designs. Where Stephani’s says “Harajuku Lovers”, Forever 21’s says “Forever Love”. This was way too close for comfort for Gwen so she decided to retaliate.

Counterfeiters pushing designer knockoffs on street corners have long plagued the fashion industry; but never has a mass-market retailer been so quick to copy the work of high-end designers’ current-season offerings until Forever 21 came along. Counterfeit merchandise is usually of lesser quality. The small differences between originals and knockoffs can be seen in the construction of the garment; specifically the stitching, fabric and hardware used. Designers feel that knockoffs lower their sales and damage their brand image due to the negative impact associated with a lower quality product looking just like theirs.

While the brand name is one thing that obviously makes a designers clothing more expensive, some less obvious reasons are the cost of product development to the company, advertising, taxes and fair pay to factory workers constructing the garments. High-end designers like Diane von Furstenberg spend a great deal of time and energy creating their designs. The design process from the initial design inception to production takes between 18 and 24 months. This includes:

- Researching fashion trends

- Design sketches
- Fabric selection
- Pattern making
- Prototype creation
- Improvements/Adjustments
- Sample making
- Marketing to retail locations
- Production
- Distribution

While it takes designers 18 to 24 months to get their lines shown on the runway into retail stores, Forever 21 can deliver interpretations of the same designs into their stores within six weeks. The popularity of the Internet has allowed for someone to attend a designer's show and post pictures of their garments online for viewing within minutes. Counterfeiters can then send these pictures to manufacturers to be copied right away.

Current laws do not protect clothing from being copied, just logos; but many designers have been lobbying congress to expand the copyright statute to protect their intellectual property. Therefore, I am not suggesting that Forever 21 is a counterfeiter defined by the law; but I am questioning the moral implications of their practices and their effects on society.

People who purchase counterfeited items contribute to unemployment, budget deficits and compromise the overall global economy. Counterfeiters are criminals that exploit consumers, businesses, artists and children laboring in sweatshops. According to the International Anticounterfeiting Coalition:

- Counterfeit merchandise is directly responsible for the loss of more than 750,000 American jobs.
- Counterfeiters do not pay taxes meaning less money for your city's schools, hospitals, parks and other social programs.
- Counterfeiters do not pay their employees fair wages or benefits, have poor working conditions, and often use forced child labor.
- The profits from counterfeiting have been linked to funding organized crime, drug trafficking and terrorist activity.

Some consider Forever 21 to be a fashion savior. Without them, many lower and middle class fashionistas wardrobes would suffer. Everyone would not have the equal opportunity to sport the latest fashion trends right off the runway. So should we consider Forever 21 to be the Robin Hood of the fashion industry stealing designs from the rich and selling them for cheap to the poor?

Maybe so, but it wouldn't be fair if I did not also mention the 2001 lawsuit filed against Forever 21 by 19 workers from six of their factories allegedly working in unsafe and unsanitary conditions and owed hundreds of thousands of dollars in sub minimum wage

pay and overtime. The lawsuit was dropped when the retail giant paid the workers the back wages.

So it seems that Forever 21 has a sorted history of robbing the rich and the poor alike while keeping all of the profits for themselves. On the other hand, high-end designers are charging an arm and a leg for their merchandise making it impossible for the middle class to keep up. So who is the bad guy? We have to decide for ourselves whether to consider Forever 21 a Robin Hood or just a common thief. There is no doubt that they have an assortment of fabulous fashions, but you have to ask yourself what price you are willing to pay to be chic.