

**Criminality, Consumption and the  
Counterfeiting of Fashion Goods:  
A Consumer Perspective**

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## **Abstract**

The past decade has seen heightened attention towards the potentially harmful consequences of intellectual property crime. In particular, there are concerns about the damage to industry and the global economy, alongside increasing recognition of links with organised crime and terrorism. As a result, a plethora of policy initiatives have sought to reduce the problem of counterfeiting and piracy, of which the underlying principle is consumer responsibility. However, this thesis argues that this approach is based on a number of assumptions. These are prominent when the specific example of fashion counterfeiting is examined. Therefore, the aim of this thesis is to explore consumers' perceptions about fashion counterfeiting and how they relate to their fashion purchasing and assumptions underpinning anti-counterfeiting policy.

The research seeks to contextualise fashion counterfeiting within the broader literature about consumption and fashion and add to criminological literature. This is achieved by taking an interdisciplinary consumer-based approach which involved the completion of 801 questionnaires and conducting 27 semi-structured interviews and 2 focus groups. The findings support recent existing research findings that consumers of counterfeit fashion goods cannot be distinguished by their demographic characteristics. Instead, consumers' preferences about fashion, as well as the situation, context and availability are major factors related to the propensity to purchase fashion counterfeits. Techniques of neutralisation and notably the denial of harm can be clearly identified in consumer justifications for purchasing counterfeits. This has clear consequences for consumer perceptions about whether counterfeiting is a 'real crime' and inevitably, responses to counterfeiting. In particular, the notion that consumers will change their behaviour through being educated about the 'dangers of buying fakes' is problematic, as is the suggestion that criminalising the consumption of counterfeits could be a solution. Therefore, these findings demonstrate fundamental concerns about current assumptions underpinning anti-counterfeiting policy.

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## Abbreviations

AACP	Alliance Against Counterfeiting and Piracy (now known as AAIPT)
AAIPT	Alliance Against Intellectual Property Theft
ACG	Anti-counterfeiting Group
AIM	Association des Industries de Marque
BASCAP	Business Action to Stop Counterfeiting and Piracy
BCS	British Crime Survey
FACT	Federation Against Copyright Theft
FBI	Federal Bureau of Investigation
FG1	Focus Group 1
FG2	Focus Group 2
HMRC	Her Majesty's Revenue and Customs
IACC	International Anti-Counterfeiting Coalition
IP	Intellectual Property
IPC	Intellectual Property Crime
IPCG	Intellectual Property Crime Group
IPCR	Intellectual Property Crime Report
IPR	Intellectual Property Rights
NIPER	National Intellectual Property Enforcement Report
OCJS	Offending Crime and Justice Survey
OECD	Organisation for Economic Co-operation and Development
POCA	Proceeds of Crime Act 2002
RCT	Rational Choice Theory
SPSS	Statistical Package for Social Sciences (now PASW)
TRIPS	Trade Related aspects of Intellectual Property Rights
TSO	Trading Standards Officers
UKBA	United Kingdom Border Agency
UKIPO	United Kingdom Intellectual Property Office
UN	United Nations
WHO	World Health Organisation
WTO	World Trade Organisation

# 1. Introduction

## Rationale and Focus

This thesis is concerned with developing a criminological understanding of the consumption of fashion counterfeit goods. The idea for this thesis came about following participation on an European Union (EU) funded research project entitled 'Project Couture: Public and Private Partnership for Reducing Counterfeiting of Fashion Apparels and Accessories'. Project Couture was focused on assessing the enforcement of counterfeiting regulation in the United Kingdom (UK), France and Italy and it was through conducting the fieldwork of this project that a number of the issues this thesis sought to question arose. In particular, a clear gap in the criminological knowledge base about counterfeiting, and intellectual property crime more generally, quickly became apparent. This topic was deemed important since the 'problem' of counterfeiting has allegedly increased substantially during recent years, with estimations of the counterfeit black market suggested at five to seven percent of all world trade (OECD, 1998:23). Further, counterfeiting is no longer seen as a 'cottage industry' (Vagg and Harris, 1998:189), but one which is linked to organised criminal networks, criminal gangs, other forms of economic crime and even terrorism (ACG, 2008a). A serious concern raised is that counterfeiting is not only detrimental to legitimate businesses, but also to national economies and society in general. However, even though counterfeiting is increasingly being recognised as a serious crime problem, it remains a 'relatively neglected research area in academic sociology and criminology' (Yar, 2005:23).

Therefore, the broader aim of this thesis was to provide a criminological understanding of fashion counterfeiting by deconstructing counterfeiting in terms of the various cultural, legal, social and economic conceptualisations of it that currently exist. By taking an interdisciplinary consumer-based approach which involved collecting questionnaires and conducting semi-structured interviews and focus groups with consumers, the research sought to contextualise fashion counterfeiting within the broader literature about consumption and fashion, and begin to develop a more thorough knowledge base about the subject within a criminological framework.

In terms of the background of this thesis, as indicated above, most of the arguments against counterfeiting rely on the notion of harm. This may be particularly obvious in terms of some forms of counterfeiting which have been receiving increasing

attention – notably products which have been termed ‘safety critical’ counterfeits’ (Yar, 2005). These goods are of concern due to their potential dangers, particularly with some recent examples such as substandard pharmaceuticals and defective airline parts (see WHO, 2008 for example). Consequences of goods such as these entering the market can be devastating to both the consumer and legitimate enterprises. Hence, in cases such as these, it is suggested that the issue is quite straightforward – the dangers far outweigh any potential benefit. However, what becomes clear when counterfeit fashion goods are examined separately from these ‘safety critical’ types of counterfeits is that they do not pose the safety and public interest issues in such a clear cut way. The counterfeiting of fashion goods is further complicated when the nature of fashion is taken into account. The potential harms, but also importantly, the potential benefit which fashion counterfeiting can be argued to have can be distributed across a wide range of actors, with it not always being clear the extent that these impacts may have. One of the main difficulties related to fashion counterfeiting, is debating the level of harm, against the potential gains for not only the consumer, but potentially also for the industry, and even further; some might argue, for society – particularly in terms of what role criminal justice agencies should play. This research therefore focuses specifically on fashion counterfeiting. Unlike much existing literature on counterfeiting which does not distinguish between ‘safety critical’ and *non-safety* critical counterfeiting, the starting point of this thesis was that this was an essential approach. This enabled the issues to be considered critically, and further, as discussed in more depth next, allows for the additional issues which *fashion* and the nature of fashion pose.

This chapter seeks to provide an introduction to the thesis as a whole. Having discussed the overall aim of the thesis, the rationale and focus, the approach of this thesis is next discussed. The chapter will then move on to provide a discussion of definitions of key terms such as *fashion* and *counterfeiting*, and further will provide a discussion of the legal framework to contextualise the study. Having outlined the background to the thesis, this chapter will end with an outline detailing the contents of the remaining chapters of the thesis.

## **Approach**

Despite increased enforcement activities to attempt to tackle counterfeiting and remove counterfeit products from the market, policing agencies are hindered by numerous difficulties whilst trying to do so. Alongside these enforcement activities, a

consumer based initiative has also been developed. This approach attempts to 'educate' consumers about the 'dangers of buying fakes' (AIM, 2005:4), and is loosely based on the premise that if consumers are educated about the 'harms' of counterfeiting then they will cease to purchase (at least in terms of knowingly purchasing) counterfeit products – and thus – a reduction in demand will mean a reduction in supply. The importance of consumer role is emphasised in the Intellectual Property Crime Report (IPCR) (2007) which after claiming the National IP Strategy is starting to provide improved outcomes in dealing with counterfeiting, states that 'the biggest hurdle to overcome is to educate the general public' (Intellectual Property Crime Group (IPCG), 2007:5). It was this consumer focus of counterfeiting enforcement which this research sought to explore.

A whole range of issues are raised once a more in-depth view is sought into this approach, but there are two main issues which are felt to be of particular concern. The first is with the notion of 'educating' consumers – with the ultimate aim of changing their behaviour. This issue alone raises a number of subsequent matters for consideration; firstly, bearing in mind of the concern already highlighted about the assumptions and evidence base for the anti-counterfeiting argument – is the consumer going to be satisfied enough by these arguments if they can really only see the positives (for them). Second, is enough known about consumer perceptions in this field to assume – perhaps arrogantly – that it is possible to change consumer behaviour through this means? Third, what are the 'dangers of fakes' are if being objective – and is there any real evidence to support these views. The fourth point ponders whether an approach such as this takes on board a comprehensive view and understanding of consumption, and also fashion? Returning back to the main issues which are of concern about the consumer based enforcement approach, the second concern is with the implications of having a criminal justice enforcement policy which emphasises the role of the *non-criminal* participant: – to purchase a counterfeit in the UK is not an illegal activity (due to variations in legal systems in the UK the focus of this study was England and Wales, but counterfeiting has the same legal status in both Scotland and Northern Ireland).

These pertinent issues combined with the lack of criminological knowledge about the nature of fashion counterfeiting required that an inductive and exploratory approach to the research was taken. Fashion counterfeiting, as discussed in Chapter 2, is not a subject that has received no academic attention, but traditionally

much of the existing research on the topic has come from marketing and brand management perspectives. Whilst this information is useful and informative it fails to take account some of the broader concerns that this thesis sought to deal with. This research argues that in order to deconstruct counterfeiting, it is necessary to examine both the assumptions and evidence of which it is based on, and this is important because this is what forms the basis for the anti-counterfeiting movement, and further that fashion counterfeiting needs to be understood in terms of its own complexities. In particular, a critical approach to the current counterfeiting literature needs to be taken which incorporates criminological and sociological discussions surrounding the concepts of risk (for example; Beck, 1992) and harm (for example; Young's (2002:268) argument that harm needs to be placed within its social context). Further, this research argues that a broader interdisciplinary theoretical framework needs to be in place which draws upon knowledge about consumption and fashion, rather than taking the narrow approach of much existing counterfeiting literature, and thereby placing fashion counterfeiting as a relevant topic on the criminological agenda. Having outlined the justifications and approach for this research, next the definitions of the terms counterfeiting and fashion are discussed.

## **Definitions**

As already established, this research focuses specifically on fashion counterfeiting. Therefore, the terms fashion and counterfeiting are next defined. First of all the term fashion is one which has numerous interpretations and there is a lack of general consensus about its meaning between scholars (Entwistle, 2000). Barnard (2007:2-4) provides a critical discussion of 'what is fashion' and highlights why certain definitions are problematic; primarily as simplistic definitions fail to take to provide an actual explanation and assume an existing knowledge about fashion. Barnard (2007:3) suggests that fashion has to be defined in terms of 'a network or structure' and cites Hollander's definition:

Everybody has to get dressed in the morning and go about the day's business...[w]hat everybody wears to do this has taken different forms in the West for about seven hundred years and that is what fashion is. (Hollander, 1994:11)

Barnard raises caution not to assume that fashion is necessarily different from clothing. The definition of fashion is one which essentially describes fashion as

'what people wear' but in the inclusive sense which incorporates 'all instances of what people wear' (Barnard, 2007:3). As Entwistle (2000:1) points out, fashion also should be understood within the context of the body and the 'fashioned body' which indicates meaning and therefore communication. Barnard (2007:4) therefore suggests that by 'saying fashion is meaningful is to say that fashion is a cultural phenomenon'. Therefore, Barnard (2007:4) goes on to suggest that:

differently cultured bodies communicate different things (meanings), by means of different things (clothes, fashion) that they wear. Fashion is thus defined as modern, western, meaningful and communicative bodily adornments, or dress. It is also explained as a profoundly cultural phenomenon. (Barnard, 2007:4)

Counterfeiting as a term is also somewhat problematic, and there are a variety of other terms such as; fake, imitation, copy, pirate and look-a-like which are often used interchangeably or in association with counterfeit. A number of people have tried to distinguish the differences and similarities between the uses of these terms yet, frequently each of them have slightly different meanings to different people. For example; Wilke and Zaichkowsky (1999) discuss the differences between 'counterfeiting' and 'imitating', and suggest that the term 'counterfeiting' means 'a direct copy', whereas 'imitating' can indicate that only part of the original is copied – perhaps just certain attributes, yet despite this distinction, they note that it is unlikely that the manufacturer of the authentic product would bother to distinguish between which category an unauthorised product falls under (1999:9). Further, Wilke and Zaichkowsky (1999:10) suggest that the term 'piracy' is often used to describe when a counterfeit product is being sold at a much lower price point than the authentic product would be, because there is an assumption that the low price point will indicate to potential consumers that the product is indeed not genuine and thus they argue that there is no intention by the counterfeit manufacturer of deception. Vagg and Harris (2000:107) describe a counterfeit as:

an article that displays a trade mark the manufacturer is not entitled to use, or a very lose copy that could easily be confused with it... and perhaps oddly, genuine items such as fashion over runs (that is, contracted out and production in excess of agreed figures) released onto the market without the knowledge and permission of the trade mark owner. (Vagg and Harris, 2000:107-108)

Bosworth (2006a:3) refers to: Article 51, Footnote 12, of the TRIPS (Trade Related aspects of Intellectual Property Rights) agreement to provide his definition which stated that:

- a) Counterfeit trademark goods 'shall mean any goods, including packaging, bearing without authorisation a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark, and which thereby infringes the rights of the owner of the trade mark in question under the law of the country of importation'.

Further, Bosworth also noted a variation in the term 'piracy' as opposed to Wilkes and Zaichkowsky's (1999) definition and notes Escobar's (2005) comments that: "counterfeit" is generally used in the case of trademarked goods and 'piracy' for copyrighted goods' (cited in Bosworth, 2006a:3).

The Organisation for Economic Co-operation and Development (OECD) (1998:3) suggests that actually the term counterfeiting goes as far to:

*encompass any manufacturing of a product which so closely imitates the appearance of the product of another to mislead a consumer that it is the product of another.* Hence, it may include trademark infringing goods, as well as copyright infringements. The concept also includes the copying of packaging, labelling and any other significant features of the product.

As in many cases, a trade mark infringing good may actually be infringing other intellectual property laws such as copyright. For the purposes of this research the definition of counterfeit provided by the OECD is followed, however, the term counterfeiting refers explicitly to trade mark infringing goods as copyright and design issues are not the focus of the research. It is worth adding that throughout this thesis, unless stated otherwise, where the term counterfeiting is used, this is specifically referring to fashion counterfeiting. Bosworth and Yang (2002) raise a note of caution regarding the differing interpretations of consumers on the term counterfeiting. Having outlined the interpretations of fashion and counterfeiting, the chapter next goes on to outline the legal framework for trade mark counterfeiting.

## **Legal Framework**

In terms of worldwide laws regarding trade mark counterfeiting, the AIM (Association des Industries de Marque) Briefing Paper (2005:2) suggests that there is often great disparity between different countries and this is despite the implementation of TRIPS (Trade Related aspects of Intellectual Property Rights). The TRIPS agreement, which came into force on January 1<sup>st</sup> 1995, was an agreement developed by the World Trade Organisation (WTO) and required all member countries of the WTO to implement TRIPS. In particular, TRIPS outlined a number of minimum standards and enforcement provisions with regards to intellectual property, including counterfeiting (WTO, 2008). However, as AIM (2005:2) comments, frequently the issue does not lie with the actual law itself, but with the enforcement of the law, AIM cites the example of Thailand where they note has 'one of the best intellectual property laws on paper [but] few would argue that implementation of the law is quite so effective' (AIM, 2005:2).

With regard to intellectual property legislation in the UK, the Trade Marks Act 1994 provides the main protection in England and Wales for trademarks. Vagg and Harris note that this Act was in fact passed both in light of the TRIPS agreement and as 'a result of commercial lobbying' (2000:108). The Trade Marks Act 1994 outlines both criminal and civil provisions. The Act actually provides sentences which are up to ten years imprisonment upon indictment. The Trade Descriptions Act 1968 plays a key supportive role to the Trade Marks Act 1994 and is the law which actually provides Trading Standards officers with powers of entry, and as such is still commonly used today (Vagg and Harris, 2000). The Copyright Designs and Patents Act 1988 is more generally used for design and piracy issues, but since April 2007 has had its powers aligned with the Trade Marks Act. In terms of the regulations which govern HM Revenue and Customs, the conditions are set out by the EC Council Regulation 1383/2003. One further piece of legislation to note is the recently introduced Proceeds of Crime Act (POCA) 2002, which lists counterfeiting as a lifestyle offence, so anyone found guilty under the Trade Marks Act is eligible to have all their assets recovered. A key point to note is that under the current laws in the UK, it is an offence to manufacture or sell counterfeit products but it is not an offence to buy counterfeits.

## ***Enforcing Legislation***

The legislation regarding counterfeiting in England and Wales provides both criminal and civil measures. However, there is a debate and confusion over whose

responsibility it is to 'police' counterfeiting, with on the one hand a responsibility from the private interests of the fashion industry – such as rights holders and on the other hand the public services responsibility – namely Trading Standards, HM Revenue and Customs (HMRC), UK Border Agency (UKBA) and the police. There are differing opinions as to who should shoulder the majority or even all of the responsibility and tensions can certainly be traced between various organisations and groups involved. The AIM Briefing Paper (2005) highlights perhaps the biggest tension – the responsibility for counterfeiting in terms of private versus public interests – suggesting that on the one hand: 'for too long the fight against counterfeiting and piracy has been regarded by many as the protection of private interests' yet; 'there is a level of responsibility that the right holder himself must assume to safeguard his assets' and 'rights holders must enforce their rights, take action wherever they can' (AIM, 2005:2).

Interestingly, in England and Wales it is not the police who form the main authority against counterfeiting, but Trading Standards. Vagg and Harris (2000) provide one of the few pieces of criminological research which examines counterfeiting (of products other than currency), and in particular the role of trading standards, building upon the work of Clarke (1999) and the National Counterfeiting Survey. Describing the role of trading standards officers, Vagg and Harris (2000:109) highlight the wide range of consumer protection issues which they have the responsibility to enforce – 'the sale of unsafe products and false advertising claims to unfair credit agreements'. Counterfeiting, of course falls into their remit, yet makes up only a small part of their responsibilities. As trading standards officers are employed by local authorities, their unit sizes can vary greatly depending on whether they are a city or council department. Prior to 2007 there were no standardised priorities for departments, however the Rogers Review recommended streamlining of Trading Standards priorities to minimise the variation between areas. Trading standards priorities are naturally sensitive to public anxieties (Vagg and Harris, 2000) and therefore perhaps unsurprisingly one of the six priorities identified was 'fair trading' under which falls counterfeiting (Rogers, 2007).

Although the police do not usually take the main role, they are under increasing pressure to take counterfeiting more seriously due to its increased perception of involvement with other forms of crime. Further, many trading standards departments now have 'memorandums of understanding' with local police forces to assist with tackling counterfeiting (see for example, Cardiff Council, 2011). HM Revenue and

Customs (HMRC) and the UK Border Agency (UKBA) also play an important role in terms of border enforcement for preventing counterfeiting goods entering the country. Importantly, there are those with private interests who can play a role in enforcing counterfeiting – brand representatives such as the Anti-Counterfeiting Group, but also the fashion brands themselves – many of whom employ investigators to monitor counterfeit activities.

## **Thesis Outline**

As touched upon above, the research sought to develop a criminological, consumer based understanding of fashion counterfeiting and take a critical, inter disciplinary approach to the assumptions which underpin the knowledge about counterfeiting that informs policy. This is based on the notion that counterfeiting criminal justice policy (informal and formal) is based on numerous assumptions about the way both criminals and consumers behave which could pose serious flaws in enforcement policies. The interdisciplinary nature of the thesis is reflected throughout the various chapters which are discussed next.

**Chapter 2** provides an overview of the existing literature on counterfeiting. This chapter aims to provide a background to the thesis and identify the limited existing knowledge which is currently available. The literature reviewed in this chapter comes mostly from either a brand management/marketing/ business perspective or industry groups concerned about the effects of counterfeiting.

**Chapter 3** provides an exploration of the relevant literature for the theoretical framework which underpins this thesis. As the topic is largely untouched by Criminologists', the chapter will explore literature from a number of disciplines including the sociology, criminology, psychology and economics.

**Chapter 4** outlines the methodological approach used for this thesis. In particular it provides a description of the research question and sub questions used to guide this thesis before providing a critical and reflexive account of the methodology incorporated in this study. This chapter also describes the ethical considerations, limitations and implications for future research in this area.

**Chapter 5** seeks to provide an understanding of what reasons people do or do not consume fashion counterfeits. This is the first of three results chapters which draws

upon the data generated by the questionnaire, interviews and focus groups. As with the other two results chapters, the data are presented thematically rather than by method. This chapter draws upon the existing knowledge on counterfeiting presented in Chapter 2 and engages with much of the theory presented in Chapter 3.

**Chapter 6** discusses the social acceptability of fashion counterfeiting as well as examining the broader aspects of shopping and consumption of fashion more generally. The first part of this chapter aims to contextualise the consumption of counterfeit fashion goods within a broader framework of the consumption of fashion goods. The chapter then builds on these discussions and introduces an understanding of how this is relevant to the consumption of fashion counterfeits. This chapter also attempts to map out consumer counterfeit purchasing behaviour and discusses what a model of counterfeit consumption might look like.

**Chapter 7** maps out the 'harms' and impacts of fashion counterfeiting and considers these in a critical manner in line with consumer's views and perceptions. This chapter also discusses the responses to fashion counterfeiting and how consumers perceive this. This chapter also considers some of the broader issues related to responsibility and discusses policy approaches which seek to change consumer behaviour.

**Chapter 8** draws together the thesis and offers a conclusion based on the findings and discussions raised by Chapters 5, 6 and 7.

## **2. A Background to Counterfeiting**

This chapter seeks to provide a review of the existing literature on counterfeiting. As noted in Chapter 1 much of the existing literature describes counterfeiting in general terms and thus some parts of this review reflect this. Additionally there has been some research which focuses on fashion counterfeiting more specifically which tends to come from a marketing or business perspective, or industry, and this has been discussed where relevant. This chapter is organised thematically and will first of all discuss the counterfeiting debate, considering what is known about types of counterfeits and the importance of concepts such as harm, quality and deception. Next in line with the research aims, the chapter will focus on literature which studies consumer demand for counterfeit goods before finally considering what is known about the demographic status of counterfeit product consumers. The literature in this chapter was found through conducting searches on library databases and relevant e-journal databases searching key terms such as 'fashion', 'counterfeiting', 'fakes' 'intellectual property', 'clothing', 'apparel'. The nature of the topic also meant that web-based searches were used although care was taken with selecting sources. Much of the literature was found through expanding search terms and identifying further relevant references as discovering new sources.

### **The Standard (Anti) Counterfeiting Debate**

The anti-counterfeiting argument relies on the basis that counterfeiting causes harm. This can be divided into three broad types; economic, societal and consumer. However, within these arguments, there is often no distinction between different types of counterfeits and the generic 'harm' arguments are usually taken as fact. Outlined below is an overview of the key anti-counterfeiting arguments proposed with the majority of literature focusing on similar arguments against counterfeiting on the basis of the harms it is deemed to cause. Although now over a decade old, the OECD (1998:22-23) report into counterfeiting provides a good general overview (not specifically to fashion) of what most official and industry discourse refers to (in 2008, the OECD published an updated report which expanded upon the issues described in 1998). The report (OECD, 1998) discusses harm in terms of the 'costs' of counterfeiting and suggested that harms are evident in four main ways. First with the 'costs to the rights holder' (i.e. the owner of the legitimate trademark which is being counterfeited) (1998:22) and these costs can be seen in three ways: a direct

loss in sales, a loss of good will due to reputational damage for the brand and the financial costs of protecting the brand. For example Grossman and Shapiro (1988:81), citing Kaikati and LaGarce (1980:58), refer to the case of Louis Vuitton in the late 1970s, as an example of the potential damage which counterfeits can cause to the authentic brand, describing how the fashion house felt it necessary, because of the extent of counterfeiting of their own products, to remove all of their authentic products from sale in the Italian market. Further, Bosworth (2006a:9) describes how in the case of a deceptive counterfeit, the manufacturer of the authentic product could be seriously disadvantaged, due to the consumer thinking they are buying the genuine item and hence the authentic company losing a sale. However, Nia and Zaichkowsky (2000) conducted a questionnaire of 69 respondents with the aim of assessing the effect of counterfeits on luxury brands. Whilst they provide limited information about their small sample other than its convenience nature in a 'high income' area their findings suggest a challenge to the assumption that counterfeits devalue the ownership of authentic luxury goods. Indeed, Ritson (2007) and also Whitwell (2006), argued how a counterfeit can actually be advantageous to the brand especially when the brand is clever and takes the opportunities which counterfeiting can present.

Returning back to the costs outlined by the OECD (1998) the second group of costs are to those countries in which counterfeiting manufacturing activities are being carried out – this is because legitimate companies will not want to have their manufacturing taking place in a country which is known for counterfeits, which could in turn mean a loss of foreign investment, and foreign 'knowhow'. Further, the decline in manufacturing could lead to job losses and a loss of foreign exchange – it may also discourage inventiveness and a loss in taxes (OECD, 1998:22). Third, are the 'costs to the countries where counterfeits are sold' (OECD, 1998:23), similarly this can result in a loss of jobs and tax but also sales. Additionally there may be some long term effects to the country – effects could be that investment is discouraged in product development, additional costs for the government to police counterfeiting, as well as costs to the judiciary.

The fourth type of costs are reported to be the 'social costs' (OECD, 1998:23), with the report noting that it is ultimately the consumer who pays the price for unfair competition – even when a consumer thinks they are getting a good counterfeit at a cheap price they are actually paying an 'excessive price for an inferior product'. Further, there can be health and safety issues – this may be in terms of safety to

consumers, and also to the workers where counterfeits are being made; issues of worker exploitation and dangerous working conditions are claimed to be prevalent. However, these claims and others, fail to take account how these impacts may vary across product type. Counterfeiting is also claimed to finance other crimes and provides the counterfeiters with money to invest in them. The AIM Briefing Paper (2005:1) claims that due to the 'pitifully low sanctions' which many places have for counterfeiting, alongside the profits which counterfeiters stand to make, are the reasons why money laundering, and organised crime are becoming increasingly involved 'from Paramilitary groups to international fraud organisations'. A report by the Alliance Against Intellectual Property Theft (AAIPT *formerly known as Alliance Against Counterfeiting and Piracy AACP*) has compiled an evidence base which details the connections between organised crime and counterfeiting (AACP, undated). However, whilst this report details a number of examples of links between organised crime and counterfeiting, as with a similar report by the IACC (undated) much of these 'facts' are based on media reports with the evidence for them being unclear (see also IACC, 2005). Further, when counterfeiting and organised crime are linked, it also tends to include terrorism. Despite the problems of using the terms organised crime and terrorism interchangeably and uncritically (see Levi, 2007), much of the anti-counterfeiting discourse does so. Noble (2003) provides a description of how Interpol view IP crime and terrorism to be linked and cites a number of examples as evidence. Numerous other sources also highlight the links to organised crime, yet there are also with these questions about the validity of these claims due to an unclear evidence base (see for example: Galloni, 2006). Whilst it is not always clear to the observer where the evidence for these links come from, there is a clear recognition of the links between intellectual property crime and organised crime (and terrorism) by the UK government and policy makers reflected primarily through the IP Crime Strategy, updated annually (see Turville, 2006 for discussion). These links are further also recognised within academic discourse. Hetzer (2002:319) provides a detailed discussion of the links between counterfeiting and economic crime and argues that economic crime is one of the 'most significant and most damaging form[s] of organised crime'.

### **Types of Counterfeits**

This research takes the stance that it is important to differentiate between types of counterfeits and this is fundamental to all counterfeiting debates. However, there are a number of levels on which goods can be differentiated and this will be outlined

here. As already discussed in Chapter 1, it is important to distinguish 'safety critical' counterfeits from non-safety critical counterfeits (see Yar, 2005). Fashion counterfeiting – goods which includes clothes, shoes, handbags and accessories – other than in exceptional circumstances falls into the latter category. A useful distinction, which is now commonly referred to in many counterfeiting discussions comes from Grossman and Shapiro (1988), who, writing from an economic stance, studied the 'foreign counterfeiting of status goods'. Although now dated, Grossman and Shapiro's work is frequently referenced for distinguishing two types of counterfeit markets – 'deceptive' counterfeiting and 'non deceptive' counterfeiting (1988:80). Bosworth (2006a:9) further makes the case for differentiation. However, rather than taking the usual economic stance of defining the two concepts as opposing entities, Bosworth suggested it is more useful to place them on a scale which runs from 'super deceptive' to 'completely non deceptive' (see also Bosworth, 2006b). However there are a number of assumptions which are made when distinguishing between deceptive and non deceptive counterfeits and in particular with regards to consumer abilities to do so. Wilke and Zaichkowsky (1999) describe some of the difficulties with making assumptions about consumer knowledge of counterfeit goods. They argue that the assumption often held about low price being an obvious indicator is 'arrogant', explaining that there are a number of other explanations which the consumer may think instead – such as; that the good may be a 'parallel import', stolen, or that the consumer may simply have a lack of knowledge about what the good's retail price should be (1999:10). The assumptions about harm discussed in the above section raise interesting questions about how they are viewed by consumers. Indeed the nature of deceptive and non-deceptive counterfeiting raises interesting questions for the notion of harm and to what extent do these harms remain constant when the consumer markets for counterfeits is divided. This issue will be discussed in more detail next.

### **Harm: Quality vs Deception**

Hopkins *et al.*, (2003:43) developed a 'harm matrix' which mapped quality versus deception. Taking a business perspective, they provide a lengthy explanation about luxury and branded goods in terms of the consumer and the brand. The harm matrix is divided into four quartiles; low quality – low deception, high quality – low deception, low quality – high deception and high quality – high deception. Hopkins *et al.*, (2003) suggest that the type of counterfeit which is least problematic is the low quality – low deception because they argue the product will be clearly obvious

as a counterfeit and therefore the consumer will know that they are buying a counterfeit and will not result in subsequent brand damage. The low deception – high quality counterfeit also will not cause any ‘significant harm’ to the consumer. However, it is in the cases of high deception where the harm to the consumer is deemed to be the most prevalent, but even still a high deception – high quality counterfeit can be argued to only cause harm to the consumer if the product breaks and the consumer takes it to get repaired, or if the consumer discovers the product is a counterfeit. Perhaps the most damaging form of counterfeit comes with the high deception – high quality where the consumer does not know they are buying a counterfeit and the quality of the product may be poor (Hopkins *et al.*, 2003:44-45).

In the broader sense of harm, Nia and Zaichkowsky (2000) were concerned with the effect which counterfeits may have on the ownership of authentic luxury brands. Therefore they studied what types of counterfeits people purchase and what their attitudes were towards counterfeit products. The empirical research found that most of those (91 percent) who own genuine luxury items own clothing and accessories compared to the respondents which said they owned counterfeit products who were more likely to only own accessories (58 percent) (2000:245). A majority of 69 percent of those asked felt that the overall value of an authentic luxury product is not devalued because counterfeit products are available, and further the availability of counterfeit products does not affect the demand for authentic goods (2000:245). Yet, 33 percent of those respondents who do not own counterfeit products were found to have a negative image of counterfeit luxury products, as well as having a higher level of income (2000:245). The finding that generally most consumers did not see a relationship between counterfeit availability and a decrease in demand for authentic products hints that the role of counterfeit goods is one which is more complex than often first considered. This is added to the finding that counterfeits mostly do not devalue the authentic product, in terms of consumer opinion, which implies that more care should be taken when using some of the arguments against counterfeiting in terms of the damage which can be caused to the rights holder of the authentic products.

Hilton *et al.*, (2004) built upon the idea that goods need to be put in some form of typology and that they should be assessed in this way. However, Hilton *et al.*, (2004) look at counterfeiting from an ethical perspective. This approach is felt to be particularly useful, especially due to the current concern over ethical issues in the fashion industry generally, as well as the often portrayed idea that counterfeiting

causes ethical harm to those who manufacture the goods. Hilton *et al.*, (2004) therefore considered 'the ethics of counterfeiting in the fashion industry' and in particular the 'high ended clothing and accessories that derive a significant proportion of their market value from brands and reputations of designers' (2004:346). They take the starting point that because copying in the fashion industry is 'endemic and condoned', the industry must shoulder some of the blame for the 'problem' of counterfeiting (2004:345). Hilton *et al.*, (2004) develop a typology of goods of which they use as a context for discussing counterfeit products. They do this by using an analogy of a spectrum which denotes to what extent can a product's 'quality can be assessed before, or after purchase or never' (2004:346). Hilton *et al.*, place 'search goods' ('intrinsic goods which are objectively assessable' (2004:347)) at the beginning of the spectrum, next are 'experience goods', and at the end of the spectrum are 'credence goods' ('quality is uncertain both before and after purchase') (2004:347). They note that often luxury goods fall into the 'credence' group, because often consumers are unable to tell the quality level even after they have brought and used the product.

Hilton *et al.*, (2004) stressed that it is important to differentiate between types of counterfeits and used the typologies provided by Sama and Shoaf (2002) in assessing the different ethical perspective. The first types are described as 'vanity counterfeits' and these are described as those which are of 'low intrinsic and low perceived quality' (2004:349). Hilton *et al.*, (2004) suggest that both utilitarian and moral arguments have been used against counterfeiters and to protect authentic companies/designers, but they argue that it is possible to reverse these arguments and apply them so that they could be used to provide a justification for counterfeiting. This is on the basis that counterfeiting often takes place in poor countries where people are faced with economic deprivation that it can be considered a basic human right for these people to be able to make some form of living however they can. Further, they also note the argument that because most vanity counterfeits will be brought with the knowledge of the consumer that they are counterfeit, who is actually harmed by the deception? Second, Hilton *et al.*, (2004) discuss 'overruns' – which are products which are made on the same manufacturing line as the authentic products but without the right-holder's knowledge or consent. They note that often the people employed on these production lines see 'profit from overruns as a right' (2004:350), since often the workers earn low wages, whilst the fashion companies make large profits leading Hilton *et al.*, (2004:350) to suggest that 'counterfeiting could also be defended on utility and relativistic grounds'. The

third type of counterfeits' described are 'condoned copies'. Hilton *et al.*, (2004:351) discuss the nature of the fashion industry, and how the ideas for items on the high street are generally taken from fashion shows and magazines and note that 'copying is endemic and could be said to be a core activity' for the fashion industry. Thus, when considering the ethical issues surrounding copying and counterfeiting, it is then difficult to decide at what point does copying stop being acceptable and become unacceptable. Hilton *et al.*, (2004:351) suggest that these reasons all add up in the defence of counterfeiting in terms of relativistic arguments, and even further, they note, that counterfeiters could be entitled for compensation, on distributive equity grounds, since they actually are advertising and publicising the brand name.

The fourth type of counterfeit which Hilton *et al.*, (2004) discussed are 'self-copies'. In the discussion, they note that luxury goods suffer a different set of characteristics compared to other goods, since exclusivity and rarity of goods can actually make the goods more in demand. However, to keep a range exclusive, there must be a limit on the amount of goods produced – which means that the sales volume may not then be enough to cover costs and make a profit. Hilton *et al.*, (2004) suggest that to compensate for this, often fashion companies are tempted to increase production of their brand, but in different lines, although to do so, control over products and their distribution can be lost. They cite the case of Gucci in the 1980s, when after undergoing rapid expansion, alongside an increase in poor quality counterfeits the brand exclusivity was damaged and sales for Gucci products decreased (2004:351). In this case, Hilton *et al.*, (2004) describe the fashion house itself as the counterfeiter, and suggests that the buyer of the goods is that who is likely to be 'harmed'. Further, they note that these problems are dramatically increased when the fashion house develops a market for selling 'seconds' and 'factory rejects' at a much lower price than the higher level products. This kind of strategy can also help legitimise counterfeits as counterfeiters can claim that the counterfeit goods are genuine, and are 'legitimate factory rejects' (2004:351).

Hilton *et al.*, (2004) go on to discuss how ethical issues may not necessarily be the same when considering the case of high quality counterfeits – especially when the intrinsic quality of the counterfeit is argued to be higher than the original good. With regards to utility grounds, they note that it is even possible to class the counterfeiters as the 'innovators', whilst the 'designers are holding back progress' (2004:352). Further, in the case of large fashion houses, it could be argued that

counterfeiters are earning a 'legitimate' income for providing a 'high quality product at a low price' (2004:352). Hilton *et al.*, (2004) suggest that they have highlighted some of the complexities surrounding fashion counterfeiting and ethical judgments. They note that although a case may seem simple in legal terms, in ethical terms there are a number of factors which must be taken into context before making a judgement. Hilton *et al.*, (2004) make a number of key points which need to be considered; the argument that everyone is entitled to wear fashionable goods and enjoy art despite their monetary situation and who 'the good of society' actually refers to – they ask is it only relevant for the good of more developed countries. Further they note the differences of the luxury fashion industry which make it unlike other industries – luxury goods have a different set of characteristics from other goods, in that they rely on the look of the item rather than its function; next, it is quite easy to copy fashion goods designs; within the fashion industry copying is 'endemic and to some extent condoned'; and finally in terms of the demand for the product this is heavily reliant on credence and social networking (2004:352).

The research by Hilton *et al.*, (2004) is one of the only pieces of research that takes a more critical approach to counterfeiting and considers some of the wider issues related to fashion: such as the role of designers and celebrities in giving particular goods a 'credence' value. Further, their argument that counterfeiting should be assessed through a goods typology is also useful, and their decision to do so on an ethical basis raises an interesting consideration, particularly for the arguments regarding harm. Taking ethical issues as a key part of a harm assessment may be a useful tool, particularly with the recent concern which has been raised about ethics in the fashion industry, and adds an interesting dimension to the anti-counterfeiting argument which would argue that it is unethical to buy counterfeits. So far literature has been considered which discusses the harms of counterfeiting, however, as illustrated by those such as Hopkins *et al.*, (2003), Bosworth (2006a, 2006b) and Grossman and Shapiro (1988) amongst others, counterfeits are not only sold to consumers in a deceptive manner. In fact, those such as Vagg (1995) recognise that there is an increasing demand for counterfeit goods by consumers. Therefore when considering the harms of counterfeiting, a better understanding of consumer demand and behaviour is needed. This is particularly useful for contextualising consumer perceptions about counterfeiting. Therefore, next this review will consider the research that is available about the demand by consumers for counterfeit goods.

## **Consumer Demand for Counterfeit Goods**

There have been a number of pieces of research conducted which have examined counterfeiting in terms of consumer demand but the focuses of these studies are largely on consumer attitudes towards buying counterfeits. It is worth noting that these studies primarily come from a marketing and business perspective. Additionally, many of these studies rely on quantitative methodologies, which in itself is not problematic, but caution should be drawn to the often small sample size which (where described at least in the studies) seems to be largely based on convenience samples of (generally American) student populations.

### ***Price, Quality and Performance***

One of the starting assumptions about counterfeiting is that people buy counterfeits because they are cheap. Indeed, Bloch *et al.*, (1993) taking a marketing perspective, focused on consumers in the United States who purchase counterfeit goods. Citing work by Chute (1990) Bloch *et al.*, (1993:28) suggested that counterfeiting of fashion goods is on the increase, and that demand from consumers is on-going due to the 'price advantages' which counterfeits offer over authentic goods. However, demonstrating the complexity of counterfeiting and assumptions about price and quality, De Matos *et al.*, (2007) found that consumers who have a positive attitude towards counterfeits do not regard that a cost of a product reflects its quality. This is an important finding, as often price is assumed to be a key factor with regards to counterfeit goods, both in terms of using it as an indicator of knowledge whether a product is authentic or not, and as a reason given for why people may choose to buy a counterfeit.

In Ha and Lennon's (2006) study the respondents were asked their top reason for buying a counterfeit, with more than half suggesting that it was price (study one, similar results in study two). 14 people claimed that they had brought a counterfeit because the design was 'identical to the original' (2006:308). Study two found a number of participants who owned counterfeits which they had not brought for themselves. They found that there were a number of risks perceived with buying a counterfeit fashion product. Although, non-purchasers of counterfeits perceived more risk than those who had purchased counterfeits on all factors examined; except for the after-purchase service. Another finding also indicated that 'fashion counterfeit purchasers are more complicit in product counterfeiting without feeling guilty' (2006:306). This is based on the finding that counterfeit buyers were less

inclined to believe that 'morally right behaviour leads to a good or positive consequence' (2006:306).

Bloch *et al.*, (1993) focused on the notion of 'performance risks' (1993:29) and how these might impact on decisions for consumers who knowingly purchase counterfeits. Bloch *et al.*, (1993) argued that it can be assumed that counterfeits will only be purchased by consumers if the performance risks are low. Prior to their empirical research, Bloch *et al.*, (1993) assumed that those surveyed at 'flea' markets would be more favourable to the counterfeit item than those surveyed at the shopping centre, on the basis of the most usual retail points of counterfeits. However, their study actually found no differences in the consumer choices but Bloch *et al.*, (1993) found that there is a need to differentiate between types of counterfeiting. This reinforces the point discussed earlier in this chapter, but not just on the grounds of harm but because it could help with understanding consumer intentions towards buying counterfeits. This relates to the research discussed earlier by Hilton *et al.*, (2004).

Tom *et al.*, (1998) compared consumers on their preferences for counterfeit goods and asked them to assess the products in terms of attribute importance and attribute satisfaction scores. They found that whether it was for counterfeit or authentic products, those consumers which had a preference for either one also felt that their preference of product was superior to the other. This led Tom *et al.*, (1998:414) to conclude that those 'who buy counterfeits and those who buy legitimate products are two different segments who seek different types of products'. Tom *et al.*, (1998:415-416) describe consumers who knowingly buy counterfeits as 'consumer accomplices'. However, they also suggest that it is important to distinguish differences even within this group. They describe those consumers who perceive counterfeits as good as the authentic version, but superior in price as 'sly shoppers' and those consumers who although still stated a preference for counterfeit goods rated them as 'inferior' in some product attributes when compared to authentic goods. Tom *et al.*, (1998) also noted differences between those consumers which stated a preference for authentic goods. They describe 'risk averse shoppers' as those who recognise that counterfeits are superior in price but this does not make up for the poorer quality of the product. The other group of consumers perceived both authentic and counterfeit goods as 'high parity'. These consumers, although rating the counterfeits as equivalent to authentic goods in terms of the product attributes, still preferred the authentic, more expensive

versions. Tom *et al.*, (1998:416) suggest that this might be due to 'ethical considerations'.

In a similar vein to the work discussed earlier by Bloch *et al.*, (1993), Tom *et al.*, (1998) also discussed the need to differentiate types of consumers with regards to counterfeiting prevention strategy. Tom *et al.*, (1998) conclude that in terms of anti-counterfeiting strategies, a consideration of the different consumer typologies needs to be taken account of, and one strategy might not fit all. This is based on their finding that differences between counterfeit and non-counterfeit consumers can be identified both in terms of attitudes and demographics, with 'consumer accomplices', (those who knowingly purchase counterfeits), holding more favourable attitudes to counterfeits (p419). However, despite Tom *et al.*, (1998) holding some support for the 'stereotypical' view of the counterfeit consumer (see discussion below), the research implies that the consumer is a completely rational actor and at no point do their typologies allow for impulse purchases or other unknown factors and influences.

### ***Consumer Attitudes and Consumer Behaviour***

Providing one of the most recent pieces of research on consumer attitudes towards counterfeiting, De Matos *et al.*, (2007) conducted a thorough literature review on available studies and some further empirical work. One of their key findings was that those consumers who had purchased a counterfeit in the past were likely to have attitudes more favourable to counterfeiting and those consumers who had not bought one in the past. However, despite the implication that this would then suggest a positive effect on behavioural intentions they found no evidence to support such a claim. De Matos *et al.*, (2007) also found that consumers who have more favourable attitudes towards consuming counterfeit goods also; 'do not use price as a reference of quality', 'consider that the reference groups approve their decision to buy counterfeits, which can be viewed as a strategy to reduce cognitive dissonance', and; 'are not afraid that the counterfeit will not work properly' (De Matos *et al.*, 2007:45). Therefore this disputes the assumption that attitude is necessarily indicative of behaviour. This potentially has important ramifications for anti-counterfeiting policy which attempts to change consumer behaviour through attitudes and highlights that assumptions about consumer behaviour should not be made merely on the basis of attitudes.

As it has become clear above, there is often a demand for counterfeit fashion goods. However, there are also questions about whether this demand is equal across consumers or whether it varies. There is further, often, an assumption that particular types of people are more likely to buy counterfeits than others so therefore this review will next consider the research will studies the demographics of counterfeit purchasers.

## **Demographics of Counterfeit Consumers**

### ***Consumer Types***

Tom *et al.*, (1998:406) also sought to 'identify counterfeit product prone customers and the product attributes that attracted them'. They found that 39 percent of their sample had knowingly bought counterfeit goods. Comparing this by demographic factors, Tom *et al.*, (1998) found that age was significant with the mean age of counterfeit buyers being 29 and the mean age of non-counterfeit buyers being 39. Tom *et al.*, (1998) who conducted three studies, found similarities when considering demographic analyses with regards to age patterns in all studies. Further, counterfeit buyers were also found to earn less money, and therefore Tom *et al.*, (1998:419) concluded that those who knowingly purchase counterfeits are 'younger, less educated and earn[ing] less income'.

The majority of the research studies about counterfeiting and consumer behaviour which have already been discussed are American and some are now quite out dated. Additionally the demographic data gathered is somewhat in need of developing, as it is often reliant on small student samples. However, two relatively large scale pieces of research have been carried out on consumers within the UK in recent years, which provides a much more in-depth insight into some of the issues which have already been highlighted thus far in this chapter. Additionally, the research also further explores some issues related to consumers' attitudes towards counterfeits, and notably, focuses on luxury fashion goods specifically. However, the main drawback of both is that they are industry funded and therefore potentially bias towards supporting anti-counterfeiting strategies. Ledbury Research was commissioned by the law firm - Davenport Lyons - to conduct a study to examine 'how counterfeit and look-alike products impact on luxury brands in the UK' (2006:2). The first study, carried out in 2006 surveyed approximately 1000 consumers to investigate their attitudes and purchase 'drivers' for counterfeit (and look alike) products. The research was again repeated in 2007, but with a larger

sample of approximately 2000 consumers, which enables a comparative approach in the 2007 report over the two years. The research provides some interesting data about the consumption and attitudes towards counterfeit (luxury) fashion products. In terms of consumption of luxury brands generally, Ledbury Research found that in 2006, 20.1 percent bought from at least one of the cited top ten luxury brands, and in 2007 the figure had risen to 24.1 percent. In terms of counterfeit purchases of the top ten brands, in 2006 the figure was 5.9 percent, dropping slightly to 5.3 percent in 2007 (2007:5).

The research also sought to consider some of the demographic variables associated with the consumption of both authentic and counterfeit luxury goods buyers. Noting the preconception that counterfeit purchasers can be identified as those on a lower income, young and single, Ledbury Research found that this is in fact an inaccurate account of counterfeit consumers. Instead, Ledbury Research summarised that 'there is very little to distinguish demographically between those that have bought a fake and those that have not' (2007:6). Geographic differences were also explored in the research, and in terms of English purchasers of counterfeit products, they were noted by region as follows: South East – four percent, South West – five percent, East – six percent, London – six percent, North – seven percent, with the most counterfeit buyers coming from the Midlands – eleven percent (2007:11).

Further, it was also found that compared with 42 percent of non-counterfeit buyers, 64 percent of counterfeit consumers have actually purchased a product from an authentic designer or luxury brand (2007:7). Interestingly, 28 percent of the consumers in 2006 and 29 percent in 2007 agreed with the statement that 'buying the fake has made me more likely to buy a genuine item from the brand itself in the future' (Ledbury Research, 2007:15). This problematises the notion that all counterfeit sales are damaging to authentic brands.

Ledbury Research also collected information about the counterfeits which were being purchased by consumers. They note that the average cost of a counterfeit luxury product in 2007 was £21.30, thus implying that it is not only cheap counterfeits which are being bought. Further, 12 percent of the counterfeits purchased during 2006/7 had in fact cost over £50.00 (2007:8). In terms of comparing consumers who have knowingly purchased counterfeit goods and those that have not, Ledbury found that only 17 percent were able to tell a counterfeit from

a genuine item, and 31 percent of people who had brought counterfeits claimed that they brought a counterfeit item with the belief that it was the genuine item (2007:13).

It is worth adding that those who said that they purchase counterfeits from eBay were two times more likely to 'agree that they had previously brought a fake whilst thinking that it was the real thing' (2007:11). The research also sought to find out more about where people buy counterfeits from. 47 percent of those who buy counterfeits have done so from a market in the UK, with eBay attracting 29 percent of counterfeit purchasers (2007:11). There was also found to be interesting results when the place of purchase was compared with the average spend on a counterfeit product, with those who buy counterfeits from eBay spending 25 percent higher than what Ledbury found to be the average of a counterfeit product (2007:11).

The findings from the two studies conducted by Ledbury Research in 2006 and 2007 suggest some important implications for further research into counterfeiting. Firstly, it sheds some interesting new light on the demographic information about consumers of counterfeit products. The findings of Ledbury Research actually dispute that age is a significant variable, and in particular they reject the notion that those who buy counterfeits tend to be of a younger age group. Of interest to note, is the conclusion that in actual fact there is little which identifies a non-counterfeit purchaser than from someone who does buy counterfeits, at least in terms of demographics. It may, however, be interesting to develop this area of research in the future, with regards to consumer self-image scores, as there were some interesting analogies in the research conducted by De Matos *et al.*, (2007) which seems to indicate that it may be more related to the perceived demographic status of the consumer, as opposed to their actual demographic situation. Although this is not something which is to be considered in this research project, it is certainly a consideration which is worth bearing in mind in terms of the demographic analysis. Additionally, for the first time in any of the literature reviewed so far, Ledbury Research indicates that there may be some geographical differences between consumer behaviour which may be worth considering further.

In 2003 the Anti-counterfeiting Group (ACG) commissioned MORI to conduct a survey about counterfeiting. Although the survey applied to all types of counterfeiting and not just fashion, it does provide some interesting insights. The survey, which aimed to explore 'consumer attitudes towards the issue of counterfeit goods' was a similar one to one conducted by the ACG in 1998 and so it does,

therefore, offer some element of comparative discussion. The survey purports to be a 'representative quota sample of 929 consumers' – although the report does not describe how the sample was formed and the methodology used was interviews (2003:2). Some of the survey's findings are of particular interest: in a similar case to Bloch *et al.*, (1993) it was found that approximately one third of the sample would buy a counterfeit product – providing the price and quality was acceptable. Additionally, the survey found that two thirds of the sample held the view that the government need to make more effort for tackling counterfeiting. This is an interesting finding, particularly in terms of justifying public policing efforts for counterfeiting; however, it would be more useful to find out whether this view would be stable if types of counterfeiting were differentiated. Perhaps unsurprisingly, when consumers were asked what type of counterfeits were they most likely to consume providing the quality and price were acceptable, clothing and footwear was the most likely choice with 27 percent, followed by watches with 15 percent (2003:4). The survey also generates some useful demographic insights; perhaps of challenge to the stereotypical perceptions about those who consume counterfeits is the finding that men were more likely to knowingly buy a counterfeit product. When asked whether they were opposed to counterfeit products, there was a notable increase in opposition alongside an increase in age, with the age group 15 – 24 being the least opposed (41 percent), 25-39 (48 percent), 45-54 (56 percent) and 60 years plus 76 percent were opposed to counterfeiting. Again, it would be worthwhile to examine these results with regards to different types of counterfeiting, as there may be some more varied findings.

Further, in support of Ledbury Research (2006/2007) finding that there may well be geographic differences in the propensity to purchase counterfeits, the ACG survey found that the region of the UK where people are most likely to knowingly buy a counterfeit is the North East. However, when counterfeiting is broken down into product type, consumers living in the Midlands are the most likely to buy counterfeit clothing and footwear (40 percent West Midlands and 20 percent in East Midlands). This was followed by 32 percent in East Anglia, 31 percent in the South West, 30 percent in the North East, 29 percent in Wales, 26 percent in the North West, 21 percent in Scotland and the South East, and the lowest likelihood of knowingly buying counterfeit clothing and footwear was to be found in London with 18 percent (2003:9). The survey also examined differences and similarities with consumer attitudes towards counterfeits across socio-economic backgrounds. Consumers were asked whether they would knowingly buy counterfeit clothing and footwear and

watches and the findings were examined across the variables of occupation, education and household income. For those who were employed full time, 35 percent would buy counterfeit clothing and footwear and 21 percent would knowingly buy counterfeit watches. For those in part time employment the figures were 26 percent for clothing and nine percent for watches. Of those who were not employed, 21 percent would buy counterfeit clothing and footwear and 11 percent would buy watches. With regards to education, the results were analysed by comparing the level of qualification which the respondent held. Repeating the question as before for clothing and footwear and watches, the findings indicate that those with an A Level or equivalent were most likely to knowingly buy counterfeit clothing and footwear – 39 percent, although not the highest for watches with 15 percent. Those educated to GCSE level (or equivalent) were the most likely to buy counterfeit watches (18 percent) and the second most likely to buy counterfeit clothing and footwear (34 percent). 23 percent of those educated to degree level would knowingly buy counterfeit clothing and footwear, and 16 percent of this category would buy counterfeit watches. However, in both clothing and footwear (18 percent) and watches (ten percent) those who were least likely to buy counterfeits were those who had no formal qualification. When examining the findings by household income, those in the middle income band of £17,500-£29,999 were the most likely to buy counterfeit clothing and footwear (35 percent) and watches (22 percent). 26 percent of those who earned over £30 000 would knowingly buy counterfeit clothing and footwear and 16 percent would buy counterfeit watches. Perhaps surprisingly, those on the lowest income level of £17,499 and under were the least likely in both categories to buy counterfeits – 25 percent would buy clothing and footwear and 13 percent would buy counterfeit watches.

As with the findings from Ledbury Research (2006, 2007) these findings provide a challenge to the often preconceived view that a consumer of counterfeit goods can be identified by their demographic characteristics – a consumer who is less educated, and with a low income. Further, the survey also indicates that one variable which may be worthy of further investigation is geographical location, but perhaps the main issue this survey reinforces is the need to study counterfeiting by product type.

### ***Image of Counterfeits and Counterfeit Consumers***

Counterfeiting is closely tied up in a number of stereotypical assumptions about who is most likely to buy these products. For example, De Matos *et al.*, (2007) found that

that those who do not buy counterfeits view those who do purchase them as having a 'lower image'. Nia and Zaichkowsky (2000) also found that non-counterfeit purchasers think that counterfeit goods are of a 'lower image', and that people who do own counterfeit products must be on a lower income than themselves (2000:245).

Bloch *et al.*, (1993) found that there was little to distinguish between counterfeit consumers in terms of the purchase preferences, however they did find differences with regards to self-image scores. Therefore, they summarised that consumers who choose to buy counterfeits 'see themselves as less well off financially, less successful and less confident than do other consumers' (1993:35). Further, Bloch *et al.*, (1993) found that there are also no demographic differences for consumer willingness to purchase a counterfeit, when the product type is changed; i.e.: a consumer buying counterfeit fashion may be different to one which would buy counterfeit software for example. This is interesting as it rejects the findings from the research studies which have already been reviewed in this chapter. However, despite the lack of actual demographic differences, the research does note differences when self-image scores were explored, which lends support to Nia and Zaichkowsky's (2000) findings. The fact that these differences in self-image reflect the actual demographic differences which were found by Tom *et al.*, (1998) suggest this could be an area to further investigate these issues and perhaps explore further how far there are actual or perceived demographic differences between those who buy and do not buy counterfeit products.

### **Risk and Counterfeit Consumption**

One way of attempting to change consumer behaviour is to criminalise the consumption of counterfeits. The notion of risk, in the sense of the risk to the consumer when purchasing a counterfeit, has been raised on a number of occasions thus far especially in terms of product quality. However, in terms of the risks to the consumer of engaging with criminal activities, Albers-Miller (1999) provide a marketing based account through reviewing relevant literature of consumer 'misbehaviour' and explore why people buy counterfeit (and other illicit) products. Illicit goods are defined as 'illegal goods freely chosen by the consumer' and further an illicit purchase is defined as when 'the product sold and purchased was offered illegally – being illegally produced (counterfeit) or illegally obtained (stolen)' (1999:272). Albers-Miller (1999) highlighted the importance of cost benefits

to consumers of counterfeit goods, in terms of motivation. However, they argue that the fear of a criminal conviction should deter the behaviour. This is a grey area, particularly when specifically referring to consuming counterfeits since it is not currently illegal to buy a counterfeit product in the UK, but it also assumes despite a lack of strenuous evidence, that a consumer will make a rational decision based on the advantages and disadvantages of buying the product in terms of risks and benefits to them self.

In a similar approach to Albers-Miller (1999), Cordell *et al.*, (1996) investigated counterfeit purchase intentions and the role which 'lawfulness attitudes' and 'product traits' could impact on consumer behaviour. Conducting an empirical study of business students, care should be taken with generalising Cordell *et al.*, (1996) findings. The study sees consumers as forming the 'final participant in the counterfeit transaction chain' (1996:41). By taking part in the transaction of counterfeit goods, the consumer is therefore supporting an illegal act, so Cordell *et al.*, (1996:42) suggest that the consumers participation can be explained by an 'attitude intention behaviour linkage between the consumers respect for lawfulness and willingness to buy counterfeits'. Cordell *et al.*, (1996) draw upon the concept of 'non-normative behaviour' by Sykes and Matza (1957), and describe that through using neutralisation techniques such as denying any wrong doing or deflecting the blame, consumers are able to tolerate and participate in counterfeit transactions.

Cordell *et al.*, (1996) found that when people knowingly buy counterfeits, their purchase was 'driven by consumer pragmatism and risk aversion' (Cordell *et al.*, 1996:49). The results of the study were found to be in line with general knowledge about consumer risk aversion and that famous brand names only affected the positive purchase preference for the counterfeit good for products that are deemed as low risk. The findings from their research leave Cordell *et al.*, (1996) to come to the conclusion that even though 97 percent of the participants were aware that to sell a counterfeit is an offence, they themselves do not take any accountability for their role in the transaction. Thus, the consumers show a 'double standard', and this therefore, 'facilitates illegal activity' (1996:50). This research provides an interesting insight to the finding suggested by Albers-Miller (1999) regarding fear of criminal convictions. Cordell *et al.*, (1996) draw out some of the key complexities in developing a critical understanding of counterfeiting. This raises considerable questions worth further attention relating to the notion of criminalising the consumption of counterfeits.

Expanding further upon the concept of risk, is the research conducted by Ha and Lennon (2006) who explored counterfeit purchase intentions with regards to risk and ethical considerations. Conducting two studies, Ha and Lennon (2006) sampled college students in the form of 105 women and 10 men aged between 18 and 28. The second study had a larger sample of 245 women and 81 men with a mean age of 22. As with all research, which has a limited sampling frame, care must be taken with generalising findings outside of the actual study. Ha and Lennon (2006) sought to examine the relationship: a) between consumers' ethical ideologies and intention to purchase fashion goods and, b) between consumers' risk perceptions. Stating three main research objectives, Ha and Lennon further distinguished between 'idealistic consumers' and 'relativistic consumers'. They suggested that relativistic consumers could envisage times when buying a counterfeit may result in a good consequence and therefore it is alright to buy one. This compares on the other hand to idealistic consumers who will be less tolerant of counterfeits. It is on these grounds, they argue, that they justify purchase intent to have a relationship with ethical ideologies

In their discussion of risk, Ha and Lennon adopt the definition developed by Blackwell *et al.*, (2001) who 'conceptualised risk to consist of uncertainty and consequences' (cited in Ha and Lennon, 2006:299). Ha and Lennon further discuss how different risks might be perceived by various consumers, citing examples such as if a consumer's particular reference group does not agree with purchasing counterfeit goods, or indeed if there is an element of shame associated with it, the consumer might think that there are social and/or psychological risks to buying counterfeits. There may be further risks associated with the actual performance of the product and also if the consumer sees buying counterfeits as unethical. Ha and Lennon also draw upon literature which discusses risks associated with fashion products more generally, and note that these risks are also likely to be associated with counterfeit fashion products as well.

Ha and Lennon (2006:310) summarised that their research shows 'that consumers risk perceptions associated with general uncertainty about negative consequences predict intent to purchase products in the context of fashion counterfeits'. They also found that perceptions of risk can act as a predictor for a consumer's intention for buying counterfeit goods. Finally, the research also concluded that despite the activity of counterfeiting being one that is criminal, those that who took part in the study did not see buying counterfeits as unethical. Ha and Lennon's research again

shows the importance of risk in terms of consumer intentions. However, it again relies upon the assumption that a consumer makes a rational decision based on the advantages and disadvantages of theoretically purchasing the product. The study also relies on focusing on intent, rather than actual behaviour, and this could be problematic in making assumptions when taking into account the findings found by De Matos *et al.*, (2007) that it may not actually be possible to assume consumer behaviour from consumer intentions.

### **Concluding Comments**

This chapter has considered a broad overview of the existing literature available that is relevant to understanding fashion counterfeiting and further has demonstrated many of the fundamental assumptions about counterfeiting. This has generated a number of ideas to consider when developing the research instruments, particularly when considering the harms of counterfeiting and what is known about counterfeit consumers. There certainly is support for a critical exploration of consumer perceptions about fashion counterfeiting specifically which attempts to get a sense of consumer perceptions and consumer behaviour, and not to just assume that one will reflect the other. The majority of the research discussed in this review comes from either a business and marketing perspective, or, from research commissioned by industry. Whilst this does generate useful information to get a sense of the issues, it also highlights the need for this topic to be examined from a criminological perspective which takes into account some of the broader concerns which are raised by many of these findings. Therefore, the next chapter will provide a review of the relevant theoretical literature which is relevant to fashion and consumption to contextualise the nature of fashion counterfeiting consumption.

### 3. Theoretical Context

As discussed in Chapter 1 this thesis sought to contextualise fashion counterfeiting within the broader literature related to fashion and consumption. Therefore, this chapter discusses research and theory from a range of disciplines. The eclectic range of literature available spans economic, psychological, sociological, anthropological and criminological disciplines therefore it has not been possible to review every relevant source. Rather, a selection of the key explanations has been discussed to provide an overview and context for the discussions in the latter chapters. This chapter first considers research which focuses on the consumer as rational actor which draws upon traditional economic theory. However, the chapter then goes on to discuss research which recognises that much fashion consumption is consumption beyond utility value and therefore what factors perpetuate this. These discussions consider explanations which see fashion as a communicator and discuss varying explanations of this. The chapter highlights competing explanations and critiques, and due to the nature of the topic under consideration, also provides a sense of the fashion process – some explanations are more concerned with explaining consumption where as some focus on explaining the theory of *fashion*. The chapter goes on to discuss class differentiation approaches before discussing approaches which recognise the changing role of social class in contemporary society. The notion of identity is important and some of the main explanations which draw upon the notion of identity are discussed including those which focus on the individual to those which recognise collective identity. This chapter aims to provide an overview of key explanations which are thought to be most relevant to the latter chapters of the thesis and is by no means an extensive coverage of the available literature.

#### **The Consumer as a Rational Actor**

Much anti-counterfeiting policy relies on the underpinning concept of consumer responsibility. The basic presumption is that if consumers cease to purchase counterfeits then there will be no demand for the supply of counterfeits. This is a basic rational economic argument which Douglas and Isherwood ([1979]1996:6) define as 'traditional utility theory'. Further, the theory implies that the lower cost of something, the more a consumer will want to buy and vice versa and consumption is seen to be dependent on income, the less you earn the less you spend.

Traditional Utility Theory also assumes that the more a consumer gets of the same thing, the less they are likely to buy of it. Although the consumer responsibility approach seems to assume some of the principles of Traditional Utility Theory, the extent to which these principles are relevant for understanding the consumption of fashion counterfeiting is less clear and seems inherently problematic.

Although it is currently not illegal to purchase a counterfeit, the consumer responsibility approach effectively seeks to 'stigmatise' the consumer for committing a deviant act (see Mackenzie, 2010). Therefore the assumptions of criminological Rational Choice Theory (RCT) are relevant to discuss. As the name suggests, RCT also assumes that crime is the result of a rational calculation of the event as opposed to a distinction between offender and non-offender. Cornish and Clarke (2006) argue that there are a number of choices which can be influenced by social or psychological factors. RCT is based on six propositions including the notion that a criminal act has a purpose which benefits the offender and risks will be assessed (no matter how hastily) with a focus on the rewards rather than the risks (see Cornish and Clarke, 2006). Therefore, if applying RCT to fashion counterfeiting, one may suggest that despite the 'stigma' (risk) of being caught, consumers may be focused on the benefits of the reward (consuming the product) and the variability of situations can help explain why there is a variation in consumption patterns.

The above two approaches, which although come from different disciplines, have fundamentally similar underpinning concepts that at first seem to be logical in explaining the consumption of fashion counterfeits. However, as Douglas and Isherwood ([1979] 1996) have further recognised, economists have themselves been critical of a taken for granted economical approach and similar criticisms have been aligned to the assumptions of RCT within criminology. In particular, the fundamental issue which notably stands out with fashion counterfeiting is the question of the extent to which fashion consumption (both legitimate and illegitimate) can be understood by assuming the consumer is a rational actor.

Since the 1980s there has been a movement away from the rational economic theories which traditionally dominated explanations of consumer behaviour (Belk, 1995). As Belk notes this is largely down to interest broadening from the business and economics field to other disciplines such as sociology and anthropology and distinguishes this as 'old' and 'new' approaches.

## **Class Differentiation Approaches - 'Trickle-down Theory'**

The 'new' approaches to consumer behaviour have fundamental differences from the 'old' both theoretically and methodologically in the quest to challenge the 'economic assumptions of the utilitarian, price-conscious, [rational] information processing consumer' (Belk, 1995:64). Belk characterises new approaches as those which acknowledge that consumption can act as a communicator of 'age, gender, ethnicity, personality and mood' amongst other types of 'symbolic information' (1995:64). Both Veblen ([1899] 1998) and Simmel ([1904] 1957) are influential theorists who can be considered under this approach.

Thorstein Veblen's ([1899]1998) seminal text *The Theory of the Leisure Class* has been cited as 'the first major contribution to the literature on consumption' (Corrigan, 1997:21). Veblen provides a class based understanding of fashion and characterises the upper classes as the leisure class. His theory centres on the notion that an individual's status in society depends on their 'pecuniary strength'. For Veblen ([1899] 1998:38), the utmost reflection of pecuniary strength is to live a life of leisure and the most obvious way of doing this is through 'conspicuous consumption' and because of the ability to communicate to strangers, no other form 'of consumption affords a more apt illustration than expenditure on dress' ([1899]1998:167). Expensiveness is a must, and Veblen suggests that to wear any clothes that are not expensive is 'instinctively odious to us' ([1899]1998:169). However, 'dress must not only be conspicuously expensive and inconvenient, it must at the same time be up to date' ([1899]1998:172-173). This idea of expensiveness goes against traditional rational economic theories which suggest that people buy less if a price is higher. In particular, with regards to fashion, luxury goods and branded designer clothing is generally sold at a much higher price point, and Veblen's work allows for some form of explanation for why a consumer chooses to purchase a more expensive good than a cheaper version yet in terms of utility value is no different.

It is with Veblen's comments on counterfeiting that the nature of consumer goods is highlighted best. Veblen claims that an individual will always prefer an authentic item of clothing over a cheaper copy. However, this is not because of its poorer quality or because of any particular product defect; but because once it becomes known that the item is counterfeit 'its aesthetic value, and its commercial value declines precipitately – it loses caste aesthetically because it falls to a lower pecuniary grade' ([1899]1998:172). This implies that authenticity is more important

than the brand name and that counterfeits will only be purchased by those of a lower social class.

Simmel's article "Fashion" first published in 1904 (and then republished in 1957), provides one of the earliest accounts of the sociology of fashion. Simmel describes fashion as 'the imitation of a given example [which] satisfies the demand for social adaptation' ([1904]1957:543). Thus, for Simmel, imitation is a key concept, which he suggests allows an individual to feel a sense of conformity and by doing so an individual does not have to take responsibility for the fashion of which they are imitating. Key also to Simmel's approach is the concept of class. Simmel argues that different social classes will have different fashions, since fashion 'is a product of class distinction' ([1904]1957:544). Thus, Simmel argues that it will never be the case that the upper and lower classes will be wearing the same fashion at the same time, because as soon as the lower classes begin to start following the fashion of the upper classes, the upper classes will move onto wearing a different fashion. Therefore, Simmel claims that the latest fashion will only ever be applicable to the upper classes. Simmel argued that the reason for the changing role in fashion (at his time of writing) was because 'differences in our standards of life have become so much more strongly accentuated' ([1904] 1957:546).

Veblen and Simmel's approaches are both discussed in depth above due to the importance of these approaches to the field. Whilst many latter authors go on to criticise these approaches, notably for their rigid view on social class and its importance for the fashion process which is out dated in contemporary society, their works provide a fundamental starting point for many other explanations. Indeed, the next section goes on to discuss approaches which have sought to revise and develop these early approaches which have also been described as 'trickle-down theory' (see Davis, 1992). This essentially refers to the process of fashion, where the upper classes have the latest fashion of which those in the lower classes will want to emulate. Hence fashion trickles down through society, and stimulates the need for new fashion, as once the lower classes take on the fashion, it will no longer be fashionable to the upper classes.

### **Class Differentiation Approaches - Revising Trickle-Down Theory**

Leibenstein (1950) takes on board Veblen's theory in his development of the *Theory of Consumer Demand* although moves away from focusing on the individual and

recognises the effects of other people on consumption. Leibenstein recognised that there are differences in consumer behaviour – there are the consumers who have ‘the desire to wear, buy, do and consume, and behave like their fellows; the desire to join the crowd’ – but also those who wish to accentuate themselves from the masses through a ‘search for exclusiveness...through the purchase of distinctive clothing’ (1950:184). This led Leibenstein to characterise consumer demand into classifications based on ‘abstract’ motivations as shown in Figure 3.1.

### Figure 3.1: Motivations for Consumer Demand

(Leibenstein, 1950:188)

- A. Functional
- B. Non-Functional
  - 1. External effects on utility
    - i. Bandwagon effect
    - ii. Snob effect
    - iii. Veblen effect
  - 2. Speculative
  - 3. Irrational

Thus, Leibenstein focuses on the non-functional aspect of his classification which he defines as the ‘portion of demand for a consumers’ good which is due to factors other than the qualities inherent in the commodity’ (1950:189). ‘External effects on utility’ factors not functional to the product which relate to increased or decreased demand. This type of demand can be explained in three ways: the ‘bandwagon effect’ – which implies ‘the extent to which a commodity is *increased* due to the fact that others are also consuming it’; the ‘snob effect’ – which refers to the opposite of the ‘bandwagon effect’, where demand *decreases* because of others consuming the good; and thirdly the ‘Veblen effect’ which means ‘the extent to which the demand for a consumers’ good is increased because it bears a higher rather than lower price’ (Leibenstein, 1950:189). Thus, ‘bandwagon’ describes the ‘desires’ of consumers to conform; ‘snob’ describes those who ‘desire exclusivity’; and the ‘Veblen effect’ describes the ‘desire’ for those to have something because it is expensive (Leibenstein, 1950:189). Although Leibenstein himself is not concerned with the other categories of ‘speculative demand’ and ‘irrational demand’, his definition of irrational demand as ‘purchases that are neither planned nor calculated but are due to sudden urges, whims etc., and that serve no rational purpose but that of satisfying sudden whims and desires’ (1950:189) seems like an avenue which

warrants further explanation. Indeed despite, as does Veblen, Leibenstein focuses on the role of consumption and fashion as a communicator he does at least acknowledge that some consumption does not happen on a fully rational basis.

Dubois and Duquesne (1993) focus on luxury goods and their distinctive purchase and demand factors. They argue that because these goods are 'trivial' – or as Leibenstein described – have value beyond their utility, income and class can be identified as distinguishing factors in their consumption, arguing that 'income is the best, if not only indicator of measuring demand' (Dubois and Duquesne 1993:36). Following the work of Veblen (1899) and Leibenstein (1950), Dubois and Duquesne argue that the 'symbolic and social value' of these goods needs also to be considered. This helps understand why different types of consumers might buy these same goods, but that although doing so might be for different reasons, the underlying motive will remain constant. Dubois and Duquesne therefore suggest that consumption of luxury goods can be divided into two markets; one where the brand is the 'standard of excellence' for consumers who seek 'absolute quality' and authenticity, and secondly, one in which the role of the brand is one which 'represent[s] symbols' (1993:43). In conclusion they argue that when culture and higher income levels are combined it will result in the most consumption of luxury goods.

Following on with the notion of goods as communicators, Baudrillard ([1970]1998) highlights the importance of objects in 'consumer society' and how we receive and manipulate the messages which the goods give (1998:25). In Baudrillard's view consumption is something that can provide us with happiness, however, the generalisation of consumption means objects only become signs of what is real. This results in 'affluence' becoming 'merely the accumulation of the signs of happiness' (1998:31). Baudrillard argued that the declining value of objects for one's social status means that to maintain social status one must engage with either 'super conspicuous consumption' or discreet consumption (1998:54-57). Despite differing in his explanation of consumption from other theorists through suggesting that 'consumption is more than the metaphysics of needs and affluence' (1998:60), Baudrillard still recognises the role of social class and argues that consumption can be seen as a language due to the process being one of 'signification and communication based on a code'. Second, to see consumption as 'a process of classification and social differentiation in which signs/objects are ordered not now merely as significant differences in a code but as status values, in a hierarchy'

(1998:60-61). Therefore, Baudrillard argues that one never actually consumes an object for what it is, but as a sign, and this is how one can either differentiate themselves from the 'group' and reflect one's higher status, or, by affiliating oneself to the group (1998:61). However, there will always be constraints and as a result, it will never be possible for the lower and middle classes to keep up with the upper classes, because 'they lag temporally and culturally behind' (1998:63) and there will always be class differentiation. Because a consumer object differentiates between social statuses by assigning each consumer to 'a code' this means that despite this happening on a collective level, it does not create any 'collective solidarity' (1998:86).

Baudrillard maintains that we have to accept that social status is based on signs, and rather than on actual objects, the signs are based on differences. By doing so, it is possible to see clearly 'the paradox of prestigious super differentiation' happening through 'inconspicuous consumption' as opposed to 'conspicuous consumption' (1998:90). Baudrillard suggests that prestige can further be defined by being discrete, and thus creating a more subtle difference and this, he argues, may mean that differentiation 'takes the form of rejection of objects [and] the rejection of consumption, and yet, this still remains the very ultimate in consumption' (1998:90). Thus, Baudrillard concludes that consumption is then actually a myth with 'the only objective reality of consumption is the idea of consumption' (1998:193).

Bourdieu ([1984] 1993) refers to the luxury fashion process as a field, and suggests that designers are the dominant players of that field. The reason that they have this power is because it is they who 'define objects as rare' (1993:133). However, there is a constant struggle for dominance taking place within the field and this results in a constant reconstruction – which ultimately happens because of distinction. As Bourdieu writes 'fashion is the latest fashion, the latest difference' (1993:135) and because of this, something which symbolises class, will only do so while it is distinctive. There is a constant struggle between the classes, termed by Bourdieu as the 'competitive struggle', as he suggests (similarly to other fashion theorists) that once one class catches up with the class which had it initially, a new cycle will begin and so on and so on. Bourdieu suggests that the competitive nature means that there has to be a recognition of a common goal, but those who follow pretension are always destined to come last, because they accept the race. Bourdieu replaces Mauss' term of 'collective belief' with 'collective misrecognition' because, one has to believe in creation to take part in the game – the process of producing the goods

happens in a cycle – and those who are involved in this process are the ones who (unconsciously) collude together to create ‘the magic of the label’, which is the value of it. Bourdieu suggests that the more complex the process, the greater the belief in it as it hides the process, thus acting as a ‘screen’ hiding the process from both the consumer and the producer (1993:138).

This analysis of the luxury fashion process by Bourdieu does provide some interesting insights into the fashion cycle, but happens on a much more conceptual level. Importantly however, it not only adds to the recognition of fashion and its role in class struggles, as with much of the existing fashion theory, but it also highlights (rather like Blumer – see below) the importance of the actual process itself and also those who create the fashion – the designers. It could be argued that this is a factor which is often failed to be recognised enough in analysis of fashion.

McCracken (1988) argued that the idea of goods as a language when applied to clothing is problematic because when the clothing code becomes most like a language, it actually fails as a ‘semiotic device’ and is unsuccessful as a communicator. Thus, McCracken is inclined to reject any model which sees clothing as a language (1988:64) because they do not see meaning as something which is on a continual change – or transit – which can be affected by a variety of actors such as producers, designers, consumers and advertisers, who both individually and as a collective group play an important role in the goods meaning (1988:71). This leads McCracken to claim that ‘there are in other words, three locations of meaning: the culturally constituted world, the consumer goods and the individual consumer, as well as two movements of transfer: world to good and good to individual’ (1988:72). Thus, McCracken rejects the simplistic approach to status which those such as Veblen discussed and suggests that the process of cultural meanings of consumer goods is inherently more complex, and meaning can be moved from one location to another.

McCracken (1988) critiques both Simmel and Blumer’s (see below) analyses of fashion but does find strengths within. He notes that Simmel’s trickle-down theory is the first which attempts to place the process of fashion within a social context, yet it also can explain how different social groups can express the ‘same underlying object’ because, as McCracken reminds us, ‘as long as there is imitation there will be differentiation’ (1988:94). The ability of the approach to forewarn those who observe the fashion industry that change is imminent is seen to be a third

advantage of Simmel's theory (1988:95) – and this is something which Blumer's theory fails to do. However, McCracken also has a number of complaints with trickle-down theory – not least because its name actually implies a false perception. McCracken suggests that rather than fashion diffusion happening because of a downward force, diffusion happens because of an 'upward 'chase and flight' situation. Still emphasising class differences, McCracken suggests that the fashion process happens in this way because those who are 'subordinate' actively seek out the markers that reflect the higher class, and as a result of this, those in the 'super-ordinate' group 'move on in hasty flight' (1988:94). Parallels can be drawn here to Leibenstein's three consumer groups. The second failure of Simmel's theory according to McCracken was that it did not provide a full enough description of how the actual trickle-down process takes place, and as a result it doesn't take account of those groups which are in the middle of society. McCracken suggests that these social groups may not have as predictable fashion patterns – since they may seek imitation (from above) or indeed differentiation (from below) (1988:94).

McCracken argues that the theory must change its focus from being on social status in terms of class positions, but must include differences in status such as sex, age, and ethnicity. Further, McCracken argues that it is necessary to see fashion diffusion, and innovation, in terms of the cultural context, which can 'account for the symbolic motives and ends of social groups engaged in fashion behaviour', and thus a better analysis of the two concepts of imitation and differentiation (McCracken, 1988:96).

Douglass and Isherwood ([1979] 1996) writing from an economic perspective sought to consider additionally anthropological ideas. Rejecting the economist view that goods are consumed rationally for their utility, Douglass and Isherwood propose that primarily, consumer 'goods are needed for making visible and stable the categories of culture' (1996:38). Thus, all consumer goods carry social meanings and communicate these meanings but, yet, meaning 'flows and drifts' and therefore is not always easy to make sense of and create (1996:43). This means that the process of consumption is one which is 'active' and goods are needed to communicate with others in society. So, for Douglass and Isherwood the concept of 'linkage' becomes important. Whilst noting the complexities of the term, they note that it can provide a way of analysing the level of involvement a consumer has with the economy overall. Developing from the economic conceptualisations of linkage, Douglass and Isherwood suggest that there are three forms; 'consumer

technological linkage', 'consumer social linkage' and 'consumer information linkage'. They argue that by using these concepts, a single theory about consumption which accounts for different consumer preferences can be made. In their conclusion, Douglass and Isherwood reject the simplistic assumptions given about social class, and suggest that class is not as clearly distinguishable as is often portrayed in economic accounts of consumer demand, and they argue that to fully understand consumption, a greater focus on the family needs to be brought in, due to the implications which family life can make on social class.

Although Douglass and Isherwood's approach is somewhat inconclusive, it does play an important role for stressing the importance of other factors, but also highlights the need for economics and sociology to work together in creating a better understanding of consumption. For the purposes here however, their analysis of goods as communicators and their role in cultural meaning is a crucial development of the ideas of consumption. The approach of Douglass and Isherwood is similar to that of Baudrillard in the sense that consumer goods are primarily seen as communicators, although Baudrillard's work deviates away from this in his rejection in the meaning of the actual good, but its importance in terms of what it signifies. Both analyses see class differentiation as an important factor of consumption, and both imply the effects of class on inequality.

### **Collective Selection Theory**

Blumer (1969) attempted to provide a sociological account of fashion, which he argued had moved on from earlier accounts such as those which predominantly follow the outline of Simmel (1904). On reviewing Simmel's work, Blumer suggests that despite it being 'simple' (1969:277) there remain a number of strengths from which can be built upon. In particular there are three strands of Simmel's theory of fashion which Blumer suggests are important: firstly that it makes the connection that for fashion to happen, the right kind of society has to be evident; secondly, his acknowledgement that 'prestige' was a central element of fashion; and thirdly, Simmel's emphasis of the process of change. Yet, Blumer states that there are two features of fashion which Simmel fails to recognise: firstly its failure to see fashion as a 'social happening' and secondly its failure to explain fashion in a contemporary society (1969:278).

Blumer's analysis of fashion is built upon his research on the 'women's fashion industry in Paris' (1969:278), which led to him to note how 'fashion appears much more as a collective groping for the proximate future than a channelled movement laid down by prestigious figures' (1969:281). Blumer was drawn to this conclusion after noting a number of observations about the industry; namely how there is 'an intense process of selection' which takes place in order for fashion to be determined; there are also buyers who make the choices of what designs and products to buy for the retailers – Blumer suggests that because they are so 'immersed' in the fashion arena that they have 'common sensitivities and similar appreciations' despite operating independently of one another. The third observation made by Blumer was with the designers who created the new designs – Blumer suggests that past and current styles played an important role along with themes which were happening in the wider world (1969:279). Taking these findings into consideration, Blumer suggests that Simmel's notion of the elite classes in society being the cause of fashion is incorrect, but admits that whilst the elite groups might well attempt to differentiate themselves from others this is part of the movement of fashion instead (1969:281). Thus further, Blumer goes on to suggest that 'the people in the other classes who consciously follow the fashion do so because it is the fashion and not because of the separate prestige of the elite group' (1969:282). Therefore, he moves away from Simmel's theory and argues 'they shift fashion *from the fields of class differentiation to the area of collective selection*' (1969:282).

Blumer argues that by taking a historical approach to reviewing fashion it becomes clear that new fashions have a close relationship and are born from the fashion just passed and as a result 'trends' tend to emerge which reflects continuity. Additionally, Blumer argues that 'the feature of modernity in fashion is especially significant' (1969:283) as it is responsive to what is happening in the current social world. Blumer observes that there are six conditions which must be met in order for fashion to happen, these conditions are as follows:

the area in which fashion operates must be one that is involved with a movement of change; the area must be open to the recurrent presentation of models or proposals of new social forms; there must be a relatively free opportunity for choice between the models; [because] fashion is not guided by utilitarian or rational considerations [the] pretended merit or value of the competing

models cannot be demonstrated through open and decisive test; [there needs to be] the presence of prestige figures who espouse one or another of the competing models [and] the area must be open to the emergence of new interests and dispositions in response to a) outside events, b) the introduction of new participants and c) changes in inner social interaction. (Blumer,1969:286-287).

Blumer concludes his arguments with the reasons why fashion plays an important social role for society and suggests that because of these 'fashion is a very adept mechanism for enabling people to adjust in an orderly and unified way to a moving and changing world which is potentially full of anarchic possibilities' (1969:290).

Thus, it is clear that consumption plays a key role in contemporary society, Bauman (2004) adds an interesting thought by suggesting that the satisfaction from consuming goods 'needs to be, better be, instant'. But on the other hand, because, in a consumer society, goods are not used primarily for their utility value, the only actual value of the goods is one which can provide this satisfaction. Thus, as with analyses by Veblen and Baudrillard, once the value of the good has been used they can be discarded (Bauman, 2004:94).

Thus far, the idea of fashion as a communicator has been discussed. This is in the sense that fashion enables someone to communicate something about them self, for many of the approaches above, this is their social status. The idea of communicating is continued next where explanations take on a particular focus on communicating identity with a lesser focus on social class.

### **Fashion as a Communicator: Individual and Collective Identity**

Davis (1992) suggests that clothes can enable people to communicate, on an individual level it can say something about them, but also on a collective level it will give them some form of wider symbolic location (1992:4). Davis refers to the 'clothing-fashion code' and stresses that this is 'highly context dependent', but he also comments that in order to see fashion as a different concept than solely the 'clothing code' that is in place in society at any given time (1992:14) and this is something that many analyses of fashion have failed to acknowledge. Davis also problematises many other explanations of fashion because they either neglect, or do not stress the importance of 'that labyrinth passage whereby an idea in the

designer's head is translated ultimately into the purchases and pleasures of the consumer' (1992:16). This, Davis comments, refers to social identity and how it plays a role in fashion. But, Davis disputes that he means just symbols but additionally social identity includes 'any aspect of self about which individuals can through symbolic means communicate with others' (1992:16). This links to the notion of identity and individuals not being seen as 'passive recipients of identity' (1992:17) but because many individuals will have similar life experiences to others which will always be expressed somehow, identities can be seen as collective in this sense. Davis, following Blumer (1969) suggests that it is 'these collective facets of our social identities that fashion addresses itself' (Davis, 1992:17).

Davis argues that both trickle-down theory and Blumer's collective selection arguments fail to examine what meanings clothing generates and have an overemphasis on social class. But most importantly, according to Davis, is how they both fail to consider to a far enough extent, how the influences on the fashion industry are able to have a big influence on the reproduction of fashion. Thus Davis argues that a much more complex, multi-dimensional approach to understanding the process of fashion is needed. To do so, Davis draws upon Sproles (1985) six stages: 'invention and introduction; fashion leadership; increasing social visibility; conformity within and across social groups; social saturation; and decline and obsolescence' but does not use them in the clear described categories as defined here (Davis, 1992:123-124). Davis argues that the fashion process happens in the form is a number of 'micro cycles' which are each related to a different form of identity. This, results in fashion becoming pluralised, and despite, as Davis acknowledges, those that would argue that there still remain a common theme underlying these different cycles, Davis suggests that because of the importance of 'appearance' in this sense, even if it was the case, the 'appearance of this sort of fashion pluralism' 'makes for a very different visual, and hence social, representation of the human form' (1992:157). Thus, Davis argues that the role of clothes as a communicator is one which reflects out social identity, in terms of wider cultural variables.

Davis analysis of fashion, similarly to other writers, stresses the importance of clothes as a communicator – but not just on an individual level, but also on a collective social level. Following Bourdieu and McCracken, Davis importantly also recognises the significance of the role of the designer and other key players in the fashion process. Fashion, as hinted at numerous other times, plays an important

role in social identity. But, Davis argues that this happens within a wider context of cultural variables and values. Bearing this in mind, Davis's useful conception of the fashion process as micro cycles seems much more apt to contemporary society than the rigid approaches taken in the past.

### **Fashion: The Role of Social Structures and 'Community'**

Providing one of the most substantial contemporary arguments from the sociology of fashion, Sweetman (2001) argues that in order to understand the consumption of fashion, we need to consider, as Katz describes, the 'phenomenological foreground' (Katz in Ferrel, 1993:167 cited in Sweetman, 2001:60). This is because, as Sweetman argues, there is more to fashion 'than simply the symbolic manipulation of one's appearance' (2001:60). Sweetman critiques the main theoretical approaches taken to fashion, namely, Simmel, Veblen, Blumer, and Baudrillard. In doing so, Sweetman describes these writers fail on at least one aspect in dealing comprehensively with fashion. Despite noting the differences between the three main approaches Sweetman argues that all of these approaches, because they see fashion at the foremost as symbolic, are relying too heavily on a determined cognitive approach (2001:66).

Thus, Sweetman's argument is based on the premise that fashion has to mean more than just the symbolic meanings and that the importance of social structures cannot be denied or ignored. Sweetman based this argument on two main thrusts. Firstly, he argues that fashion can never be purely down to personal choice and there is always, to some extent, an element which is controlled socially. Sweetman describes how this happens through a number of both formal and informal mechanisms. For example: dress codes, uniforms and other restrictions on what is allowed to be worn. Second, Sweetman suggests that no matter how an individual chooses to dress, there still remains numerous 'sociological variables' which can impose structures on personal choices – for example: age, occupation, sexuality, gender, class and ethnicity (2001:66). Hence, this means that rather than seeing connections between those who identify with particular fashions and sub-cultural styles purely as symbolic, Sweetman argues that the connection also reflects the 'way in which the body is lived, experienced and used' (2001:67). Added to what has already been discussed, Sweetman stresses the importance of the 'temporal dimension'. Sweetman says this happens on three (related) levels. Firstly, over periods of time, 'fashion, style and adornment change'; secondly, what is

appropriate wear can change depending on the context, and this can be due to factors such as what day it is or even what time it is; and thirdly, Sweetman suggest that age plays an important role in determining what fashions are appropriate, and thus throughout one's life individuals are required to restructure what they wear – but what is acceptable will also change over time (2001:67).

Sweetman then goes on to draw upon Maffesoli's (1988, 1991, 1996) work on the theory of Neo-Tribalism, suggesting that

Maffesoli's work is both significant and important in allowing us to take seriously the affectual aspects of fashion, style and consumption in the wider sense, rather than regarding such practices simply as cognitive exercises in the manipulation and presentation of codes.

(Sweetman, 2001:71)

Maffesoli suggests in contemporary society it is possible to see a 'basic form' of community re-emerging. Maffesoli describes how 'neo-tribal patterns of solidarity' are emerging which is characterised by those in the 'small scale social group' gaining a sense of 'togetherness' (Sweetman, 2001:68). These groups can be described as 'tribes', which are 'informal, dynamic, and frequently temporary alliances, centred round 'their members' shared lifestyles and tastes' (Sheilds, 1996)' (cited in Sweetman, 2001:69). Sweetman admits that Maffesoli's work is not without its critics, and certainly with regards to some aspects of Maffesoli's argument, Sweetman suggests that he is more inclined to follow the comments voiced by Hetherington (1998) who disputes Maffesoli in the sense that Maffesoli views identity as a 'mask', in a similar sense to other postmodern theorists who see fashion as a 'carnival of signs' (Tseelon, 1995:124), whereas Hetherington does not see the 'mask' as a superficial entity but as 'a search for stability [and] belonging (Hetherington, 1998:29)' (cited in Sweetman, 2001:71).

Sweetman suggests that key to any analysis of fashion is that we must acknowledge how it 'operates at an affectual as well as symbolic level' (2001:73). Further, Sweetman asserts that he does not reject that the role of fashion may be focused primarily on how the individual wishes to present themselves, but this is certainly not the full explanation, and 'fashion as a social process' has to be considered (2001:74).

As it becomes clear when reviewing Sweetman's analysis, his work has moved considerably further from many of the earlier ideas about fashion. Sweetman rejects the assertion of all of the approaches which see fashion as a cognitive behaviour which is based on a code. Instead, Sweetman emphasises the importance of the social process of fashion, and the social structures which surround consumers in everyday life. Time in particular plays an important role, and despite admitting that there may be some degree of personal choice with regards to fashion, Sweetman argues that inevitably, the social structures will always remove a complete freedom of personal choice. Thus, in this way fashion is more than an individual choice to communicate meanings about the self.

### **Consumption, Social Exclusion and Identity**

Hayward (2004) argues that key to understanding today's society is to acknowledge the importance of consumption. This is particularly in terms of a 'culture of consumption'; a term to which Hayward describes implies we 'regard the dominant values of society as deriving from the activity of consumption' (2004:3). Central to Hayward's argument is the statement 'the relationship between consumer goods and the construction of the self in late modernity is of great importance' (2004:5). This idea builds upon the notion that the movement from an industrial – more structuralised society, into a 'post-modern' society have altered the way in which identity formation takes place. Hayward proposes that 'transgressive behaviour' does not only just create excitement – such as Katz would argue – but 'in a world increasingly out of control' (Hayward, 2004:155), it can enable people with a way to not only regain some form of control, but also can allow them to express their own identity (2004:155). This is in conjunction with living in culture of consumption, and, Hayward argues that together this creates 'new forms of concomitant subjectivity based around desire, simultaneity, individualism and impulsivity' (2005:157). Aiming to situate these arguments in a criminological context, Hayward suggests that Merton's (1938) strain theory provides the 'obvious' (Hayward, 2004:158) place to begin the analysis, and then charts the developments of some of the early Mertonian notions; such as Jock Young on 'relative deprivation' (Hayward, 2004:159). Hayward suggests that in contemporary society, through using material goods as a way of a constant reconstruction of our own identity(ies) that people now feel deprived of the identity which the product provides them, rather than feeling deprived of the actual product itself. Thus, Hayward maintains

this deprivation of identity appears to many individuals as a deprivation of a basic *right*, and thus consumption becomes not simply something that is culturally desirable, but something that is *fundamentally* expected. (2004:161)

This transforms into people having an 'unapologetic, unrepentant sense of desire' (2004:161) and this desire has no reflection of any kind of notion of 'need' and is not controlled by any 'economic or social restraint' (2004:161). Thus, Hayward suggests that society has moved on from Merton's analysis to a society which expels 'a constant sense of unfulfilment' (2004:161).

Hayward, with his focus on urban environments, suggests that individuals from these places – particularly those which are socially excluded – 'over identify with consumer goods in an attempt to create a sense of identity' (2004:181). Hayward highlights, as an example of this, the use of fashion, particularly by young people who live on 'inner city 'problem' estates' (2004:182). Within these environments – where there no longer exists ways of self-expression and achieving – in the traditional sense at least – Hayward argues that 'brand names and designer labels' have an incredible value placed upon them. People, in these situations overtly display fashion items which

act as symbolic messages of power and status (see Hayward and Presdee, 2002) [whilst] identity and self worth are reduced to simple symbolic codes (Baudrillard, 1988), as interpretable as a Nike 'swoosh' or Gucci monogram' [and] these consumer goods enable individuals to construct a perceived identity (Lasch, 1979; Campbell, 1989; Nava, 1992; Slater, 1997) and exert a sense of control (Featherstone, 1994; Lury 1996). (Hayward, 2004:182)

Additionally, as Hayward and Young (2007:109-110) have argued, the market actively pushes expensive brand named goods onto young people living in deprived social situations, through associating certain branded goods with particular music scenes such as hip hop and rap. Despite, as Hayward points out, the identity and control which is being displayed being a delusion' which only holds validity within the limited environment, the importance of participating within consumption cannot be underestimated in terms of the 'identity and security' it provides these people with in 'an uncertain world' (2004:182).

As it has been suggested here, consumer goods and fashion items can be used as a way of displaying social status. This is a development however from earlier theories about consumption and fashion which have been already discussed in this literature review, who although emphasising the importance of fashion in terms of status, Hayward's argument does not imply the traditional view that status is indicative of class boundaries in terms of a wider level of social class, but, how status is important intra social groups – as opposed to inter social groups.

The concept of identity has arisen on numerous occasions throughout examining the literature in this review. Developing some of these ideas, particularly with Hayward's comments about socially excluded young people, Archer *et al.*, (2007) provide an interesting, but different account of identity and style. Rather than the focus being on crime and criminal behaviour, Archer *et al.*, (2007) consider issues of style and identity in terms of educational attainment. The purpose of the Archer *et al.*, (2007:220-221) study was to consider issues surrounding 'widening participation in higher education' in terms of 'classed identities and enactments of style'. They spent two years completing the research on pupils at a variety of schools in London, who had been 'identified as at risk of dropping out' (2007:221).

As with much of the earlier literature in this review concerned with fashion, the concept of class has frequently been seen as central to the analyses - for example; Simmel, ([1904]1957) and Veblen, ([1899] 1998). Archer *et al.*, (2007:222) provide a more contemporary analysis of the role of class and identity, suggesting that through particular 'tastes' and 'styles' of certain individuals and groups of people, it is possible to allocate 'social distinctions', and thus particular styles are able to act as 'condensed class signifiers' (2007:223). Further, Archer *et al.*, (2007:223) build upon this notion by drawing upon Bourdieu's (1986) comments about the 'tastelessness' of the working classes and likening this to today's society with labels for particular class based groups such as 'Chav'. What is interesting about the research was how the young people they studied

actively took up and constructed collective (classed) identities, (creating distinctions between 'us' and 'them') through their consumption of particular (sportswear) brands and by owning, performing, reading and manipulating different branded styles.

(Archer *et al.*, 2007:223)

Further, the young people in the study also allocated particular brands to either their own identities, or ones which they saw as different to them. Archer *et al.*, (2007) – in explaining an extract from one of the young people interviewed who's comments implied that 'Nike' was seen as working class, where as a more expensive brand, such as 'Gucci' signified middle/upper class – draws upon the work by Savage (2000) who suggests that 'class identities are relational and located within forms of stratification and people define themselves through relational comparisons' (cited in Archer, 2007:223). Again, the differentiation between class plays an important role in the meaning of style. Archer *et al.*, (2007:223) noted how whilst the young people consuming 'Nike' see it as a way to increase their own 'worth and value', those from the middle classes will interpret the 'Nike style' differently – probably as 'negative, tasteless and signifying danger or threat'.

Archer *et al.*, (2007:224) suggested that the reason why consumption of particular sportswear brands such as Nike, was so important to young people is because it enabled them to 'generate a (limited) form of capital (e.g. peer status)'. This came from the association of the brand with the notion of being 'cool', with the suggestion that this was due to the link with 'black masculinity' and the related symbols of 'hardness' and 'street cred' (2007:224). It was across both male and female and also across different ethnic and racial groups that the young people in the study invested significantly in 'the production of appearance' (2007:224). Interestingly, Archer *et al.*, (2007:227) found a consistent finding was how those pupils who wore 'ugly trainers or cheap clothes' were bullied, taunted and ostracised and were positioned as 'worthless' (2007:227). This translates into those pupils who were not wearing the correct brands (particularly with clothes, trainers and jewellery) were often labelled with derogatory terms such as 'tramp' and thus, placing a requirement on young people to commit themselves to their appearance – and invest in it so they would not be labelled as such. However, Archer *et al.*, (2007) noted that those pupils who did invest heavily in their appearance also contributed to their perception by the school that they were 'bad pupils'. This on the one hand was associated with the pupils having to breach uniform regulations so that they were able to maintain their appearance, but also because teaching staff were concerned that this need to invest in the brand names, meant that these young people were particularly 'vulnerable to the lure of illegal economies and quick economic fixes' (2007:230).

Archer *et al.*, (2007:226) noted that there were two major concerns about the young peoples' use of constructions of style as a generator of status: firstly, on the one

hand, it has no value outside of their own 'discourse' and secondly, because the young people saw 'moral worth' as reflected by 'economic value and quality' they actually succumb to the social constructions around them. Thus, in conclusion, Archer *et al.*, (2007:232) suggested that because the 'enactment of style' happens at different social locations, young working class people and young middle class people are fundamentally different due to the differences in the associations they have with the economic resources to produce the identities that they seek to achieve.

### **Fashion and Explicit Communication**

Whilst considering some of the main thrust of ideas about fashion and its meanings, it is worth briefly considering the role which fashion can have as an explicit communicator. Fashion as a communicator has already been widely discussed in this literature review – particularly in terms of its meanings and codes, but what is to be briefly discussed here is some of the explicit messages of communication which fashion enables. Keenan (2001) describes how brands such as French Connection, who often display their brand name on their clothing (usually tops) as FCUK have changed the way clothing is able to communicate. Keenan notes that from once being a subtle form of communication, the movement into displaying 'explicit language' (2001:190) to communicate has made the conflicting pressures of fashion happen on a very different level. It is further possible to explore this issue by referring to contemporary brands such as 'Criminal Clothing'. Criminal Clothing has become a world-wide available designer brand which claims to be inspired by 'UK street cultures' (DufferOnline, 2008). In particular the brand has drawn a reputation for its 'provocative slogans' (Wiki, 2008), but interestingly, has achieved a turnover which reaches into millions', yet has a strict policy of no advertising. This provides an interesting juxtaposition as writers such as McCracken (1988) have argued that clothing as a communicator in terms of language fails. However, with the advent of modern forms of branding and labels, the explicit language of an item of clothing may have different meanings for analysis.

### **Summary of Key Points**

Through examining the literature on consumption and fashion, a wider theme has emerged which suggests that consumer goods – or in this case specifically; fashion goods – are used as some form of communicator. However, there is not one simple

theoretical thought to this, but numerous approaches which build on similar ideas, but still those who reject the traditional school of thought about consumption. Firstly, there are those who see consumption as a way to differentiate from others. This happens at a level of class based groupings – where the general argument goes – those in the upper classes use fashion to differentiate themselves from the lower classes. This can be seen in Veblen's ([1899] 1998) theory, where he argues that personal status can be shown particularly well through what they wear. Similarly, in Simmel's ([1904] 1957) analysis of the fashion process, he argues that fashion is created by class differences – as the upper classes strive to differentiate themselves, whilst the lower classes imitate the fashion of the upper classes – and this is how the cycle of the fashion process works. However, these works can be argued to be limited to a particular time era, when class was perhaps a more rigid structure in society. Certainly, those such as McCracken (1988) and Bourdieu ([1984] 1993), whilst maintaining that fashion plays an important role for class differentiation, see the views taken by Simmel and Veblen as problematic for a number of reasons – perhaps mostly for their 'trickle down approach'.

McCracken, in a similar vein of thought to Bourdieu, suggests that rather than seeing the fashion process as one which happens because the lower classes follow the upper classes, says that it actually happens in an upward process, where lower classes imitate the upper classes and the upper classes will start to wear something different as soon as this happens and so on. McCracken argues that by taking this approach, it does not ignore the middle classes and can explain why fashion is not always predictable. However, unlike the earlier theorists, Blumer (1969) and Bourdieu (1993) both also suggest the importance of other players in the fashion industry as playing a key role in the fashion process – notably the designers. Baudrillard ([1970] 1998) also sees class and status as key, and in a sense, sees the process of fashion in a similar way as McCracken. However, rather than seeing the actual good which is being consumed as important, Baudrillard argues on a more abstract level that it is the symbolic value and meaning which is attached to the good which is of importance. Therefore, Baudrillard suggests that the signs of a good are consumed in order to either differentiate from a social group, or to reflect an affiliation with a social group.

On the other hand, there are those who do not see fashion as a factor in class differentiation. Blumer, for example, argues that whilst it may be possible to see class differences in fashion, this is due to the nature of fashion as opposed to

differentiation on a basis of class, and where people follow the fashion of the upper classes, it is because they want to follow the fashion, and not to attempt to imitate the upper classes. Davis (1992) further criticises those theories which place an over emphasis on social class. Davis conception of fashion; sees fashion as a means of a symbolic communicator, not just on an individual level, but also on a collective level. Further, Davis consideration of the fashion process suggests that it is a much more complex process than one which is often implied, and stresses the importance of numerous variables which have an effect. In a similar way to Bourdieu and McCracken, Davis recognises the importance of the designers and others who play a role in the industry. Thus, Davis argues that fashion can be seen as a means of reflecting one's social identity but within the social and cultural context – and therefore, this can explain why fashion happens in micro cycles, as opposed to the macro cycles which are discussed by those such as Simmel, Blumer and Veblen.

Meanwhile, Sweetman (2001) rejects all the explanations which see the main role of fashion as one which communicates symbolic meanings. This is because, as Sweetman argues, fashion will never be a completely individual choice – whilst acknowledging that some element in the decision of what to wear may come down to personal preference – Sweetman argues that this happens within wider social structures, which ultimately underpin and constrain choice. Factors such as age, gender, sexuality, ethnicity, class, and also dress code restrictions and policies all affect what an individual can wear. Further, Sweetman maintains that there is also a temporal dimension which affects fashion; and this happens over three levels; all of which determine which fashion is acceptable at a particular time era.

Sweetman's notion of 'togetherness' is similar to that proposed by Hayward (2004), who argues that particularly in socially excluded areas, (young) people 'over identify with consumer goods to create a sense of identity' (2004:181). Here, as with earlier analyses which have been discussed fashion (notably branded fashion) can be used as a way of displaying one's social status, within a particular social group. Although this is similar in principle with regards to clothing as a symbolic communicator as described by the above theories, it differs on the level that the symbols do not communicate any value or status to wider society, but happens on the level within the social group. Archer *et al.*, (2007) develop this notion, of consuming branded fashion as a way of associating with a 'classed identity' (2007:223) recognising the differing meanings for identity across social groups.

## **Concluding Comments**

This literature review has given an overview from a number of different perspectives which seek to create a better understanding of issues related to consumption, fashion, culture and identity and to begin to create a framework for which fashion counterfeiting can be explored within. As demonstrated by Chapter 2, many counterfeiting explanations rely on the economic utility theory of consumer behaviour, which sees consumers as rational actors, and similarly, it can be argued, that many of the anti-counterfeiting arguments draw upon rational choice theory of crime and the related ideas of situational crime prevention. However, it quickly becomes apparent that to take such an approach as this is overly simplistic and neglects many of the underlying complexities which are evident and have been demonstrated throughout this chapter.

Having outlined the background to counterfeiting in Chapter 2 and the broader theoretical context in which the thesis seeks to situate itself within (this chapter), the next chapter provides a discussion of the research methodology. Indeed, the discussions raised in Chapters 1, 2 and 3 have shaped the research question and identified where the knowledge about fashion counterfeiting is limited. Therefore, Chapter 4 identifies the research question which the thesis sought to answer and further provides a detailed explanation of the methodology.

## **4. Methodology**

This chapter seeks to provide a detailed account of the research process undertaken for this thesis. This chapter will firstly discuss the research questions and next outline the research approach and the methodology. Each of the three data collection methods will then be discussed, providing a reflexive discussion of the issues, sampling, design, data collection and analysis. Following the approach of the research, each method will be discussed in the order of their use and each section will conclude with a discussion of the demographics of the sample for that particular data collection method. The chapter then provides a thorough discussion of ethical considerations before concluding with a summary and consideration of the research limitations and a discussion of potential future research.

### **Research Questions**

The thesis sought to answer the following research question:

What perceptions do consumers have about fashion counterfeiting and how do they relate to their fashion purchasing and assumptions underpinning anti-counterfeiting policy?

There are further a series of sub research questions which were examined in order to answer the main research question:

1. What perceptions and understandings do consumers' have about fashion counterfeiting?
2. How do consumers' perceptions about fashion counterfeiting relate to their consumption patterns?
3. Who buys counterfeit fashion items and who does not?
4. Why do people buy fashion counterfeit items or not?
5. What are the different consumption patterns buying fashion and/or fashion counterfeit items?
6. What factors shape consumers' behaviour and attitudes towards buying fashion counterfeit items?

7. a) What are the key assumptions about fashion counterfeiting that currently inform policy and b) how do these assumptions relate to consumer perceptions and behaviours?

## **Issues**

### ***Research Approach***

Stemming from an 'interpretivist paradigm' (Sarantakos, 2005:118) this thesis was exploratory and interdisciplinary in nature. This thesis had two main aspects to the empirical research, starting with an inductive approach which involved designing and conducting a questionnaire to explore consumer perceptions and behaviours and identify relevant issues, before taking a more deductive approach (not in the sense of theory testing, but in the sense it is not theory neutral) which built upon preliminary data observations conducting qualitative research using semi-structured interviews and focus groups. This approach is probably best characterised as 'adaptive theory' (Layder, 1998). Adaptive theory can be seen as a development of 'grounded theory'. Grounded theory was originally developed by Glaser and Strauss (1967) although it has undergone numerous revisions as well as being subjected to criticism by those such as Bryman and Burgess who suggest that the term grounded theory is often applied 'as an approving bumper sticker' (1994:6). Bottoms (2008) describes how adaptive theory attempts to deal with some of the problems of grounded theory and the hypothetico-deductive method (see Merton, 1967), which are traditionally noted as oppositional. Bottoms summarises the principles of adaptive theory noting:

Thus, adaptive theory recommends that researchers should be aware from the outset of the 'theory ladenness' of all data, and should preferably construct explicitly an initial 'theoretical scaffold'. This can then be modified, either by inductive processes or by the formal testing of hypotheses. Moreover, the modifications can be either relatively slight, or fundamental. (Bottoms, 2008:100)

Adaptive theory takes on board a number of important principles which were felt to be important of research of such exploratory nature. In particular, adaptive theory allows an acknowledgement that no research is 'theory neutral', it allows movement between collecting data and developing findings and going back to more data collection without findings being fixed in stone and thus keeping in line with an

inductive approach. Adaptive theory also allows a 'wide search for relevant data' which was important for an interdisciplinary thesis such as this and finally but essentially, 'a genuine willingness to utilize appropriately both quantitative and qualitative data sources' (Bottoms, 2008:98-99).

This was essential as the thesis followed a 'mixed methods research' approach (Bryman, 2008:603); combining both quantitative and qualitative data collection methods. Social research methods literature conveys arguments which deliberate whether it is possible (or desirable) to use methods which come from separate epistemological backgrounds in the same research project, with a significant number of theorists arguing that they simply are not compatible (such as Smith, 1983; see Bryman, 2008). To seat oneself in one epistemological tradition implies that one follows the presumption that quantitative and qualitative approaches are both intrinsically different and can be clearly separated (Bryman, 2004:454). However, there is an increasing body of literature, such as Noaks and Wincup (2004:7), who argue that care should be taken when identifying them as separate and opposing traditions. Indeed, Hammersley (1996:164) goes further and argues that to reduce the differences between the approaches to a 'bare dichotomy' will result in a 'serious distortion'. Indeed there is a growing body of researchers who recognise the value of integrating quantitative and qualitative methods through recognising their 'differences' but at the same time 'recognise their compatibility' (Sarantakos, 2005:48). Therefore, this thesis followed the presumption that different methods are capable of exploring 'different layers of social reality' and together provide complementary insights (Walklate, 2008:325).

Upon reflection, it was initially perceived that this would be a qualitative research project, and follow strictly in the qualitative epistemological tradition. However, as the research proposal progressed into a feasible project, it became apparent that due to the lack of existing data in this area a quantitative method such as a survey making use of a large sample would enable a much broader picture to be gained to generate some initial exploratory data (Bryman, 2008). However, on the other hand, it was felt that using just a quantitative data collection method would be insufficient in exploring the overall research aim (see Chapter 1) and therefore the methodology naturally progressed into one which took a multi-methodological approach. In what has been described by Sarantakos (2005:48) as a 'successive paradigm triangulation', this project sought to use a quantitative method to provide a sense of context followed by qualitative methods to provide a more in depth understanding.

Therefore three research methods which work in tandem with each other were implemented: a survey strategy in the form of a self-completion questionnaire, semi-structured interviews and focus groups which would provide data that was 'mutually illuminating' (Bryman, 2008:603).

The remainder of this chapter provides a reflexive account of each phase of the empirical research by method with a discussion of the demographic sample for each phase, the ethical considerations for this project and concludes by way of considering the limitations of this project.

### **Reflexive Account: The Survey**

The survey strategy formed the first phase of the empirical process and took the form of a quantitative self-completion questionnaire, distributed in paper form and online through 'Survey Monkey' (an online survey provider, see [surveymonkey.com](http://surveymonkey.com)). The point of a survey is to 'count and describe what is out there' (Sapsford, 2007:3) and therefore it was felt that a survey could gain a sense of how often fashion counterfeits were being bought, and explore some basic questions. Producing a quantitative survey also enabled relationships between variables to be explored, as opposed to merely describing these variables (Punch, 2003).

This section of the chapter goes on to discuss the use of the questionnaire in more depth. The justifications for including this method are essential to consider in terms of discussing why and how the design, distribution and sampling of the questionnaire was done in the way it was. The purpose of the questionnaire was twofold; firstly to develop some insights into the range of views which people might have, drawing upon existing assumptions and knowledge, and secondly to provide some initial scope to design the interview schedules. Bryman (2008:375) discusses how surveys can provide an opportunity to develop a purposive sampling strategy for conducting semi-structured interviews in mixed methods research. The advantage of using the survey method for a purpose such as this is clear as May comments since it is possible to discover 'characteristics and beliefs' of the wider population through accessing a large sample in a 'rapid and relatively inexpensive' motion (May, 2001:89). The design of the questionnaire and the issues which were come across are next discussed before a discussion around the sample. There are

overlapping issues between these discussions which fundamentally often relate back to the purpose of this data collection method as outlined above.

Specifically, questionnaires generally are well documented in research literature for both their advantages and disadvantages (see Bryman, 2008:217-219). A key benefit is the cost advantage which this method offers over other forms of data collection and further is its ability to cover a wide geographic area (May, 2001:97-98). Due to the structured nature of the format of a questionnaire they provide a 'straightforward' way of collecting a large amount of data (De Vaus, 2002:4) and has time savings for data collection for both the researcher and respondent as well as removal of interviewer variability (Bryman, 2008). Yet, on the other hand, this form of questionnaire has a notorious reputation for achieving a poor response rate as well as having numerous design issues which are imperative to consider (see Aldridge and Levine, 2001:94-123; May, 2001:97-99). Further, questionnaires do not allow probing or follow up questions, have a limited amount of questions what can be answered and have greater risks of missing data (Bryman, 2008).

The traditional paper and pen format of conducting a questionnaire has some specific issues. One of the primary concerns is with response rates, but by administering the questionnaire by hand this can remove some of the problems with postal questionnaires and their notorious low response rates (Bryman, 2008). Cost can be a further potential issue for paper questionnaires due to printing etc although this was not found to be an issue because of the primary focus on using the online version. In addition, by not using the postal method for distribution there was not the associated costs of postage. The other two main concerns about paper based questionnaires are with missing data and sampling. The first is an issue which is closely tied to design and the care taken with design to minimise non response is discussed extensively below. Second, whilst paper questionnaires have the potential to exclude particular populations the dual nature of the distribution method sought to reduce this. Although sampling is discussed in more depth shortly, in terms of the paper version of the questionnaire, opportunities were taken advantage of where it was not possible to use the online survey and sought to minimise the problems of accessing non-online populations (Bryman, 2008). Personal contacts and other gatekeepers were approached and asked if they would be happy to distribute the survey and collect in the responses. In order to help with issues of anonymity in a situation outside the researcher's control, the gatekeepers were asked to advise respondents to fold the questionnaire in half and place it in the

envelope provided. This technique meant that a range of respondents were accessed including various places of work, such as financial companies, hairdressers and beauty salons, fashion retail businesses, council departments, college students, catering outlets and the student union. However, as discussed in the section on limitations later, the way in which the survey was distributed did not allow for any measurement of non-response.

The use of an online questionnaire brings its own set of further advantages and limitations which are different from the traditional paper format (see Denscombe, 2009; Wright, 2005). As Wright (2005) describes, using online survey providers can enable access to groups who perhaps you would have not been able to access otherwise – indeed in the case of this questionnaire it enabled a geographical spread of respondents, and a good level of response from a range of age groups. The time and cost benefits should also be highlighted, which in terms of time, not only meant advantages for the researcher, but also for the respondents completing the questionnaire who were able to respond at their own pace, at a time which was convenient for them. However, despite advantages, there remains disadvantages, such as the difficulty in creating an accurate sampling frame (see Wright, 2005), and further not being able to measure levels of non-response. With the increasing reliance of everyday life on the internet, there is a growing concern about internet crime(s) not to mention an increasing concern about privacy and providing personal details online (see Jewkes and Yar, 2010; Wall, 2001). Therefore, one of the added potential obstacles of using an online survey is that potential respondents may for some reason be put off from taking part in the survey. This may be due to a number of reasons, such as regarding the survey invitation as spam mail (either by the interest user or the mail box provider) or distrust of opening web links from unknown sources or programmes for fear of 'phishing' scams (see Sandywell, 2010:48) or other malicious software (see Furnell, 2010). This was clearly an issue for some potential respondents as the extract below in Figure 4.1 highlights:

## Figure 4.1: Screenshot of Problems with Accessing Online Populations

All Forums >> [Style] >> Style guide

### Comment

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**\_Marli\_ -> what do you think about fashion fakes?? (8/9/2009 8:57:35 AM)**

hey,

I'm doing a reseearch project about fashion fakes, and I'm trying to find out people's views about them.

I'd really appreciate if you could have a look at my online survey (its short, easy to use, and uses a profesional site with no adverts etc). All you need to do is click on the link and it will open in a new window, also it will give you some more information about the survey on the first page, cheers guys [:)]

<a href="Click">https://www.surveymonkey.com/s.aspx?

sm=JnkPDKPuziNs\_2bXIAVgN8Dw\_3d\_3d">Click Here to take survey</a>

or copy and paste into a new window:

[https://www.surveymonkey.com/s.aspx?sm=JnkPDKPuziNs\\_2bXIAVgN8Dw\\_3d\\_3d](https://www.surveymonkey.com/s.aspx?sm=JnkPDKPuziNs_2bXIAVgN8Dw_3d_3d)

---

**\_Marli\_ -> RE: what do you think about fashion fakes?? (11/9/2009 1:18:05 PM)**

hey thanks everyone who has already filled in my survey, anyone who hasnt I would be soooo grateful if you could spare me 2 minutes to do it!! ta [:)]

---

**who\_cares -> RE: what do you think about fashion fakes?? (11/9/2009 2:31:57 PM)**

Fuck off spamsalot

---

**nwiltshire1678 -> RE: what do you think about fashion fakes?? (11/9/2009 2:39:03 PM)**

what virus are you trying to give us all? like we'd fall for that cheap trick. moron.

---

The screenshot above (Figure 4.1) is taken from the 'Heatworld' (see Heatworld, 2009) forum where the survey had been posted under the discussion topic of 'style'. Incidentally, not everyone is as distrusting of web links as the two users above, since one of the interview respondents was actually accessed from completing the survey on this particular forum. However, one of the primary advantages of the snowball sample, in terms particularly of the online survey, was with the use of gatekeepers and their role in minimising some of these potential obstacles. People are often distrusting of web links and email attachments which come from unknown sources, no matter how genuine they might look. Therefore, in an attempt to counter this problem, by sending the survey via email to personal contacts with a personalised email allowed a sense of trust to be built, and by the contacts forwarding the email/survey onto their own personal contacts allowed this chain of

trust to continue. In light of this, it must be considered that snowballing as a sampling method must not be de-valued when surveying online populations (see below for discussion on sampling).

As well as the cost benefits of primarily using a web-based version of the questionnaire (Bryman, 2008) it was possible to further access a wide audience. Social networking sites such as *Facebook* (Facebook 2010) provide an excellent opportunity for reaching not only personal contacts, but to start the snowball sample. Additionally, *Facebook* enables a user account to be created where the researcher's identity can be controlled so that the survey can be safely passed round a public web domain through accessing common interest groups on the site (Facebook users can create and manage their own 'groups' on any topic and if listed as public, any Facebook user is free to see and join them. Some of the groups the survey was posted on included topics on fashion, shopping and (anti)counterfeiting. The top search listing for 'Fashion', for example, brings you to a group which is 'liked' (or followed) by 600,119 users (figure correct on 20.08.2010)). Other online routes were also taken advantage of, providing access to a further range of potential groups. Despite the documented disadvantages of using mailing lists and distribution lists (see De Vaus, 2002; Vehovar and Manfreda, 2008), they were also useful in terms of access. However, some of the main disadvantages of this approach were countered by the use of gatekeepers and personal contacts that were able to distribute the survey invitation to potential respondents and verify the authenticity of the email. It is therefore certainly plausible that by taking this approach, some of problems of non-response were challenged. The online survey was also advertised in numerous other places in the concerted attempt to access a variety of potential respondents, such as; online 'chat' forums of fashion related sites including 'Heatworld' (a celebrity news site which accompanies 'Heat' magazine, see Heatworld, 2011), 'Cosmopolitan' (see Cosmopolitan, 2011) and 'Elle' (Elle, 2011) (both are fashion sites accompanying their respective fashion magazines; and through member mailing lists of websites such as 'Daisy Green' (a website which advises readers of ethical and sustainable ways of living, including fashion, see Daisygreen, 2011). These websites were chosen as they each aim at a slightly different group of consumers but all have a shared interest in fashion and style.

However, using a dual collection method of the survey required that additional factors needed to be considered – such as choosing to not enable 'forced answers'

for the online version (which allows respondents to skip a question they might not want to answer) to maintain consistency with using a paper format in terms of problems related to missing data (see Denscombe, 2009 for a discussion about the differences of non-response in paper and online surveys). However, generally, recent research accepts the strengths of using a dual questionnaire collection method and it is not thought to be problematic when the relevant considerations are taken into account (see Ballard and Prine, 2002; Denscombe, 2006, Denscombe 2009; McCabe, 2004).

### ***Designing the Questionnaire***

De Vaus (2002:96) discusses the 'principles of question design' and suggests that it is imperative to consider these principles when developing the questions for the questionnaire. Firstly, it is important that the question is 'reliable' – meaning that the question should always be answered by the same person in the same way, regardless of when they are asked. The question must also be 'valid'; finding out the information which is sought as opposed to unintentionally measuring something else. The third principle is 'discrimination'. This refers to the amount of variance between the variables which are being sampled by the questionnaire. De Vaus notes that on the one hand, having a low variance in responses could suggest that there is 'real homogeneity' but on the other hand, it could be as a result of badly designed questions. It is important, therefore, to have enough categories for the respondent to choose from, and in the case of attitudinal questions, not using 'extreme or absolute statements' (2002:97) and this will help to ensure that 'meaningful differences' are shown (2002:97). The design of each question and its content also plays an important role in achieving a good 'response rate'; if a question is badly phrased, over complex or repetitive this is likely to put off respondents from answering that question. The fifth principle cited by De Vaus is that each question must mean the same to each respondent and finally each question must be relevant and 'earn its place in [the] survey' (De Vaus, 2002:97).

Thus, in consideration of the principles discussed by De Vaus (2002), it was decided from conception that the questionnaire needed to be short and simple for the respondent to be able to complete the questionnaire in a relatively fast amount of time (about ten minutes maximum). The questions also needed to be 'capable of categorisation and quantification' and that the format should be 'standardised' and 'replicable' (May, 2001:91). The questionnaire initially started out as a list of 'brainstormed' questions developed from the relevant research questions and

sought to find out the views and behaviours regarding fashion counterfeiting of consumers. It was quickly realised as the general ideas were began to be fleshed out into actual questions that it was going to be important to use closed ended questions (see Gray, 2004:195). A variety of types of closed ended questions were used, which were appropriate to the nature of the question asked and provided the respondent with variety to challenge questionnaire fatigue (Aldridge and Levine, 2001:109). Open ended questions, despite their advantages (see Bryman, 2008) are problematic as they are difficult to code and quantify, difficult to answer, and do not encourage the participant to answer them (Aldridge and Levine, 2001:101). Further, it was important not to confuse the aims of the different research methods in this project. However, due to the exploratory nature of the survey, on certain questions where it was not possible to anticipate all potential answers without affecting the quality of the response, an 'other' response option was included which gave the respondent the opportunity to elaborate if required (Maxfield and Babbie, 2001). In line with Aldridge and Levine's (2001:101) suggestion, in addition, it was also felt useful to include an open ended 'comments' option at the end of the survey which enabled respondents to share their views, raise issues which the survey might have neglected to cover, and also to highlight if they were dissatisfied with any aspect of the survey.

Designing the questionnaire was a difficult and lengthy process, it was never anticipated to be easy – however - unfortunately in this case there was no other option than to design one from scratch as there was no suitable pre-existing format which could be used as an alternative. Although the overriding themes remain, the questionnaire underwent numerous changes, in terms of all aspects; including question content, question format, question layout, wording, design, from its conception until its finalised state ready for the pilot testing stage, and with final alterations after the main pilot test. Each stage was documented through use of a 'research diary' with reasons for alterations noted with some of the key issues discussed in more detail below.

There was considerable work which went into pre-design of the questionnaire. One of the first issues identified was the use of the words 'fake' and 'counterfeit'. Using *Facebook* (by setting up a Facebook group discussion) and other opportunities such as Student Research Seminars (an annual PhD student seminar held by the Centre for Criminal Justice Studies for PhD students to present their work and ideas to members of the Centre and other students), people were encouraged to comment

on these issues. What did become apparent, particularly through the discussion board on *Facebook*, was the variation in people's interpretation of 'fake' and 'counterfeit' as terms and highlighted the need for a definition to ensure respondents answered with a uniformed understanding.

Although some social research methods literature suggests that demographic questions should not be asked first in a questionnaire due to concerns regarding sensitivity and non-response (Aldrige and Levine, 2001: 116; De Vaus, 2002), it was decided that for this questionnaire it would be useful to have these questions at the start (see Appendix 1). This was primarily for pragmatic formatting reasons, but also because it was felt that the subject matter was not an overly sensitive one. Indeed, there were only minimal questions seeking this information. A review of existing literature (see Chapter 2) suggested that there were a number of key demographic questions which would be useful to investigate. Age is perhaps the most frequently mentioned variable in the majority of the literature, although there was some debate to how much of a role this factor plays. However, it was deemed worthy of further research from the start. Rather than listing a selection of age categories it was decided to simply use a text box and ask for the respondent's actual age. Although it has been noted that some respondents may prefer to select an age category (De Vaus, 2002) it was felt that it would be more useful to collect actual ages and then recode them into categories at a later date if necessary.

The geographical location of the respondent was initially thought to be important through the findings of Ledbury Research (2007) that there were actually some geographical differences between counterfeit and non-counterfeit buyers (see also ACG, 2003). The question originally started as 'county of residence?' and asked the respondent to write an answer in a blank space. However, it quickly became apparent through the pilot that this question was often being misread as 'country'. Therefore it was felt more useful to collect 'postcode' data with non UK residents asked to enter their city/county of residence. This question also enabled non UK respondents to be identified (and thus removed from later analysis when necessary). Ethnicity was another variable thought to be important, and in order to keep the questionnaire short, required that categories were devised. Although, there are numerous debates about classifying ethnicity to allow respondents to 'self-define' ethnicity would still in itself generate difficulties with categorising and quantifying. Further, even providing a more comprehensive list of potential ethnic categories would have taken up considerable space. It was decided, in line with the

British Sociological Association Guidelines (2010), to use the categories from the 2001 Census (England and Wales version). Therefore six 'collapsed' categories were employed (White, Black or Black British, Asian or Asian British, Mixed, Chinese or Other) (In the 2001 Census Chinese and Other Ethnic Group are one category but were split into two for the purpose of the survey).

One of the assumptions in much existing literature about fashion counterfeiting is that those who buy counterfeits tend to come from a lower socio-economic background (see Ledbury Research, 2007; Large, 2009). However, in terms of assessing this kind of information it was felt that this would add to much complexity to a survey which was designed specifically to be kept short and simple. It was also felt that simply asking about a respondents occupation or their levels of income would not necessarily be that relevant in terms of their answers – somebody who earns a considerable amount of money may spend little on fashion, whereas somebody in comparison who earns much less money may spend a much bigger proportion of what they do earn on buying fashion items. Therefore it was decided to ask specifically about what the respondent spends on average per month on purchasing fashion goods. Respondents were asked to select the category which reflected their spending best from: £0, £1-£50, £50-£100, £100-£200, £200-£300, £300-£500 and £500 plus.

The remainder of the questionnaire sought to find out about why people like to buy fashion goods; what fashion brands consumers buy; whether people have bought fashion counterfeits in the past; details about counterfeit purchasing in the past; whether respondents intended to buy counterfeits in the future; information regarding how consumers assess if an item is a counterfeit or not; and finished with a series of attitude statements relating to consumer preferences to fashion counterfeit goods and perceptions about fashion counterfeiting. Due to the key differentiation point of whether people had previously bought counterfeits or not, it was necessary to route the questions so that the respondent only answered relevant questions. Routing questions always often causes confusion and participant error, but the technology of online surveys means that routing is set automatically and thus minimises this risk. Particular care was taken with the design of the paper version to ensure instructions were clear and easy to follow (see Aldridge and Levine, 2001:116).

## **Sampling**

Despite the questionnaire method already being fraught with difficulties, enabling a coherent and non-problematic sample was certainly one of the biggest obstacles to be faced. As already mentioned, one of the justifications for conducting a survey was due to the lack of existing critical data which was available. However, where recent research in this area had been conducted, surveys – and the resultant quantitative outputs – were often the basis. Ledbury Research in 2006, and again in 2007, conducted a large scale survey (employing a questionnaire and structured focus groups) investigating issues relating to counterfeit luxury goods, and further, the Anti-Counterfeiting Group commissioned a survey in 2003 (ACG, 2003) investigating counterfeit goods more generally. Although these pieces of research made some headway in creating a better knowledge base about this topic, one of the concerns was with the nature of the interest groups who commissioned them, not to mention that they still leave unanswered a range of questions. Interestingly, both of these research projects unearthed some conflicting findings in relation to other counterfeiting literature (such as knowledge about counterfeit purchasers) and therefore it was felt that it would be useful to see if the findings from an independent piece of research might replicate, support or disagree with these.

One of the initial difficulties facing this thesis was the lack of existing quality data available to be able to either conduct secondary data analysis or to create an adequate target population to form a probability sample from. This is an inherent problem for a quantitative research method due to the nature of the data which this type of method should generate. A questionnaire traditionally relies upon its data being generalisable, reliable and representative and this would usually be achieved by employing some form of probability sample (May, 2001). To create a probability sample the researcher needs to know the demographics of the population they want to sample from (Maxfield and Babbie, 2001), yet, the existing knowledge about fashion counterfeiting (see Ledbury Research, 2007) told that there was no identifiable population to create a sample and therefore, other than at a general population level which was not practical for PhD research, 'no sampling frame [was] readily available' (May, 2001:95). There was also the additional factor that the purpose of this survey was not to make claims which could be generalised outside of the sample (Maxfield and Babbie, 2001). The questionnaire sought to gain a sense of what peoples' attitudes and perceptions are about fashion counterfeiting and what their consumption patterns of these goods are – as opposed to exact proportions. The data analysis does not purport to be generalisable or statistically

representative. Hence, the project follows De Vaus (2002:90) proposition that non-probability samples 'are appropriate when sampling frames are unavailable or the population is so widely dispersed that cluster sampling would be inefficient'. Further, as Gray (2004:89) reminds us, 'just because a study does not find results that are capable of generalisation does not mean that they have no relevance'. Although, to be dismissive of the reasons why a stringent sampling frame is important to be employed in quantitative research would be foolish, and inaccurate of the intentions of this research project. However, this issue of using a non-probability sample did create inevitable difficulties for using this method due to its ontological position (Bryman, 2008). This was mostly with regards to the resulting effects this sampling method had on the levels of statistical analysis which could be conducted and the limitations this created for generalisability, reliability and validity. Yet, as discussed next, ways to attempt to reduce some of the problematic effects have been incorporated and the questionnaire was deemed to be worthwhile for the purpose of the research.

Numerous measures were employed throughout the process of both generating and sampling the questionnaire to compensate for not being able to use the preferred sampling methods for a questionnaire. One of the aims of the questionnaire was to get a sense of views from a range consumers', by taking a 'bottom up' consumer approach to the research questions. To be able to achieve a wide range of views, it was felt that it was necessary to access a large and diverse sample of consumers. This is by no means to claim that a large sample makes up for sampling bias issues (Fricker, 2008) or to claim the sample is statistically representative, but to see if there are any recurring themes - or indeed if there are no patterns - which can then be explored in more depth in the latter qualitative work. Thus, due to hopes of achieving a (relatively) large sample size of approximately a minimum of 800 - 1000 respondents, the design of the questionnaire was important (Punch, 2003). From conception, it was decided that the questionnaire should not exceed two pages of A4 (four sides) and should be simple, clear and accessible in design and layout (see for example Bryman, 2008:221-224). As Aldridge and Levine (2001:107) note 'as well as being as concise as possible, the questionnaire needs to be laid out in such a way that it *looks* manageable'.

In order to access a diverse sample, creative thinking regarding how to access potential respondents was required, and therefore the question design needed to be of a suitable level for all potential respondents. In light of the findings of Ledbury

Research (2007:6) the view was accepted that 'there is very little demographically to distinguish between those that have bought a fake and those who have not'. Hence knowing that many assumptions about consumers of fashion counterfeit products are based on misguided preconceptions about their demographic status (see Large, 2009), it was felt to be important that the sample must not just reflect the stereotypical consumer – one which is young, and on a low income or unemployed (Ledbury Research, 2007:6). Thus, the questionnaire intended to actively seek respondents from a broad range of socio-economic backgrounds and age groups.

Starting with the often shunned for quantitative social research - convenience sample (De Vaus, 2002:90) - the technique then was intended to progress to a snowball sample (see for example, Maxfield and Babbie, 2003:241-242). By taking advantage of a wide range of personal contacts and other inventive approaches, combined with the snowball approach, it was hoped that the questionnaire would achieve a wide audience. Due to its incompatibility with quantitative epistemology, snowballing is often thought of as unsuitable for quantitative methods (see Punch, 2001). However, as Bryman (2008:185) discusses, whilst a snowball sample is generally associated with qualitative research, it is not 'entirely irrelevant to quantitative research'. However, as it has become apparent during this project, it is perhaps more effective with online methodologies than problematic. Obviously the criticism still applies that it will not generate a probability sample (Bryman, 2008), but, as discussed earlier, online surveys have their own set of obstacles (see Vehovar and Manfreda, 2008) which may affect even the most well designed sampling frames, resulting in problems such as non-response which only serve to increase sampling error anyway (see Punch, 2001).

Relying on personal contacts to start the survey at first seems problematic. However, in terms of the personal contacts available, there was a good variety of social groups who were accessed. Perhaps the most obvious of these groups was with the student population which has a wealth of opportunities for research, and in particular for this topic are seen to be an important group to be included. Student populations often show bias when comparing different courses, and different types of institutions. However, the advantage of an online survey meant that not only could the survey be sent to gatekeepers at various institutions where personal contacts were available, but the nature of snowballing meant that it was likely that students from other institutions (higher and further) could potentially be accessed which would eliminate some of the issues related to bias in student

populations. By accessing populations in education establishments, staff could also be included, again broadening the sample diversity.

However, despite being a good source, student populations are problematic in terms of bias, and to only include students and staff at education establishments would mean numerous consumers and potential respondents would be excluded. Therefore, throughout the distribution of the survey, a concerted effort was made to access the non-student population as well. This was done through using both the online version and the identical paper survey.

### ***Data Collection and Analysis***

#### ***Pilot Study***

The questionnaire was piloted in two stages. The first pilot stage was conducted online in July 2008 on a small sample of postgraduate students. Due to the design process of the questionnaire taking considerably more time than expected, conducting the pilot in July probably hindered the number of students willing to respond and the response was small. However, the responses gave an insight into whether the online questionnaire was set up correctly and highlighted any issues which needed resolving.

After making minor alterations, the second phase of piloting was conducted using the paper format. Second year undergraduate criminology students were asked to complete a questionnaire in their induction lecture. 37 responses were received which provided an adequate number of responses for testing. Data was manually entered into a SPSS (Statistical Package for Social Sciences although now more commonly known as just SPSS) database and some basic analysis was conducted. This helped to assess whether the questions were providing useful responses and whether they could be considered as reliable and valid (see earlier discussions in this chapter). The students were also asked to share any comments about the questionnaire format or their views on counterfeits.

#### ***Final Questionnaire (see Appendix 1)***

As already discussed, the data was collected in two forms: online (672 respondents including the six excluded from analysis n=666) and though a paper questionnaire (n=135). It should be noted, that, where possible, respondents were encouraged to use the online questionnaire as this provided numerous benefits. Firstly, it enabled

the respondent to complete the questionnaire at their own leisure when it suited them; it also was simple and easy to use as routing happened automatically thus fewer instructions for the respondent to take into consideration. On the other hand, the online questionnaire was particularly beneficial in aiding the empirical research process for several other reasons. Using an online questionnaire means that it is accessed through a URL link, this provides an easy way of passing round the link electronically, which was ideal for snowballing the questionnaire. A further benefit of Survey Monkey is that it enables you to do basic analysis of the responses so far – whilst the questionnaire is still open. This allows you to 'keep an eye' on the progress and to download results at points you define. Importantly with regards to the sampling methods for the questionnaire this allowed a more varied sample to be developed as it was then possible to target groups that were under-represented in the existing sample. Another feature is being able to transport the results into an Excel database which then allows for an easy transition into SPSS for further analysis.

The data were entered into one SPSS database for the purpose of analysis. Coding of answers was completed prior to data collection due to the use of closed ended questions, except from where 'other' options were available and the open ended comments option. Here, coding was used to identify common themes or similarities. In terms of analysing the data, due to the non-probability sampling method employed, there was a limitation on what statistical tests could be employed. Therefore simple frequency and cross tabulation tests were most useful and provided a sense of relationships rather than a search for causal relationships. The results for the survey are presented throughout the three discussion chapters as and when appropriate within the context of the qualitative data. Missing data tended to be more of a concern with online responses to the survey but was generally minimal. No questions had such an amount of missing data that it was felt that it could affect the validity of the results. Survey results are displayed with the number of respondents who answered the question in the form of n. All percentages displayed are valid and where multiple response questions have been discussed frequencies have been provided rather than percentages to allow for more than one response to the question

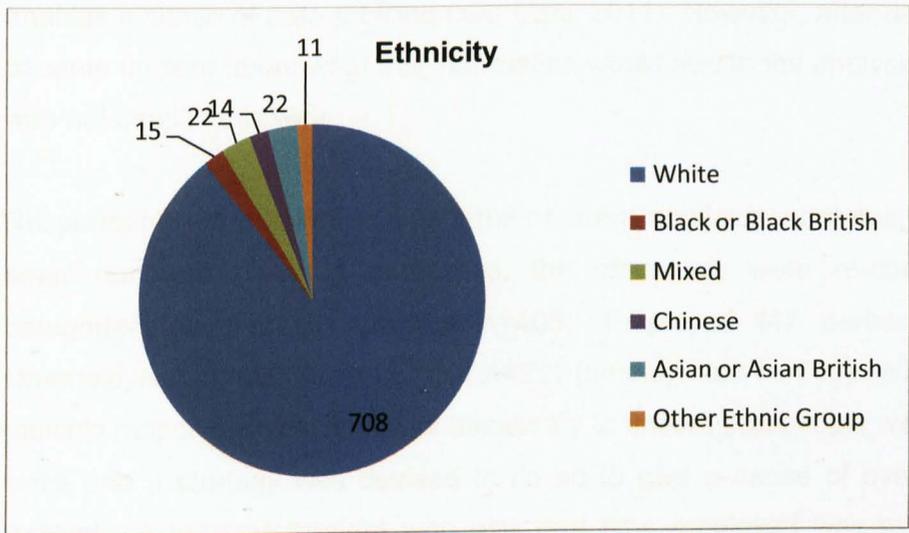
### Demographics of the Sample: The Survey

The data from both the online and paper version of the survey were input into SPSS into the same database. In total, 807 people responded to the survey although six respondents were excluded from the analysis due to being under 16 years old, therefore the analysis was conducted on 801 responses.

Approximately 70 percent of the sample was female. The mean age of respondents was 27 years old ( $\sigma = 8.885$ ) with an age range spanning between 16 and 62 it was decided on the basis of the median age being 24 to categorise ages into 24 years and under (51 percent,  $n=407$ ) and 25 years and over (49 percent,  $n=384$ ) (age  $N=791$ ). These categories also respond to the more generally accepted differentiation of young adults and adults. Further, it was felt that primarily by 25, most people have finished education and are in full time employment and thus the distinction between the two categories is useful. The majority of the sample was between 18 to 35 years (84 percent).

Data on ethnicity were collected using collapsed categories taken from the Census 2001 (England and Wales version – see Bosveld *et al.*, 2008) and the breakdown is displayed in Figure 4.2:

**Figure 4.2: Ethnicity** (n=790)



(Please note chart is displayed in frequencies due to the small numbers. In the 2001 Census 'Chinese and Other Ethnic Group' is listed as one main category).

However, as Figure 4.2 shows, the relatively small numbers of respondents representing the various ethnic groups compared to White respondents meant that

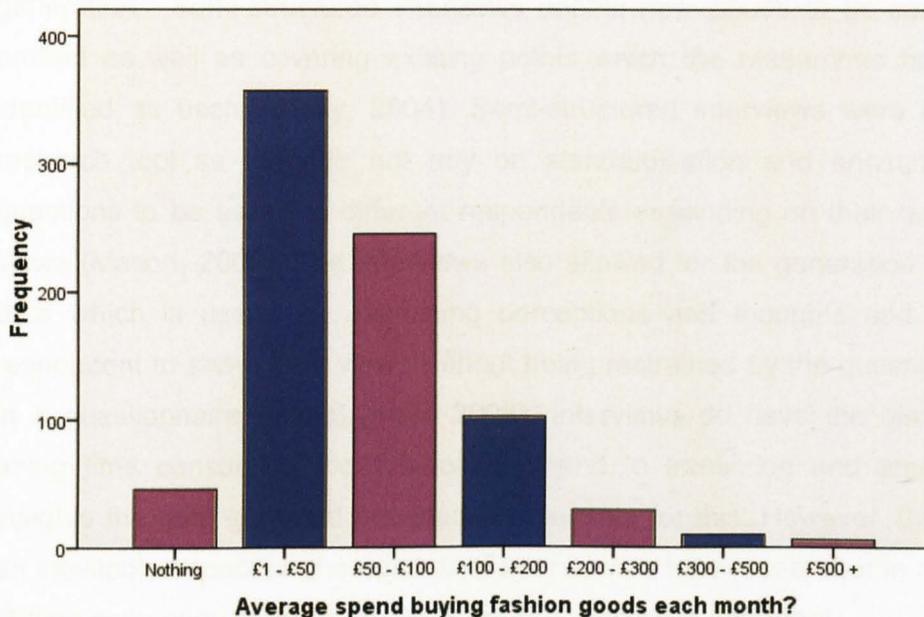
any meaningful comparisons were unlikely. Further, making assumptions based on small numbers in a non-representative sample is problematic. Despite the problems with reducing ethnicity into categories any further it was felt necessary. Therefore, ethnicity was re-coded into two reductive categories: White (89 percent) and Non-White (11 percent) which allowed some element of initial analysis but in reality suggested that ethnicity as a demographic variable was not a valid consideration for research any further than some very general comments.

Due to the nature of an online survey, it was possible for an audience outside of the UK to be reached. Therefore, respondents were asked to state their UK postcode, or if they lived outside of the UK, to state their city and country of residence. In total, 653 respondents (87 percent) were from the UK and 94 respondents (13 percent) were from outside of the UK. Countries included United States, Canada, Japan, Italy and Germany for example. It was important to know this information as intellectual property laws vary by country, for example it is illegal to buy counterfeits in Italy. In order to check for discrepancies, results were always compared by UK and non UK and differences noted in the results discussions. Further for particular questions (such as that related to legal status) non UK respondents were excluded from the analysis. Again this was stated where appropriate with the results. Postcode data was originally conducted for analysis using ACORN. ACORN is a web service which collects data about areas and classifies them based on their characteristics which enables a sense of area profiling (see Caci, 2011). However, after data collection, it became unclear about what this information would add to the analysis and therefore was not used in this way.

Respondents were asked to select their current employment status, but due to the small numbers in some categories, the responses were re-coded into three categories: Student (51 percent n=405), Employed (47 percent n=373) and Unemployed/Unpaid (three percent n=22) (employment N=800). With this being a multiple response question it was necessary to ensure that people were not counted twice and a strategy was devised to do so to give a sense of overall status. For example, a full time student who was part time employed was reclassified as a student since this reflected the majority of their employment status; someone who was a part time student and full time employed was reclassified as employed. The unemployed/unpaid category included those respondents who were working as (unpaid) volunteers, full time parents/carers/housewives.

As discussed earlier, respondents were not asked questions about their overall income or other financial status, they were simply asked to try and identify an approximate estimation of how much they spent a month on purchasing fashion goods. This was in the form of seven categories ranging from £0 a month to £500 plus a month as indicated by Figure 4.3

**Figure 4.3: Average Spend on Fashion Goods per Month** (n=795)



However, as the Figure 4.3 shows, there was quite a large variation in terms of the amount of respondents falling into various categories, therefore it was decided to reduce the categories to three: £0 - £50 (51 percent n=404), £50 - £200 (43 percent n=345), £200 plus (six percent n=46). This meant that those who spend more than £200 a month remained relatively few compared to the other two much larger categories, but it was decided that it was important not to lose this category as spending more than £200 a month on fashion is quite a large amount of money and seems to be an exception rather than the norm in terms of this sample group.

### **Reflexive Account: The Interviews**

Semi-structured interviews formed the second phase of the empirical research. Informed by the findings of the questionnaire, the interviews were essential to developing the research onto a more in-depth level. Much of the existing research on fashion counterfeiting (such as ACG, 2003; Gessler, 2009; Ledbury Research 2006,2007) is based on primarily quantitative methods, further, as discussed in

Chapter 2 much of it is industry based which is arguably framed within a particular viewpoint. The purpose of the interviews was to provide an in-depth account of some of the prime issues which had arisen through the questionnaire results, as well as identifying new issues the questionnaire had missed, and in particular to gain knowledge about people's perceptions of and attitudes towards counterfeiting – both in terms of consumption and broader issues such as policing. The interviews are the central element of the research methodology and played a key role of data generation. Semi-structured interviews enable new issues to be considered and probed as well as covering existing points which the researched has previously identified as useful (Gray, 2004). Semi-structured interviews were chosen as a research tool as they do not rely on standardisation and encourage different questions to be asked to different respondents depending on their responses and views (Mason, 2002). The interviews also allowed for the generation of qualitative data which is useful for examining perceptions and thoughts and allowing the respondent to share their views without being restrained by the questions asked as in a questionnaire (see Bryman, 2008). Interviews do have the disadvantage of being time consuming, both to conduct and to transcribe and analyse but the insights the data gathered provided compensate for this. However, this does have an inevitable impact on the number of interviews a lone researcher in a short space of time can conduct; therefore the sampling process is important.

### ***Sampling***

As discussed earlier, one of the aims of the questionnaire was to help to develop a sampling frame for the interviews. Unlike quantitative methods, qualitative methods such as semi-structured (or unstructured) interviews are generally not seeking to provide results which can be generalised or quantifiable (Bryman, 2008). Therefore, the interviews do not require a stringent sampling frame, but the sample must serve the purpose and should also be 'transparent' (Bryman, 2008:458). In line with the exploratory nature of the research and initial questionnaire results it was recognised from an early stage that the interviews should have a relatively diverse sample of consumers. Following the 'inductive' nature of the research (Sarantakos, 2005) it was decided that once the questionnaire had received 500 responses, they would be downloaded and analysed to enable a preliminary interview sample to be created, enabling a purposive sample (Bryman, 2008). After running some cross tabulations and frequency tables in SPSS, it was decided to aim for three groups of interviewees, each with a sample size of ten:

- 1: Consumers who have brought fashion counterfeits
- 2: Consumers who have never knowingly brought fashion counterfeits
- 3: Consumers who consciously do not buy fashion goods.

However, in line with the research's 'inductive' nature (Sarantakos, 2005:118), it was decided as the research progressed that two categories would be more appropriate:

- 1: Consumers who have brought fashion counterfeits (knowingly and unknowingly)
- 2: Consumers who have never knowingly brought fashion counterfeits.

Those respondents which fell into category three were moved into either category one or two depending on their consumption patterns. This also assisted with ensuring the appropriate interview schedule was used for interviews which were completed with the latter sampling method as discussed in more depth shortly.

Both the paper and online versions of the survey had an option for respondents to provide their contact details (phone number or email) if they were interested in taking part in the interviews. Generally, most people preferred to give an email address rather than a telephone number, but in total more than 130 respondents provided their details (111 online). From this it was possible to draw up a list of potential interviewees and break them down by demographic characteristics (age, ethnicity, sex, average spend on fashion, reasons by fashion, and whether or not bought counterfeits). These characteristics were used as they were the ones collected by the survey and enabled a diverse interview sample to be designed. A sample of respondents was selected which gave a broad representation of the survey sample, and were then contacted by their preferred means. Each selected potential interviewee was sent (by email) an 'invitation' which thanked them for taking part; described the nature and the purpose of the study; outlined key ethical considerations (see Appendix 2) and invited them to take part in the interviews. However, despite repeated requests, response to the email invitation was low. Therefore, the potential sample size was widened until eventually all survey respondents who had provided their details were contacted with invitations to take part.

Unfortunately the problem remained that even after the survey had reached 801 responses, only 27 people had responded to the email invitation. From this,

eventually 14 of these people ended up actually taking part in the interviews. There might have been a number of reasons why response to the invitation was low, some of which could be attributed to issues with social research more generally (such as research fatigue, see Clark, 2008), but there were some which were more specific to the topic and methodology used. As the numbers of people who gave their contact details show, it seemed that many respondents were happy to take further part in the research, however, for some reason, these respondents did not materialise into interviewees. Again part of the problem here might have been related to problems related to contacting people via email which were discussed with regards to accessing the survey respondents earlier. This meant that a new approach to find potential interview respondents was needed, as it was felt that the 14 from the survey did not represent a broad enough picture, and each interview was identifying new findings and by no means had 'theoretical saturation' been reached (Bryman, 2008:459). The sampling technique therefore changed from how it was originally intended. Thus, a more opportunistic (but still targeted) approach had to be developed and avenues outside the survey respondents had to be explored. However, this approach, although now incorporating elements of 'snowballing' (Bryman, 2008:184) still remained purposive through its 'theoretical' approach (Bryman, 2008:415). Through analysing data which had already been gathered it was possible to identify where further research was needed. Strauss and Corbin (1998:201) defined 'theoretical sampling' as having the 'purpose [which] is to go to places, people and or events that will maximise opportunities to discover variations among concepts and to densify categories'.

The interview invitation was modified so that it was suitable for potential respondents who had not already taken part in the research through the survey. Similar methods to the techniques to distribute the survey were again used. More general ideas were put into place – such as putting up posters in a variety of locations (for example; charity shops, independent shops, hairdressers) asking people if they were interested in taking part. Emails were sent to various gatekeepers and contacts again asking them to forward on to their contacts either by email or word of mouth. Although this was a much more laborious process, success was much more likely when it was possible to speak to people in these locations, explain a bit more about the research (and reassure them that it was not market research which was a real concern for some people) and find out if they were interested in taking part. It also occurred that people would talk to other people that they knew about taking part and they would say that they were interested.

Accessing potential participants' in this way enabled the sample to remain purposive and varied – which was important for this project. At one point the research was also featured on a local radio programme, although this did not yield any participants. This stage of the research took considerably longer than initially planned, but by April 2010, 27 interviews had been conducted with a good range of respondents (see below for discussion of demographics of interview sample and Appendix 5 for pen profiles of interview respondents) and provided some really interesting findings.

### ***Designing and Analysing the Interviews***

As Mason (2002:67) notes, whilst an interview might seem like a 'conversation with a purpose' to the interviewee, a great deal of planning is needed to ensure that the interview generates data which are useful. In reflection of the three initial 'groups' of potential interviewee's sought, three interview schedules were developed. These schedules were largely the same although they allowed for counterfeit and non-counterfeit buyers (see Appendix 2 and 3), and the third schedule allowed for those consumers who suggested in the questionnaire that they did not buy fashion goods. The third schedule (which had two versions to reflect counterfeit and non-counterfeit buyers) has not been included in the appendices for fear of repetition. Additionally, it became quickly apparent that the consumers using this schedule did buy fashion goods but their interpretation of fashion equated to branded goods. This is discussed in more depth in Chapter 6. These schedules were not designed to be un-flexible (see Mason, 2002), but to provide a guide and prompts to ensure the interviews did not lose their focus. All three schedules followed largely the same structure although reflected the necessary differences in questions. The interviews were designed to develop a sense of understanding about respondents' participation in fashion, and how it might be related to their own notions of style and identity and their experiences and views about fashion counterfeits and related issues – in particular – crime and policing.

The interviews were designed taking into account a preliminary analysis of the questionnaire data when 500 respondents had completed it; including the open ended comments which respondents had the option to complete, in conjunction with a broader framework of relevant literature. Each of the three schedules was piloted, although no changes were necessary as the schedules provided enough flexibility for the researcher to be able to judge what was worthwhile taking further in the interviews (see Mason, 2002:68). Permission was granted from the interview

respondents to record the interviews digitally, and therefore written notes were not made during the interviews (except in five cases where recording equipment was not available and notes were made during the interviews). However, notes were also made immediately after the interviews, detailing any particular observations or comments to consider during the later analysis. For the interviews which were not recorded, full notes were written up after the interview whilst the interview was still fresh in the researcher's memory. The recorded interviews were transcribed, and each transcription was listened to again after transcription so that when coding and analysing the data, the written transcriptions were not the sole memory aid. The interview transcripts were imported into NVivo8 to assist with data analysis. The interviews were post coded on a thematic basis, identifying core themes and issues that were occurring. The analysis of the interview data was primarily inductive and relied heavily on the discovery of core themes. The data were allowed to 'speak for themselves' rather than being guided by pre-defined categories with similarities and differences noted and explored. Once the data had been organised into small themes these were then explored once again and many became subsumed within broader thematic ideas. At this point the data was considered in light of existing literature from a variety of disciplines to try and make sense of the findings. The exploratory nature of the interviews meant that research from a wide range of sources was engaged with and the analysis of the data collected developed as the thesis progressed. The flexibility of this approach meant that ideas could be developed and refined continually in line with the adaptive nature of the approach (see Bottoms, 2008).

### **Demographics of the Sample: The Interviews**

In total 27 people were interviewed, with 24 individual semi-structured interviews and one group interview with three participants taking place between May 2009 and April 2010. 15 of the interviews were conducted with those who had previously bought fashion counterfeits and nine interviews and the group interview were conducted with those who had never bought fashion counterfeits. Table 4.1 outlines the basic demographic characteristics of the interview respondents for information and a more detailed picture of the respondents can be found in Appendix 5.

**Table 4.1: Demographic Breakdown of Interview Respondents**

		Number of Respondents	
		Group 1 Previously Bought Counterfeit (n=15)	Group 2 Never Bought Counterfeit (n=12)
Age	24 and under	5 (Mean = 21yrs) ( $\sigma = 1.72$ )	6 (Mean = 22yrs) ( $\sigma = 1.462$ )
	25 and over	10 (Mean = 35yrs) ( $\sigma = 9.166$ )	6 (Mean = 29yrs) ( $\sigma = 5.447$ )
Sex	Male	5	3
	Female	10	9
Monthly Average Spend on Fashion	£0-£50	5	6
	£50-£200	9	3
	£200+	1	3
Employment Status	Employed	10	5
	Student	5	7
	Unemployed	0	0

**Reflexive Account: The Focus Groups**

Originally a series of focus groups was planned to take place after a preliminary analysis of all of the other data had been collected, with their purpose being to explore some of the key issues and findings. However, as the research progressed it was decided that this would not be necessary, and due to the diverse nature of respondents it was thought that the actual practical difficulties of setting up and carrying out these groups would not warrant any worthwhile findings. Despite this, after having carried out 27 semi-structured interviews, it was felt that the sample was missing quite considerably people under 20 years of age. An opportunity arose through contact with a local sixth form college to access young people who fell within this age group, and it was felt that this was something really important to do. Not only to 'boost' the sample where it was weak, but also due to some of the findings which were coming out of the interviews that age was often an important factor in relation to consumption. Further, the two focus groups recognised the need to challenge the existing presumption that young people are the most likely to

purchase counterfeits. Focus groups are a useful way to gather group opinions which are generated by group discussions and further, of particular importance for this study, they provide the ability to explore earlier data collection findings further as well as generating new insights into a topic (see Matthews and Ross, 2010). The natural setting of the focus groups in an environment which the students felt comfortable in was important to discuss their views, the group based nature of the discussion also highlighted agreements and differences. However, the danger of focus groups is that some participants may feel uncomfortable in speaking their views (Sarantakos, 2009) or some group dynamics may be less positive resulting in more strained discussions – this was particularly noted in Focus Group 2 – and has an impact on the data generated. Despite the disadvantages mentioned before, and the difficulties of focus groups particularly in terms of their planning, design and management, the fact that these were conducted at the latter part of the fieldwork stage enabled a clear focus for the groups. Indeed the small number of groups conducted minimised the time consuming nature of conducting, transcribing and analysing of the groups (see Bryman, 2008). The focus groups had a specific purpose and were well placed to add to the qualitative data collection which had already been gathered by the interviews, and develop the findings generated by the survey, as well as generating further insights.

### ***Designing and Analysing the Focus Groups***

Conducting focus groups is different from conducting group interviews (see Bryman, 2008:473) and therefore it was necessary to design a schedule which would be suitable for the purpose and would add to the existing dataset collected. Through having already completed the analysis of the survey and a preliminary analysis of the 27 interviews, it was possible to be quite specific in terms of the aims of the focus groups. Of course, due to the nature of the sample for the focus groups (discussed below), no previous knowledge about the potential participants was available other than that they would be between 16 and 20 and were likely to be from a diverse range of ethnic backgrounds (this information was provided from the gatekeeper). It was likely that most of the students would know each other (from being in the same class) but the focus groups were open for anyone who attended the college to take part.

It was therefore decided that the focus groups would be based around three topics: – shopping, style and fashion counterfeits. As with the interviews, the focus groups followed a structure which identified key points to cover and prompts, but were

designed to allow flexibility and flow from the group dynamics. In order to assist the flow, a number of visual aids were used to encourage participation and prompt ideas. For the topic of shopping, posters were made which had pictures of different shops around the city – ranging from market stalls to high street retailers to luxury shops. For style, a montage of a selection of magazines was made using pictures of celebrities and fashion features. For counterfeits, posters were used in conjunction with pictures associated with counterfeiting – such as market stalls selling counterfeits, police officers, and internet websites etc. to stimulate discussions further. Throughout the focus groups, the participants were encouraged to annotate these visual aids, either through writing directly on them or by sticking on post-it notes with their comments and thoughts. This was in place of researcher notes which can be disruptive to the flow of focus groups.

Permission was sought from the focus group participants and both groups were recorded digitally and transcribed. Prior to starting the activities, the participants were asked to complete a short questionnaire which asked about: age, sex, ethnicity, sources of income (this was in addition to the questions from the original questionnaire to find out where young people who are still in full time education receive their income from), average spend per month on fashion, why buy fashion goods and whether or not ever bought a counterfeit. SPSS was used to create a demographic analysis of the groups from the screener questionnaires collected at the start of the groups. In terms of analysing the focus groups, because only two were conducted, it was felt easier to 'manually' code the data identifying core themes and make sense of them as opposed to using Nvivo8.

As the focus groups took place at quite a late stage of the research where considerable analysis of the other data collection methods had already taken place one might suggest that it was more of a deductive approach to analysis than inductive. Whilst the data was not restricted by the existing themes already developed by the interview data, it was found to fall within them and therefore added to the existing analysis and discussions rather than informing new ones. It is worth noting here that the focus groups were certainly felt to add to the existing data collected far more than just widening the sample, but enabled existing ideas to be 'tested' out and also generated new findings to broaden the existing data discussions.

## Demographics of the Sample: The Focus Groups

The sample for the focus groups was gained through making use of a personal contact with the Head of a department within the sixth form. Students were told about the research project by the tutor in their lessons (sociological research methods) and an advert was placed on the school electronic notice boards inviting young people to take part. Ideally more focus groups with other groups of young people would have been carried out, however, due to time and financial constraints this was simply just not possible.

**Table 4.2: Demographic Breakdown of Focus Group Participants'**

		Number of Participants'		
		Focus Group 1 (n = 11)	Focus Group 2 (n = 8)	Total (n = 19)
Age	Mean*** (in years)	17	17	17
	Range (in years)	17-18	16-17	16-18
Sex	Male	0	2	2
	Female	11	6	17
Ethnicity	White	4	3	7
	Black /Black British	4	4	8
	Mixed	1	0	1
	Asian /Asian British	2	1	3
Monthly Average Spend on Fashion	£0-£50	5	2	7
	£50-£100	4	2	6
	£100-200+	2	4	6
Ever Bought Fake?	Yes	5	4	9
	No	6	4	10
Income Source*	Allowance	5	5	10
	EMA**	9	4	13
	Part Time Job	2	2	4

(\*Please note that the question about income source was a multiple response question. \*\*EMA is an abbreviation for educational maintenance allowance.

\*\*\*standard deviation of means is not shown here due to low numbers).

Two focus groups were carried out in June 2010 with young people at a sixth form college. The participants were all aged between 16 and 18 years, with the mean age of 17 years. There was a heavy gender imbalance within the groups with Focus Group 1 (FG1) consisting of females only and Focus Group 2 (FG2) consisting of two males and six females. The focus groups however, were ethnically diverse, as a reflection of the nature of the ethnic make-up of the school (the gatekeeper at this school estimated that approximately one in five pupils were from a minority ethnic background). Table 4.2 (above) provides an outline of the demographics of each focus group.

In terms of the amount participants spend on average per month on fashion goods, when using the categories developed for the survey and interviews, all 19 participants fell into the £50 - £200 group. Therefore as Table 4.2 shows the focus groups have been analysed by using the relevant original 'average spend' categories. As Table 4.2 indicates, there is diversity amongst the focus group participants unlike the interviews or even questionnaire. Having provided a reflexive account of each data collection method employed and a discussion of the demographics of the three samples a discussion of the ethical issues will next be considered.

### **Ethical Considerations**

In line with the British Society of Criminology's ethical guidelines, best practice was followed throughout the research to ensure good ethical practice (see BSC, 2006). This was reinforced through scrutiny of the research methods, instruments and processes being (successfully) reviewed by the University of Leeds Research Ethics Committee. Unlike much other criminological research which focuses on criminal or deviant behaviour, this research project was interested in the non-criminal aspect of the crime. Therefore, in this respect, many of the traditional ethical dilemmas of criminological research related to problems surrounding disclosure of criminal behaviour largely did not apply. However, since manufacturing and selling counterfeits is a crime there was a likelihood that even though the project was interested in consuming counterfeits, respondents' could potentially disclose that they were involved in selling on counterfeits or that people who they know were. One of the other issues the research was interested in was to find out whether people thought that it was illegal to buy counterfeits. A potential concern arose here also of whether it is appropriate for the researcher to clarify legal status. However,

the role of the researcher is to explore the social world and create an understanding of the research question posed, not to judge or rectify ill-informed knowledge. Despite this, in terms of the legal status, it was useful where the participant did not know the truth or was incorrect, to explain the current policy approach in order for them to discuss their views on the matter.

Even though in many cases this research was not of a highly sensitive nature, it was still important to ensure a duty of care to participants that the research was conducted in a safe and ethical manner. There was no need for deception of any form in the research and therefore before taking part each participant (of each method) was fully informed - as far as is ever possible – (see Mason, 2002) of the purpose of the research and advised that the data was for a PhD thesis and publishable. The questionnaires, being self-completion, had a front page (whether online or paper) which informed the participants about the project (see Appendix 1). In terms of consenting to take part, questionnaire respondents were advised that by completing the questionnaire they were consenting. The nature of the survey sample meant that respondents were not under an obligation to take part if they chose not to.

Interview respondents received an 'invitation' (containing: purpose of the research, right to withdraw, confidentiality assurances, and researcher contact details) which provided details about the research and their rights as participants in advance where possible and again a printed copy at the interview which they were advised to keep in case of any later questions. The focus groups relied upon the use of a gatekeeper for access, but all respondents were over 16 and deemed able to consent to take part themselves, but because some were under 18, it was necessary for the gatekeeper to stay present in the room during the groups (although as a passive presence rather than an active participant). Whilst the focus groups were conducted in a school environment which might imply issues regarding informed consent (see Mason, 2002) because they were conducted out of term time, in a non-compulsory class students were under no obligation to attend (and no register was taken). Indeed those students which did turn up for the focus groups were advised (both verbally and with the written 'invitation' of the purpose of the research and its outline, what the focus group was to entail, and offered the opportunity to ask any questions. This was followed by the researcher asking the participants if they were still happy to take part and giving them the opportunity to leave if they so wished.

Due to the nature of the research, it was deemed unnecessary to collect signed consent forms (see Wiles *et al.*, 2007). There is considerable debate about signed consent forms but it is worth remembering that signed consent is not the same as informed consent (Mason, 2002). One of the reasons for not collecting signed consent forms from any of the respondents is because it does not offer any more of an indication of informed consent than a verbal agreement. If anything requiring signed consent where it is unnecessary can be detrimental to the research process, and best practice in research when you consider issues of confidentiality and data protection (see Mason, 2002). However, for the purpose of the focus groups which involved those under 18, they were asked to complete a tick box chart which asked them to tick next to their designated participant number if they agreed that they had: a) 'received an 'invitation' to keep' b) [the] 'project has been explained to me' and c) 'I consent to take part'. These charts were kept in a secure location and destroyed at the end of the project. This additional procedure confirming informed consent was felt necessary due to some of the participants' being under 18, having the groups arranged by a gatekeeper and the nature of a school environment.

The questionnaires were confidential (in their individual form) and anonymous and the generic nature of the demographic information gathered does not allow for individual respondents to be identified. The only issue here relates to the option for respondents to provide their contact details if they were interested in taking part in the interviews. Respondents were advised to either provide their email address or contact number, with at most their first name. As this was purely to access interview respondents this extra information, where gathered, was not used in conjunction with analysing the questionnaire data. These contact details were initially kept on a private folder on the secure university network, on a password protected computer; and were discarded once no longer required, or if the respondent requested that they no longer wanted to take part. Paper surveys were kept in a locked filing cabinet in a locked office on university premises.

The nature of a face to a face interview meant that the responses were not anonymous to the researcher, but procedures were put in place to ensure the confidentiality of the individual interview. Pseudonyms' – through using the top 100 baby names 2007 (Office for National Statistics, 2007) and excluding any names which were the same or similar to actual respondent names - were assigned to each interview respondent following their interview and were the name stored with the interview transcript, which were stored in the same way as the surveys. It was

decided not to detail individual responses for the focus groups, but to identify general group responses, therefore pseudonyms were not required.

There is also a duty of care in terms of physical safety for both the participant and the researcher. A risk assessment (in line with School of Law, University of Leeds policy) was carried out prior to the research taking place and procedures were put in place to minimise risks of harm throughout the research. The changing and unknown nature of conducting research meant that risk procedures had to be reviewed as and when necessary. Generally, interviews were conducted on the university campus, or in a public place (usually a coffee shop or respondents' place of work). Where interviews involved overnight travel to the destination care was taken to inform others when and where the interview was taking place and when the researcher was due to return. The focus groups were both conducted in a school classroom. There is always the potential for respondent harm when conducting research, yet there was no indication during the research process that any of the respondents were distressed. Respondents were provided with contact details for the researcher and advised if they had any questions after the research to contact the researcher by their preferred means.

### **Concluding Comments: Limitations and Implications for Future Research**

As with all social research, this project was certainly not exempt from its problems and resulting limitations which have been discussed accordingly throughout this chapter. However, there are a number of key limitations of this project which are worth summing up and considering here. As already discussed in depth earlier, one of the main problems lay with the use of a non-probability of the sampling strategy for the survey meaning that the data cannot be generalised any further than the actual sample. However, whilst this is a limitation, it should not be seen as a reason why the survey did not generate useful and interesting insights – the survey was certainly felt to meet its perceived objectives.

The first major issue to consider was the fact that some consumers will never know if they have bought a counterfeit or not. This was a concern from the start and fundamentally, is one which is inherently impossible to overcome and in any study of this nature is an issue which will always exist. The second issue was the exploratory nature of the study. The lack of existing quality data surrounding fashion counterfeiting at the outset of this project in 2007 meant that little was known about

the subject. With the idea of taking a 'consumer-based approach' the most important aim for the survey was to get a sense of some key issues to provide a springboard for the later more in-depth interviews. However, the research has generated a number of potential research avenues worth exploring in the future and it would be useful to take on board the findings of this exploratory study and develop and expand the study.

A serious concern about this project is its referral to young people, yet it was decided not to include respondents under the age of 16 years. This was primarily justified because those under 16 were more likely to be relying on parental support and would not necessarily have their own disposable income to spend on purchasing fashion. Further, there is a whole range of further complex ethical issues to consider when researching people under the age of 16. Developing from this issue again relates to potential excluded groups of people from this research. One particular concern relates to the decision (which was unfortunately down to time and financial constraints rather than a conscious research decision) to only conduct two focus groups within one environment. Whilst these two focus groups alone did mean that a 'voice' was given to younger people, more time and resources would have meant better potential access to groups outside of mainstream further education which could have diversified the socio-economic backgrounds of the research participants' further.

A lack of sampling frame meant that the survey did not follow the preferred random sampling strategy of all consumers in the UK. Whilst it was useful to generate insight and for developing the interview and focus group schedules ideally in future research the survey could be replicated with a more stringent sampling frame to enable generalisations and replicability of results. Of course, caution should be expressed even with assuming generalisability of random sampling methods due to the potential of exclusions of various social groups from sampling frames and problems of non-response. There is scope to develop the online survey and expand its reach, but the dual distribution method should remain to ensure the diversity of the survey sample is not hampered in future.

A further limitation was the time and financial constraints which meant that geographical and numerical limitations were placed on interviews and focus groups. Whilst the aim of these was not to provide a truly representative sample, ideally the interviews and focus groups would be conducted until reaching theoretical

saturation. Future research could build upon the existing interview sample which already quite diverse in terms of different consumers to become more inclusive of other consumer groups, in particular those who heavily use branded fashion labels whether it be sports brands or high end luxury brands.

This research has touched upon some issues briefly related to the 'policing' of fashion counterfeiting and as well as the potential for developing research with consumers as discussed above, there is also potential for future research to investigate further the policing of fashion counterfeiting with enforcement agencies, fashion brands and industry groups. There currently is some existing academic research in this area (see Wall and Large, 2010) but there remains considerable opportunity to take this further, and build upon the research findings of consumers from this study. Finally, there is also scope to investigate the links between fashion counterfeiting and other crime and similarities/differences with other types of counterfeiting in order to continue to develop a critical and well informed criminological understanding of counterfeiting.

A further difficulty with this project was the inability to capture any sense of non-response, particularly in terms with the survey. This meant that it is not possible to gain a sense of why people might not have answered it and perhaps more importantly, whether if all those who did not answer the survey had of done so, what impact would that have had on the results found. However, all social research encounters problems and even the best placed sampling frames are still not without error or bias (see Bryman, 2008 for example for a more complete discussion). Therefore, whilst a number of limitations with the methodology can be highlighted, it should once again be stressed here that this research was conducted and designed with an awareness of these issues, and procedures were put in place to attempt to minimise and respond to these issues as far as practically possible. The exploratory nature of this project should once again be remembered and whilst focusing on the criticisms which can be levied at this project may seem negative, the findings and discussions which are discussed throughout the next three chapters serve to highlight the success of this project, which has taken methodological 'risks' to generate a criminological knowledge base of a topic which has been largely ignored within criminology up until this point.

## 5. The Consumption of Fashion Counterfeit Items

This chapter explores the consumption of fashion counterfeit items and the reasons why people do or do not buy counterfeits. In particular it analyses consumer behaviour towards buying or indeed not buying counterfeits within the context of the existing literature on counterfeiting. As noted in Chapter 1, much of the literature which does exist on counterfeiting, tends to encompass different types of counterfeiting, and frequently does not differentiate specific forms such as fashion for example. Further a considerable proportion of the knowledge about counterfeiting comes from marketing or brand management perspectives and interest groups. Presented thematically, this chapter explores the consumption of fashion counterfeit items drawing upon the survey data, interview and focus group findings in relation to existing literature on counterfeiting, and further draws upon literature from other disciplines to contextualise the findings. In particular, this chapter focuses upon the importance of contextual and situational factors related to counterfeit consumption. This chapter begins with a discussion of the meaning of counterfeiting to consumers, followed by a consideration of what counterfeits people have bought and whether there are any demographic differences between counterfeit and non-counterfeit consumers. Next the issue of deception will be discussed before discussing the contextual and situational factors which are important for counterfeit purchasing. In the final part of this chapter, the focus will turn to whether counterfeit purchasing can be described as different to everyday consumption routines.

### Definitions of Counterfeiting

As discussed previously (see Chapter 1), the definition of counterfeiting is somewhat problematic and is not universally agreed on. Further, it is also a term which is dependent on interpretation. For the purpose of the self-completion questionnaire a working definition of [fashion] counterfeiting was provided (see Chapter 4 for a discussion about the definition):

By fake fashion goods I mean products which carry a trade mark such as fake Diesel jeans, fake Nike trainers or a fake Gucci handbag. The questionnaire is interested in all kinds of fake fashion goods from very poor quality fakes, to fakes which are much harder

to tell from the real thing. This questionnaire is only asking about fashion goods which you wear such as clothes, shoes, bags, and accessories like hats, scarves and belts.

The complexity of people's understanding became apparent when the definition and understanding of counterfeiting (fakes) was explored. The majority of interview respondents (Ruby, Chloe, Amy, James, Alfie, Daisy, Thomas, Joshua, Lily, Amelia, Megan, Isabella, Millie, Mia, Freya, Evie and Ella) did not make a distinction between the words counterfeit and fake and saw them as quite interchangeable. Harry, whilst suggesting that the words were "essentially synonymous" thought that there might be a difference with regards to the honesty of the seller – with counterfeit meaning something being sold as authentic and fake meaning something being sold as fake.

However, other respondents (Emily, Grace, Poppy, Erin, Olivia, Oliver, Lucy) felt that counterfeit and fake made them think of quite different things. Generally, those who did make a distinction all had quite a similar interpretation (with the exception of Oliver and Olivia who did not see 'counterfeit' applying to fashion goods) and thought that fake meant something of a poorer quality – the item would obviously be a fake and generally cheap. Counterfeit, on the other hand, was interpreted as meaning a higher quality. Lucy suggested that a counterfeit was more likely "to be passed off as a real item" with Emily suggesting a similar interpretation which could also include overruns (an overrun is when a manufacturer makes more than the authorised amount of product and as such are sold without being authenticated by the fashion brand). For some respondents, this distinction was important and it impacted on their buying behaviour – for example – Emily was quite adamant she would never buy a 'fake', but was much more relaxed to the idea of buying a 'counterfeit'. It was however stressed to the interviewees after this question that for the purpose of the project, the words fake and counterfeit were going to be used interchangeably and they should include both in their answers. Interview respondents were also prompted throughout to consider whether what they were talking about related to fakes, counterfeits or both, depending on what their own interpretation had been.

In terms of defining counterfeiting, as with the various 'official' definitions (see Chapter 1), respondents had varying notions of what it meant to them. Some felt that counterfeiting was quite a narrow thing such as applying to the copying of a

brand and trade mark, whereas others, such as Amy described counterfeiting as “somebody else’s idea that’s been used. It’s broader than just a trade mark and the design. Yeah I would say it’s a design issue as well”. Lily also associated counterfeits with design issues, and this was something which came across clearly with the participants of both focus groups, who strongly felt that counterfeits were not just trade mark issues but also design copying. Many of the students in the focus groups discussed how they thought that value high street retailers such as Primark also sold counterfeits, although they did recognise the difference between a look-alike and an actual copy of a brand name. The broad range of the meanings of the term ‘counterfeit’ to consumers highlight some of the complexities evident in the counterfeiting debate which will be discussed in more depth both in this chapter, and in later chapters. Next, however, this chapter will consider the consumption of fashion counterfeits by consumers.

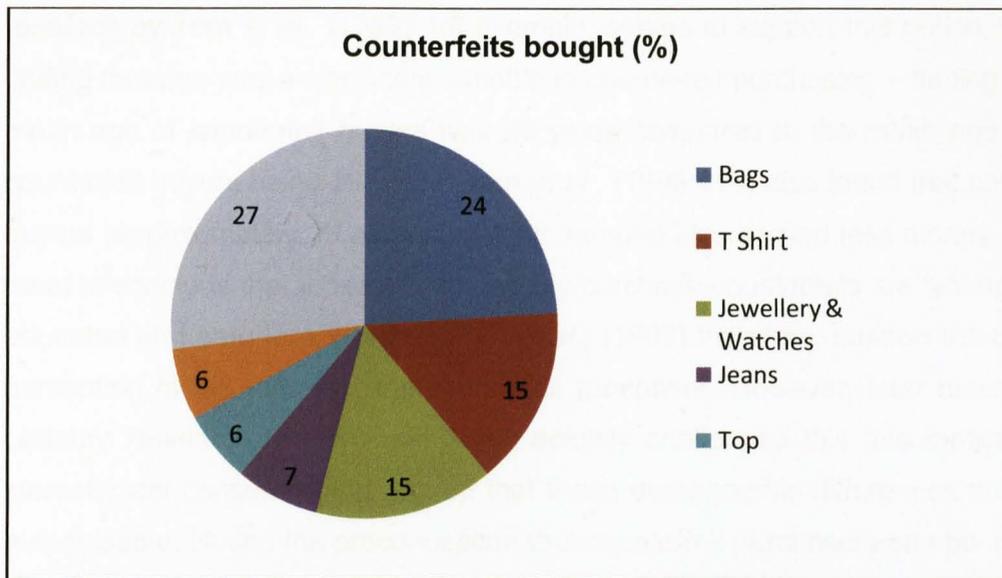
### **Exploring the Consumption of Fashion Counterfeits.**

#### ***What do we know about the counterfeits people buy?***

The survey aimed to get a sense of the consumption of fashion counterfeit goods. As discussed in Chapter 4, approximately half of the survey respondents had previously purchased fashion counterfeits (n = 393). The respondents who answered yes to previously buying fashion counterfeits were then asked for more information about these purchases, including what items they had bought. As Figure 5.1 demonstrates bags were the most common counterfeit item purchased (24 percent), followed by ‘T Shirts’ (15 percent) and ‘jewellery and watches’ (15 percent). Overall, out of the respondents who have bought a counterfeit in the past they were more likely to have bought accessories and/or shoes (299 people) than items of clothing (178 people) (this totals to more than 393 because some people will have bought items from both categories). These findings were broadly reflected in the interviews with bags being mentioned the most frequently.

**Figure 5.1: Types of Counterfeit Previously Purchased**

(n=391)



This lends support to Ledbury Research (2007:9) who found that in terms of buying counterfeits of 'luxury brands', the most commonly bought type of item was clothing (55 percent), followed by shoes (32 percent); watches (26 percent); leather goods (24 percent); and jewellery (20 percent). Of course these categories are not directly comparable but it does give an idea of the breakdown of counterfeit purchasing. This is useful, as generally, research which examines counterfeit purchasing does so from a perspective where the researchers are interested in comparing levels of counterfeit consumption across different types of counterfeiting and therefore, this made comparisons with existing research difficult. However, the Anti-Counterfeiting Group's (ACG) MORI survey of 929 consumers in 2003, found that providing the quality and price were acceptable, clothing and footwear were the most likely type of counterfeit consumers would buy (27 percent), followed by watches (15 percent). Having explored the types of fashion counterfeits which consumers have previously bought this chapter will next consider whether there is a type of counterfeit consumer that can be identified.

### **Consumers of Counterfeits as 'Other'?**

One of the common preconceptions about counterfeiting is the idea that counterfeit consumers can be recognised and differentiated from non-counterfeit consumers. Indeed much existing research seeks to examine how a counterfeiting consumer can be defined demographically (see for example Tom *et al.*, 1998). Therefore, as Rutter and Bryce (2008:1149) discuss, counterfeit consumers are often constructed as 'other'. Further, this is often reflected in research which attempts to establish

distinguishing factors between counterfeit and non-counterfeit purchasers. Existing research by Tom *et al.*, (1998), for example, seems to support this notion, with the finding that age was a significant variable in counterfeit purchasing – finding that the mean age of counterfeit buyers was 29 years compared to the mean age of non-counterfeit buyers being 39 years. Tom *et al.*, (1998:419) also found that counterfeit buyers (approximately 39 percent of their sample) also earned less money, leading them to conclude that those who knowingly purchase counterfeits are ‘younger, less educated and earn less income’. Tom *et al.*, (1998) therefore, support the common perception of the stereotypical counterfeit purchaser. However, later research, by Ledbury Research in 2006 and 2007, actually challenged this assumption of the stereotypical consumer and argued that these demographic differences are not so recognisable. Noting the preconception that counterfeit purchasers can be identified as those on a lower income, young and single, Ledbury Research found that this is in fact an inaccurate account of counterfeit consumers (2007). Therefore, one of the primary aims of the survey for this thesis was to gauge an estimation of the number of respondents who had ever purchased a counterfeit. Indeed, the survey found that of the 801 respondents, half of the respondents had purchased counterfeits and half had not. Of those who had purchased counterfeits 78 percent had done so knowingly.

Further, this question was also analysed with regards to different demographic variables (sex, age categories, ethnicity, UK or non UK resident, employment status and average monthly spend on fashion goods – see Chapter 4 for a discussion of the survey demographics). Interestingly, following the findings of Ledbury Research (2007:6) who suggested that ‘there is very little to distinguish demographically between those that have bought a fake and those that have not’, it was found that there is almost no variation across different demographic variables with approximately equal numbers of respondents having ever bought a counterfeit compared to those who had not. Interestingly, the focus groups which were carried out with 19 young people also reflected the proportions of counterfeit consumers and non-counterfeit consumers. This was despite having no previous knowledge about the participants’ or their consumption patterns (this is unlike the interviews where respondents were purposively selected to include both counterfeit and non-counterfeit buyers).

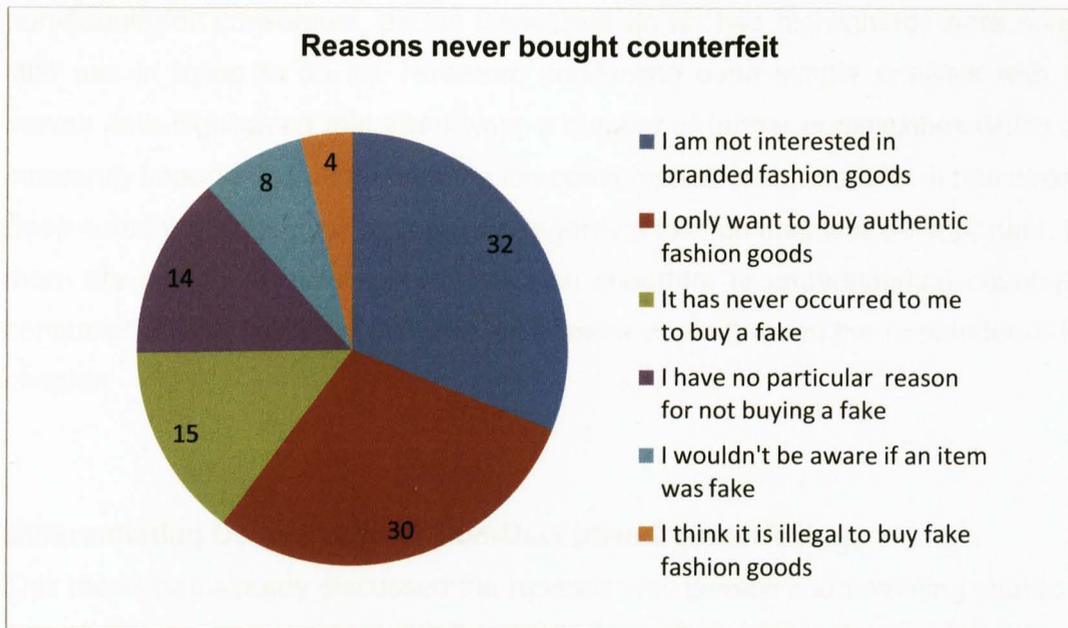
Research such as that of ACG (2003) and Ledbury Research (2006, 2007) has explored personal or household levels of income and counterfeit purchasing. The

finding by Ledbury Research (2006, 2007) that there is little demographic differences in consumer counterfeit purchasing coupled with the methodological difficulties of assessing people's incomes which could potentially question research which has attempted to do so were key reasons for the decision in this research not to ask this kind of question on the survey (see Chapter 4). Instead, the survey sought to find out the average spend per month on fashion goods rather than household or personal income. It is with this variable, however, where there was one exception to the survey finding that there are little demographic differences between counterfeit and non-counterfeit buyers. Respondents who spend £200 or more per month on purchasing fashion goods were considerably less likely to have ever bought a counterfeit with only 33 percent having previously bought a counterfeit compared to approximately 50 percent overall. Therefore, it is possible to suggest that whilst household income, to an extent, might well be quite an irrelevant assessment of a consumers' likelihood of purchasing fashion counterfeit products, the amount which a consumer spends on buying fashion goods each month, might be more relevant to understanding their counterfeit purchasing habits (this is explored in Chapter 6). Having discussed those who have previously purchased fashion counterfeits, this chapter next discusses the reasons why some consumers do not buy counterfeits.

### ***Non-Counterfeit Consumers as 'Different'?***

As discussed above the first important point to note about non-counterfeit consumers is that they are not that different demographically compared to counterfeit consumers. This finding follows Rutter and Bryce (2008) who criticised the notion of counterfeit consumers as 'different' or 'other' but saw them as those who follow 'routine and situated practice' (2008:1150). However, there are a number of factors which are important to counterfeit purchasing and therefore it is worth considering why people might decide not to buy counterfeits. Therefore, the survey sought to gauge a general explanation of why this may have been the case.

**Figure 5.2: Reasons Why Never Previously Bought a Counterfeit.** (n = 394)



(Please note that this was a multiple response question and that there were 8 missing responses for this question).

As Figure 5.2 indicates, of the respondents surveyed, the primary two reasons for not having bought a counterfeit was down to consumers' preferences for fashion goods generally. Interestingly, when cross-tabulated with whether a respondent was likely to consider buying a counterfeit in the future, there was a clear difference in those who are likely to do so when you assess this by the reasons they had not bought counterfeits in the past. Indeed, those who said that 'I have no particular reason for not buying a fake' or 'I wouldn't be aware if an item was fake' were the only answers where respondents were most likely to consider purchasing a counterfeit in the future (67 percent and 65 percent respectively). It is worth noting the small percentage of respondents who feared that to buy a counterfeit was an illegal behaviour and stated this as their reason for not doing so – this remained the case with their future intentions. However, it is worth noting that the survey did not explore whether this would remain the case if the respondent was to discover that it is currently not illegal to purchase a counterfeit in the country of purchase. Therefore, it is possible to assume that whilst, demographically at least, non-counterfeit consumers are no different from counterfeit consumers; their reasons for not buying counterfeits lie predominantly with reasons related to fashion more generally and therefore, this will be discussed in more depth within Chapter 6.

In terms of making conclusions about the demographic nature of counterfeit and non-counterfeit consumers, as the discussion so far has highlighted, there seems little use in trying to do so. However, conducting even simple analysis with the survey data highlighted that there were a number of further complexities which are inherently important to understanding the consumption of counterfeits. It has already been noted that consumer preferences regarding fashion may well be important, but there are additional factors which are also important to understanding counterfeit consumption and these will be explored in more depth through the remainder of this chapter

### **Differentiating Deceptive from Non-Deceptive Counterfeiting.**

This thesis has already discussed the reasons why fashion counterfeiting should be considered separately from other forms of counterfeiting (see Chapter 1), but, this thesis also follows the proposition that even within fashion counterfeiting, there are distinctions between types of counterfeits. It is too simplistic to assume that all counterfeit purchasers do so knowingly and that all fashion counterfeits are sold within the same context, or indeed, are even of the same quality. Therefore, perhaps one of the biggest elements of this distinction relates to the concept of deception. Grossman and Shapiro (1988:80), who consider counterfeiting from an economic perspective, distinguished two types of counterfeit markets – ‘deceptive counterfeiting’ and ‘non deceptive counterfeiting’. They describe how many consumers are willing to buy counterfeit ‘status’ goods even at relatively high price points, although they also note the group of consumers which will be deceived into buying a counterfeit product with the belief that it is authentic. This concept of deception has further been developed by a number of authors from different theoretical backgrounds. Indeed, Bosworth (2006a:9) makes the case for why it is important to distinguish between ‘deceptive’ and ‘non deceptive’ counterfeiting but rather than the usual economic stance of opposing concepts, Bosworth argues that it is more useful to place them on a scale which runs from ‘super deceptive’ to ‘completely non deceptive’ (Bosworth, 2006a:9; Bosworth, 2006b).

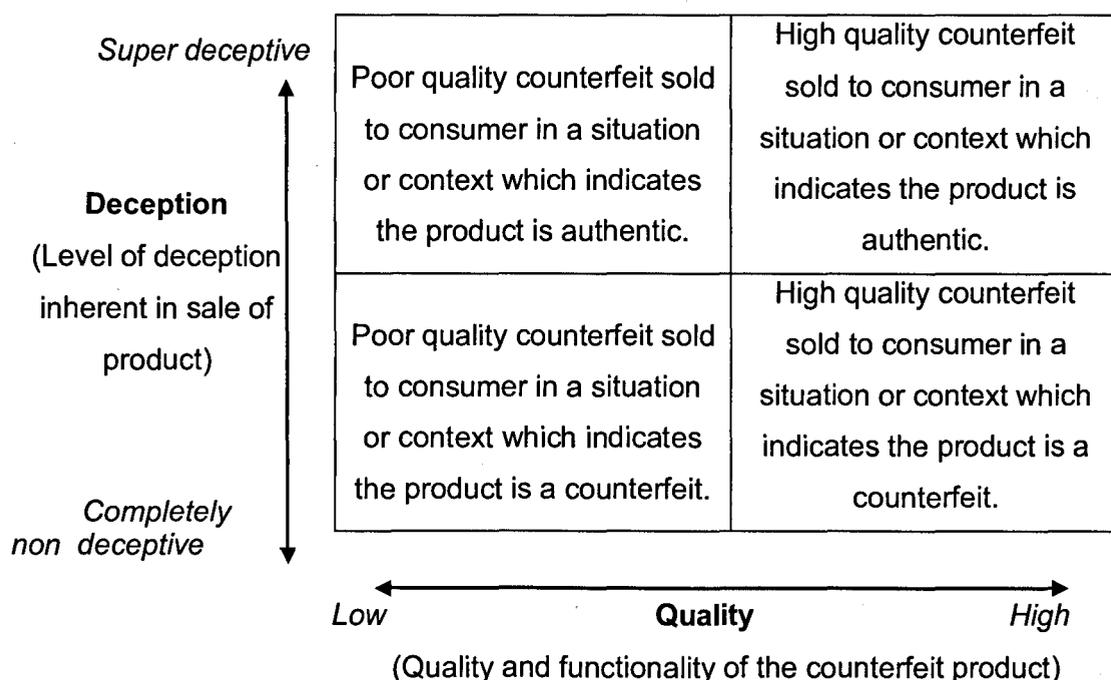
However, the distinction between deceptive and non-deceptive counterfeits (or whatever alternate label they are defined as) relies on making assumptions about products and/or consumers of the products. To what extent, when discussing ‘non deceptive’ counterfeits, is there an implication that the onus is on the consumer to make a judgement about its authenticity? If by the concept of ‘deception’ the

reference is in terms of the seller, then at first it may seem an obvious distinction between those on the one hand who sell counterfeits quite openly as counterfeits and on the other, those who sell counterfeits as if they are authentic products. However, whilst selling counterfeits remains an illegal activity, punishable by an unlimited fine and/or prison sentence (under the Trade Marks Act 1994), the likelihood of a seller openly advertising that they are selling counterfeits is probably quite low. Instead, when there are discussions about deception and counterfeiting, usually what is implied is that there is an onus on consumers to recognise particular cues, or indicators, about the potential likelihood of a product being a counterfeit. For example, Hopkins *et al.*, (2003) developed a 'harm matrix' with regards to counterfeit products. Whilst this matrix is considered in more depth in Chapter 7 in terms of 'harms' and counterfeiting, it is worth considering here to illustrate the difficulty with the nature of the concept of deception. Hopkins *et al.*, (2003) chart the level of deception against the level of quality of counterfeit goods, and this chart has been adapted and developed for the purpose of using it as a framework when discussing consumption of fashion counterfeits for this thesis (see Figure 5.3).

However, quality of the product can be argued as one of the key 'indicators' which might indicate the authenticity of a product. However, Hilton *et al.*, (2004) noted that fashion goods are likely to be 'credence' goods where the level of quality is not always clear. This is both at the time of purchase and afterwards. For instance, when buying products online or even if the consumer can see or feel the product at the time of purchase and consider the quality to be acceptable, this is not to say that it is necessarily of good quality as it might fall apart two weeks later.

**Figure 5.3: Harm Matrix: Level of Deception versus Quality**

(adapted from Hopkins *et al.*, 2003:11 and Bosworth, 2006)

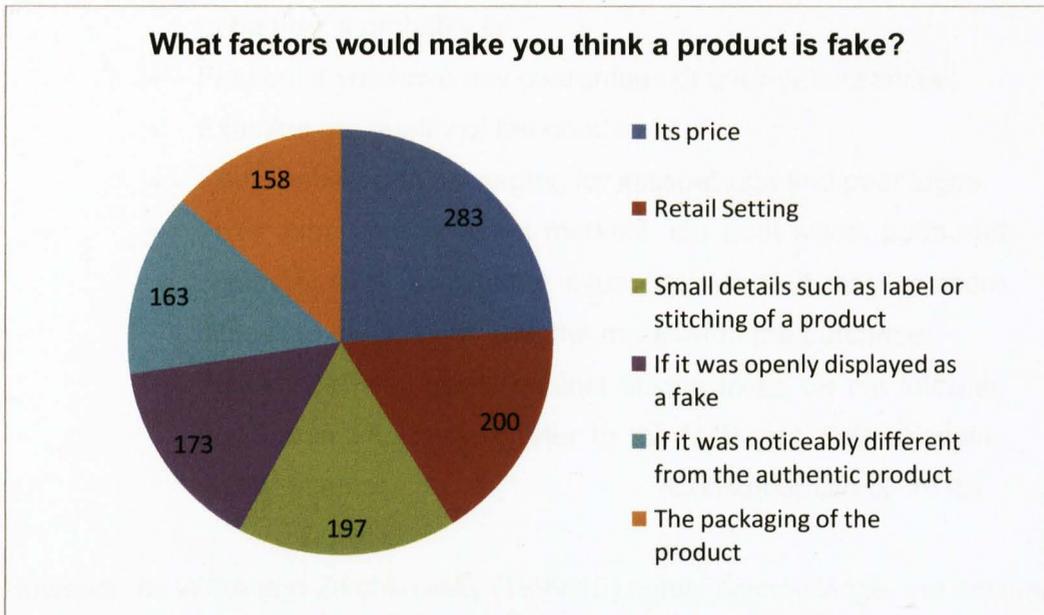


Therefore, to take into consideration some of these issues in the research, consumers were asked whether they had known at the time of purchase whether the product was a counterfeit or not and their reasons and understandings were explored. Counterfeit consumers are described throughout this thesis as either 'knowing', 'unsure' or 'unknowing' in terms of the situation at the time of purchasing the counterfeit. It is worth at this point to consider that some of the consumers who answered that they had never bought a counterfeit may not know that they actually have bought counterfeits and indeed they might not ever know. Some consumers might have bought a counterfeit at the time thinking it was authentic, then for one reason or another realised that the product they bought might have been a counterfeit. This has been explored throughout the research and is discussed in more depth where relevant.

It is worth at this point, taking a closer consideration surrounding the concept of deception and the consumption of counterfeit products. As established early on (see Chapter 1), deception is a key feature in the counterfeiting debate. Drawing upon Figure 5.3, it is therefore interesting to consider whether people have knowingly purchased counterfeits and to try and understand how they knew that the item was a counterfeit (i.e. was the item advertised as a 'fake' or was it something about the product itself or the situation or context which indicated to the consumer that the

item could be a counterfeit). Figure 5.4 shows the factors given by those who had knowingly bought counterfeits in the past which helped them make this judgement.

**Figure 5.4: Consumers who have Knowingly Purchased a Counterfeit Fashion Goods Reasons for Thinking a Product is a Fake.** (n=306)



(Please note that this was a multiple response question therefore the responses are displayed in frequencies rather than percentages)

Incidentally, the order of responses was largely the same for those who claimed that they did not know at the time of purchase that they had bought a counterfeit (unknowing consumers) (n = 19) and for those who were unsure at the time of purchase (n = 65). For all three groups of counterfeit consumers (knowing, unknowing and unsure at time of purchase) the top three responses were price, retail setting and small details such as the label of stitching of the product. This indicates that whilst an assumption can be made that price and retail setting in particular are good indicators, or cues, of the likelihood of a products potential lack of authenticity, it should not be assumed that consumers will be able to recognise for sure whether or not a product is potentially counterfeit.

What the above table illustrates is the importance of situational cues and context for counterfeit purchasing. Indeed, as part of the consumer based enforcement initiative currently prevalent in the anti-counterfeiting policy realm, consumers are expected to have the knowledge and the 'savviness' to be able to recognise when a product

might be potentially counterfeit through these cues and indicators. The advice given by Consumer Direct (2010) suggests 'how you can avoid buying fakes':

Top tips to avoid buying fakes include:

- Be suspicious about bargains. If something seems too good to be true, it probably is!
- Find out if you have any guarantees or after-sales service.
- Examine the quality of the goods.
- Check labels and packaging for misspellings and poor logos.
- Take extra care at street markets, car boot sales, pubs and computer fairs, or in other situations where it may be more difficult to get in touch with the trader after the purchase.
- You should also guard against buying fakes on the Internet. For further information, refer to the factsheet Safe shopping on the Internet. (Consumer Direct, 2010)

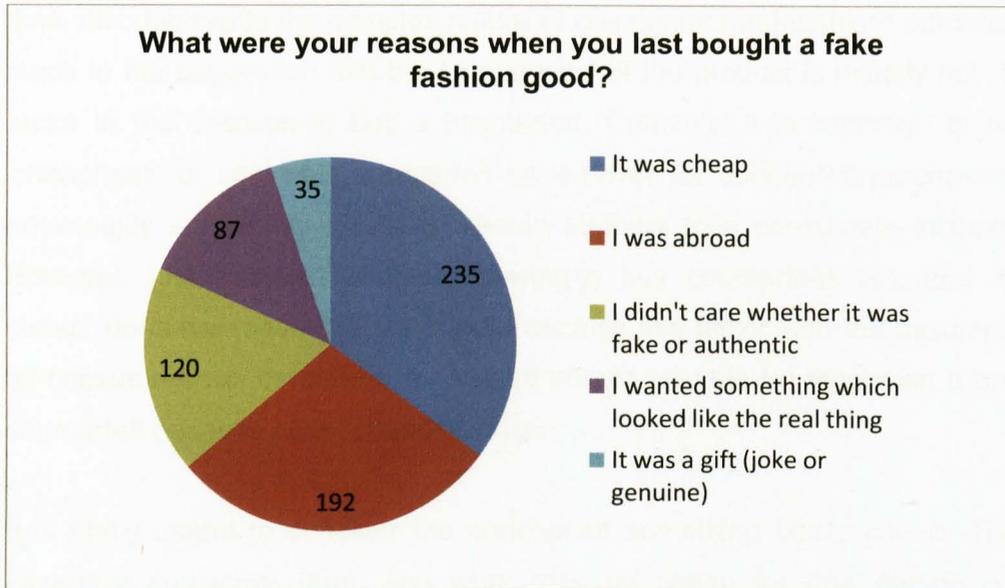
However, as Wilke and Zaichkowsky (1999:10) rightly acknowledge, the assumption that low price being an obvious indicator of a products authenticity (or lack of), is 'arrogant'. They suggest that consumers may have alternative reasoning for the products price such as; the good might be a 'parallel import' (a product which is made legally abroad but is imported without permission of the IP rights holder (OECD, 2002)), 'stolen', or that the consumer may simply have a lack of knowledge about what the goods retail price should actually be (Wilke and Zaichkowsky, 1999:10). Indeed, Olivia described how she was given a watch which she thought "was off the back of a lorry" (i.e. stolen), but when the watch started to bring her out in a rash she realised it must actually be a counterfeit.

Clearly, as the survey findings above show, many consumers, despite the warnings from anti-counterfeiting advocates and the government about how to avoid (and also why you should avoid), buying counterfeit products continue to do so. Therefore, whilst deception is already established as an important concept which must be considered, there are a number of consumers (indeed 78 percent of the survey sample) who knowingly have bought counterfeit fashion items at some point in their lives. Therefore, the next question which should surely be examined is what are the reasons for doing so?

## Understanding the Context of Consuming Fashion Counterfeits.

The survey sought to get a sense of why consumers purchase counterfeit fashion goods. Figure 5.5 shows the top five reasons by consumers who have knowingly purchased counterfeit fashion goods for doing so.

**Figure 5.5: Consumers who have Knowingly Purchased Counterfeit Fashion Goods Reasons for Last Buying a Fake** (n=306)



(Please note that this was a multiple response question therefore the responses are displayed in frequencies rather than percentages).

As Figure 5.5 illustrates, these reasons can be broken down into two broad categories: - situational/ context factors and factors inherent to the product itself. It is clear to see then, that the survey highlighted in particular, two key factors related to counterfeit purchasing; firstly the emphasis on cost – or indeed ‘cheapness’, and secondly the opportunities available to consumers to buy counterfeits when abroad. Therefore next, this chapter will go on to explore both cost and being abroad as two key factors within the counterfeiting debate. It should be mentioned that this is not to exclude the consideration of the issues related to the product itself, but that this will be done within the context of Chapter 6.

### ***‘People buy counterfeits because they are cheap’***

Economic ‘traditional utility theory’ highlights the nature of the ‘rational’ consumer and proposes that lower prices will mean the consumer will want to buy more of a product and vice versa if the prices are high (Douglas and Isherwood, 1996:6). Therefore, following basic economic presumptions, one of the key assumptions

about counterfeiting is that people buy counterfeits primarily because they are cheap (BASCAP, 2009), and, due to the 'price advantages' that they offer (Bloch *et al.*, 1993:28). Indeed, the survey results certainly would seem to support this assumption since this was the top reason for consumers - 73 percent of respondents who had previously bought counterfeits identified 'it was cheap' as one of the reasons why they bought it (this was a multiple response question). The interview data does also provide some support for this assumption, but at the same time, also highlights the complex nature of counterfeit (and fashion) purchasing and leads to the suggestion that the 'cheapness' of the product is usually not the sole factor in the decision to buy a counterfeit. Certainly, it is important to note that 'cheapness' or cost of a counterfeit as a driver for counterfeit purchasing is not necessarily something which we should attribute to a consumers income levels. However, just because people (knowingly) buy counterfeits because they are cheap, does not mean that we should confuse this factor with the assumption that all consumers will be able to (or indeed should be able to) recognise a product is counterfeit because of its (cheaper) price.

It is firstly useful to consider the concept of something being *cheap*. This is an incredibly subjective term, and what may be cheap for one person could be considered expensive by another. Therefore, any discussion about price has to bear this in mind. The concept of cheapness in terms of counterfeiting needs to be considered in relative terms considering the cost of the authentic product which the counterfeit is copying. For example, Oliver's trainers; Oliver claimed that he recognised that the trainers he bought from eBay could potentially be counterfeit because of their selling price (£60) – when compared to the actual retail price of the authentic trainers (approximately £250). However, to many consumers, £60 might be considered as a relatively expensive pair of trainers (when you consider you can buy a pair of training shoes from a value retailer such as Primark for about £3). Ruby highlights the complexity of the issue well:

Well the fakes I have got have been quite cheap, but they haven't looked that shoddy and they looked all right. They probably weren't that cheap if I'm honest, they weren't really cheap, probably about middle.

(Ruby)

These findings are interesting when considered in light of Ledbury Research (2007:8) findings regarding costs of counterfeits. In their survey of 2000 consumers,

they noted that the average cost of a counterfeit (luxury) product in 2006/2007 was £21.30. This indicates that it is not necessarily just *cheap* counterfeits that are being bought. Especially when coupled with the finding that 12 percent of the counterfeits purchased during 2006/2007 had in fact cost over £50. However, on the one hand, you might argue £50 is not particularly cheap when you compare it to an alternative product (for example a non-branded handbag from a high street shop) but on the other hand, £50 is cheap when you compare it to the cost of buying an authentic luxury branded handbag where costs might be in the thousands.

In line with this finding of the importance of cost, one might assume that this supports the assumption that counterfeit consumers tend to have a lower income. As discussed above (and in Chapter 4) income levels were not considered in this research but other research has considered the importance of income levels and counterfeit consumption. In 1998, the ACG commissioned MORI to conduct a survey about counterfeiting and one of their findings was that when comparing household income by counterfeiting purchasing, those who were in the middle income band on £17,500 - £29,999 were the most likely to buy counterfeit clothing and footwear (35 percent) and watches (22 percent). Those whose household income totalled under £17,499 were the least likely to buy counterfeit clothing and footwear (25 percent) and watches (13 percent). This compared to those who earned £30,000 or above, where 26 percent of this group would buy counterfeit clothing and footwear; and 16 percent would buy counterfeit watches. This for a start, goes against the preconception that counterfeit consumers are from a low income background and contradicts research such as that of Tom *et al.*, (1998), for example. Research by Bloch *et al.*, (1993) found that whilst there was no significant difference in terms of the demographic analysis of counterfeit consumers, there was a difference with regards to consumers' self-image scores. This led Bloch *et al.*, (1993:35) to summarise that consumers who choose to buy counterfeits 'see themselves as less well off financially, less successful and less confident than do other consumers'. Whilst being aware of the limitations of the existing research noted above, particularly in view of the limited samples (Bloch *et al.*, (1993), Tom *et al.*, (1998) and industry bias (ACG, 2003 and Ledbury Research 2006, 2007), the finding by Bloch *et al.*, (1993) might perhaps go some way to explain the difference between perceptions about counterfeit buyers and actual counterfeit buying behaviour.

So at first, it might seem that there is support for the argument that counterfeit purchasing might be associated with levels of income – those on a lower income are more likely to buy a counterfeit because they are cheaper. This certainly seems to be the case with respondents such as Amy, and Ruby for example. For both of these their levels of personal income do seem to have some contribution to their decision to purchase counterfeits. In particular the comments by Amy and Ruby seem to suggest support for the findings of Gessler (2009) who found that younger students in her sample were more likely to say that they would buy counterfeits whilst having a lower income but then stop doing so once they earned more. Ruby, and also this applies to Amy, suggested that their consumption of counterfeits was likely to change largely down to their own (predominantly financial) situation:

Ruby: Now I'm leaving uni, I will hopefully be in the position where I have got more money, so I don't think I would go back to buying fakes.

Interviewer: So would you say your main reason for buying fakes came down to price?

Ruby: Yes, I bought them because I couldn't afford to buy the real thing. If I could afford it I would sooner buy the real thing or something similar.

However, Ruby provides an interesting dilemma when attempting to understand counterfeit consumption preferences. When probing Ruby at a later point in the interview, it does become clear that her consumption preferences for counterfeits may be more complicated than just financial situation and that her more general fashion consumption preferences were important also:

Interviewer: Would you buy a fake again in the future?

Ruby: Probably not: unless it was something that I really, really wanted. I think I would be more likely to try and find something that was similar to it in a different.... like.....from somewhere different. If I liked a designer dress or something I would just try and find something that is similar [in style] rather than an actual fake.

Interviewees such as Amy, however, are explicitly clear that their predominant reason for buying counterfeits – instead of the authentic item – is because they cannot afford the real thing. In this sense then, buying a counterfeit is something

which is not outside usual consumption patterns as Amy makes it clear that “if I had the money I would definitely buy the original”. Amy sees counterfeits as a way in which she can buy into a brand, but this is very much a temporary state. Again, as with the other respondents, price is not the sole factor – this does not appear to be a completely rational transaction. Whilst on the one hand, Amy, like Oliver and others, decided to buy the counterfeit because it is cheap (or at least cheaper than the authentic item) and therefore arguably made a rational decision based on financial circumstances, the fact that the counterfeit is less expensive does not explain why Amy has such a desire for the item or a brand in the first place.

Indeed other students who completed the survey made similar comments to those of Amy and Ruby:

As a student I obviously don't have much money! Therefore I care more about the price as opposed to whether the item is real or fake.

(Respondent 243: 19, male, non-counterfeit buyer)

However, whether this lends any support to the notion proposed by those such as Tom *et al.*, (1998) that counterfeit buyers are generally from a lower-socio economic background is a different matter. The notion of ‘cheapness’ of fashion counterfeits and the resulting immediate assumption that counterfeit consumers come from a particular (lower) social class background whilst being a common presumption is definitely problematic. This is highlighted by the fact that both Amy and Ruby could be described through their social situation as ‘middle class’. Indeed more generally this assumption can be criticised through the concept of ‘purse parties’ which are a common phenomenon in the United States. Phillips (2005) describes how ‘buying counterfeit bags has become part of the social whirl in polite society’ where ‘upscale people’ from ‘good neighbourhoods’ invite their friends round, along with suppliers of counterfeit bags, and, (similar to the ‘Tupperware party, or the ‘Ann Summers party’), the host is rewarded for the sales made at the party with a counterfeit bag (to the value of 10 percent) of the income generated (2005:48-49).

There are also supportive attitudes evident towards counterfeits for affordability reasons. As one of the survey respondents commented:

I think fashion fakes are good in a way because some people may not be able to afford the real deal so a fake is the next best thing. So

if it makes you happy and confident – does it really matter if it is real or not? (Respondent 23: 16, female, non-counterfeit buyer)

These comments reflect the idea recognised by cultural criminologists such as Hayward (2004) that consumers feel they have some form of 'right' to be able to participate in fashion and consumption, regardless of their financial situation. Therefore, consumers feel that they should be allowed to buy into a brand regardless of whether it is through an authentic or counterfeit product. Indeed this is an assertion which frequently cropped up through the research and is discussed in more depth, particularly in relation to style and identity (Chapter 6) and the 'harms' of counterfeiting (Chapter 7).

However, what the above comments also reflect is the point noted by those such as Ledbury Research (2007) that it must also be remembered that a consumer might decide to buy a counterfeit because of its price advantages regardless of their income levels and whether or not they could actually afford the real thing. Indeed in some cases, the price seems to be very explicitly one of the key reasons for buying a counterfeit:

It was a cheap bag and I liked it. So I bought it and I thought well it's only a few quid..... It was 10 Euros so I just bought it. (Lucy)

Indeed, as one survey respondent pointed out: 'people buy fake fashion coz they don't wanna spend too much money on originals' (Respondent 600: 18, Male, Non-counterfeit buyer). While at first this seems to be a logical example of a consumer displaying rational behaviour as traditional economists would suggest (see Douglas and Isherwood, 1996), this comment also serves as a reminder that counterfeit fashion purchasing – as with all fashion purchasing – is primarily about *desire* rather than *need*. As established throughout this section so far, price is clearly an important factor in decisions to actually go ahead and purchase counterfeit goods. However, as even economists themselves would now recognise (see Belk (1995) for a discussion of the 'new consumer behaviour') the economic advantages of a counterfeit alone just do not demonstrate why a consumer wants to purchase that product in the first place.

### *Age and Affordability of Counterfeits.*

Affordability of counterfeits however, at first, does seem something which becomes more relevant when age is introduced as an additional factor. Existing knowledge about counterfeiting often suggests that counterfeit buyers are demographically more likely to be young (Tom *et al.*, 1998; Gessler, 2009). However, other research challenges this notion (Ledbury Research 2006, 2007), and the survey conducted for this thesis failed to find any demographic differences with counterfeit purchasing (see earlier). This is a point worth considering in more depth as the interview data suggested that it could potentially be an important factor.

Yeah, I think when I was younger it was like really all about the label and obviously no one could afford to wear the really good labels when you were younger so everyone had stuff that was fake. Whereas now, it's more about if you can afford it then you can buy it, but if not, you can just go to the shop and buy something similar.

(Ruby)

Grace also described a similar scenario:

I bought some trainers when I was at school and I didn't really realise that they were fake until I saw somebody at school who was wearing the real version. I chose them as I wanted something nice for school and to fit in, fakes were cheaper, so I wanted to have the fake rather than no brand at all..... When I was younger, like a teenager, I wanted to blend in and be like everybody else. I wanted to be fashionable and have fashionable trainers for school – that was the most important thing.

(Grace)

However, it is important not to overstate the importance of being young and counterfeit purchasing. Whilst both Grace and Ruby talk about the importance of affordability of counterfeits whilst they were young in terms of being able to 'keep up with the crowd' and accessing fashion brands they would not be able to do otherwise, those such as Grace and also Chloe, highlight the issue that they did not really know that what they were buying or wearing was in fact actually counterfeit until a later point. As Chloe demonstrated:

Yeah, at the time I didn't really think about the fact it shouldn't really cost £2 for a designer label T-Shirt. I didn't really think about it to be honest, but yeah. (Chloe)

What these comments show however, is that whilst at first it might seem that age – or being young, price and affordability are the primary drivers associated with counterfeit buying, when you consider the comments in more depth it highlights further questions. In particular there are two key issues: firstly with the notion of keeping up with peers (which is discussed within Chapter 6), but secondly, is the idea that the younger people might be less well able to recognise counterfeits through (lack of) knowledge. However, whilst Chloe's comments indicate that this might be an issue, it is probably naive to assume that all young people might have this same lack of knowledge. Indeed, the two focus groups which were carried out with young people (albeit a slightly older age group than Chloe, Grace and Ruby refer to) showed that actually they felt confident in their abilities to recognise a counterfeit (although this may not be reflected in their actual ability). Many of the older respondents in the survey and the interviews exhibited the same lack of knowledge about being able to identify counterfeits which refutes the likelihood of age being a major factor in knowledge.

### ***Consumption in Unfamiliar Settings – Holiday Behaviour.***

The survey data suggested that one of the main reasons for people knowingly buying counterfeit goods was because they were abroad (63 percent of respondents selected this as a reason). Indeed, those who did not know at the time, and those who were unsure that they were buying a counterfeit also rated being 'abroad' as the second most important reason for why they bought that product. However, in terms of existing research, despite following common preconceptions, this actually goes against Ledbury Research (2007:11) and their finding that it is becoming more common for people to buy counterfeits at home in the UK. In the interviews only four of the respondents had bought counterfeits whilst in the UK if you exclude those who purchased counterfeits online. Of these four, one (Charlie) had been deceived into buying a counterfeit from a "backstreet shop" in London, where the product was advertised as genuine. Grace also had bought a counterfeit in the past in the UK, but at the time, she again was not aware that the item was counterfeit until she saw other people wearing the authentic item. Amy had purchased earrings from a local market in the UK in the past, and Daisy had previously knowingly and unknowingly bought counterfeits from charity shops. This therefore suggests that where people

buy counterfeits from might be an important factor to consider with regards to the level of deception involved by the seller or by how the situation might impact on consumer ability to recognise a counterfeit item.

Following the survey findings, interview respondents indicated that much of their counterfeit buying was done when they were abroad – either on holiday or whilst working (ten of the counterfeit purchasing interviewees had purchased counterfeits abroad. This number also includes Charlie who had unknowingly bought counterfeits both in the UK and abroad and Oliver and Ruby who had bought counterfeits online and abroad). China and other South East Asian countries were both mentioned on several occasions for their high level of availability of counterfeit goods, and this seemed to play an important role for the more opportunistic counterfeit purchases:

I bought a Diesel bag when I was in China, and I'm not sure it was fake but when you are in China, even in the mainstream shopping centres there are a lot of fakes, so the context was very important for me in terms of buying fakes. (Alfie)

China in particular, takes a lot of the criticism for allowing counterfeit purchasing to happen. Indeed some commentators argue this is quite rightly so due to China being the country with the most 'unfavourable IP environment' (meaning protection of IP rights) (BASCAP, 2007:10). As Alfie highlights above, in China, counterfeits can be easily bought in mainstream shopping malls. Phillips (2005:57) describes China's 'Silk Alley' shopping experience where

tourists can [now] buy their knockoffs in air conditioned comfort. There are lavatories and ATMs and floor plans and an information desk and a supermarket selling genuine food. (Phillips, 2005:57)

Lin (2011) describes how in recent years, following pressure from the US Government and major brands, a significant number of counterfeit shops have been closed down. However, as Lin (2011:49) notes this has served to create a 'clandestine night time market in counterfeit goods for tourists' with counterfeiters finding ways around crackdowns. Whilst China has been cited for its selling of counterfeits in a more 'authentic' retail experience, this was certainly not true for all counterfeit purchasing when abroad. However, what was a common thread was the

notion of opportunity. James highlighted this and noted that he thought he had probably bought a counterfeit whilst working in South East Asia:

I did pick up a North Face jacket. It was out of necessity really because that was all that was available. I suspected [it was fake] due to the price. I've never been 100% sure or not. (James)

Olivia also described how her counterfeit purchasing had been down primarily to opportunity and need whilst travelling in South East Asia. This was further added to by her views about the nature of counterfeits and how she identified authentic products being made anyway:

I've only bought a few fashion fakes that I am aware of. I bought a coat in Thailand and a few tops and things. I didn't take many clothes out to Thailand so I needed them and I didn't really care if they were fake since all these types of clothes are made in places like Thailand anyway. I think 'what's the difference'? (Olivia)

Respondents such as Ruby, Erin, Poppy and Lucy all described how they bought counterfeits whilst on holiday in Europe because they were items which they came across that were both cheap and readily available on market stalls. Again they recognised that opportunity was a key factor. Erin mentioned that she purchased the counterfeit knowing that it was a counterfeit, but did not recognise the brand that she was buying – therefore she suggested she primarily bought the bag because she liked it.

As it is becoming clear, buying a counterfeit seems to rest on a range of factors as opposed to one predominant factor. Poppy's comment about one of her counterfeit purchases demonstrates this complexity:

When I was on holiday with my mum, I bought a Prada bag, just a black one, but again that was more because I liked it; I hate Prada! Actually, that's a lie: I went looking for a Chanel bag. I wanted the style; I don't like to flash labels. (Poppy)

Poppy, in a similar vein to Oliver, seem to suggest that they buy counterfeits because they firstly like the product, but also, as with Lucy (see above) in some

sense are drawn to the brand – as in Poppy’s case, this may not be to the overt labelling of the brand, but may be more about the style which is associated with that brand. Oliver recognises that whilst he did like the style of the product, he was also interested in the brand of the product:

I bought some fake sunglasses whilst on holiday and I quite liked the style. I was drawn to them because they were fakes and looked quite convincing. However, I think I liked the style of them and if it hadn’t of been a copy then I probably would have bought them anyway.

(Oliver)

Oliver’s comments reflect the complexity which seems to go into the process of consuming counterfeits and the different factors which might interplay with each other. Oliver later goes on to discuss how over time, the situational context of counterfeit consumption has become more important for him and how it would be key to his likelihood of buying a counterfeit again in the future:

If I did [buy a fake] I would be influenced by say if I was on holiday and saw a belt that looked ok, but I wouldn’t actually hunt out a counterfeit item now.

(Oliver)

However, not all counterfeit purchasing whilst abroad happens on such an opportunistic level, there are a number of consumers who actively seek out particular counterfeit goods when they go abroad. Phillips (2005) even describes airline cabin crew taking orders from family and friends to bring back desired counterfeits on their travels. Indeed, this phenomenon, whilst not referring to airline staff, was demonstrated by Amy, the fashion and design student:

The place where I used to work was based in China, and a lot of people who worked there would often go out to China and bring things back for friends and stuff. You could just send a picture of what you want and in China you can buy it anywhere and have it sent back.

(Amy)

It is clear then, from both the survey data and the interviews, that people are most likely to knowingly purchase counterfeits whilst they are abroad. In some sense, the comments above seem to be resonant of the criminological idea of ‘routine activity

theory'. Whilst counterfeit purchasing is not necessarily an illegal behaviour (dependant on the country of purchase), as discussed in Chapter 7, many consumers are aware of the legal status of counterfeit goods and they are clearly recognised by many consumers as somewhat deviant, or illicit (see Cordell *et al.*, 1996). At the very least, there is certainly an attempt by anti-counterfeiting policy to make counterfeits 'socially stigma[tised]' (Mackenzie, 2010:132). Felson (1998:68) in his elaboration of routine activity theory, argued that the following are needed for a deviant 'vice' (or transaction) to take place: firstly the setting needs to be favourable (counterfeits need to be available and being abroad), secondly their needs to be an 'absence of a place manager' (no 'capable guardian' who would interfere with the transaction) and finally, some form of 'camouflage' (even something such as a crowd, or potentially just by being abroad). The complexity of counterfeit purchasing is further reflected by respondents such as James and Alfie who demonstrate that the context and lack of genuine alternatives are important reasons which explained why they probably would not have bought the counterfeits if they were at home in the UK. Interestingly, Alfie expanded upon this:

Alfie: I would be aware of the legality of buying fakes in the UK, but overseas in China where it is so culturally embedded it didn't seem much of an issue.

Interviewer: Do you think that you would have bought it over here?

Alfie: Maybe not, no. I'd guess there'd be a bit of snobbery about.

Again, highlighting being abroad as a 'favourable setting' (Felson, 1998:68), Olivia also implied that being abroad was an important factor in her choice to buy counterfeits:

I've only rarely bought fakes, like when I've been on holiday, and when you are on holiday you forget a bit about your morals and things like that. (Olivia)

An interesting point to raise here, potentially further lending support for understanding counterfeit consumption through routine activity theory is with research by Rutter and Bryce (2008). Their research, which examines counterfeit 'leisure goods' more generally concludes that counterfeits are bought in public places and the 'visibility of the locations where purchases are made suggests that the purchasing of counterfeit goods is normalised and generally acceptable'

(2008:1155). Whilst this thesis does not dispute that consuming counterfeits is 'generally acceptable' this issue of being abroad certainly provides an interesting complexion. Rutter and Bryce's (2008) research on counterfeit goods found that in terms of fashion goods 54 percent of these were bought on 'holiday abroad'. This however, is a much higher percentage than other types of counterfeit goods which were bought abroad which could indicate that fashion goods have something innate about them which might factor this difference.

However, it is also possible then that being abroad, as well as an increased availability (or at least ease of access of counterfeits), acts as a dis-inhibitor where people might act in a way in which they would usually not at home. This could be on the one hand purchasing fashion goods which one would not normally buy, or on the other taking risks which one would not normally take. Indeed, being abroad and purchasing counterfeits seems resonant of Presdee's (2000:64) sentiments of 'moral holidays' and 'a blissful state of non-responsibility'. Here, following Presdee's interpretation in the 'consumption of crime' (although in this sense counterfeits rather than violence) the ability of a holiday seems to enable the displacement of an individual's morals and concerns about what is legal (or quasi legal, see Cordell *et al.*, 1996). Sarah McCartney's journalistic account of counterfeiting suggested from the people interviewed for her research that 'people who would never dream of breaking the law at home seemed to forget that other countries' laws also count as illegal' (2005:84). McCartney (and also Vagg, 1995) attributes the desire of counterfeits when abroad to in the past when counterfeits were a symbol of the 'exotic' – when there was not as much overseas travel and therefore a counterfeit was 'exclusive in its own way. They were cheap but not everyone could have them' (2005:85). This lends towards the idea that culture might play a role in the acceptability of buying counterfeits, and being abroad is a factor which has an inevitable impact on this (see Chapter 6 for a wider discussion around the social acceptability of buying counterfeits).

Within the context of culture and acceptability the concept of risk seems to be important. Literature on counterfeiting often discusses counterfeit purchasing in terms of risk. In terms of focusing on risk in the sense of the product, Bloch *et al.*, (1993:29) describe how 'performance risks' may impact on decisions for consumers who knowingly buy counterfeits. Therefore they suggest that it is safe to assume that counterfeits will only be purchased by consumers if the 'performance risks' are low. Ha and Lennon (2006), however take a much broader definition of risk and

recognise that it can take different forms: shame, social and psychological risks, but also risks related to the nature of the ethics of counterfeiting; as well as the risks related to the actual performance of the product. Ha and Lennon (2006) distinguished between 'idealistic consumers' and 'relativistic consumers', Ha and Lennon suggest that 'relativistic consumers', can envisage times when buying a counterfeit may result in positive consequences. On the other hand, they suggest that 'idealistic consumers' will be less tolerant towards counterfeits. Ha and Lennon discuss risk as a concept of 'uncertainty and consequences' (2006:299) and recognise that risk can take different forms: Ha and Lennon found that despite consumers recognising the price advantages of counterfeits, consumers still perceived risks with buying counterfeit fashion products. However, non-counterfeit consumers had a higher perception of risk than counterfeit consumers. Essentially however, Ha and Lennon concluded that 'consumers risk perceptions associated with the general uncertainty about negative consequences predict intent to purchase products in the context of fashion counterfeits' (2006:310) and also that perceptions of risk can act as a predictor of consumers intentions for buying counterfeit goods

Bearing the above in mind then, it is then perhaps worth briefly considering whether these counterfeits which people are buying abroad are things which they would usually buy. Ruby indeed, notes how the counterfeit she purchased was totally unusual for her:

....It wasn't the fake that I got, because I got them when I was on holiday, it wasn't really what I would usually buy at all, I wouldn't.... I bought this bag once, that was fake, and I really did like the style and fabric, it wasn't like anything, and I've never worn it because it wouldn't go with anything I wear, but I really liked the style of it.

(Ruby)

Lucy, who although would not buy a counterfeit now anyway, notes that the counterfeits she had bought in the past were outside of her usual habits and that she would not have bought the authentic version of the item. Erin and Poppy both take a similar view and made it clear that they would not pay for the real versions of the counterfeits they had bought, as they simply are not interested in paying that much money for branded goods. This further relates to Erin's consumption preferences as she did not necessarily recognise the brand anyway and bought the

product primarily because she “liked it”. Poppy is clear, in her description of her quest to buy a counterfeit Chanel bag on holiday, that although she does like the authentic version, she simply would not spend the money on buying it:

I was looking for the padded kind of one's [Chanel bag], I saw one [an authentic] and I thought I really want it, but the price was too much, and if you knew me you really wouldn't trust me with that much money in my bag, so I was looking but couldn't find one [counterfeit Chanel bag], so I went for the next best thing [counterfeit Prada bag in a similar style]. (Poppy)

Therefore, with the seemingly increased likelihood of counterfeit purchasing happening whilst abroad as discussed above, could the notion of risk, but in a broader sense of risk in relation to the products quality and functionality be useful in deconstructing this finding. In particular drawing on Young's (1999:69) arguments that 'risk is not a fixed objective thing: it rises or falls as our tolerance of a particular behaviour or practice changes'. Further, Young (1999) also points out risk will be considered differently by different social groups. Therefore the question can be asked if risk is something which is flexible can perceptions of risk change in different situations – such as going on holiday? Green and Singleton (2006:854) recognise that 'leisure is a key arena for risk-taking behaviour'. Indeed, the interview findings, coupled with the survey findings then seem to suggest that consumers might be prepared to take more risks whilst abroad which they perhaps would not do so at home. Indeed, existing research on risk-taking behaviour on holiday provides an interesting insight into this discussion. Although caution should be taken with internet polls for methodological and bias reasons, a poll conducted by TravelSupermarket.com found that adults from the UK were much more likely to take risks whilst on holiday with their 'sex, sun and sangria' philosophy (Daily Mail, 2009). Whilst this should not be taken as hard evidence, it does seem to lend some support for the idea of risky behaviour whilst abroad. Further, there is considerable research which discusses risky sexual behaviour when abroad (see Sanchez-Taylor, 2001; Downing *et al.*, 2010 for example). Within the context of risk is also the concept of disinhibition or a disinhibitor. This is a common concept in research which explores the consumption of alcohol and its links to violence and disorder (see for example Raistrick *et al.*, 1999) but may also be a useful point to consider further here. MacAndrew and Edgerton's (1969) seminal anthropological account of

'drunkenness' suggests that within each culture there is a collection of shared understandings about how alcohol affects people, and in particular, in countries such as the United States and the United Kingdom, there is the notion of alcohol as a disinhibitor, where regular inhibitions are lost and certain behaviours are acceptable which, whilst sober would not be. This is interesting to consider if we replace the alcohol with being on holiday. Certainly, the earlier comments from Olivia and Alfie about lack of morals whilst abroad would seem to suggest that there is some plausibility with this kind of explanation. Indeed, the very notion of 'socially' risky behaviour is considered by those such as Hayward (2004:163-164) as something which is on the increase, particularly amongst younger people as a method of 'navigating a path through uncertain times'. In light of a view such as this, consumption of counterfeits can be seen as a risk taking behaviour which is appealing as an act in itself as well as the gain of the actual product.

Of course, it is again important to consider the distinction between whether people have knowingly or unknowingly purchased a counterfeit. Charlie had unintentionally (on a number of occasions) bought a counterfeit and later realised it was not genuine. Charlie indicated that this might have happened on one occasion whilst abroad due to his reduced ability to make an informed purchase:

I bought a watch once; that was on holiday in Turkey. When I got back, I must have had too much to drink on holiday; the watch said Tommy Hifiger instead of Hilfiger. (Charlie)

Although on the surface this might seem like an amusing mistake to make, it does lead us back to the more serious consideration and discussions around risk taking behaviours and the impact of these whilst people are on holiday. Again delving into the literature concerning the consumption of alcohol, those such as Engineer *et al.*, (2003) claim that the effects of someone being 'drunk' can help us to understand why intoxicated [young] adults are more likely to take risks. Therefore, in the case of Charlie, taking this line of view would plausibly explain how he mistakenly bought a counterfeit because his level of awareness and ability to recognise a counterfeit was reduced by his alcohol consumption. However, whilst certainly seeming a logical and plausible explanation, some research expresses caution at overstating the chemical effects of alcohol on behaviour (see for example, Deehan, 1999; The Portman Group, 2002). Indeed, to blame Charlie for his drunkenness as a factor which contributed to his (accidental) counterfeiting purchasing could actually be

conceived as 'victim blaming' (see Walklate, 2007:147 for example). This goes back to the point made much earlier which questions whether it is fair that a consumer is held responsible for identifying whether a product is counterfeit or not through its contextual and situational factors. Whilst this section has highlighted the importance of being abroad as a contextual and situational factor for counterfeit consumption, the next section will look at the contribution of the internet to counterfeit purchasing.

### ***Internet Shopping and eBay***

One factor which became apparent as important with regards to understanding counterfeit consumption through the analysis of the interviews was the internet. The increasing availability of the internet and the growth in online shopping has had a significant effect on the consumption habits of the general population (Mintel, 2010a). Obviously, there are still a number of excluded groups whose consumption habits therefore are unlikely to have altered, but there are also those consumers who prefer to do their (clothes) shopping in shops: - "I buy other stuff online but not clothes" (Focus Group 2) seemed to be a fairly common response amongst interview and focus group respondents. Indeed Mintel's (2010a) research found that a 'sizeable majority' of people still prefer to buy clothes in stores rather than online. However, there were a number of people who took part in the research who had used the internet to buy fashion goods, and some did so, on a quite frequent basis. The internet, therefore, also seems to play an important role in counterfeit consumption.

There are a large variety of internet sites which could – or do – sell counterfeit products, but in terms of both the survey and the interview responses, eBay was mentioned a number of times as a place where counterfeits are readily available. Indeed, eBay has been noted as the 'most visited internet shopping site on the internet' (Alexa, 2006 cited in Dengri-Knott and Molesworth, 2010:62). The phenomenon of eBay a self-defined 'online market place' has been subject of much academic discussion and further has been described by Dengri-Knott and Molesworth (2010:73) as 'an epistemic object of desire that engages users in pleasurable forms of browsing and daydreaming'. In terms of understanding eBay and counterfeit consumption, much research already exists which examines why people might buy goods from eBay (see for example Dengri-Knott and Molesworth, 2010 for a discussion).

However, what is interesting with regards to the interview data is the respondents who had bought counterfeits off eBay mostly had done so unknowingly. Indeed Emily bought the item in good faith and only found out that the item she had bought was a counterfeit once it arrived and subsequently broke. Ruby also thought that the Diesel belt she bought from eBay might actually have been counterfeit – despite buying it thinking it was real. However, Ruby, unlike Emily, claimed she was not disappointed with the item despite thinking it might be counterfeit because she “didn’t buy it for the name, [she] bought it because [she] liked it”. Jack, however, has bought counterfeits from eBay on several occasions. Jack’s responses about buying counterfeiting indicated that there might be a considerable interplay of factors which are important. On the surface, it seemed that Jack would not knowingly purchase a counterfeit, but then when he was probed further it seemed that it was more complicated than this:

Jack: I’ve bought some red Prada shoes, yeah I’ve bought quite a few things..... I wouldn’t have bought anything really if I thought it was a fake, but would I buy just because [it’s] a fake? No, I buy things on eBay I know are cheap.

Interviewer: So would you rely on eBay to say if it is fake or genuine?

Jack: I buy things that say they are 100% genuine then I will buy, I would never buy anything if it said it was fake on eBay.

Interviewer: Even if you knew they were actually fake?

Jack: Well I didn’t know, the only thing that suggested that they might be was the cost. So that is the thing, on some things I have bought they have looked fake and I don’t wear these as much, and some things I have bought, although I have not done for a long time, I don’t tend to use the computer as much and that is probably why. Some things I can’t tell and for me, those are just a fantastic deal.

Jack: So really it’s just about price why I bought them, if they [red Prada shoes] had been fake then I would have been disappointed, I think. Would I stop wearing them? Err, if you couldn’t find a difference then no. Because for me, they would be real.

Interviewer: So as long as they pass as real you are quite happy to wear fakes?

Jack: Yes, yes. Absolutely.

These comments by Jack reinforce the argument put forward by Wall and Large (2010) and earlier in this chapter, that it is important to distinguish between types of counterfeits especially in terms of the justification and harm arguments (see Chapter 1 and 7). This argument echoes that of Bloch *et al.*, (1993) who say there is a need to differentiate between types of counterfeiting in order to be able to understand consumer intentions towards buying counterfeits. The internet seems to play a role, much similar to buying counterfeits when abroad, in terms of allowing consumers to in some sense displace their concerns about counterfeits and further their social and cultural acceptability, if they can convince themselves that they bought them outside of their usual consumption situation, or if they hold a loose belief that the product is a counterfeit – even if they know deep down that the item is unlikely to be genuine. As Jack indicates, it is about the consumer's own definition and belief about what is 'real'. Gaines (1992) questioned whether displaying the brand as reality is more important than whether or not the product is actually real or not further this seems to reflect Baudrillard (1998:193) and his argument that we consume only signs and that the idea of consumption is 'the only objective reality'.

Once again, the concept of deception becomes essential to consider. Oliver, also had experience of buying goods from eBay that were listed as "genuine" but when the product arrived it became inherently apparent that the picture used to sell the goods was not of the product which arrived. This leads back to the question of how far the consumer should take responsibility in 'figuring out' whether an item is potentially counterfeit or not. Oliver mentioned how he bought the trainers with a "suspicion" that they might be counterfeit – on the basis of their price – but "decided to take a chance on them anyway". Therefore, the developments in technology should be considered in terms of understanding counterfeit purchasing.

On the one hand, the internet provides an opportunity for counterfeit sellers to sell items which can give the illusion that they are authentic. In particular, relying on a picture of an item and a description – as well as seller's feedback on sites such as eBay – is the only way a potential consumer can assess the item. Unlike actually being able to physically have a look at the item as you would in a shop, or even at a market stall, the consumer relies on an honest and accurate description of the product. However, what the qualitative interviews very much clearly demonstrated was an almost naive view (whether it is uneducated or unwilling to accept is a different matter) about products sold on eBay in terms of their authenticity. This

might in part be encouraged by dishonesty of some eBay sellers as one of the interviewees in Treadwell's research succinctly demonstrates:

What I do is I get a good photograph of an authentic bag that is the copy of the one you are selling. Nowadays you can take a few photos in a shop on your mobile, go into Selfridges and that, easy. It makes it look even more real, fucking sneaky eh, and then I'll use that to sell fakes and they [eBay] don't delete your listings.

(Treadwell, 2009:8)

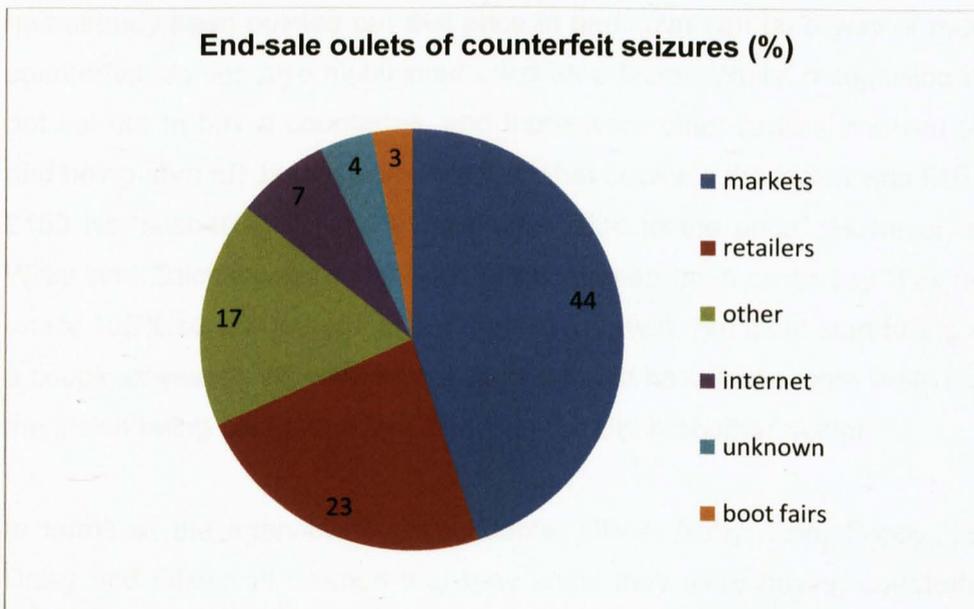
eBay positions itself as being a safe environment for consumers, and in particular, an online marketplace which 'protects intellectual property rights' through its VeRO (Verified Rights Owner) Programme (eBay 2010). However, Treadwell (2009) provides an alternative view about the nature of fashion goods being sold on eBay – or as Treadwell terms it 'the perfect bazaar' (drawing upon the work of Cohen, 2002 and Ruggiero, 1999). Indeed one of Treadwell's informers provides an interesting conclusion to the nature of items on sale on eBay: 'almost anything listed as new on the site is nicked, a snide or knock off' (2009:4). The issue which is clearly demonstrated with the problem of online retail is with the emphasis on a consumer having to recognise the cues which might indicate a product is counterfeit. If, going back, to the indicators provided by Consumer Direct (2010), and how price (or how cheap a product is) should set alarm bells ringing, what happens if, for example, a product is relatively expensive, coupled with a picture of an authentic item – should there still be an onus on the consumer to recognise a products lack of authenticity particularly when they do not have the additional ability to examine a product before purchasing? This highlights a complex argument which is considered in more depth in terms of harm, deception and quality, in Chapter 7.

Being abroad and the internet – especially eBay – seem to be the two key places where people know they can get counterfeits from. As Charlie found out, counterfeits are available in the UK in shops, amongst other places, but the majority of the interview respondents said that they would not know where else to buy a counterfeit from. Amy suggested that places such as stalls in the 'Stables' at Camden Market (markets selling a range of goods in what is generally perceived to be a fashionable/alternative area of London) had counterfeits readily available as well as (the now closed) Cross Gates Market in Leeds. However, it seems then that many people perceive that to buy a counterfeit in the UK you would need to go to a

market or car boot, and many of the interview respondents said that this is not something they would usually do in this country. This then raises a note of caution potentially with the sample of the interviews as it was distinct from existing research such as Ledbury Research (2007) who found that consumers were most likely to buy counterfeits from car boot sales and markets when in the UK. However, care should also be taken with Ledbury Research (2007) findings due to the reasons expressed in Chapter 2. Respondents such as Amy (see above) do however suggest that there are consumers who do shop at markets and car boots. Although the interview findings did not reflect this too much of an extent, when looking at some available statistics (see Figure 5.6) whilst recognising there are again problems with the data, including a potentially unrepresentative sample and the fact that it is based on seizure information, markets certainly seem to be a popular location for counterfeit sales.

**Figure 5.6: End-sale Outlets Based on 98 Counterfeit Seizures Informed to Leader Brand by Trading Standards Officers in 2005.** (n=98)

(Chart adapted from Patent Office, 2005:108)



Further, anecdotal evidence from various media reports further suggest that counterfeit goods purchasing from car boots and market stalls is still prevalent in the UK (see for example: Barlow, 2010 'Trading Standards seizes counterfeit goods from Coed Mawr Market, Greenfield'; Morley, 2010 '£270 000 of counterfeit goods seized at Appleby Horse Fair').

The above discussions have focused on the importance of the context and situation for counterfeit consumption to take place. In particular, the cost of the product and the location and availability of it have been recognised as key factors when attempting to understand counterfeit consumption (or non-consumption). Tied into this is a recognition of policy (see Chapter 7 for discussion) where the onus on consumers is to use some of these 'indicators' (see Consumer Direct, 2010) as a way of recognising the potentially counterfeit nature of a fashion good. Therefore, the next section discusses these factors and examines whether a consumer can be expected to make a decision based on these 'indicators' about the potential authenticity of a fashion product.

### **Are Situational and Contextual Factors Enough to Expect Consumers to Recognise Authenticity of Fashion Goods?**

An issue which has been touched upon on a number of occasions throughout this chapter was the idea that consumers should be able to recognise authenticity (or lack of) of fashion goods through situational and contextual factors and indicators. It has already been pointed out that price in particular can be a way of recognising a counterfeit. James also highlighted price as a factor. Whilst recognising that he did not set out to buy a counterfeit, and there were other factors involved (availability and being abroad) James acknowledged that because the jacket was £10 instead of £150 he "suspected it [was a counterfeit] due to the price". However, reinforcing Wilke and Zaichkowsky's (1999) findings, James goes on to say "I've never been totally 100% sure whether it is or not [a counterfeit]. But it did start falling apart after a couple of years". Whether or not James would have been more likely to recognise the jacket being counterfeit by its price in the UK is another matter.

In terms of the interviewee respondents; Olivia, Ruby, Erin, Poppy, Lucy, Amy, Daisy and Oliver all claimed that they knew they were buying counterfeits at the time of purchase. Erin did mention, however, that whilst she recognised that she was buying a counterfeit product, she did not actually know of the brand at the time:

We were on holiday, and we were walking through a market, and I said 'that's the colour I'm looking for' and thought it [the bag] was lovely. I think they wanted about £30 or £40 at the time for it, so you know, because it isn't like a fiver, on a Spanish market, so you know it's supposed to be something. But as I liked it, I went for it. But I was

oblivious. When I got back and checked it out and saw it's meant to be like £1700 for a bag [the authentic version]. I knew I was buying a fake, but I didn't buy it thinking I'm buying a fake Jimmy Choo.

(Erin)

What this comment from Erin reflects is the predominant two cues and situational factors which allow people to recognise that items are potentially counterfeit. However, Erin's comments reflect an interesting dilemma with the notion of recognising a counterfeit through its price. Generally, it is assumed that a consumer will recognise a potential counterfeit through its lower price point – or cheapness – the mantra 'if it's too good to be true it probably is' (see Consumer Direct, 2010). Erin, on the other hand, actually goes against presumption – Erin recognised that a product on a market stall was likely to be counterfeit precisely because it was not cheap and it indicated to her that "it's supposed to be something".

Therefore, Erin, and a number of the other interviewees, although in different ways, were able to make a judgement based on the items authenticity (or lack of) based upon situational factors and also the cost as a guide. These situational factors were also important for Jack, James, Alfie and Oliver, who although buying products which were advertised as genuine, suspected that they might be counterfeits, based predominantly on the (lower) price they were being sold for. Ruby and Daisy, however, were able to make their judgements based on the actual product itself, as Ruby explains:

Well I knew they weren't real, but I didn't know what kind of like level of fake they were, because I didn't...Because the bag I've got is quite a good copy but you know it's fake because of the inside doesn't have all the detailing. But on the outside it does look quite real.

(Ruby)

Daisy, unlike Ruby, realised that the items she bought from charity shops were counterfeit after the time of purchase. She believed at the time of buying the bag to be authentic:

I sold my boss this Louis Vuitton bag, we both thought it was real and discovered it wasn't. I then had to carry it through [City Name] and I felt like bit of an idiot.

(Daisy)

So despite Daisy being able to recognise through studying the actual product that it was counterfeit, this certainly was not a judgement she was able to make at the time of purchase. This is also important when considering the element of responsibility a consumer should take. Of course in a charity shop, it is highly likely that it would be assumed that the product is second hand due to its price as opposed to being counterfeit. Daisy and other interviewees therefore had all unknowingly bought counterfeits. The data from the interviews, as well as the survey findings, therefore, demonstrated the complexities of assessing consumer purchasing decisions and in particular the problems with assuming that a consumer has the ability to recognise a products authenticity based on situational cues and contexts. This will provide a useful framework to consider the discussion around 'harm' in Chapter 7. Having discussed the situational and contextual importance for understanding counterfeit consumption, this chapter next discusses whether counterfeit consumption is something which is every day and routine or whether it is somehow different from non-counterfeit consumption.

### **Counterfeit Purchasing as 'Other'?**

This chapter has already discussed how and why counterfeit consumers should not be distinguished, at least in terms of their demographics, from non-counterfeit consumers. However, the deeper analysis into the situational and contextual factors related to counterfeit purchasing does raise the question whether counterfeit purchasing (rather than counterfeit consumers) should be seen as 'other'. Rutter and Bryce (2008:1154) argue that because the consumption of counterfeits is similar to the consumption of goods more generally 'it is more likely that they are purchased in everyday environments and situated within routine social contexts. Further, Rutter and Bryce (2008) go on to argue that 'patterns of consumption [of counterfeits] appear to echo that of consumption of legal goods' (2008:1158). Therefore, whilst this thesis follows the general proposition of Rutter and Bryce in this sense, one of the inherently apparent findings from the interviews with those who had purchased counterfeits in the past was the infrequency of which they had done so. This was further reflected by the amount of survey respondents who had bought counterfeits on less than five occasions (72 percent). Of the respondents interviewed, many could recall specifically how often they had bought a counterfeit and where, and others who could not still commented that it was few and far between rather than something they did on a regular basis. Even if they had bought several counterfeit items, it was often done so within infrequent occasions. In fact,

Charlie who spoke of three occasions when he had bought counterfeits, held particularly strong views against counterfeits and each time had bought the counterfeits unknowingly. Out of all the counterfeit purchasing respondents however, Charlie was one of the most interested in buying branded goods and this therefore might have impacted his likelihood of buying counterfeits considerably (see Chapter 6).

Therefore, it is possible to say that, as Rutter and Bryce (2008) suggest, consuming counterfeits is not a sub-cultural or stigmatised affair, but what this thesis has found is that for the majority of consumers of counterfeits, this is not as 'everyday' or 'routine' as Rutter and Bryce seem to imply. However, whilst counterfeit consumption might not take place on that much of a routine basis, this does not mean that it is done so outside of a consumer's usual routine. Indeed, as the comments from Charlie (see above) show, his (unknowing) consumption of counterfeits happened very much within his usual consumption of fashion goods.

Indeed, referring back to the earlier point, not only are counterfeit purchases relatively infrequent, they also do not seem to be that much forward planned in terms of likelihood of future counterfeit purchases. Only three of the interviewees who had previously bought a counterfeit said that they were definitely likely to buy counterfeits again in the future (Amy, Erin and Poppy). Amy, however, as mentioned before, says that she will only do so until she can afford to buy the authentic version. Erin also stipulated that it would be important that the product was clearly being sold as a counterfeit:

I wouldn't stop buying [fakes], as long as I know I'm buying it from a market stall knowing in good faith that its fake, it doesn't bother me.  
So I would buy again yes. (Erin)

Olivia, Oliver, James and Alfie all said that if the situation arose where counterfeits were available then they would probably buy counterfeits again:

I don't think I would get the chance in this country, but I wouldn't go out of my way to. I think if I was abroad in Asia or somewhere and I need something and that was what was available, I think if, being honest, I wanted a Gore-Tex jacket and there was one for £10 and it looked good then I probably would get it. (James)

If a situation presented itself because I don't go out actively looking for fakes, but if an opportunity presented itself and I saw something fake I liked then I might buy it. (Olivia)

Jack also suggested that he might buy a counterfeit in the future, although he would not buy the item if it claimed to be counterfeit: "I look for the best process and yeah it might be fake". Emily, once again, raises the importance of the definition and interpretation of the words fake and counterfeit and suggests that whilst she would definitely not buy a fake, she might buy a counterfeit. Five interviewees (Charlie, Lucy, Grace, Chloe, Daisy) who had previously bought counterfeits, were very clear that they would not buy counterfeits in the future, for various reasons including change in views and consumption patterns (Lucy, Grace, Chloe), dislike of branded fashion and corporations (Daisy, and to some extent Grace), and Charlie who has never intentionally bought a counterfeit and holds strong views (with regards to damage to brands' and reputation) against counterfeiting.

What has become apparent is how people's (counterfeit) consumption patterns can change over time. This might be partly down to a change in attitudes (see Chapter 6) or down to other factors associated with their buying behaviour. Oliver, who although says he probably would buy a counterfeit in the future, suggests that overall his consumption of counterfeits has changed down to experience:

I think my experience of the few things I have bought, I've regretted it so that's why I've probably learnt now to keep away from them [fakes] because of the disappointment there is, and they almost don't have that bit of magic about them, and you feel a bit of a fake yourself wearing them, it takes the edge off them. (Oliver)

Perhaps then, this infrequency, and seeming unintentional nature of counterfeit purchasing could be primarily attributed to the situational and contextual factors associated with much counterfeit consumption. Opportunity and availability of counterfeits have already been mentioned as key factors in purchasing counterfeits. However, whilst buying counterfeits generally has been found to be quite infrequent, it is clear that consuming counterfeits is more than just about one factor – such as price, or situation – such as being abroad. It is clear that there is also something about the product which people want – which they have an insatiable desire for. On the one hand, in some cases, respondents clearly suggest that the predominant

factor is with need (as much as you can ever *need* clothes) – as in the case of Olivia’s clothes whilst travelling and James’ coat whilst working abroad, on the other hand, many of the other interviewees described how there was more to the choice of consuming that product. Hayward (2004:161) describes this as ‘confusion between needs and desires’

where a new untrammelled, straightforward form of desire prevails which bears no relation to classical notions of need whatsoever. A desire that no longer needs to be excused, an unapologetic, unrepentant sense of desire...  
‘If I want it, I need it!’ (Hayward, 2004:161)

Whilst situational factors do seem to play an important role in consumer behaviour, as Oliver points out, for some consumers, they will actively seek out counterfeits as well as suggesting that there is certainly something which makes the counterfeit desirable.

Interviewer: Would you only buy fakes in certain situations?

Oliver: Yes it would often be on holiday, or because of the availability. I suppose because when you go to certain resorts you often see lots of things and think I will have a look. Other times I have wanted certain things and that’s why I have bought it off eBay.

Of course, by primarily focusing on price and situation thus far, it implies that the consumer is a rational actor, making an informed balanced decision about whether or not to purchase a product, but already it seems that this is a problematic assumption to make. When the wider notion of fashion and culture is factored in, as already demonstrated by much of the above discussion, a more complex picture emerges. Referring back to the counterfeit trainers Oliver bought from eBay – whilst he notes that the decision to actually go ahead and purchase them probably came “down to price” (the fact that they were approximately £200 cheaper than the *authentic* version of the item), Oliver also recognises that “it wasn’t something I desperately needed but I desired them”. As it has become apparent throughout this chapter, whilst price, availability, context and where the item is being sold might well be important factors which affect whether or not somebody actually goes ahead and purchases a counterfeit, there has to be something more about the product itself which drives the desire to purchase it in the first place. Frequently mentioned in many of the respondents’ accounts is the brand of the item. The next question then

must be what is it about the brand what makes the consumer want it so badly? This question is discussed and explored within Chapter 6. As this extract from Ruby's account demonstrates well – this question is not only important, but also complex:

Interviewer – Do you think that you would have bought that bag if it was just a generic bag and not a brand?

Ruby – Probably not: the brand was the reason for actually liking it.

### **Concluding Comments**

This chapter explored the nature of counterfeit consumption and sought to provide an understanding of the factors involved with the consumption of counterfeit goods. Rather than focusing on attributes of the product itself, this chapter has provided a critical appreciation of the contextual and situational factors which play a role. Support was found for Ledbury Research (2007) that there was little difference between counterfeit consumers and non-counterfeit consumers. Further, supporting the proposition of Rutter and Bryce (2008) that counterfeit consumers should therefore not be constructed as 'other' however, whilst demographically at least, non-counterfeit consumers were no different from counterfeit consumers, their reasons for not buying counterfeits lay predominantly with reasons related to fashion more generally.

In recognising that a consumer's demographic does not tell us much about their counterfeit consumption behaviour, this chapter went on to consider some of the factors which seemed important for understanding why people might buy counterfeits. The chapter highlighted the importance of situational factors and context for counterfeit purchasing, notably price and location and also a broader notion of risk. What became clear throughout this chapter was that whilst price and being abroad seemed to be key factors in knowingly consuming counterfeits, taking a closer look at these factors, it became clear that these were not simple, uncomplicated factors. Therefore, it was possible to suggest following Rutter and Bryce (2008), consuming counterfeits is not a sub-cultural or stigmatised affair. Unlike Rutter and Bryce (2008) however, the findings suggest that for the majority of consumers of counterfeits, this is not as 'everyday' or 'routine' as Rutter and Bryce seem to imply. However, whilst this chapter recognises the importance of situational and contextual factors in framing counterfeit consumption, this does not answer all the questions which are posed and reinforces that the need to understand the

consumption of counterfeits within the broader context of consumption as essential. Therefore Chapter 6 develops upon a number of the issues highlighted throughout this chapter and seeks to contextualise fashion counterfeiting within the wider literature on fashion, consumption and culture.

## **6. Social Desirability of Fashion Counterfeit Items**

The aim of this chapter is to locate fashion counterfeiting within a broader framework of fashion and consumption. This chapter seeks to move beyond the opportunistic and situational factors considered in the previous chapter to provide a sense of the reasons in which people buy or do not buy fashion counterfeits. In particular this chapter will draw heavily on the theoretical literature introduced in Chapter 3. Therefore, this chapter will provide an examination of the meaning and interpretation of key terms such as fashion and seek to get an understanding of why people consume fashion goods more generally, drawing upon key fashion and consumption theorists to develop a critical understanding. The first part of the chapter therefore focuses mainly on the consumption of fashion goods as opposed to fashion counterfeit goods specifically. The chapter will then use this information to develop an understanding of why people may or may not consume fashion counterfeits. Lastly the chapter considers existing models of counterfeit fashion consumption and considers whether a typology of fashion counterfeit consumption is useful.

### **Interpretation and the Meaning of Fashion**

As generally recognised, and as discussed in Chapter 1, as with the term counterfeiting, the term fashion can take on different meanings (Entwistle, 2000; Yurchisin and Johnson, 2010). Further, throughout the research, it became apparent that peoples' interpretations of certain terms such as fashion, counterfeiting, and fake, were key to their views about fashion counterfeiting. The term fashion is heavily determined by interpretation and therefore it was likely that this understanding was reflected through respondents answers, whether through the survey or during the interviews and focus groups. However, the interviews provided the scope to explore what people understood fashion to mean and further provided an interesting insight of how this might relate to their consumption habits and preferences. Further, by seeking to engage with peoples' interpretation of what the term fashion means to them a greater awareness of peoples' views about fashion counterfeiting can be achieved.

With a lack of consensus about the meaning of the term 'fashion' between scholars (Entwistle, 2000) it is hardly unsurprising that the interviews confirmed that there is

not a shared understanding of the term fashion between consumers. To some extent, the understanding was based on a respondent's own knowledge or particular interest in fashion – but otherwise there was little to distinguish how each respondent's understanding of the concept of fashion was framed. What the interviews did highlight, however, was the broad range of interpretations of the term fashion, reflecting many of the issues discussed by Barnard (2007) in his attempt to define fashion (see Chapter 1). Some respondents had quite a clear view of its meaning and related it to something quite specific, where as other respondents viewed it as having a much broader meaning. Indeed a number of respondents thought that fashion had multiple meanings depending on various factors. Some of the respondents who had quite a clear definition of fashion, talked about fashion as meaning specific things such as brands, and in particular, designer brands (Harry, Joshua, Ella), or even just “higher price” (Ruby) or “expensiveness” (Thomas). Charlie, for example, simply suggested: “I always buy designer labels; that's what I equate with fashion”, going on to explain “fashion is just something, looking good, really, and wearing nice clothes”. Other respondents also commented specifically on the association with brands and fashion, but indicated, as with Charlie, that their understanding was quite specific: “certain brands, not just what everyone has” (Jack) which points to exclusivity and luxury brands. Ruby, although making a similar point, suggested that fashion is “more than brands, just price – higher price”. However, unlike respondents such as Charlie who perceived fashion to be closely correlated to what they wear themselves, some respondents, such as Ruby made a distinction between what they identify as fashion and what they wear: “clothes I buy on the high street are fashionable, sort of, but not in the same way that like the catwalk is with different trends” (Ruby).

One consistent theme seemed to be that for many people, fashion can mean different things. Jack, for example, recognised that there can be “different uses for the word in different contexts”. Whilst those such as Chloe, saw fashion as a “broad, not really specific”, “umbrella” term which encompasses many meanings, a number of respondents shared a similar view as to how fashion is related to trends and style. However, despite on one level a shared view, respondents' explanations highlighted their variations in their interpretations.

## **Consumption of Fashion: The Shopping Experience**

The consumption of fashion (and other) goods has become an increasingly important aspect of contemporary society (McCracken, 2005; Miller, 2008) and shopping for these items has, for many, become a firmly entrenched leisure activity. However, shopping is a complex activity which can be seen both as 'work and leisure, production and consumption, pleasure and duty' (Shaw, 2010:2). The retail sector is generally booming despite the setbacks of the current economic climate and city and town centres continue to see growth of new shops and shopping centres and despite the recession, the fashion industry continued to see an increase in growth throughout the recession (Intel, 2010b). Of course not all retail premises are in the business of fashion goods but they do certainly make up a large proportion of shops available. The British 'High Street' is seen as central to the fashion industry – with shops ranging from value retailers such as Primark and Peacock's; mid-range retailers such as H&M, Zara, New Look and Topshop/Topman, to the higher end retailers such as French Connection, Karen Millen and so on. The concept of 'fast fashion' is one which has taken increasing prevalence on the High Street. Morgan and Birtwistle (2008:190) describe this as a 'new phenomenon that offers consumers the latest trends at the low prices, just weeks after they appear on the catwalk'. Morgan and Birtwistle note that demand for cheap fashion is high and this has fuelled the demand for 'fast fashion'. Keynote (2008) describes how this strategy provides retailers with large profit margins by selling large quantities of low cost fashion goods 'to shoppers seeking something new to wear every week' (Morgan and Birtwistle, 2008:190).

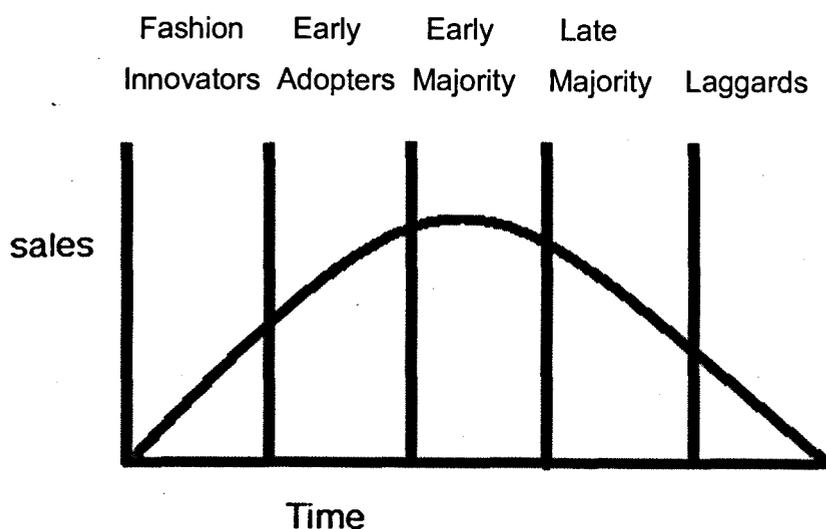
City centres are also home to designer – or luxury brand retailers – including prestigious labels such as Louis Vuitton. Department stores also play an important role with many bridging the gap between designer-wear and mid-range goods, stocking small amounts of popular or more boutique brands all under one roof offering consumers a range of choices (see for example Intel, 2007). Of course there are also a whole range of other shops available; charity shops, second hand 'vintage' shops, independent shops and boutiques and the more traditional market stalls. There is also a growth of shops which have an ethical cause or belief. Examples of shops such as this include 'Found' by Create in Leeds which describes itself as a 'social enterprise company' which provides 'vulnerable people with opportunities and raises money for charity' through buying/selling/donating designer/high end clothing (see Found by Create, 2011). Essentially, it is also important to remember the 'out of town' retailers such as Matalan who offer a range

of value fashion goods and other household wares, as well as retail parks which might offer a number of well-known high street shops or 'outlet' designer retail parks which sell past season stock at reduced costs (see Mintel 2007). There is also of course online shopping which has undergone considerable growth in recent years with the introduction of new technology (Mintel, 2011). This allows shoppers to buy from the well-known established companies that they are used to buying from on the high street through the stores own websites, as well as buying goods from other sources such as auction websites and independent retailers. Therefore effectively shoppers are no longer restricted to opening hours but can buy fashion 24 hours a day at the click of a button. Indeed the growth of supermarkets into the fashion market further enables consumers to buy their fashion goods in non-traditional outlets (see Mintel, 2007).

Shops of course are only one aspect of the fashion industry, and it is worth briefly considering at this point the nature of the fashion industry. Whilst the nature of the fashion process or fashion cycle is one which is up for debate depending on one's theoretical standpoint, in the most simplistic of terms there is a pattern of 'introduction, acceptance and then rejection' (Yurchisin and Johnson, 2010:3). At the most basic, the fashion cycle is described as the 'innovation adoption curve'.

**Figure 6.1: The Innovation Adoption Curve**

(Reproduced from Yurchisin and Johnson, 2010:4)



It is also worth pointing out at this stage that understanding the nature of fashion is significant, for a critical debate about fashion counterfeiting. This is largely due to

the nature of the fashion process – one of ‘introduction and imitation’ which is ‘repeated over and over again’ – and thus, as Yurchisin and Johnson (2010:3) suggest ‘fashion represents social copying’. This point is worth flagging up here since the nature of fashion is one which relies on imitation, thus, providing an inherently contradictory position when considering fashion counterfeiting. As Hilton *et al.*, (2004) also described the very nature of the fashion industry and fashion ‘cycle’ encourages copying and imitation, and therefore on the one hand it would seem to legitimise counterfeiting. However, despite copying and imitation being at the heart of the fashion industry, at some point (for some at least), fashion counterfeiting (and also to an extent design piracy) becomes illegitimate and problematic. As discussed in Chapter 7, the point at which fashion counterfeiting becomes problematic is contentious and subject to debate and largely rests on the notion of ‘harm’. Indeed because of the fashion industry’s nature, Hilton *et al.*, (2004:345) argue that the ‘problem’ of counterfeiting ‘partly lies in the industry itself’.

So far we have discussed the term fashion, and introduced the nature of the fashion industry and fashion cycle; however, fashion in this sense is quite abstract. Having already examined what fashion means to consumers, at its most simplest it can be considered as ‘what people wear’ – in the broadest sense (Barnard, 2007:3). Entwistle (2000:48) also discusses the notion of “‘dress’ as an activity of clothing the body with an aesthetic element’. This further highlights that whilst fashion is an important term, additionally so is dress. However, the relationship between fashion and dress is one which is contested, again varying by theorist. Entwistle (2000:49) raises an important point noting that ‘fashion is not the only determinant on everyday dress’ highlighting that whilst fashion does play an important role, there are a number of other factors which interplay which may affect decisions about how to dress, or what to wear, such as age, ethnicity, body shape and personal income. These factors are all certainly prevalent with the discussions arising from the qualitative aspects of the research which will be discussed shortly. People can therefore engage with fashion and dress in a number of ways, through study, work, daily life, and of course through shopping. Shopping forms the inevitable way consumers can engage legitimately (or illegitimately in the case of shopping for counterfeits?) with fashion and dress.

People go shopping for many reasons (Shaw, 2010; Yurchisin and Johnson, 2010) and shopping is suggested as forming a key leisure activity, and indeed within the qualitative findings, this certainly seemed to be the case for many consumers.

However, this was certainly not the case for all consumers. Therefore, two broad perceptions of shopping experience were identified – leisure and stressful. The term ‘shopping’ is to be used with some caution – as Shaw (2010) discusses it is a term which can take on board different meanings at different times by different people and in different contexts but essentially the term ‘shopping’ should not be confused with ‘buying’ (see Shaw, 2010:2-3). Thus this chapter will next go on to discuss shopping experiences more generally before considering buying behaviour of fashion goods.

### ***Shopping as a Leisure Activity***

Overwhelming, the majority of the interview sample described shopping as a leisure activity they enjoyed. This was generally reflected in the frequency of which people went shopping. Only six respondents stated that they went shopping less than once a month (classed as infrequent) and three of these, Millie, Thomas and Alfie described shopping as ‘stressful’. Ella, a fourth infrequent shopper described how shopping for her was a mixture of pleasure and stress. For the more frequent shoppers – people who shop for clothes at least once a month – shopping experiences could happen on an almost daily basis. There seemed to be a difference between intentional shopping trips, where the consumer sets out with the purpose of shopping and the opportunistic shopping trips where the consumer happened upon the shops which often resulted in impulsive and unplanned purchases. As Emily describes: “I go into the shops once or twice a week and usually buy something, I go intentionally shopping only two times or so a month”. This seems resonant of Shaw’s (2010:7) ideas of ‘special shopping’ and ‘ordinary shopping’, but what it reinforces is the notion of shopping as being part of ‘everyday life’ (Shaw, 2010:8). However, the amount of times consumers ‘go shopping’ (with the specific intention of shopping), in some instances, seemed to be quite related to their daily routines. For instance, respondents such as Oliver described how because he worked in the town centre, he would spend most of his lunch times browsing the shops because he “enjoys looking”. This was similar to Poppy who also regularly “window shops” on lunch breaks or after work. Olivia also discussed how she rarely “plans” a shopping trip but when she is passing through on her commute to university and has some spare time, she often is “attracted to the shops” and has a look in shops she likes. Shaw (2010:14) discusses how shopping does still sometimes manifest as a ‘planned’ activity, but increasingly, has become a ‘spur of the moment activity’ which is ‘squeezed in’ to our daily lives. Whilst some of the consumers involved did also shop online for fashion goods they primarily

preferred to go to the actual physical shop to buy. Some mentioned this was because they liked to try things on whilst others implied it was because they liked to go shopping. Consumers in general talked very little about consuming fashion goods online, but it certainly seemed an additional way of consuming rather than the primary way. This is something which could be explored in much further depth in future research, particularly in light of some of the discussions about opportunity and contexts relevant for fashion counterfeit purchasing.

There also seems to be some importance related to the purpose of a shopping 'trip'. Here it is worth drawing upon the work of Yurchisin and Johnson (2010) who describe the differences between 'hedonic consumer behaviour' and 'utilitarian consumer behaviour' (p40-41). They argue that hedonic shopping is a 'pleasurable', 'fun' activity which is related to enjoyment of the overall shopping experience, whereas on the other hand, utilitarian shopping is a 'functional' activity, often viewed more as a 'chore' or 'job' (Babin *et al.*, 1994; Solomon & Rabolt, 2004) where the object is to attain what is *needed*. This relates back to Shaw's (2010) ideas discussed earlier about the notion of a successful shopping experience.

For those who enjoyed shopping and engaged with shopping as a leisure activity, browsing around shops seemed to be a key way in which many of the interview respondents, such as Harry and Megan, amongst others, enjoyed spending their spare time. Megan highlighted why even just browsing can be an enjoyable experience

I think I go more 'window' shopping than clothes shopping, the factor being that I'm a student, I'm trying not to spend too much money on shopping but it might be once a week or once every two weeks, but I wouldn't necessarily buy something on that occasion. I think it's more of a social thing like you and your friends go shopping together.

(Megan)

Isabella also discussed the enjoyment she gets from going shopping. Somewhat contradictorily Isabella does not see shopping as a social experience even though she only goes with friends. This could reinforce the routine nature of shopping which those such as Shaw (2010) describe, where consumers are so used to it being part of their everyday routine that whilst finding it enjoyable, they do not necessarily see it as 'special' in terms of a means of being sociable with friends.

I love shopping, I went shopping yesterday and I'm always thinking what can I buy to go with something, I'm constantly thinking what I'm going to wear on Saturday night. I get a lot of enjoyment out of shopping. I always go shopping with my friends, I hate going shopping on my own. It's not really a social experience though.

(Isabella)

Freya on the other hand takes the opportunity every month after pay day to go shopping, however she much prefers to go by herself so that she can "look around slowly at [her] own leisure". Freya exhibits how shopping can be an enjoyable, leisurely experience to spend alone, again recognising that much of what she buys is not what she needs or intended to buy. There is a suggestion that the very nature of shopping is a sociable experience whether people decide to go shopping as a social activity as Megan does, or, whether people prefer to go shopping alone as Freya does. This is because shopping is suggested to be a 'talkative practice' (Zukin, 2004 cited in Shaw, 2010:45) – as in going shopping gives people something to talk about. The comments above highlight the importance and function which clothes can have in people's lives. Indeed as Entwistle suggests: 'dress is both a social and intimate activity' (2000:35). Additionally, Megan, Lucy, Erin and Amy, who all work or study within the fashion industry, all talk about how they like to keep up to date with fashion and trends through browsing the shops.

For others though, shopping *trips* are much more that, as opposed to passing through shops whilst doing other things.

I generally don't go [shopping] unless I have something I need to buy, but I will also end up looking around for lots of things I really don't need and I will buy a lot of things that I don't need to. (Chloe)

Charlie also talked about how he "loves" going shopping, and although primarily sets out on a shopping trip because he needed something when he is there he enjoys looking round and often ends up buying more than what he set out to. As a result, Charlie described how he has had to cut down on how often he goes shopping because he likes to buy designer brands and spend a lot of money at the same time. Joshua also talked about how he has to make a conscious effort to stay away from the shops otherwise he will end up buying lots of things that he sees impulsively.

### ***Shopping as a Stressful Experience***

A number of the interviewees described how shopping was not something they did for pleasure, and how it was generally a stressful, rather than pleasurable experience. These consumers; Millie, Thomas and Alfie, were all infrequent shoppers, and further their reasons for buying fashion goods were primarily associated with a specific need. For example, Thomas was quite adamant that he only went shopping when he needed something and would only buy perhaps one item as he does not "get any enjoyment out of it at all." Shaw (2010:8) describes how for some consumers, shopping is 'boring and oppressive'.

Some of the consumers however, who struggle with the shopping experience gave the impression that they do not feel comfortable in an environment which they in some sense feel excluded from either due to age or personal attributes. Alfie was an example of a consumer who finds shopping quite a daunting experience. In the past, Alfie (who is very tall) said that he quite enjoyed spending time browsing and keeping a look out for items he wanted to buy, however, Alfie describes how since the arrival of his daughter he does not get the opportunity to do this and now when he goes shopping it is as a result of necessity and results in a negative experience since he ends up rushing and buying something which does not fit correctly. Additionally, Millie who was one of the older interviewee respondents (though not the oldest), highlights her struggles with shopping:

I find the whole experience quite overwhelming because it's like in your face at times and a lot of it is aimed at a much younger market. It's almost like there's nothing fashionable for forty year olds, there's a lot of fashionable things for twenty year olds but it's almost like they are expecting people to wear that kind of fashion so the age gap has been rubbed out somehow....I think British fashion is narrow minded in that sense, it's not got a broad enough outlook on who it is designing for, so for me it can be quite a hectic experience, because they don't really design things for my shape either.

(Millie, aged 41)

Other consumers, such as James, whilst not finding shopping especially stressful, do not see it as a leisure activity either. This seems again to be related with reasons for buying and frequency, as James highlights:

I don't go that often, typical bloke! I probably go, to be honest; I probably do a big shop once a year, and then I'll pick up stuff as and when I need it, like a pair of jeans or something. (James)

### ***Mixed Experiences***

Daisy, unlike other respondents who are involved in fashion in their daily lives, had quite mixed views about shopping. Whilst on the one hand, Daisy said how she goes shopping all the time, she also expressed her dissatisfaction with the mainstream industry saying that she could never find anything she wanted to buy because she does not "like most things in the shops because everyone wears it". Daisy also holds particular concerns about the ethical issues of mass production and will not go in shops such as "Primark because of the reasons behind it like where the clothes come from". Therefore, Daisy primarily shops in boutiques and charity shops but also makes a lot of her own clothes. Ella also describes mixed experiences of shopping:

It's weird, I enjoy shopping but I also find it frustrating and tiring, often it'll be a mood thing, like I'll be in a different country and I'll shop there as maybe it's cheaper, so I'll get three or four things all in one go, and feel that I've shopped for the season. I do enjoy shopping, but I find it stressful. (Ella)

Going back to Yurchisin and Johnson's (2010) discussion highlighted earlier with regards to hedonic and utilitarian types of consumer behaviour, Ella's comments above highlight an interesting point to consider. Whilst as discussed above, consumers broadly fall into two categories – those who find shopping pleasurable and those who find shopping stressful, which align with hedonic and utilitarian consumer behaviour – Ella's, and Daisy's comments highlight Yurchisin and Johnson's (2010:41) recognition that 'consumption contexts' can have an effect on whether consumers 'act in a hedonic or utilitarian manner'. Further, it could be suggested that other factors might affect shopping experience and consumer behaviour – mood, financial concerns, and whether the consumer is seeking something specific or not.

### ***From Browsing to Buying***

As discussed above, many consumers take satisfaction and enjoyment out of 'window shopping' and browsing without always actually buying something. Shaw

(2010) discussed how shopping does not just have to be about the actual process of buying, as sometimes (and in fact, often, many times) going shopping does not result in a purchase – yet as the intention might not have been to actually buy something, the shopping trip may still be viewed as a success (Shaw, 2010: 2). This relates back to the earlier point about the nature of shopping and the shopping experience. However, as highlighted above, much buying of fashion goods, despite there often being intentions of buying a specific item or outfit resulted in numerous additional purchases. Yurchisin and Johnson (2010:75) highlight the differences between Solomon and Rabolt's (2004:447) definition of 'unplanned buying' where 'we are 'prompted to buy something while in the store' that we did not plan to buy before we entered' and Rook's (1987:191) definition of 'impulse buying' where 'you feel 'a sudden, often powerful and persistent urge to buy something immediately' without 'regard for its consequences''. As Chloe suggests, many people buy fashion goods without even really thinking about it saying: - "I don't know why I buy half of what I buy". Incidentally, the qualitative findings suggested that shopping for leisure was associated with impulsive and unplanned buying and for those who find shopping stressful buying was much more associated with purposeful buying where the consumer felt they needed something in particular.

Despite the obvious similarities, between impulse buying and unplanned buying, impulse buying is seen to be less associated with rationality and more associated with emotions (Yurchisin and Johnson 2010). Therefore, the qualitative interviews also sought to get a sense of why consumers actually go ahead and buy a product and whether there were any particular factors which might be prominent. Traditional economic theory suggested that people buy goods in a rational manner being conscious of price. However, even within an economic framework there has been a movement away from the idea of the solely rational price conscious consumer and a recognition that people may consume goods for other reasons, such as the communication of 'symbolic information' (Belk, 1995:64). Despite the impulsive and/or unplanned nature of much buying of fashion goods, and the recognised lack of rational judgement, it is also worth recognising that most consumers do not have the financial ability to buy everything that they want, and therefore there must be some element of a decision making process with an economic focus (Yurchisin and Johnson, 2010).

Blackwell *et al.*, (2001) define the series of decisions that a consumer makes in making purchasing decisions as the 'consumer decision process model'. This model

has seven stages which take account of the decisions that a new item is needed through to disposal of the item. However, what is of particular interest here is the first four steps: 'problem recognition, information search, alternative evaluation and purchase decision' with the fourth step being of primary focus. However, as Yurchisin and Johnson (2010:58-59) point out, this model should not be seen as 'rigid' and the interplay of 'personal characteristics' and 'product characteristics' will ultimately affect the length of time an individual consumer spends at each stage of the process. Focusing on the purchase decision stage, Yurchisin and Johnson (2010) describe a number of aspects which come into play at this stage: formal decision rules (quality, image, price), heuristics (price, brand name), and store level influences (image, design, environment, social). This would suggest that a consumer makes a decision on which product to buy through a combination of these factors. Indeed, through analysing the qualitative data there seemed to be three broad themes of factors related to why a consumer makes the decision to actually go ahead and purchase a product: factors related to the product characteristics, personal and emotive factors, and factors more broadly related to what is perceived to be 'fashionable'. These factors arguably suggested a broader notion of consumption which included those items which were both planned purchases and also unplanned and impulsive purchases. Whilst Yurchisin and Johnson (2010) focused on the product and store characteristics, the findings below suggested that the broader context of fashion was equally important.

#### *Product Characteristics: Quality, Price and Fit*

First, the characteristics of the product were found to be important including the quality of the product (whether it is actual or perceived), importance of (good) fit, price and the brand. The first three factors are discussed initially, before moving onto a consideration of brands. More than three quarters of interview participants stated that fit was either the most important factor, or one of the most important factors when buying a product. For some, such as Freya and Grace, this meant a tendency to buy certain clothes from particular shops:

The fit is very important, like jeans are hard to find that fit nicely. The ones in River Island had an unusual design and were a little bit different so I bought them. (Grace)

It's often if I think that's a look for me and the fit is very important, I try it on to see how it makes me feel. 9 out of 10 times I try it on in the shop. (Oliver)

The fit is more important than anything else. (Ruby)

The importance of fit parallels the notion discussed by Entwistle (2000:7) of dressing the body and how 'wearing the right clothes' enables people to 'feel at ease with [their] bodies'. Whilst fit of course is not the only element of wearing the 'right clothes', badly fitting clothes are likely to make people feel uncomfortable and potentially 'vulnerable'.

For many consumers, price is an important factor in the decision whether or not to purchase fashion goods. Chloe, Millie, Ruby, Grace, Erin, Poppy and Charlie all suggested that price was definitely something they took into consideration when deciding whether or not to buy a product. Within Yurchisin and Johnson's (2010) explanation, price can be used in two ways. Firstly as a 'formal decision rule' which is weighed up against image and quality and secondly as a 'heuristic' (indicators which lead to a 'speedy decision' (Solomon and Rabolt, 2004:367)) where there is an assumption that higher price means better quality (Solomon and Rabolt, 2004). This lends support to the recognition of economists that there must be some element of rationality with consumer behaviour (Belk, 1995; Yurchisin and Johnson, 2010). As discussed in Chapter 5, price is something which is subjective depending on a consumer's own personal income and perception. This would infer a rational economic decision making process, however, it is worth recognising that the decision making process will often not always be that rational. The mass growth in value retailing and 'fast fashion' over recent years has changed consumer perceptions towards shopping for 'bargains' and cheap fashion (Morgan and Birtwistle, 2008; Yurchisin and Johnson, 2010). Primark, for a number of years now has been the sector leader in value retailing (Datamonitor, 2010). Indeed Primark (or to use its nickname 'Primani' (an amalgamation of Primark and the luxury brand Armani) was mentioned frequently as an essential retailer for most interviewees and their ability to engage with latest fashions at low cost. Indeed, in line with traditional 'utility' economic theory, this lends support for the argument that people are inclined to buy more when the price is low (Douglas and Isherwood (1996). However, Mintel (2007) notes how 'fast fashion' is also closely associated with highly impulsive consumer purchasing behaviour, which questions the rationality element. As

Yurchisin and Johnson (2010:47) argue 'consumers are now proud to say that they got a good deal on a desired apparel item'. However, value retailers, and in particular Primark, are seen as providing fast (but disposable) fashion. This is items which are generally (or supposedly) of a lower quality, which might not last very long, but consumers' justify these purchases on the grounds of the low cost of the items.

Naturally, the nature of fast/disposable fashion raises some environmental concerns. Indeed, Morgan and Birtwistle (2008) note how the nature of fast (disposable) fashion has had a dramatic effect on the amount of clothing being disposed of. Waste Online (2008) suggests that approximately 1,000,000,000 kilograms of clothing is sent to landfill sites every year within the UK. Both Daisy and Emily stated that because they were becoming increasingly aware of the damaging nature of disposable fashion to the environment, they were becoming less concerned about price, and now were prepared to pay more money for better quality items which would last longer. Harrison *et al.*, (2005:2) describe this type of consumption as 'ethical purchase behaviour' or 'ethical consumption' where price and quality are still important factors, but additionally so are concerns about ethics. This ethical concern not only applied to environment, but for some consumers such as Evie and Ella it also affected their decisions where to shop (or avoid) on the grounds of concerns about exploitation of workers. Both of these concerns raise interesting conundrums for counterfeiting as discussed in Chapter 7. Also at this point it is worth highlighting the other issue related to value retailing and its potential impact on counterfeiting – both as a route for counterfeit (and grey market) goods to enter the legitimate fashion market and to confuse the indicator of low price as a reference point for a goods potentially counterfeit nature.

The discussions above suggest that price, quality and fit are key factors for consumer purchasing decisions. Referring back to Yurchisin and Johnson's (2010) discussion about the consumer decision process model, their analogy of Step 4: 'Purchase Decision for Consumption of Apparel Products' provides a useful framework to contextualise this. They acknowledge that there are a number of formal decision rules, or strategies, which a consumer will employ, which will either be non-compensatory or compensatory. Yurchisin and Johnson (2010) discuss this with relation to product image, product quality and product price. It could be suggested however, that in line with the qualitative findings above, fit could also be included here as an important factor. As Yurchisin and Johnson (2010) describe,

non-compensatory decision making rules are when one aspect (such as product image) is the most important criteria and a product scoring badly on a less important aspect (such as price) will not affect the strength of the most important criteria. Obviously different consumers will rate the strength of different criteria such as image, quality and price differently which would mean that different consumers would make different decisions based on different reasons. Compensatory decision rules, on the other hand, are when a consumer weighs up the strengths and weaknesses of a number of similar products and compares which one has the most strengths overall (Yurchisin and Johnson, 2010).

There is one main drawback with Yurchisin and Johnson's analogy however, and this is because they imply that most consumption of fashion is done within a rational decision making process – or as they describe it as 'normative' fashion consumption behaviour. Whilst this may be the case when a consumer *needs* something in particular – a new pair of jeans, or a new dress for an occasion – when a consumer is more likely to 'shop around' for the most suitable product, it seems from the qualitative analysis that most consumption of fashion items is a result of unplanned buying. Therefore, this begs the question as to what extent does a consumer really engage with a rational decision making process for the majority of their purchases? Yurchisin and Johnson (2010:80) acknowledge that consumers do engage with impulsive buying and that this is an 'exception to the rational consumer decision process model', although from the qualitative findings discussed throughout this chapter, it would seem that impulsive or unplanned buying is the norm rather than the exception. Indeed, referring back (see Chapter 5) to Hayward's (2004) discussion of 'need' for many consumers they might view all their purchases as something that they *need* which very much problematises the notion of rationality and a rational thought process within the context of fashion consumption.

#### *Product Characteristics: Brand Names*

Whilst price and quality as factors in their own right are important, as Yurchisin and Johnson (2010) described the brand name can also act as a 'heuristic' to help a consumer make a 'speedy decision' (Solomon and Rabolt, 2004:367). A brand name is closely associated with the brands image (Arnould *et al.*, 2004). This chapter sought to expand upon some of the findings highlighted in the previous chapter. Indeed, whilst focusing on situational and contextual factors relevant to counterfeit purchasing, the previous chapter also suggested that whilst these factors were important, the 'brand' was an additionally important (or in some cases the

most important) factor. Dubois and Dusquesne (1993) argue that the consumption of 'trivial' luxury fashion goods is a reflection of 'income and class'. However, whilst this may well be true, it would be false to assume that only those who consume expensive branded goods could be attributed to particular social classes or income brackets. Indeed, Joshua, Charlie and Jack are all explicit about the brand of the product being a key reason for purchasing a fashion item. Charlie was keen to state that he would not wear a product if it did not show a recognised brand name:

It's got to have a name on it. If it aint got a name on it then I won't  
buy it (Charlie)

Ruby's comments are also indicative of the power of the brand:

Interviewer: Do you think that you would have bought that bag if it was just a generic bag and not a brand?

Ruby: Probably not: the brand was the reason for actually liking it.

Joshua and Jack also reflected on the brand name being a key purchase factor. For Joshua, brand names are also about representing quality, and justify why it is worth spending more money on a recognised brand item, as opposed to a cheaper generic alternative. Quality is also a concern for Daisy and Jack. Indeed, Daisy recognises that because she is becoming more concerned about good quality products this has resulted in her being less concerned about price. Jack also has particular preferences for certain designer labels due to their representation of product quality.

I like to buy things – you know for instance, this was an impulse buy [shows jacket]. I like to buy things that I know are going to last, which won't go out of fashion and which are valuable and which are of quality and look understated. (Jack)

Amy provides an interesting insight for attempting to understand some of the reasoning why people might buy branded fashion goods and suggests that for her, buying branded goods is not about slavishly buying labels simply because they are labels, but because she wants to be associated with the 'story' of the brand.

Interviewer: what makes you want to buy into a certain designer?

Amy: Well, Alexander McQueen is one of the big ones. One of the girls here got a scarf this week, just in sort of memory of him. There's a lot of other things that go on like with the films, like when Chanel first came out I think it increases your knowledge about them [the brands]. I think it's just with the clothes that you like. Because when you study it constantly you look at the catwalks, after four years of it you tend to know what you like best. So year on year if you like that type of brand you're going to go for that brand.

Interviewer: So the more you know about the brand, it increases your desire for it?

Amy: The more I know about it the more of a personality the clothes have. Rather than just buying a Prada label or Gucci label, we know what's behind that label.

There is much debate within theoretical fashion literature about whether fashion and clothing can act as some form of communicator. Much of the early work taking this line of thought aligned wearing luxury goods with social class distinction (such as Veblen ([1899] 1998); Simmel ([1904] 1957)). Veblen, for example, argued that one's status can be reflected through their clothing choices showing their 'pecuniary standing' through 'conspicuous consumption' ([1899] 1998:167). However, the focus on 'expensiveness' (Veblen ([1899] 1998) by those such as Veblen, Simmel ([1904] 1957), Leibenstein (1950) and Dubois and Duquesne (1993) and the assumption that only the upper social classes access these types of goods is problematic. Whilst these theoretical explanations might well still be relevant for *haute couture* items, the massive expansion in fashion brands and their availability to the wider mass market (see Klein, 2005 for a discussion) has fundamentally changed the nature of fashion and in particular branded fashion. The work of Davis (1992) still focuses on the importance of clothes as a communicator but suggests that this happens on both an individual and collective social level and argues that fashion plays an important role for social identity. Interestingly, Davis (as does Bourdieu, 1993 and McCracken, 1988) recognises the significance of fashion designers and other key industry players in the fashion process. Taking on board then Amy's comments above, it is possible to see, as Davis (1992) argues, that social identity takes place within a wider context of cultural variables and values.

### *Fashion, Style and Trends*

The broader theme of fashion, style and trends could be broken down into three further interrelated sub themes: trends, seeing other people wearing something (either an item or a style) and whether a product stands out in the shop. Whilst being out shopping, some consumers look for items that stand out to them and their preferences, a few of the interviewees (Chloe, Lily, Freya, Emily, Poppy and Daisy) talked about how they would often buy items which just happened to 'catch their eye' while they were looking around the shop. Of course, retailers recognise this and thus shops are designed in such a way to encourage unplanned buying (Yurchisin and Johnson, 2010). Unplanned, or in particular impulsive buying, usually takes place with a 'rapid' decision and a 'subjective bias in favour of immediate possession' (Rook and Gardner, 1993:3). Kacen and Lee (2002) argue that culture is an important factor in impulse buying.

Lily recognised whilst on a conscious level this attraction to certain items on view in shops might be related to her own personal preferences about what she liked, she also is probably influenced to some extent on a "subconscious level" by trends she had seen in magazines and on celebrities. For something to become fashionable it has to be introduced and adopted, and magazines and celebrities provide a useful tool for fashion companies to do so. Referring back to Figure 6.1 'Fashion innovators' are those who first take up a new idea and others follow their fashion lead, therefore the high visibility nature of a popular celebrity, or the carefully manipulated photo-shoot of fashion models in a magazine provide an ideal way of introducing new styles, trends and items to the wider mass market (see Yurchisin and Johnson, 2010 for a discussion). Using fashion magazines to engage with the latest fashion trends, and "what's in" was a key thing for a number of interviewees such as Megan, Isabella and Amy (all fashion students), Daisy (independent fashion designer), Ruby and Oliver. Additionally several of the other interviewees used fashion or celebrity magazines on a more casual level. For example as Grace says:

Fashion magazines do influence me on one level but I like to think that they don't, but they do as the shops have the same the same things as everyone else. (Grace)

Grace makes an important point here about the nature of fashion. There is considerable discussion by fashion theorists about the reasons why people buy fashion, yet fundamentally, as Grace acknowledges here, we can only buy what is

available to us in the shops. This begs the question then to what extent do we actually make choices based on our personal preferences or find ourselves influenced by clever marketing and fashion advertising. Yet, discovering the conscious choices from the unconscious seems an impossible feat as it relies on consumers recognising the influence of the fashion industry and the media. Davis (1992) in his critique of the fashion process, describes how unlike in the past when 'trickle-down' theory dominated fashion (see Chapter 3 for a much more in-depth review, but essentially this is the class based understanding of fashion where the upper classes accepted/rejected new fashion which others would then later try and emulate – explanations offered by those such as Veblen ([1899] 2005); Simmel ([1904] 1957)), there is a recognition by others such as Grindering (1981) that fashion 'leadership' now happens on a much more 'horizontal' basis from 'pockets' across all status levels (Davis, 1992:148). Whilst the aim here is not to decipher the fashion process in any depth, the work of those such as Grindering (1981) and Davis (1992) recognise the influence of the media in helping to define fashion trends.

Building upon the discussions above, most of the interviewees who looked at fashion magazines suggested that this was to get a sense of key looks and trends rather than identifying particular items that they wanted. As Ruby describes:

It's more really like dresses that I see on people because it's cheaper and easier to wear but especially if I see something in like Glamour, Cosmo or Vogue, obviously stuff like that I can't afford because it's all designer but if it's in other magazines like Heat or something then, I'll obviously, if it's expensive I'll look for something a bit similar, especially if the person wearing it is a similar shape to me.

(Ruby)

Many of these magazines, especially those such as Heat, Look, More appeal to the broader market and not just those with a specialist interest in fashion. Therefore they often have features with how to dress like a celebrity for example. There are two key issues of importance here. First of all is the question of whether or not consumers therefore are trying to emulate the look of the celebrity or the look in itself; and secondly is with this idea of trying to copy a look within a broader context of counterfeiting when copying is, or is not acceptable. Dealing initially with the first point, in the interviews, and also the focus groups, it was therefore interesting to try

and get a sense of whether people were more generally influenced by the clothes they saw in the magazines, or the celebrities who they saw wearing them. Ruby describes:

It's probably more celebrities because if I like celebrities, then I'm more inclined to buy what they wear, but even if I see something nice and it's not on a celebrity and I like it I would want to buy it.

(Ruby)

Within the focus groups, it became apparent that for many of the young people, they liked to follow key fashion trends. Whilst some of the participants preferred to identify particular celebrities they liked and would try to imitate their style, others recognised that some celebrities are just associated with a particular fashion trend at the time.

For me I would say Rhianna and Ashanti. I like the way she does her hair and wears her clothes and Ashanti - certain dresses she wears is attractive to me...

Interviewer: Is it more than just what they wear?

Yeah

I wouldn't say that it's following celebrities, but when fashion comes in, like at the moment everyone is going for the Cheryl Cole look.... It's more about what they wear rather than them.

(Focus Group 1)

One focus group participant however, was quite adamant that she did not follow celebrity styles:

I don't like to follow trend setters... I just don't like copying. Well not exactly copying but I like to do my own thing, you might see something on someone which looks nice and then you try it on and it might look horrible on you. I just don't like.

(Focus Group 1)

Also within the focus groups, the participants discussed celebrities and magazines and how magazines form a key way of fashion trends becoming accessible to them, showing you how to create a look, highlighting key trends and also how to get a look

according to your body shape. In particular, those in Focus Group 1 (FG1) discussed how they would often look at features in fashion magazines which describe how to get a particular celebrity 'look' within a more accessible price range. This process of 'imitation and adaptation' is essential to the fashion process (Yurchisin and Johnson, 2010). What is particularly interesting about the nature of this is when the discussion is brought back to counterfeiting. Going back to the second point made above, many of these features in fashion magazines provide specific examples of similar alternative items to create the desired look. These items are sometimes making use of legitimate copies of the more expensive version. The ultimate effect of this is it essentially legitimises copying a more expensive product with a cheaper version. Whilst there may well be design piracy issues which could potentially come into play here and result in a legal challenge, surely in the eyes of the consumer, the fashion industry by its own very nature, is suggesting that it is acceptable to imitate a particular style, or look, or item, regardless of your income or spending on fashion. As discussed in Chapter 7 this arguably raises some very difficult questions for the arguments given against counterfeiting on the grounds of damage to the fashion industry (see Raustalia and Sprigman, 2006 and Hilton *et al.*, 2004).

Expanding upon these discussions, for many people (such as Mia, Amelia, Millie, Erin, Freya, Oliver, Ruby, Emily, Amy), seeing the item, or a style on somebody they "like" can be a key influence in the fashion they engage with. However, this does not necessarily have to be on a celebrity or fashion model, the participants seemed to be influenced by a number of things, such as things they have seen on TV. This might be on one of an increasing number of fashion TV shows – *What Not to Wear*, *Trinny and Susannah Undress*, *How to Look Good Naked*, *Gok's Fashion Roadshow* for example which all are based on telling the viewer how they should, or indeed should not, dress. Many daytime TV shows such as *This Morning* and *Lorraine* for example feature segments on fashion and what is currently stylish. The influence however, might even just be something a consumer has seen on a more general programme which is not specifically about fashion. As Mia outlined:

I bought a dress for the summer, it's a long maxi dress, I kept seeing them in magazines as well and on *Home and Away* they kept wearing maxi dresses and I really liked it so I found one I liked and got that.

(Mia)

People also see other people wearing things that they like, some participants (such as Amelia) would even go up to a stranger who they saw wearing an item and ask them where they got it from. However, a number (Oliver, Mia, Ruby, Erin) said that they did not have the confidence to do so and would go and look for something similar themselves.

If I see something on the TV or on the street, I'll hunt something out whether it's that particular item or something similar I think 'Oh I like that look'.  
(Oliver)

### *Personal and Emotive Factors*

As some of the discussion has already highlighted, personal and emotive factors are often evident with fashion consumption and in particular, with impulsive purchasing. This theme can be broken down into two further subthemes: how the item looks on self and the enjoyment of actually buying something. Many of the participants (Lily, Amelia, Joshua, Isabella, Freya, Ruby and Amy) whilst being influenced on one level by some of the factors discussed above, would ultimately only buy something if they felt that it "looked good on". This notion of looking good on seemed to be very much down to a personal feel good factor and encouraged them to buy the item. However, if this personal feel good factor was then reinforced by another person, the notion of 'I have to have it' came across even more strongly – even if this was to the detriment of their financial situation. This again highlights the problems with Yurchisin and Johnson's (2010) rational economic approach to consumption. As Amelia describes:

I went into Topshop the other day, and I've got no money but in Topshop I saw these lush high waisted shorts and they were like £30, but I had to have them. I was in the changing room and this woman was like 'they look so nice on you'. I had to have them.

(Amelia)

Entwistle (2000) stresses the importance of clothing and why there might be this emotional urge which propels people to buy something, even when people cannot really afford to do so, describing how by 'wearing the right clothes and looking our best, we feel at ease with our bodies' (Entwistle, 2000:7). This feel good factor of consuming fashion items seems to be a real concerning issue when it comes to stretching personal finances:

Amelia: I went into Jane Norman and I bought a couple of things in the sale...I do look at the new stuff but I will usually go for what is in the sale. Same with River Island, they were having an end of season sale so I bought a coat.

Interviewer: Why did you buy that coat?

Amelia: Because it fitted me, the fabric was really pretty... I had to be careful how much I spent that day because I had to lie to my parents about how much I'm spending. But I did buy this really nice top that I didn't expect to buy because it wasn't my style at all, but I liked it. I tried it on and really liked it.

For many, just browsing the shops is a pleasurable experience; however there seems to be particular enjoyment with the actual act of buying something. Isabella talks quite simply about how she "likes buying" clothes. Further, those such as Ruby talk about how buying fashion is a "treat":

I usually just buy things impulsively, if I like it and it's not too expensive... I buy clothes just as like a treat. (Ruby)

Megan describes how satisfying buying can be:

But when you do buy something when you've been looking for it there's enjoyment in the satisfaction of seeking out what you've got and buying it. (Megan)

Emily also describes how buying can be related to boredom – which relates to shopping being seen by many as something to do in your leisure time:

The last time I wanted some clothes and I was bored and I spent a lot. I wanted some new things and to have fun and to treat myself. It was instant gratification. (Emily)

This idea of "instant gratification" further links back to the way consuming can make you feel. Whilst many scholars discuss the purpose of fashion as one being that of a communicator (see Veblen [1899] 1998; Liebenstein, 1950; Dubois and Duquesne, 1993; Baudrillard, [1970] 1998) there also is the recognition that consumption is something which is 'fundamentally expected' with consumers having an

'unapologetic, unrepentant sense of desire' (Hayward, 2004:161). Buying clothes can make you 'feel good'. The emotional nature of fashion is something which certainly became apparent through the discussions earlier about peoples decisions to buy fashion goods. This in a sense then does not mean that emotion should be seen as a polar opposite to rationality. As will be discussed shortly, the emotional nature of fashion consumption often takes place within what seems like quite rational consumption in the sense of personal style and identity and not just within impulsive (boredom) purchases such as those described by Emily above.

What is clear from the above discussions is that there are a range of reasons why consumers buy fashion goods, and these can vary depending on context and situation, and often there are a range of prominent factors which can influence a consumer's decision to buy something. Further, peoples' preferences and concerns also change over time.

Sometimes I can see what I 'need' – although I don't really 'need' it at all – I might have an idea, might have seen it on TV, or need to complete an outfit, but sometimes I just buy stuff off the peg. Fit is becoming more something I'm aware of and also how long it will last, I'm moving away from disposable items. (Emily)

These 'categories' or themes which have been highlighted in the above discussion are not clear cut and certainly are not independent from each other. They have been separated here in order to break down and understand the findings from the qualitative analysis rather to imply that they are processes which happen on a separate level. The truth is that these processes overlap and interrelate considerably between each other, and further take place within the broader processes of fashion and consumption.

### ***Shopping for Counterfeits***

Purchasing reasons for counterfeits broadly fall within the reasons discussed above more generally about why people buy fashion goods. As discussed in Chapter 5 counterfeit purchasing is closely related to contextual and situational factors. However, whilst these were important, it also became evident in Chapter 5 that there was also something innate about counterfeits (or the brand which they are emulating) which consumers desired. For some consumers, counterfeits provided an explicit way of being able to engage with a brand. Amy provides a really

fascinating insight into the use of counterfeits as a means of accessing a particular brand she is currently not able to afford:

Amy: I don't really care that it's [handbag] fake. We [fashion students] understand that we give enough money to the brands, and we study them. I think a lot of the things that we want are more expensive than what we can afford so we often tend to buy [counterfeit] things because we can't afford to buy the real thing.

Interviewer: So is that the main reason you buy fakes because you can't afford them?

Amy: But if I had the money I would definitely buy the original

Interviewer: Is it important for you to buy luxury and designer goods because you are involved in fashion?

Amy: More so only because we know the story behind it. And we've all learned all about 20<sup>th</sup> century fashion and how all the big designers made their mark. So a lot of us have our favourite designers and we know their story, whereas a lot of people [who didn't study fashion] wouldn't know that bit. So we want to buy into their story. However, we aren't giving them the money.

Interviewer: So you want to show that you're a part of the brand because you know about the history and the designer, but yet, you're happy to do so without buying into the actual proper brand?

Amy: Yes, for now. It's only just until I can afford it.

It is worth considering at this point how the qualitative element of the research indicated that there often seemed to be some kind of disparity between someone's attitudes and their actual behaviour. Indeed research by De Matos *et al.* (2007:45) found that 'attitude is not indicative of behaviour intentions' with regards to counterfeit purchasing. The survey sought to generate some broader perceptions about fashion counterfeiting and consumers attitudes towards engaging with fashion counterfeits or not. Consumers of all types overwhelmingly disagreed overall with the statement 'I would rather buy a fake fashion item than an authentic one'. Whilst there was notably a minority of respondents who agreed with this statement, generally this finding lends support to what has been suggested elsewhere in this thesis (see Chapter 5) that for those consumers who do engage with counterfeits, this tends to be on an infrequent or sporadic basis rather than any systematic continual buying of counterfeits. Whilst, as discussed in depth in Chapter 5,

counterfeit purchasing certainly seemed closely related to situational and contextual factors such as price and location of sale, as already touched upon in previous chapters and above, counterfeit purchasing is also closely related to fashion preferences. Therefore, the remainder of this chapter seeks to continue to contextualise the consumption of fashion counterfeits within a broader framework of discussions around fashion and consumption. In particular, the issues of identity and perceptions of style which have already been identified in brief will be discussed next.

### **Perceptions of Style and Identity**

Although explanations vary, fashion and consumption have long been recognised as a means of engaging with personal style and identity. Those such as Leibenstein (1950) and Veblen ([1899] 1998) suggested this is very much related to class identity and social status, and although Davis (1992:4) takes a more critical view he recognises the role of fashion and identity and also suggests that what you wear can provide a 'collective symbolic location'. Entwistle (2000:35) also recognised the importance of 'dress' suggesting that it is a 'crucial dimension in the articulation of personal identity'. Further, Entwistle suggests that getting what you wear right is essential as 'dressed inappropriately we feel vulnerable and embarrassed' (Entwistle, 2000:35). Miller (2010:13) does provide a note of caution:

The problem with viewing clothing as the surface that represents, or fails to represent, the inner core of true being is that we are then inclined to consider people who take clothes seriously as superficial.

The interviews sought to get a sense of whether the respondents' thought that they had a particular 'style' and whether they wanted other people to perceive them in such a way. There were on the one hand, a small number of participants who were quite clear that it was about their own views which mattered most, and on the other hand, the majority of respondents who said that how they were perceived by others was important – although this differed to varying extents. This seemed reflective of Davis (1992) comments of the importance of identity both on individual and collective grounds.

### ***Importance of Perception to Self***

Mia, Thomas, Jack and Freya were the only interview participants who were explicitly only concerned about the importance of their own style and identity with regards to themselves. Mia was very clear that she did not mind what people thought of how she dressed and that her use of fashion was very much "it's just what I like". Mia also recognised that she had a very definite 'style' as she generally always shopped in the same High Street store:

Interviewer: Do you see yourself having a particular style?

Mia: I don't know really, I suppose so. Everyone always knows what I am going to wear, so I suppose I kind of have my own style. Yeah, [store name] style!

Interviewer: Do you always tend to dress in the same style?

Mia: Yeah, most of my things are in the same style, just in every single different colour.

Interviewer: So you like to stick with what you know?

Mia: Yeah.

Freya, also suggested that she was not concerned with how others perceive her through what she wears, and for Freya, engaging with fashion was very much about reflecting her emotions, and also an increasing self-confidence through weight loss. Freya also thought that she did not really have a particularly identifiable style as such, but, she did recognise that she had her own personal boundaries or what she would or would not wear. For example, Freya said: "I'm a jeans girl, not a skirt person. I'll only wear skirts in the summer for a special occasion". When asked about what things might encourage Freya to change her style, she noted that the "season" and her "mood" would be important factors.

Jack described how with age, he has become less concerned about what other people think and more concerned about his own perceptions of himself:

I was much more concerned about these things [people's perceptions] in the past, and I learnt a valuable lesson and I just want to look good rather than the way I'm perceived. I think if it fits right and you look good in it, so I think it's more about representation of yourself to yourself.

(Jack)

Whilst these three participants were clearly most concerned with their perception of themselves for themselves (as opposed to others) as a primary concern, this is not to say that other participants did not feel that self-perception was important. Olivia, Harry, Alfie and Chloe, also recognised that for them the key thing was their own perceptions of how they looked, but also recognised that how other people might view them was a concern, albeit perhaps more on a subconscious than conscious level. Olivia sums this dilemma up quite succinctly:

When I dress up it's for myself to make me feel good. Unless someone says 'I don't like that top' then I would change it. I don't want people to think I look like shit! I have had several of those situations and sometimes I have gone on to wear it and it's made me feel really self-conscious. I don't really care about what other people think, it's more about the way I think, but sometimes that's informed by other people. (Olivia)

As Alfie comments:

I'm not really concerned about by how much people respond, but I am concerned that I feel comfortable and what I'm projecting. (Alfie)

Therefore concerns about the 'presentation of the self' (Goffman, 1959) seem to be prominent, and whilst for some consumers their main concern seems to be how what they are wearing makes them feel for themselves and the emotional nature of their clothing. This again closely relates to Entwistle's (2000) comments about the importance of feeling comfortable in the choices of clothes or dress to avoid feelings of vulnerability. Indeed as Alfie shows above, the importance of self-image being right is paramount, as his comments suggest that as long as he feels "comfortable" in himself, in his image he is projecting, he feels okay. Olivia's comments (above) however, show the complex nature of self-image and perception with her recognition that although she likes to think that she dresses primarily for herself, negative comments of another person can seriously affect her self-confidence.

### ***Importance of Perception of Self to Others***

Whilst generally all of the interview participants recognised that how they felt in themselves was important, the majority also recognised that how they were

perceived by others was also important. For some interviewees, they had a clear idea of how they wanted to be perceived by other people, and although a personal style was not always readily identifiable for some respondents, many generally cited a concern with wanting to 'look good'.

On the one hand, there were those such as Emily, who whilst being aware of the fact that she was concerned about how she was perceived by others did not think that she had any particularly identifiable style.

I do have a style, but I'm not conscious of it myself. I have different styles for different things, for different audiences. Yes I want people to perceive me in a particular way – I think everyone does.

(Emily)

Joshua and Charlie also provided an interesting insight as their main concern was to be seen engaging with particular branded goods, and whilst they did not recognise their own particular style, they both commented how they wanted people to associate them with the brands that they were wearing. As Charlie said "unless there's that [the brand name] then I don't feel comfortable". There is something about particular brand names which appeal to consumers such as Charlie and Joshua, who both only identify with popular designer brand names (such as Armani, Stone Island, Ralph Lauren, Nike etc.). Charlie described that whilst he did not want to look the same as anyone else who is engaging with similar brands in his peer group, he agreed that he wanted to be connected through wearing the same brands. In terms of his self-identity, Charlie says that "I feel comfortable in brands I recognise". Research by Archer *et al.*, (2007) found that different social groups would take on board particular brand identities and reject those which they saw as different to them – very much reflecting (perceived) notions of social class. This notion of branding, brand image and identity builds upon the reasons for buying certain fashion goods discussed earlier in this chapter. The notion of clothing and fashion as a communicator seems to be most explicit with overtly branded goods, yet even here, as Davis (1992) argues that although fashion can be seen as a symbolic communicator, this is on a collective as well as individual level. However, this must be understood within a social and cultural context as Davis (1992) argues that fashion happens within micro cycles rather than the macro class differentiation cycles described by those such as Veblen ([1899] 1998), Simmel ([1904] 1957) and Blumer (1969).

Fashion, can have different meanings to different social groups. Indeed the work by Archer *et al.*, (2007:223) which draws upon Bourdieu's (1986) notion of the 'tastelessness' of the working classes likened this to contemporary use of terms such as 'chav'. Archer *et al.*, (2007:223) found that the young people in their study 'actively took up and constructed (classed) identities, (creating distinctions between 'us' and 'them') through their consumption of particular (sportswear) brands'. For the young people in the study, wearing the brand Nike was seen as an essential way of engaging with their collective identity. Indeed, similar findings were found by Elliott and Leonard (2004). However, not all social groups will interpret these 'symbolic communicators (Davis, 1992) in the same way. As Archer *et al.*, (2007) argued that whilst the young people saw consuming Nike as a way of increasing their own 'worth and value', those from other social groups will interpret this style differently, probably as 'negative, tasteless and signifying danger or threat (2007:223). Hayward (2004:181) argues that those who are socially excluded from society 'over identify with consumer goods in an attempt to create a sense of identity'. This idea has most recently been reflected in popular discourse and the media as an explanation for the rioting and looting which took place across England in August 2011 (see BBC News Online, 2011b). This idea of differential interpretations of brands and style across different social groups is interesting. This happens in different ways. Media reports suggest Abercrombie and Fitch have recently contacted the cast members of the MTV show *Jersey Shore* to offer to pay them not to wear their brand as it goes against its 'aspirational nature' (see BBC News Online, 2011a). Further, more generally and notably related to crime and not just moral discomfort, is the example of the 'hoodie' (hooded jumper) which has come to signify troublesome youth (see Muncie, 2009) both in media and political and public discourse. Even more explicitly relating certain fashion trends to crime are the restrictions within the Night Time Economy (NTE) on certain brands due to perceptions about the typical wearer's involvement with anti-social behaviour and/or violent disorder (see for example BBC News Online, 2004). Treadwell's work further highlights the links between fashion and criminality and recognises the association of brands such as Stone Island with football violence (Treadwell, 2008).

Consumer goods and fashion items can be used as a way of displaying social status, although it may well be, as Hayward (2004) and Archer *et al.*, (2007) suggest that this status is not indicative of class boundaries but how status is important intra-social groups. Similarities can also be seen between the work of Hayward (2004) and Sweetman (2001). Sweetman, who rejects the notion of fashions main role as

one of a communicator, argues that shared lifestyles and shared tastes can create a feeling of 'togetherness' (2001:68). Drawing upon Maffesoli's (1988, 1991, 1996) work on New Tribalism, Sweetman argues that fashion can form a path to create informal community groups and reflects a 'search for stability [and] belonging' (Hetherington, 1998:29 cited in Sweetman, 2001:71).

A number of interviewees had a very clearly defined idea of how they wanted to be perceived by others. Amelia defined herself as having a very "formal" style, similar to Oliver who described his style as "smart". The three older female participants, Millie, Erin and Lucy all described themselves with styles such as "sophisticated" or "classic", and closely attributed their styles to their perceptions of how they should be dressing with relation to their ages. Other participants talked about wanting to be seen as "trendy" (Megan, Amy) or "fashionable" (Lily). Some participants positioned themselves as being different from the 'mainstream' fashion industry in some ways, Lily described herself as "quirky", Ella used "eclectic", Evie used "alternative" and Daisy was explicitly concerned not to shop from mainstream fashion stores. For some participants (James and Amy), their biggest concern was about how their peers perceived them, whereas for others, whilst peer perception was important, they were also concerned about how they were perceived by people who they came across on a more general basis. Further, there was also this notion of 'fitting in' and 'standing out'. Grace, who described her style as being quite "distinctive" sums up well this dilemma, referring to concern in particular social situations where whilst still keeping her own style, she does not "want to stand out too much". This is reminiscent of Entwistle (2000:139) comments that 'identities are socially meaningful. The individual may want to 'stand out' but she or he also wants to 'fit in' with a group.'

Other respondents, talk explicitly about wanting to stand out. Daisy, was keen to "look different", whilst Oliver described wanting to look "individual". Poppy for example describes:

I just don't like to blend in. Just personal opinion really, I just like in a way to stand out... I don't know, I always feel that I like to stand out. Even the lacy top things, I'll get it, but I'll get something, like, I've got a pink baggier one rather than like the tight black ones everyone has got.

(Poppy)

I do have a particular look that people would associate with me. I like people to perceive me as smart and a bit individual. I'd maybe go for something that is a little bit unusual, whether it's unusual fabric or an unusual accessory or something. (Oliver)

### ***Perceptions of Body Attributes***

As already hinted at in the above discussions, participants' perceptions about their bodies, whether it be age, weight or height seemed to be a key concern which related to how people dressed, and to what extent they felt they were able to engage with fashion. This further seemed to be closely tied into the emotional nature of much fashion purchasing. Indeed, over one third of the interview respondents (Ella, Evie, Alfie, Harry, Erin, Lucy, Freya, Millie, Chloe and Oliver) explicitly stated that the way they felt about themselves in terms of their bodily or demographic attributes considerably influenced what they wore or indeed did not wear.

For some, such as Millie, Lucy and Erin their primary concern was to dress in a way they felt appropriate for their age:

I'm trying to do it so I don't look like mutton dressed as lamb. I'm quite conscious of what's fashionable for me rather than what's in fashion. (Millie, aged 41)

I'm more conscious because I'm older...but now I'm very conscious of my shape and making the most of it. (Lucy, aged 56)

I like sort of a bit of fashion but because of my age, I'm 46, I wouldn't go to the extreme and they they'd think 'oh god she's really OTT for her age'. I tend to like fashion, but take a bit of it and then do whatever I want with it. (Erin, aged 46)

For others, their concern was to do with their body shape:

I'm conscious of weight and I try to dress in a way which helps. (Harry)

I'm conscious of my figure, so I have areas I want to accentuate and areas I want to hide. (Ella)

These comments very much reinforce the work of Entwistle (2000:35):

Dress is the visible form of our intentions, but in everyday life dress is the insignia by which are read and come to read in others. Dress is part of the presentation of self; ideas of embarrassment and stigma play an important part in the experience of dress in everyday life and can be applied to discuss the ways in which dress has to 'manage' these as well as the way dress may sometimes be the source of our shame.

Whilst fashion is seen by many as a symbolic communicator, those such as Sweetman (2001), in a similar sense to Hayward (2004), recognise that fashion is not a completely individual choice. Sweetman (2001) argues that whilst there is some element of choice in what one decides to wear this takes place within wider social structures which ultimately underpin and even constrain choice. Factors such as age, gender, sexuality, ethnicity, class and dress code restrictions and policies will all affect what an individual can wear. Certainly, the comments from Millie, Ella, Lucy, Harry and Erin above all seem to highlight the confrontation between personal preferences and social acceptability and judgement imposed by social structures. In particular the concern of addressing appropriately for one's age. Indeed the issue with weight and body confidence is something that cannot be ignored. Freya's comments about how she was more conscious about dressing fashionably "now I've lost weight" really demonstrate this link. Fashion has long been criticised for its use of stick thin models on catwalks and more recently the industry has received negative press as the result of deaths of fashion models such as Isabelle Caro related to eating disorders (see BBC News Online, 2010). Hesse-Biber (1996) describes the 'cult of thinness' of young women and discusses how this is perpetuated by society and industry. Wykes and Gunter (2005) argue that there is still the image of the slender, young, White body ideal for women which existed in studies conducted in the early 1990s (Guillen and Barr, 1994) although this is perhaps in less obvious ways. Interdisciplinary research by Grogan (2008) on body image found that media and popular portrayals of the attractive young, slender woman framed perceptions about body image,

Many women cited pressure from the fashion industry to be slim saying that fashionable clothes only come in small sizes (British size 14 or below), so that to dress fashionably you have to be slim.

(Grogan, 2008:52)

Indeed, reflecting some of the concerns of the three older participants (Millie, Lucy and Erin), Grogan's research examined perspectives of body image for both men and women across a range of ages. Grogan, noting the lack of existing research on those aged over 25, cites research by Tiggeman (2004) which found that women do not stop being dissatisfied with their body image until they reach quite an older age above sixty.

### ***Style, Identity and Counterfeiting***

Perceptions of style, and identity, are also key concerns for consumers when they engage or disengage with counterfeits. On the one hand, there were the consumers who were interviewed who generally saw counterfeits as a positive way of reflecting their style and identity. For example, Amy, as discussed above, purposefully bought counterfeits so that she was able to buy into her favourite brands and show her allegiance with them. Further, Amy saw nothing wrong with admitting she was wearing a counterfeit:

As I'm studying fashion, I can normally recognise the brand and if it's fake or not. We normally mention if it was a fake, I would never hide the fact that I have a fake brand as a lot of us have real stuff too.

(Amy)

Grace, although nowadays a non-counterfeit consumer, discussed the value which counterfeits had when she was younger and at school:

I wanted to blend in and be like everybody else. I wanted to be fashionable and have fashionable trainers for school. (Grace)

Grace's comments certainly highlight the findings by Archer *et al.*, (2007:227) who found that school pupils who wore "ugly trainers or cheap clothes' were bullied, taunted and ostracised and were positioned as 'worthless". This suggests that for many young people, the need to commit themselves to their appearance (Archer *et al.*, 2007) is essential. Indeed other research by Elliott and Leonard (2004) also

found that for socially deprived children wearing the correct brand of trainers was essential to be popular and not to be viewed as poor. Therefore, it is possible to suggest that for those who have no other way of accessing the brand, a *good* counterfeit might be a safer option than a cheap generic alternative.

Poppy and Erin were also quite happy to be seen wearing counterfeits and saw them as a means to engage with their broader interests in fashion and personal style. Alfie, who tended to steer away from branded goods more generally actually proposed that counterfeits could be a way of projecting his anti-brand identity:

Alfie: In some ways I'd be quite pleased [to tell people wearing counterfeit]. I'd be happy for people not to associate me with slavishly buying labels.

Interviewer: anti-fashion?

Alfie: Yeah, subverting it.

However, a number of the interviewees, and notably even those who had previously bought counterfeit and suggested that they would consider it again in the future (Oliver and Ruby) held quite negative perceptions about counterfeits in terms of their views about how wearing a counterfeit might reflect badly upon themselves. This seemed largely to do with the way these respondents perceived counterfeit wearers in a social context and the negative connotations that they felt it would have on their own sense of style and identity. This seemed particularly related to the social groups counterfeits seemed to be associated with such as 'chavs' (see Hayward and Yar, 2006 for a discussion regarding 'chavs'), but also could be related back to the discussion of early writers on consumption who focus on class differentiation (such as Leibenstein, 1950; Veblen [1899] 1998; and Simmel [1904] 1957). Ruby suggested that she would probably stay away from most counterfeits now because her peers (who could all afford authentic goods) might judge her. Ruby also suggested that "I've now started associating fakes with being chavvy". She went on to explain that this was partly as a result of the association between 'chavs' and Burberry (see Bothwell, 2005), and also the location of buying counterfeit goods in the UK as being primarily on markets. Thomas also described one of his experiences when he had come across some counterfeit sportswear:

I came across some Adidas two stripes but I wouldn't buy them because of chavs. (Thomas)

Whilst not explicitly describing 'chavs', Amelia and Joshua also related their concerns about wearing counterfeits down to the way they perceive others who do:

Subconsciously I am going to look at people, so if I saw someone wearing a fake then I wouldn't necessarily not want to speak to them but I'd make some sort of judgement about them in my head which is a very bad thing to do. (Joshua)

I wouldn't be seen dead in a fake... and I know unfortunately I'd put a judgement on a person if they are wearing fakes. (Amelia)

The primary reason I don't buy fake is because I wouldn't want the embarrassment of being found out.

(Respondent 154: 38, Female, Non-counterfeit buyer)

Oliver also described how wearing a counterfeit could make him feel a very negative perception of himself:

I've probably learnt now to keep away from them, because of the disappointment there is and they almost don't have that bit of magic about them and you feel bit of a fake yourself wearing them. It takes the edge of them. (Oliver)

Further, Oliver describes how certain brands in particular are important to him and how this relates to his views about counterfeits and the perceptions what counterfeits have about his own style:

Oliver: I think my perceptions have changed, once over I was probably all for being able to buy fakes but there are certain brands that you are loyal too that you may feel a little disgruntled if you see a fake. For instance, I'm very into Vivienne Westwood as a designer and I like to have Vivienne Westwood things and that is something I would never consider buying a fake of because it wouldn't have the same appeal and I know there are a lot of fakes around and I find that more crippling as I think it takes the edge of mine

Interviewer: Would it put you off the brand if people were buying a lot of fake Vivienne Westwood?

Oliver: It probably would yeah. Looking around [Town Name] it was sort of a niche brand and that's why I liked it. But looking around town now I see a lot of the girls who have got the earrings in, although I don't wear earrings I like the accessories and I know that they are probably not real and it's that perception of them becoming a bit common or people perceiving that mine might not be real.

As discussed to some extent in Chapter 5, existing research on counterfeiting has considered consumption of counterfeits in relation to self-image scores. For example, De Matos., *et al.*, (2007) and Nia and Zaichkowsky (2000) both found that those who do not buy counterfeits see those who do, as having a lower image. Indeed, Bloch *et al.*, (1993) found that those who bought counterfeits saw themselves as having a lower self-image seeing 'themselves as less well off financially, less successful and less confident than other consumers'. Whilst the discussions above do certainly indicate support for consumers of non-counterfeit goods only as viewing counterfeit (or certain types of) consumers as having a lower image, there is little evidence to support that counterfeit consumers see themselves in this way. For some interviewees, negative views about counterfeits was related to the idea of achieving and that by buying the authentic product you have shown that you have been successful. This could be in terms of rewards for savings:

I'm just a snob... I've been brought up that if you want something badly you save up and get it. (Freya)

Or, rewards for working hard:

My money is so important now and I think that If you really work really hard and buy yourself a bag then you pride yourself if you save up but if you didn't you'd know how it feels, but if I don't know I just wouldn't feel happy about it. (Lily)

So far this chapter has discussed consumer behaviour and preferences both in terms of fashion counterfeits but also fashion more generally. In particular, it has been shown that consumption of counterfeits is something which does not happen in a vacuum. Shopping was identified for many as a key leisure activity which often resulted in unplanned or impulsive purchases of fashion goods. Consumers described a number of reasons for why they thought that they bought fashion goods

and these ranged from factors related to product characteristics such as quality, price, fit and brand name to more general factors such as trends, following fashion and personal and emotional reasons. Although these factors were discussed within the context of three broad themes what was very apparent was the interrelated nature of them and its variance between individuals. Leading on from this, it was also apparent that perceptions of identity played a massive role within fashion consumption and this further was equally important for understanding counterfeiting. Taking these findings on board then, this chapter next goes on to consider whether it is possible to map types of consumer with relation to their preferences for fashion and counterfeits.

### **Mapping Consumer Types**

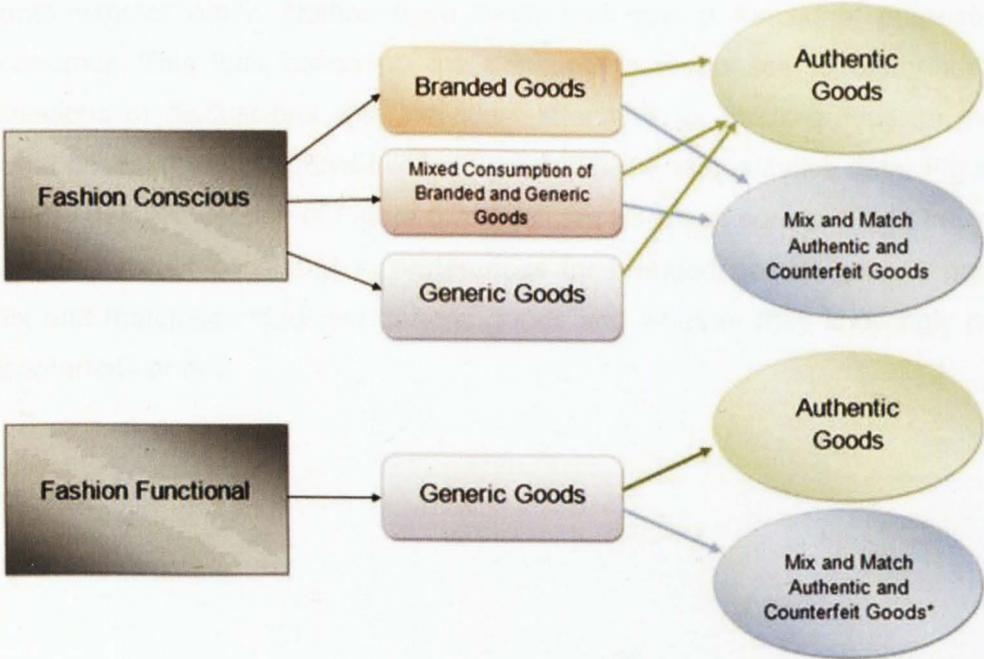
Through analysing the survey data, it was found that there were three identifiable types of consumer when it comes to understanding, in a very general way, why people buy fashion goods. Therefore, respondents were classified as; *fashion conscious*, *fashion functional* or *fashion rejecter*. These classifications were developed from the question which sought to understand the main reasons – on a broadly superficial level – why consumers like to buy fashion goods.

A more thorough analysis through conducting the interviews led to these classifications being considered. The *fashion conscious* category contained more than two thirds of the interview sample, and it was clear that people within this group had different consumption habits and preferences for fashion. Further, the three respondents who were categorised as *fashion rejecters* felt following the discussions in interviews, that they were not really true rejecters of fashion (as in they did not actively seek to disengage with mainstream fashion, they just rejected the ideals of what they understood as fashion meaning branded goods only) and would be more accurately, based on their actual consumption habits, and preferences stated in the interviews re-classified otherwise. Therefore, based on the results of the interviews and the resulting analysis discussed next, two broad categories of consumers are described: fashion conscious and fashion functional consumers.

The issue of branded goods became of recurring importance throughout the analysis. As discussed above, the notion of fashion is complex and varied, and within this the issue of branding was to recur frequently. This research did not aim to

only consider luxury branded goods, as previous indications (see Large and Wall 2007a, 2007b) suggested that goods of all price ranges are subject to counterfeiting, notably, fashion sports brands. Indeed, certainly when the issue of consumption of counterfeits is brought into consideration, consumers' engagement with branded goods further becomes key. Therefore, a further element needs to be brought into the classification: preferences of branded goods. It is worth recapping here what is meant by branded goods. Branded goods, within this context, is a term which refers to a specific type of branded good. As most people are aware, the nature of branding means that all fashion goods will come from some sort of fashion 'brand' whether it be Vivienne Westwood, Gucci, Next, Primark, Topshop or an independent fashion brand. Branded goods, in this case, is quite a broad term which refers to designer and high end luxury brands. This also includes diffusion ranges by these brands (ranges with a lower price point aimed at the wider market such as Star by Julien McDonald etc.). The definition also includes sports and outdoor fashion brands such as Nike and North Face. By generic goods, this includes 'highstreet' fashion labels such as Topshop (although excludes specific ranges such as Kate Moss at Topshop and other independent designer ranges), H&M, Primark, New Look, River Island, Next, Gap and so on (see earlier in the chapter for a discussion related to the consumption of branded fashion goods).

**Figure 6.2: Mapping Consumer Behaviour**

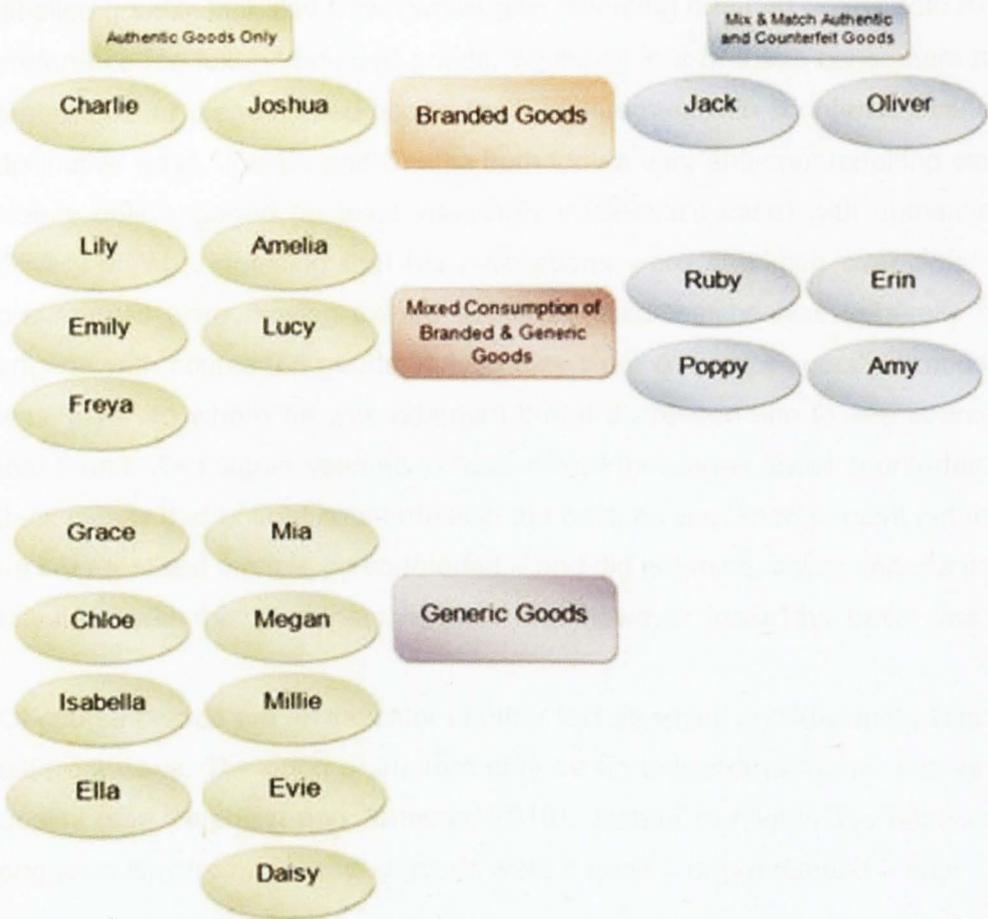


As Figure 6.2 demonstrates, counterfeit buyers cannot be clearly attributed to one category of consumers. However, Figure 6.2 also shows that based on the interview findings, there are some similarities and differences of consumer counterfeit preferences evident. Notably, those fashion conscious consumers who only buy generic goods do not buy counterfeits, but those fashion functional consumers do buy counterfeits. This is an interesting issue which builds upon the argument that a broader understanding of fashion is required to understand counterfeiting and is explored in more depth below. It is worth again highlighting the issue of deceptive and non-deceptive counterfeit purchasing here. These models have been developed on the basis on non-deceptive counterfeit purchase behaviour and intentions. This chapter next examines consumer behaviour in more detail, starting first by considering those classified as *fashion conscious* followed by those classed as *fashion functional*. Following this, a discussion will be developed surrounding ideas for other potential consumer types which although were not present in the research sample, may well be visible in a broader sample of consumers.

### ***Fashion Conscious Consumers***

Fashion conscious consumers can be described as consumers who follow trends and/or fashion. The extent to which they do this and which they are generally interested in fashion and being 'fashionable' however might vary considerable between those within this category and will ultimately depend on how the individual might define fashion and being 'fashionable'. The idea behind this category is that in some way or other, clothes have more than just a functional purpose to the consumer. This was based on the consumer's responses to either the survey questions or discussions with individual interviews or focus groups, or indeed in some cases, through analysis of both quantitative and qualitative data. Figure 6.3 is a more detailed version of Figure 6.2 which shows which consumers in the interview sample by their consumption preferences for branded goods, generic goods and mix and match branded and generic goods and whether they knowingly purchase counterfeits or not.

**Figure 6.3: Fashion Conscious Interviewees Mapped By Brand Preference and (Knowing) Counterfeit Purchases**



[Notes: Emily, Daisy and Charlie are classified as ‘authentic’ goods only as they have only purchased counterfeits unknowingly in the past. All three also expressed that they would not (knowingly) buy counterfeit goods again in the future. Chloe, Grace and Lucy are all classified as ‘authentic goods’ only as they state that although they have bought counterfeits in the past, this was largely attributed to age and would definitely not knowingly buy counterfeits now.]

*Counterfeiting and Brands*

The first thing what stood out from analysing the qualitative data was that peoples’ relationships with buying counterfeits was largely attributed to their preferences about fashion goods – and especially their preferences related to branded fashion goods. Therefore this section will next examine those classified as *fashion conscious* consumers and their preferences for counterfeit goods with regards to their preferences for fashion goods more generally.

### Consumers who only buy branded goods

Joshua and Charlie both explicitly only buy recognised designer or sportswear labelled goods, Jack and Oliver whilst also favouring branded goods both expressed preference for 'luxury' branded goods. Whilst all four of these consumers have this preference for brand named goods, their engagement with counterfeits varies in two distinctive ways. Joshua and Charlie both took a very anti-counterfeiting stance and clearly only engaged (at least knowingly in Charlie's case) with authentic goods. Oliver, whilst suggesting that his perceptions were changing over time, and his preferences were moving toward authentic, said that he was generally happy to engage with counterfeit goods, unless they were of one of specific brands who he was "loyal" to where he was adamant that it distressed him to see counterfeits of that brand. Jack again seemed to have mixed messages about counterfeits. Whilst Jack clearly had bought counterfeits in the past, he was keen to point out that whilst he later realised them to be counterfeit – and did not mind, it was important to him to buy items with the belief that they were real: however 'loose' this belief was.

Of course brands are an indicator of other factors which an individual will interpret in different ways. The price of an item may be an indicator of further factors such as quality (see Yurchisin and Johnson, 2010). Joshua highlights this relationship and suggests why for him branded goods were a good – or guaranteed – buy:

Joshua: If you pay £50 for a shirt then £10 for a fake then already that tells me that the fitting is going to be nicer and the quality as well. You could put something through the wash that is fake and it would shrink.

Interviewer: So you spend more, the better value you get for your money?

Joshua: Yeah.

### Consumers who mix and match branded goods with generic high street goods

This group was quite equally split with those who only want to buy authentic goods (Lily, Amelia, Emily, Lucy and Freya) and those who are happy to mix and match counterfeit and authentic goods (Ruby, Erin, Poppy, Amy). As Lily describes she would rather combine generic high street goods with her authentic branded products:

Yeah, something nice and quirky, but it could be from Topshop, or something cheap from Primark, and then something nice from somewhere else. Mix and match'.  
(Lily)

### Consumers who only Buy Generic high street goods

The first thing to note about this group is that all of the participants, Grace, Mia, Megan, Millie, Chloe, Evie, Ella, Daisy and Isabella only want to buy authentic goods. This is likely to be closely associated with explaining why they do not engage with purchasing counterfeits. Chloe and Grace both had knowingly bought counterfeits in the past, but both stated that this was a considerable time ago and that now they prefer non branded goods and would not buy either branded goods or counterfeit goods. Likewise, Daisy who had unknowingly bought counterfeits in the past also suggested that she would not do so again in the future, and further that she would no longer be interested in buying branded or mainstream fashion goods anyway. However, although Daisy actively rejected engaging with mainstream and luxury fashion brands, she still by definition fell into the fashion conscious consumer group. This was because she was clearly interested in fashion and trends she just chose to do so by designing her own clothes or by shopping in independent boutiques or charity shops rather than on the 'high street'.

Evie and Ella were originally based on their survey result, classified as 'fashion rejecters'. However, as explained above, the qualitative findings led to some consumers being re-classified. Both Evie and Ella interpreted 'fashion' as meaning branded goods (hence the importance stressed earlier to understanding consumers' interpretation of 'fashion' and also by differentiating those who do and do not buy 'branded' goods). So whilst Evie and Ella clearly rejected branded fashion goods, and also to an extent displayed concern about unethical consumption patterns (discussed later), both of them clearly were still 'into' fashion and followed trends and showed an interest in fashion, they also used fashion in a way further than just for its function as clothing. Therefore, they were reclassified from fashion rejecters to fashion conscious.

### ***'Fashion Functional' Consumers***

Fashion functional consumers can be described as those consumers who buy mainstream fashion goods but who suggest that they primarily buy them for their function as clothes rather than any particular desire to engage with fashion, or be seen as fashionable. Of course, as some fashion theorists would propose, to some

extent all clothing purchased are influenced by 'fashion', this group of consumers do not necessarily engage with fashion in the same conscious way as fashion conscious consumers.

**Figure 6.4: Fashion Functional Interviewees Mapped By Brand Preference and (Knowing) Counterfeit Purchases**



As Figure 6.4 shows, less than a fifth of the interview sample was classified as fashion functional. Within these interviewees however, there was an almost equal split of those who had previously bought counterfeits (Olivia, James, Alfie) – and would consider doing so again, and those who had never knowingly purchased a counterfeit (Thomas, Harry). All five of these interviewees claimed that they spent less than £100 a month on clothes & fashion goods, and in fact, 2/3 of them said that they spent less than £50 a month on these items. This suggests support for their claim that the reason they buy fashion items is primarily for function. In terms of some of the other issues discussed earlier in this chapter, when considering fashion functional consumers it seems that their perceptions about shopping experience does not strictly relate to frequency of shopping, although those who perceive shopping as stressful are also infrequent shoppers. It is also clear that shopping experience does seem to relate to impulsive buying, but shopping experience is not related to perceptions of style and identity.

This group of consumers provides an interesting insight when considering counterfeit consumption. Both Harry and Thomas said that they would not buy counterfeits, and this was largely down to neither of them being aware of where counterfeits are sold, and never having really come across counterfeits. Further, both Harry and Thomas said that they would be unlikely to buy any kind of branded goods. On the other hand, whilst Alfie, Olivia and James all actively rejected buying branded goods, they did all suggest that they might be tempted to buy counterfeit branded goods if they had a need for a particular item. Further, all three of these

consumers had engaged with some limited counterfeit purchasing in the past. James for example, needed a Gore-Tex jacket whilst abroad and therefore this resulted in him buying a cheap counterfeit jacket of a popular outdoor brand (North Face). The other interesting similarity between James, Olivia and Alfie is that all three of them had primarily consumed counterfeit fashion items whilst abroad (with the exception with Olivia's 'stolen' watch - see Chapter 5). This again reinforces the findings of Chapter 5, that for some consumers of counterfeits – and in particular as these results show – the consumption context of being abroad is essential to counterfeit purchasing, and it has little relation to their usual preferences for fashion goods as these consumers do not usually buy branded goods, and are not actively seeking an imitation of an authentic good. As will be discussed in Chapter 7, this raises important questions for anti-counterfeiting strategies reliant on changing consumer behaviour.

### ***Other Consumer Types***

Of course as already acknowledged, to claim that the relatively small sample for the qualitative data is comprehensive of all consumers of fashion goods would be thoroughly misleading and inaccurate and certainly is not the intention of this chapter. Even through the qualitative analysis there is a suggestion that there might be some break away consumer types even within the very broad categories already identified. Someone such as Daisy clearly highlights this for example. Whilst Daisy is certainly fashion conscious – she is also *conscious* about the potential damaging consequences of fashion and fashion production. Therefore there seems to be an element of ethically concerned consumers, but these consumers may or may not be viewed as fashion conscious more generally. Therefore, it might be more accurate to see ethically concerned consumers as 'pockets' of wider consumer groups such as fashion conscious or fashion functional rather than separating them from wider consumption choices. Further, other consumers actively reject fashion and may even engage with anti-fashion. Davis (1992:161) describes how being ambivalent about fashion is not the same as being anti-fashion because of the 'oppositional stance of anti-fashion'.

### ***Modelling Fashion Counterfeit Consumption***

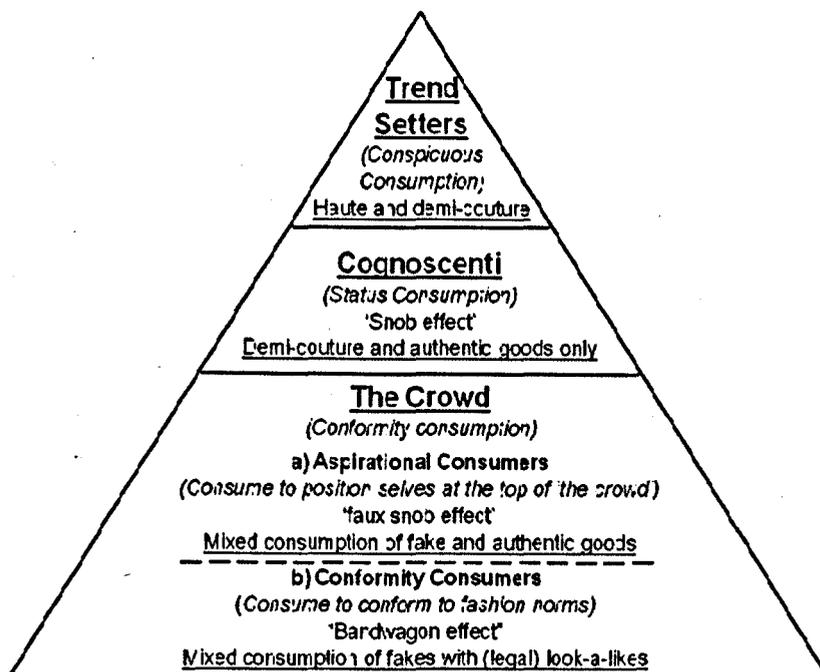
After considering all of the above discussions it is desirable to consider whether it is possible, or indeed desirable to develop some form of model which can help explain the consumption of fashion and fashion counterfeit items. Chapter 5 highlighted the importance of situational and contextual factors with regards to fashion counterfeit

purchases, but also highlighted that these alone were not enough to explain all counterfeit consumption – or indeed why some consumers do not want to buy counterfeits. Indeed, as this thesis proposed from the outset, and reinforced by the findings discussed within this chapter, fashion counterfeiting needs to be understood within the broader context of fashion consumption.

There have been a number of attempts to develop models of consumer behaviour with regards to fashion, and over the years numerous scholars have proposed various reasons why people consume. Some of these reasons have been discussed within this chapter, as well as within the review of existing literature in Chapter 2. Many of these views are opposing, and there is not one generally accepted 'correct' understanding of the nature of consumption of fashion goods – indeed this varies inter discipline and intra discipline. The basic fashion process as described in Figure 6.1 suggests a simple starting point to understand the process of fashion. The aim here is not to develop a complex model or understanding of fashion consumption and consumer behaviour but the intention is to consider the nature of fashion and consumption with regards to fashion counterfeiting. Therefore, a useful starting point could be the consumer model which is cited in Wall and Large (2010).

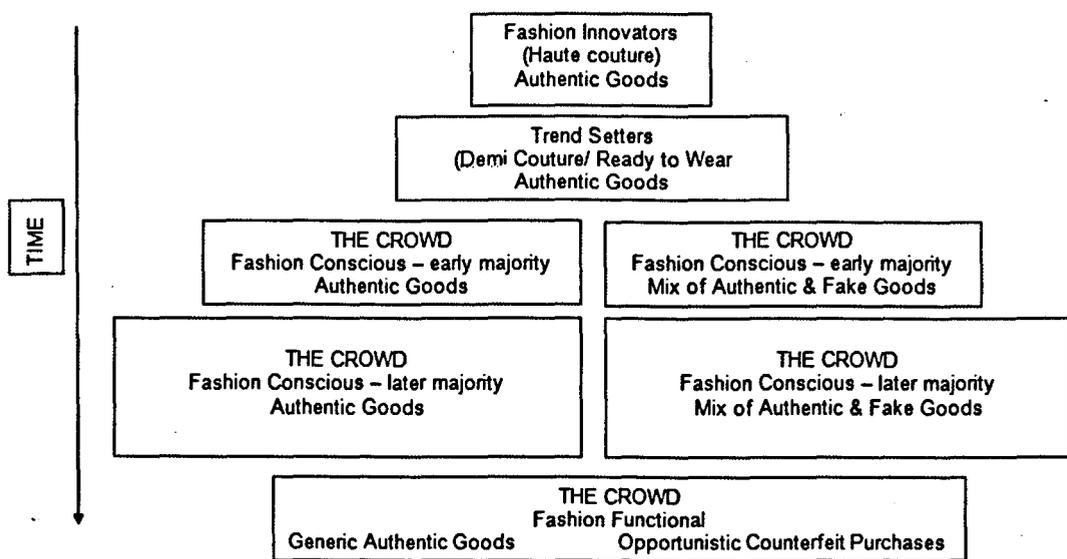
**Figure 6.5: Model of Consumption**

(reproduced from Wall and Large, 2010:1103)



When attempting to consider the use of the model in Figure 6.5 for understanding the consumption of counterfeit fashion goods, it could be suggested that this model can be criticised for being too simplistic. Further, as a result of the findings presented in this chapter and the one previously, there seems to be a number of questions raised when considering this model. First of all, where do non-counterfeit buyers fit? The model presented above seems to suggest that they would be classed as ‘cognoscenti’ – but from the consumer categories developed earlier how would this explain those who could be described as fashion functional or fashion rejecters? The second main issue with this model is with ‘the crowd’. As a result of the findings in this chapter, it is possible to induce that this section is more complex than this model allows for and further, it is possible to question whether the two layers of ‘the crowd’ indicate a false hierarchy of consumption.

**Figure 6.6: A Working Model of Fashion Counterfeit Consumption**



Therefore Figure 6.6 demonstrates a potential working model to typify counterfeit fashion consumption. Unlike Figure 6.5, Figure 6.6 does not assume a hierarchy between counterfeit and non-counterfeit buyers in terms of their fashion engagement. Within the broader category of ‘the crowd’ will fall ‘pockets’ of consumers – such as those with ethical concerns but who still have an interest in fashion. The early majority and later majority recognises that consumers fashion influences might come within ‘the crowd’ and not just through ‘trendsetters’, recognising the importance of peers, and also fashion sub groups which might exist. Within this model it might be possible to incorporate tendency for counterfeit

purchasing, such as are the later majority of 'the crowd' more likely to engage with opportunistic counterfeit purchasing and the early majority more planned? Of course this model aims to develop a way of understanding fashion counterfeit consumption and needs further research attention but does seek to challenge existing ideas about counterfeit consumption.

### **Concluding Comments**

This chapter sought to build upon the findings discussed in Chapter 5 in attempting to provide an exploration of the consumption of counterfeit fashion goods. Chapter 5 highlighted the importance of situational and contextual factors in the decisions to purchase, or not to purchase, counterfeit fashion goods but also recognised that a broader appreciation of fashion and consumption was needed. Therefore, this chapter drew upon a wider discussion around fashion, shopping and consumption before placing the consumption of counterfeits within this context. This chapter, drawing upon a range of disciplines to contextualise the research findings, considered in depth consumers reasons for buying fashion goods as well as more general reasons for engaging with fashion. In particular it became apparent that consumer preferences about fashion goods, and especially branded goods were key to understanding their counterfeit purchases. This therefore led to a more critical consideration of the interview participants in terms of their consumption of fashion goods and counterfeits. The result of this was to find that there were some identifiable similarities and differences which could be mapped into a general understanding of consumption of these goods. In light of this, this chapter sought to pose the question of whether it was desirable and possible to create a model of consumer preferences which incorporated an understanding of the consumption of counterfeit fashion goods. Whilst this model is only to be viewed as a working model, it does allow a starting point for further consideration in the future.

## 7. Responding to the Impacts of Fashion Counterfeiting.

The aim of this chapter is to consider consumer perceptions towards fashion counterfeiting and investigate whether consumers think fashion counterfeiting is 'harmful' and if so, in what ways. Following this, the chapter explores how consumers' think that public resources and private interests should respond. This chapter will then critically consider the findings of the research in light of current policy assumptions and anti-counterfeiting strategies. Starting by outlining what is meant by 'harm', this chapter next considers where consumers' have gained their knowledge about fashion counterfeiting from. This will provide the context for the remainder of the chapter which seeks to take on key themes related to the 'harms' of fashion counterfeiting. This chapter will go on to outline perceptions relating to harms of fashion counterfeiting related to private interests; the fashion industry more generally and to fashion brands. The chapter will next consider 'harms' in terms of the public interests, considering what perceptions are about counterfeiting related to personal harms, social harms and crime more specifically. Having considered these issues, the chapter then seeks to examine consumer attitudes towards responding to fashion counterfeiting, particularly in terms of 'policing' with public resources, the role which brands should take and also, in line with the current approach to tackling counterfeiting, what responsibility consumers should take. After considering issues surrounding the legality of consuming counterfeit goods, this chapter will consider whether consumers believe that anything might be likely to change their behaviour in the future.

### Harm

As already alluded to earlier in this thesis (see Introduction and Chapter 4) the issue of 'harm' as related to fashion counterfeiting is one which is complex, not to mention contentious. Counterfeiting (and in particular fashion counterfeiting) is often assumed to be a 'harmless' and 'victimless' crime (Anderson, 1999:56). Further even where harms and victims have been recognised, counterfeiting remains without 'a clear pattern of victimisation' (Wall and Large, 2010:1095). However, in terms of the anti-counterfeiting argument, much of the support for this relies on the basis that counterfeiting *is* a harmful activity. These harms might be felt in different ways – to society, to industry and potentially to the consumer. The OECD (1998) report discusses harm in terms of the 'costs' of counterfeiting and suggests that they

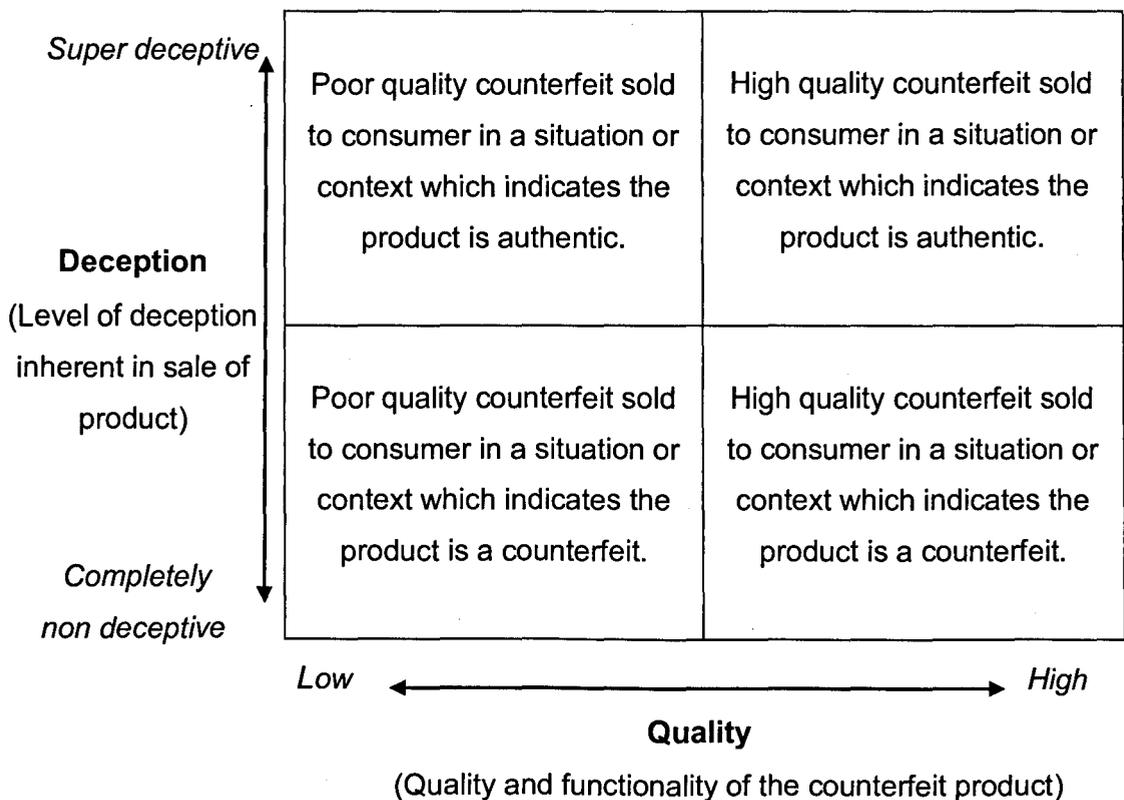
are evident in four main ways. Firstly are the 'costs to the rights holder' (i.e. the owner of the legitimate trademark which is being counterfeited). Secondly, the costs to those countries in which counterfeiting manufacturing activities are being carried out. Thirdly, are the 'costs to the countries where counterfeits are sold', and finally the fourth type of costs are reported to be the 'social costs' of counterfeiting (see Chapter 2 for a more thorough discussion of this report).

Although providing an excellent summary of the main harms seen to lie with counterfeiting, the main concern with the OECD report (and other similar commentaries on the impacts and harms of counterfeiting) is its consideration of harm without accounting for the different types of counterfeits involved (namely *safety critical* and *non-safety critical* - see Wall and Large, 2010; see Yar, 2005 for a discussion around safety critical counterfeits). Therefore, this chapter breaks down some of these harms outlined above and considers them with regards to fashion counterfeiting only. Of course, the boundaries between safety critical and non-safety critical counterfeits are not necessarily always so clear cut. Even when considering fashion counterfeits alone, it is possible to suggest that even within a sector which is generally considered as non-safety critical counterfeits, there might be an element of *safety* to consider – notably with regards to consumer health. Take for example fashion accessories – sunglasses and jewellery.

However, a further complexity which must be accounted for when discussing the harms related to counterfeiting lies with the level of deception inherent in the counterfeit – as in has the counterfeit been sold to the consumer as an authentic item or was the counterfeit sold as a counterfeit? As already discussed in Chapter 5 this can have a significant effect on the level of harm felt by the consumer, although the difference that this makes to other counterfeit related harms is less obvious – for example tax revenue will still be lost from the sale of either types of counterfeit. The 'harm matrix' which was introduced in Chapter 5 is again useful to consider throughout this chapter (see Chapter 5 for related discussion). Essentially it is possible to argue that for many cases, the level of harm felt by the consumer will depend on the level of deception inherent in the purchase. Further it is possible to argue that this can be applied to the level of harm felt by the industry or the brand.

**Figure 7.1: Harm Matrix: Level of Deception versus Quality**

(adapted from Hopkins *et al.*, 2003:11 and Bosworth, 2006a)



(see Wall and Large, 2010:1105-1107 for a discussion around the original version of this matrix in relation to counterfeit luxury fashion goods.)

Harm, therefore is an essential underlying concept then when discussing counterfeiting and a more critical awareness of how harm is needed and a recognition how it can change across time and space is also key. The concept of harm is revisited throughout this chapter but next this chapter will discuss where consumers' knowledge about fashion counterfeiting comes from.

**Knowledge about Fashion Counterfeiting**

When considering peoples' perceptions and attitudes towards a phenomenon it is often useful to attempt to get some sense of where this knowledge may be gained from. Of course it is difficult to pinpoint with certainty where a consumer's knowledge comes from and it is highly likely that knowledge is based on a range of sources. However, with regards to the strategies used by anti-counterfeiting

initiatives and their attempts to 'educate consumers' (AIM, 2005; IPCG, 2007) it was thought useful to attempt to get a sense of where people have learnt their knowledge about counterfeits from.

For some people, such as Charlie and Amy, they largely felt that the knowledge was attributable to their own experiences of coming across counterfeits. Amy talked in particular about how this was through seeing counterfeits being sold when she was abroad, and in particular in Italy. Amy also suggested that she learnt information through her study of fashion at university. Television also formed a key way for some people to learn about counterfeiting and its related issues, those such as Amy, Ruby and Chloe all stating that this was the case. Ruby describes how her knowledge came from a range of media sources. However, Ruby highlights how this knowledge does not necessarily come from programmes featuring counterfeiting specifically:

I think mainly I get it from the media, like newspapers and TV. There have been documentaries about sweatshops and things, but I assumed that because normal shops like Primark and Topshop have used sweatshops then the people who are making copies probably would as well. (Ruby)

Many of the interview respondents suggested that in actual fact they had come across little information related to fashion counterfeiting specifically. Chloe recognises that the lack of available information might be problematic and likens the issue to music piracy:

Actually, it doesn't get a lot of media coverage really does it, and I think a lot of people don't necessarily see the problem and that's half the problem, it's the same as the music industry. (Chloe)

Olivia and also Oliver noted how this is unlike information about counterfeit films:

There's a lot of publicity about copied DVDs where advertising campaigns are feeding into other cultures or drugs or crime and I suppose that would kind of put me off thinking that there is clearly issues there. But I think a lot of people think that kind of advertising is

propaganda and that they maybe exaggerate it but I don't know.

(Oliver)

Indeed there has been a considerable effort by industry groups such as FACT (Federation Against Copyright Theft) to highlight the harms of film piracy and it has become the norm to see warnings about piracy at the start of DVD films and cinema screenings. Recent years have also seen a growth in anti-piracy of music campaigns (see Yar, 2008 for a critical discussion). Although seemingly unnoticed by the respondents in this study the Anti-Counterfeiting Group (ACG), who is 'the UK's industry body set up to campaign against counterfeiting' issue numerous press releases and consumer leaflets such as the 'dangers of buying fakes' and the 'scale of counterfeiting' (see ACG, 2011). However, as these comments above by Oliver suggest, there also seems to be an element of distrust about this information. Olivia showed further distrust and suggested: "you question whether it is really or whether they say it is to protect their brands". The AIM Briefing Paper (2005) recognises this distrust and points the finger at the 'some elements of the media that insist that the trade in fakes is blown out of all proportion by companies who are only interested in protecting profits' (AIM, 2005:4).

Emily, unlike the other interviewees talked quite specifically about where she learned her information from and highlights the information that online auction sites such as eBay offer to potential buyers of branded goods: "I learnt about this through eBay's VERO programme – which gives advice about products" (Emily). Emily however, made an active attempt to discover more about how to recognise counterfeit items after previous negative experiences of shopping online. eBay devised the VERO (Verified Rights Owner) programme to assist rights holders to report infringing items listed on the site (see eBay, 2011).

As the discussions above highlight, consumers may struggle to pinpoint where their knowledge comes from, or indeed it might come from a range of sources, and of course, as with everything, consumers will have views and opinions on matters which they may in fact know little about. This does not mean however that their views are not worth considering, and if anything, genuinely highlights the need for an understanding about general consumer viewpoints about fashion counterfeiting especially with regards to the consumer based enforcement initiative which currently exists (such as the ACG's campaign 'get real, don't buy fakes' (ACG, 2008c)). Indeed with the increasing focus on IP crime over recent years and the increasing

recognition of the need to inform and 'educate' consumers as a key part of anti-counterfeiting strategies (AIM, 2005; IPCG, 2007), it is possible that consumer knowledge may already be changing due to an increasing awareness. One example is with the introduction of the BBC One daytime television series 'Fake Britain' which was initially aired in 2010 before a second series shown in 2011. This program covered many aspects of IP crime, including fashion counterfeiting and largely aimed to highlight the potential harms of IP crime and the enforcement initiatives which are in place to tackle it. This might lead one to suggest that already (for those who watch day time TV at least) knowledge about counterfeits might have improved since the interviews were conducted for this thesis.

This chapter will next go on to consider the views of the participants of the study, including the survey, the interviews and the focus groups, with particular regard to their perceptions towards fashion counterfeiting and its related harms and issues. Following the work of Wall and Large (2010) the discussion related to harm will be broken down into two broad categories, harm and the private interest; and harm and the public interest. A prime, but simple example where these categories is not so distinct could be argued to be with relation to financial impacts – if the fashion industry is losing revenue as a result of counterfeiting this will have a broader impact on the economy, as well as the already visible impacts on the economy such as tax losses and public expenditure on enforcement resources (see OECD, 1998). These categories should not be seen as clear cut and un-flexible, they are merely a way of breaking down the issues into more manageable chunks. There is a notion that the type of harm caused can have a significant impact on how counterfeiting should be responded to, and indeed as discussed later, this is certainly a key concern for some consumers.

## **Harm and the Private Interest**

### ***Fashion Industry***

The arguments for assessing the impact of fashion counterfeiting within the broader context of the fashion industry more generally are in actual fact not that far removed from the arguments proposed in Chapter 6 and the Introduction that fashion counterfeiting needs to be understood within a broader context of fashion. In particular fashion counterfeiting even within this context is complex and as explored in more depth in this chapter, examining 'counterfeiting in the clothing industry' illustrates the difficulties that can exist in making ethical judgements about cases of

intellectual property rights' (Hilton *et al.*, 2004:352). Brands and the fashion industry are often quick to point out the detrimental effects of fashion counterfeiting on the genuine fashion industry (for example see Harper's Bazaar, 2011). Indeed these concerns were also shared by some of the research participants. Amelia, for example, stated:

I did read in Vogue that the fashion industry has contributed £300 million a year to our economy, so I'm concerned that in a recession people are going to start buying counterfeit clothes, maybe if they were used to buying real clothes and they lost their job and they didn't want to go to New Look. (Amelia)

Indeed, Vagg (1995) reported that Trading Standards officers suggested the recession of the 1980s as one of the reasons why there was an increase in counterfeit goods in the 1980s, as consumers sought cheaper products, whilst at the same time there was a greater availability of cheap goods available through 'bankrupt' stock being sold in places where counterfeits would generally be available. There is also the issue here of authentic goods being sold cheaply through other (sometimes illegitimate) channels. This issue, which was discussed in more depth in Chapter 5 adds to the blurring of the boundaries between authentic goods and counterfeits which has a particular potential effect of causing confusion amongst consumers about when an item is counterfeit or not. Indeed Hilton *et al.*, (2004:351) provide an example of Gucci in the 1980s where they rapidly expanded the brand through lower level priced ranges of the brand (which are often produced and/or distributed by third party companies) which results in a loss of control over the products. Hilton *et al.*, (2004:351) went on to describe how these problems can be exacerbated when the brand develops a market for selling 'seconds' and 'factory rejects' at a much lower price as it can help legitimise counterfeiting.

Emily interestingly raises some further concerns about shopping for fashion items in non-traditional outlets and in particular, for buying items from the internet. Perhaps worryingly, for legitimate internet traders at least, Emily suggests that the fear of accidentally purchasing counterfeits can even put her off buying products. It could therefore be possible to argue that this potential loss of sales caused (albeit indirectly) from having counterfeit goods available in the market has an effect on the fashion industry.

In the original shop I don't have the concerns; I can go to proper shops. If it's outside my price range then if I see it on the internet, I look for real stuff but what if I buy a fake by accident? It's confusing. I get confused and it actually puts me off from buying.

(Emily)

Indeed of course there are also the moral arguments which can be made in support of the anti-counterfeiting regime. Mia describes: "It's not fair when they charge all that money and then someone comes along and charges less money and it being fake." Equally on the other hand, moral arguments could be put forward such as that by Jack who reflects a more pessimistic view about the arguments about the economic impact of counterfeiting: "I think capitalist companies make such big profits anyway,.... you know capitalism is about exploitation, if the capitalists get exploited then what is the problem?" (Jack). Therefore, the moral arguments against counterfeiting are complex which is further intensified when considering that the authentic items (which society is encouraged to aspire too) are priced outside of what many consumers can reasonably afford. Here, it is possible to draw upon the work of Hayward and Young (2007:109-110) (and supported by research such as that of Archer *et al.*, 2007 and Elliott and Leonard, 2004 – see Chapter 6) who argue that branded goods are actively pushed onto (deprived) young people fuelling their desire for these aspirational brands. Although much of the class-based explanations of fashion (notably those based on the 'trickle-down theory' – see McCracken 1988) have been criticised (see Chapter 6 for discussion) the very nature of luxury brands and their exclusivity encourages consumers to desire to be part of something *special*.

Whilst there certainly are strong arguments against fashion counterfeiting as this chapter seeks to outline, if one is to take a critical approach then it is essential to consider both sides of the story. As such, Chapter 6 touched upon a key issue which must not be forgotten and this was with regards to the nature of the fashion industry being one of 'imitation and adaption' (Yurchisin and Johnson, 2010) or essentially *copying*. Therefore, there is a counter argument put forward by some which questions the detrimental effect of fashion counterfeiting on the fashion industry itself. Ritson (2007) for example, argues in favour of the benefits of counterfeits for luxury brands. Raustalia and Sprigman (2006:1689) in their discussion of design piracy argue that in fact that whilst traditional IP rights theory suggests that 'copying stifles innovation', 'copying is rampant' within the fashion

industry, yet the industry remains 'vibrant'. Respondents such as Alfie recognised such arguments;

I'm sure a lot of counterfeiting is part of a culture that fuels branding anyway. I am sure it's good for Gucci that people are paying a lot for what are essentially fakes, I don't really know. (Alfie)

However, these arguments are naturally controversial. Further, those such as Hilton *et al.*, (2004:345) argue that because copying in the fashion industry is 'endemic and condoned', the industry must shoulder some of the blame for the 'problem' of counterfeiting. This leads onto two separate but related issues (legal) look-alikes and design piracy. Indeed, although this issue has largely not been discussed within this thesis, design piracy and legal 'look-alikes' are both issues which further compound the complexities. This reflects the nature of the blurred boundary between acceptable 'copying' and non-acceptable copying (counterfeiting). The nature of the fashion 'cycle' is one which relies on designs being replicated to the more acceptable mass market. Depending on discipline and theoretical standpoint, fashion theorists have varying views about the details of how this process works (see Chapter 3 for a more detailed discussion) but essentially in simplistic terms, designers show their designs on the catwalk (runway) and styles, trends, and designs become modified for the mass market. This is distributed to the consumer in a number of ways; through fashion magazines, celebrities, advertising and of course, in shops.

Part of the role of fashion magazines is to perpetuate this onto the consumer – for example features which include advice on how to re-create a particular look seen on celebrities or elsewhere (see Chapter 6). Essentially the point here is the nature of fashion relies on the concept of copying and trying to recreate a look, or more specifically a design. The high street in particular enables the mass market of consumers to take part in 'fashion'. The rapid growth of 'fast fashion' (most recent trends at cheap prices quickly available in shops after being seen on catwalks, see Morgan and Birtwistle, 2009) and further value retailers (and 'disposable' fashion) over recent times has arguably made a huge impact on consumers ability to engage with fashion (see Chapter 6). Therefore when taking a critical approach to counterfeiting, surely as Hilton *et al.*, (2004) point out the fashion industry must take some responsibility. The extent to which the industry should take responsibility is of course up for debate but there is a strong case for at the very least a responsibility

to accept that consumers are not necessarily able to distinguish between *acceptable* copying and *non-acceptable* copying. This is particularly so in the case of low deception counterfeits where the consumer might struggle to see the problem. Indeed, it was found through the focus groups in particular, that for many consumers they struggled to differentiate between counterfeits and design look-alikes. A number of the participants in Focus Group 1 (FG1) referred to the goods sold in Primark as what they understood as counterfeits for example.

Interviewer: Has anyone ever come across any fakes being sold?

FG1: Yeah.

Interviewer: Where?

FG1: Market

Primark

Primarni

Everything is fake from Primark!

Interviewer: Do you associate things from Primark with fakes?

FG1: Yeah they're just copies aren't they?

Further, one of the interviewees, Ruby, also described this issue:

I think I probably do [associate counterfeits and value retailers in the same boundaries] because with Primark they do have a lot of catwalk styles so you do probably think that they are probably like a little step up from fakes but then not that much because they are really cheap and you can tell that they do rip off a lot of designers, like if I ever see a dress in a magazine and it is really expensive then I always think I bet I can find something similar in Primark. So I think maybe it kind of is the new [counterfeiting], because I don't think that many people, especially not probably males, buy fakes in the market anymore, so maybe it's more they buy it from Primark instead, because it's probably all nearly similar to copies.....Yeah, because especially now, the designers don't tend to put their logo all over everything where as in the past that was, if you wanted designer it had the logo all over it whereas now it's more about the style. (Ruby)

Therefore, considering the above argument, it is possible to question the extent to which it is appropriate for anti-counterfeiting policy and campaigners to place a responsibility on the consumer not to purchase counterfeit goods.

### ***Fashion Brands***

The arguments related to the harm caused by fashion counterfeits to fashion brands broadly rest in two spheres: the financial impact of a 'lost sale' and the effects of reputational damage to the brand. These two aspects are not necessarily independent of each other but at the same time are not necessarily arguably both always evident. For many, it is generally assumed that 'the practice of product counterfeiting high-visibility, strong brand-name luxury consumer goods is a major problem' (Nia and Zaichkowsky, 2000:485). The National Intellectual Property Enforcement Report (NIPER) argues how counterfeits of luxury fashion brands can cause harm in both respects outlined above and claims that 'the most damaging harm is done to the prestige of brands'. NIPER (Patent Office, 2005:106) goes on to state:

Luxury top-end market goods thrive on their quality, exclusivity, consistency and aspirational attraction. To see a fly-pitched seller in a High Street with cheap illegal imitations for sale will damage the reputation and image of the genuine product. In this way counterfeits sold can equate with lost potential sales for the real item.

Whether or not the authentic brands' image is harmed is a further complex matter. It is possible to argue, in line with the arguments proposed by Wall and Large (2010) that the damage to the brands' image may well depend on factors such as quality and deception of the counterfeit products (see Figure 7.1). Added to these two factors, it may well be worth considering a third factor of quantity. For some consumers, including Lucy, they clearly showed a concern that high volumes of counterfeits of a particular brand would be problematic:

I think that if the market is saturated with fake products it lowers the value of the real brand as some times it is very difficult to tell a genuine item from a fake. This in turn means that every item is assumed to be a fake.

(Respondent 273: 21, female, knowing counterfeit buyer)

One prominent recent case which could be cited as an example of the harm caused by a saturation of (low quality) counterfeits in the market is that of the situation of Burberry in 2004/2005. Consumers' views about the effect of what these counterfeits had on Burberry differed. On the one hand, Daisy and Amelia suggested that it had harmful reputational damage:

Yeah it caused a lot of damage to their company [Burberry] because people don't want to be seen in Burberry because of the association so yeah I can see it like that actually yeah [as damaging to a brands' reputation].  
(Daisy)

There are two issues to consider here whilst looking at the example of Burberry. The first is the association which this counterfeiting incident made with particular social groups (i.e. the 'chav' – See Chapter 6) and the effect which that had on the brand. The second issue is with the extent to which this counterfeit incident had on damaging the brand – and also the financial implications. As the comments above, and below, indicate, the response from consumers about the damage to the brand is debateable. Further the impact of the damage to the brand as a result of the association between counterfeit Burberry products and 'chavs' is also unclear. Burberry themselves (through the finance director Stacey Cartwright) suggest that whilst sales might have been affected by 'chavs and their adoption of its famous beige check' were also concerned to stress that authentic Burberry customers would be unlikely to associate what they wear with the counterfeits being worn by 'chavs' (Wallop, 2005) (this again reflects the 'us and 'them' argument discussed in Chapter 6). Indeed those such as Amy reflected more upon similar lines to that of the fashion house itself:

I still love Burberry, because it's a heritage brand. As they have still got so much history. It's upsetting obviously. I think, like I went to the Burberry show this year and it's just so amazing, what is on the catwalk is nothing like what people are ripping off, so it's ok.  
(Amy)

Again, as Amy demonstrates above, and as discussed to some extent in Chapter 6, the harm which is seen to be caused to brand reputation is often quite subjective depending on the consumer's own personal loyalty to that brand. Oliver notes how an influx of counterfeits of his favourite brand could harm it:

Going back to Vivienne Westwood that would be the brand that I would say that I feel I am most loyal to and would feel protective towards the brand and I would feel that loads of fakes around would harm that brand and I would feel that to other brands if I was loyal to them. (Oliver)

This distinction between 'them' and 'us' which is demonstrated by Amy's comments (above) therefore might go some way to explain why counterfeits and authentic items can both exist in the market at the same time as they are actually (in the case of low deception counterfeits at least) aimed at separate consumer markets. However, the differentiation of the idea of 'them' and 'us' is not as simplistic as seeing 'counterfeit consumers as other' (Rutter and Bryce, 2008); Amy herself has knowingly purchased counterfeits. However, Amy's comments clearly show that the social acceptability of counterfeits can vary dramatically depending on the context, situation and product itself. Research by Nia and Zaichkowsky (2000:485) found that 'in general, counterfeits may not devalue the sense of ownership of luxury goods'. Indeed those consumers such as Erin suggest that counterfeiting might not have such a detrimental effect on brand reputation: "No [it won't harm brand reputation] because if they're really good fakes and it's not getting noticed anyway."

Indeed however, with regards to reputational damage, the case of a highly deceptive, but poor quality counterfeit (see Figure 7.1) where a consumer has unknowingly purchased it seems to be the biggest potential for damage.

Maybe reputation but financially I don't think it will affect them, because if you buy a Prada bag intentionally and think it's real but it's not, you're not going to be willingly like 'I love Prada' still because you've got that negativity even though it was nothing to do with them it still changes your opinion. (Poppy)

There does seem to be a lack of sympathy with large well known fashion brands by consumers in terms of the arguments against counterfeiting with regards to the financial impact on the brand. Some consumers, such as Evie feel this way because they do not believe that the authentic item is any different in terms of the raw product from a counterfeit.

I saw this Prada dress, and I don't understand where the mark up comes from so I don't see how counterfeits are harming the brands itself. They are all made from the same products. (Evie)

Other consumers, such as Erin, do not see how purchasing a counterfeit product harms the brand financially as they argue that they would never have bought the authentic item anyway, so it cannot be judged as a 'lost sale'.

No, I would never have bought an original because I would never pay that price for a handbag. But I don't think it harms the company because they must make so much profit out of what margins they do put on their mark ups anyway, and if it was really cutting them out then they would do more about it. (Erin)

James also questions the financial impact that counterfeiting has on brands:

You'd have to look at Rolex's sales figures. I mean clearly it would in developing countries, but then I think a lot of people wouldn't be able to afford those brands anyway. I don't know the extent of it in this country. I think the odd backpacker picking something up in Thailand isn't really going to have that much of an effect. (James)

This notion of a lost sale is an important one to be critically aware of as it forms the basis for the financial estimations of the economic costs of counterfeiting. For example, when discussing the value of items seized, the total is based on the equivalent authentic items cost for sale. Therefore, drawing upon work which distinguishes between the levels of deception involved in a counterfeit transaction, and as discussed in more depth in Chapter 5, care should be taken to assume that every counterfeit purchase is equivalent to a 'lost sale' of the authentic product alternative. Indeed, the opportunistic nature of much counterfeit purchasing discussed in Chapter 5 further provokes serious questions related to the financial impact of counterfeiting in terms of supposed 'lost sales'. The harms related to private industry have been outlined (albeit in brief) and discussed above, perhaps the biggest hindrance of any such discussion is the difficulty in accessing any kind of accurate and unbiased figures to examine these claims. Therefore, it should be noted that this is not a full and complete discussion but one which provided an introduction to key issues and consumer responses to them. Next, however, this

chapter considers the primary concern of this thesis and considers harm in terms of the public interest.

## **Harm and the Public Interest**

### ***Individual Harms***

Harm and the public interest is a broad heading for a number of issues such as harms which the individual consumer might face as well as broader harms which might be faced by wider society in terms of social harms and crime. Of course it should be noted here that these harms will vary across situations and also potentially social groups and individuals. It should also be noted here why social harm and crime has been differentiated. This largely reflects the narrow view of crime which tends to exist (following arguments by critical criminologists such as Young, 2007, 2011 and is discussed in more depth shortly) with social harm being a term which reflects a broader understanding of harm. Firstly, to link back to the discussion highlighted earlier in this chapter, the concerns about consumer safety are relevant when considering counterfeit fashion goods, and in particular counterfeit accessories'. As the National Intellectual Property Enforcement Report NIPER (Patent Office, 2005:6) suggests, counterfeit eyewear may pose a potential health and safety risk because it is unlikely to meet the required quality standards. This is particularly concerning if counterfeit sunglasses are purchased which may provide little or no UV ray protection and could result in serious eye damage (ACG, 2008b). Counterfeit jewellery may also be problematic as Olivia discovered:

Jewellery not, drugs not. Fake make-up and hair stuff, fake sunglasses: I wouldn't buy things that I thought could damage my health. Things like rings and that I would have bought before I got an allergic reaction to it. (Olivia)

Indeed evidence has been found to suggest that counterfeit fashion jewellery may well be harmful to the health of consumers who purchase it. A seizure of counterfeit jewellery by Wandsworth Trading Standards found, when tested, high levels of lead contained in counterfeit luxury jewellery items being sold (Fake Britain, 2011).

However, it is not just the health related dangers that fashion counterfeits can potentially pose to consumers which have been raised as a concern. Some individuals expressed a concern related to the quality of the counterfeit product.

Again, central to this is an appreciation of issues of deception and quality when considering harm (see Figure 7.1), but one issue is that it is unlikely that those who buy counterfeits could return the product in case of a fault since they are not protected by the usual retailer guarantees and consumer protection laws. For some consumers this clearly affects their purchasing decisions: 'I would not buy fake goods because I would rather have a quality item that I can return if there are any problems' (Respondent 30: 24, female, non-counterfeit buyer) (see Chapter 5 and 6 for a more detailed discussion surrounding counterfeit purchasing decisions).

Quality of counterfeit products is of course a key concern, and this again brings us back to this notion of differentiating different levels of harms associated with counterfeiting and how this can potentially vary with regards to differing levels of quality (see Figure 7.1). As one survey respondent commented 'the fake bag I bought was half price but the handles fell off two weeks later. Then I felt conned' (Respondent 589: 31, female, knowing counterfeit buyer). As discussed in Chapter 5, the 'performance risks' (Bloch *et al.*, 1993) associated with products can be an important factor when purchasing goods. However, it is difficult to assess these risks when the consumer does not necessarily have full (or accurate) information about the product they are potentially buying.

A worrying additional potential risk of harm for individuals is suggested by the Intellectual Property Crime Group (2010:13) who state:

Consumers can also be exposing themselves to the risk of identity theft and fraud by providing their bank details and other personal information to criminals running websites selling fake and pirated goods.

This is a particular concern with the growth of internet shopping (see Chapter 5) and the growth of the internet more generally has allowed a new era of opportunities for 'would-be criminals' (Williams, 2010:197) which the IP Crime Group would suggest makes counterfeit internet shoppers particularly vulnerable too (see Williams 2010 for a discussion around 'cybercrimes').

### **Social Harms**

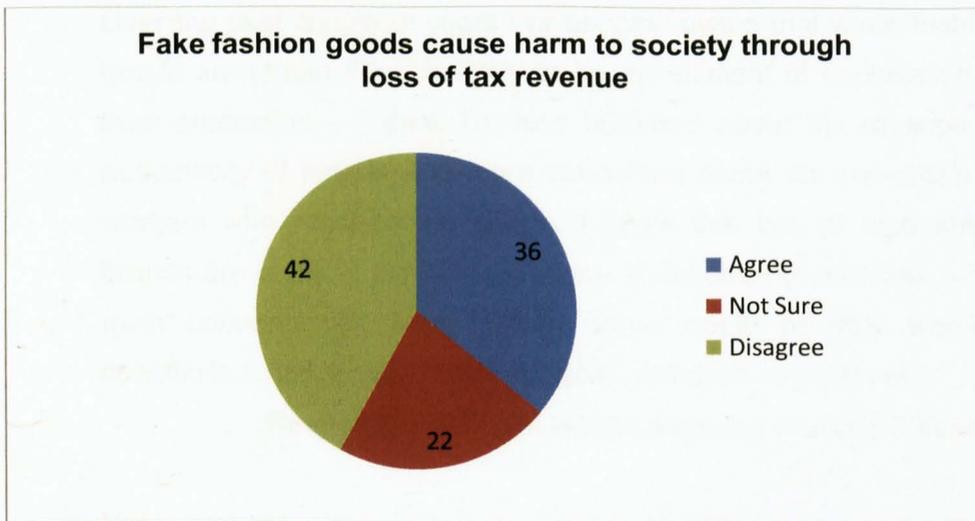
The financial impacts of counterfeiting in terms of the potential losses to the industry are often the first thing cited when discussing the economic impact of counterfeiting.

However, there are broader related issues which could impact on society more generally, in particular in the form of loss of tax revenue. As the NIPER describes:

Damage to the industry sector and to the economy can result in the loss of jobs and of trade, of incomes, of tax revenues, and of wealth creation once faith in the integrity of a luxury brand is prejudiced in this way. (Patent Office, 2005:106)

Therefore, it might be possible to suggest that consumers might be concerned about these broader social harms purported to be related to counterfeiting. In particular the survey for this thesis sought to explore whether consumers agreed or disagreed with the following statements: a) fake fashion goods cause harm to society through loss of tax revenue; b) money raised from selling fake fashion goods funds other crime and c) fake fashion goods are a crime problem that should be taken seriously.

**Figure 7.2: Attitudes Towards the Statement 'Fake fashion goods cause harm to society through loss of tax revenue'** (N=781)



As Figure 7.2 displays, the survey found that overall there was a lack of consensus with whether consumers agreed or disagreed with the statement 'fake fashion goods cause harm to society through loss of tax revenue. Indeed this mixed opinion remained when considering this question by various demographic variables and only varied slightly from this picture when contrasting the views with counterfeit buyers (31 percent agreed and 50 percent disagreed) and non-counterfeit buyers (40 percent agreed and 35 percent disagreed) (n=781). The interviews further

confirmed that many consumers did not seem to be concerned about the impact of counterfeiting in this way and felt that this was a very minor issue, if at all. The reasons behind this are not clear, although one might be inclined to make the assumption that this might be due to a lack of sympathy of taxation more generally. This point very nicely reflects the concerns that harm (or the perception of harm) may not always be distributed equally across society or social groups.

Whilst the interviews especially reflected a lack of concern about the potential tax losses associated with the sale of counterfeits, the primary concern which consumers had about the impact of fashion counterfeiting which was not explored by the survey but did arise out of the qualitative comments section and further much more during the interviews, was the concern about the potential ethical impacts of counterfeiting. This issue seemed to take more prevalence for consumers than any other issues (including crime more generally – see discussion later in this chapter). The comments by Respondent 325 reflected similar comments of a number of other survey respondents (including Respondents 496: 42, female, non-counterfeit buyer and 26: 24, female, non-counterfeit buyer)

Over the past couple of years I've become aware that when fashion goods are cheap there is likely to be an element of exploitation in their production – I think I'm less bothered about tax revenue or authenticity of brands and more concerned about the conditions of workers who produce the goods. I know that lots of high street brands are guilty of exploiting workers in developing countries – my main concern with fake fashion items would be that working conditions could be even less regulated and more exploitative.

(Respondent 325: 29, female, knowing counterfeit buyer)

Yeah probably, especially now I am a bit older, and I know a bit about fakes, and not lately, but the past couple of years there has been a real push about how ethically things are made so I think everyone is a bit more aware, and I think it does put some people off.

(Ruby)

There generally seems to be a clear recognition by many consumers that fashion counterfeits (and also fashion goods more generally as discussed in more depth shortly) may have ethical issues related to their manufacture and production.

However, whilst there is generally a consensus that this is the case, there is a contested viewpoint about the extent to which consumers feel they should be concerned about this. Some consumers, such as those who expressed comments above are clearly very concerned about ethical issues of counterfeiting and suggest that this is a primary reason why they would not purchase counterfeit goods. For some consumers, whilst they do recognise that ethical issues might be a concern, the extent to which this alters their behaviour is less clear. Olivia, who only engages with purchasing counterfeits on a sporadic basis makes some interesting comments:

If I actively bought fakes then maybe [change my mind about buying fakes] but because I've only rarely bought fakes like being on holiday and when you're on holiday you forget a bit about your morals and things like that, but in an everyday situation if I came across a market and I knew it was funding child labour, I suppose I think to myself because Primark is one organisation you can say that it is associated, but with fakes its loads of different people you could only say generally fakes are associated with poor labour conditions etc., so that almost escapes you of your responsibility because you could justify yourself by saying that fakes may be generally but they're not.

(Olivia)

As already established, some of the strongest concerns about counterfeiting (particularly from the point of view of the consumer) are related to the unethical nature of their manufacture and production and in particular moral concerns about worker exploitation and rights. However, Hilton *et al.*, (2004) argued that whilst there are moral arguments to protect the designers who are being copied by counterfeiters, at the same time moral arguments could be used to actually justify the acceptance of counterfeiting. Hilton *et al.*, (2004:349) therefore suggest:

Given that many operate in countries where they face economic hardship, some might consider it a basic human right to make a living whatever way one can in order to survive.

Indeed, this was certainly a view which Erin took:

I suppose that I do live in the naïve bubble I think well they're just making a bit of money for themselves it's their business and they're supporting their family and that's the way they are doing it. A market stall over there is just like a market stall over here. I think everyone is genuine, they might be selling counterfeits but it's just their way of making money for their family. (Erin)

Amy also takes a similar viewpoint that in terms of morals and ethics perhaps for those living in poverty, counterfeiting might be a better employment alternative than other options when legitimate opportunities are not necessarily available:

I don't think I am particularly concerned about it, I think child labour goes on either way... Where I used to work, they found it in our factories and there was nothing they could do about it because it was a legal document that the children had to sign to say they were over age. So there is a lot of things that go on... Yeah, like one girl was like 12 and she bought a piece of paper for 50 rupees from the town hall saying that she was 30 with 3 children, and they can't dispute it because it's a legal document. It doesn't influence my decision to buy things because they used to be prostitutes, so they have only gone from prostitution to working in a factory. So it's a little bit better.

(Amy)

### *Concerns about Legitimate Fashion Companies*

As already demonstrated above, for many consumers they have real concerns not just about the ethical issues of manufacturing and producing counterfeits, but also with the manufacture and production of fashion goods more generally. Whilst fashion companies would be inclined to deny any poor procedure there has been evidence of poor practice in the past (see Branigin, 1999; Dickson, 2005; Klein, 2005) and more recently (see Panorama, 2008; BBC News Online, 2011c) and consumers certainly seem to still be under the belief that this is still taking place. Whilst an obvious response by the fashion companies might be that this does not matter as it is not true, in terms of assessing the impact of counterfeiting this is a very relevant issue to consider. This is because anti-counterfeiting strategies may find difficulty in persuading consumers not to buy counterfeit products on the grounds of worker exploitation and poor production practices if consumers believe that this is happening in the legitimate fashion industry anyway.

I've never thought of counterfeiting interestingly as contributing any more than any other industry to like sweat shop labour. It's something I think unless things hugely change, will always exist. It's a real slow process where change might happen. The fact that it's linked to organised crime means that it must be difficult to legislate for counterfeit products as opposed to other products where there is a clear chain to legislate on, so I suppose that's raising an issue to me, now I'm thinking about it that could mean that harm is caused by the industry. I've always thought of all consumer industries as potentially damaging.

(Esther)

Well one I was thinking about were the ethical practices of production like buying a pair of shoes with a Nike stripe on for £100 which they've paid some 12 year old girl in Indonesia to make for 50pence. I think there's a repugnant side to labels and branding. I think if I was confident a brand had very ethical practices then that might change things but I think there is a lot of moral bankruptcy in the whole idea of brands and branding.

(Alfie)

Some consumers had a very specific idea about those fashion brands which had poor ethical practices. Primark was frequently mentioned as problematic:

Primark was the worst, so it does make me think but I don't actually think about it with fake fashion, I don't know. I would never buy Nike, I don't like the idea of big companies. Primark, I'm on the edge with although I do like the cheap clothes and I do think to myself [about ethical concerns] and I only occasionally buy from there. There are some brands I wouldn't buy from.

(Olivia)

Yeah, if you think it's sort of a similar realm of things like the Primark thing – illegal immigrants working in really bad conditions, I kind of think there could be something related yeah, like the idea of children doing these bags. I think it must be illegal somewhere along those lines.

(Lily)

While it might become easy to point the finger at Primark, especially as a result of the Panorama documentary aired in 2008 (Panorama, 2008) highlighting issues

such as child labour and poor production practices, a number of consumers recognise that these issues are not necessarily exclusive to value retailers alone. Evie for example suggested: "Primark is really bad for ethics but I don't think Topshop is much better". The comments of Olivia and Alfie above both also pinpointed Nike as problematic. For some consumers, the fact that Primark is a value retailer means that their poor practices are less problematic than those of other companies which generally charge much more for their fashion products.

No because I think that's all in the fashion industry even I think in a way Armani whoever are possibly worse because they are possibly getting them nearly as cheaply as Primark, but at least Primark are honest, they say they get cheap labour and they sell the clothes cheap. I'm sure Armani don't pay much more than Primark to kids and abuse them, but are making a massive more profit for themselves. (Erin)

When that documentary came on about Primark like, it kind of made me think 'awww' but at the same time I thought they are selling their products so much cheaper so you expect, so you subconsciously kind of think something is dodgy, but if Levi, Armani or Gucci were doing the same thing, the mark up on their T-Shirts is just ridiculous, it's obviously like 100% profit. That's what make me think I don't want to spend my money with you [expensive brands] because at the end of the day I'd rather they get paid and for me to go out and buy cheaper products. (Poppy)

Jack recognises that the problems might lie with the models of fashion consumption:

I think the brands are very unethical. Possibly, Nike shirts produced for instance if we look at things like corporation and the workers and the working discretion, you know the industry out there does it have the guts to claim that there are ethical issues? I think that there might be, but no more than there are some issues we already have especially in some fashion – Zara's and the Primark's and also the legal models. We also have to buy cheap and then dispose of it in a few months. (Jack)

However, whilst many consumers recognise that there may well be serious ethical concerns about the legitimate industry, it is questionable for most, whether or not this affects their decisions about where to shop. Some consumers, such as Charlie, are just quite accepting of the situation:

I suppose like some of it is like slavery and that, a lot of clothes are made on the back streets of India and in the slums. So you have got all of that, which I do know about because I saw it on TV. But I wouldn't say that it bothers me too much because that's just how it is. It's just how it is isn't it? (Charlie)

## **Crime**

### *Links to other Crime*

The debates about whether or not, and if so, the extent to which fashion counterfeiting (and IP crime more broadly) are linked to other crimes are hotly contested and contentious. On the one hand, there is a very strong argument outlined which claims that counterfeiting is linked to other types of crime. For example, the IP Crime Group (2010:15) recognised the potential for organised crime groups to be involved with counterfeiting and suggests that there are 'many' cases where links between IP crime and 'criminal activities' have been found. Further they claim that these 'criminal activities include money laundering, people trafficking, loan sharking and the exploitation of children' (IP Crime Group, 2010:15).

Criminologists have long contested the definition of organised crime and those such as Levi (2007) highlight the complexities (and problems) of such a term. In terms of counterfeiting literature, the definition of organised crime as followed by the AAIPT for example is that given by NCIS. They define organised crime as follows:

Organised crime constitutes any enterprise, or group of persons, engaged in continuing illegal activities which has as its primary purpose the generation of profits, irrespective of national boundaries.

(NCIS cited in AACCP, undated:4)

Most (in fact nearly all) anti-counterfeiting literature highlights the arguments between counterfeiting and organised crime and terrorism, however, when looked at more closely, very little of this actually provides any evidence for these claims. From

a criminological perspective, following the work of Levi (2007) it should first be acknowledged that the confusion of the terms 'organised crime' and 'terrorism' is problematic and they certainly should not be used on an interchangeable basis as is so often done by the media and much anti-counterfeiting literature. However, to separate them in a discussion here would be impossible since nearly all the sources available related to counterfeiting treats them as one. Indeed, the links between counterfeiting and terrorism are mentioned frequently and as Interpol (Noble, 2003) outlined, this could be through direct or indirect involvement of terrorist groups. Again there are competing explanations and definitions of what actually constitutes terrorism and the term is one which should not be treated uncritically (see Weston and Innes, 2010 for a discussion).

However, with regards to the claims that counterfeiting is a funding source for terrorist activities, it is worth making a note of caution that much of this evidence is based on sources such as media reports (see for example International Herald Tribune (2007) 'Counterfeit Goods are Linked to Terror Groups'; Unge-Thomas, (2005) 'Designer Fakes 'are funding Al-Qaeda)'), and private investigators (see IACC, undated). There have however been two recent attempts to support these claims. The first is the report by the AAIP (AAIP undated) entitled *Proving the Connection*. This report documents examples where counterfeiting has been found to be linked to organised crime. However, as with most anti-counterfeiting literature, the report focuses on counterfeiting in the more general sense rather than specifically focusing on fashion. It does however cite two examples of fashion counterfeiting being found to be linked to organised crime and terrorism, one of which is in Northern Ireland. The AAIP Report (AAIP, undated:14) cites the Threat Assessment Report 2002 (Northern Ireland Organised Crime Task Force) which 'confirms that 34% of the organised crime groups in Northern Ireland were involved in product counterfeiting' (including clothing). The Threat Assessment Report further claims that counterfeit goods to the value of £6.7 million were seized in 2002. This leads the AAIP to conclude that:

The scale of these offences means not only that they are, by definition, the work of organised criminal groups, but also – given the nature of criminality in the Province – it is inconceivable that terrorist organisations are not directly complicit. (AAIP, undated: 14)

A second attempt to show the connections between counterfeiting and organised crime comes from the Safety and Justice Program (Treverton *et al.*, 2009). Again, although not focusing on fashion counterfeiting specifically, the report sought to highlight organised criminal groups who are involved with counterfeiting and other criminal activities both in the UK and elsewhere. Figure 7.3 (see below) shows an adapted version of their findings.

**Figure 7.3: Connections between Counterfeiting and Organised Crime.**

(Adapted from: Treverton *et al.*, 2009:xii)

Organised Crime Group	Base Location	Counterfeiting	Film Piracy	Human Smuggling	Money Laundering	Loan Sharking	Narcotics Trafficking	Prostitution	Weapon Trafficking	Contract Killing	Document Forgery
<b>UK</b>											
Cockle-picker gangmaster	England	X	X	X							
Lotus Trading Company	England	X	X	X							
PIRA/RIRA	Northern Ireland	X	X				X		X		
UDA/UFF/UVF	Northern Ireland	X	X				X		X		
<b>Rest of World</b>											
Camorra Mafia	Italy	X	X	X	X	X	X	X	X	X	X
Wo Shing Wo triad	Hong Kong	X	X	X	X	X	X	X	X	X	X
D Company	Pakistan	X	X		X		X		X	X	

A further way used to 'evidence' the links between counterfeiting and organised crime and terrorism is the fact that certain policing strategies recognise the problematic effects of IP Crime. For example, on an international basis, the International Anti-Counterfeiting Coalition (IACC) highlights that the FBI in the United States is concerned with IP crime, as well as the fact that in 2002 Interpol recognised the links between IP crime and organised crime and set up the

Intellectual Property Crime Action Group (IACC, 2005). The Rodgers Review (2007) estimated that of the £1.3 billion which IP crime was estimated to generate in the UK, about 70 percent of this linked back to organised crime. However, as the AIM Briefing Paper (2005) states there is often a perception by consumers and the general public that counterfeiting is a 'victimless crime' and that the links to organised and other types of crime are mere propaganda. AIM (2005:4) argued that the 'proof' that counterfeiting is not taken seriously as a problem can be seen in:

the tourist who blithely refuses to accept that his purchase of a cheap T-Shirt helps to sustain a serious and organised criminal culture that may also be directly linked with funding international terrorist groups.

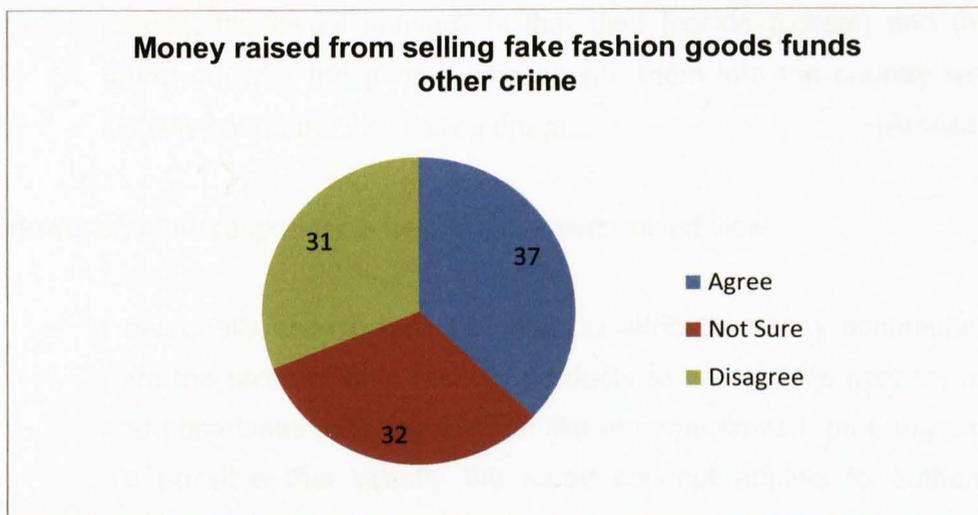
However, as the interviews demonstrated, there certainly is an element of consumers feeling that the links to organised crimes are a form of propaganda. What is interesting about the comments of Oliver and Harry (see below) however, is despite their views that these claims and links might well be exaggerated they do seem to recognise some element of truth within them.

My personal perception is that some of those claims are maybe exaggerated but I may be very wrong there. (Oliver)

There is certainly some form of link – particularly the notion that creating a fake is in the sense an organised crime. Although I do believe the government is also guilty of spinning fear about this issue. (Harry)

As outlined above, the claim that counterfeiting is a source of funding for criminal groups is a key argument in support of reducing counterfeiting on the basis of harm to society, and further justifies a response by public resources to tackle the problem (see Wall and Large, 2010 for a discussion). The survey therefore asked consumers to state whether they agreed or disagreed with the statement 'money raised from selling fake fashion goods funds other crime'.

**Figure 7.4: Attitudes Towards the Statement 'money raised from selling fake fashion goods funds other crime'** (N=778)



Indeed, as shown in Figure 7.4 the results from the survey seem to reflect mixed viewpoints in consumer perceptions about counterfeiting as a source that funds other crimes with 37 percent of the respondents agreeing with the statement and 31 percent disagreeing, with the remaining 32 percent being unsure. Some respondents had a clear idea and reinforced this within the comments option:

My main concern with fake fashion goods are exploitation of cheap labour and the profits funding criminal activity, i.e. money laundering, illegal drugs, terrorism etc.

(Respondent 139: 26, female, non-counterfeit buyer)

A number of interviewees also had a clear perception that counterfeiting was linked to other types of serious crime:

Yes there is a link with organised crime, forcing people into labour, intimidation and violence. There is also problems of tax evasion and then harms to legitimate companies. There are also ethical trading issues – sources etc.

(Emily)

Anything unlawful like that is probably going to be fuelling something more horrendous, that's probably the wrong word. Those are massive reasons which make it worse than a company losing money, it's much worse than that.

(Chloe)

Yes the people who counterfeit are likely to be the same people who do piracy [pirate] videos. That thing that happened with the Chinese people, the illegal immigrants that died [cockle pickers] and they found out that the people who bought them into the country were illegally counterfeiting, selling drugs... (Amelia)

However, other respondents had a much more mixed view;

I personally believe that it's unfair to attribute money accumulated from the sales of fake fashion products to crime. This may be true and sometimes probably is. Just like at some times it probably isn't. It's possible that exactly the same concept applies to authentic fashion products.

(Respondent 621: 21, male, knowing counterfeit buyer)

Further these mixed views were also reflected in the interviews;

I'm not aware of that so much [links to other crime], not like the problems of drugs and crime, but I can see how there is a black economy and if someone is doing dodgy Rolex's and they may be involved in trafficking. I can see how there may be a link. (Alfie)

For some consumers, whilst they recognised that counterfeiting might well be associated with harmful activities, they were not necessarily so convinced of the links to serious and organised crime.

Yeah I think there is a link, but I don't know what, but I get a feeling. These people are most likely to be shop lifting on mass and probably drugs as well, but then I don't think that is that serious. I don't really disbelieve the links to serious and organised crime but I'm not really sure. (Evie)

Evie's comments above highlight an issue that is recognised by those such as the IPCG. A survey conducted by the IP Office which asked authorities involved in counterfeiting enforcement to comment on the evidence they had come across of whether counterfeiting was linked to 'wider criminality'. The IPCG's report found that there was a range of links with 'lower level' types of criminal and anti-social

behaviour, with benefit fraud being the most common (48 percent) (IPCG, 2010:16). There is also evidence to suggest that counterfeiting is associated with lower levels of forms of crime. Fergus (2009) reports on small quantities of Class B and Class C drugs and a weapon being found when a raid was conducted where counterfeit fashion items were also found. A similar case of counterfeit goods being discovered with a supply of amphetamines was reported in South Wales in 2006 (Lord Sainsbury of Turville, 2006). Hence, whilst seizures which generate such finds may be reflective of the some of the types of things associated with large scale organised crime, they also seem to lend support for the notion that counterfeiting (in the UK at least) may well be more commonly associated with lower level (organised?) crime.

You know it probably does fund some bits of organised crime, but I don't think I would believe it to go as far as like, terrorism. I think that you couldn't make that much money, that it would be that much profitable, but I think that there is probably a link to sweatshops and child labour and stuff like that.

(Ruby)

At this stage then, before discussing Ruby's comments further, it is worth engaging with a more critical discussion surrounding the use of the term organised crime. Much of the above discussion relies on what could be deemed a simplistic (confused) understanding of organised crime which following legal definitions of the EU and UN (United Nations) Levi (2007:780) argues

can mean anything from major Italian syndicates in sharp suits or Sicilian peasant garb to three very menacing-looking burglars with a window cleaning business who differentiate their roles by having one act as a look-out, another as burglar, and a third as money launderer!

The concept of organised crime in itself has further been criticised with a recognition by those such as Levi (2007), Hobbs (2002) and Wright (2006) that it might be more accurately described as disorganised crime, which rather than relying on 'Mr Bigs' is more often characterised by 'loosely organised networks of smaller firms' (Croall, 2010:679). Further, Croall goes on to discuss how there is often a blurring of the boundaries between 'legitimate and illegitimate activities' and that when discussing these types of 'middle range business crimes' an 'inclusive' approach, which is more broader than the traditional use of the term organised crime is needed. Croall

(2010:680) goes on to argue that the term middle range business crime is one which can incorporate the 'legal and illegal' as well as the 'low-level' participants in the criminal labour market and larger 'serious' criminal businesses. Work by Hornsby and Hobbs (2007) on cigarette smuggling demonstrates how 'criminal entrepreneurs' (Croall, 2010:679) can progress from a small individual criminal enterprise to a much larger scale and more organised network. Indeed, Hornsby's (2011) presentation of the findings of a research study into contraband tobacco and criminal networks demonstrates considerable parallels which could potentially be drawn to that of the counterfeit fashion market, particularly with regards to the crossover of legitimate and illegitimate business and the role of the legitimate industry perpetuating the illegitimate industry and certainly raises a number of questions for future research in this direction. Whilst this research certainly has not sought to uncover the organisational aspects of the nature of those involved with fashion counterfeiting, it does seek to raise caution with treating organised crime as a non-problematic concept when discussing the impacts. Indeed, as far as consumers are concerned, they themselves are wary of accepting this uncontested view of counterfeiting and organised crime.

Referring back to Ruby's comments above, these also raise further interesting points. Ruby here suggests that she does not believe the links between counterfeiting and terrorist organisations on the grounds that she does not believe that counterfeiting operations can generate enough money for terrorist activities. However, some commentators such as Levi (2007) have actually suggested that the costs involved with terrorist activities may actually not be that significant in some cases. On the other hand, some consumers such as Thomas simply dismiss the claims which link counterfeiting to organised crime groups and terrorism.

Not in this country. Maybe there is some links between organised crime in Italy but not here. I don't believe that it causes harm to society either....There are more important things to worry about, I'm not bothered between the links between crime and counterfeiting compared to other problems, it's not a high priority. The claims that it's linked to terrorism are bollocks. (Thomas)

### ***Should Counterfeiting be seen as a 'crime'?***

It has been discussed above about whether consumers consider counterfeiting to be an income source for other types of crime. However of course, counterfeiting, at least in terms of production, manufacture and distribution, is itself a criminal offence. As criminologists are well aware, not all types of crime are viewed as serious, or further as crimes at all and the socially constructed nature of crime and deviance is something long debated. Indeed there is the idea of the 'real crime' (Box, 1983). The role and influences of the media in this context has been discussed in depth by those such as Reiner (2007) and Jewkes (2011) but as Levi *et al.*, (2007) note the media is not the sole influence. Indeed, the IP Office (formerly the Patent Office) notes that 'while crimes such as drug dealing and trafficking are viewed with great concern, the general perception of IP crime is that it is a "victimless crime"' (Patent Office, 2004:s4). This view may well be supported by the distinct lack of discussion and acknowledgement around IP crime in criminology more generally (see Brookman *et al.*, 2010; and also Yar, 2005; Wall and Large, 2010). Indeed, for a number of the consumers in the study their view was certainly one which reflected these comments. Further, of interest for later discussions about consumer responsibility, is the point that the three consumers described below all have relaxed views about counterfeiting in terms of criminal harm, yet are all non-counterfeit buyers.

Buying fake fashion goods is a small crime compared to burglary etc.

(Respondent 111: 20, male, non-counterfeit buyer)

To be honest with the levels of real crime (drugs, prostitution etc) in Britain I couldn't give a tiny rat's arse about fake goods! Sorry to be rude but that's my true opinion!

(Respondent 405: 18, female, non-counterfeit buyer)

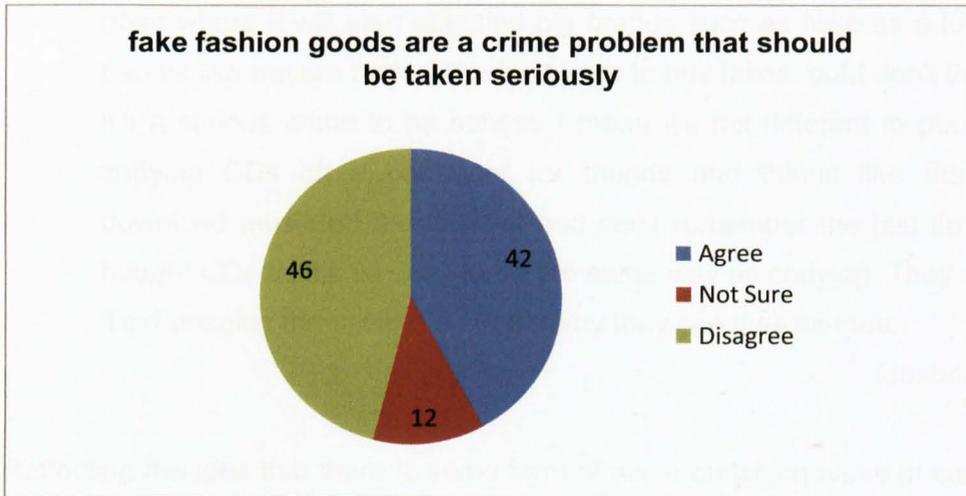
I don't think it's that big of a problem, I think there are worse things out there than that.

(Mia)

Therefore, whilst it is clear that for some consumers they think that in relation to other crimes, counterfeiting is not that much of a problem it is possible to question whether people think that counterfeiting is a crime problem which should be taken seriously. Indeed it is recognised by those such as Brookman *et al.*, (2010:85) that 'social attitudes;' towards crimes such as counterfeiting 'are often quite different' to

more 'traditional crimes'. Of course the term 'serious' is subjective and the interpretation of it will vary from person to person. As the results from the attitudinal statement in the survey suggests there are clearly divided opinions on this matter with 42 percent of consumers agreeing that counterfeiting is a serious crime problem and 46 percent of consumers disagreeing (see Figure 7.5).

**Figure 7.5: Attitudes Towards the Statement 'fake fashion goods are a crime problem that should be taken seriously'.** (N=783)



Some people, quite clearly view counterfeiting as a form of theft.

People make money out of brand names where they shouldn't, it's like stealing really isn't it? (Charlie)

Interviewer: Do you believe there is a link between counterfeiting and crime?

Daisy: Yeah

Interviewer: In what way?

Daisy: Like if someone copies someone else's design that is like stealing.

Interviewer: Would you expect that to be taken seriously by the police?

Daisy: No

Interviewer: Would you like it to be?

Daisy: Yeah, or just someone to stop them from selling it.

People's views about the seriousness of crime seem largely attributable to their perceptions about the potential harms associated with the crime. For some, they largely view counterfeiting as not serious as the only potential harm they recognise is associated with the fashion brand being counterfeited, and as demonstrated earlier in the chapter, many consumers do not necessarily take the view that counterfeiting is all that detrimental to the brand.

I don't think it is a serious crime, and I can't see it ever getting to the point where it will start effecting big brands such as Nike as a lot of people like me are there who don't want to buy fakes, but I don't think it's a serious crime to be honest. I mean it's not different to people copying CDs off a computer for friends and things like that. I download music off the internet and can't remember the last time I bought CDs as it's so easy to do the same way as copying. They say it's damaging the system so that's why they see it as serious.

(Joshua)

Reflecting the idea that there is some form of scale on which types of crime can be placed with regards to their seriousness are the views of Charlie who whilst thinking that counterfeiting was a serious crime problem does not necessarily believe that it is one of the most serious problems.

I suppose it's a serious crime yeah....Yeah, there are more serious crimes out there though, without a doubt, but we should still be worrying about counterfeiting.

(Charlie)

Others just fail to see why it should be seen as a serious crime, or even as a crime at all.

I am tempted to say just leave it really, or at least that it shouldn't be taken that seriously.

(Alfie)

I don't think it should be serious because it's not killing anyone, but it should be stopped otherwise there's no point in real designers doing their job.

(Amy)

There are those such as Poppy who take the view that if people are going to be involved in crime, then counterfeiting is a lesser evil as such:

I'd rather them doing that [people making counterfeits] than like something worse on the streets doing drugs and god knows what.

(Poppy)

Interestingly then, there are a range of views which consumers hold about the nature of fashion counterfeiting as a crime problem. There is a broader issue here of the narrow focus of what we see as 'real crime' (Box, 1983) and our perceptions about harm. Following the work by those such as Tombs (2010) there is a strong argument that there should be much more concern raised to the social harms caused by legitimate industry rather than industry and government campaigning for a focus on the illegitimate, for what seems largely financial reasons.

However, the distinction between types of counterfeits (i.e. safety critical and non-safety critical) becomes further important here when assessing harm. As already discussed throughout this thesis much anti-counterfeiting literature comments on the harms caused by counterfeits generally and assumes that counterfeiting is a serious crime problem. However, as those such as Mackenzie (2010) reflect on how this might often depend on whether the counterfeit is purchased knowingly or unknowingly. When there is a clear potential visible or direct *deserving* victim (i.e. the consumer) (Christie, 1986) as is often the case with deceptive safety critical counterfeit goods (see Yar, 2005) it is possible to suggest that the seriousness of counterfeiting as a criminal offence is likely to be judged as much higher, than when there is no obvious victim, as is often the case within (non) deceptive fashion counterfeit purchases (refer back to Figure 7.1). Indeed Olivia, reflecting the observation by Green (2007:108) that 'harm is the benchmark' and that there is a relationship between perceived level of harm and accepting that there is a victim and thus a crime, takes a relaxed view about the 'harms' of fashion counterfeiting seems to echo the argument made above.

I tend to see counterfeiting of medicine as a crime...I wholly disagree with the fake manufacture of medicine and cosmetics. (Olivia)

The discussion above demonstrates interesting parallels with other types of crime where there is this idea that some forms of it are more serious than others. Taking

for example the broad category of violent crime, Levi *et al.*, (2007:689) noted how the context and situation of different forms of violence could have a considerable effect on how 'seriously' it was viewed in particular 'where justifiability and excusability [were] involved'. These arguments about harm and 'seriousness' in particular in terms of a criminal justice response are essential to critically reflect on when considering how best to respond to fashion counterfeiting. Indeed the arguments outlined in Wall and Large (2010) display some of the key (and contentious) points when considering, in particular, the allocation of public resources to counterfeiting. These debates further touch upon broader questions about the extent to which public (and also private industry) views should be reflected in criminal justice policy. Within the current climate of an economic recession where budgets of public agencies are under serious pressure and constraint it is difficult not to consider the potential argument for taking a more critical approach to the harms associated with counterfeiting. Considering whether a scaled response would be more appropriate in light of the differing levels of victimisation experienced by not only different types of counterfeits more broadly (i.e. safety critical and non-safety critical) but also within counterfeit product types themselves, drawing upon ideas about harm as defined by deception and quality as outlined earlier in Figure 7.1. Having discussed the harms and impacts of fashion counterfeiting throughout this chapter, next the response to fashion counterfeiting will be considered in more depth.

## **Responding to Fashion Counterfeiting**

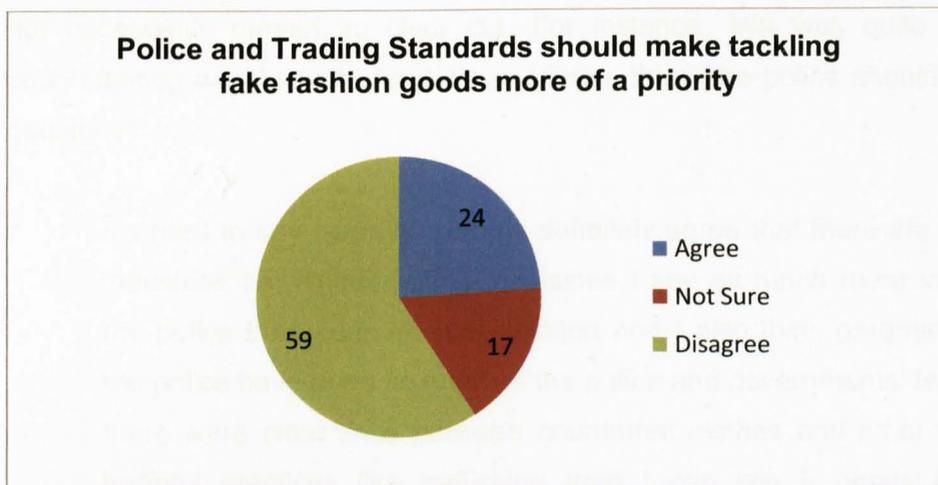
### ***'Policing' Fashion Counterfeiting***

Prior to the implementation of the Trade Marks Act 1994 it was possible to sell counterfeit fashion goods legally providing the goods were clearly being sold as such. This loophole was as a result of the lack of protection for trademarks offered by the Trades Descriptions Act 1968. However, the Trade Marks Act 1994 reflected a more punitive approach to responding to counterfeiting with its severe penalties available for the manufacture and sale of counterfeit goods (Vagg, 1995). However, in practice, prior to the 2000s at least, there was very little in terms of putting the new legislation into use in terms of enforcement (Anderson, 1999). The supposed increase in counterfeiting, coupled with a greater recognition of the 'harms' of counterfeiting since the early 2000s in particular seem to have generated a much bigger concern in terms of enforcement. This is most broadly reflected by the introduction of the Proceeds of Crime Act (POCA) 2002 where counterfeiting is

listed as a 'lifestyle offence', and the development of a national IP agenda. As outlined in the Trade Marks Act 1994, Trading Standards officers (TSOs) have the primary responsibility for 'policing' counterfeiting. However, as counterfeiting is an 'arrestable offence' the police must also take responsibility to assist TSOs since TSOs have no powers of arrest. There is a varying level of enforcement carried out across the UK with some Trading Standards authorities having specialist IP departments with dedicated officers, and others having no designated IP specialists (Large and Wall, 2007a & 2007b; Anderson, 1999). However, the Rodgers Review (2007) considered the priority setting of Trading Standards and recommended that Trading Standards departments should have their priorities streamlined with six national enforcement priorities with the aim to minimise the variation between local areas. One of these six priorities was 'fair trading' under which falls counterfeiting (Rogers, 2007). Indeed this recommendation was welcomed by industry groups such as the AAIPT (AAIPT, 2007).

As Yar (2005) notes there is a multitude of agencies who are involved with enforcement activities for counterfeiting. These range from the public agencies stated above, and responses from private agencies including industry groups and also brands themselves. The reasons for this increasing response of industry groups is largely attributed to the need to 'fill the void' of a lack of public agency resources and response to counterfeiting (Yar, 2005:20). As Yar suggests, this has enabled counterfeiting (and other forms of IP crime) to become an area of crime which public (mainstream) agencies respond to. Certainly, there does seem to have been a movement away from the lack of attention paid to counterfeiting by public agencies which was noted in research such as that of Yar (2005), Vagg and Harris (2000) amongst others discussed to increased public agency enforcement activities and crime policies. The extent to which this is as a result of a recognition that counterfeiting may not be a 'victimless crime' (Anderson, 1999:57) and is indeed socially harmful, or whether it is merely a result of years of industry pressure is unknown (see Vagg 1995's discussion on lobbying of industry groups for legislative and enforcement improvements).

**Figure 7.6: Attitudes Towards the Statement 'police and trading standards officers should make tackling fake fashion goods more of a priority'. (N=639)**



(Please note that non-UK respondents have been excluded from the analysis of this statement).

The survey asked respondents to agree or disagree with the statement 'police and trading standards officers should make tackling fake fashion goods more of a priority'. As Figure 7.6 demonstrates, the majority of respondents (59 percent) disagreed with this statement. There were also some quite strong views reflected in the comments section of the survey as demonstrated by two examples below:

As if the police don't have enough to deal with, with murders, rape, domestic violence, street crime etc.

(Respondent 793:19, female, knowing counterfeit buyer)

As far as my knowledge is aware, I do not believe that buying fake brands contributes to crime. With regards to where the government spend their money, it should not be within this industry, it should be aimed at tackling youth crime and serious crime rather than fake brands.

(Respondent 390: 19, female, unsure at time of purchase counterfeit buyer)

The comments above certainly seem to follow on some of the views expressed earlier that counterfeiting is not a 'serious' crime problem and therefore does not warrant a response from the police. This was also demonstrated by some of the interviewees such as Poppy who said: "I think there are more serious things in the world for police to worry about rather than fashion." However, whilst on the surface

there certainly seems to be little support for policing resources being spent on counterfeiting when consumers considered this in a little more depth their views did not necessarily remain so clear cut. For instance, Mia was quite clear that if counterfeiting was seen to fund other crimes, then “the police should have a role definitely”.

It's hard to say actually. I would definitely agree that there are other industries i.e. counterfeiting medicines I see as much more vital to the police than counterfeiting fashion and I also think pragmatically the police have done so much, if the police and governments' felt that there were clear links between counterfeit clothes and other really harmful practices like trafficking then I can see it needs to be addressed at a wider level. So there does need to be campaigns to raise awareness and peoples' awareness so that would obviously involve some sort of policing by governments and maybe at EU level things to be done. At the same time, being practical, if there aren't clear links with really serious crimes then I don't know if it's something government should waste their time on. Because I see it as it just kind of happens. (Esther)

Whilst the results in Figure 7.6 seem to suggest that there is poor support for public resources being spent on the policing of counterfeiting from the public purse, when this was explored in more depth there seemed to be a much greater level of support, in particular for Trading Standards taking the primary responsibility (by Oliver, Lily, Charlie, Daisy, Ruby, Evie, Emily and Amy) with Chloe's comments echoing that of Evie, Emily and Amy in particular.

I think public money should be spent on things like that because it's not their [fashion brands] fault that this is happening. It is a crime and just because it's not someone being murdered and stuff so it's still as valid as any of that and they [fashion brands] shouldn't have to pay money to stop people from counterfeiting their goods as it shouldn't happen anyway.....I think perhaps they should give Trading Standards a bit more power because if they are specifically dealing with that then they will get better results but the police need to take it more seriously. (Chloe)

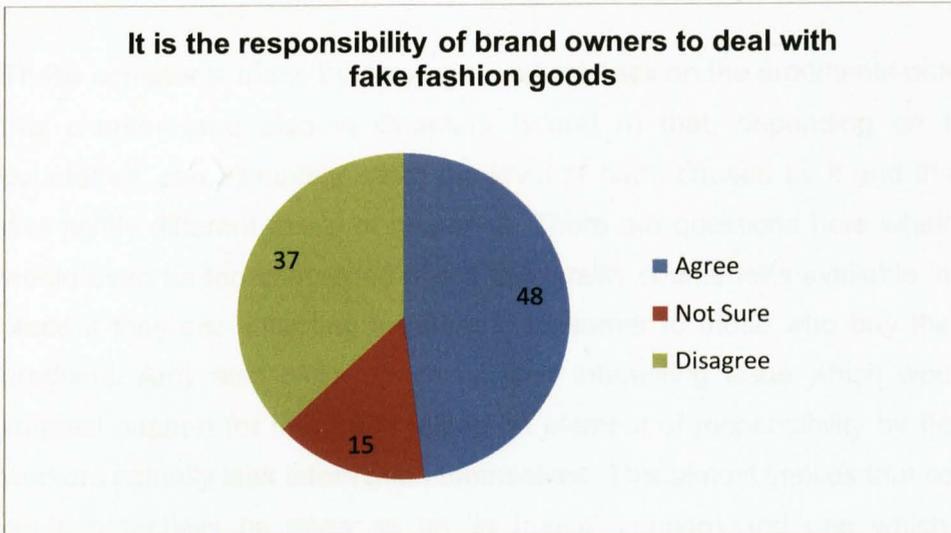
So therefore the discussions above suggest a mixed response to where the responsibility for 'policing' fashion counterfeiting lies which seems closely related to the earlier discussions regarding perceptions about the *seriousness* of counterfeiting. Whilst there is an acknowledgement by consumers of the appropriateness of a response by tax payer funded agencies, notably Trading Standards, the nature of counterfeiting means that the brands and fashion houses must take an active role, even if just supportive to confirm a products (lack) of authenticity (see Mackenzie, 2010; Large and Wall, 2007a & 2007b).

### ***Brand Responsibility***

There is an argument that the fashion brands' should take a responsibility for the 'policing' of counterfeiting. This argument is largely based on the notion that the main (negative) impact of counterfeiting falls upon the brand themselves. Indeed almost all anti-counterfeiting literature and enforcement policy highlights the responsibility of the brand (being counterfeited) and emphasises the importance of their cooperation and assistance in policing counterfeiting. It has been noted that without the cooperation of the brand, there is very little Trading Standards, the police or other enforcement bodies can do, since the brand needs to confirm whether or not the product is authentic or counterfeit (Mackenzie, 2010; Large and Wall, 2007a & 2007b). This is further important within the court of law in proving a product is counterfeit.

Consumers were asked in the survey whether they agreed or disagreed with the statement that 'it is the responsibility of brand owners to deal with fake fashion goods'. As Figure 7.7 demonstrates 48 percent of those surveyed agreed that the brand should take responsibility. When this statement was compared by whether these consumers had ever bought a fashion counterfeit or not, the responses still tended towards agree, with 54 percent of those who had previously bought a counterfeit, and 42 percent of those who had not previously bought a counterfeit agreeing. However, it was notable that there was a much smaller difference between agree (42 percent) and disagree (40 percent) for those who had not previously bought a counterfeit. This much smaller distinction between agree and disagree also remained for those consumers which spent £200 or more a month on purchasing fashion items (48 percent and 41 percent respectively).

**Figure 7.7: Attitudes Towards the Statement 'it is the responsibility of brand owners to deal with fake fashion goods'.** (N=780)



These mixed views demonstrated by the survey were also found within the interviews. There were some respondents on the one hand who felt quite clearly that brands' should be taking the primary responsibility.

Well I think maybe it is the brands who need to take one of the main roles because at the end of the day if the people are copying their brands it hits their profits so it's in the interests of the brands to get rid of copying and counterfeiting, because at the end of the day it's their product and them what's going to suffer so maybe they need to take more of a role. (Ruby)

It's up to the bosses at the big companies to slap down on it. (Erin)

Amy, whilst agreeing that the brands' do have a responsibility, also recognised some of the complexities of this issue.

I think they do [have a responsibility], however, often their workers will leak the information and they don't know who they are selling the products to. A lot of people buy their products to copy their products so they can't really police that in anyway... They're making enough money from it, plus the quality is nowhere a good so they don't have

too much of a concern. People who are going to buy the real things  
are still going to buy the real things. (Amy)

These comments made by Amy again reflect back on the arguments noted earlier in this chapter (and also in Chapters 5 and 6) that, depending on the type of counterfeit, can ultimately affect the level of harm caused by it and therefore may well justify different levels of response. There are questions here whether a brand would even be too concerned about low quality counterfeits available in the market place if they are attracting a different consumer to those who buy their authentic products. Amy also picks up on another interesting issue which would seem to suggest support for the brand taking an element of responsibility by her claim that workers actually leak information themselves. This almost implies that counterfeiting could potentially be seen as an 'in house' concern and one which should be remedied in such a way. This again takes us back to the arguments put forward by Hilton *et al.*, (2004) as discussed earlier, who suggest that the fashion industry must take some responsibility for fashion counterfeiting due to the nature of copying which is endemic to the industry. Mackenzie (2010) comments on the plurality of policing counterfeit goods and highlights the responsabilisation of IP crime to industry through largely the perception that it is a 'business issue rather than a crime issue' (2010:131). However, whilst Mackenzie makes a worthwhile point relating to the perception of counterfeiting, this strategy is more resonant of Garland's (2001) description of a 'responsibilisation strategy' where state agencies, private agencies and the broader community combine for the purpose of crime prevention. Garland (2001:124) describes this as an approach in which the state acts in an indirect manner to extend the formal nature of crime control through informal and formal routes and effectively 'extend[s] the reach of the state'. The influence of the brands however should also be taken into consideration when considering the comments made by Alfie (see below) who highlights the issue that as well as brands taking a primary role in the policing of counterfeiting, they also have a primary interest in being financially successful. Therefore, it is questionable about the extent to which brands *should* play a role in anti-counterfeiting strategies – at least in terms of the allocation of public resources through influencing public policy. As Vagg (1995) notes, industry groups such as the Anti-Counterfeiting Group (ACG) played a very influential role in the development of key legislation and responses to counterfeiting.

Obviously the manufacturers themselves have primary interest which is their own economic survival and profit so whether they should be defining the terms of the debate is a question. (Alfie)

There is also the other side of the argument which argues against the brand having to take responsibility for their brand being counterfeited. As Mia quite succinctly points out; "it's not really the brand's fault neither is it?" Evie also takes a similar view to Mia and commented that: "I don't see it as brands' responsibility that someone else is ripping them off." There is therefore on the one hand perhaps a quite convincing argument that the brands' should not have to take responsibility for policing counterfeiting as they are not the ones responsible for doing so, a crime has been committed and therefore this justifies a criminal justice response (Police, Trading Standards, UK Border Agency). However, this simplistic argument could become problematic when earlier comments are considered, such as those made by Hilton *et al.*, (2004); (and further Raustalia and Sprigman, 2006 within the context of design piracy) who suggest that in fact counterfeiting may not actually be all that problematic for the brand and can even stimulate desire for the authentic product.

### ***Consumer Responsibility***

As already described above Garland's (2001) 'responsibilisation strategy' of crime control recognises the extension of the state from one which is reliant on formal policing agencies to one which links up with the 'private sector' and the 'community'. Anti-counterfeiting policy has increasingly emphasised the role of the consumer and their responsibility for tackling the 'problem' of fashion counterfeiting. In this sense, consumers can be seen as the community. Counterfeiting is not alone in this approach and is merely another example of the increasing focus on individual and community responsibility for controlling crime. Other areas where this is prominent include youth crime (see Muncie, 2006; Muncie, 2009), alcohol and the night time economy (see Hadfield, 2006) and community crime prevention schemes (see Hughes, 1998). Hadfield (2006:152) for example describes how in the night time economy, the responsibility to 'control [ones] consumption' and refrain from engaging with anti-social behaviour lies firmly with the consumer. However, the question of how far a consumer should take responsibility against counterfeiting is a complex one and there are many factors which should be considered. Whilst it might seem like an obvious solution that if it is possible to reduce demand, then it will reduce supply which should in effect minimise counterfeiting the extent to which this strategy can be successful is debateable. On the one hand, this basic economic

argument has been challenged (see Belk, 1995), on the other hand, it also only works (in an idealistic sense) as a strategy for non-deceptive counterfeit purchasing (see Figure 7.1). There is also the question which was raised in Chapter 5 which is to what extent is it fair or appropriate to assume that the consumer has the ability to recognise a counterfeit? Further, it is possible to consider to what extent is it fair and appropriate to place the responsibility of tackling counterfeiting on the *non-criminal* element (i.e. the consumer) of the situation? Jack certainly felt strongly that the responsibility should not be with the consumer.

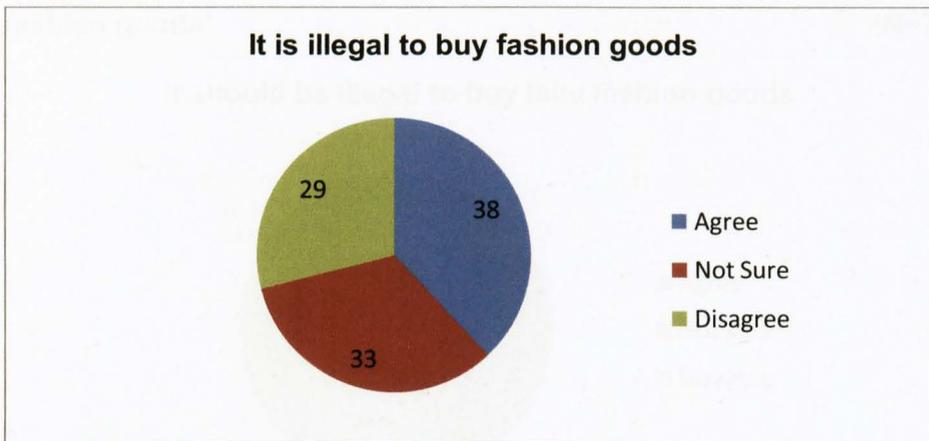
It's not my job to stop the sale, you know it's not my job to whistle  
blow on it, it's not my duty to do that you know. (Jack)

There are different ways in which consumers could have to play a role of responsibility in tackling counterfeiting. One way, as discussed shortly, is to alter the legal status and to criminalise consumers who purchase counterfeit goods, as is the case in some other countries (for example Italy), and for knowingly purchasing stolen goods (Sutton, 2010). The other way, is to take more of a 'softly softly' approach as is done in the UK currently and dissuade consumers from purchasing counterfeit goods. This persuasion has in fact been aligned more to the idea that it is actually simply attempting to 'shame' consumers and 'attach social stigma' to counterfeit purchasing (Mackenzie, 2010:132). This approach however relies on consumers holding the view that counterfeiting is socially unacceptable, which for the large part, both this research (see Chapter 6) and Ledbury (2007) has not found to be the case.

The current approach to consumer responsibility for tackling counterfeiting is to change consumer behaviour. However, as outlined above there are numerous problems with this approach. One of the first problems is recognised by those such as Mackenzie (2010) and Ledbury (2007) who note that this approach is doing little generally to actually change consumer behaviour in terms of (knowingly) purchasing counterfeits. If it is not possible to change consumer behaviour through attempting to change their attitudes towards counterfeiting, then one way to potentially force this change, and as proposed by those such as the Anti-Counterfeiting Group is to change the legal status of purchasing counterfeits and make it a criminal offence (see Large and Wall, 2007a and 2007b). As already noted, counterfeiting, in terms of its legal status in the UK, is bit of a grey area. This is because as already pointed out in this thesis on the one hand, whilst it is illegal to manufacture and sell

counterfeits, on the other, it is not illegal to purchase them. One of the early suggestions from conducting initial pilot discussions when planning this research was that there seemed to be a great deal of confusion from consumers about the legal status of purchasing counterfeits. Therefore, the survey sought to get a sense of this.

**Figure 7.8: Attitudes Towards the Statement 'It is illegal to buy fake fashion goods'** (N=636)



(Please note that non-UK respondents were excluded from analysis of this question).

As Figure 7.8 demonstrates there is not a clear distinction by consumers about whether or not it is illegal to purchase counterfeit fashion goods. This finding was certainly reinforced by the interviews where many respondents stated uncertainty about the legal status, and further a number of respondents actually believed it was illegal, including 63 percent of consumers who had previously bought counterfeits agreed that it was illegal or who were not sure of the legal status.

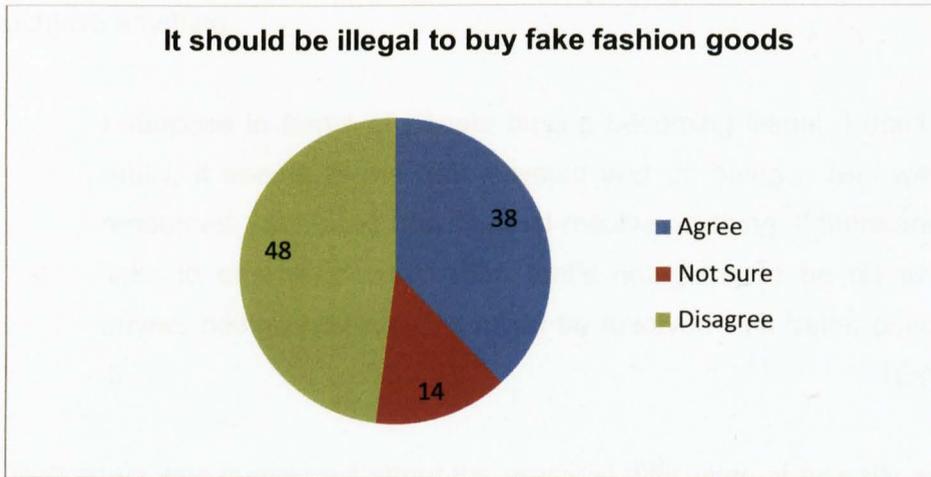
I kind of assumed that it was illegal, so given that I had bought something..! Depending on, I suppose of I knew I'd get caught and get done for it then maybe I would stop. I didn't think about it in Thailand. I thought who is going to see me buying or catch my buying? Then there's the whole debate about knowingly and unknowingly buying fakes. (Olivia)

This raises important questions for the view which seeks to criminalise counterfeit consumption.

*Should it be illegal to buy fashion counterfeits?*

As outlined above, one of the potential solutions proposed by those such as the Anti-Counterfeiting Group is to change the law, following countries such as Italy, making it so that it is illegal to buy fashion counterfeits in the UK. Therefore the survey also sought to get a sense of consumers' attitudes towards whether it should be illegal to buy counterfeit fashion items.

**Figure 7.9: Attitudes Towards the Statement 'It should be illegal to buy fake fashion goods'** (N=785)



As Figure 7.9 demonstrates whilst there is considerable support for making it illegal to purchase counterfeits (38 percent) there are also strong feelings against doing so (48 percent). The strong feelings against criminalising the consumer were highlighted in the comments section of the survey.

Counterfeiting is a real problem, but the responsibility should not be upon consumers. Dealing with counterfeiting by criminalising consumers is ineffective and counterproductive.

(Respondent 554: 29, female, knowing counterfeit buyer)

Whilst I do not believe it should be illegal to BUY fake fashion goods. That would be absurdly difficult to police, and many people would be criminalised without any moral reprehensibility – which flies in the face of most of the criminal justice system. I believe it should be illegal to SELL fake goods.

(Respondent 278: 19, male, non-counterfeit buyer)

In terms of the interview respondents, for some, such as Oliver, they thought that by making purchasing counterfeits illegal it would stop them from buying more in the future:

Yes I suppose it would as a law abiding person I would think "oh well I won't do it".  
(Oliver)

Other respondents were more critical of this approach, and described some of the problems which they felt could arise. Esther questioned whether it would actually achieve anything:

I suppose in terms of people buying becoming illegal, I don't know really, it seems to me that it would end up being a real waste of resources. I can't see how it would resolve anything. If there are clear links to organised crime then that's not going to be resolved by buyers being prosecuted, it might be resolved with better policing of it.  
(Esther)

Jack again was concerned about the practical difficulties of actually enforcing such an approach, and cited the example of Italy:

I wouldn't care [if it was illegal]. I didn't know when I bought, but how could you prove it anyway? You could only make buying from eBay illegal because how would you prove it? In Italy [where it is illegal] the Government don't care. They don't enforce the laws whereas Britain is much more likely to enforce the law, it's a quite different approach.  
(Jack)

The difficulties with advocating further criminalisation of behaviour and the potential detrimental effects of doing so and the question of whether this might have discriminatory effects on particular groups or sub-groups of society. Young (1999:79) in his discussion around the legalisation of drugs notes how

the secondary harm generated by intervention is often seen as more of a problem than the primary harm which occurs if no intervention had been attempted.

This raises interesting food for thought. Especially when considering the stereotypical demographic of the typical counterfeit buyer: young, low income and from a poorer-socio economic background (see Tom *et al.*, 1998). In addition, there is also the recognition by those such as Hayward (2004) that the people most likely to over identify with branded goods are those who are least likely to be able to engage with them legitimately. However, as Hayward (2004) argues these are the consumer groups who the brands themselves target. Therefore, it could be suggested that despite the increasing evidence base from this study and others such as Ledbury Research (2007) and Phillips (2005) of the broad consumption of counterfeit fashion goods across all sections of society there is a strong possibility that this would not be reflected in those who suffered the most *harm* from criminalising fashion counterfeit consumption.

However, it is also worth noting that, especially as demonstrated above from those who already thought it was illegal when buying counterfeits in the past that simply assuming that by criminalising a particular behaviour it will stop it is problematic. As already discussed in Chapter 6, purchasing counterfeits, and fashion more generally, is something which is not necessarily done on a rational thought process. Ruby makes the interesting point:

If you really wanted it and it really was illegal I don't think it would put you off that much. (Ruby)

Further, there is also the potential scenario highlighted by Daisy:

It might make people want to buy it more. (Daisy)

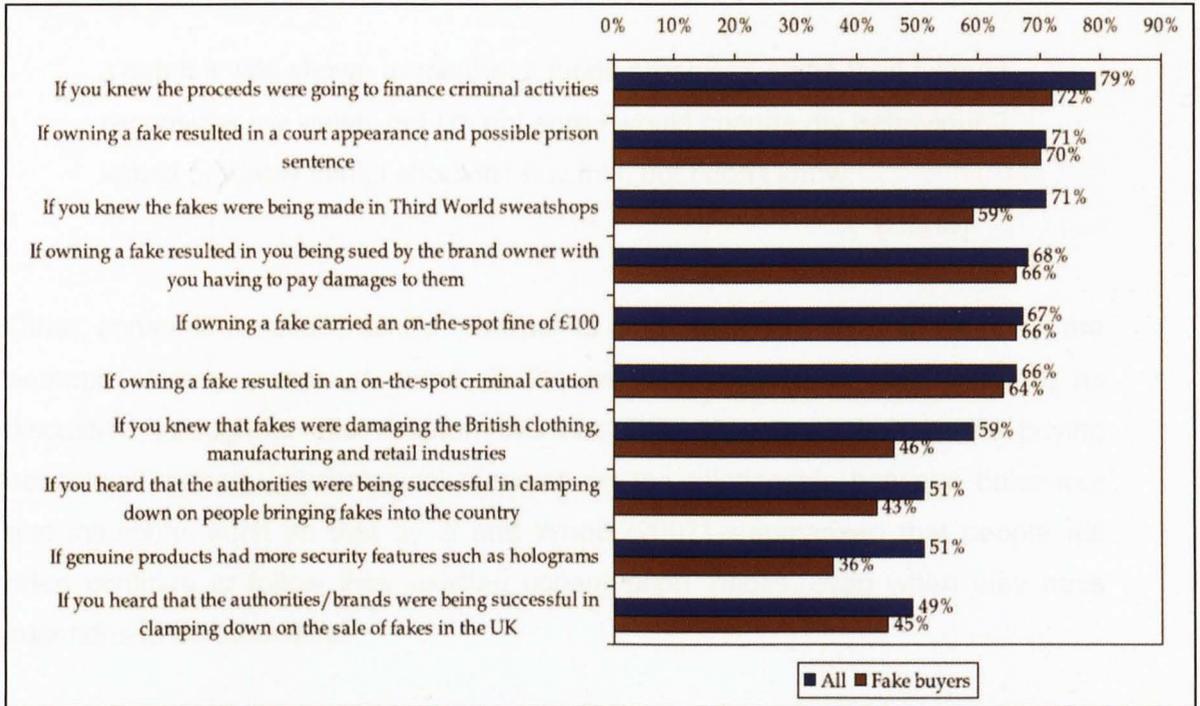
Certainly those such as Presdee (2000) who describe the excitement of transgressive behaviour might be inclined to agree with Daisy. These points raised by Ruby and Daisy are certainly important to engage with when considering whether or not criminalising purchasing fashion counterfeits is a potential solution to tackling counterfeiting. There are of course parallels here with drugs – where it might be considered whether having the possession of drugs as a criminal offence has helped in any way to reduce drug use in the UK. There are obvious differences notably with addictive substances where it could be argued that the drug user has little choice in their decisions to continue to use drugs, but particularly when considering social (occasional and recreational) drug use there seems to be little

evidence to support that making it illegal to possess these substances helps in a major way to reduce the supply or problems associated with drug use. Research by Moore and Measham (2008) into the use of Ketamine by those using the club scene noted how stigmatisation and criminalisation is interpreted differently across different situations and also is negotiated in the quest for pleasure. Further, research by Parker *et al.*, (2002) discusses the 'normalisation' of recreational illegal drug use by generally 'fairly law-abiding' young people. In addition, the (il)legal status of consuming stolen goods seems to fail to stop consumers from buying them with seven percent of adults surveyed in the 2003 Offending Crime and Justice Survey (OCJS) admitting to buying stolen goods (Sutton *et al.*, 2008). Indeed, although Sutton (2010) notes that there has been a reduction in the figure since the 1994 British Crime Survey (BCS) he argues that this is probably down to a reduction in availability because of a drop in levels of acquisitive crime more generally. Whilst recognising the criticisms of statistical inferences from sources of official statistics (see Maguire, 2007 for a discussion) if parallels are to be drawn to fashion counterfeiting, it might be implied that rather than attempting to reduce *demand* through consumers, a more successful attempt to reduce counterfeiting sales would be through reducing the *supply* of counterfeits.

### **Is it possible to change consumers' behaviour?**

Much of the discussion above has focused on consumers' attitudes. Similarly, much of the consumer responsibility ethos of anti-counterfeiting strategies focuses on changing consumer attitudes towards counterfeiting with the view that a change of attitude will result in a change in behaviour. However, it is possible to challenge the assumption that changing attitudes will necessarily change a person's behaviour. Research by De Matos *et al.*, (2007) discussed this in more depth in relation to counterfeiting. One of the final things the interviews sought to discover was whether consumers felt that there was anything which might actually lead them to change their behaviour in terms of their likelihood of purchasing counterfeits in the future. In a similar vein, Ledbury Research (2007) sought to get a sense of this also and the results are highlighted in Figure 7.10.

**Figure 7.10: Agreement on What Would Deter Consumers' from Buying Luxury Counterfeit Items** (Reproduced from Ledbury, 2007:19).



Ledbury Research’s findings found that 72 percent of counterfeit buyers agreed that they would change their behaviour if they knew that the proceeds from the sale of the counterfeit was funding crime and likewise 59 percent of counterfeit buyers agreed they would change their behaviour if they knew that counterfeits were being made in sweatshops. The findings in Figure 7.10 demonstrate some interesting insights, yet as discussed throughout this chapter many consumers either do not believe these claims, or continue to buy counterfeits even if they know about these issues. In terms of the interviews conducted, some consumers, in support of Ledbury Research’s (2007) findings suggest that through becoming more knowledgeable about counterfeiting and its harmful impacts they are likely to change their views and behaviour:

Now I am more aware of the bigger picture regarding the crime behind fake goods and would think twice before buying fake goods.

(Respondent 779: 48, female, unsure at time of purchase of counterfeit goods)

There are some consumers who recognise that whilst if they were shown the ‘proof’ that counterfeiting was indeed a harmful activity (other than towards fashion brands

and industry) that they might well change their views about counterfeiting, but that they would not necessarily change their behaviour.

Yeah if it was shown to me that it funds organised crime then I would reconsider my views, but I'm not sure I would change my behaviour, I would probably think I shouldn't buy this, but I don't know.

(Olivia)

Other consumers reflect similar viewpoints and recognise that whilst they are perhaps already aware of some of the harmful impacts of counterfeiting, as discussed throughout this chapter, this has little impact on their actual buying behaviour. Indeed, psychological research on the relationship between behaviour and intentions such as that by Ji and Wood (2007) summarised that people will often continue to follow their existing consumption 'habits' even when they have intentions to do otherwise.

I am conscious of these issues when I go out shopping, but if I like it I will buy it anyway, sometimes I do look at the labels as in where things are made and I do make a judgement, but sometimes I buy it anyway even if it's something which I might think could be dodgy.

(Grace)

Sometimes when I see something which has a lot of detail on it, I'll think 'aww that poor person must have taken ages doing that'. I do sometimes think that but I don't think I'm not going to buy it now. I would still buy it anyway. Don't I sound really selfish?

(Poppy)

Whilst not specifically referring to counterfeits, Evie recognises that whilst it is possible to be aware of some of these issues, and perhaps even want to actively avoid unethical products, sometimes the combination of the problematic nature of the fashion industry more generally (as discussed earlier in this chapter) and the lack of a better alternative means that a consumer will still continue to buy such products anyway.

I used to actively avoid ethically bad shops and I don't shop at Gap because of the child labour issues. I also boycott Israeli food. Primark had a big backlash so it enacted an ethical policy and a load of

stores said they reinvented policy, but as soon as the media went away it then went back to child labour, but I don't know what the alternative is apart from expensive fair trade boring bland products.

(Evie)

Oliver raised some important considerations particularly for policy initiatives that seek to change consumer behaviour through reporting the damaging effects of counterfeiting:

Even if there are loads of advertising campaigns saying that your feeding into drugs or people trafficking etc I think people will kind of turn a blind eye and discriminate and I must of done that in the past'....'If I heard about it [dangers of counterfeits] on the news I would wonder if that was a scare mongering tactic to stop people or whether there was genuine truth in it. It would convince me more if they talked about the quality and show examples and comparisons between cut, quality and fabric and that would affect me more and I would think "don't go down that route".

(Oliver)

The discussion above highlights some of the problems with attempting to change consumer behaviour towards fashion goods. The current approach of educating consumers has been identified as problematic for two reasons. First, going back to the start of this chapter consumer knowledge about counterfeiting seems on the large part limited and primarily derived from assumptions. Second, the approach also fails as even if anti-counterfeiting advocates were to *educate* consumers about the ills of counterfeiting, there is little evidence that this would actually result in a change in their behaviour (similar problems related to educating people have been identified by Yar, 2008 with anti-piracy campaigns). One response to this issue as discussed in depth above is to criminalise the consumption of fashion counterfeits. However, the problems with this approach have further been identified above. One alternative to changing behaviour lies with the theory of *nudge* (Thaler and Sunstein, 2009). The nudge approach recognises that no choice is made from a neutral perspective and that when choice is manipulated (not restricted) people's decisions can be influenced. Interestingly, this behavioural science approach has been taken up by the current UK Coalition Government as a way of changing behaviour without the need for regulation (see Jeffreys, 2010). It could therefore be suggested that by having a better understanding about what shapes a consumers

decisions, not just in the sense of rational choice decisions but taking account of impulse and other influencing factors could be a useful way for anti-counterfeiting advocates to *nudge* consumers into making the decision not to buy counterfeits. Of course this is simply a hypothetical situation but the work of Thaler and Sunstein (2009) certainly raises some interesting considerations as an alternative to education and criminalisation.

### **Concluding Comments**

This chapter has built and developed many of the existing ideas introduced earlier in this thesis and in particular, contextualised the consumption (or not) of fashion counterfeits within a broader discussion about the harm and impact of fashion counterfeiting. Further, this chapter has developed these discussions around the assumptions of (anti) counterfeiting policy in light of consumer perceptions. At the outset, this chapter discussed how the majority of consumers have limited knowledge about fashion counterfeits. Consumers were also asked about where their knowledge came from, but for many it was simply based on assumptions or sometimes previous (usually negative) experience. The issue of harm is key for assessing counterfeiting, however, this chapter problematises the approach taken by anti-counterfeiting policy which assumes that all counterfeiting is 'bad' and argued that a more critical appreciation of harm is needed. Indeed this argument is strongly backed up by consumer viewpoints which were largely highly sceptical about the harms of fashion counterfeiting. This suggests that a more thorough understanding of consumer perceptions is needed before attempting to change them. Closely linked to the discussion of harm is the notion of a deserving victim and how this impacts on perceptions (and support) for responses to fashion counterfeiting. In particular, consumers had concerns about practices of the legitimate fashion industry in terms of ethical production and manufacture and often felt that this negated their concerns about the practices of fashion counterfeiters. Therefore, consumers had mixed views about public resources being spent on counterfeiting. This varied depending on a consumers perception about how serious counterfeiting (and more specifically fashion counterfeiting) was seen as a crime problem. This again related back to notions of *deserving* and *undeserving* victims and level of harm. Finally, this chapter discussed how placing an emphasis on the responsibility of the consumer to reduce counterfeiting is also problematic and many consumers were reluctant to see this as their role (or problem). Indeed, the assumption that attitudes are reflective of behaviour was also found to be

problematic and concerns were raised about the ways in which counterfeiting policy seeks to change consumer behaviour. Therefore, this chapter raises a number of important questions for counterfeiting policy and responding to counterfeiting which will be discussed next in more depth in the final concluding chapter.

## 8. Conclusion

Overall, this research has provided an insight into consumer perceptions and behaviour related to fashion counterfeiting and further has generated a new knowledge base related to the consumption of fashion counterfeit goods. Therefore, the aims of this chapter are to draw together the main findings of this thesis and discuss these in relation to theory, policy and research. This chapter begins with a discussion about the research aims and questions and goes on to highlight and examine the key findings. The discussion of the key findings leads onto a discussion about the potential implications of these for (anti) counterfeiting policy.

The aim of this thesis was to provide a criminological understanding of fashion counterfeiting by deconstructing counterfeiting in terms of the various cultural, legal, social and economic conceptualisations of it that currently exist. By taking a consumer-based approach, the research sought to contextualise fashion counterfeiting within the broader literature about consumption and fashion, and begin to develop a more thorough knowledge base about the subject within a criminological framework. In particular, the research sought to find out what people's perceptions and attitudes towards fashion counterfeiting were. This was based on the starting viewpoint that anti-counterfeiting policy (informal and formal) is based on numerous assumptions about the way consumers think and behave. At the same time, the justification for using public resources to 'police' counterfeiting – outside of the private sphere – is to protect consumers by acting in the interest of the public. However, the public interest argument is complex and currently there is little research which examines public perceptions about fashion counterfeiting critically. Therefore, as part of this objective, there was also a recognition that a clearer understanding about why people do, or do not, buy fashion counterfeits was needed.

As demonstrated in Chapter 5 one of the main findings of this research was that the situation – including the cost (specifically the counterfeits price advantage) and perceived quality; the context – such as where the counterfeit was being sold and whether or not counterfeits were readily available or not, were key factors associated with fashion counterfeit purchasing. The importance of these factors varied between consumers and often could be seen as a complex interplay of these factors culminating in the purchase of a counterfeit good or not. These findings

reflect other research into consumer behaviour and counterfeiting which suggest that people buy counterfeits because they offer price advantages (BASCAP, 2009; Bloch *et al.*, 1993; Ledbury Research, 2007), although this does not necessarily mean that the product is 'cheap' (see also Ledbury Research, 2007), or further, as discussed below, that the counterfeit product is being bought as a less expensive alternative to the original. However, it was also found that whilst factors such as cost were important as a driver for counterfeit purchasing, an over-emphasis of the importance of cost would imply that the consumer is a wholly rational actor. Whilst some theorists describe consumption of fashion items through a 'decision process model' (Blackwell *et al.*, 2001), the extent to which a rational decision making model such as this can be aligned to much fashion purchasing and counterfeit fashion purchasing is questionable. Typically, the research found that fashion counterfeit purchasing tends to be infrequent, unplanned and heavily dependent on context and opportunity. There was a consistent theme that the majority of counterfeit purchasing took place abroad. Whilst following commonly held preconceptions, this actually goes against the findings of Ledbury Research (2007).

The findings arising from the interviews indicated that much consumption of fashion items more generally was anything but rational and planned. There was evidence from the findings of the unplanned and impulsive nature of much fashion purchasing. Much of the impulsive purchasing also seemed to be related to emotional feelings, demonstrating the 'feel good' factor' of shopping for fashion which those such as Entwistle (2000) describe. The unplanned and impulsive nature of much counterfeit purchasing lends support to the argument that the consumption of fashion counterfeits needs to be understood within a broader framework of the nature of consumption and the consumption of fashion. In relation to existing knowledge about consumer behaviour, traditional economic theories of consumption focused on the rational 'information processing consumer' (Belk, 1995:64), yet new consumer behaviour approaches, whilst taking on various and differing guises, challenge previously held 'economic assumptions' (Belk, 1995:64). Indeed there has been an increasing recognition that the consumption of fashion is complex, and debates have been raised about the boundaries between rationality and irrationality. Wilson (1985:16) described this scenario: 'those who have investigated fashion, finding themselves confronted with an apparent irrationality, have tried to explain this in functional terms'. It is possible to demonstrate Wilson's claims in line with work such as that of Shaw (2010), as for many of the respondents' shopping was a key leisure activity which takes place on a routinely, frequent, or perhaps even daily

basis: leisure, arguably being the function. Indeed for many consumers they continue these routine practices whilst on holiday (Shaw, 2010) and the common availability of counterfeits in many countries could be seen as an extension of access to the fashion marketplace. Also important with regard to counterfeit consumption whilst abroad was the notion that behaviour which perhaps would not be as socially acceptable at home (such as buying counterfeits) was acceptable whilst abroad. A number of consumers echoed sentiments resonant of Presdee's (2000:64) 'moral holidays' where a holiday has the potential to enable the displacement of personal morals and concerns.

Therefore, there is strong evidence to suggest that separating counterfeiting from fashion is problematic and to do so fails to provide any further real understanding about why people do, or do not, purchase fashion counterfeits. As discussed above, it is possible to identify key factors related to fashion counterfeit purchasing that are important such as availability, opportunity and context, but these fail to account for why a consumer wants to buy these (fashion) items in the first place. The assumption that it is merely because they want a cheaper alternative to the authentic product is, in many cases, false. However, even for those who do want a cheaper alternative the reasons why they want that product in the first place are also important to consider which again leads back to the need for an understanding about fashion and consumption more generally. It is also evident that the emotional nature of much fashion consumption should not be ignored. For many consumers, the reasons for going shopping and buying fashion items is because it makes them 'feel good', shopping for fashion is, for many, a key leisure activity. The fact that many people spend time shopping as a pleasurable activity whilst on their holidays should also not be ignored when considering the correlation between holidays and counterfeit purchasing found.

In addition, the very nature of fashion and the fashion industry also further reinforce the importance of considering fashion counterfeiting within this broader context. The findings suggest that whilst fashion counterfeit consumption happens within a broader context of consumption, the very nature of fashion itself almost seems to potentially stimulate or legitimise it. The reasons for this are twofold. On the one hand, as Yurchisin and Johnson (2010) point out, the very essence of fashion and the fashion cycle is the notion of 'introduction and imitation'. This arguably means that copying is an acceptable behaviour, reinforced by the myriad of ways in which the fashion industry seeks to get consumers to buy into new styles and trends.

Whilst this does pave the way for issues such as design piracy to arise, the fashion industry by its very nature condones copying as a basic concept. Further, those such as Raustalia and Sprigman (2006:1689) note that despite the arguments which claim that 'copying stifles innovation', 'copying is rampant' within the fashion industry, and yet it remains 'vibrant'. At the same time, there is also the visible growth in value retailing (shops such as Primark, Matalan and clothing ranges by supermarkets which sell fashion goods at a low price point, see for example Mintel, 2009; Mintel, 2010a) and the popularity of 'fast fashion'. This essentially advocates purchasing cheaper items which are often much less durable to enable consumers to keep up with rapidly changing fashion trends. This enables the mass market to keep up. As well as encouraging consumers to buy 'cheap' products, this arguably has the further knock on effect of blurring the boundaries between counterfeits and non-counterfeits. This is because consumers are generally expected to be able to recognise counterfeits through their lower price points or lesser quality (see Consumer Direct, 2010). Yet, there are a number of legitimate goods such as grey market goods and parallel trading (goods being sold in the UK which were destined for other markets), high street 'look-alikes', and luxury/designer brand diffusion ranges (diffusion ranges are high street ranges sold by luxury fashion brands for example 'Star by Julien MacDonald' and 'Butterfly by Matthew Williamson' which are part of the 'Designers at Debenhams' range, see Mintel, 2005) which have similar 'counterfeit' indicators to those highlighted by Consumer Direct and others. Legitimate fashion goods are readily available on the high street with designs closely based on what has been shown on the catwalk at varying price points to attract all levels of the fashion conscious consumer. This message is reinforced by magazines and other forms of media providing examples of how to 'recreate' a designer look in a more cost-effective manner. Therefore, there is a clear blurring of the boundaries by the fashion industry itself of what kinds of copying are and are not acceptable. Such mixed messages are considerably problematic when counterfeit policies are placing the responsibility on the consumer to be able to recognise a products lack of authenticity through its 'cheapness' and poorer quality – yet the legitimate value retailer arguably sells products which tend to fit this very description.

On the other hand, the fashion industry further plays a bigger role in terms of consumer perceptions about fashion counterfeits with its seeming reluctance in many cases to take an active role against counterfeiting itself. The high profits made by fashion companies, coupled with consumer concern about the poor practices of

fashion companies in terms of their treatment of the labour force further combine to work against consumer sympathy towards the so called 'harms' which fashion counterfeiting is claimed to cause. In terms of the perceptions of consumers about the harms of fashion counterfeiting, the greatest concerns tended to lie with ethical and human rights issues of the workforce manufacturing these products. However, the numerous scandals which have affected various fashion companies over the years have reinforced the view of many consumers that the fashion industry is just as problematic in this sense, as the fashion counterfeit industry. This means that the attempts by anti-counterfeiting policy to 'shame' consumers who buy fashion counterfeits to refrain from doing so again in the future are largely ineffective.

The growth of online shopping in recent years has fuelled a change in the way consumers purchase fashion goods (see Mintel, 2011). Whilst a number of the consumers who took part in the interviews said that although they do now shop online they still preferred the 'old fashioned' method of going to shops to buy fashion items. The importance of the role of the internet, especially with regards to the unknowing purchase of counterfeit goods, should not be underestimated. Online auction sites such as eBay, have been described as the 'perfect bazaar' (Treadwell, 2009) and are increasingly being recognised as a potential route for counterfeit products to be sold (Treadwell, 2009; BBC News, 2011). The nature of distance selling means that consumers have to rely on the seller's description of an item rather than any kind of pre-purchase physical assessment which one could potentially conduct in a shop or other face to face environment. However, what the interview findings demonstrated was that for many consumers' they held almost naive views about the likely authenticity of products on sites such as eBay. Interestingly, the interviews suggested that this was not simply as a result of lack of education about the likelihood of an item being authentic on eBay but sometimes a reluctance to accept that a product is counterfeit, even if when it arrives it clearly does not live up to the description or quality. This highlights theoretical questions about defining reality and further whether displaying a brand is more important than whether or not it is 'real' (Gaines, 1992).

Much of the negative connotations associated with counterfeits seemed to be related to their perceived purchase points (such as markets in the UK) and negative perceptions of the social group of people perceived to shop here. A number of the interview respondents saw the primary route of purchasing counterfeits in the UK as through markets and car boot sales (see Ledbury Research, 2007), yet were clear

that these were not the types of places that they themselves would buy fashion items from. Therefore, it can be suggested whether there is evidence to suggest that these consumers, through separating themselves through online shopping, are able to position themselves differently or through 'othering' (see Young, 2011). There certainly was a sense from the consumers who had purchased counterfeits in the research of positioning themselves separately from the social groups who are stereotypically associated with counterfeits - notably 'chavs' (see Hayward and Yar, 2005). This leads on to the importance of personal perceptions of style and identity. Indeed, the findings found that counterfeits were used (or not used) in the same ways as legitimate fashion items for these purposes. For some consumers, they would not engage with counterfeit purchasing due to the negative social connotations they held about the types of people who are likely to be associated with counterfeits. This was also a reason for some buyers who had previously bought counterfeits to move away from wanting to do so in the future. For others, counterfeits provided a way to develop personal identity and sense of style. On the one hand were consumers who were highly fashion conscious and used counterfeits as a means of engaging with fashion and showing allegiance with particular brands. This is perhaps the traditional type of counterfeit consumer who it might be expected to come across. However, for a minority there was a much more cynical use of counterfeits as some consumers saw wearing counterfeit products as a way of rejecting branding and taking a stance against the large profits they associated with large fashion houses.

The findings of the survey found support for existing research by Ledbury Research in 2006 and 2007 that 'there is little to distinguish demographically between those who buy counterfeits and those who do not' (see also Phillips, 2005). This means that there is little evidence to support the commonly held assumption proposed by those such as Tom *et al.*, (1998) and Gessler (2009) that those who buy fashion counterfeits are from a lower socio-economic background. This finding further supports the assertion of Rutter and Bryce (2008:1150) who are critical of seeing counterfeit purchasers as 'different' or 'other'. Again, going back to the discussions above, counterfeits are often bought for reasons which broadly fall within more general consumption preferences for fashion goods. It was possible to identify two broad types of (knowing) counterfeit consumers. First, are those consumers, also identified by Gessler (2009) and Ledbury Research (2007) for example, who actively want to seek a counterfeit product as a way of accessing a particular brand or item they desire, and the counterfeit (through its financial advantages) enables

them to do so. On the other hand, are those consumers who generally stated that if possible they would prefer to have the authentic item, or not at all, but purchased counterfeits as they liked and desired them as products in their own right. This second group of consumers is perhaps different to the type of counterfeit consumer generally described where the assumption is held that people only want to buy counterfeits because they are an imitation of a genuine product. These counterfeit consumers tended to be much more opportunistic counterfeit buyers who only really would do so if the situation and context was appropriate and counterfeits were readily available. This clearly demonstrates that an acknowledgement of the processes of fashion and consumption are essential when analysing counterfeit purchasing behaviour as the opportunistic, unplanned and often impulsive nature of much of this purchasing reflects the more general consumption behaviour of many consumers of fashion items more generally.

Largely, and reflective of research by Ledbury Research (2007), the consumption of fashion counterfeits was seen as unproblematic, socially acceptable (even if not desirable), and for some, a legitimate means of engaging with fashion they would not otherwise be able to. This acceptability of counterfeiting was closely associated with the common perception of the lack of harm caused by fashion counterfeiting. However, there has been a growth in recent concern about fashion counterfeiting and its 'harms' demonstrated through a number of key legislative and policy changes. The extent to which this is a genuine concern by law enforcement agencies or as a result of industry lobbying has been debated (see for example Vagg, 1995). Nearly all anti-counterfeiting literature and policy highlights the links between organised crime and terrorism (see for example: AACP, undated; IPCG, 2010) whilst recognising the perception that counterfeiting is a 'victimless crime' (Anderson, 1999). Setting aside the issue of taking an uncritical view of organised crime and a confused assumption that organised crime and terrorism can be used as terms interchangeably (see for example: Levi, 2007) there are a number of problems with this association. Whilst the aim of this research was not to investigate whether there was any evidence to suggest that counterfeiting is or is not linked to organised crime, it did seek to get a sense of consumers views about the harms associated with counterfeiting.

Many consumers took the view that counterfeiting is a victimless crime. Further, even for those who could see potential for counterfeiting to be associated with organised crime they thought that the links were exaggerated and used as a scare

tactic by fashion brands. There are of course here broader issues about the definition of what constitutes a 'victim' (see for example: Greer, 2007; Goodey, 2005) and in particular whether a victim is deserving (Christie, 1986) or 'ideal' (Greer, 2007:22). Consumers also had mixed views about the seriousness of counterfeiting as a crime problem. The perception of seriousness was further closely related to the perception of harm. Even for some consumers who felt that counterfeiting should be seen as a serious crime problem, they still felt that there were many other types of crime which were indeed more serious. This perception of seriousness and harm had important implications for a consumer's willingness for public resources to be spent on tackling fashion counterfeiting. Generally speaking it was found that the less counterfeiting was seen as a serious crime problem the less support was evident for public resources being spent. There was however much more of a positive attitude towards Trading Standards. Importantly again, these perceptions could vary immensely depending on the type of counterfeit being discussed and the extent to which the consumer was being deceived in their purchase, highlighting the importance of differentiating between types of fashion counterfeit as discussed in Chapters 5 and 7.

Whilst many consumers did not recognise counterfeiting as a crime problem, they did show awareness in particular of its potentially harmful social effects. As with the notion of 'victimless' crime, whether or not this is indeed a crime problem falls within the larger debate about what constitutes a crime (see for example Walklate, 2003). For many people their main concerns with the potentially harmful side of counterfeiting were in terms of ethical issues such as child labour, poor working conditions and exploitation. However, whilst many people expressed their concerns about these issues at the same time they also expressed these concerns towards the fashion industry more generally. Many consumers felt that fashion brands, from value retailers to luxury goods brands often engaged with less than desirable practices and raised some concerns about the conditions in which their fashion goods were made. The effect of this however, was that many consumers failed to take seriously the argument against counterfeiting on the grounds of social harms as many consumers believed these practices to be happening in legitimate industry anyway. This raises similar concerns to those noted by Tombs (2010) whose work on corporate harm highlights the damaging effects of often legitimate businesses which fall outside of the usual mainstream criminological boundaries. There is also a growing concern amongst consumers about fair trade issues (see for example Dickson, 2005), yet, it has been noted by Harrison *et al.*, (2005) that in terms of

behaviour change this most often is found with the purchase of food products rather than clothing, despite a growing movement within the clothing industry (Dickson, 2005). These findings were very closely reflective of the concerns raised by Hilton *et al.*, (2004) who argued that counterfeits could potentially be justified on ethical and moral grounds. Many consumers thought it unfair that they paid more for products made in similar situations and did not see this as a reason to not engage with counterfeit fashion products. Again, the (perceived) practices of the fashion industry were seen to legitimise the practices of the counterfeit fashion industry. For some consumers, fashion counterfeiting was actually seen as a positive option for workers in disadvantaged countries enabling them to earn money and a living in a way which was less harmful than others. Consumers often had very little sympathy for the fashion industry and its claims about the losses caused by counterfeiting. However, consumers with loyalties to certain brands often only recognised the potential harm to their own favourite brand(s) but often did not see counterfeiting as a wider problem for the fashion industry more generally.

Taking on board these findings about consumer perceptions and attitudes towards fashion counterfeiting it is possible to see a clear parallel to the work of Sykes and Matza (1957) and their theory of 'techniques of neutralisation'. Whilst the consumption of counterfeits itself is not currently illegal behaviour in the UK, one might argue that it certainly could be described as a *deviant* behaviour. The views shared by consumers throughout the research often seemed to combine a contradictory perception that whilst it was in some ways morally wrong to consume counterfeits, at the same time it was also socially acceptable to an extent. Many of the reasons for justifying why counterfeiting was acceptable seemed to rest upon interpretations of the five techniques of neutralisation outlined by Sykes and Matza (1957). Summarising the findings demonstrated above with Sykes and Matza's neutralisation techniques, first of all is the 'denial of responsibility'. In this context consumers of counterfeits tended to neutralise their behaviour by claiming that they did not know it was counterfeit at the time. Consumers also held a clear stance against a personal responsibility for counterfeiting and for many saw counterfeits as a legitimate way of engaging with fashion. Second was the 'denial of injury'. In this case it is clearly possible to relate the lack of harm discussed in Chapter 7 perceived by consumers' caused by counterfeiting. The denial of harm seemed absolutely key in neutralising consuming counterfeits with a very clear sense from the majority of consumers that counterfeiting was not a particularly harmful practice. This was closely associated with the 'condemnation of the condemners' mentioned

below. Third was the 'denial of the victim'. Similar to the 'denial of injury' the perception that counterfeiting was a victimless crime was common; many consumers did not see how fashion (non-deceptive) counterfeiting was problematic. Fourth was the 'condemnation of the condemners'. This neutralisation technique seemed inherently important for rationalising counterfeit consumption and as demonstrated above and in Chapter 7 the blame attributed to the fashion industry and its perceived (poor) processes was a key reason for legitimising counterfeiting. In fact, the 'condemnation of the condemners' seemed to neutralise any harm which consumers might recognise. And finally, was the 'appeal to higher loyalties'. Counterfeit consumption seemed less about peer group behaviour and more about individual preferences than Sykes and Matza's interpretation of this term. However, the higher loyalties in this case could be seen as an individual's own preference towards fashion, style and identity and the consumption of counterfeits enabled access to a brand or product which the consumer desired. Therefore, in terms of understanding consumer perceptions about counterfeiting it is clear then that educating consumers about the ills of counterfeiting will not make them change their behaviour. As demonstrated through Sykes and Matza's neutralisation techniques consumers may well be aware of some of the problems of counterfeiting yet they will neutralise their behaviour and continue to purchase counterfeits.

Having outlined the perceptions held by consumers, the consumer-based enforcement approach to tackle the 'problem' of counterfeiting was one which caused the most concern for this thesis. This was for a number of reasons as highlighted previously. To recap briefly the approach is based on assumptions rather than evidence; a generic understanding of counterfeiting and a simplistic interpretation of supply and demand arguments. Further it fails to take account of a broader understanding about fashion and consumption and finally places the emphasis on the non-criminal element of the process. This approach is loosely based on an attempt to 'educate consumers' of the dangers of buying fakes' (ACG, 2011), highlighting the harms of counterfeiting with the ultimate aim of getting consumers' to cease purchasing counterfeits so that there is no market for counterfeits to be sold thus ending the 'problem'. Throughout various documents on IP crime generally, coming from as broad sources as the WTO on an international basis, UK policy and then industry, documents there is not one clear message of the best way to respond to counterfeiting in terms of the level of consumer responsibility. However, there is an overall consensus that the consumer does have a role to play. Thus, as demonstrated quite explicitly by ACG (2011) the onus here

is to effectively place the responsibility of the 'policing' of counterfeiting onto the consumer. This strategy is closely reminiscent of the 'responsibilisation strategy' proposed by Garland (2001) where the state seeks to extend its reach of crime control through both formal and informal channels. There are two main ways in which the consumer can be made to take responsibility. The first lies with the current approach of 'education' with the aim of changing behaviour through 'social stigma' (Mackenzie, 2010:132) and the second is a more punitive approach. The first approach is fundamentally problematic as it assumes that a change in attitudes will result in a change of behaviour. Indeed, the findings, in line with existing research such as that of Ledbury Research (2007) and Mackenzie (2010) suggested that attitudes are not necessarily reflected in behaviour.

One potential way of forcing a change in behaviour is the second approach being advocated by interest groups such as the Anti-Counterfeiting Group (ACG) (see Large and Wall, 2007a and 2007b) who argue for the criminalisation of the purchase of counterfeit items. However, this research challenged the presumption that criminalising the behaviour would successfully eradicate it with a number of consumers stating that they had bought counterfeits in the past with the belief that it already was illegal. Indeed, if the comparison is drawn to the consumption of illegal drugs, it is clear that simply making a behaviour illegal will not stop people from taking part, even for those citizens' who are generally law abiding in other aspects of life (see for example Parker *et al.*, 1998 on recreational drug use). Indeed, following the argument of Young (1999) to criminalise the behaviour could actually result in further harms. This could more worryingly have a particularly detrimental effect on certain social groups who are already the most likely to be criminalised anyway (see Young, 1999; Muncie, 2009).

This forms part of the wider question of whether or not the responsibility should be placed upon the consumer, particularly when earlier arguments about the role of the fashion industry in legitimising counterfeiting are considered. Certainly this research found that consumers see this approach as unfair and problematic. There is of course an assumption here that the majority of counterfeit purchasing is done so knowingly, but how does the consumer responsibilisation approach fit with counterfeits being sold deceptively, and, further, is it appropriate to place responsibility on the consumer if they are buying a counterfeit without knowing? This issue of deception is complex and not necessarily concrete. As queried in Chapter 5, to what extent is it appropriate to place the onus on the consumer to

recognise when a product is potentially counterfeit? The indicators which one consumer may well recognise to signal a product as counterfeit may not do the same for another. This research certainly found that there are a number of cues or indicators which consumers might recognise but this is not consistent across all consumers and situations. Indeed the findings, in line with research by Wilke and Zaichkowsky (1999), suggested that it is problematic to assume that consumers will be able to recognise that a product is counterfeit as they may have a number of other explanations for its price and quality, notably as this research has found, being abroad is be a key issue which affects this.

Whilst much policy focuses on changing consumer behaviour, this research was one of the first which challenged a number of the assumptions that much policy is currently based on. Therefore, by taking this consumer-based approach to the project and investigating perceptions about fashion counterfeiting specifically, there are a number of implications for policy which are worth considering. First of all is a concern with the focus on 'educating consumers' to change their behaviour. This is because fundamentally, many of the claims which are being levied about counterfeiting fail to stand up to scrutiny in the eyes of the consumer. This is partly because of a lack of recognition by anti-counterfeiting activists and policy makers that different types of counterfeiting (such as safety critical and non-safety critical) can evoke differing levels of harm but the generic response and claims that 'counterfeits can kill' (see ACG, 2008b) do not reflect this. Many consumers do recognise that some types of counterfeiting (such as medicines) can be potentially harmful and is a problem, yet the generic arguments against counterfeiting lose their effectiveness when it comes to fashion goods. Indeed, other claims made against counterfeiting such as its links to organised crime and terrorism are viewed by consumers as exaggerated and in some cases, quite simply, false. This seemed to be reinforced by the lack of transparent evidence to support these claims with many consumers taking the view that these were merely unsubstantiated claims being put forward by the fashion industry. The uncritical and interchangeable use of the terms 'organised crime' and 'terrorism' further seemed to exacerbate the concerns held by many consumers. If these 'dangers' do exist, then a number of consumers in this study suggested that they want much clearer evidence to support these claims. However, even when consumers do believe these claims about 'harm', this does not mean that they will stop engaging with the behaviour – partly because they see the fashion industry more generally as problematic, and secondly they do not see a solution to the issue. The desire for fashion often seems to come before morals.

Lastly, placing responsibility and further criminalising consumers was seen as an ineffective and problematic solution. If anything it potentially alienates consumers further resulting in a continued generally positive view towards counterfeiting. Indeed, as mentioned above, the potential discriminatory effects of criminalisation on certain social groups could actually increase further social harms. Thus the comments of Young raise important concerns which policy makers should think carefully about before seeking to criminalise behaviour any further. Young (1999:79) argues

thus forceful social exclusion exacerbates the problems of the excluded and makes more of a problem than there was in the first place.

This is an interesting warning on a number of accounts, many of which have been discussed in depth throughout the thesis and in particular during Chapter 7. In a time where even some politicians (these arguments are not new to criminologists such as Hall *et al.*, (2008) and Hayward (2004)) are blaming the 'consumer society' for dissatisfaction amongst youth and the looting witnessed in the riots of August 2011, the mixed messages which living in a culture of consumption should not be ignored. The contradiction of the pressure to consume against high levels of unemployment (particularly amongst young people and young adults) is surely a fundamental one. This alone is not to justify counterfeiting on the grounds of moral arguments but the combination of the fashion industry propelling people to consume (and certain brands targeting young people – see Hayward, 2004) and the fashion industry's underpinning concept of 'copying' raise fundamental issues to be considered (even before sociological and cultural arguments relating to consumption and identity) if fashion counterfeiting is going to be examined within its broader context.

This thesis sought to provide an exploration and introduction to the issues fundamentally important to developing a critical knowledge base of fashion counterfeiting within criminology. The arguments put forward highlight the need to continue to work outside the 'traditional boundaries' of crime especially when considering the notion of harm. Further, the thesis has highlighted the fundamental flaws with current anti-counterfeiting policies which place the responsibility onto the consumer and fail to differentiate between different types of counterfeits. Above all this thesis found that the simplistic assumptions which underpin anti-counterfeiting

policies which highlight the role of the consumer are problematic in their attempts to 'educate' the consumer. The one size fits all policy approach to counterfeiting more generally is problematic as the message that counterfeits are 'dangerous' is simplistic and fails to differentiate between different types of counterfeits, different levels of harms of counterfeits, and importantly, consumers different consumption of counterfeits. There is additionally, the underlying problem with the assumption that it is possible to 'educate' consumers to change their behaviour. This problem is clearly heightened when the 'education' is based on unclear 'evidence' which seems to stem from those who the education is perceived to protect, simplistic assumptions, and, a naive view of consumer perceptions. Therefore, a successful anti-counterfeiting policy (if so desired) needs to be based on a more thorough and transparent knowledge base rather than simplistic assumptions. This thesis sought to make some headway into tapping into this very much neglected criminological territory and enables a future platform of research to be developed.

## **Appendices**

Appendix 1	Questionnaire
Appendix 2	Interview Invitation
Appendix 3	Interview Schedule 1
Appendix 4	Interview Schedule 2
Appendix 5	Interview Pen Profiles
Appendix 6	Focus Group Schedule

# **Fashion Fakes**

## **What do you think about fashion counterfeiting?**

Hello,

My name is Jo and I am a PhD student at the University of Leeds. I am conducting research into the consumption of fake (counterfeit) 'fashion' goods. I am really interested in finding out your own views about fake fashion goods and also some information about whether or not you have thought about buying them, or indeed if you do. **By fake fashion goods I mean products which carry a trade mark such as fake Diesel jeans, fake Nike trainers or a fake Gucci handbag.** The questionnaire is interested in all kinds of fake fashion goods from very poor quality fakes to fakes which are much harder to tell from the real thing.

This questionnaire is asking **only about fashion goods which you wear** such as clothes, shoes, bags, and accessories like hats, scarves and belts.

I would be very grateful for about 10 minutes of your time to complete the following questions and assist me with my research. You do not need to give your name. The information about your age, post code etc will not enable you to be identified and your responses will be treated confidentially.

By completing this questionnaire you are agreeing that I can use your answers for my project and related work. You are welcome to contact me if you have any further questions or comments via email: [fakessurvey@leeds.ac.uk](mailto:fakessurvey@leeds.ac.uk).

Your views are really valuable for the success of my project.

Thank you



[fakessurvey@leeds.ac.uk](mailto:fakessurvey@leeds.ac.uk)

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. Age:

2. Sex: 

Male		Female	
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3. What is your post code?.....

4. Ethnicity

White	Mixed	Asian or Asian British	
Black or Black British	Chinese	Other ethnic group	

5. What is your current employment status? *[Please tick all that apply]*

Student (full time)	Student (part time)	Part time employed	
Unemployed		Full time employed	
Full time unpaid parent or carer		Other <i>(please specify)</i>	

6. Approximately, how much do you spend on average buying fashion goods each month?  
*(Please circle one choice)*

Nothing	£1 - £50	£50 - £100	£100 - £200	£200 - £300	£300 - £500	£500 +
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7. Have you ever bought fashion items from any of the following brands?

*[Please circle choices or leave blank if you do not buy fashion goods]*

Adidas	Asda (George)	Bench	Ben Sherman	Bulgari	Burberry
Cartier	Chanel	D&G	Diesel	Dior	DKNY
French Connection	Gucci	H&M	Kickers	Louis Vuitton	Matalan
Miss Sixty	Next	Nike	Marks & Spencer	Prada	Primark
Puma	Quiksilver	Ralph Lauren	Reebok	River Island	Rolex
Topshop/ Topman	Tiffany	Timberland	Umbro	UGG	YSL
Other <i>(Please specify):</i>					

8. Why do you like to buy fashion goods? *[Please tick all that apply]*

- a. I like to buy items inspired by those worn by celebrities or in fashion guides
- b. I like to be seen as fashionable by my peers
- c. I like to have the most recently available fashion goods
- d. If I buy fashion goods it is primarily because they are just clothes
- e. I consciously do not buy fashion goods

9. Have you ever bought a fake fashion good? *[Please tick one]*

- a. Yes  (please go to question 11)
- b. No  (please go to question 10)

10. Why have you never bought a fake fashion item? *[Please tick one answer]*

- a. I am not interested in branded fashion goods
- b. I only want to buy authentic fashion goods
- c. It has never occurred to me to buy a fake
- d. I would not be aware if an item was a fake
- e. I think that it is illegal to buy fake fashion goods
- f. I have no particular reason for not buying a fake

(NOW SKIP TO QUESTION 15)

(Please answer questions 11- 14 if you answered YES to question 9)

11. Approximately how many times have you ever bought a fake fashion good? [Please tick one]

- a. Never       b. 1-5 times       c. 5-10 times   
d. 10-20 times       e. 20+ times       f. I always buy fakes

12. When you last bought a fake fashion item, did you know it was a fake? [Please tick one]

- a. Yes   
b. No   
c. Was unsure at the time of purchase if it was fake or not

13. Please select what fake fashion items you have brought? [Please circle any which apply]

Hat	Shoes	Dress	Jumper	T shirt	Top	Jewellery inc. watches
Coat	Trainers	Jeans	Trousers	Scarf	Bags	Other (Please specify)

14. What were your reasons when you last bought a fake fashion good? [Please tick all that apply]

- a. I was abroad   
b. It was cheap   
c. It was a genuine gift   
d. It was a joke gift   
e. I wanted something which looked like the real thing   
f. I didn't care whether it was fake or authentic   
g. I didn't know I was buying a fake at the time   
h. Other reason? (Please specify) .....

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ALL: Please answer questions 15 - 18

15. What factors would make you think that a product is fake? [Please tick all that apply]

- a. Its price   
b. The retail setting (quality of the shop or internet site)   
c. If it was openly displayed as a fake   
d. If it was noticeably different from the authentic product   
e. The packaging of the product   
f. Small details such as the label or stitching of the product   
g. I wouldn't know how to spot a fake

16. Would you consider buying a fake fashion item in the future? [Please tick one]

- a. Yes   
b. No   
c. Maybe

17. The following statements seek your views about fakes. To what extent do you agree or disagree with each of the statements? [Please tick one answer for each question]

	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Sure
a. It should be illegal to buy fake fashion goods					
b. Fake fashion goods are a crime problem that should be taken seriously					
c. It is the responsibility of brand owners to deal with fake fashion goods					
d. Fake fashion goods cause harm to society through loss of tax revenue					
e. Money raised from selling fake fashion goods funds other crime					
f. It is illegal to buy fake fashion goods					
g. Police and trading standards officers should make tackling fake fashion goods more of a priority					

18. The following statements ask about your opinions towards buying fakes. To what extent do you agree or disagree with each of the statements? [Please tick one answer for each question]

	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Sure
a. I would rather buy a fake fashion item than an authentic one					
b. I would never consciously buy a fake fashion good					
c. I buy both fake and genuine fashion goods from the same brand.					
d. I buy a product because I like it not because I care whether or not it is authentic					
e. Why pay the full price when I can get a fake just as good at a much lower price					
f. I like the brand name for show, it makes no difference if the item is authentic or not					
g. Buying fake fashion goods is acceptable					

Please use the space below to make any comments you would like to add, also I will be conducting some interviews as part of this research, so please provide your contact details - but only - if you are happy to be contacted to arrange a follow up interview.

Thank you for taking the time to help me with my PhD research. I really appreciate it.

## Appendix 2

### Perceptions about Fashion Counterfeiting

#### An Invitation to take part in a PhD research project

##### ***Taking part in the study***

Thank you for consenting to take part in the interviews for my project. This research forms part of a PhD project about fashion counterfeiting.

##### ***What is the research about?***

The research is exploring some of the issues related to fashion counterfeiting. In particular, it is looking to find out more information your views about counterfeiting and how these views are informed. The research also is trying to understand some of the reasons why people buy fashion goods and your experiences of going shopping.

##### ***What do I have to do?***

The interview will be an informal discussion about your views about fashion counterfeiting, and also a little bit about your shopping habits. The interview should only last about half an hour.

##### ***When will the research be taking place?***

The interviews for this project will be taking place during February/March 2010 but an exact date and time will be decided with you, which is convenient for yourself.

##### ***What happens if I change my mind about taking part in the research?***

As it is entirely your choice whether you would like to take part in this research, you may withdraw from the project at any time and you do not have to explain why you have done so. Please just contact Jo and state that you would no longer like to take part, and your contact details will be destroyed.

##### ***What will happen to the information I provide?***

The information which you provide will be treated in a completely confidential manner. You will also not be able to be identified from the information: your name or other identifiable information will not be used, and procedures are in place so that all data will be stored in a safe and secure place.

##### ***Who is carrying out the research and why?***

The research is being carried out by Jo Large, who is a PhD student at the Centre for Criminal Justice Studies, University of Leeds as part of the research for the PhD project.

##### ***How can I contact the researcher?***

If you would like to contact Jo at any point please do so by any of the following means:

Email: [j.s.large@leeds.ac.uk](mailto:j.s.large@leeds.ac.uk) or [fakessurvey@leeds.ac.uk](mailto:fakessurvey@leeds.ac.uk)

Mail: Jo Large  
Centre for Criminal Justice Studies, University of Leeds  
Leeds LS2 9JT

Call or Text: 07760492118  
Many Thanks! Jo

## Appendix 3

### Interview Schedule

#### Research Questions for Interviews:

2. What are the perceptions held by consumers about fashion counterfeiting?
3. What are consumers' attitudes towards counterfeit goods?
5. Why do people buy counterfeit goods or not?

#### Interview Schedule 1: Those who buy (have bought) fakes

##### Introduction

- Discuss some points from questionnaire, maybe spending, more about what they do, why they agreed to be interviewed, just to get started.
- stress that I am only talking about fashion except where said otherwise

##### Fashion

1. What do you understand by the word 'fashion'?  
*Brands/ designer goods/ generic term for clothes*
2. How often do you go clothes shopping?  
*just go for fun, only go when need something, only buy what set out to buy*
3. Can you describe a little bit more about the last time you went clothes shopping?  
*Why did you buy these*
4. What factors help you decide what to buy?  
*Fit/ need/ displays/ seen somebody wearing an outfit/ fashion mag's*
5. Can you talk a little bit more about the way you like to dress?  
*Do you always dress in the same style*  
*How do you see your 'style'*  
*Do you change your style depending on situation – how*  
*Do you want people to perceive you in a particular way*

##### Fakes

6. What do you understand by the word 'fake'?  
*Counterfeit – is it different?*
7. The fake items that you have bought – can you talk a bit more about them?  
*(if buy lots of fakes be more specific – what is most typical)*  
*Are they items that you would usually buy*  
*Were there any particular reasons why you bought them*  
*Know it was a fake*  
*- Price/ abroad/ wanted a copy of real thing/ good quality*
8. How acceptable is buying fakes?  
*Are there differences between types*  
*Certain situations*

*Would you admit to someone that it was fake  
Would you mind if other people knew it was a fake*

9. How acceptable is wearing fakes?  
*Are there differences between types  
Certain situations  
Would you admit to someone that it was fake  
Would you mind if other people knew it was a fake*

10. Where would you usually buy a fake from?  
*Abroad/ shop/ market/ internet  
Would you only buy fakes in certain situations  
Do you know people who sell them  
Have you ever sold any fakes*

### **Future**

11. Would you buy a fake again in the future?  
*What reasons?  
Has your views on fakes changed – why  
Is there anything which you think might change your views about fakes*

### **Issues**

12. Do you think that there is a link between counterfeiting and crime?  
*Links to organised crime/ causes harm to brands/ ethical trading  
Harms to society  
Where have you learnt this from – do you believe it*
13. Are you concerned about any of the issues we have just talked about – do you think that they might influence your decisions on whether you do or do not buy a counterfeit?  
*Would you change your mind about buying if you thought differently  
Are these thoughts not even relevant when you go shopping*

### **Policing**

14. Who do you think should be responsible for dealing with counterfeiting?  
*Do you think counterfeiting should be seen as a serious crime  
Do you know who is responsible?  
Is this the right way to deal with it  
Is it illegal to buy a counterfeit – do you think that the legal status would impact on your decision to buy?*
15. Do you have any other related comments that you would like to share?

**ThAnKyOu**

## Appendix 4

### Interview Schedule

#### Research Questions for Interviews:

4. What are the perceptions held by consumers about fashion counterfeiting?
5. What are consumers' attitudes towards counterfeit goods?
6. Why do people buy counterfeit goods or not?

#### Interview Schedule 2: Those who have not brought fakes

##### Introduction

- Discuss some points from questionnaire, maybe spending, more about what they do, why they agreed to be interviewed, just to get started.
- stress that I am only talking about fashion except where said otherwise

##### Fashion

16. What do you understand by the word 'fashion'?  
*Brands/ designer goods/ generic term for clothes*
17. How often do you go clothes shopping?  
*just go for fun, only go when need something, only buy what set out to buy*
18. Can you describe a little bit more about the last time you went clothes shopping?  
*Why did you buy these*
19. What factors help you decide what to buy?  
*Fit/ need/ displays/ seen somebody wearing an outfit/ fashion mag's*
20. Can you talk a little bit more about the way you like to dress?  
*Do you always dress in the same style*  
*How do you see your 'style'*  
*Do you change your style depending on situation – how*  
*Do you want people to perceive you in a particular way*

##### Fakes

21. What do you understand by the word 'fake'?  
*Counterfeit – is it different?*
22. Can you discuss a bit more about why you have never brought a fake?  
*Conscious decision*  
*Don't know anything about fakes*  
*Why*
23. As someone who has never knowingly bought a fake, how acceptable to you is buying fake goods?  
*Are there differences between types*  
*Certain situations*
24. How acceptable is wearing fakes?  
*Are there differences between types*

*Certain situations*

25. Have you ever sold any fakes?

**Future**

26. Would you buy a fake in the future?

*What reasons?*

*Has your views on fakes changed – why*

*Is there anything which you think might change your views about fakes*

**Issues**

27. Do you think that there is a link between counterfeiting and crime?

*Links to organised crime/ causes harm to brands/ ethical trading*

*Harms to society*

*Where have you learnt this from – do you believe it*

28. Are you concerned about any of the issues we have just talked about – do you think that they might influence your decisions on whether you do or do not buy a counterfeit?

*Would you change your mind about buying if you thought differently*

*Are these thoughts not even relevant when you go shopping*

*If your attitudes changed – do you think that this would be reflected in a change in your behaviour?*

**Policing**

29. Who do you think should be responsible for dealing with counterfeiting?

*Do you think counterfeiting should be seen as a serious crime*

*Do you know who is responsible?*

*Is this the right way to deal with it*

*Is it illegal to buy a counterfeit – do you think that the legal status would impact on your decision to buy?*

30. Do you have any other related comments that you would like to share?

**ThAnKyOu**

## Appendix 5

### Pen Profiles

All respondents have been assigned pseudonyms which have been taken from the 2007 Top 100 Baby Names compiled by the Office for National Statistics. Any names which feature in the list which are the same or closely similar to actual respondent's names have been excluded.

#### Group 1 – Previously Bought Counterfeits

##### 1.1 – 'OLIVIA'

Olivia is a White, 27 year old female, full time post graduate student and currently lives with her husband in the Yorkshire area. Olivia described how she generally purchased fashion goods for primarily functional reasons and liked to wear what she felt comfortable in. Olivia's also described how sometimes she could be self-conscious about what she was wearing if somebody passed a negative comment. Olivia had purchased fashion counterfeits in the past but only when she had been travelling in Asia and said that she bought them more because she needed a new top rather than any particular brand preference, as usually she would not wear branded clothing.

##### 1.2 – 'JACK'

Jack is a 32 year old, White male, who lives in the Yorkshire area, although originates from Italy. Currently in full time employment, Jack works in an academic capacity at a University. On average, Jack spends £200 - £300 a month on buying fashion goods. Jack answered yes to having previously bought a fake and suggests that he would consider buying a fake again in the future. However, Jack's attitude towards buying counterfeits was complex as he felt that if he was buying something in the belief that it was real (even if it turned out to be counterfeit) was different to buying something knowing it was counterfeit (which he would not do). Jack enjoys buying fashion goods and is categorised as a 'fashion conscious' consumer. Jack described how he liked to buy fashion goods from designer/luxury brands which he associated with higher quality and his own sense of style.

### 1.3 – 'OLIVER'

Oliver is a 29 year old, White male who is in full time employment. Living in the North East, Oliver works in a support capacity for a local university. On average, Oliver spends £100 - £200 a month on buying fashion goods. Oliver answered yes to having previously bought a fake and suggests that he might consider buying a fake again in the future. However, Oliver was fiercely loyal to particular brands and said that he would not buy a counterfeit of this brand and saw counterfeits to his favourite brand as damaging. Oliver also enjoyed buying fashion goods and was categorised as a 'fashion conscious' consumer.

### 1.4 – 'RUBY'

Ruby is a 21 year old White female and a full time undergraduate student. Currently in the final year of her studies at a university in Yorkshire, Ruby spends approximately £1 - £50 per month on purchasing fashion items. Ruby answered yes to having previously bought a fake and suggests that she might consider buying a fake again in the future. However, Ruby was also concerned that her friends who could afford real products would judge her if she did so, so she described how therefore she would probably find alternative 'look-alike' product rather than a counterfeit. Ruby largely attributed her counterfeit purchasing to being on a low income whilst studying. Ruby was also a keen fashion follower and was categorised as a 'fashion conscious' consumer.

### 1.5 – 'EMILY'

Emily is a 27 year old, White female and a full time post graduate student. Living in the North West, Emily holds a funded doctoral position as well as working part time. Emily, a 'fashion conscious' consumer, spends approximately £50-£100 per month on purchasing fashion items. Emily answered yes to having previously bought a fake and suggests that she would not consider buying a fake again in the future. Emily demonstrated how consumers can view the terms fake and counterfeit differently – Emily saw fake as being poor quality and something that she would not buy whereas counterfeit she saw as something which was higher quality and she would be more likely to buy. Emily's experience of buying fakes was largely through online shopping.

### 1.6 – 'GRACE'

Grace is a 29 year old, White female in full time employment. Grace spends approximately £1- £50 per month on purchasing fashion items. Originating from the

North West, but now living in the Yorkshire region Grace holds an academic position at a University. Currently living with a long term partner, Grace answered yes to having previously bought a fake and suggests that she would not consider buying a fake again in the future. Grace suggested that whilst she was conscious about fashion, she did not like to think that she followed fashion and had her own identifiable style. Grace closely related her counterfeit purchasing as something which she did when she was a teenager, for the purpose of keeping up with peers and having the correct trainers, and said that because of her concerns about poor ethical practices she would not buy counterfeits nowadays.

### 1.7 – 'CHLOE'

Chloe is a 24 year old, White, female in full time employment. Chloe works for the leisure industry and owns her own property in the Yorkshire area. Having graduated with a degree in Music Technology, Chloe has particular interests regarding copyright and protection of intellectual property rights in terms of music. Chloe also has particular knowledge about movie piracy due to her role as a projectionist at a large cinema chain. Chloe spends approximately £50-£100 per month on purchasing fashion items and was classified as fashion conscious. Chloe answered yes to having previously bought a fake and suggests that she would not consider buying a fake again in the future. Chloe had particularly strong views about the damaging effects of music and film piracy and saw how these were relevant to counterfeit fashion goods. Chloe described how she had bought counterfeits as a teenager, without really realising that they were counterfeits as she did not have an understanding about the cost of the real products or counterfeiting more generally.

### 1.8 - 'LUCY'

Lucy works in an independent dress agency in an outer suburb of Leeds and was invited for interview after having an informal discussion about the research project. Lucy at 56 was the oldest participant in the interview sample and due to her employment was able to give lots of interesting additional insight into some of the issues with fashion counterfeiting. Although Lucy had purchased counterfeits in the past she claimed that this was primarily down to her lack of knowledge about their harmful effects and was very clear that she would not buy counterfeits these days. Lucy had a strong interest in fashion and saw counterfeiting as damaging to the fashion industry, and too small businesses such as the one she worked at.

### 1.9 - 'AMY'

Amy is a 22 year old, White female from Yorkshire. Amy is currently in the final year of her studies at University. Amy is studying a fashion and design course and is interested in fashion and making clothes. Amy answered yes to having bought fakes in the past and suggests that she currently spends £1-£50 a month on purchasing fashion goods. Amy noted that she would usually go shopping more often than she does but because of her studies is restricted at the moment. Amy likes to be seen as fashionable by her peers and likes to have the most recently available fashion goods and is categorised as a 'fashion conscious' consumer. Amy was clear that she used counterfeits as a way of associating herself with a particular brand and did not see how counterfeits were harmful in this way, as she noted that when she could afford to she would buy the real item.

### 1.10 - 'JAMES'

James is a self-employed male aged 39 who lived with his wife in Yorkshire. James described how he mostly bought fashion goods for functional reasons but recognised that he was concerned with how he felt. James was not a frequent shopper and suggested that he would go shopping about once a year for a 'big shop' and then would just buy things occasionally if needed. James also did not really wear much in the way of branded goods and largely attributed his previous counterfeit purchasing to need whilst he was travelling, yet noted that he was not sure if the products even were counterfeit but assumed so because of the price.

### 1.11 - 'ERIN'

Erin aged 46 and a mum of two lives in a small town in Norfolk. Erin was very much conscious of fashion and worked part time in a clothes shop. Erin's age seemed to have quite an impact on her fashion choices as she was very aware of having to dress appropriately. Erin did not see counterfeiting as something which was very harmful and saw it as a way of enabling people in less well off countries to make a living. Erin had bought counterfeits in the past, but tended to do so because she saw a product she liked whilst on holiday rather than buying a product because it was a copy of a particular brand.

### 1.12 - 'POPPY'

Poppy at age 19 was one of the youngest interview respondents. Poppy worked full time in a small city although still lived at home so had access to disposable income. Poppy also described herself as fashion conscious and said that she enjoyed

fashion and shopping. However, Poppy liked to stand out from the crowd and wear things slightly differently to how she saw everyone else. Poppy's counterfeit purchasing was closely associated with being on holiday and often tended to be because she was after a particular look, although not necessarily a brand. Poppy did recognise that fashion manufacturing can be potentially problematic but did not see it as something which was on her mind when she went shopping and applied this same thought process to counterfeiting.

#### 1.13 – 'CHARLIE'

Charlie, aged 29, is a male in his late twenties living with a partner in a small town in Norfolk and working as a labourer. Charlie was really into branded fashion goods and would only buy clothes if they had a well-known brand name on. Therefore Charlie recognised that his spending on fashion goods was high. Although Charlie had purchased counterfeits in the past this had always been unknowingly and Charlie had no intentions of buying counterfeits in the future. Charlie was very against counterfeiting and saw it as a real problem.

#### 1.14 – 'ALFIE'

Alfie is a 38 year old male and a full time post graduate student. Alfie spends approximately £1 - £50 per month on purchasing fashion items. Alfie answered yes to having previously bought a fake and suggests that he might consider buying a fake again in the future. Alfie says that he 'consciously does not buy fashion goods' and actively rejected buying any goods which came with a brand name on. Further there were particular shops which Alfie would not buy from because of concerns about poor ethical processes. Alfie's reasons for buying counterfeits in the past were down to being in China where he suggested that the majority of products available were counterfeit. Alfie suggested that his reasons for buying counterfeits in the future would be about taking a stance against brand culture rather than fashion.

#### 1.15 – 'DAISY'

Daisy, aged 20, is a young fashion designer who had just started up her own fashion design business. Daisy had bought counterfeits in the past but this has largely happened on an unknowing basis through charity shops and Daisy described the embarrassment of discovering she had sold one of these fakes on to someone else. Daisy recognised that over recent years she had become increasingly concerned about the growth in disposable fashion and cheap clothing and how this had a negative impact on the environment due to the amount of

clothing being sent to landfill. Daisy also had concerns about large fashion companies and mass consumption. This seemed to largely explain why Daisy would not buy counterfeits in the future as she would not buy these branded goods rather than any concern about the damage counterfeits do the brands. Daisy additionally made much of her own clothing rather than buying from shops yet was very 'fashion conscious'.

## **Group 2 – Consumers who have not bought counterfeits**

### **2.1 – 'THOMAS'**

Thomas is a 26 year old, White male in full time employment. Thomas lives and works in the Yorkshire area, although originates from the North East. Currently living with friends, Thomas works for a large financial company and spends approximately £1-£50 per month on purchasing fashion items. Thomas answered no to having previously bought a fake and suggests that he would consider buying a fake in the future. Thomas is categorised as a 'fashion functional' consumer.

### **2.2 – 'HARRY'**

Harry is a 28 year old, White male in full time employment. Harry lives with his partner and child in the East of England. Harry spends approximately £50 - £100 per month on purchasing fashion items. Harry answered no to having previously bought a fake and suggests that he would not consider buying a fake in the future. Harry is categorised as a 'fashion functional' consumer and spoke of his dislike for overtly branded goods and concern about his body shape.

### **2.3 – 'JOSHUA'**

Joshua is a 20 year old Mixed-ethnicity male and is a full time undergraduate student studying media. Joshua spends approximately £200-£300 per month on purchasing fashion items. Joshua answered no to having previously bought a fake and suggests that he would not buy a fake in the future. Joshua is described as fashion conscious and commented on his preferences for well-known branded goods. Joshua saw counterfeits as having a negative image and being of poor quality.

### **2.4 – 'LILY'**

Lily is a 24 year old female and is in full time employment. Lily spends approximately £50 - £100 per month on purchasing fashion items. Lily answered no

to having previously bought a fake and suggests that she would not consider buying a fake in the future. Lily is categorised as a 'fashion conscious' consumer. Lily participated in the online survey and was invited for interview as a result of providing her contact details.

#### 2.5 – 'AMELIA'

Amelia is a 21 year old female and is currently a part time student. Amelia spends approximately £200 - £300 per month on purchasing fashion items. Amelia answered no to having previously bought a fake and suggests that she would not consider buying a fake in the future. Amelia is categorised as a 'fashion conscious' consumer. Amelia participated in the online survey having seen it advertised on a celebrity and fashion magazines websites forum and was invited for interview as a result of providing her contact details. Amelia had quite strong views about the damage caused by counterfeiting.

#### 2.6 – 'MEGAN'

Megan, aged 22 was a final year fashion and design student who was considering starting her own business. Despite being described as fashion conscious, Megan admitted that due to being a student she was unable to spend much on shopping for fashion but enjoyed going window shopping. Megan had never bought a counterfeit and saw counterfeiting as problematic. Megan took part in a group interview with Millie and Isabella.

#### 2.7 – 'ISABELLA'

Isabella, aged 22 was a final year fashion and design student on the same course as Megan and Millie. Isabella suggested she spent about £50-100 a month on buying fashion goods and is characterised as fashion conscious. Isabella also enjoyed going shopping and had never knowingly purchased a counterfeit.

#### 2.8 - 'MILLIE'

Aged 41, Millie was one of the older interviewees but was also a fashion and design student in the North East. Millie described how she enjoyed fashion and was characterised as fashion conscious. Millie had some particular concerns about the fashion industry's success of catering for women her age and sometimes found fashion daunting. Millie had never knowingly purchased a counterfeit and did not intend to in the future.

### 2.9 – 'MIA'

Mia aged 24 was a full time self-employed hairdresser. She described her monthly spend on fashion goods as low and suggested that she generally bought clothes for functional reasons. Mia had particular shops she liked to buy from and tended to stick with these rather than trying new things. Mia had never knowingly bought a counterfeit and did not intend to do so in the future.

### 2.10 – 'FREYA'

Freya, aged 25 is employed full time by the NHS. Freya described how she felt she had changed her preferences about fashion over recent years and this was associated with losing weight and gaining more body confidence. Freya said that she spent approximately £200-300 a month on buying fashion goods and stated that she would not knowingly purchase a counterfeit.

### 2.11 – 'EVIE'

Evie is a 27 year old female and a full time post graduate student. Evie spends approximately £1 - £50 per month on purchasing fashion items. Evie answered no to having previously bought a fake although she did note how her brother had sold counterfeits in the past on eBay. Evie said in the survey that she 'consciously does not buy fashion goods' and However, during the interviews it quickly became apparent that Evie meant that she rejected branded goods rather than fashion goods and could more accurately be described as fashion conscious.

### 2.12 – 'ELLA'

Ella is a 27 year old female and a full time post graduate student. Ella spends approximately £1 - £50 per month on purchasing fashion items. Ella answered no having previously bought a fake and suggests that she might consider buying a fake in the future. Ella says that she 'consciously does not buy fashion goods' but during the interviews it became apparent that this was referring to branded goods rather than fashion. Ella participated in the online survey and was invited for interview as a result of providing her contact details.

## Appendix 6

### Focus Groups

#### 1. Shopping (use posters of shops/get students to annotate)

- How often do you go clothes shopping?
  - o Where?
  - o Why? – socially/ need/ fun – alone or with friends/parents?
- Do you buy things each time?
  - o Ideas beforehand/ impulse buy?
- how do you pay for your clothes?
  - o EMA, parents, part time job?

DESCRIBE A TYPICAL TIME

#### 2. Style (use posters of magazines/get students to annotate)

- Do you follow fashion trends?
  - o Magazines/Celebrities/Friends / other people you see
- Is it important for you to look fashionable?

#### 3. Fakes/counterfeits (use posters of fake images/annotate)

- What is a fake?
  - o Poor quality?
  - o Copies
- Have you ever bought fakes
  - o How often
  - o Where from
  - o Would you buy a fake again?
- Would you wear fakes?
  - o Why/why not
    - Brand loyalty/views about fakes
  - o Do you think fakes are a problem? - Why
    - Brand harm/Crime concerns/Ethical concerns
  - o Is it illegal to buy fakes? - Why
- Would any of this make you more or less likely to buy fakes?
- Should the police be trying to stop people from selling and buying fakes?
  - o why

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