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Branding Guilt: American Apparel Inc. and Latina Labor in Los Angeles

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Abstract: A study of the marketing strategies of the clothing enterprise, American Apparel, how it targets affluent, educated youth through socially conscious tactics, including a focus on pro-immigrant rights and Los Angeles-made, “sweatshop-free” advertising. The essay analyzes the ideologies and stances behind marketing materials that often contain images of Latinas/os as laborers, and white (European origin) population as consumers, and examines how U.S.-based ethical capitalism operates as a neoliberal form of social regulation to champion personal responsibility and individual freedom, in often hidden and inferentially racist and classist ways.

Key Terms: Latina Labor; Los Angeles; Ethical Consumption; U.S. Neoliberalism; Colorblindness; American Apparel

American Apparel Inc.’s retail clothing stores often adorn urban shopping districts near college campuses. The corporation markets its retro-hipster fashions and form-fitting T-shirts as socially conscious clothing that is made sweatshop-free and in downtown Los Angeles, a city whose garment industry employs mostly Latinas. However, over the past decade, American Apparel’s national media presence frequently has had little to do with the company’s urban-chic apparel and accessories, and more to do with immigration reform and undocumented labor. Such issues occupy the core of the company’s pro-immigrant rights and T-shirt marketing campaign labeled “Legalize LA” that promotes a seemingly liberal agenda on comprehensive immigration reform. Advertisements for Legalize LA in newspapers and on billboards regularly contain images of Latina/o workers, or Canadian former CEO Dov Charney’s resident alien card.¹

American Apparel uses “Legalize LA” to further a marketing agenda that perpetuates the core tenants of the economic, political, and social system of neoliberalism, namely deregulation, privatization, and personal responsibility (Schaeffer-Gabriel, 2006, 898). Neoliberal ideologies are often deceptively complex and can deliberately, and in some cases unwittingly, employ the rhetoric of personal responsibility to obscure deep-seated, systemic social inequality. In the case of American Apparel, this neoliberal marketing agenda is partially enacted through colorblindness and ethical capitalism embodied by the advertisements attached to the Legalize LA brand.

I suggest that branding a corporation’s core ethos as “ethical” in order to sell a product to an individual consumer obscures the vital role that labor and labor exploitation play in capitalist corporate profit. My central organizing questions are: How do dynamics of misrepresentation used in advertising work to obscure Latina labor exploitation? In the case study of American Apparel, how does ethical consumption operate as a form of neoliberal social regulation whose pronouncements of being socially aware detract attention from dynamics of colorblindness inherent in advertising campaigns? To help answer these questions, I perform a cross-media discourse analysis of advertising campaigns, print journalism, a documentary film, and select American Apparel website content between the period of 2008-2012. My article completes three interrelated tasks: First, I situate labor issues at American Apparel within a century-plus long history of Latina labor in LA. This is a politically significant section as it grounds my overall critique in the labor history of Latinas. Second, I discuss Latinas and labor issues at the corporation. Finally, I explicate my theoretical framework for analyzing Latina representation at American Apparel, or “ethical consumption.” In addition to a theoretical and sociological discussion of ethical consumption, these final sections provide a cultural studies reading of material from American Apparel’s corporate websites and advertisements that also perpetuate colorblindness as a covert neoliberal brand of social regulation that works to designate “workers” from “consumers.”

“ETHICAL” ADVERTISING

Branding a product as “ethical,” as evidenced in their trademarking of the company’s phrase, “Made in Downtown LA—Sweatshop Free,” works to obscure American Apparel’s perhaps “unethical” practices like illegal hiring of undocumented workers and anti-union policy. Stemming from a fear of the unsustainability of capitalism and prevailing consumption patterns, ethical consumption assumes that consumers are educated about the exploitation of predominantly people of color under capitalism, both in the United States and internationally. Ethical consumption, also known as “consumer citizenship” or “political consumption” (Cole, 2014, 320), occurs when issues including sustainability, environmental conservation, and the equitable and safe working conditions of laborers impact consumer choice.² This essay privileges the term “ethical consumption” because, as Nicki Lisa Cole contends in her study of ethically produced coffee, ethical consumption does not dictate that the act of consumption is inherently political or one of civic virtue (2014, 320). Put differently, when worn or consumed, the often blatant branding of “ethical” products does not necessarily denote a consumer’s political ethos. Some scholars view consumption as an individualized process that therefore cannot be considered a form of collective action (*Journal of Consumer Behavior*, 2007, 260). Others critique this viewpoint asserting that ethical consumption can lead to “networks of global solidarity” (Barnett, et al., 2005, 15). This essay contends that although networks of global solidarity are important, a singular focus on the global may ultimately ignore the presence of “Third World” labor in the “First World.”

Previous scholarship about American Apparel focuses on how ethical consumption, Neo-Fordism,³ and the idea of the celebrity CEO are all the result of contemporary capitalism (Littler, 2007; Moor and Littler, 2008). To Jo Littler, CEO Charney’s frequent presence in the headlines garners him a celebrity status that also works to cross-promote the American Apparel brand. Littler explains that Charney’s media persona as hipster-chic and rule bending extends to American Apparel’s brand identity. She writes: “Many contemporary celebrity CEOs are trying to turn ‘fat cats’ into ‘cool cats’ by employing or appropriating discourses of bottom-up power and flaunting them across an expanded range of media contexts” (Littler, 2007, 236). This approach to the study of American Apparel, while acknowledging the exploitation

of a predominantly Latina labor force, posits the CEO and capitalism as the central subjects of analysis, and therefore does not provide a critical reading of Latina/o representation (or lack thereof) in advertisements that espouse *ethical* capitalism.

But Charney is more than a celebrity CEO and this article expands on Littler’s argument by suggesting that American Apparel’s advertising campaigns are manifestations of a U.S. neoliberal business model that is also a form of social regulation. I argue the ethical consumption corporate model operates in the ethos of personal responsibility espoused by the gesture of “buying moral” endemic to many affluent subjects under U.S. neoliberalism. From the viewpoint of working-class Los Angeles Latina labor history, American Apparel’s neoliberal marketing agenda of ethical consumption perpetuates what I term a “dynamic of misrepresentation.” In this context, a “dynamic of misrepresentation” denotes representations that simplify or obscure structures of exploitation behind ostensibly progressive corporate politics that ultimately benefit wealthy consumers. Under this dynamic, wealthy consumers’ ability to purchase goods affords them added social capital.

Under this neoliberal business model, the ideology of “ethical consumption” is not a contradiction. From the perspective of the neoliberal CEO, advertising campaigns may constitute the visual embodiment of the CEO’s cult of personality, but also the exploitation of people of color to sustain that corporate profit *is presumed* and therefore part of “business as usual.” Through advertising and the Legalize LA immigration initiative, this dynamic operates in a colorblind way that codes American Apparel as a predominantly white consumer space, and American Apparel manufacturing as an exclusively Latina space. This essay de-centers the notion of the celebrity CEO and the study of American Apparel’s corporate model. I attempt to undo dynamics of misrepresentation through grounding my analysis of Legalize LA and ethical consumption from the historical perspective not of consumers, business owners, and white public spaces, but of Latina labor history in Los Angeles. I also add to existing scholarship through my inclusion of a close reading of Latina/o presence and absence in differently branded and marketed American Apparel advertisements, notably Legalize LA.

Josée Johnson argues that ethical consumption is culturally pervasive, in part because ethically marketed products are not just sold at expensive stores like Whole

Foods, but also at low-budget retailers like Walmart (2007, 257). Similarly asserting the cultural dominance of morally based consumption, Nicki Lisa Cole argues that ethical capitalism is “emerging as a new dominant mode of capitalism” (2008, 2). Such ethical consumption patterns are informed by what Frederic Jameson terms “the cultural logic of late capitalism” (cited in Cole, 2014, 320). Jameson argues that feelings of crisis and feelings of an end or a catastrophe motivate contemporary late capitalism, wherein “the new social formation in question no longer obeys the laws of classical capitalism, namely the primacy of industrial production and the omnipresence of class struggle” (1984, 55). As my analysis of American Apparel elucidates, ethical capitalism detracts attention from the physical labor used to manufacture goods and instead focuses on a nebulous “ethical” standard. Before Homeland Security raided American Apparel in 2009 and fined the corporation for knowingly hiring undocumented workers, American Apparel was for many years able to detract attention away from their illegal practice of hiring undocumented workers, who function as arguably the lowest social class in the U.S. labor market.

ARGUMENT RATIONALE

Although technically an ethnic group, Latinas/os are racialized. As scholars such as Martha Menchaca, Mae Ngai, and Laura Gómez write, this has occurred particularly through federal and state immigration policy prior to 1965 (Menchaca, 2001; Ngai, 2004; Gómez, 2007).⁴ Others like Leo R. Chávez and Nicholas De Genova argue that contemporary representations in media and social scientific discourses cast diverse Latina/o groups as “illegal aliens,” as universally “Mexican,” and as perpetually threatening to and unable to assimilate in the United States (Chávez, 2008; De Genova, 2004). Due to a lived reality of being legally classified as “white” but socially experiencing second-class citizenship due to perceived racial, ethnic, and/or linguistic markers, I argue that post-9/11 colorblind ideologies are just as applicable to Latina/o ethnics as other racial groups. Eduardo Bonilla Silva and Evelyn Alsultany assert that contemporary colorblind or post-race ideologies function as covert racisms when people are educated about the legacies of racial prejudice, and therefore assert themselves as non-racist or as individuals who “do not see color” (Bonilla Silva, 2006; Alsultany, 2012). On a similar level, ethical consumption operates under the assumption that consumers

are educated about how their goods are produced, and thus spend based on morality. The assumption of an informed consumer constituency may at first appear to assert an aura of political correctness, but in fact often enables more nuanced and covert forms of exploitation hidden behind a purportedly moral and educated façade. Moreover, the class privilege attached to some ethical consumption choices does not signify that marginalized and poor groups are somehow amoral (Johnson, et al., 2011). In fact, marginalized groups are also educated about moral consumption choices; however, the predominance of consumption spaces as predominantly “white spaces,” wherein whites make rules and regulations, deters certain racialized groups from partaking in some instances of ethical consumption (Guthman, 2008).⁵

My choice to address the majority of laborers at American Apparel as Latina is based on the historical reality that Latinas have remained the dominant labor pool in LA for over a century (Fernández Kelly and García, 1989, 258; Laslet and Tyler, 1989, xiv). In representations of American Apparel’s seamstresses on its website, and in the 2006 documentary, *No Sweat*, the majority of laborers appear to be darker-skinned Latinas. Scholarly discussions of Latina labor and the LA garment industry have predominately focused on sweatshop conditions, apparel subcontracting, immigrant labor, the informal economy, and homework.⁶ In more recent years, scholarship about Latina labor offered a more comparative and transnational scope (Chávez, et al., 1997, 88; Whalen, 2002, 45; Meyler Peña, 2008, 97). This research frequently critiques global capitalism and explores the intersection of race and gender (Browne and Misra, 2003, 487). Other emergent scholarship traces more recent migratory destinations such as to the rural Midwest or Southeast (Williams, et al., 2002, 563), and has focused on the education, labor, and the work at home of teenage and adolescent Latinas/os (Camarrota, 2004, 53). Scholars are also beginning to study how technology enables transnational flows, as well as the migration of more privileged middle class and aspiring middle-class labor migrants (Schaeffer-Gabriel, 2006, 903). This literature does not address, however, how a company’s liberal, ethical, and neoliberal marketing towards an affluent consumer base works to erase and perpetuate the exploitation of Latinas and other racialized laborers within the United States. A failure to address how the complexities of colorblindness and ethical marketing operate together as a form of social

control in effect overlooks the legacy of structuralized racism that still impacts poor and minority populations in the United States today.

The global garment industry, predominantly located in Latin America and Asia, relies on a largely female and feminized workforce in free trade and export processing zones (Bonacich, et al., 2009; Browne and Misra, 2003; Gereffi, et al., 2002; Whalen, 2002). American Apparel may not pay its employees a living wage for Los Angeles, but the company pays a wage around \$12/hour that is significantly higher than the national minimum wage of \$7.25 (DOL, 2014). The LA-based factory also adheres to federal regulations regarding occupational safety, and provides opportunities for health care and other benefits for many of its employees. Keeping these transnational realities in mind, this article is concerned with how ethical capitalism operates at a national level where the propensity to buy patriotic American-made goods in part fuels consumption choice.

LATINAS AND THE LA APPAREL INDUSTRY

American Apparel's choice to open a garment factory in LA was a strategic decision, as the city has remained the nexus of profitable West Coast garment manufacturing since the early 1900s. Over the past century, multiple factors have guided production in the LA garment industry, in part resulting in economic growth that has fueled Latina/o migration. Pushed by a poor economy at home and the Mexican Revolution, over a million Mexicans immigrated to LA in the early twentieth century (Durón, 1984, 147). The influx of Mexican labor, restrictions on Asian migration, and a rapidly growing manufacturing sector helped render Mexicans and Chicanas/os a desirable labor pool for an industrializing LA economy (Durón, 1984, 158). In fact, even before female full-time wage labor was commonplace, many Latinas worked part-time in the garment industry (Laslet and Tyler, 1989, 18).

Today, 75% of all garment laborers in LA are Mexican women or U.S. Chicanas, and less than 2% of workers are unionized (Kessler, 2002, 91). Despite efforts, American Apparel employees have failed to organize a labor union. This history of anti-union sentiment in the LA garment industry helps to contextualize current labor struggles at American Apparel. Since its emergence as a manufacturing base at the turn of the 20th century, LA has remained staunchly anti-union. As a consequence, the garment industry boomed in LA during the 1920s, partially because

manufacturers developed businesses in the Sunbelt City to avoid union organizing in New York City (Fernández-Kelly and García, 1990, 137). Nevertheless, labor unions have existed in California also since the early twentieth century, but in the early years they had little interest or desire in organizing Mexican and Chicana/o workers.⁷

Feminist scholars argue that to understand the reasons why Latinas are not often involved in labor organizing we must first understand the historically patriarchal and racist organization of labor unions. Prior to the 1920s, the LA garment industry also employed immigrants from Europe in large numbers. In 1907, these European laborers organized the first labor union in the city. Again, race, citizenship, and gender play important roles in understanding Latinas' configuration in the LA economy. For instance, Rebecca Morales' research has shown that employers in the city divide laborers into different groups based on citizenship status and race, paying non-white laborers and laborers without citizenship a lower wage (1983-1984, 576). Such hierarchies have also been duplicated within labor unions where, particularly within the male leadership, many European Americans assumed that Mexicans and Chicanas/os were not familiar with labor unions. María Angelina Soldatenko has since proven that this was not the case. Soldatenko writes that Latinas have long been aware of a complex web of unions and pro-labor organizations, both in their home countries and in the United States, and that they are also informed regarding U.S. labor laws (1991, 83). In other words, simplistic portrayals of Latinas who did not want to organize due to their ignorance of labor unions or U.S. practices sought to perpetuate the pre-existing racism and sexism that permeated the era's labor unions (73). In her discussion of Latinas in the garment industry, Patricia Zavella reflects that "We need to research women's and men's lives in ways that identify the sources of diversity without resorting to the mechanistic conclusion that class, race, or gender alone gives rise to difference" (1991, 313). Indeed, Soldatenko responds to this call when she argues that Latinas have resisted unionization in the LA garment industry partially because they occupy unstable positions within shops, perform homework, work in private homes, are involved in the informal economy, are undocumented, and encounter issues with child care (1991, 84-88).

This is not to say that Latinas have never successfully organized in LA. Under the leadership of Russian-Jewish anarchist Rose Pesotta, the International Ladies Garment Workers Union (ILGWU) sought to organize Latinas.

With a growing Mexican and Chicana/o membership, the ILGWU successfully launched a dressmaker's strike in the spring of 1933 against workplace violence and abuses, at a time when 75% of union members were women or girls of Mexican descent (Durón, 1984, 149). Like their economic stratification, workplace abuses also affected workers differently depending on their gender, race, citizenship status, ethnicity, and/or social class. Labor violations included employers who expected "kickbacks" from workers' salaries, and employees who were forced to "speed up" or increase the quantity of work produced in a given period of time. Many employees were also expected to work a double-day and take work home (149-150).

During the 1933 dressmakers strike in LA, dressmakers protested because they were paid at a piece rate scale for the time they spent working on a garment, not for total time spent in the factory. For example, one Mexican dressmaker involved in the 1933 strike, María Flores, explained: "I come in the morning, punch my card, work for an hour, punch the card again. I wait for two hours, get another bundle, punch card, finish bundle, punch card again. Then I wait some more—the whole day that way" (Durón, 1984, 149). For Flores, being paid by the piece led to cyclical highs and lows in production that rendered her labor both monotonous and stressful, as her job security and daily pay rate varied. Significantly, such a system could also make workplace organizing difficult because workers might be forced to compete against one another to receive subsequent bundles.

Despite considerable technological advances over the past century, the nature of garment work has not significantly changed. Similar to the lack of significant change in the gendered division of labor in the garment industry, industry executives have also remained hostile to labor organizing for over a century. The LA garment industry did, however, become more anti-union when unions lost strength after the auto industry succumbed to the recession of the late 1970s and 80s (Morales, 1983-1984, 574; Zentgraf, 2002, 52-53). During the same time period that the auto industry vanished in LA, the garment industry was able to maintain a place and profit in the city in part due to a large pool of undocumented workers (Fernández-Kelly and García, 1989, 259-260), many of whom were new immigrants from Central America (Hamilton and Stoltz, 2001, 70).⁸ These garment workers often labored for below minimum wage at home, in sweatshops, or cottage industry settings (López-Garza, 2002, 145).

LATINAS AND AMERICAN APPAREL

According to *No Sweat*, American Apparel pays its garment workers for the amount of products that they help to assemble and compensates them in modules, or small groups of workers, who are managed by a supervisor or captain that constantly forces laborers to "speed up" their efforts. Christina Vásquez, a spokeswoman for the Union of Needletrades, Industrial, and Textile Employees (UNITE!) in LA (a union that has failed to unionize American Apparel workers), reflects that at American Apparel, "The number one issue for the workers was the pressure [...] so this is a piece rate world. They are producing the work of two or three people" (*No Sweat*). Cynthia Guillén, a former American Apparel employee, explained the pressure of working in modules: "Everyday they [workers at American Apparel] worked so hard. I remember that they encouraged people to drink energy drinks like Red Bull and different things like that [...]. They have captains on each floor and they were almost formed into like small little gangs" (*No Sweat*).⁹ *No Sweat* director Amie Williams conducts only one interview with an anonymous Spanish-speaking current employee in her documentary.¹⁰ This employee contends that at first s/he thought American Apparel offered a unique business model, but soon discovered many abuses at the company:

Perhaps the owner is really cool, but the supervisors humiliate the workers. And that's the pressure that exists in the modules. People can't even go to the bathroom because the work accumulates. There are a lot of workers that have gotten sick. People have had nervous breakdowns and headaches. If you don't do enough work, you run the risk of another worker producing more and you could get shoved aside. Always day-to-day I have that in my head. That one-day there's work and another day, who knows? (*No Sweat*)¹¹

The interviewee ends by telling Williams that American Apparel's human resource department ignores worker complaints. Given the gendered nature of the garment industry, this laborer, whose gender has been omitted by Williams, is nevertheless feminized due to the type of work s/he does: sewing and garment assembly. In this

vein, Clementina Durón writes that within the garment industry “women’s alleged docility and immunity to the tedium of routine household tasks were characteristics seen as vital to the performance of monotonous tasks of the unskilled industrial sector” (1984, 148). Similarly, Anne Phillips and Barbara Taylor note that throughout the history of the garment industry, work done by men has been classified as “skilled” while work done by women has been classified as “unskilled” (1980, 85). These designations are largely arbitrary and result from resistance to the idea of women as breadwinners, a desire to maintain patriarchal control, and stereotypes about the gendered nature of labor (84).

The feminized American Apparel workforce maintains their silence because of a fear of their own disposability and a desire not to add work or stress to their co-workers. Melissa Wright documents what she terms the “myth of the disposable Third World woman” that is particularly applicable in understanding the experiences of Latinas at American Apparel. The myth references a key paradox of global capitalism in which a feminized laborer’s dexterous work creates wealth for multinational companies at the expense of the laborer’s health. Once the repetitive work renders the laborer no longer effective, she loses her job and as a result faces a more compounded physical, psychological, and economic exploitation (Wright, 2006, 2). In the mind of the anonymous American Apparel worker, the myth of Latina disposability is alive and well, and constitutes a daily threat that affects the physical, economic, and mental well-being of herself and her co-workers.¹² The work of Alejandra Marchevsky and Jeanne Theoharis underscores the harsh reality that low-wage jobs like those typical in the LA garment district simply do not provide women with enough money to support their families. Rather, Marchevsky and Theoharis obliterate the stereotype of Latinas as “welfare queens” by nuancing our understanding of Latina economic experiences as a dynamic of “interdependency between welfare and work,” even for women who have child care and other networks of support (2006, 8).

American Apparel employees’ realities of economic need in the onslaught of this supposed disposability are further supported by corporate policies. The company’s current practice of paying workers according to the amount of garments produced by modules was developed in 2003 to help streamline production.

Katherine Macklem of *Maclean’s Magazine* observes about American Apparel’s manufacturing:

Instead of rows of workers on an assembly line, sewing machine operators now complete garments in teams. One will attach a sleeve, another the neckline binding. Their machines are placed almost in a circle so the item is passed—flung really—from one to the next. When the change was first made, workers staged a mini factory-floor revolt, stopping production for a couple of hours. But after the system was better explained—including how they could make up to US\$20 an hour—workers returned to their machines. Now, because operations are paid in volume, needles fly at top speed. (Macklem, 2003)

One could interpret being “paid in volume” as being paid a piece rate wage. American Apparel employs the allure of more money and capitalist values of worker competition to entice its workers to become more “productive.” This new production model, along with a \$15 million upgrade in machinery, resulted in the lay-offs of hundreds of employees in December 2008, a time period when the corporation was very profitable. In response, American Apparel spokesman Elliot Sloan explained to the *Los Angeles Times* that: “As a result [of changes in manufacturing], employee productivity is up, the need for the same numbers of employees decreases” (Chang, 2008). Sloan’s statement ultimately contradicts American Apparel’s claim in 2009 on its website that “most importantly, we guarantee job security and full-time employment; this is an anomaly in the garment industry” (www.americanapparel.net).

Rebecca Morales and Paul M. Ong argue that the LA economy was built on a surplus labor market that works to depreciate wages. Furthermore, the economic status of Latinas/os in the city is due to a combined legacy of racial prejudice, lack of education, gender bias, citizenship discrimination, and social class (1993, 57). This legacy is no doubt still at play in American Apparel’s factory. Take for example American Apparel’s stance on

progressive immigration issues that has been challenged on the national stage. On September 29, 2009, *The New York Times* reported that American Apparel headquarters was “firing about 1,800 immigrant employees in the coming days—more than a quarter of its work force—after a federal investigation turned up irregularities in the identity documents the workers presented when they were hired” (Preston, 2009). In an email correspondence with the newspaper, Charney openly questioned the reasons as to why Immigration Customs and Enforcement (ICE) targeted American Apparel as one corporation, among the 654 other companies that were investigated, for employing undocumented workers. It can be assumed that Charney was alluding that the immigration investigation might have been triggered by his liberal immigration politics and the Legalize LA brand. Charney argued that the firings at his company “will not help the economy, will not make us safer.” Charney continued to write that “no matter how we choose to define or label them, they [undocumented workers] are hard-working, taxpaying workers” (Preston, 2009). It is a matter of public record that American Apparel hired undocumented workers in their factory, but the corporation is not unionized, and the exact details behind these laborers’ payment and treatment remains unclear.

American Apparel has not unionized because, like most LA factories over the past century, the corporation is staunchly anti-union. In an interview in *No Sweat*, CEO Charney contends that capitalism is based on the idea that “no one wants to be associated with a loser” and that he wants his company to “maintain a high level of independence,” an independence that he maintains would be eliminated by a union. This desire for “independence” is likened to a version of individual success that erases the role that labor plays in corporate profit. In the documentary, Charney states that his business acumen led to American Apparels success: “I’m the corporation expert. That’s why the union couldn’t penetrate my company ... I’m an expert entrepreneur. I am, you know what? I am one of the best hustlers of my generation, man!” (*No Sweat*). The CEO’s individualized notion of success works to obscure the vital role that a cheap and renewable labor force has played in his ability to become a corporate entrepreneur, a gesture that “hustles” both money from consumers and justifies paying his easily replaceable workers a fluctuating piece-rate wage.

ETHICAL CONSUMPTION

American Apparel’s ethical advertising “hustle” is not a new corporate advertising technique. While American Apparel markets itself as socially aware, the corporation is actually recycling longstanding discourses of consumer responsibility with origins in the United Kingdom during the 1800s (Nicholls and Opal, 2005, 181). Ethically-minded consumption possesses multiple dimensions. For example, when discussing the citizen-consumer hybrid in the case of Whole Foods Market, Johnson asserts that contemporary ethical consumption has its origins in the 1970s when the environmental movement hastened people into the belief that their current consumption patterns were not sustainable (2008, 238). Similarly, American Apparel’s “Sustainable Edition” organic cotton line should be understood as fitting into a second commercial and corporate wave of eco-fashion that appeared in the 1990s and followed the leftist revolutions of the mid-1970s (Black, 2008, 19). Not coincidentally, the 1970s is the same time frame that scholars, such as David Harvey, indicate as key to the development of contemporary neoliberal thought.¹³

American Apparel’s garments and accessories also fit into an ethical consumption model founded on a “buy American” ethos. Since 9/11, the United States has experienced a resurgence of patriotism that often seeks out immigrants as scapegoats for U.S. social, economic, and political problems (Chávez, 2008). This nationalism has in turn fueled a “Buy American” movement that is both xenophobic and global in scope. Some of the progressive motivations behind this post-9/11 “Buy American” movement are tied to green solutions: buying goods locally made reduces carbon emissions during transport, “American-made” goods give the consumer the peace of mind that they are not buying toxic or contaminated goods from “Third World” countries, and it addresses a concern that inexpensive imported goods will hurt the U.S. economy by putting national corporations out of business (Williams, 2007).

Ethical consumption, like that embodied by the American Apparel brand, tends to operate as a neoliberal construction that perpetuates the logic that “morally minded” corporations have the propensity both to steward individual consumption patterns as well as their consumer’s politics. From a corporate marketing perspective, this is the idea that a corporation’s purported politics in turn sells not only a product, but also an ideology and

lifestyle. Linked to that ideology, as Naomi Klein argues, corporations like American Apparel endeavor to market a brand of corporate social responsibility through ethically minded marketing campaigns, if not directly through their services (1999). This new image of corporate social responsibility is no longer achieved directly through corporate philanthropy, but is deregulated and realized through individual consumer's spending patterns. These spending patterns in turn mark the corporate brand as "ethical."

As Clive Barnett, et al., assert, "Ethical consumption works through a set of subtle interpellations that turn upon ambivalent forms of inducement as well as the provision of practical devices that enable action" (2005, 15). These "subtle interpellations" are what Sarah Barnett-Weiser and Roopali Makherjee define as "neoliberal ideas about self-reliance, entrepreneurial individualism, and economic responsibility" (2012, 2). Ultimately, this dynamic could be understood as a nuanced rendering of the notion of "personal responsibility," or a variation of the ideal that deregulated economic and political conditions better allow an individual to actualize their own versions of the "American Dream."

Ethical consumption occurs in both local establishments and larger chain corporate stores. Furthermore, ethical consumption manifests differently depending on an individual's social class (Johnson, 2008, 256), racial or ethnic identity (Johnson, Szabo, and Rodney, 2011, 311), and gendered identity (Cairns, Johnson, and MacKendrick, 2013, 100). In their study of the LA economy, Morales and Ong find that "Wage discrimination and such institutional impediments as unequal access to education and a history of disrupted community formation have combined with structural factors to severely disadvantage this segment [LA Latina/o garment workers] of society" (1993, 57). In other words, structural impediments and discrimination in the labor force, which in part result in large numbers of Latinas/os employed in low wage jobs, render ethically branded consumption choices impractical or even impossible for the individuals that manufacture those very products. The inability to consume ethically branded goods does not mean that low income and minority populations are not moral. Although low income and racialized groups are less likely to engage in the dominant repertoire of ethical eating, for example, they are knowledgeable and care about moral eating choices (Guthman, 2003, 2008; Johnson, et al., 2011, 313).

In their analysis of Neo-Fordism, *Fourth Worlds*,¹⁴ and *American Apparel*, Liz Moor and Jo Littler contend that American Apparel's overtures to ethical consumerism are tempered by its staunchly anti-union politics. They explain the contradictions of American Apparel's purported politics and corporate actions:

American Apparel contributes at a usefully high-profile level to the discourse against sweatshops/unfair labour conditions, and demonstrates manufacturer responsibility towards paying the minimum wage [...]. Yet, as its anti-union stance demonstrates, it clearly also trades on anti-exploitation policies not being enforced throughout the industry, and in doing so mitigates against the international policies which have been increasingly pursued by clothing trade union the International Ladies' Garment Workers' Union (ILGWU) since the 1990s. (Moor and Littler, 2008, 719)

Moor and Littler astutely recognize that ethical consumption works within the American Apparel brand as a type of smoke screen of "caring capitalism." However, their essay posits that this is a problem, and does not seek to offer suggestions as to how to undo these processes, or present a history from a laborer's point of view. In this analysis, laborers are seen as pawns of neoliberal capitalism, forever stuck in "zones of exclusion." Such a simplistic representation posits people within systems of exploitation as complacent with their own subjugation. In reality, within American Apparel, factory workers were active in immigrant rights movements prior to Charney's *Legalize LA* campaign; for example, workers were already organized against the Sensenbrenner Bill¹⁵ prior to the *Legalize LA* campaign. Moreover, it does not provide a close reading of American Apparel's exploitation of discourses of immigration through their *Legalize LA* brand. The proceeding paragraphs perform a critical discourse analysis of American Apparel's advertisements and images on its corporate website to shine light on the underbelly of so-called "caring capitalism."

AMERICAN APPAREL'S ADVERTISEMENTS


In American Apparel's advertisements, white public space is often clearly delineated from Latina/o public space. Take for instance the images of Latina factory laborers who function as a backdrop behind the focal point of a slender white woman in the ad entitled "Vertical Integration" (Figure 1). This ad elucidates the ethno-racial and classed divisions of labor between the predominantly slender white female models, and the extensive Latina female labor force. The Latina laborers might be constructing an American Apparel dress for around \$12/hour, an inconsistent pay-rate that is above the minimum wage, but that is also within pennies of the national average for a garment worker's hourly wage. Such seamstresses would not likely purchase that same dress that she helped to make in a matter of seconds at a cost of around fifty dollars. Furthermore, these Latina seamstresses hardly fit the "ideal" body type, race, or class embodied by the inordinately slender model featured in the advertisement. The economic value of the model to the corporation is greater in that, according to its 2008 website, she earns more than four times the hourly salary of the seamstress, or about fifty dollars per hour.

"Vertical Integration" depicts a white model in three distinct rectangular snapshots stacked on top of one another: she is alone and shopping at American Apparel at the bottom, walking the shop floor in the middle frame, with Latinas working behind her, and again alone and wearing an executive-type outfit at the top. The American Apparel model thus embodies the persona of the ideal clothing consumer: young, well-to-do, slender, white, and female. Additionally, this ad attempts to place the viewer/consumer in the position of the model; you too could work at, model for, and buy American Apparel clothes! It also represents American Apparel consumer and executive roles as individualized white public spaces. These representations work together to further a notion that through personal responsibility and hard work, anyone can equally consume and become a corporate CEO—very much an incarnation of the American Dream. Such a construction of an executive's accomplishments as an individualized achievement mirrors Charney's own view of himself as a "hustler" who alone is responsible for American Apparel's economic success. In her work on colorblindness in California's alternative food industries, Julie Guthman reflects that farmers' markets and community-supported agriculture are historically white marked spaces that people of color are not likely to frequent, where "whites continue to define the rhetoric, spaces, and broader projects of agro-food transformation" (2008, 395). In a similar colorblind dynamic, the cumulative impact of the majority of American Apparel's advertisements containing predominantly white women marks the consumption of the American Apparel brand as a white public space whose marketing agenda is overseen by white executives. In practice, economic success, particularly in the LA garment industry, is dependent on the hard work of women of color and not solely a strong consumer market.

Consumers choose to buy clothing based on a code of ethics because they are concerned with the quality and production of the garment as well as the social recognition that they receive from wearing it. Specifically, ethical consumers list the following values when they rationalize their consumption choices: the purchase furthers their personal and emotional well-being, and the purchaser believes all people deserve equal treatment and opportunity, to care for the weak and share wealth more equitably, to promote conservation of resources and to help end pollution, to provide for future generations, to feel self-confident, to



Fig. 1. American Apparel, Inc. *Vertical Integration*. 2009, <<http://americanapparel.net/advertising>>.



**AMERICAN APPAREL
ON IMMIGRATION**

"America's immigration system is outdated, unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers, and invite chaos at our border." – President George Bush, State of the Union Address, February 5, 2005

At American Apparel, we agreed with the President's call for immigration reform, so why has nothing been done for the last three years?

It's time to give a voice to the voiceless. Businesses are afraid to speak to the media about immigration, frightened of reprisals by government agencies. But we cannot just sit in the shadows and watch the government and politicians exploit and misrepresent this matter to advance their own careers.

Over 12 million human beings have become integral to our society, economy and culture here in the USA, yet they do so in legal purgatory. While no serious political voice calls to send them back to their previous home countries, very few have the courage to admit that the only realistic option is some form of legal integration, coupled with a legitimate, forward-thinking immigration policy.

Migration and economic experts generally agree that the productivity and hard work of immigrants improves the economy, makes goods more affordable and available to US citizens, and creates more jobs for US workers. Immigrants not only increase the wealth of the nation, they have contributed significantly to major scientific, medical and industrial advancements, as well as to the arts. Many of them have become great entrepreneurs too.

At what point are we going to recognize that the status quo amounts to an apartheid system? At what point will America stop living in a state of denial?

At American Apparel we support our workers. We support our community. We support Los Angeles. We support the pride of America and the American Dream.

Enough is enough.

It's time to Legalize LA, and Legalize the USA.

Fig. 2. American Apparel, Inc. *American Apparel on Immigration*. 2009. <<http://americanapparel.net/advertising>>.

receive social recognition from others, to ensure the safety of the products they consume, to have an immediate influence on the environment, to help local interests, to help them live a healthy life, to feel unique, and because they want to live in harmony with nature (Jägel, et al., 2012, 384). American Apparel appeals to a multitude of these values through its American-made products that also purport overt political messages on liberal causes such as immigration.

American Apparel's Legalize LA campaign published advertisements on billboards in downtown LA and in full-page *Los Angeles Times*' and *The New York Times*'

ads in January 2008 (Figure 2), claiming "It's time to give a voice to the voiceless." The text at the base of the newspaper advertisement explains:

Migration and economic experts generally agree that the productivity and hard work of immigrants improves the economy [...] Immigrants not only increase the wealth of the nation, they have contributed significantly to major scientific, medical and industrial advancements, as well as the arts. Many of them have become great entrepreneurs too.

Contemporary scholarship contends that consumption is not a binary "ethical" versus "unethical" practice, but instead a dynamic choice mediated by a variety of social, political, cultural, and ethical factors (Johnson, 2008, 223). Likewise, an individual's views on comprehensive immigration reform cannot be completely articulated through wearing a "Legalize LA" T-shirt. Mediating factors, such as socioeconomic status, fashion style, or a reluctance to engage with a corporation with anti-union politics may all impact an individual's fashion choice.

Recycling neoliberal rhetoric of individual success and personal responsibility, some advertisements for this campaign elaborate on immigrants that "become great entrepreneurs, too" and contain an image of American Apparel's former CEO's resident alien card on a white background (Figure 3). Ironically, this second ad series, promoting the May 1, 2006 March for Immigration Reform against the Sensenbrenner Bill, was meant to equate the CEO with undocumented workers, but in reality accomplished the inverse. Through the reproduction of proper legal documents, the ad validates the former CEO's privileged legal immigration status as a white, male, Canadian resident alien, as well as his wealth and entrepreneurial skills. Many state-level immigration policies, such as Arizona's S.B. 1070, contain provisions mandating that individuals suspected of being undocumented must "show me your [law enforcement] papers." A historically grounded fear of people of Latina/o descent being forced to produce documents on command, regardless of legal status, to prove that they are citizens, dates back to the massive repatriation campaigns of the 1930s (Balderrama and Rodríguez, 2006, 312). Whereas the immigration

status of Charney's workers was left suspect in the aforementioned newspaper ads, Charney literally showed everyone his papers. Despite his rhetoric to the contrary, this advertisement is an example of how profoundly entrenched in late capitalism American Apparel is: the focus remains on a CEO who demands "independence" from, yet is dependent upon, Latina/o workers.

The Legalize LA ads in the *Los Angeles Times* and *The New York Times* contain Latina/o workers from American Apparel's factory. Foreshadowing his company's ICE investigation, these ominous black and white advertisements suggest that the corporation hired undocumented workers, all of whom are of Latin-American origin. It is significant that American Apparel hired undocumented workers because it provides reasons behind why the corporation may support immigration reform. Hiring undocumented workers in the U.S. is against the law, and the Immigration Reform and Control Act (IRCA) of 1986 established sanctions to punish employers who hire, and often exploit, undocumented workers. The law itself cannot be "ethical;" however, committing an act that is

illegal challenges any simplistic renderings of American Apparel as a "moral" brand.

By claiming to "speak for the voiceless" in its advertisements, American Apparel paradoxically is taking the voice away from its documented and undocumented workers by speaking for them—a voice that had been previously clearly articulated during the May 1, 2006 immigration protests in LA. If all undocumented people were granted U.S. citizenship, like "Legalize LA" promotes, American Apparel would not have had to fire around 1,800 undocumented workers in 2009. The company might have also had to pay workers a higher wage, which would depreciate profit margins. American Apparel has long offered immigration assistance to its employees, yet at the same time asserted that all its workers have proper documentation, a claim proven false. In a *New York Times* article about Legalize LA, Charney said:

These people [undocumented residents] don't have freedom of mobility, they're living in the shadows [...] this is at the core of my company, at the core of my soul. Let me be clear who makes our clothes. It's a collaboration between American-born people and non-American-born people [...] I don't think supporting immigration reflects negatively on the brand, and in fact, it makes it look like we're a responsible business. I think my Latino workers are American workers [...] they're from the Americas. We're all here together. (Storey, 2008)

Charney believes in a hemispheric definition of America; that is why he named his company "American Apparel" and not "United States Apparel." When Charney attests that "Latino workers are American workers, they're from the Americas," he may be calling for a more expansive definition of "America," but at the same time he paternalistically marks "these people" as potentially undocumented.

The placement of American Apparel ads in major newspapers, on billboards, and the CEO's own use of provocative language in interviews constitute deliberate attempts to create a brand based in ethical capitalism and garner media attention. Although the ads do critique failed U.S. immigration policies, they do not offer any



Fig. 3. American Apparel, Inc. *Legalize LA*. 2009, <<http://americanapparel.net/advertising>>.

real suggestions for changing the current system other than a nebulous call for “waking up” (Figure 3). American Apparel began its Legalize LA campaign in support of its workers, some of whom were politically active around issues of immigration reform. In this way, it can be argued that the Legalize LA ads to some extent took some public focus *away* from the acts of organized protest by American Apparel workers and instead focused attention on the corporation and its celebrity CEO.

It is important to recognize that the representations of Latina/o workers on the American Apparel website featured subjects who appeared to enjoy their work; the company is no doubt more humane than other manufacturers globally and in LA. For example, the company website lists that it offers employees “parking, subsidized public transport, subsidized lunches, free onsite massages, a bike lending program, a program of paid days off, ESL classes and much more” (<http://www.americanapparel.net/aboutus/verticalint/workers/>).

The New York Times journalist, Julia Preston, reports that many of the employees fired after the ICE investigation had become a close community while employed at American Apparel. Interestingly, Preston does not interview Latina seamstresses, only their relatively higher-paid male supervisors. She cites the case of “Jesús, 30, originally from Puebla, Mexico, [who] said he was hired 10 years ago as a sewing machine operator, then worked and studied his way up to an office job as coordinating manager [...] who would not reveal his last name because of his illegal status” (Preston, 2009). Jesús tells the journalist that prior to the raid, he had health and life insurance, and made around \$900 pre-tax dollars per week.

The Legalize LA blog contains a page of a longer letter purportedly given to Charney by a former employee during an immigration rights march (Figure 4). The touching letter reveals that its writer was notified by ICE to leave her/his job, and concludes with: “Thank you American Apparel for giving us hope, and thank you to all the people who understand us.” However, upon contextualizing American

Apparel’s support of immigration reform as a process of its “ethical, socially responsible” self-branding efforts, a political statement actualized through consumption constitutes a self-gratifying and individualizing gesture. When focused on goods or services, a trusting ethical consumer may not question the reasons and methods a company utilizes in constructing its corporate image of social or moral responsibility. For instance, ethical consumption does not guarantee that the

their lives and helped American Apparel grow. For most of us is really hard to leave a company that has giving us so much.

ICE has send us these letters with them our goals, and dreams are gone. They don't understand that we are human. That we are fathers, mothers, brothers, sisters, sons, or daughters of American Citizens and that they depend on us. Our only crime is not having a document. All we want is to work and be treated as human beans. But what do we do when all the doors are closed? Or what do we tell our sons, and daught when we don't have enough money and time because we have to work 12 hours a day to earn less than the minimum wage ICE we are good and hard working people. People in search of the American Dream. We will not go back. We will fight. We all pray that one day immigration laws will change. And that we all be treated equally.

Thank you American Apparel for giving us hope, and thank you to all the people who understand us. People like Dov Charney and Marty Beilly. Our hopes and goals are gone but our faith is still very strong.

Fig. 4. Letter from Blog, 2010. <<https://www.americanapparel.net/aboutus/political/legalizela/>>.

individual who made the “Legalize LA” T-shirt does not face exploitation in the workplace.

CONCLUSIONS

American Apparel’s corporate conduct and business practices do not deviate dramatically from the national norm. The corporation long acted as a manifestation of Dov Charney’s cult of personality by reifying his entrepreneurial skill as the reason behind corporate revenue. The individualized construction of the U.S. American Immigrant Dream narrative embodied in Charney, however, is deceptively complex. His resident alien card does not liken him to his immigrant workers, many of which have been or currently are undocumented. It further highlights his privileged status as a white, North American, heterosexual man from a relatively

affluent Canadian family. American Apparel's use of mostly Guatemalan laborers in its ads in *The New York Times* and *The Washington Post* promoting pro-immigrant activism in 2006 did not "give a voice to the voiceless." In fact, these paternalistic ads ignore the now more than a century history of Latina labor organizing in Los Angeles, as well as the CEO's successful attempts at silencing labor organizing at American Apparel.

According to testimonies in the documentary *No Sweat*, Latina seamstresses at American Apparel are in effect paid a piece rate wage. These workers labor for an anti-union corporation in modules where they are constantly coerced by male supervisors to drink energy drinks in order to "speed up" their labor. As a result, these workers sometimes forgo bathroom breaks, and undergo constant mental and physical stresses. Although laborers may be offered a 20-minute massage by a masseuse (Preston 2009), the aforesaid shop floor dynamics and gendered divisions of labor are conditions witnessed in LA sweatshops for well over a century.

The case study of American Apparel provides us with multiple representations of the core neoliberal tenet of personal responsibility. The celebrity CEO sees himself as responsible for his own and his company's successes. The marketing strategy of ethical consumption speaks to affluent consumers whose individualized acts of consumption purportedly display liberal politics. What these two representations have in common, however, is a latent narcissism that applauds the individual for his or her selflessness and heightened social consciousness. These two representations do not seek to deconstruct or de-center traditional power dynamics that have long existed in the LA garment industry, or the position women of color continue to hold as the lowest and most exploited workforce. This study reoriented the main subject of analysis in current scholarship on the corporation away from articulate and smart analyses of individualistic modes of capital and ego accumulation, and instead asserts the importance of the collective labor pool through making these workers' history, voices, and representations (or lack thereof) the primary subject of analysis.

I argued that the case study of representations of American Apparel's websites and advertisements embody a U.S.-based form of neoliberal social regulation, enacted through ethical and often colorblind representations, that unproblematically champion notions of individual success, the private regulation of corporations, anti-union

politics, and consumer choice, while marking ethically-based consumption as a white public space. The corporation's progressive immigrant rights marketing campaign, "Legalize LA," uses images of these workers to promote a brand agenda. Sociologists who study the motivational values behind the consumer choice to buy ethical clothing recognize that the multiple supply chains needed in manufacturing clothing and accessories make ethical consumers particularly weary and uncertain about their clothing consumption choices (Jäger, et al., 2012). Such feelings of hesitation and doubt are well founded under dynamics of ethical capitalism that perhaps unwittingly deploy a covert form of colorblindness that inferentially marks consumers as young, white, middle-class hipsters, and laborers as likely undocumented Latinas/os.

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ENDNOTES

- 1 American Apparel's media attention is also attributable to Charney's history of alleged sexual harassment of employees (*No Sweat*).
- 2 Political consumption mandates that an overt political meaning or message is asserted through a consumption choice, whereas consumer citizenship emphasizes a relationship between civic participation and consumption patterns (Cole, 2014, 320).
- 3 Neo-Fordism describes U.S. manufacturing that relies on the exploitation of a workforce of disenfranchised people of color, similar in ethnical/racial composition to those present in the "Third World."
- 4 The 1965 Immigration and Nationality Act ended the quota system established in 1924, and gave preferential immigration treatment based on family reunification and skills.
- 5 Often actions of consumption are gendered as feminine, and the processes of production are gendered as masculine (Cairns, et al., 2013).
- 6 Homework is the practice where employers give their workers material to take home to finish sewing and assembling for additional pay.
- 7 In the 1920s, LA labor leaders tried to unsuccessfully organize Mexican-American women (Laslet and Tyler, 1989, 20).

- 8 In the 1980s, people from Central America, principally Salvadorians and Guatemalans, migrated to Los Angeles in order to escape violence in their home countries and often sought employment in the LA garment industry.
- 9 Between 2004 and 2006, Amie Williams compiled the footage for and released a documentary film entitled *No Sweat* that compared Ben Cohen's failed sweatshop-free labor cooperative "Sweat X" with American Apparel.
- 10 Throughout the documentary, Williams interviewed many employees of the now defunct "Sweat X," but American Apparel employees were reluctant to talk with her.
- 11 This interview occurs in the second half of the documentary. When the interviewee speaks, the image is just of his/her hands on a table, a directorial decision that leaves the location of the interview and the interviewee's gender suspect.
- 12 Although the pronoun of choice of the interviewee is not known, I am using female pronouns to highlight his/her feminization.
- 13 The origins of neoliberalism are often indexed as beginning at the end of WWII and the beginnings of the Cold War.
- 14 Moor and Littler use the term "Fourth World" to refer to "zones of exclusion" present in every nation, regardless of "First World" or "Third World" ranking.
- 15 The Sensenbrenner Bill failed to pass in the Senate in 2006. It sought to greatly increase the militarization of the border, made being undocumented a felony, and criminalized contact with undocumented people.
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