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* J.D. Candidate, Northern Illinois University, Class of 2012; B.A. University of Michigan, 2009. Many thanks to Professor Elvia R. Arriola for teaching the wonderful and stimulating course that led to this article - Gender, Law, and the Global Economy, as well for her unending guidance and brilliant insights into the topic. I would like to thank Professor Christopher T. Hines for his continually invaluable mentorship and for allowing me to participate in his scholarship. Many thanks to Professor Theresa A. Clark-Arado for her support in learning how to research this topic. I would also like to thank my parents, Dr. Sajjan and Manisha Nemani, and to my siblings for their valuable perspectives on the Indian economy and for their love and wisdom. I am also unspeakably grateful to Gerald Francis Connor for continually providing me with the love, support, and feedback needed to complete this paper.
INTRODUCTION

Barbie was born in Germany in the 1950s as an adult collector's item. Over the years, Mattel transformed her from a doll that resembled a "German street walker," as she originally appeared, into a glamorous, long-legged blonde. Barbie has been labeled both the ideal American woman and a bimbo. She has survived attacks both psychic (from feminists critical of her fictitious figure) and physical (more than 500 professional makeovers). She remains a symbol of American girlhood, a public figure who graces the aisles of toy stores throughout the country and beyond. With Barbie, Mattel created not just a toy but a cultural icon.1

In his often cited opinion on trademark law, Judge Kozinski of the Ninth Circuit Court of Appeals succinctly identified both the significance and the tension embodied in the Barbie doll figure.2 Barbie leads in the world of young females, with her vast wardrobe, her extensive life experiences, and her many diverse friends. In a drive to capitalize on the growing phenomenon of globalization, Mattel repackages Barbie in a variety of ethnicities. Making superficial ethnic and racial modifications to the doll, such as adorning her unrealistic, sexualized physique in cultural fashions, has been a largely successful marketing strategy for Mattel in many international markets, winning the allegiances of little girls throughout the world. The same strategy, however, utterly failed to capture the hearts, and the brand loyalty, of young female consumers in India.

Mattel no longer aggressively promotes the Barbie doll in India; rather, the global company now mainly markets gender-neutral products, like board games, to the Indian market.3 Mattel’s attempt to disguise Barbie’s identity as a “symbol of American girlhood” by shrouding her in localized fashions was a marketing technique that did not succeed in India, despite having worked in several other countries.4 Why? What part of Mattel’s global marketing scheme failed to win over the hearts of little girls?

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1 Mattel, Inc. v. MCA Records, Inc., 296 F.3d 894, 898 (9th Cir. 2002).
2 Id.
4 Id.
Indian girls? Why did the Indian family reject Barbie as the appropriate toy for their daughters?

To put it simply, the Barbie doll did not succeed in India because the toy failed to encapsulate Indian normative policy. The economic liberalization of Indian foreign trade policy in 1991 gave Mattel the power to build a retail empire in India; yet, the mere presence of pro-business trade laws does not guarantee business success overseas. The multinational corporation entering a foreign market must also adhere to local normative policy. Barbie—even when dressed in Indian clothing and accessories—did not achieve her usual levels of mass popularity in India due to the doll’s inability to overcome Indian norms that repudiate hypersexualized and ethnocentric Western depictions of the female form. Although India’s new trade reforms favored Barbie’s presence in India, cultural norms embodied in both written legislation and in the “unwritten laws” of the Indian public precluded Mattel from successfully selling Barbie’s gendered and ethnocentric values to Indian female children. Barbie’s failure to secure popularity in India illustrates an important lesson about the consequences that may arise when a multinational corporation fails to preserve cultural ideology in an attempt to market an originally American brand in international venues.

This case study investigates why Mattel—a multinational corporate giant in the toy industry—did not make prolific profits from sales of the Barbie doll in India, despite enjoying success in several other international locales. In order for a global corporation to succeed overseas, it must adhere to the written and the unwritten laws of a foreign people. Part I of this paper discusses the era of globalization and its profitable impact on multinationals corporations, like Mattel. This section provides an overview of Mattel’s Barbie brand and its corporate philosophy behind marketing the doll to young girls around the world. Part II examines Mattel’s business practices in the Indian market both before and after India’s economic liberalization in 1991 and discusses the way in which trade policy reforms impacted Mattel. Part III argues that

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Barbie’s failure in India resulted from the doll’s sexualized body and her inauthentic depiction of Indian culture. This section discusses the way in which Barbie’s hyper-sexualized physique directly defied Indian cultural norms regarding sexuality and gender, ultimately leading to Mattel removing the Barbie doll from the Indian mass market. The article concludes with a reflection on the importance of responsible corporate marketing and the way in which willful ignorance of local normative policy creates a strong risk of international failure.

I. GLOBALIZATION AND THE MULTINATIONAL

A. Globalization Defined

For a multinational corporation like Mattel, globalization means an unlimited consumer base without geographical limitations. No longer is it impossible to market American products in China or Chinese products in America. Globalization, is not, however, merely a reference to the increase in global connectivity or to the success of the multinational corporation. Globalization is when Richard, a British father, calls Arvind at the Hewlett Packard Call Center in India, for help with a laptop that he purchased from an American retailer online that sells laptops manufactured in China. In sum, globalization is the ever present reminder that very little of what we consume is from just one place or from one person. It breaks down the borders between global territories to make competition and collaboration universal and profitable; and, it is that very profitable aspect of globalization that entices numerous corporate entities to act as key players.7

Globalization does not merely signify the liberalization of the global marketplace or the worldwide expansion of once domestic brands. Nor is globalization simply a result of corporate expansion. Globalization erases boundaries between countries and corporations, aligning corporate interests with state enacted foreign policy. It is the relationship between corporations and countries that enables globalization to blanket the many economies of the world. Without appropriate trade laws, corporations could not gain access to countries, and countries could not trade without the interest of corporations. Ultimately, the name of the game is capitalism.

Journalist John Perkins describes the advancement of the global empire as a result of the omnipotent “corporatocracy,” a tripartite financial and political power relationship between multinational corporations (“MNCs”), international banks, and governments.8 The corporatocracy works to guarantee the unwavering support and belief of its constituents—

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7 Thomas Friedman, THE WORLD IS FLAT 211 (Picador, 1st ed. expanded and updated 2007)

schools, business, and the media—in the “fallacious concept” of growing global consumer culture. Members of the corporatocracy promote common values and goals through an unceasing effort “to perpetuate and continually expand and strengthen the system” of the current global culture. Unfortunately, the global culture is not one of social understanding and sensitivity to individual cultures; rather, the new global culture is one marked by the ability to empower one’s citizens to consume as if product consumption is the ultimate civic duty.

1. The Key to the Kingdom: The Globalized Brand

As traditional notions of patriotism are replaced with an undying allegiance to one’s brands, the corporatocracy succeeds as a whole. The absence of such a transition to commercial identity, however, makes it more difficult for the corporatocracy to succeed. Countries pushing to enter into the global economy must force their citizens to move, unknowingly, from an individual national identity into the new global identity, a worldwide culture crammed with human Barbies and flashy Corvettes. As designers of the global culture, corporate entities pick a message to sell, regardless if the message tells consumers to buy an Apple iPad or a stick of Revlon lipstick. The multinational corporation must push the international consumer to feel more than a mere desire for the marketed product. The international consumer must crave the branded American product—not some mere generic substitution—such that she cannot bear to live without the branded commodity. A mere MP3 player will not suffice in the place of an iPod. Local frozen yogurt cannot compete with the flavor of Dairy Queen’s frozen treats. It is grossly insufficient to win over the consumer’s loyalty with just the product; instead, the consumer must become loyal to the brand such that she demands only that branded product and nothing less.

In its 2010 report on the Best Global Brands, Interbrand lists the top ten characteristics of a successful brand. Number eight on the list was “consistency”, defined as “the degree to which a brand is experienced without fail across all touchpoints and formats.” Brands hailed for maintaining consistency included Nike, Nokia, and McDonald’s. “As markets continue to expand, they feel the pressure to adapt to local markets,” a level of pressure that has led to creative and local adaptations of domestic brands. The Interbrand report commends McDonald’s for

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9 Id.
10 Id.
11 Id.
13 Id.
its international marketing strategies: “McDonald’s, with its green tea-flavored milkshakes in Japan and its Chicken Maharaja-Mac in India, is consistent about its inconsistency—and has endeared itself to youth around the world.”  

A consistent brand upholds its brand promise, regardless of what superficial changes are made to accommodate a local culture; yet, it is difficult to balance locally appropriate modifications with brand uniformity. As will be shown, an inability to reconcile the tension between these competing interests is precisely the cause of Mattel’s marketing failure in India.

Brand consistency, however, is not the only ingredient to multinational success. The multinational brand must contribute to the corporate global monoculture. Global corporate monoculture refers to the multinational’s utopia—a world in which children reject generic products and demand brand names. Nameless burgers, sodas, and shoes no longer suffice to fulfill the desires of the consumer; rather, the consumer demands “the offerings of McDonald’s, Coke, Nike, Mattel, Cingular, and Apple.”

This type of brand loyalty achieves the “corporate dream,” where all people live in “a world in which the same stores, the same restaurants, the same movies, the same fashions—that is, the same products and services—can be bought anywhere, any time.” The corporate monoculture homogenizes cultural and ethnic differences such that “people’s desires and tastes are fully in concert with the output of multinational corporations.”

The central issue for the MNC promoting global monoculture becomes a question of strategy: How should the multinational corporation sell an American brand to a non-American consumer? For Mattel, the issue goes deeper. How can an American company make a five year-old Indian girl in New Delhi think only of Barbie whenever she hears the word khiluana?

The child consumer must believe genuinely in the fiction of corporate monoculture.

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14 Id.
15 Interbrand, supra note 12.
17 Id.
18 Id.
19 Id.
B. Barbie in the Global Economy

Barbie creates her own corporate monoculture. The message embedded within Barbie’s plastic is one of consumerism, seeking to blend the child’s innocent state of play with the desires of global commercialism. Instead of drinking generic soda, Barbie drinks Coca-Cola Classic. Instead of eating a nameless pizza, Barbie goes to Pizza Hut. In doing so, she sends a clear message to the doll’s child consumer that brands matter. Without a doubt, Mattel is a proud competitor in the global economy, and more specifically, in the global toy market. With the Barbie brand continuously boosting the corporation’s success rates, Mattel centers all of its commercial expectation upon the doll Barbie’s status as a female consumer in the global economy makes her an influential role model for her female fans; yet, influence may not always be positive.

1. Barbie’s History

Although Barbie is known as an American doll, her creation is rooted in the global economy. Created in the 1950s by the imagination of businesswoman and toymaker Ruth Handler, Barbie was based off of the German “Lilli” doll, an adult doll “never intended for children.” 21 Handler saw Lilli in Switzerland while travelling in Europe and automatically felt a connection. 22 Struck by the doll’s adult female form, Ruth thought of her daughter Barbara and the way in which little girls tend to imagine their lives as adults when playing with dolls. 23 Ruth noticed the way the children “used the dolls to reflect the adult world around them.” 24 Ruth quickly moved to begin production on an American version of the Lilli doll for children, but found that none of the Mattel designers could achieve the type of female doll physique that Handler envisioned. 25 Not only was Barbie costly, but Handler felt that the designers “were horrified by the thought of wanting to make a doll with breasts.” 26

Determined to produce the American version of Lilli, Ruth discovered that Japanese factories could create the necessary doll molds for the Barbie figure, and Ruth started production immediately. 27 In 1959,


\[\text{22 Id. at 29.}\]

\[\text{23 Id., supra note 21, at 29-30.}\]

\[\text{24 Id., supra note 21, at 29-30.}\]

\[\text{25 Id.}\]

\[\text{26 Id.}\]

\[\text{27 Id.}\]
Barbie debuted at the American Toy Fair. The Toy Fair Barbie, clad in nothing but a black-and-white bathing suit, is now valued at $27,450.

After her debut, Barbie became a worldwide phenomenon. The company wasted no time in entering the global economy with Barbie in hand. In 1960, Mattel became a publicly held corporation. By 1961, Mattel produced Ken, Barbie’s on-and-off boyfriend. The years that followed resulted in the creation of an entire Barbie family, including youngest sister Skipper and a whole school of friends.

In 1967, Mattel made its first attempt diversify the Barbie from a white doll and produced its first black doll. She was named “Colored Francie.” Colored Francie did not take America by storm, arguably because of the racial climate of the late 1960s. Some theorists argue that Francie flopped because, despite her skin color, Francie’s “straight hair and [other] Caucasian features” failed to capture the allegiance of young black females. In other words, no one “bought the idea of Barbie’s colored relations.” The Christie doll, the second black Barbie produced in 1968, had a far better reception. Christie found more popularity due to her new name and her altered features, which included a darker skin tone and short, curly hair. From that point, Mattel produced several Black dolls.

In 1968, Mattel launched its World of the Young strategy, a plan that led to the acquisition of several child-centered corporations. The World of the Young operation resulted in Mattel’s acquisition of a

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28 Id. at 42.
31 Id.
32 Id.
33 Id.
35 Id.
36 Id. at 51.
37 Id.
38 History, Mattel Corporate, supra note 30. See also Ducille, supra note 34, at 51.
39 Ducille, supra note 34, at 51. Ducille notes that it was not until the 1980s that Mattel introduced black dolls that “were called Barbie like their white counterparts.”
40 History, Mattel Corporate, supra note 30.
playground equipment manufacturer, a pet products company, the Ringling Brothers and Barnum & Bailey Circus, a theme park, a publishing company, and a motion pictures company. In the same year, Mattel opened subsidiaries in Australia and Venezuela, and absorbed two Italian toy companies and a Belgian toy distributor.

By 1980, Mattel produced the first black Barbie, along with the Hispanic Barbie and the launch of the International Collection. The International Collection first included a French Barbie, an Italian Barbie, and a U.K. Barbie. After the initial launch of the International Collection, Mattel began to add continuously to the international line and created the first Indian Barbie in 1982. The International Collection was enhanced later with the “Dolls of the World” Collection, aimed at gaining the interest of Barbie collectors worldwide.

In 1986, Mattel began its push into the Asian market by acquiring ARCO Industries, a Hong-Kong based manufacturer. In the same year, Mattel also acquired Bandai Toys, the largest toy company in Japan. In the late 1980s, Mattel began purchasing significant European toy manufacturers, like Corelle S.A., a French producer of collector’s quality dolls and Corgi Toys, a U.K. toy manufacturer.

Mattel currently estimates that ninety percent of girls between the ages of three and ten own at least one Barbie. Barbie’s creation, in itself, is a substantial undertaking, with over 100 designers, seamstresses, pattern makers, and stylists are needed for the production of a single Barbie outfit and look. In the last fifty years, over 105 million yards of fabric have gone into designing over 1 billion fashion items for Barbie and her

\[41 \text{ Id.}\]
\[42 \text{ Lord, supra note 21, at 59-60.}\]
\[43 \text{ History, Mattel Corporate, supra note 30.}\]
\[44 \text{ Id.}\]
\[45 \text{ India Barbie Doll, Brooklyn Children’s Museum: Collections Online, http://www.brooklynkids.org/emuseum/code/emuseum.asp?style=browse&profile=exhibitions&newvalues=1&rawsearch=id://18204//false&newstyle=single&newprofile=objects&newsearchdesc=India%20Barbie%20Doll&newcurrentrecord=1 (last visited Oct. 22, 2011). See also Inderpal Grewal, Traveling Barbie: Indian Transnationality and New Consumer Subjects, 7 POSITIONS: EAST ASIA CULTURES CRITIQUE, Winter 1999, at 799, 810. The first Indian Barbie was produced prior to the creation of Mattel’s Indian affiliate- Leo Mattel- in the late 1980s. This allows for the inference that the Barbie in India doll was marketed to girls in America and other international locations.}\]
\[46 \text{ Lord, supra note 21, at 176-77.}\]
\[47 \text{ History, supra note 30.}\]
\[48 \text{ Id.}\]
\[49 \text{ Id.}\]
\[50 \text{ Barbie Facts, supra note 29.}\]
friends. 51 With over 300 Facebook pages about Barbie, over 1,000 YouTube Channels in her honor, and a Google return of 74.5 million results, Mattel owns the bragging rights to the world’s most famous toy. 52 As of April 2010, Mattel posted a profit of $24.8 million ($0.07 per share) with sales in the sum of $880.1 million. 53 Over the last fifty years, Barbie has enjoyed worldwide fame and popularity, bringing Mattel seemingly limitless profits.

2. Corporate Philosophy and Marketing Strategies behind Barbie

Mattel, along with many other toy industry corporate giants, must employ specific and subtle marketing strategies to win over the foreign child consumer in the growing era of global marketplace. The brand created for the Barbie doll—the message she conveys through her trademarked physique, name, and personality—is her key to preserving her fame and fortune.

According to Richard Dickson, the head of licensing for Mattel, the corporation recognizes the importance of maintaining brand consistency for Barbie and keeps a close watch on the way Barbie is marketed. 54 Upon his arrival at Mattel, Dickson discovered that over seven hundred Mattel licensees around the world were marketing Barbie in accordance with their own cultural perspectives, which he felt to be an unacceptable marketing strategy. 55 Mattel now demands approval of all marketing, “so that no matter what country you are in, no matter where you land, if you see a Barbie ad or a Barbie product, it is consistent around the globe.” 56 Under Dickson’s control, licensees are required to clear “product interpretation” and all forms in which the brand is communicated with corporate headquarters. 57 Such strict control over licensees, according to Dickson, maintains the highest level of brand consistency in a global market, which ultimately leads to high occurrences of brand loyalty. 58 As will be discussed below, Mattel’s rigid and formulaic marketing approach ultimately contributed substantially to Barbie’s failure in the Indian marketplace.

51 Id.
52 Id.
55 Clark, supra note 54.
56 Id.
57 Id.
58 Id.
In order to best gauge its target customer, Mattel launches mass research of the young female consumer. The corporation compiles “psychographic” data about young female consumers, including information about popular hobbies, music, television, and clothing. Mattel employs the Girls’ Intelligence Agency (“GIA”) to gather information about its consumer base. GIA reaches out to over 40,000 young females, ages eight to twenty-nine, across the United States to communicate with these young women regularly, “seeking out their opinions, ideas, motivations, dreams and goals and translates that information to help hundreds of corporations in the U.S. to strategically reach and connect with the female youth market.” GIA hosts slumber parties and shopping trips, all in order to gather more information about the tastes and preferences of the “elusive” young female consumer for the purposes of corporate marketing research. GIA seeks to “connect with girls on a deep and continuous level, forging a working relationship with the target audience from the beginning.”

GIA openly admits that it exploits young female tastes and preferences for the purposes of helping companies like Mattel, Hasbro, Neutrogena, and Disney make a profit. Such marketing creates a brand that appeals to the young female consumer by using her innocence against her.

In its drive to solidify the Barbie brand’s place in the global corporate monoculture, Mattel’s marketing strategies openly seek to exploit the innocence of young female consumers. For Mattel, the female child must think only of Barbie when she hears the word “doll” or “toy.” When she thinks of the ideal female, she should think of Barbie and her fictitious curvature. But Barbie is not merely a toy. Barbie refers to a specific corporate attitude, a perceived ideal of the female form, a fashion queen of pop culture, and a phenomenon brand that has exploded throughout the world in the last fifty years. She is a grossly unbelievable attempt to depict “American girlhood”; instead, she taunts ordinary women throughout the world with her unrealistic physical proportions, her limitless success, and her expansive collection of material goods.

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59 Id.
60 Id. at 84.
61 Id. at 181.
63 Id.
64 Id.
65 Mattel v. MCA, supra note 1, at 898.
seems as though no doors are closed in the Barbie world, where life in plastic is, indeed, fantastic.\textsuperscript{66}

II. MATTEL’S BUSINESS VENTURES IN INDIA

Although Mattel was one of the first in the global toy industry to market internationally, it is only one of many corporate players that have capitalized on the growing phenomenon of globalization. Globalization has allowed for Mattel to go beyond the American borders to market the Barbie brand to little girls around the world; however, Mattel’s uniform marketing strategies have not succeeded in every targeted locale.\textsuperscript{67} For example, Mattel’s usually successful global marketing strategies did not work in India, in spite of generous trade allowances granted to MNCs by the Indian government.

Before 1991, Mattel’s lack of presence in India was likely due to the country’s harsh foreign trade policy.\textsuperscript{68} However, following India’s economic liberalization, Mattel should have found unbounded success in India. Why did Mattel’s largely successful global marketing strategies fail to win over the brand loyalty of billions of Indian girls? Mattel spent over two decades promoting Barbie in India, but to no avail.

A. The Late 1980s: Barbie’s Tango with the License Raj

Mattel entered the Indian market in 1986-1987, in hopes of conquering the Indian toy market.\textsuperscript{70} The Indian foreign trade laws, however, did not favor the presence of a multinational company like Mattel or its Barbie brand. India’s foreign trade policy severely limited

\textsuperscript{66} Id. at 901.


\textsuperscript{70} Grewal, supra note 68, at 810.
importation and foreign direct investments, making it immensely difficult for multinationals to conduct business in India. Until 1991, the foreign companies or investors in India were unwelcome as a result of a long-standing national policy of economic self-reliance, a legacy of India’s independence from the British crown in 1947. Before discussing the trade reforms that ultimately set the stage for Mattel to do business in India, it is crucial to understand the nature of India’s trade laws prior to 1991 is necessary.

Immediately following India’s independence from the British crown in 1947, India chose to implement a centralized economy, marked by a closed trade regime, heavy state intervention, import substitution, and a notorious licensing system.\textsuperscript{71} The new Indian government, led by political visionary Prime Minister Jawaharlal Nehru, enacted these measures post-independence for the purposes of protecting its domestic producers, thus providing Indian businesses the chance to flourish.\textsuperscript{72}

Through close planning, the government tried to eliminate the need for imports in order to ultimately “free the country from the threat of closure of the world markets.”\textsuperscript{73} The post-independence government wanted India to achieve independence and self-sufficiency on her own and without the influences—negative or positive—of foreign trade.\textsuperscript{74} Prime Minster Nehru saw a self-sufficient economic and industrial system as the best way for India to achieve political independence.\textsuperscript{75} Nehru’s plan did not openly prohibit all imports; rather, it specifically “ruled out active pursuit of outward-oriented strategy.”\textsuperscript{76} Weary of being “drawn into the whirlpool of economic imperialism,” Nehru felt that foreign trade should occur on a need only basis.\textsuperscript{77}

The Nehru era of the government that lasted from India’s independence until 1964 is characterized as the liberal era of the post-independence Indian governments.\textsuperscript{78} Under Nehru’s regime, many multinationals were still able to enter the economy to market a substantial amount of consumer goods, services, and engineering products, including

\textsuperscript{71} Ashutosh Varshney, \textit{India’s Democratic Challenge}, FOREIGN AFFAIRS, Mar.-Apr. 2008, at 93, 96.


\textsuperscript{73} Id.

\textsuperscript{74} Id.

\textsuperscript{75} Id.

\textsuperscript{76} Id. at 24.

\textsuperscript{77} Id. at 25.

\textsuperscript{78} \textit{India: The Emerging Giant}, supra note 72.
products, like toothpaste, soap, cigarettes, chemicals, drugs, and rubber goods.\textsuperscript{79}

1. The Licensing System

The “pro-state and trade-pessimistic” attitude also led to the creation of the Indian licensing system, which sought to regulate both broad and remote aspects of production and investments.\textsuperscript{80} India’s “infamous” licensing system triggered the popular nickname “The Licence Raj” for the government from 1950-1990.\textsuperscript{81} The licensing system, including heavy tariff and quantitative restrictions (“QRs”), was enacted to protect “infant domestic producers” from external competition.\textsuperscript{82}

Originally, the government made three types of import licenses available for import goods: banned, restricted, and limited permissible.\textsuperscript{83} A new category of import licensing—“subject to open licensing”—was introduced in 1977.\textsuperscript{84} In order for a good to be considered subject to open general licensing (“OGL”), the good was required to meet certain conditions, requirements often in relation to production processes, before permission to import was granted.\textsuperscript{85} Only thirty percent of all imports were able to obtain an OGL, making it the rarest and most liberal of the import licenses.\textsuperscript{86} Placement on the OGL list meant free import for foreign companies.\textsuperscript{87}

Not only were licenses difficult to obtain, but imports came with skyrocketing tariffs.\textsuperscript{88} Up to sixty percent of tariff lines were subject to rates in the range of 110 to 115 percent, with the top rate going as high as 400 percent.\textsuperscript{89} Only four percent of imports received a tariff rate under sixty percent.\textsuperscript{90}

\begin{itemize}
\item \textsuperscript{79} Id.
\item \textsuperscript{80} Varshney, supra note 71, at 96.
\item \textsuperscript{81} Madhavan, supra note 69.
\item \textsuperscript{82} Varshney, supra note 71, at 96.
\item \textsuperscript{83} Arvind Panagariya, \textit{India’s Economic Reforms: What has been accomplished? What remains to be done?}, ASIAN DEVELOPMENT BANK, 2 (2002), www.adb.org/Documents/EDRC/Policy_Briefs/PB002.pdf.
\item \textsuperscript{84} Id.
\item \textsuperscript{85} Id.
\item \textsuperscript{86} Id.
\item \textsuperscript{88} \textit{India’s Economic Reforms}, supra note 83, at 2.
\item \textsuperscript{89} Id.
\item \textsuperscript{90} Id.
\end{itemize}
2. Limits on Foreign Direct Investment

Restrictions on foreign trade grew more stringent during Prime Minister Indira Gandhi’s administration during 1966-1977 and 1980-1984. Under Prime Minister Gandhi’s charge, the nation shifted toward a substantial increase in state control of industrial enterprises, including the nationalization of banks, oil companies, and coal mines. Foreign companies ultimately found themselves in one of two positions: become an Indian company or leave.

The Companies Act of 1956—India’s corporate code—defines “foreign companies” as those incorporated outside of India, yet maintain a place of business in India. The Act further defined “foreign subsidiaries” as those in which a single foreign company holds more than fifty percent of the company’s equity capital. Under the Reserve Bank of India’s (“RBI”) purview, a company in which twenty-five percent or more of the equity capital is held abroad by a single company or forty percent of equity is held in one country was categorized as a “foreign controlled rupee company.”

Foreign direct investment was further limited under the Foreign Exchange Regulation Act (“FERA”). FERA, originally passed in 1937 with a complex set of less restrictive external controls, was amended in 1973 for the purpose of placing more substantial restrictions on foreign investment. FERA mandated that all companies holding more than forty percent equity in an Indian subsidiary register themselves under FERA. Companies registered under FERA ultimately were forced to dilute their shares to forty percent in order to transform the business into an Indian company.

Companies that failed to register under FERA or refused to dilute their shares were forced to shut down their business in India. Some of the companies that refused to dilute their shares applied to the Reserve

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91 India: The Emerging Giant, supra note 72, at xvii-xviii.
92 Id..
93 Id.
95 Id. at 910.
96 Id.
97 Id.
98 Id.
99 Id.
100 India: The Emerging Giant, supra note 72, at 61-62.
Bank of India for a rare exception to the forty percent ceiling on FDI, including those investments using technology unavailable in India or predominately export-oriented ventures, like growing tea. These companies, known as FERA companies, were not afforded “national treatment,” or the right to enjoy the same privileges afforded to Indian companies. Companies were limited in the scope of their business activity in India to those acts expressly permitted by the RBI. Qualification as an Indian company through share dilution, however, gave those companies the privilege of “national treatment.” Those companies designated as “Indian companies” were free to buy or sell real property, engage in borrowing and lending, and use trademarks. With the passage of FERA, foreign companies were left with few options: dilute shares, apply for an exemption and risk intense federal regulation, re-incorporate in India, or close down business. Indian government officials popularly sum up the effects of FERA as a blanket prohibition on all foreign exchange, unless given special permission.

3. Mattel’s Joint Venture

In order to avoid classification as a FERA company, Mattel chose to enter into a joint venture with an Indian marketing company, Blow Plast, Inc., and created an Indian affiliate, known as Leo Mattel, or Leo Toys. Because of the forty-one percent ceiling on foreign direct investment, Blow Plast held sixty percent and Mattel held the other forty percent. Fortunately for Mattel, it was not classified as a FERA company because Mattel was able to stay below the FDI ceiling by creating Leo Mattel. Leo Mattel was afforded the same national treatment as an Indian

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102 INDIA: THE EMERGING GIANT, supra note 72, at 61.
103 Id. at 61-63.
104 Id.
105 Id. at 60-61.
107 Grewal, supra note 68, at 810.
108 It is unclear whether Mattel began with a higher percentage of the joint venture and was forced to dilute its shares. It seems most likely that Mattel understood the trade restrictions and began business in India with a forty percent holding in Leo Mattel.
109 Mattel launches new range of Barbie dolls, supra note 3.
company due to its status as an Indian company.\footnote{Id. See also Grewal, supra note 68, at 812-13.} National treatment, however, did not include the luxury of freely importing raw materials or Barbie parts from China or elsewhere.

Foreign direct investments and the corporate law of India did not cause Mattel problems just yet. The QRs, however, were still in place and prevented Mattel from using its preexisting production facilities in neighboring Asian countries, like China and Japan, to create dolls for sale in India. Limited by the restrictive import laws, Leo Mattel set up a factory in Mumbai and a production facility nearby in Nagpur.\footnote{Grewal, supra note 68, at 806.}

Given the strict and prohibitory nature of the trade laws in India, Mattel could not sell dolls in India until the late 1980s. The original India Barbie, created in 1981 for the International Collection, sold in the U.S. and in Europe.\footnote{India Barbie Doll, supra note 45.} For the first India Barbie, Mattel chose to reproduce the standard blonde Barbie, except she wore an Indian \textit{sari}.\footnote{Id.} Along with the \textit{sari}-wearing blonde Barbie, Mattel also promoted its other standard American Barbies, like the brunette Barbie and the bridal Barbie.\footnote{Grewal, supra note 68, at 810.}

Taking the standard Barbie and placing her in an Indian outfit seemed like an adequate alternative to the full-scale production of a genuine India doll, an undertaking that would require more people, more materials, and more work.\footnote{See Joe Kincheloe & Shirley Steinberg, Kinderculture: The Corporate Construction of Childhood 158 (2004). In a chapter titled “The Bitch Who Has Everything,” Steinberg describes this first Indian Barbie doll and its packaging: “Her box shows a picture of a building, the Taj Mahal. We are reminded that India is a very old country and that most people eat only vegetables and rice ‘with their fingers.’ It is not mentioned whether or not Indians are happy or kind. None of these Barbies discuss their skin color or hair texture, and there is no mention of physical attributes. Naturally, they are all standing on tiptoe.”} Despite being an Indian marketing company, Blow Plast gained little momentum in its efforts to promote Barbie.\footnote{Id.} Print and television advertisements promoted the names of Mattel and Barbie and did achieve some level of brand recognition with the Indian public.\footnote{Id.} One advertising agency recalls Mattel’s initial marketing drive: “Though the company did not do well, a flurry of marketing made two of its brands, Hot Wheels and Barbie, quite well known.”\footnote{Mattel launches new range of Barbie dolls, supra note 3.} Luckily for Mattel, the trade reforms it
needed—removal of QRs and higher FDI—to succeed in India came within five years of its launch in the Indian market.

B. India’s Economic Liberalization and Mattel’s Second Chance at Success

Eventually, all of the post-independence trade restrictions eventually disappeared, but only after the country neared financial ruin. Although India adhered to its national ideal of self-reliance, the country began to suffer as a result of its restrictions on foreign trade. In ten of the eleven years preceding the 1991 reforms, India’s primary deficit was more than four percent of the GDP. The country had adopted the restrictive reforms post-independence in hopes of avoiding a balance-of-payments problem, but that was the type of problem that India ultimately confronted. As a result of the sharp rise in oil prices during the Gulf War, the Indian rupee was severely inflated, leaving India with a serious balance-of-payments crisis. Sadly, India forced herself to seek external assistance.

1. India, the IMF, and the World Bank

In order to cure the balance-of-payments problem, India needed a substantial loan to stabilize the economy. Under the leadership of Prime Minister Narasimha Rao, formerly the industry minister, India entered into the International Monetary Fund’s (“IMF”) structural adjustment program (“SAP”) in exchange for a loan from the World Bank. Participation in the SAP requires the loan recipient to implement a wide variety of pro-trade and pro-business reforms. The loan is given expressly conditioned upon the recipient’s adherence to the IMF’s reforms. India promised to make significant and immediate structural adjustments to the

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119 INDIA: THE EMERGING GIANT, supra note 72, at 180-81.
120 Id. at 180-81.
121 Id.
122 Id.
123 Chantal Thomas, Balance-of-Payments Crises in the Developing World: Balancing Trade, Finance and Development in the New Economic Order, 15 Am. U. Int’l L. Rev. 1249, 1251-52 (1999-2000). Thomas offers a clear definition of a balance-of-payments problem: “A ‘balance-of-payments’ problem occurs when a drop in demand for a country’s currency is so steep that it creates downward pressure on its currency value. The resulting depreciation destabilizes market transactions and renders citizens unable to purchase everyday necessities.” Classic causes of balance-of-payments crises include situations in which bad weather destroys crop production and causes export earnings to fall or where there is a severe rise in oil prices, causing an increase in a country’s import bill.” In India’s case, the external cause was the Gulf Oil Crisis.
124 Perkins, supra note 8, at 38-39.
125 Thomas, supra note 123, at 1262.
economy and the World Bank loaned India $2.3 billion in U.S. dollars in new credits.\textsuperscript{126}

The structural adjustments meant the breakdown of the closed trade regime and the erasure of the Licence Raj. The mandated measures ultimately liberalized Indian trade, and nearly overnight, multinational companies found a welcome space in the Indian trade. The reforms, in essence, repealed all of the measures enacted during the Licence Raj era. Privately owned banks began to sprout on the economic landscape, while the government’s involvement in public sector enterprises was severely limited.\textsuperscript{127} The rupee was devalued by twenty-three percent.\textsuperscript{128} The government partially divested many of its investments in public sector enterprises.\textsuperscript{129} The most important reforms, however, transformed the nature of foreign direct investment in India and lifted all of the quantitative restrictions on trade.

Under the new Industrial Policy in July of 1991, the economic policy reversed from “all foreign exchange is prohibited, except for those specifically permitted” to “all foreign exchange is permitted, unless specifically prohibited.”\textsuperscript{130} The amended Industrial Policy ended licensing in eighteen sectors and broadened FDI regulations.\textsuperscript{131} The policy increased the ceiling on FDI to fifty-one percent, in order to invite the “attendant advantages of technology transfer, marketing expertise, introduction of modern managerial techniques and new possibilities for promotion of exports.”\textsuperscript{132} The fifty-one percent ceiling meant that foreign companies holding the majority of the equity capital were no longer required to register with the RBI and could operate without the threat of mandated dilution or government scrutiny.\textsuperscript{133}

The limits on FDI, however, were practically eliminated entirely in 1999 with the passage of the Foreign Exchange Management Act.\textsuperscript{134} By 2000, the rules regarding foreign investment were, in most part, liberalized.\textsuperscript{135} Foreign industries are now free to buy and sell stocks in

\begin{footnotes}
\item[126] Id. at 1254.
\item[127] \textit{The World Bank in India} (last visited Dec. 22, 2010), http://www.ieo.org/world-c10-pl.html.
\item[128] Id.
\item[129] Thomas, \textit{supra} note 123, at 1267.
\item[130] Gopinath, \textit{supra} note 106, at 2.
\item[132] Id.
\item[133] Id.
\item[134] Id.
\item[135] Varshney, \textit{supra} note 71, at 97.
\end{footnotes}
Indian firms, while Indian companies are now free to issue equity in foreign markets.\textsuperscript{136}

Quantitative restrictions and licensing began to slowly fade beginning as soon as 1991; and, within four years of the agreement with the IMF, over half of India’s 11,587 tariff lines had been removed entirely, while restrictions were eased on another 1,500 tariffs.\textsuperscript{137} Everything that had been banned before was suddenly permissible and encouraged by the government. Both capital goods and raw materials, along with components and intermediaries were eliminated by 1995.\textsuperscript{138} In 2000, toys were placed on the OGL list and were removed from the reserved list classifying the toy industry as a small-scale industry.\textsuperscript{139}

The 1991 reforms greatly increased FDI inflows to India. The percentage of FDI in the India’s GDP grew from one billion USD during the 1980s to $9.8 billion USD from 1990-1997.\textsuperscript{140} Private investment proliferated at a rate of twenty percent a year “in real terms” from 1992-1993 to 1996-1997.\textsuperscript{141} Growth of the GDP increased from 5.5 percent per year during the 1980s to an average annual growth of six percent in the 1990s, hitting a high of seven percent growth in the 1996-1997 fiscal year.\textsuperscript{142}

2. Mattel in India from 1993-2010

In the 1990s, Leo Mattel continued to produce the blonde and brunette standard Barbies wearing a sari.\textsuperscript{143} Mattel did not call this doll the Indian Barbie; rather, they chose to label her as Barbie in India.\textsuperscript{144} By 1996, Mattel made its first genuine attempt to create an authentic Indian Barbie (fig.2), a move that sought to redeem Mattel’s original Indian Barbie.\textsuperscript{145}

\begin{itemize}
  \item \textsuperscript{136} Id.
  \item \textsuperscript{137} Thomas, supra note 123, at 1267.
  \item \textsuperscript{138} Id.
  \item \textsuperscript{139} Krishna, supra note 87, at 12.
  \item \textsuperscript{140} Baker, supra note 101, at 414.
  \item \textsuperscript{141} Id.
  \item \textsuperscript{142} Id.
  \item \textsuperscript{143} See Figure 1, infra note 146.
  \item \textsuperscript{144} 1993 Barbie in India, EBAY, (Oct. 1, 2011), http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&item=290435819016. This listing was posted by a classified seller, which is one who sells consistent and authentic merchandise.
Figure 1:
*Barbie in India* (1981)

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Yet the doll was still undeniably Barbie, and inarguably American looking. The back of the box makes several improper characterizations about Indian life, stating that Indians never eat with knives and forks and only with their hands. Furthermore, Barbie’s status as a global fashion expert is compromised by her description of the sari, stating that the traditional sari requires only two pieces and then the optional shawl. What the box describes is a lengha choli, and not the traditional sari, which is comprised of a petticoat, a blouse, and a long piece of fabric that is wrapped around the petticoat, pleated, and then draped over the shoulder.

More importantly, Indian Barbie had the exact same physique as the standard blonde Barbie with the same height and circumferential measurements. The doll’s pigmentation was deepened only by a slight degree, and her eyes were made hazel rather than blue. Yet Indian Barbie shared the same pink-lips, coy smile, shining eyes, and fictitious physique as the American Barbie.

With no significant increases in its sales, Mattel then promoted the Expressions of India Collection in 1997 as a part of the Leo Mattel joint

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147 Figure 2: 1993 Barbie in India, supra note 144.
148 Figure 3: Mattel, 1996 India Barbie, (last visited Dec. 22, 2010), http://www.barbiemedia.com/?img=185.
149 I personally made the physical comparisons between the Indian Barbies and the standard Barbie because of my access to the dolls through a family member.
venture. The Expressions of India Collection was a last attempt at making the Barbie doll look authentically Indian; however, the alterations were merely superficial changes in her dress and jewelry (fig. 4 and 5). Leo Mattel produced six to eight different dolls based on a few of the Indian states. In hopes of grasping the attention of little Indian girls by exploiting cultural differences between the states, Barbie wore the appropriate dress and jewelry for each state. Again, the doll’s observance of the Indian culture spans as far as her clothing and jewelry; however, her light skin tone and her forever Barbie face remained startlingly similar to the standard Blonde Barbie. Barbie’s physique makes no changes between the state depictions and all are equal in proportion to the original blonde Barbie.

In 1998, Mattel produced a Happy Holidays Barbie for the Hindu high festival of Diwali, but many Indians felt that Mattel had gone too far. Some commentators felt that the Barbie went too far, fearing that...
Mattel would begin to exploit other religious high holidays in India. Others felt that the doll’s “fair skin and blue eyes reinforce racial stereotypes.”

Mattel maintained the Leo Mattel joint venture for the majority of the 1990s. It was not until Mattel ended its joint venture with Blow Plast, and thus ended the era of Leo Mattel, that Mattel took advantage of the new ceiling on foreign direct investment. While Mattel offers no official explanation for why the joint venture ended, the dissolution was likely due to poor market performance or a failure in quality standards. Since ending the Leo Mattel joint venture, Mattel has issued few new Indian Barbies, in hopes that the Expressions of India collection will still gain popularity in the market.

Following the termination of its relationship with Blow Plast and Leo Mattel, Mattel incorporated Mattel Toys (India) Private Limited. To date, Mattel, Inc. owns 51 percent ownership of Mattel Toys (India) Pvt. Ltd. In the 2000s, Mattel began slashing the prices on the Barbies sold in India; yet, consumers still wanted dolls imported by Chinese toy makers and local manufacturers. Mattel India has increased its marketing department and the size of the Barbie team in an attempt to bring in a


Bhatia, supra note 152. (“If Dasara Barbie, Pooja Barbie and Holi Barbie are next in line, the manufacturers had better get the details right, including skin colour and clothes, or prepare themselves for a lengthy and rancorous fight.”)

Id.


Mattel launches new range of Barbie Dolls, supra note 3.


Id.

Id.

greater workforce to promote Barbie. The company also launched two Barbie concept stores in Mumbai, in order to increase the face-to-face connection between young female consumers and the Brand. The establishment of only two concept stores outweighs the early hope to establish twelve concept store locations nationally.

Mattel India now promotes its gender and culturally neutral products, such as the Lego brand, in India, rather than the Barbie doll. A recent Mattel press release states that Indian Barbies make “ideal gifts from parents to their growing up daughters and in her collector form among adults – NRIs [Non-Resident Indians] and Foreigners who love to carry her home as a memento of Indian heritage and culture.” What does this statement by Mattel mean? These dolls are aimed at the South Asian diaspora, targeting “the affluent customer, especially nonresident Indians and tourists.” Mattel does still manufacture Indian Barbies, but those Barbies are not created for the purpose of sale to Indian females living in India. Why did Mattel stop trying to sell Barbie to the masses of Indian females? What was it about Indian popular opinion that prevented Barbie’s widespread success, in spite of the generous trade allowances granted by the Indian government?

III. UNDERSTANDING WHY BARBIE FAILED IN INDIA

Even though Mattel was unable to capture the Indian market, the company still enjoys substantial international success, making the question of the failed India strategy exceedingly interesting. India’s economic liberalization offered Mattel a growth potential strongly similar to those in other countries. Yet Mattel’s Indian subsidiary failed to market Barbie in a significant way. Why did Mattel’s usually successful marketing strategies result in surprisingly depressed sales of Barbie in India? Was Barbie’s

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162 Id.


164 Grewal, supra note 68, at 813.

165 Mattel Press Release, supra note 158.

166 The Indian Diaspora, Non Resident Indians & Persons of Indian Origin Division, Ministry of External Affairs, http://indiandiaspora.nic.in/ (last visited Oct. 22, 2011). NRI is a colloquial reference to a Non-Resident Indian, meaning a person of Indian origin or a member of the South Asian Diaspora.

inability to capture the allegiances of Indian females the result of Barbie’s unchanged, hyper-sexualized physique or did Mattel merely fail to advertise the doll in the Indian market? The next section poses that Mattel’s ventures in India were precluded by the problematic nature of the very product it sought to market. Regardless of what Mattel did in attempts to win over Indian consumers, the product it tried to sell—the Indian version of the Barbie doll—was inherently, and fatally, flawed in her unrealistic and exploitative portrayal of femininity.

A. Barbie’s Body as an Indecent Representation of the Female Form

Despite substantial feminist criticisms of Barbie, she still manages to win over the loyalty of young females all over the world, with the exception of Indian women. She teaches little girls about consumerism, fashion, and fame, which is an unfortunate use of her pedagogical power. To argue that Barbie does not socially acculturate young girls is to rebut directly a statement made by her founder, Ruth Handler. Handler once proudly stated: “Parents thank us for the education values in the world of Barbie . . . they could never get their daughters well groomed before—get them out of slacks or blue jeans and into a dress . . . that’s where Barbie comes in. The doll has clean hair and a clean face . . . dresses fashionably, and wears gloves and shoes that match.”\(^\text{168}\) Handler was correct: Barbie possesses the power to educate. She holds the power to influence greatly the minds of young female consumers, a role that has been recognized and exploited. Toys and games quietly, yet substantially, help children to “determine what is valuable in and around them.”\(^\text{169}\) Barbie held the power to infiltrate the child consciousness and educate the child about how to act, what to wear, what to buy, and sadly, how to look.

In reality, Barbie teaches little girls how “to manipulate an image of herself outside of herself.”\(^\text{170}\) Barbie neglects to positively execute her substantial power in the process of “cultural pedagogy”; rather, Barbie dangerously uses this power to further unrealistic portrayals of the female form.\(^\text{171}\) Barbie “pairs endless consumption with the achievement of femininity and the appearance of an appropriately gendered body.”\(^\text{172}\) Barbie’s clothes, accessories, and even her hair have changed in different contexts; but, her fictitious representation of the female body has seen

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\(^{169}\) Ducille, \textit{supra} note 34, at 48.


\(^{172}\) Urla & Swedlund, \textit{supra} note 168, at 415.
little change since her inception. Barbie continuously changes her location, her profession, her clothing, her hair, and at times, her skin color, but her “hyper-slender, big-chested body has remained fundamentally unchanged over the years.”

One anthropometrical study found that, in comparison to the average measurements of over 2000 “normal” women (collectively referred to as “Norma”), the measurements of the Barbie doll were nowhere near as realistic as those of the average female. The study compared measurements of Barbie’s height and her waist, chest, hip, and thigh circumference, against those of a popular black Barbie friend—Shani (1994)—and the measurements of “Norma.” The differences were vast. The height of both the Barbie and Shani dolls was five feet and ten inches, while “Norma” of the 1988 U.S. Army recruits averaged five feet and four inches. Furthering the divide is the fact that, as of 2008, the average height of the Indian female was about 5’0” feet, or 152 cm. If they were real women, Shani and Barbie would tower over both Indian and American females. This study illustrates the massive disparity between the fiction of Barbie and the reality of the global female and further highlights the way in which Barbie sets an impossible bar of physical appearance that no human female could possibly achieve. Barbie challenges young women of all backgrounds and body types to look like her, a feat which no actual human female can attain in reality.

It is precisely the sexualized fiction of Barbie’s body that the Indian public repudiated. In India, hyper-sexualized depictions of females are often perceived to be obscene and are subject to censorship. This widespread cultural attitude is illustrated by India’s longstanding anti-obscenity laws. In 1860, the British enacted the Indian Penal Code, including section 292, which were readopted by the Indian government and are now commonly known as the anti-obscenity laws. Those laws,

173 Id.

174 Id. at 415. The measurements for the normal female, a concept termed “Norma,” were based off of 2208 army recruits, 1140 of whom were white and 922 of whom were black. Although this study has been cited repeatedly, it should be noted that, while a vast sampling, this sampling may have neglected to include differences in the physical types of females disinterested in military service.

175 Urla & Swedlund, supra note 168, at 415.

176 Urla & Swedlund, supra note 168, at 415.


179 Id.
enacted by the British in 1860, offered the following definition of obscenity: “[A] book, pamphlet, paper, writing, drawing, painting representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.” 180 Persons guilty of distributing, selling, hiring, exhibiting, or otherwise publicly availing materials considered to be obscene were to “be punished on first conviction with imprisonment…for a term which may extend to two years, and with a fine which may extend to Rs. [Rupees] 2,000, and in the event of a second or subsequent conviction, with imprisonment for five years, and also with fine of Rs. [Rupees] 5,000.” 181

Not only is section 292 still actively enforced, Parliament further sought to regulate expressions of sexuality in the public domain. The Indecent Representation of Women Act arose from section 292, but limits its purview to depictions of females. 182 The Act prohibits any public portrayals of women that exposes or portrays any part of the female body “in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals” of persons of any age or class. 183 The statute further mandates that “no person shall publish or cause to be published, or arrange or take part in the publication or exhibition of any advertisement which contains indecent representation of women in any form.” 184 The definition of the offense continues further: “No person shall produce or cause to be produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation, or figure which contains indecent representation of women in any form.” 185 The Act exempts from its purview religious and academic materials, religious or historical artwork, and some films. 186

Together, section 292 and the Indecent Representation of Women Act reveal how Indian normative policy regarding sexuality is not merely a cultural attitude. Indian cultural norms and morals not only influence

180 292 I.P.C. 1952 (1952) (India).
181 Id.
183 Id.
184 Id.
185 Id.
186 Id.
law, but they are law- the “unwritten laws” of the people.\footnote{187} Indian courts have upheld both statutes.\footnote{188} Further, the determination of obscenity rests upon the question of

whether the tendency of the matter charged as obscene is to deprave and corrupt those whose minds are open to such immoral influences and into hands a publication of this sort may fall… it is quite certain that it would suggest to the minds of the young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character.\footnote{189}

The obscenity test turns on the question of the material’s intent. What level of intent could be accredited to Barbie? Mattel’s deliberate choice to continue marketing the hyper-sexualized Barbie doll begs the question of whether Barbie’s influence to change perceptions of body image and gender identity might be considered as an action to “deprave and corrupt” persons with a vulnerable mind, such as Barbie’s biggest consumer – the child. Although Barbie has not been accused outright of violating any of the anti-obscenity laws, her body comes dangerously close to an obscene or indecent representation of the female form.

Further, for Indians, the issue goes beyond the potential for instilling negative body images in young females. She offends public norms through the way in which her body is hyper-sexualized.\footnote{190} Barbie doll is a silent object that reaches out through her physical characteristics and those characteristics include her clothing, her face, and the one thing that never changes about Barbie, her body. She remains forever a “mythically thin, long-legged, luxuriously-haired, buxom beauty.”\footnote{191} Without her body, Barbie would be nothing because her body is her livelihood. She sells by standing in her box, displaying herself in the most appealing way possible. Despite the fact that Barbie has never been prosecuted for depicting women indecently, her nature is certainly denigrating to the female form.

As a sexual object, Barbie seeks to provoke desire in the spectator, regardless of the audience’s age, race, gender, or ethnicity. It is the inherently sexual nature of the seemingly innocent doll that troubles the Indian public, as well as feminist critics around the world. The Indian Barbies are exoticized depictions of the female form, using the term

\footnote{187} Sen, supra note 5, at 1.
\footnote{188} Kapur, supra note 178, at 344.
\footnote{189} Id., at 352 (quoting R. v. Hicklin, L.R. 3 Q.B. 360 (1868)) (discussing how the obscenity test created by the British was adopted by the Indian Supreme Court).
\footnote{190} Id., at 351-53.
\footnote{191} Ducille, supra note 34, at 48.
“Indian” as a way of signaling a type of glamour in the state of foreignness. The ethnic Barbie becomes the Other, the doll that is called a Barbie but does not exactly look like the Barbie that comes to mind when her name is uttered. Yet reasonable minds can agree that the little girl growing up in India, or in any country, should not see herself as an exoticized, sexualized female object.

Little girls looking at the doll think that Barbie is what they should look like, connecting happiness with popularity and popularity with personal appearance. When a young girl receives a Barbie—be it the Coca-Cola Barbie, Fashion Designer Barbie, or Princess Barbie—in image begins to form. The doll indicates to little girls what being a grownup will be like, and to be a successful, beautiful grownup, the female must look the way Barbie does. Regardless of what clothes she may be wearing, her body is always grossly voluptuous and dangerously unrealistic.

B. Barbie’s Cultural Commodification of the Female

Beyond the troublesome commodification of gender in which Barbie engages, the international Barbies present a similarly troubling problem. In addition to portraying a false and sexist depiction of women, Barbie also stereotypes the ethnicities of a variety of countries through the international dolls. Each international doll changes her clothing and accessories; but, no significant differences are made. The differences are merely nuances in clothing, skin color, and at times, hair.

The same brand uniformity that Mattel strives for—the unmistakable and distinct Barbie impression—may be what prevented the brand from reaching its full potential in the Indian market. Barbie’s unwillingness to be transformed into anything but an American girl in Indian garb is part of the Barbie trademark. Regardless of what she’s wearing, the internal, American, all-consuming Barbie still lies underneath. Barbie is “the true American,” and she is one of the few who still “stands for the values that our country holds dear.” She possesses the “self-providing, philanthropic, and moral” readiness to bring all sorts of people into her life.

What the image may not openly admit, though, is that Barbie’s “friends”—her pregnant friend Midge, Colored Francie, Barbie in India—are Barbie in her wardrobe of life experiences. Barbie’s friends are lacking in the fact they themselves are not named Barbie. Their flaws are their differences. Everything outside of Barbie becomes the Other with

192 Id.
193 Urla & Swedlunch, supra note 168, at 402.
194 Kincheloe & Steinberg, supra note 115, at 154-55.
195 Id.
196 Id.
Barbie as the dominating culture. She possesses her own sets of cultural rules and norms for which she demands a most rigorous devotion. Barbie lovers must engage fully in the Barbie experience. They must own the shoes, the clothes, the friends, the lovers, the houses, and the scenes. Mattel’s goal is for each consumer to want the entire Barbie world, not just the single doll. More often than not, Mattel ably injects the Barbie dream into billions of little girls.

Yet such corporate brainwashing is an impossible task when dealing with a resistant public, backed by long-standing historical customs. Economist Amartya Sen describes norms as those "unwritten laws" that influence both the conduct and behavior of a society as well as the written, codified laws of a people. Norms both impact the law and are impacted by the law. Mattel India failed to understand properly the nature of Indian identity and the way in which exists a strong pride in the country of India.

To state it simply, Barbie was not an Indian doll. She was an American doll sold in some Indian stores, but she never belonged to India. For Indians, the freedom of the female is protected through maintaining her freedom from hyper-sexualized exploitation. Mattel not only attempted to commodify the physique of the Indian female in an unrealistic, gendered, and exoticized fashion, but also sought to commercialize centuries of long-standing Indian norms. These are cultural standards that withstand the impact of multinational corporations. These are cultural codes that surpass all other laws, written or unwritten, international or domestic. It is the failure to adhere the highest laws of the Indian nation that resulted in Mattel’s failure to capture the Indian market.

CONCLUSION

Listed as one of Forbes Best 100 Companies and recipient of several corporate responsibility awards, Mattel works hard to keep up the company’s image. Yet the company has experienced a long series of highs and lows in their profit scheme, prompting the question of whether a change could bring stability. Mattel’s problem arises from a dual failure in marketing strategy as well as the decision to continually market an inherently flawed, unmodified product. Yet Mattel’s intentions may be more indicative of negligence and corporate sloth, rather than willful actions against young children.

Mattel’s marketing strategy did not fail in its literal dissemination; however, selling an American doll with superficial ethnic modifications of

197 Id.
198 Sen, supra note 5, at 1.
199 Id. at 16.
200 History, supra note 30.
an inherently sexually exploitative product constitutes a pattern of irresponsible business practices. While such strategies may have led Mattel to success in other locales, the story of India should teach multinational corporations that each individual market carries with it a separate set of cultural norms and attitudes. In order for the multinational corporate giant to succeed in international markets, each separate country’s normative policies- its unwritten laws- must be embraced for marketing success. Mattel cannot simply use the information gathered about American girls by an organization like the GIA and apply that to young females all over the world. While economic liberalization allowed Mattel to enter the Indian market, the trade reforms never guaranteed success for India Barbie. The 1991 trade reforms only gave Mattel a method of entry, not a promise of permanence.

Barbie received no warm welcome from the Indian marketplace, largely due to the inherent flaws of the Barbie doll. Were Mattel to make a second attempt to market the Indian Barbies in India, the dolls would need to be vastly modified. Unfortunately, the costs of designing new and individualized plastic molds seem to outweigh the benefit of encouraging healthy personal and sexual identities in young female consumers.

The most obvious recommendation to Mattel is to modify the flawed product. Mattel could redesign Barbie’s unrealistic physique, and in doing so, widen its consumer base and appease feminist critics. Further, and more importantly, Mattel would begin to promote health physical self-image in young females around the world. By altering its core brand, Mattel may potentially broaden its consumer base by portraying the realities of the female physique, rather than continuing to promote the current Barbie’s fictitious, hyper-sexualized body.

Further, Mattel’s many ethnic Barbies must strive for absolute cultural authenticity. A rigorous adherence to cultural norms would illustrate that Mattel’s genuinely understands the people of a foreign market. Further, a more culturally authentic doll would teach all young women about one another in a positive and genuine way. Unfortunately, the way in which the current Barbie undergoes mere superficial ethnic modifications only furthers inaccurate and misguided cultural and gender-based stereotypes in young females.

In its future endeavors, Mattel must act more responsibly in its business strategies, a move that would benefit both the corporation’s profits and the child consumer’s mental development. Entering a foreign market requires more than mere compliance with international trade laws. To enter a foreign market successfully, the multinational corporation must take off its shoes in exchange for those of the land it enters. Both the letter of the law and the spirit of a people must be honored and observed in business practices, despite the impact of globalization and the global

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201 Sen, supra note 5.
corporate monoculture. Regardless of the increasing growth of a global
culture, individual cultures will persist and prevail; and, the failure to recognize the endurance of a long-standing culture, as was the case of Mattel in India, results in overconfidence and shoddy profits. Profitable international marketing requires socially responsible international marketing. “Cookie-cutter” marketing may cost less initially, but ultimately results in both a loss of profit and a damaged international reputation.

Working with the people of a foreign market to produce a culturally authentic product will bring more positive results for multinational companies like Mattel, even though such a route may require more energy. As India indicated to Mattel, culture often triumphs over the way in which commercialism seeks to erode heritage. Mattel, and all other multinationals, should learn the important lesson of Barbie in India: International marketing must observe local norms and cultural standards in order to be successful overseas.

Multinational corporations entering the global economy must remember to respect and honor the customer and her customs. Such practices will allow for corporations, like Mattel, to gain the ideal permanence in foreign territories without exploiting entire cultures. It is the social responsibility of those multinationals marketing internationally to avoid perpetuating gender and cultural stereotypes. While entry into a foreign market requires a mechanical compliance with domestic and international trade laws, such compliance is, in no way, a guarantee of market success. In order for a corporation like Mattel to succeed in an economy like India, the company must carefully adhere and observe local normative policy. Socially responsible marketing, contrary to popular entrepreneurial beliefs, will lead to both large profits for multinational corporations and positive social development for the international child consumer.