

LEGAL AND PRIVACY

## Dolce & Gabbana, Diet Prada lawsuit addresses racial bias in fashion

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*Dolce & Gabbana canceled its Shanghai show after criticism from an ad campaign. Image credit: Dolce & Gabbana*

By NORA HOWE

As anti-Asian rhetoric has recently spread throughout the U.S., fashion watchdog group [Diet Prada](#) is openly fighting against the defamation lawsuit filed by Italian fashion brand Dolce & Gabbana.

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In 2018, Diet Prada called the brand out as being racist and sexist following an ad campaign depicting an Asian woman trying to eat Italian food with chopsticks. After receiving backlash, Dolce & Gabbana filed a lawsuit against the social media account, seeking 4 million euros, or \$4.8 million at current exchange, for lost revenue and harm to the brand.

"Determining whether a statement was made as an opinion is complicated," said Rania Sedhom, attorney and founder of [Sedhom Law Group](#), New York. "Some factors to examine are: the context upon which the statement was made, whether it is false, whether the statement is couched as an opinion or a statement of fact, the details of the statement, the medium used to communicate the statement and the intended audience of the statement."

Defamation or discrimination?

After the ad campaign drew criticism and a number of models and celebrities pulled out of a planned fashion show in Shanghai, Dolce & Gabbana canceled the event and issued a public video apology ([see story](#)).

"I think Dolce & Gabbana's action of publicly apologizing on one hand, and suing on the other deserves scrutiny," Ms. Sedhom said.

In the midst of the controversy, Stefano Gabbana exchanged direct messages with Instagram users that were then shared on Diet Prada's account. In a statement, the brand claimed that its account had been hacked and that the posts were not authorized ([see story](#)).

A few months later, in early 2019, the brand filed a lawsuit demanding that Diet Prada cofounders Tony Liu and Lindsay Schuyler be held responsible for damages caused by the account's public criticism of Dolce & Gabbana.

On March 1, 2021, Mr. Liu and Ms. Schuyler issued a statement defending their freedom of speech in response to the claims brought in a Milan court by the Italian brand.

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A post shared by Diet Prada (@diet\_prada)

"For two years, I have stayed silent and carried the burden of this lawsuit on my shoulders," Mr. Liu said in the statement. "During this time, the world was forced to reckon with the systemic racism in the U.S. that led to the murder of George Floyd and countless other Black lives, as well as the xenophobia that further fueled Trump's anti-Asian rhetoric in the age of COVID-19.

"In the outpouring of support for these communities being targeted, we all continue to see the power of solidarity and speaking truth to power," he said. "Diet Prada will continue to be a platform to elevate these crucial issues."

Nonprofit organization [Fashion Law Institute](#), based at Fordham Law School in New York, is coordinating Mr. Liu and Ms. Schuyler's defense through a pro bono clinic in collaboration with Italian law firm [AMSL Avvocati](#).

Since the lawsuit was filed in an Italian civil court, and not in the U.S., Diet Prada's legal team believes Dolce & Gabbana engaged in a degree of forum shopping the practice of having one's legal case heard in the court thought most likely to provide favorable judgement.

"In the U.S., fact is an absolute defense to defamation," Ms. Sedhom said. "In other words, regardless of a statement's impact, if it is true, it is not defamatory.

"In Italy, truth is but one factor of a defense."

The legal dispute has spurred conversations surrounding freedom of speech and press, as well as how racism and sexism is perpetrated within the fashion industry.

"As a woman, I believe it is important that media outlets speak out against misogyny as well as racism and are not silenced by legal threats," Ms. Schuyler said in a statement. "Discrediting and denouncing the press, charges of fake news,' and a general threatening attitude towards journalists are a breeding ground for danger and a slippery slope toward extremism."

In response to a recent uptick of racist crimes against Asian Americans, the [Council of Fashion Designers of America](#) (CFDA) and other luxury fashion houses including Moncler, Versace and Valentino have released statements of support for the community, condemning violence and hate.



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Public figures, influencers and brands are speaking out in an attempt to prevent future acts of violence targeted at Asian Americans and Pacific Islander Americans (AAPI) and to ensure the safety of consumers.

In conjunction with their statements of support, brands have been using the hashtag #StopAsianHate ([see story](#)). Dolce & Gabbana has not yet issued a statement condemning violence against the Asian community.

A record of cultural missteps

This legal dispute is not the first of its nature for Dolce & Gabbana, as the brand has been criticized in the past over insensitive or biased messaging.

In 2015, the brand incurred the anger of a number of popular celebrities after its founders Domenico Dolce and Mr. Gabbana argued with British singer Sir Elton John over the topic of same-sex families. The argument arose when Mr. Dolce referred to children conceived through in-vitro fertilization as "synthetic children" during an interview with Italian magazine Panorama.

The brand's founders have also claimed to not believe in gay adoptions because the "only family is the traditional one." Sir Elton took offense to their comments and immediately launched a boycott of the brand ([see story](#)).

In 2017, the house sparked controversy over writing on the side of a sneaker, "I'm thin & gorgeous," which was considered insensitive to women suffering from eating disorders or struggling with body image ([see story](#)). This came shortly after the brand released a "slave sandal" shoe from its spring 2016 collection.

"As with nearly all lawsuits, this case will likely settle, and the details of the settlement will remain confidential," Ms. Sedhom said. "Defamation lawsuits are quite costly and often the parties do not have the financial and/or emotional wherewithal to go to trial.

"Without awaiting a post-trial judgment, outcomes range from a retraction to monetary damages and costs."