

The Case of the Counterfeit Nike™

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Abstract

Those two sets of partial concentric circles with the inter-joining straight bars and a perimeter of small square elements are immediately recognized by any seasoned footwear examiner as the outsole design of a "Nike Air Force One" athletic shoe. This shoe is one of the most popular on the market today and has increased in popularity since its inception in 1982. Having deep roots from Baltimore to Harlem, this shoe, often referred to as "Uptowns" or "Airs," is manufactured with over 1700 different styles of uppers and often demand a high price tag upwards to \$200 a pair. This shoe has even inspired a song that reached #3 on the Billboard 100 chart in 2003. With this increased popularity, this outsole design is commonly found in questioned impressions that come into the laboratory for analysis.

In 1820, Charles Caleb Colton coined the phrase, "imitation is the sincerest form of flattery," and this adage has been found in varying forms for years. The more coveted an item is, the higher the demand for the product and the increased likelihood that it will be counterfeited. This is truly the case with the "Nike Air Force One" athletic shoe with reported seizures of this particular shoe sometimes numbering in the millions of confiscated counterfeits. With the popularity of this shoe and the increased number of counterfeits saturating the market, it is inevitable that some will come across the desk of a footwear examiner. This was the situation in a case received into the Kansas City Police Crime Laboratory.

Case Overview

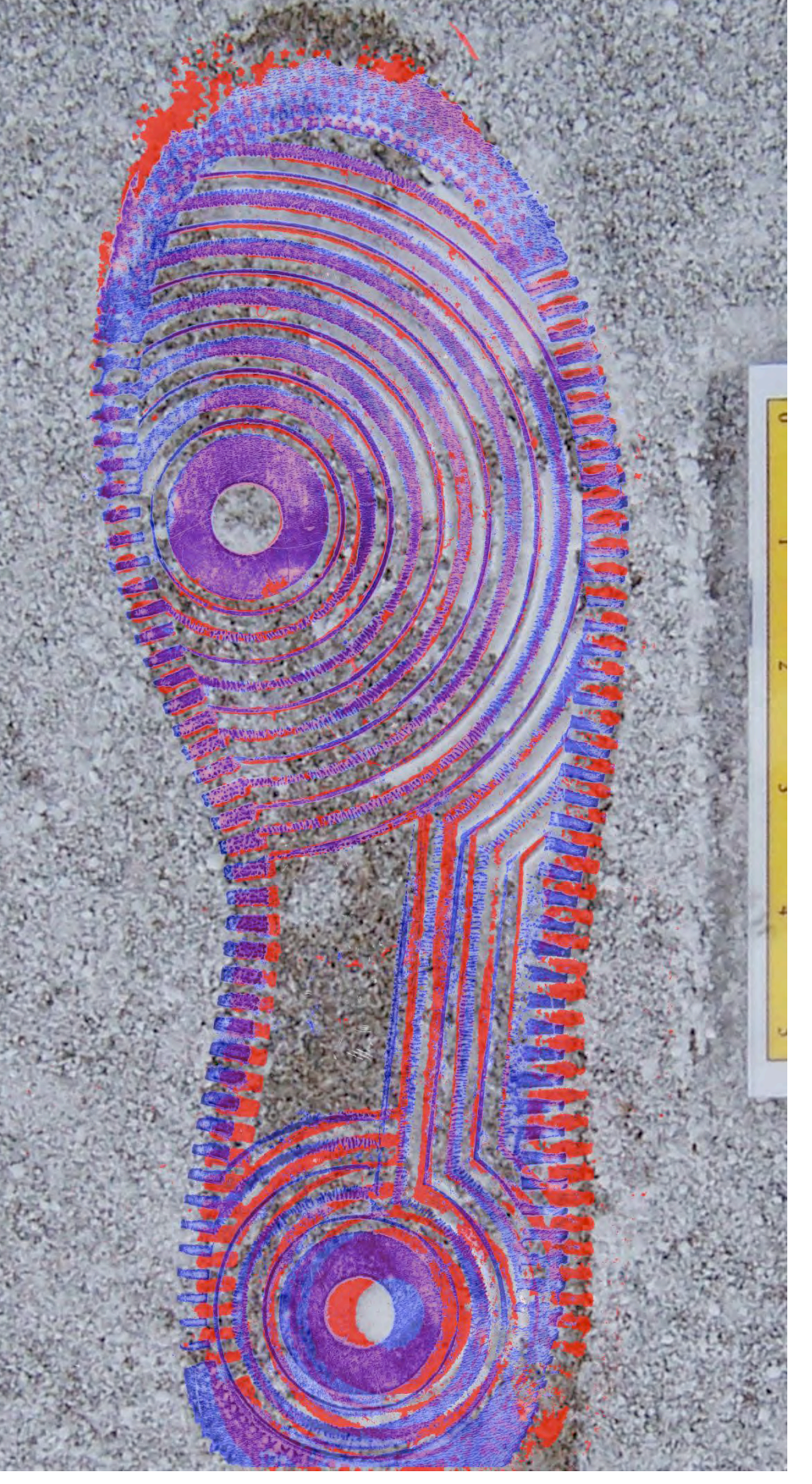
In this particular case, several photographs of questioned footwear impressions were received into the laboratory along with three (3) pairs of suspect shoes. Analysis of some of the questioned footwear impressions revealed that familiar outsole design of the Nike Air Force One or Nike Air Jordan. All three (3) suspect shoes were labeled as "Nike" brand shoes, size 10 US, on the inventory sheet. One (1) pair was a "Nike Air Assault" shoe and the other two (2) pairs were "Nike Air Force XXV (AFI '82)" shoes. As an examiner, when presented with two (2) pairs of shoes of the same manufacturer, model, and size, it is understood that to exclude a particular shoe as the source, one will need to look beyond the general class characteristics and focus more on limited class characteristics, such as wear and mold or manufacturer characteristics, especially when the questioned impressions may be limited in detail and not have visible individual characteristics that will differentiate between the shoes.

This was the situation in the case at hand with most of the impressions being in snow and limited in detail. Several test impressions were prepared from the three (3) pairs of size 10 US "Nike" shoes. The "Nike Air Assault" shoes had a different outsole design than the other two (2) pairs of suspect shoes and were quickly excluded as the source of some of the questioned impressions. During the comparison process, one (1) of the suspect "Nike Air Force XXV's" shoes could be excluded as the source of one (1) of the full questioned impressions due to differences observed in the heel portion of the outsole design, as well as wear differences. Upon analysis of the test impressions and comparisons of the known to known impressions, a subtle difference in angle dimension was observed between the "Nike Air Force XXV" shoes in the heel portion, when the toe portion was aligned. Interestingly enough, this difference was more discernable in the left shoes than between the right shoes. The quality and design of both pairs of shoes was very well constructed, with neither pair giving any immediate "red flags" due to the manufacturing quality or overall condition. The interior label of both pairs of shoes was photographed and the label information was sent to the Nike Corporation in an attempt to explain the differences observed.

Information was received that one (1) of the pairs of shoes was counterfeit. This can be disheartening information when your case may require information on such things as date of manufacturing, number of outsoles created with a particular mold, or distribution for sales. However, when you have two (2) pairs of seemingly similar shoes presented in one case, this information can be used to confirm any subtle differences observed in outsole design elements and can possibly be used to exclude one of the shoes as the source of an impression.



Questioned impression in snow from crime scene



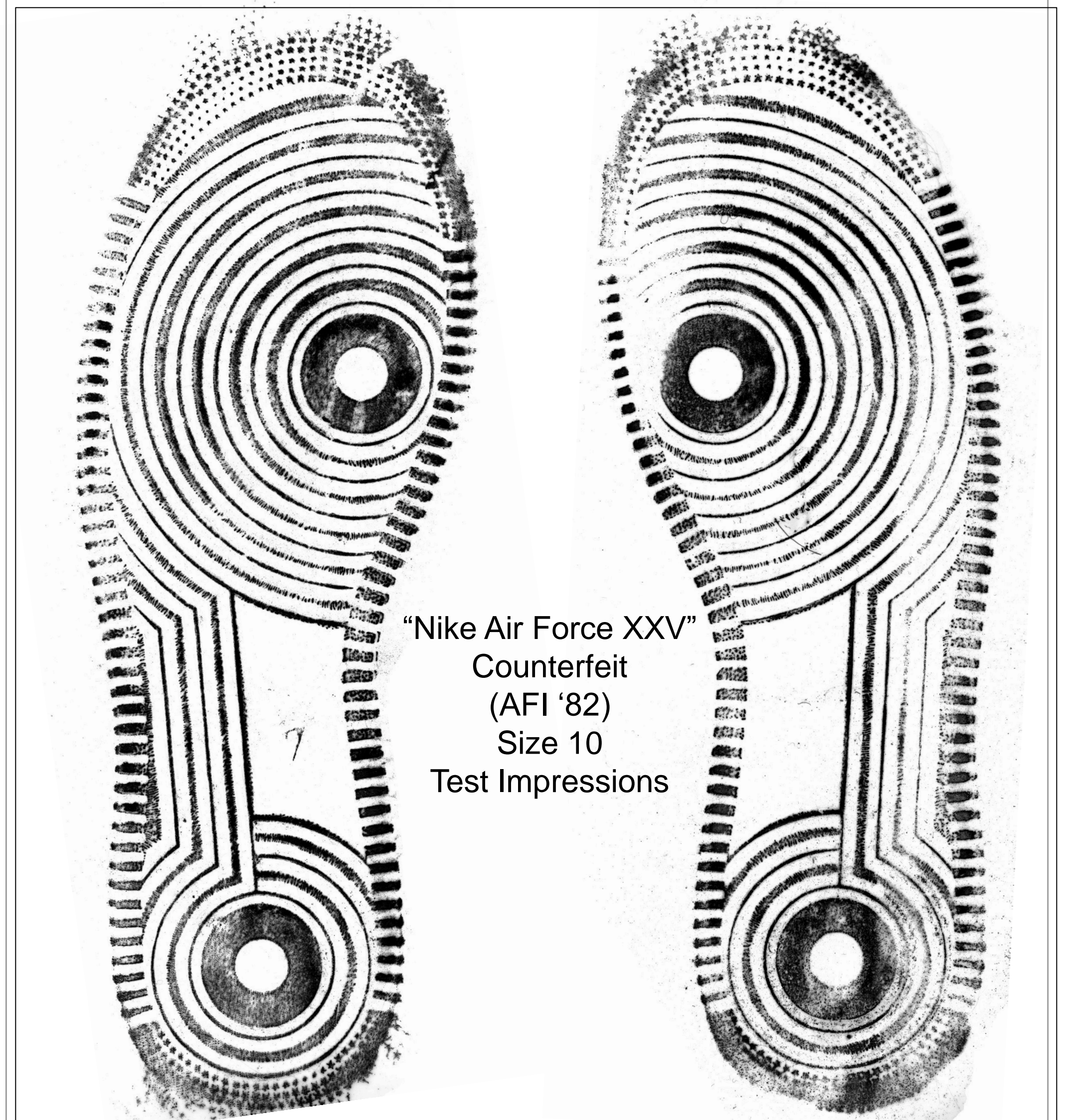
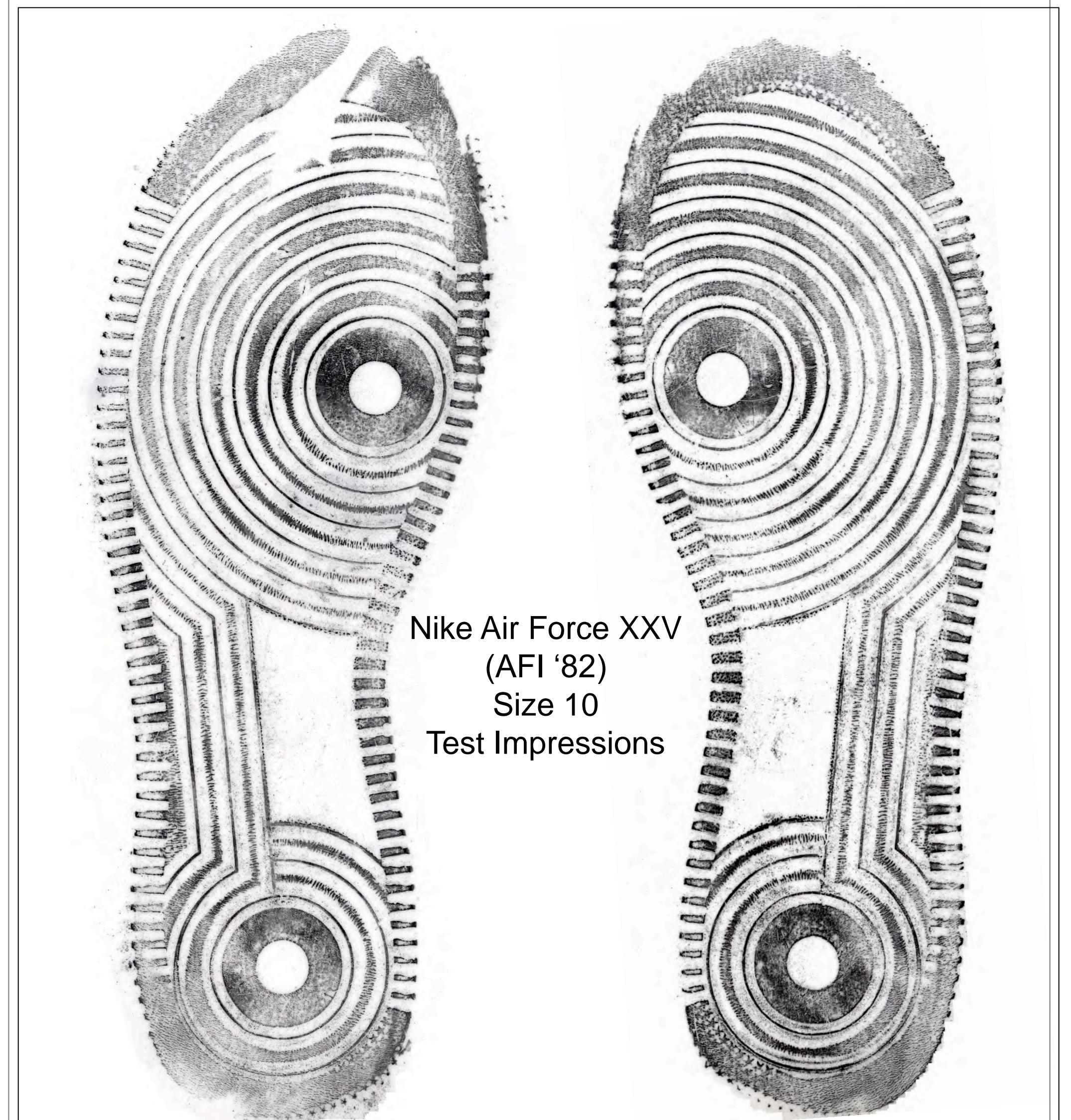
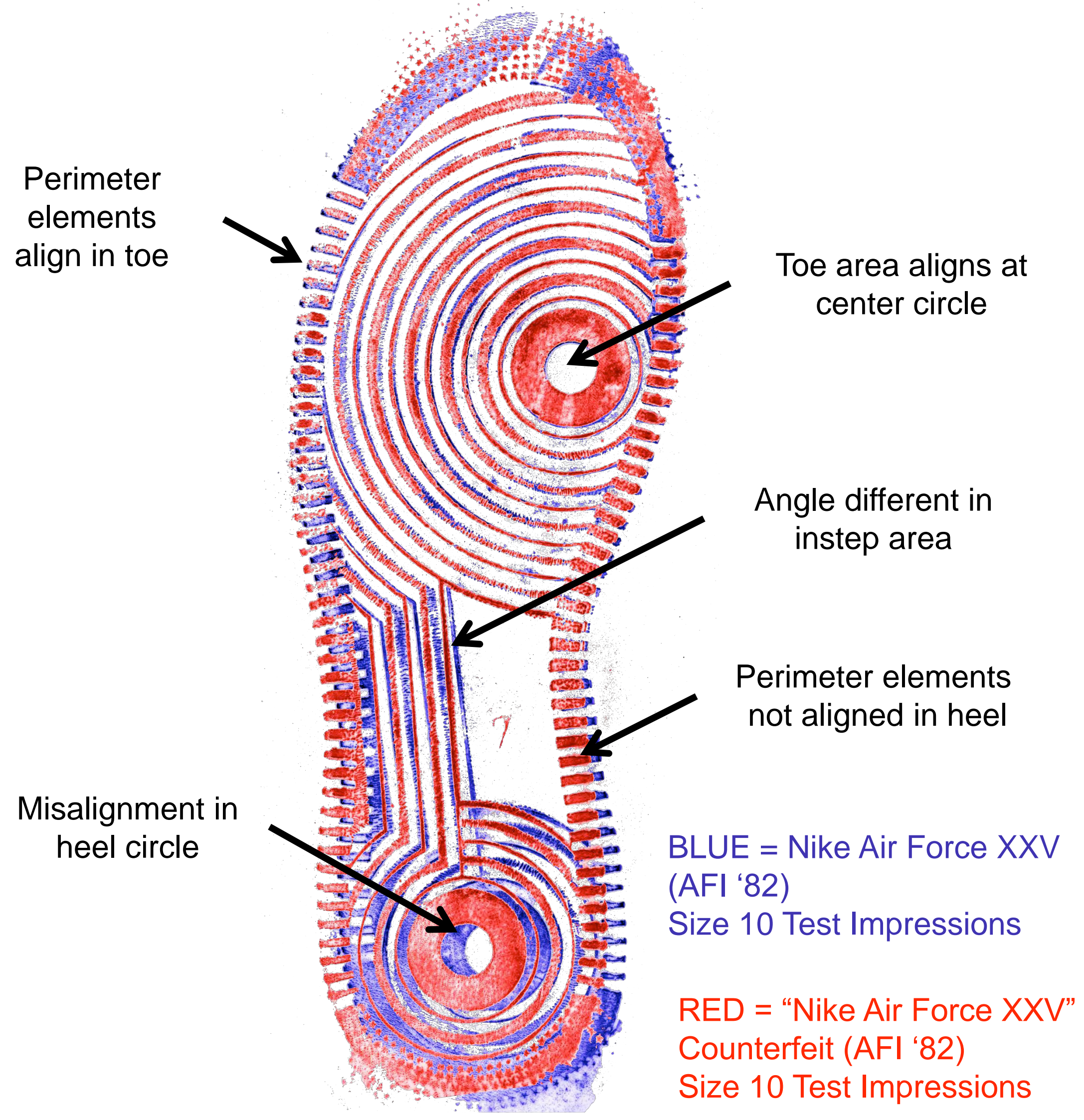
Questioned impression and both (right) suspect shoes



RED = "Nike Air Force XXV" Counterfeit (AFI '82)



BLUE = Nike Air Force XXV (AFI '82) - Excluded



Conclusion

As an examiner, it is important not to get "tunnel vision" and assume that what something appears to be is indeed what it is, as this may not always be the case. Never assume that just because two (2) of the "same" shoes are submitted that they really are the "same." Besides differences in mold characteristics and wear, one can also sometimes have differences due to counterfeit manufacturing.

Examine carefully and look for subtle differences, not only in the questioned impressions, but in the shoes themselves. In situations where two (2) or more of the seemingly same shoes are submitted for comparison (i.e. - shoe size and model), a comparison of known to known will help determine any differences in mold characteristics, manufacturing differences, and even those due to counterfeit design. These subtle differences can sometimes be used to include a shoe and eliminate the other as the source of an impression, as in this case, despite a lack of direct manufacturing information.

Acknowledgements

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