

**Selling or Selling Out?:
An Exploration of Popular Music in Advertising**

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Submitted to the Department of Music of Amherst College in partial fulfillment of the requirements for the degree of Bachelor of Arts with honors.

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05 May 2011

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Acknowledgments

There are numerous people that have provided me with invaluable guidance, support and encouragement. Without them, the completion of this thesis would not be possible. I am especially grateful to the Amherst College Music Department for allowing me to explore my diverse interests and providing me with so many opportunities.

I am particularly thankful to Jason Robinson, for without his gentle guidance and firm direction, I might not have been able to complete this project. I could not have asked for a better or more dedicated advisor. I also cannot express how grateful I am to Jenny Kallick for guiding my growth as both a musician and a scholar during the past four years.

I developed many of the foundational ideas for this thesis in Jason Robinson's popular music seminar and Matthew Schulkind's music psychology seminar. The work I did for these two courses provided the basic framework for my thesis and gave me a diverse range of perspectives with which to view my topic.

Through the classes I have taken and the conversations I have had with them, Mallorie Chernin, Bruce Diehl, Jeffers Engelhardt, Klara Moricz, Eric Sawyer, David Schneider, Eric Wubbels and Astrid Schween have provided me with a strong groundwork of musicianship. In addition, Suzette Farnham, Ted Keyes, Sara Leonard and Ann Maggs have worked tirelessly in the background to streamline everything that happens within the Music Department. During my time at Amherst College, the Music Department has really become my second home. The faculty, staff and my fellow classmates have reinforced and heightened my passion for music through their infectious love of the art.

While all my friends have made this year memorable, there are a number of people who have been exceptionally wonderful. In particular: Nathan Olson, you have been an invaluable friend and I am so glad that you are here for my senior year. Kate Berry, Tricia Lipton and Miranda Marraccini, you girls have been fantastic and I wish we had been friends earlier. More movie nights, Flayvors and general shenanigans are necessary. Rohan Mazumdar, your boundless energy and enthusiasm are contagious. I can always count on you to be there to talk to when I have something on my mind. Dylan Vasey, thank you for always giving me perspective when I need it most. You have been so supportive and understanding, and I cannot thank you enough for that.

Finally, I want to thank my family for shaping who I am and for always believing in me. Without them, I would not be who I am today: Mom, Dad, Susan, James and Angela.

1 – Towards an Understanding of Popular Music and Advertising

While advertising and music have mutually developed, the use of popular music in advertisements is a relatively recent phenomenon. The music and advertising industries took shape in the late 1800s and have collaborated since the advent of commercial radio broadcasting in the 1920s (McLaren). Although mass media prompted the integration of music and advertising, the commercial use of popular music only rose to prominence in the late 1900s. Advertising music has evolved rapidly, growing from music primarily used as a mnemonic device to music that is employed as “borrowed interest,” capturing a feeling and setting a mood (Huron).

In 1891, the De Long Hook and Eye Co. commissioned a series of rhymed verses—what we now call “jingles”—to advertise its product, the hump hook and eye. Their advertising campaign started a trend of jingles in advertising (McLaren). In the 1920s, companies organized in-house musical groups to facilitate staff loyalty and advertise the company name (McLaren). During the early 1900s, the presence of popular music developed while the advertising world continued to use original jingles. By the 1960s, jingles began appearing on Billboard charts: “Little GTO” (1964), a song about a Pontiac automobile commissioned by General Motors PR, became a Top 40 hit, the Carpenters’ “We’ve Only Just Begun” (1969), a version of a song in a bank advertisement, topped the charts and the New Seekers’ “I’d Like to Teach the World to Sing (in Perfect Harmony)” (1971) became a hit single (McLaren).

From the late 1960s to the 1980s, companies used well-known artists to record jingles and a counterculture of manufacturing popular artists developed (McLaren). In 1981, MTV was introduced as “the Biggest Advertising Merger in History”—the merger

of radio and television (McLaren). MTV changed the language and look of television and advertising, and made visual imagery key to popular music (McLaren). And in 1982, Jovan/Musk Oil sponsored the Rolling Stones' U.S. tour for \$1 million, marking a significant shift towards marketers creating more tie-ins with popular musicians (McLaren).

By 1985, advertisers began licensing popular music in earnest. In this year, Pepsi created a hit advertisement with Michael Jackson; people confused the television advertisement for a music video (McLaren). The same year, Pepsi televised an advertisement featuring Madonna, whose "Like a Prayer" music video caused controversy and convinced Pepsi to dissolve the relationship. Another notable example from this year was Nike's use of the Beatles' "Revolution" for an advertisement, which resulted in a surge of sales for Nike, extreme controversy and a lawsuit from the Beatles (McLaren). My thesis focuses on the commercial use of popular music since 1985 because the prior examples demonstrate a shift away from jingles and a trend towards popular music in advertisements.

The term "popular music" is so ubiquitous in our society that it is almost meaningless. It is assumed that everybody uses the term with the same intent because it is used so frequently in everyday discourse. In reality, it is used in an almost infinite number of ways. Several distinctions, however, separate the use of the term in everyday discourse from its use in analytical discourse. In an everyday context, "popular music" means music that many people listen to; that is, music classified as "popular music" constantly changes depending on what appeals to society. For example, what was

considered “popular music” during the 1950s may not be considered “popular music” today.

The distinction between past popular music and current popular music is made by another term: “oldies.” During the 1990s, oldies music referred to music from 1950s to the early 1970s (Gold). Today, “oldies” has a broader scope, encompassing popular music from the 1970s to the early 1980s (Geez). For example, Billy Joel is an artist who had Top 10 hits throughout the 1970s to the 1990s and has thirty-three Top 40 hits in the United States (Billy Joel). While Joel’s music would have been considered popular music in the 1970s, today, Joel’s music is considered oldies. Currently, the public wants to listen to artists like Lady Gaga, K\$sha, Justin Bieber and Taio Cruz rather than artists like the Carpenters, Pink Floyd and Sam Cooke. Thus, the term “popular music” in everyday discourse encompasses music that, at present, appeals to specific audiences.

Colloquially, popular music can also refer to a specific musical genre. This genre first developed during the mid-1950s as opposition to rock music. The music in this genre is focused towards the teenage and early adult demographic, usually consisting of a simple musical structure with lyrics that typically discuss relationships. For example, The Carpenters’ “Top of the World” (1973) and Taylor Swift’s “Love Story” (2008) would both be considered popular music. Pop music was intended to be commercial and accessible to the public, with lyrics and melodies that tend to be catchy and memorable. Two noteworthy examples of this genre are the Backstreet Boys and ‘N Sync. Both boy bands became successful through recording and releasing songs that are very much in the style of the “pop music” genre. They were so successful, in fact, that the general public

today still remembers the chorus of their most popular songs. Thus, under this meaning of the term, popular music encompasses both oldies and future popular music.

And here, we arrive at the definition I intend when I use the term in my thesis. In this analytical definition, popular music is all encompassing; there is an historical aspect that does not exist when the same term is used in everyday discourse. Musical styles of artists today can be seen as developing or evolving from musical styles of older popular artists. By this definition, past, present and future popular music are all connected with each other to form a larger, single historical continuum.

By “popular music,” I also mean music that is accessible to mainstream society. Historically, classical music has been considered not readily available to the general public; only a small proportion of people had access to this sort of music. Prior to the 1880s, most people did not have the financial means to attend live music performances. Thomas Alva Edison invented the phonograph in 1877, which began the shift towards recorded music (IFPI). Today, access to any and all forms of music is facilitated due to vastly improved technology and the advent of the Internet. My thesis, however, falls back on tradition and therefore does not include classical music or jazz music in defining “popular music.” Thus, the term refers to commercially generated music that was created specifically so the music could be easily accessible to the public.

The definition of “popular music” that I use in my thesis is not independent of its colloquial connotations. The biggest distinction between my use of the term and the colloquial term is its transiency. Because my thesis takes into consideration popular music, both past and present, my definition is more constant than the colloquial use of “popular music” and only grows more expansive as the sort of music that appeals to the

general public changes. Thus, Taylor Swift is popular music as too is Bob Dylan. Billboard charts activate a conception of popular music as a form principally enjoyed through modes of mass distribution and primarily commercial aesthetics. But also, popular music can be a potent symbol of cultural identity rather than a commodity transaction. Thus, my definition of popular music is that which has a wide following, is produced by contemporary artists and composers and does not require public subsidy to survive. This means that popular music encompasses a wide variety of genres; if an artist attracts a large following and is financially viable, they would be included in this definition.

There are also multiple times that I reference the “popular music industry” in the following chapters. This term refers to the network of record labels, publishing companies, producers, managers, agents, songwriters, artists and all other people involved in the production and promotion of an artist. Similarly, the term “advertising industry” refers to the community of people who create and produce advertisements, particularly advertisements with a visual component (e.g. billboard and television ads). The term “commercial” also comes with a variety of meanings. In the context of my thesis, this refers to music that has been made with a profit motive in contrast to music produced for the sole purpose of pushing artistic boundaries. Since “commercial” can also mean an advertisement, I will make the distinction clear by referring to any type of promotional product that advertising agencies create as an “advertisement” and using the term “commercial” in its economic context.

As the advertising and popular music industries become more closely intertwined, the line between “music as art” and “music as commerce” is rapidly blurred. The

increasingly dependent relationship between popular music and advertising has prompted questions that revolve around a central issue: is this union a “bankruptcy of culture” or a “marriage of art and commerce?” In “An Essay on Popular Music in Advertising: The Bankruptcy of Culture or the Marriage of Art and Commerce?,” David Allan argues that “the combination of popular music and advertising actually creates a new cultural product” (Allan). In my thesis, I attempt to further this argument. The ever-growing relationship between these two industries, strengthened by the widespread use of the Internet, has changed the way media is presented to the public. Society is surrounded today by a steady flow of advertising through television and the radio; this has, in turn, introduced popular music into a diverse range of mediums that pair it with images. The union of advertising and popular music has transformed the popular music industry into one that works in partnership with various other industries.

Advertising and popular music have much in common, yet advertising is critiqued for its commercial qualities by critics of popular culture. Why is this so? Allan argues that it is unfair and hypocritical to accept popular music but decry advertising for its commercial aspects. Popular music is, by necessity, a commodity. Perhaps the distinction lies in the idea that advertising is more a form of commerce that uses art to make profit, whereas popular music is more a form of art that uses commerce to be able to produce music. This is problematic because it implies that advertising intrinsically has less cultural value than popular music. Yet it can be said that the popular music industry creates music for profit motives as well. Thus, it is hypocritical for society to accept popular music and critique advertising when both forms of media have the same qualities.

While I find Theodor Adorno's viewpoint on popular music problematic, "it is impossible to talk about popular music theory effectively without beginning with Adorno" (Allan). His position provides a theoretical foundation that is still cited and debated today.

The basis of Adorno's analysis of popular music is founded on the premise that popular music is not serious music because it is standardized and pseudo-individualized. In his essay "On Popular Music," Adorno argues that classical music is "serious" music, while popular music "would not affect the musical sense if any detail were taken out of context; the listener can supply the 'framework' automatically, since it is a mere musical automation itself" (Adorno 19). While I do not agree that popular music has less value or import than classical or other forms of music, I think his idea of a "framework" is in part why popular music is so successful in advertising.

Adorno also thought that popular music "would not affect the musical sense if any detail were taken out of context" (Adorno 19). However, research has shown that a combination of the original lyrics with the original melody of the song is the most memorable, and thus, the most effective for advertisements (Crowder et al.). This suggests that Adorno is mistaken in his assumption that "the beginning of the chorus is replaceable by the beginning of innumerable other choruses (Adorno 19). Adorno suggests that "the interplay of lyrics and music in popular music is similar to the interplay of picture and word in advertising" (Adorno).

Although Adorno has a negative opinion of popular music, he sees it as a complement to advertising. In his criticism, Adorno writes that popular music must meet two demands:

One is for stimuli that provoke the listener's attention. The other is for the material to fall within the category of what the musically untrained listener would call "natural" music: that is, the sum total of all the conventions and material formulas in music to which he is accustomed and which he regards as the inherent, simple language of music itself, no matter how late the development might be which produced this natural language (Adorno).

His concept of "natural" music ties directly to my definition of popular music. To attract a large following, many artists rely on a formulaic method of creating music because it has proven effective. The traits that Adorno describes are what make popular music so effective in advertisements.

Despite the problematic nature of Adorno's values in music and his idea of how music relates to the economic structure, he has recognized, in condemnation of popular music, some complement between popular music and advertising. Through his analysis of popular music, Adorno provides a possible theoretical foundation for the increasing use of popular music in advertising.

Although popular music in advertisements is effective, many condemn the relationship, describing artists who are involved with advertisements as "sell-outs." Those who condemn the commercial use of popular music argue that advertising "recontextualizes old songs in a way that is disturbing and even shocking... [it] does not at all honor what the song originally meant but rather the sales object of the moment" (Burns). Once the music is manipulated and included in an advertisement, the new product is a violation of the song's original intent and meaning. On the whole, however, popular music is a prime example of marketable entertainment. As Adorno says, "entertainment may have its uses, but a recognition of radio [popular] music as such would shatter the listeners' artificially fostered belief that they are dealing with the world's greatest music" (Adorno 316).

There are, of course, situations where the recontextualization of music is a legitimate cause for concern. Nike's use of the Beatles' "Revolution" (1968) is a particularly poignant instance of an advertisement that significantly changed the meaning of the song through association with a brand (Pareles). The song, inspired by the early 1968 political protests against the Vietnam War, was used in a 1985 Nike advertisement. As mentioned earlier, the Beatles' filed a lawsuit against Nike objecting to the use of their song in the advertisement. The litigation continued for two years until a settlement was finally reached in November 1989 (Doyle). Despite the legal issues involved, the advertisements were well received. There is disagreement among advertisers as to whether the success of the Nike ad campaign was a result of the execution of the sports scenes with the music or the song's original association with the anti-Vietnam War demonstrations (Doyle). The latter would suggest that Nike's campaign had not recontextualized the Beatles' song. Rather, the original meaning of "Revolution" was what helped Nike reach a wider audience and increase their shoe sales.

In her analysis of music licensing in advertisements in *As Heard on TV: Popular Music in Advertising*, Bethany Klein focuses on issues that arise with the increasingly common relationship between popular artists and corporations. She believes that "popular music in advertising continues to be an unresolved debate ... because popular music itself is unresolved: it is at once art and commerce, to varying extents and in different proportions" (Klein 6). Klein looks to the hybrid nature of popular music and advertising as a source of underlying tension within both industries. As Klein has done, I plan to construct my arguments through case studies to illustrate my point. Her analysis focuses on the social and cultural dilemmas that arise from the use of music in advertising. While

I also intend to look at the social and cultural impact of this union, I plan to focus on how the popular music industry has evolved and been affected by the growing relationship it has with the advertising industry.

My thesis also focuses on the procedures that advertising agencies use to choose music. This leads to an investigation of the psychology behind popular music and how and why it affects people in the ways that it does. David Huron believes that there are six basic ways that music contributes to an effective broadcast advertisement: entertainment, structure/continuity, memorability, targeting and authority establishment (Huron). Huron focuses on jingles in his analysis of music in advertising. I would like to expand his analysis and apply it to my thesis because the six features he describes are applicable to popular music used within advertisements. Huron also discusses music videos as advertisement and argues that “the origin and purpose of music videos is promotional” (Huron), which provided impetus for my interest in the role music videos plays in the relationship between popular music and advertising. I am interested in understanding how music videos have changed as a result of endorsement deals between popular musicians and companies.

My research draws from three interrelated methodologies: analytical, historical and ethnographic. My analyses of various case studies are supported by scholarship focused on popular music as well as interviews with advertisers, music supervisors and musicians. Although I made numerous efforts to conduct personal interviews, I have had difficulty contacting the artists and advertisers relevant to my thesis. However, I have been fortunate to find videos and transcripts of interviews conducted by other sources that have been very helpful in my research.

In addition to these more familiar forms of research, I have also turned to other types of sources for more insight into the world of popular music. As such, much of my research involves analysis of blog posts and comments from social networks and online forums. My research is unique to the traditional form of data collection, which is often direct and first-hand. I realized that to fully understand and synthesize the issues I discuss in this thesis, I need an understanding from not only perspectives from within the industry but also from the perspectives of the public, to whom these advertisements and music are directed. Thus, I have immersed myself in the online world of fanzines, websites and Internet discussion groups to engage in conversations and criticism of popular music.

Chapter 2 focuses on the shift towards integrating popular music into advertising. By studying the promotional advertisement of *Glee* featuring Journey's "Don't Stop Believin'" and Samsung's advertisement featuring Train's "Hey, Soul Sister," I demonstrate that the partnership between artists and companies is growing increasingly symbiotic. I discuss various arguments against the commercial use of popular music in advertising, such as the issue of advertising agencies becoming producers of popular music and the issue of arbitrary association between a song's original intent and the product with which it is paired. I also explore the various benefits that arise from the relationship between these two industries, such as the financial opportunities and publicity that are generated for the popular music industry.

Chapter 3 focuses on the process of licensing the use of music in advertisements. Specifically, I want to make clear the nuances behind music licensing and the exact role the artists have in this process. I discuss two lawsuits that involve Miller Brewing Co.

with artists Santana and the Spin Doctors, both of which reveal how the ownership of a song can become problematic. I also discuss Mitsubishi's use of Dirty Vegas's "Days Go By" and Lincoln's use of Phoenix's "1901" to discuss the opportunities that music licensing can provide for artists. These case studies demonstrate how the concepts of ownership and authenticity in popular music influence the ways in which advertisers select specific songs for their advertisements.

Chapter 4 attempts to understand how artists' public images are affected by their endorsements. I examine popular musicians such as Kelly Clarkson, Taylor Momsen, Selena Gomez, Demi Lovato, Chris Brown and Rihanna to determine whether artists are influenced in their choice of product endorsements by what is socially acceptable. I attempt to better understand how endorsement deals affect artists' careers and how musicians' reputations affect the endorsement offers they receive.

Finally, Chapter 5 discusses how collaboration between popular music and advertising has changed the role of the music video. The original intent of music videos was promotional; they were meant to promote the artist and the music. This role, however, has shifted with the increasing prominence of popular music in advertisements. I analyze Lady Gaga and Beyoncé's "Telephone" and Britney Spears' "Hold It Against Me" to highlight how the trend of product integration into music videos makes apparent the increasing prevalence of the collaboration between the popular music and advertising industries. I also look at Matt and Kim's "Daylight" to show that there remain examples of music videos with no product integration at all.

This thesis explores various aspects of the relationship between popular music and advertising. I address a number of questions prompted by the use of popular music in

advertising and look at both the benefits and consequences of the practice of licensing music to advertisements. Through the analysis of a variety of case studies, I seek to illuminate theoretical issues regarding popular music, advertising, art and commercialism.

In addressing these issues, I intend to illustrate the complexities that lie behind the use of popular music in advertising. Much of the discourse from viewers and listeners of advertisements consists simply of the “sell-out” argument. In bringing to light the benefits of music licensing and discussing the problems inherent within the relationship between popular music and advertising, I highlight the arguments both for and against this practice.

The commercial use of popular music has been decried and denounced by both fans and theorists. While I do not disagree with their arguments as to why music licensing can be problematic, I believe that the union of the popular music and advertising industries creates a cultural product that is significant and important to the world. Despite the many issues that arise from it, this relationship has changed and defined much of how society views and processes popular culture. In my thesis, I hope to present a nuanced position that demonstrates the symbiotic relationship between the popular music and advertising industries.

2 – “I’d Like to Buy the World a Coke”: The Integration of Popular Music and Advertising

Music is one of the most important ways that advertising agencies reach their audience. When a song is placed into a television advertisement, people automatically associate the music with the images in the advertisement. Memorability is one of the most prominent reasons why advertisers use music in their advertisements:

Music has the possibility of reaching places that film does not. If you can connect a track of music to a brand and then that track goes onto a CD compilation that you play at your Christmas party and every time that song comes on somebody thinks of Target, you’ve done your job (Gavigan qtd. in Klein 116).

Thus, popular music, if used effectively, is an ideal medium to promote products. Pop songs have many qualities that advertising agencies look for in the music they use for their advertisements. The standardized structure of popular music causes listeners to recognize and remember the songs easily. In addition, popular music is widely accepted and listened to by the general public.

The increasing use of recorded music in advertisements is a relatively recent development that reflects the blossoming relationship between popular music and advertising. In 2005, the largest sector underpinned by recorded music, after sales of physical recordings, was the global commercial radio advertising market, which was worth 30 billion dollars. Global retail sales of recorded music totaled 33 billion dollars in 2005 (IFPI). The success of original jingles has caused advertisers to consider popular music as another advertising tool. In addition to a variety of qualities (e.g. memorability, entertainment, structure and continuity) that is desirable for an advertisement, popular music usually has the added advantage of having a fan base generated from previous

exposure. In this chapter, I hope to explore both the advantages and disadvantages of the union of popular music and advertising to learn how and why advertisers have turned from original jingles towards the use of popular music in television advertisements.

The music in television “involves a combination of presence and distance that is significantly different from the music experience of radio, records or live performance” (Frith 194). Because songs that once carried their own significance and meaning are placed in an environment that brings together many different elements, television creates a completely new context for the music. The combination of visual imagery with audio results in a unique medium through which popular music is viewed. Television has provided the general public with easy access to popular music and has become a fundamental component of launching popular musicians into fame. In addition, the medium provides the opportunity for popular music to collaborate with television shows and advertising agencies. While the exposure is certainly advantageous for the popular music industry, these collaborations also produce instances when the imagery causes the music to take on unintentional new meanings.

With the advent of and rapid growth of digital media and the Internet, the relationship between popular music and advertising has blossomed rapidly. In March 2011 alone, Audi has featured Regina Spektor, Wall’s Carte d’Or has featured Minnutes, Hyundai has featured Vanessa James, Toyota has featured Empire of the Sun, Visa has featured Take Over the World, Bupa has featured Specially Commissioned, Chanel has featured Joss Stone, Jaguar has featured The Heavy, The Co-operative has featured Athlete, Sky News has featured Elbow, Reebok has featured Michael Kadelbach, Young’s Chip Shop has featured Port Isaac’s Fisherman’s Friends, Marks and Spencer

has featured Michael Bublé, Travelodge has featured Mamas & The Papas, Range Rover has featured Out There, BMW has featured Electric Light Orchestra, Adidas has featured Justice, Daily Mail has featured Rockettothesky, Rimmel London has featured Parade and Fiat has featured Giovanni Allevi (TV Ad Music). The frequent collaboration between the popular music and advertising industries has resulted in much debate questioning the desirability of such a relationship. Many fans and critics cite the growing relationship between popular music and advertising as detrimental.

One such argument is that advertising agencies “are increasingly producers of popular music” (Taylor 235). As popular music becomes a more integral part of the process in creating advertisements, advertising agencies have much more control over the success of a song. A significant example is Journey’s 1982 single “Don’t Stop Believin’.” When the song was originally released in the United Kingdom, it only managed to peak at #62 on the UK Singles Chart. The song appeared in a number of film and television series, yet still did not receive the level of attention that it has recently. In 2009, the television show *Glee* heavily promoted its series through advertisements featuring the song. As a result of the considerable amount of airtime that *Glee* advertisements received on Fox, “Don’t Stop Believin’” received a lot of exposure. Although the *Glee* cast recorded a cover version of Journey’s song to use on the advertisements, the publicity resulted in a surge of popularity for the original version of the song. By December 2009, it had reached #9 on the US Billboard Hot 100 charts and remained in the top 10 on both the Billboard and UK Singles charts well into 2010. Perhaps because of the sudden attention it received, “Don’t Stop Believin’” became a frequent choice for many other advertisements in 2010 (Chart Stats).

As this shows, advertising agencies possess the power to give certain songs exposure to the public through a different medium than radios or CDs. Because advertisements are created with the intent to leave a lasting impression on the viewer, advertisers seek to use songs so that they are memorable and create an impact. Especially in a world where people are surrounded by marketing, advertising agencies have significant control over what the public hears. This is reminiscent of the idea of *culture industry*, which is a theory that poses popular culture as a system that produces standardized cultural goods and creates “a cycle of manipulation and retroactive need” (Adorno and Horkheimer 121) by subtly influencing consumers into desiring what it produces.

Adorno and Horkheimer argue that the culture industry cultivates false needs and they theorize that its purpose is to ensure the continued obedience of the masses to capitalist interests. In their opinion, the culture industry leads to standardization of products and results in passivity in those who consumed these products. Adorno argues that cultural forms use the Marxist principle of “commodity fetishism” to secure control of capital and shape the preference of the masses. The concept of culture industry introduces concerns about the union of popular music and advertising. Advertising agencies have the ability to influence the public’s opinion and use what tools they have to sway the masses to think a certain way. The growing trend of popular music in advertisements may lead the public to prefer simpler, more standardized forms of music. Consequently, popular music may conform to these trends dictated by the advertising agencies.

Advertisers have found that “music is a great vehicle to be relevant with consumers across boundaries whether ethnic, geographic or age” (Kunze). Neil Gillis, the Vice President of A&R and Advertising at Warner-Chappell Music believes that “companies that smartly and creatively utilize music think they can reach a wider audience by a great use of any kind of music, as long as it serves the ultimate message well” (Gillis). In addition, Theresa Howard suggests, “pop musicians are taking their top 40 hits to TV ads. Musical artists used to view commercial use of their songs as taboo, forcing marketers to wait years to use those songs in ads. But an oversupply of artists and a 13% decline in worldwide music album sales since 2001 are forcing musicians to sing a new tune” (Howard). Advertising has become a vehicle for bringing popular music to people. The economic benefits of such a relationship raise the question of whether advertising reduces popular music to a form of commerce. If popular musicians are being forced to collaborate with advertising agencies to succeed in the industry, the music generated by the popular music industry may conform to a type of music advertisers desire, resulting in a lack of artistic integrity and, as a result, cultural value.

From a cultural standpoint, then, this is a legitimate concern. Klein suggests that advertising creates arbitrary associations in the public’s mind to increase desire for a specific product or brand (Klein). A song’s lyrics or original intent can have no connection to the product in the advertisement with which it is paired. For example, Toyota’s advertisement for its Hybrid Cars features Empire of the Sun’s “Walking on a Dream” and Samsung’s advertisement for its 3D LED TV features Train’s “Hey, Soul Sister” (TV Ad Tunes). Examples such as these create a concern for musicians and fans

that the association with the brand overpowers the original meaning of the song, changing its artistic qualities and placing it into a commercial context.

Although there are disadvantages to the union between popular music and advertising, the advantages of the relationship outnumber the negative consequences. Popular music and advertising are both unique in that they are hybrids of artistic creativity and economics. Klein argues that popular music in advertising is an unresolved debate because “popular music itself is unresolved: it is at once art and commerce, to varying extents and in different proportions” (Klein 6). Yet the same can be said for advertising. Perhaps the issue should be addressed not only from an artistic perspective but also from an economic perspective, as both are key components to the popular music and advertising industries.

Contrary to what many believe, musicians do not make much profit from record sales alone (Hau). Record labels employ key promoters to ensure that songs are on heavy rotation on radio stations and MTV programming and that albums are placed in retail stores. Major labels take care of their own press and distribution internally, while independent labels usually establish a distribution deal with a major distributor, who retains 15 to 20% of the wholesale price of a CD. Labels often give distributors up to 15% of the records that the distributors purchase, which means that the retailer gets 100% of CDs they might sell, but the label only pays the artist royalties on 85% of the profits (Berklee College of Music). Music has become easily accessed in a variety of forms beyond records (e.g. Internet file sharing, illegal music downloads, third party online stores such as iTunes and free Internet radio such as Grooveshark and Pandora). Online distribution of music provides artists with only 10% of royalties, with the rest divided

among the songwriter, publisher, label and the online distributor (Berklee College of Music). Because the little profit generated from record sales flows through so many hands before reaching them, the musicians only receive a small percentage of the profits.

The relationship that the music industry fosters with advertising agencies allows musicians to make a living and create sponsorships that produce performance opportunities and possible funding for tours. From a financial viewpoint, the close relationship popular music has with advertising is a large part of what funds the live concerts and events that fans of popular music enjoy. According to IEG Sponsorship Report, North American-based companies spent \$1.08 billion to sponsor music venues, festivals and tours in 2009, a 3.8% increase from the \$1.04 billion spent in 2008 (Waddell). The live performance experience is arguably the most important factor in popular music. These performances are much more than just the music or the musician – it involves an incredible amount of production in order to be available to the public.

Lady Gaga is a prime example of the deep ties between popular music and advertising. She has garnered much attention from the media for her dramatic performances and very obvious relationships with various brands and products. Many critics have denounced her close relationship with the advertising industry because its prominence makes her seem like a “sell-out” (Hampp). Her escalating popularity, however, makes it clear that the external endorsements and sponsorships she forms do not deter Lady Gaga from garnering a considerable fan base. It could perhaps be argued that Lady GaGa’s success is partially due to her many endorsements. Forbes projected that Lady Gaga would earn \$100 million in 2011 based on the following breakdown: \$80-90 million for touring and merchandise, \$20-30 million for album and radio play and \$5-10

million for endorsements (Greenburg). This would mean that 10% of Lady Gaga's earnings would come from her endorsement deals. Entertainment attorney Bernie Resnick, who represents Gaga's manager, suggests that Lady Gaga is "just hitting her stride artistically and commercially now. We're only seeing the beginning" (Resnick qtd. in Greenburg).

Even though concert ticket prices continue to rise, fans continue to pay the high prices to watch their favorite musicians perform. During the past decade, sales of recorded music have declined steeply, and the rise in digital music sales has slowed and is now stalling. Yet between 1999 and 2009, concert-ticket sales in America have tripled in value, from \$1.5 billion to \$4.6 billion (The Economist).

Perhaps more than any other artist, Lady GaGa's performances are designed to provide an experience. In an interview with MTV, Lady GaGa discusses her thoughts on popular music:

What has been lost in pop music these days is the combination of the visual and the imagery of the artist, along with the music – and both are just as important. So, even though the carefree nature of the album is something that people are latching onto right away about my stuff, I hope they will take notice of the interactive, multimedia nature of what I'm trying to do. The things I like to do and the theatrics [*sic*], I like to incorporate them into the choreography. With my music, it's a party, it's a lifestyle, and it's about making the lifestyle the forefront of the music (Gaga qtd. in Harris).

The traditional, standard performing art of concerts has gradually transitioned into performance art. Concerts have become more elaborate in their use of stage props and equipment during performance. This increasing complexity has consequently led to a need for more financial support. Advertising, through sponsorships and endorsement opportunities, enables popular musicians to finance their concerts.

The popular music and advertising industries maintain a symbiotic relationship; each offers something that benefits the other. Specifically, musicians and the music industry need financial endorsements and want the exposure opportunities provided through advertising. Record labels, music executives and popular musicians ultimately share the same goal: to create music everyone loves to listen to and to make money. In an environment that has become intensely competitive, musicians want to take advantage of the opportunities they have to publicize their music and their name. Mike Dirnt, bassist of Green Day, responds to critics who question the band's integrity:

If there's a formula to selling out, I think every band in the world would be doing it...The fact that you write good songs and you sell too many of them, if everybody in the world knew how to do that they'd do it. It's not something we chose to do. The fact was we got to a point that we were so big that tons of people were showing up at punk-rock clubs, and some clubs were even getting shut down because too many were showing up. We had to make a decision: either break up or remove ourselves from that element. And I'll be damned if I was going to flip fucking burgers. I do what I do best. Selling out is compromising your musical intention and I don't even know how to do that (Dirnt qtd. in Baird).

Dirnt makes a convincing argument when he says all artists want to garner a substantial fan base and sell a lot of their music. Today, it is difficult for popular musicians to sell music without financial support and exposure, which is what advertising brings to the popular music industry.

To avoid the dilemma posed by using a song with lyrics that are not relevant to the product being promoted, advertising agencies parse the song to use only those parts of the song that relate to the advertisement. An advertisement for the Samsung 3D TV from 2010, for example, pairs Train's "Hey, Soul Sister" with images of a happy family who have just bought a Samsung 3D television for their home. While there are multiple variations of this advertisement, each version consistently uses the same edited version of

Train's song, which consists mostly of instruments and the lyrics "Hey-ey. Hey-ey-ey-ey. Hey-ey-ey-ey. Tonight."

The advertisement, titled "Wonder-full," depicts a family of three on a visit to an aquarium. Vivid images of colorful fish against the clear, bright blue water occupies much of the scene. The little boy and his parents are awed by what they see, and it is clear that the vibrant quality of the aquarium is meant to impress the viewer. A few seconds into the advertisement, the father draws an imaginary cube against the glass of the aquarium, slicing out a large section of the aquarium, fish and all. With the cube-shaped section bound securely to the roof of the car, the family drives home. The cube is taken to the living room, where the father carefully sets it against the blank television and merges it into a new Samsung 3D LED TV.

The family relaxes on the couch with their Samsung three-dimensional glasses on, staring intently at the cube-turned-television. The images on the screen begin to move, and a stream of the animals in the screen swims out of the television and towards the family. The parents and the little boy watch in astonishment as the sea creatures hover over them in the living room, giving the impression of 3D action even to viewers who are watching in 2D. The advertisement closes, "Ever wonder how amazing it would be to experience life in another dimension? We did. Introducing a new dimension in television. Samsung 3D TV. The world's first 3D LED TV. That's the wonder of Samsung."

Train's song plays throughout the advertisement. The beginning of the advertisement starts with the cheerful sound of the ukelele, originally from the middle of the single. While the song is instantly recognizable as Train's "Hey, Soul Sister," the only lyrics from the song that are used are: "Hey-ey. Hey-ey-ey-ey. Hey-ey-ey-ey."

Tonight.” The average person would not be able to tell from the use of the song in this commercial that the inspiration for Train’s “Hey, Soul Sister” came from Burning Man, a festival that occurs every year in the California desert outside of Los Angeles. When Jimmy Stafford, the guitarist in Train, was asked about the inspiration behind the song, he said that Pat Monahan, the songwriter, “had never been to Burning Man, but he had an image in his head of what it must be like: all these beautiful women dancing around the fire. That was the imagery he conjured up when he was writing the lyrics to ‘Hey, Soul Sister’” (Stafford qtd. in Reuter).

The lyrics of the song portray an image of a man who is intensely attracted to a beautiful woman. He tells her that he is constantly dreaming about her and wants to be with her. Because there are so few lyrics from the song placed in the commercial, “Hey, Soul Sister” does not sound like a song about love and sensuality. What stays with the viewer of the commercial is the celebratory, dance-like groove that the song creates with the instrumentals.

In an interview with Georie.com, Monahan explains the use of the ukelele: “One of the guys, Espin, who’s like a huge star in Norway, picked up a ukelele, and said, ‘Hey, how about this?’ I was like, ‘Are you (kidding) me?’ And it made the difference. It made my words dance. It made sense. These words were meant to dance with ukelele and not guitar [*sic*]” (Monahan qtd. in Richards). In its entirety, the lyrics of “Hey, Soul Sister” create a story and an image that does not correlate to the Samsung 3D TV. Based on Monahan’s description of the song, however, it seems that Train did not place the importance of the song on the lyrics but rather the feeling of music, which is what

Samsung perfectly accentuates in its advertisement. Thus it is possible to theorize that the Samsung advertisement has recontextualized the original meaning of the song.

Leo Burnett, the advertising agency that created the advertisement, chose this song not for its lyrical content but for the mood the song creates and for the notoriety it had already garnered. Released in 2009, the song became an international success. By choosing such a well-known song, Burnett relied on its popularity to capture the attention of audiences. By using only certain phrases of the lyrics and focusing primarily on the instrumentals, however, Burnett captures the essence of the music without highlighting the problematic clash of the original lyrics with the product. The connection between the music and brand is further solidified by the well-timed placement of the lyrics. For example, at the end of the advertisement, the last word of the song—“Tonight”—ends the music and a final image appears on the screen, showing the Samsung logo with its tagline, “Turn on tomorrow.”

One cannot compare the original song to the advertisement it is used in, because in most cases only a short segment of the song is used in the commercial. Advertisers have mastered the art of manipulating a song to capture the mood they are looking for in their advertisement. The edited version of a song within an advertisement is not the same as the original song. In Samsung’s advertisement, Train’s “Hey, Soul Sister” is not about the Burning Man festival but about the cheery mood the music exudes. When the original song is heard in its entirety, however, the lyrics illustrate the image of the Burning Man festival and people hear what the song was originally intended to mean. While a particular version of a song used in an advertisement becomes associated with the brand,

the image and brand of the musician can be a stronger force of association for the song in its entirety than the product's association with the song.

The Samsung advertisement reflects a growing interest in the music heard on advertisements; people make a substantial effort to find information about the music in advertisements. Comments of multiple viewers of the online clip of Samsung's advertisement show that they pay more attention to the music than the advertisement:

“What is the name of the song?” (HELPmeMOD 1)
“whats [*sic*] the name of the song” (wwegirl127 3)
“bin [*sic*] looking for this song forever” (bluesportscar19 1)
“what's the name of this song?” (knolte123 2)
“whats [*sic*] the name of the song?” (hockeyfan387 2)

These comments show that many people are focused on the song rather than the product. Further, more people are interested in the music as it stands on its own rather than simply its use in the advertisement.

There are many websites specifically dedicated to the music of television advertisements. For example, findthatsong.net lists recent advertisements and gives a brief description of the advertisement along with the name of the artist and title of the featured song. AdTunes.com, which identifies music from TV advertisements, movie trailers and soundtracks, features a forum on TV advertisement music, where people can determine the artist and name of songs from particular advertisements. In a thread titled “Samsung 3D LED TV,” the first commentator writes:

The advertisement has a manta ray and fish swimming out of the screen, and the only definable lyrics I can hear is a male vocalist singing “Hey hey, heeey hey hey” [*sic*]
I've seen the advertisement at least 3 times so far, and I can't find it on the web (Tanakelegion 1).

There is a group of people who closely follow the music from advertisements. The Internet provides a context for discussion and dialogue that allows people to inquire about the artists of these songs. This publicity is invaluable for musicians because their “professional name is a valuable commodity that helps consumers identify [the artists’] goods and services” (Chase). Later in the forum thread, when Tanakalegion finds out that the artist is Train and the song is “Hey, Soul Sister,” he replies:

Awesome! Thank you so much. I think I might’ve seen the commercial yesterday, because the song’s [*sic*] been running in my head all yesterday, so when it played in the commercial I thought “Yes! my chance! I’ll go look it up” and I still couldn’t find it. Thank you very much (Tanakalegion 1).

The advertisers’ use of popular music is clearly quite effective for both the popular music and advertising industries.

Train’s song in Samsung’s advertisement brings to attention the problematic issue of arbitrary association between music and brand through its lack of connection to Burning Man. There are certainly examples of advertisements in which popular music was used in a way that musicians thought was inappropriate (for example, the use of The Beatles’ “Revolution” in a 1985 Nike advertisement, which resulted in a lawsuit against Nike filed by the three surviving Beatles, Wieden+Kennedy and Capitol-EMI Records). Yet advertising agencies today seem to have a much more collaborative relationship with the musicians and record labels, and musicians appear to have much more influence in how their music is portrayed in the advertisement. When asked about the change in the music industry since their formation in 1994, Train guitarist Jimmy Stafford replies “if you don’t change with the times you’re going to get left behind” (Stafford qtd. in Reuter). Billboard chart analyst Keith Caulfield says that Train’s “Hey, Soul Sister” “has gone

gangbusters. That [Samsung] ad kicked it into high gear. People really gravitated to its easygoing, melodic sound and searched it out. It's exploded on the radio charts" (Caulfield). The case of Train's song in Samsung's advertisement shows that the popular music industry partially relies on the advertising industry to generate publicity for musicians.

As the popular music industry begins to depend more on advertising as a means of generating publicity, the traditional role of popular music is challenged. No longer is popular music solely propagating its musician and the image, message and experience of the music. Popular music has expanded to include the propagation of external brands and products, an inclusion that has affected the ways in which consumers perceive popular music. Klein argues that there is a lack of acknowledgment of the changes occurring in the popular music industry as a result of its growing relationship with the advertising industry, which represents a significant cultural problem in our society. In an interview with Miller-McCune, Klein explains:

It's odd, because in a way it seems like a sort of general submission to specific industrial and cultural changes, and yet, when you get down to the specifics, it seems like most people don't know what those changes are. But they sort of generally know that it's very difficult to get played on the radio; they sort of generally know that it's hard to make a living as a musician, that people are illegally downloading music, and maybe that's making it harder to make a living as an artist. Those aspects have forced fans and critics to soften their views about affiliating with advertising and making money a different way (Klein).

While I agree that society is unaware of the specific problems within the popular music industry, I disagree that fans have softened their views about the popular music industry affiliating itself with the advertising industry. As an example, despite Train's success with its Samsung advertisement, two people created "Stop Advertising From Pulling a

Train,” which is a blog formed to put a stop to the use of “Hey, Soul Sister” in further advertisements (Stop Advertising From Pulling a Train). There still exists a significant portion of the public who are uncomfortable with the relationship between popular music and advertising.

With the rising practice of licensing popular music to advertisements, it is possible that popular music is evolving into a type of music that is meant to promote an external brand or an image. Popular music implies a promotion of the artist and the artist’s product to the public, because a popular musician’s success relies on how well known and well liked his or her music is. If this is true, it seems that popular music still retains the essence of its original intent: a type of music meant to promote a brand or an image.

Although the growing relationship between popular music and advertising has been cited as detrimental, the partnership between the two industries is in many ways advantageous. The consumption of music is social and the public attempts to facilitate the social aspect of popular music. To continue this trend successfully requires constant evolution by the popular music industry. More so than any other musical form, popular music maintains close connections with new technology and media that is continually being created and upgraded. With the advent of new digital innovations, the ways in which the world communicates evolves considerably. As a result, popular musicians face more choices in how to present their music. In addition, the widespread use of online sites such as YouTube increases competition by offering unknown artists the chance to rise to fame through support from online fans. For example, Justin Bieber, who is one of the most famous popular musicians today, was signed to Raymond Braun Media Group

after several videos of his performances of cover songs reached over 1 million views on YouTube (Disney Dreaming). Thus, it is necessary and important for the popular music industry to change its business model to account for the way the Internet has affected the way society views music.

Multiple versions of songs are often created to appeal to different tastes (e.g. acoustic versions, live versions and club mixes). For example, Lady Gaga's "Born This Way" (2011) has, in addition to its original pop version, a country version, an acoustic version and various remixed versions (Lady | Gaga). Each version is geared towards a certain goal or listener and is therefore altered in some way from the original to achieve that goal. As Samsung's use of Train's "Hey, Soul Sister" demonstrates, the way popular music is used in advertising is no different from this. Advertisers want to achieve a goal with the music. Thus, they change parts of the music to fit their needs.

Many fans of popular music would agree that "the whole structure of popular music is standardized," which is what makes popular music so appealing for advertisers (Adorno 17). It is difficult to fault advertising and popular music for promoting standardization, when the primary goal of both industries is to sell a product to as many people as possible. The popular music industry is undeniably a form of commerce. Many fans, however, would not like to think of the industry in this way because there exists the implication that they are being manipulated by capitalist interests. While it would be easier to think of the popular music industry purely from an artistic perspective, it is undeniable that it is also about generating money. Advertising, on the other hand, is focused much more obviously on commercialism. This distinction, while slight, is significant when considering the integration of the two industries.

The combination of popular music, which is seen as more artistic, with advertising, which is seen as more commercial, blurs the line between art and commerce. Klein argues that this “is an unsettled issue because, as video director Julien Temple suggested, corporate sponsorship is ‘like having an invisible Pepsi sign engraved on your forehead’ (Klein 138). As a result of this relationship, the public interprets popular music not only on its own merits but also in juxtaposition with the image of the brands that the song is associated with.

However, the frequency with which artists collaborate with corporations shows that many of these problems are being resolved to create a more symbiotic relationship. For example, Estelle Swaray, known as Estelle, wrote her song “Star” for a Kraft commercial for Crystal Light (Elliott). It is clear that Estelle signed the deal with Kraft willingly: “I think it’s a different age.” For this commercial, “it was a nice fit, a nice click, [because I liked] the idea of writing a song that empowers women, encourages women to be themselves and feel better about themselves” (Estelle qtd. in Elliott). In addition to drinking a lot of Crystal Light herself, Estelle mentions that the executives from Kraft and Ogilvy Entertainment “were cool” (Estelle qtd. in Elliott). Camille Hackney, senior vice president for brand partnerships and commercial licensing at Estelle’s label, Atlantic Records, explains, “there’s a concerted effort to try and find new opportunities to get our artists and their music exposed to consumers (Hackney qtd. in Elliott). Estelle’s relationship with Kraft demonstrates that the growing trend of licensing music to companies is the result of a collaborative relationship.

Although there are disadvantages associated with the integration of popular music and advertising, the advantages outweigh the negative consequences. For popular

musicians, advertisers can help generate exposure for new songs that struggle to gain attention because of decline in CD sales, radio play, music video shows and retail outlets. For advertising agencies, the rise in branded entertainment, “by which a product seeks to link itself in the minds and hearts of consumers with movies, TV shows or songs they like” makes popular music an appealing choice (Elliott). There will always be a wide spectrum of popular music used in advertisements, but the union of the two industries is now a much more synergetic relationship than during the 1980s. Since then, advertising agencies used pop songs because they have the qualities jingles have, but also possess the added benefit of retaining a fan base from exposure through different mediums. Advertising firms continue to use popular music in their advertisements because it is a partnership that is advantageous and profitable. This intersection has proved to be a mutually beneficial relationship for both industries.

3 – Maybe Not So Genuine Draft: Licensing as Authentication

In 1992, the Internet Society (ISOC) was chartered, marking the “coming of age of inter-networking and its pervasive role in the lives of professionals in developed countries” (Computer History Museum). Since then, worldwide networking has become an integral component of society, causing significant changes in the way people interact (Coffman and Odlyzko). The Internet has spawned electronic mail and, perhaps more importantly, the World Wide Web, which has become commercially successful (ISOC). Along with this, the ways in which music is marketed to and accessed by the general public has changed radically (Meisel and Sullivan). For example, the introduction of digital music has affected CD sales, and the widespread use of social networks such as Facebook and Twitter has caused popular musicians to turn to these sites as ways to reach larger audiences.

Music licensing becomes increasingly complex with these technological shifts. To account for this, rather than reworking the existing framework of the music licensing process, lawmakers have opted to layer new terms atop preexisting laws (Masnick). As a result, laws governing music licensing are convoluted, making it difficult to understand how the system truly affects the people in both the popular music and advertising industries. The advent of the Internet led to the online digitization of music through file sharing, which has brought even more uncertainty to the unclear boundary of music rights. Thus, music licensing has become a perplexing issue during the past two decades, resulting in a substantial increase in legal issues about ownership. In this chapter, I explore how the concepts of ownership and authenticity in popular music influence the ways in which advertisers select music for their advertisements. In exploring these

concepts, I attempt to clarify the licensing process and gain an understanding of what role musicians play in licensing their music.

In my discussion of music licensing, I frequently refer to the corporations whose products are being advertised. I do so because the examples I use throughout this chapter focus on lawsuits from popular musicians that are directed primarily at the corporations of the product being advertised. Although advertising agencies are also involved in these lawsuits, licensing issues are most often directly between the corporations and musicians.

The popular music industry has been involved in lawsuits that have resulted in a wide range of decisions that reveal many problems in the relationships between corporations and musicians. Most musical forms are broadcast through a variety of mediums (e.g. television, radio, concerts, Internet, film, iPods, MP3 players, CDs, tapes, records). As a result, the recent decades have seen a rapid surge in the popularity of and, therefore, the presence of popular music (Shuker). More than any other type of music, popular music is omnipresent in all types of media, particularly in conjunction with other businesses within the entertainment industry. The pervasiveness of popular music stems from the growth of a variety of endorsement and sponsorship deals between popular musicians and corporations. As a result of these growing relationships, the licensing of popular music has become an increasingly multifaceted and important aspect of the popular music industry.

Throughout this chapter, I will use the term “previously recorded” to mean a song that has been recorded for the popular musician’s personal artistic expression. It is music that has been commercially released to promote the popular musician. The inspiration for

or content of the song has not been influenced by the intent to promote a brand or a product.

All songs have copyright protection granting exclusive rights and ownership to the creators of the songs. When advertising agencies want to use a previously recorded song in an advertisement, they usually sign a licensing agreement with the owners of the song. This contract creates certain terms and conditions dictating exactly what advertisers are allowed to manipulate or change when they use the song and the length of time the advertising firms maintain the rights to use the song. Music licensing is meant to ensure that the owners of the music receive monetary and creative recognition for the work that they have produced (Standler).

Much of the discussion surrounding music and advertising centers around who has the authority to grant the use of a song in an advertisement. Both critics and fans often simplify the process of music licensing, many times singling out popular musicians as “sell-outs” for trading their music for easy money from corporations. The concept of ownership, however, is complicated and as yet is an unresolved issue that still affects the music industry. Who really owns a song? The songwriter(s)? The singer or band who first releases a recording of the song? Or is it the record label that releases and distributes the song? In a way, each of these parties is entitled to the ownership of a song and it could be argued that everyone has partial ownership.

Music licensing highlights the complex interactions between advertising and music, drawing attention to how the issue of ownership gives rise to problems of miscommunication and misunderstanding between the two industries. Because so many parties have partial ownership to a song, advertising agencies have the option of turning

to a variety of sources to license the rights to a song (e.g. the publisher, the record label, the artist). In addition, advertisers must consider both the legal and creative rights to a song, which are negotiated as separate entities in court. Ownership implies control over how, when and where a song can be heard. The idea of ownership is tied directly with the concept of authenticity in popular music.

What does it mean for music to be “authentic”? Authenticity “does not inhere in any combination of musical sounds. ‘Authenticity’ is a matter of interpretation which is made and fought for from within a cultural and, thus, historicized position” (Moore 210). Authenticity is a construct created by the listener(s). What we deem as authentic is dictated by our preconceived notions (notions based on what we have experienced and already know), which affect how we recognize and interact with one another (Taylor).

In music, then, our first impression of a song heavily influences how we view that particular song or the musician who sang it. This first impression affects how people associate the song when it is combined with a product. In a study conducted by Ibánñez et al., it was discovered that the differentiation between well-liked and disliked music leads to different reactions when the music is placed in an advertisement (Ibánñez et al.). Thus, a person’s first impression of a song has the ability to modify his or her impression of an advertisement using the same song.

What has become central to many of the legal fights against improper use of music in advertisements is the divide between intellectual and creative rights. In the popular music industry, there are multiple potential “owners” of a particular piece of music. There are four possible parties involved in the recording process: the record label, the songwriters, the producers and the musicians. For example, Justin Bieber owns the

creative rights to “Baby” (2010), because he interprets the notes and words on the sheet music through his unique voice. On the other hand, the songwriters share the intellectual rights to the song, because they are the ones who compose the music and lyrics. A song cannot exist without its songwriters. However, a song does not become famous without the creative input of the artist who records it. What results are two separate conceptions of what ownership of a popular song entails: one based on who originally performed the song and one based on who wrote the song.

Authorship and ownership in popular music pose many questions regarding the legal nuances in music licensing. An excellent example of these legal nuances is the difference between copyright of a product and the publishing rights of a song. In previously recorded music, there are two mutually exclusive sets of copyright, which are interrelated but are negotiated separately. If you look carefully at a popular musician’s album, you will notice that a © and ® in the fine print.

The ©, which signifies copyright of the product, means that no one is allowed to duplicate the CD or any items within the product (including the sounds on the CD) for a profit. In addition, © refers to the exact audio mix of the recording. The copyright of the recording is a reference to the recording agreement, usually a contractual agreement made between the artist and the record label (Quatrini). The ® refers to the publishing rights of a song, which is a deal the record label makes with the songwriters. This set of rights is not about the performance, but about the underlying musical composition (Quatrini). Both the people who own publishing rights and people who own recording rights have vested stakes in these licensing agreements. So, for any particular song, multiple parties are involved who are interested in what sort of context the recording is

used.

Ultimately, music licensing is governed by copyright, which is designed to protect the original expression of ideas, rather than the fundamental ideas themselves. Known as the “idea-expression divide,” this concept limits the extent of copyright protection by differentiating the manifestation of an idea from the idea itself. The distinction can result in many legal complications. The concept was introduced in *Baker v. Seldon*, an 1879 U.S. Supreme Court copyright case. In the court decision, Justice Joseph P. Bradley decided, “whilst no one has a right to print or publish his book, or any material thereof, as a book intended to convey instruction in the art, any person may practice and use the art itself which he has described and illustrated therein” (*Baker v. Seldon* 101). The case resulted in a decision that the idea of a song is protectable by copyright.

If an advertising agency chooses to create their own version of a song, the agency can enter into an agreement to license the publishing rights, hire an arranger or a band to cover the song in question and employ someone to create the recording. In 1989, Backer Spielvogel Bates Inc. licensed the rights to “Black Magic Woman,” a song written by Peter Green but popularized by Carlos Santana, and hired an arranger to create a cover version of the song to be used in a television advertisement for Miller Brewing Co. When Santana saw the advertisement, he filed a lawsuit against the company because he believed the advertisement used an imitation of his unique musical style (Anderson). In the complaint, David C. Phillips, Santana’s lawyer, claims:

The rendition by Santana of ‘Black Magic Woman’ [has] become such a continuing popular musical success that the public [identifies] the song as Santana’s theme song and Santana’s distinctive musical guitar expression in the song as the musical ‘signature’ of Santana... The rendering of ‘Black Magic Woman’ in the [advertisement] by the defendants (Miller Brewing Company) [is] intended to mimic the guitar sound and

performance of Santana and Santana's musical signature (Carlos Santana v. Miller Brewing Company 4-5).

Phillips argued that Santana had created a signature tune and had a right to protect his creative license over the song (Anderson). This was the first case filed in a claim for damages for the commercial use of a sound-alike, which is a recording intended to imitate the sound of a popular record, the style of a popular musician or a current musical trend (Stephanie). Significantly, Miller Brewing Company settled the lawsuit with Santana. The case of Miller Brewing v. Santana illustrate why advertising firms are careful not to in any way infer or copy the sound of the original artist.

In 1995, Miller Brewing Co. were sued by the Spin Doctors, an American alternative rock band formed in 1988, and Mow B'Jow Music, their publishing company, for copyright infringement of their song "Two Princes." Previously, Miller approached the Spin Doctors to request their permission to use the song in promoting Miller Lite Ice Beer (Charry). The band declined because they were not interested in endorsing beer. Miller then hired an independent music company to write a song for the advertisement, which sounded very similar to the Spin Doctors' "Two Princes." The legal brief filed in court by Joseph Schleimer alleged that Miller Brewing Co. deliberately used a song that sounded similar to the distinctive sound of the Spin Doctors in order to deceive their fans into thinking that the band had endorsed the beer (Schleimer). Shortly after the jury found Miller Brewing Co. liable, the Spin Doctors and Miller Brewing Co. reached an undisclosed settlement (Schleimer).

The Spin Doctors' lawsuit introduces "proof of intent." This concept states that it is sufficient to allege and prove the unlawful intent of the person or business for whom or for which the person acts. David Sonnenberg, the Spin Doctors' manager, explained that

the lawsuit “was not really about the money. [It is] about serving notice to the advertising industry that they cannot misappropriate the music and the image of a band without paying a penalty” (Sonnenberg qtd. in Charry). If an artist or a songwriter declines to let his or her music be featured in an advertisement and advertising agencies use a sound alike, it is possible that the advertising agency may encounter similar lawsuits. To successfully demonstrate that the advertiser has violated copyright laws in a court of law, the band only needs to know that the company or advertising agency wanted the band’s particular sound.

Although artists often successfully win court cases such as those against Miller Brewing Co., the lawsuits frequently occur after the advertisement in question has aired. Thus it is entirely possible that a musician appears to be endorsing a product, when in fact they have not given permission for their song to be used in this way. Despite the fact that the Spin Doctors received a settlement from Miller Brewing Co. and the Leap Partnership, the advertising agency responsible for the advertisement, a spokeswoman for Leap said the settlement had “no material effect to the company” (Pastor qtd. in Charry). In fact, the advertisement featuring the Spin Doctors’ ran nationally throughout 1995. As a result, these lawsuits may not be effective in removing the general public’s association of the artist with the brand.

The details of music licensing make it clear that the process of placing previously recorded music in television advertisements is quite complex. While musicians (and others they have contracted with) have control over the version of a song that they recorded, the idea-expression divide means that the musician does not necessarily have the power to decide if the song can be used in an advertisement. This right lies with the

owner of the publishing rights to the song, which might be the songwriter, record label or even the artist in certain cases.

In light of these examples, perhaps we should rethink our understanding of musicians within the commercial world. What does it mean for a song to be authentic? Authenticity is an important concept in this discussion that defines society's view of popular music and, as a result, their view on music licensing. The general public's interpretation of a song may have be very different from how a recording artist interprets his or her song, which, in turn, may be entirely different from how the original songwriter (who may be the artist) interprets the song. Ultimately, we have a very cursory, naive understanding of who musicians are and what their music means.

Everyday we are confronted with images of music, sounds and visual representations. As a result, musicians' identities have become naturalized in the commercial world. This process of naturalization changes the relationship between advertising agencies and musicians, perhaps for the worse. As both lawsuits against Miller Brewing Co. exemplify, the increasing prominence of popular music in advertisements may cause advertisers to think it is acceptable to change songs in a way that artists may feel are unsuitable and inappropriate. Consequently, the naturalization of popular music in the commercial world is problematic and can cause some of the legal issues that have occurred between musicians and corporations.

Although the unclear nature of ownership is problematic, the idea-expression divide creates an opportunity for the music of lesser-known artists to be featured in advertisements. To avoid potential legal issues that occur when featuring high-profile artists, advertising agencies many times use music from unknown or unsigned artists.

Thus, the issues that arise from licensing music of well-known artists present an opportunity for more obscure artists to gain exposure through advertisements.

One such success story is the English band Dirty Vegas, which consists of Paul Harris, Ben Harris and Steve Smith. Their debut album, *Days Go By*, was released in June 2002. The title track—also entitled “Days Go By”—garnered much attention after it was featured in a 2003 Mitsubishi Eclipse television advertisement. Rob Walker suggests that “it’s likely that, without the [advertisement], Dirty Vegas would have had a hard time finding its way onto American playlists” (Walker). After the advertisement aired, the song soon became a top 10 hit on Billboard charts and Dirty Vegas’s album sales surged. There are many other success stories, such as Volkswagen’s advertisement that featured Nick Drake’s “Pink Moon” (1971) and brought Drake to posthumous fame in 2000 and Mitsubishi’s advertisement that featured Groove Armada’s “I See You Baby” (1999), which brought the band early exposure (Walker).

A more recent example is the French alternative band Phoenix. In May 2009, Phoenix released an album called *Wolfgang Amadeus Phoenix*. The title track, “1901,” became the music in a series of television advertisements for the 2010 Lincoln Cadillac SRX. Thomas Mars, the lead singer, says that “1901” is a song “about Paris. Paris in 1901 was better than it is now. So the song is a fantasy” (Goodman). Although the track had been used in various television shows, such as *Gossip Girl* (Season 3, Episode 2) and *Melrose Place* (Season 1, Episode 2), the SRX campaign, created by advertising agency Modernista, launched the song into fame (IMDB). The Cadillac ad campaign is comprised of three different advertisements, each featuring the song. In one of these advertisements, the album art of *Wolfgang Amadeus Phoenix* makes a cameo appearance.

Due to this advertising campaign, both Phoenix and “1901” became well known in the United States.

Phoenix formed in 1999 and released its first album in 2000. However, it was not until 2010 that the band received recognition for their music in the United States. This is due in large part to the exposure the band received from the advertising campaigns that featured its song. One blogger, in a post entitled “Wait! Turn up that Cadillac [advertisement]!! Five car ads that rock,” wrote that he “had to Google the 2010 Cadillac SRX ad after hearing Phoenix’s ‘1901’” (Chris Jr.). His interest in the song caused the blogger to become interested in the product offered in the advertisement. After the Cadillac advertisements were released, online blogs buzzed about the music in the advertisement.

In “10 Songs Ruined By Commercials and One That Wasn’t,” Andrew Belonsky argues that it is “artistic abuse” when musicians sell their work to commercial interests to increase their popularity (Belonsky). Belonsky cites various examples, some of which certainly depict partnerships in which musicians are obviously attempting to make significant financial gain from their music at the expense of their artistic integrity. Yet many of Belonsky’s examples do not seem to support his claim. He cites Phoenix’s “1901” as a song ruined by being placed in an advertisement, yet he has no concrete argument about why this is an example of a commercial sellout. Belonsky says that it “wasn’t until recently that [Phoenix] began to get noticed in the mainstream, and they clearly jumped at the opportunity to cash in on their popularity” (Belonsky). While it is true that Phoenix was relatively unknown in the United States when Cadillac approached them about using “1901” in its advertising campaign, the campaign was significant in the

band's rise to mainstream fame (Wenzel). This type of "sellout" argument is problematic because it trivializes the relationship between popular music and advertising.

In February 2010, Phoenix's "1901" rose to No. 1 on Billboard's Alternative chart on its 31st week on the list, marking "the longest climb to the top in the chart's 21-year history" (Reuters). Belonsky argues that music licensing in advertisements is "artistic abuse." Yet, in many of his examples, it seems clear that the relationship between the musician and company is that of collaboration, not of forced association. When asked about Phoenix's success, singer Thomas Mars replied, "We don't feel torn between what a major record company wants us to do and what we want. It doesn't feel like David Bowie or something, who did all these great records and then got big from 'Let's Dance,' which was successful for something he's not" (Mars qtd. in Wenzel). The musician is the artist. There are always exceptions, but in general, musicians want to portray a certain image when they sell their songs. If they did not want their music to be seen as an endorsement for certain products, musicians have the option of refusing offers from advertising agencies.

While Phoenix's "1901" shows that there is considerable collaboration and discussion between musicians and advertising agencies during the process of music licensing, this is not true of all advertisements. In their attempt to naturalize a product around a popular musician, it is possible for advertisers to manipulate the artist's song or image such that it is unlike the original. The case of Phoenix and Mitsubishi, however, reflects a collaborative relationship between advertisers and artists where both the artist and the company are happy with the final product. While some musicians actively avoid any sort of affiliation with corporations, other musicians embrace advertising.

Music licensing in advertising remains a significant issue within the popular music industry. The licensing process, however, allows artists to have control over when and where their recorded songs can be used. Copyright protection gives musicians legal control over their music. Thus, whether the reason be monetary gain or not, musicians (or others contracted with them) make the final decision regarding whether their music can be used to endorse a product or brand.

Copyright law and music licensing in advertisements reflect larger issues and concerns about the relationship between advertising and popular music. Because so many people are involved the song production process, the legal rights of the music do not lie solely with the recording artist. Music licensing highlights the distinction between creative license of a song versus the publishing rights to a song. Many musicians have filed lawsuits against advertising agencies and companies for copying their creative intent of a song without their permission. Even with these issues, it seems that the collaboration between advertising agencies and musicians is becoming more harmonious.

4 – Selling Out: Repercussions of Product Endorsements

In today's society, popular musicians are more than just the names behind the music. The relationships that musicians create with the commercial world has resulted in a surge of product endorsements, either through licensing agreements with corporations that feature the artist's image or music or through printed advertisements that feature the image of artists. However, society views popular musicians as more than just artists. Rather, society is interested in popular musicians' identity – what they wear, where they eat, what sorts of things they buy. As popular musicians begin to depend more on advertising as a means of generating publicity, fans have begun to look beyond the music to form opinions of these musicians. Placed in a completely different context, the use of popular music in advertising has changed the way consumers see and hear songs of well-known artists.

The public has become hypersensitive to artists' private lives, beliefs and personalities. As a result, the types of partnerships musicians choose to become involved with play a significant role in their reputation and how the public views them. In this chapter, I look at various musicians who have been affected, positively or negatively, by the products they choose to endorse. Through these examples, I come to a better understanding of two processes: how musicians decide which products to support and how companies decide which artists to align themselves with. Specifically, I would like to understand how product endorsements influence artists' careers and how the musicians' reputation affect the endorsement offers they receive.

Product endorsements are very similar to music licensing. Popular musicians and companies both have a vested interest in creating a mutually beneficial relationship. A

company wants to be associated with artists who will be able to expose and promote its product to the public. The musicians, in turn, want to work with companies who will advance their careers and help them maintain a good reputation with the public. As a result, an artist's reputation plays a significant role in the partnerships they forge with companies and, in turn, those partnerships affect how the public perceives the musicians.

Today, it is common to see artists promoting everything from phones to medications (Creswell). By having a popular music endorse their product, companies hope that the audience will give more value to the artist's testimonial because of his or her celebrity status. Studies have shown that endorsements by popular musicians increase brand awareness and increase sales (Elberse). Given the volatile reactions fans have towards the use of popular music in advertising, however, how do endorsements of certain products by popular musicians change how their fans perceive them?

In April 2010, Kelly Clarkson—the winner of American Idol Season 1—sparked controversy when television and billboard advertisements for her Jakarta performance on her international tour featured a logo of L.A. Lights, a popular Indonesian cigarette brand (Lendon). Tobacco companies are free to advertise their products through sponsorships or endorsements in Indonesia, which is one of the few countries that have not signed the World Health Organization's tobacco treaty (Mason). Regardless, the release of Clarkson's advertisements caused a huge stir among the anti-smoking activists, and a “growing number of voices [pled] with the Grammy-winning pop star on her Facebook page” to drop the sponsorship with the tobacco company (Mason). The president of the U.S.-based Campaign for Tobacco-Free Kids responded to the advertisements by saying that “if Kelly Clarkson goes ahead with the concert, she is by choice being a spokesman

for the tobacco industry and helping them to market to children. She has the power now to turn this situation around and to send a clear message to Indonesian young people and, frankly, to the young people of the world” (Myers qtd. in Mason).

Clarkson immediately claimed that she knew nothing of the sponsorship, writing on her blog:

My morning began with finding out that I am all over billboards, TV ads and other media formats alongside a tobacco company who, unbeknownst to me, is sponsoring my Jakarta date on my current tour. I was not made aware of this and am in no way an advocate or an ambassador for youth smoking. I am not even a smoker, nor have I ever been (Clarkson).

Despite denouncing the sponsorship, Clarkson refused to cancel her show, explaining that she would disappoint her fans if she did so (Serpe). Clarkson’s fans around the world, even including those from Indonesia, expressed their disapproval of the tobacco endorsement by posting hundreds of messages on her Facebook page and sending more than one thousand emails to her management urging them to renounce the sponsorship (Campaign for Tobacco-Free Kids). As a result of the negative attention that the partnership drew, an agreement was reached with L.A. Lights to eliminate all advertisements that featured Clarkson before her concert (Serpe).

Clarkson’s partnership with L.A. Lights shows that fans react strongly to artists when they endorse products that are deemed negative or harmful. To the public, it is not relevant whether the artist unwittingly entered into an endorsement with such a product; what is important is that such an association exists. The products and causes that popular musicians choose to endorse are what define artists’ reputations. Consequently, the artist is most affected by the effects of these partnerships. When the L.A. Lights incident occurred, Clarkson wrote that the hardest part of the situation was “getting personally

attacked for something [she] was completely unaware of and being used as some kind of political pawn” (Clarkson, 2010). Because sponsorships and endorsements involve two parties, the public sees the responsibility of creating socially and politically acceptable partnerships as falling on both the musician and the corporation.

Popular musicians come under close scrutiny by the public with every word they speak and every action they take. The public believes that celebrities have a responsibility to positively influence their fans. Kelly Clarkson is one of many popular musicians who have been criticized for sending the wrong message to fans. On being a role model, Taylor Momsen, lead singer of The Pretty Reckless, declares “to be honest, I don’t f***ing care. I didn’t get into this to be a role model. So I’m sorry if I’m influencing your kids in a way that you don’t like, but I can’t be responsible for their actions. I don’t care” (Taylor qtd. in Times UK). Recently, Momsen was scrutinized from the press and the public for her blatant disregard for and disinterest in how her actions could potentially influence her fans. In 2010, when the 7.0-magnitude earthquake devastated Haiti, many celebrities made high-profile donations and asked their fans to help struggling survivors recover. When Momsen was asked if she was planning to follow the other celebrities in their attempt to help Haiti, she responded: “Um, right now, I’m trying to just finish my record and getting through the last season of Gossip Girl right now. So not so much thinking about that [*sic*]” (Eggenberger). The job of a role model is a responsibility that has been imposed upon celebrities by societal pressures. As such, artists have polarized views on being a standard for fans.

Momsen is one example of a musician who is very clear and open about his or her dislike of being placed into such a role. However, at what cost? In November 2010,

Momsen's acting role in the hit show *Gossip Girl* was put on "indefinite hiatus," which is where Momsen first became widely known (Vilensky). One month later, Momsen was dropped from IMG Models, the modeling agency she signed with in 2008 (Selby). In January 2011, Kelly Osbourne replaced Momsen as the face of Madonna's clothing line, Material Girl (James). The repercussions of being viewed in a negative light by the public are significant to an artist's career. In the span of three months, Momsen was pulled from endorsements and jobs that were central to her career.

On the other hand, other popular musicians embrace being a role model to fans. On being held as a standard, Selena Gomez, lead singer of Selena Gomez & the Scene, says,

I do understand that there are a lot of little girls that look up to me. I love that; it's really wonderful. I realize that means I have to watch what I say and what I do, but I don't think that's any kind of pressure; it's part of the job. I love my fans and would never want to do anything to hurt them. I'm only 16, and I will make mistakes... but I will try to keep those mistakes to myself (Gomez qtd. in Chapman).

Gomez has consistently maintained a wholesome image. She has established a clean, "good girl" image in the public's eye. As a result, numerous companies want to enter into endorsement deals with her. Gomez was named the spokesperson for the 2008 and 2009 Trick-or-Treat for UNICEF campaign (Just Jared); in August 2009, the U.S. Fund for UNICEF appointed Gomez as its newest Ambassador, making her the youngest in the United States (Greenberg); appearing with her mother, Gomez advocated for safe driving in a public service announcement for State Farm Insurance (Oh); she became involved with RAISE Hope for Congo, a charity hoping to raise awareness of violence against Congolese women (St. Cyr); she is involved with Disney Friends for Change: Project Green, which is a campaign to encourage people to take action on environmental issues

(Disney Channel); Gomez partnered with Sears to create an ad campaign for their Fall 2009 back-to-school season (Chang); Gomez entered into a sponsorship with Borden Milk, in which she participated in an ad campaign to encourage kids to drink milk and lead healthier lifestyles (Sara); she is an ambassador for DoSomething.org, a New York City-based nonprofit organization that works to “inspire, empower and celebrate a generation of doers – teenagers who recognize the need to do something, believe in their ability to get it done, and then take action” (PopDirt). Carol Stern, the president and CEO of the U.S. Fund for UNICEF, said that “young people can relate to Selena, and she is a great role model who we believe will greatly enhance the visibility of the program” (Stern qtd. in Just Jared).

The list of endorsement deals that Gomez has formed with companies has only grown bigger over the past two years. It is clear that she is very conscious of her public image. Gomez attracts many sponsorship deals in part because of the positive reputation she holds with her fans and with her audience. Fans look up to Gomez and, thus, pay attention when she speaks in favor of a cause or of a product. Because Gomez focuses her endorsements on causes that raise awareness of social issues around the world and products that are seen as beneficial to society, the public continues to view her favorably.

As Gomez’s list of endorsements shows, popular musicians have the ability to use these endorsement opportunities to bring awareness to causes that they are interested in supporting. This applies to both social causes and political causes. During Barack Obama’s presidential campaign, the first-ever political campaign music album was released (Hidden Beach Recordings). “Yes We Can: Voices of a Grassroots Movement” is an 18-song disc featuring Stevie Wonder, John Mayer, Lionel Richie and John Legend

along with other artists and includes excerpts from speeches given by Obama (Serjeant). Steven McKeener, CEO of Hidden Beach Recordings, said that the artists who contributed to this album underscore “how deeply inspiring this campaign has been across boundaries” (McKeener qtd. in Serjeant). All proceeds from album sales went to the Obama-Biden campaign (Serjeant).

In addition, a video entitled “Yes We Can” featured a notable musical cast singing a song written by the musician will.i.am (Zengerle). The song was inspired by “Yes, we can!” the theme of a speech that Obama delivered following the 2008 New Hampshire primary and the slogan of his 2008 presidential campaign (The Huffington Post). Obama adopted this phrase from the motto of the United Farm Workers, “Si se puede,” which translates to “Yes, it is possible” (United Farm Workers). The music video went viral during the election and garnered an Emmy Award in the “New Approaches in Daytime Entertainment” category (Marketwire). The many musicians who supported Obama and actively participated in both the album and the video attracted the attention of fans and brought a heightened sense of awareness to an already significant election.

Popular music became an integral component of Obama’s campaign. Mark Anthony Neal, a Duke University professor of African and African-American studies, writes that the music “stirs a nostalgia about when folks had hopes that we’d see a kind of society where we can elect a black president” (Neal qtd. in McClatchy). The artists’ endorsement of Obama’s campaign generated publicity towards a directed constituency that the campaign alone may not have reached. The endorsement of political causes is a polarizing issue because individuals tend to have very strong political views. Even fellow popular musicians are not in agreement on whether celebrities should endorse political

causes. In response to the numerous artists publicly supporting Obama, country star Carrie Underwood asserts:

It's saying that the American public isn't smart enough to make their own decisions. I would never want anybody to vote for anything or anybody just because I told them to... Music is where you go to get away from all the BS. Whether it's from politics or just the world around you, music should be an escape (Underwood qtd. in Thomson).

It is true that the public should make educated voting decisions based on their personal beliefs. However, there are many people in the United States, especially the younger generation, who are disengaged and disinterested in politics (Krayewski). The influence of popular musicians, who are able to connect with and reach the younger generation in a way that politicians do not, can motivate youths to become more actively involved in politics.

A reinforcing “feedback loop” constituted by the connections of media, audience reach and audience approval plays a crucial role in the popular music industry. Patrik Wikström suggests:

The loop may serve as an engine which gives rise to (or ends) fads, brands, acts or genres. If the audience-media engine works against an artist or a music firm, it will be difficult or impossible to reach any kind of success. Similarly, if the music firm is able to get this loop to work in its favour, only the sky is the limit (Wikström 87).

The “feedback loop” is a compelling metaphor for product endorsements. Popular musicians depend on endorsements for funding tours and concerts, as well as for entering a different medium through which they can gain exposure and receive attention. Corporations are interested in working with musicians who can attract attention from many people and generate positive publicity for their causes or products.

Over the last decade, corporate brands have increasingly turned to popular musicians to sell their products (Creswell). According to Millward Brown, a marketing research agency, celebrities appeared in nearly 14 percent of ads in 2007, more than double in the past decade (Creswell). The rise in partnerships between artists and companies makes it difficult to separate the musician from the brand. Eli Portnoy, a branding strategist, explains, “The reality is people want a piece of something they can’t be. They live vicariously through the products and services that those celebrities are tied to” (Portnoy qtd. in Creswell). Companies realize that artists have significant influence over their fan base, and therefore want to align themselves with celebrities who will be the most persuasive and provide the most impact. In doing so, companies hope that fans of the artist will want to buy their product or use their brand.

As a result, not all publicity is good publicity. Popular musicians who antagonize the public could possibly cause an aversion to any brands they are associated with. When R&B pop star Chris Brown was arrested for assaulting his girlfriend, Rihanna, his endorsement deals rapidly disappeared (Daniels). Radio shows pulled Brown’s music, *Sesame Street* dropped future re-broadcasts of the episode in which he appeared on the show and Wm. Wrigley Jr. Company suspended the Doublemint Gum advertising campaign that heavily featured Brown’s image and his music (Kaufman). Marketing experts predicted that companies would avoid deals with both Brown and Rihanna. Ann Green, Senior Vice President at Millward Brown, anticipated, “I would not want to say that it is a death sentence, but it is certainly going to be very difficult for him to secure future endorsements” (Green qtd. in Ryan and Winton). Although Rihanna did nothing wrong, Green explains that “the reason why [Rihanna] has been used as a celebrity

endorser is that she represents something very positive and in particular a strong female role model, and when she is associated with a situation like this it can have an impact” (Green qtd. in Ryan and Winton). Corporations want to be associated with artists who the public views as role models because those celebrities have a significant amount of influence over their fans.

Similarly, artists want to be seen favorably by the public, and thus may choose what they endorse by society’s opinion of the product or the cause. This is evident with artists such as Selena Gomez, as well as Demi Lovato, who is the spokesperson for Join the Surge, a national campaign that empowers teenagers to take positive action in their communities (Do Something). Lovato also received the Honorary Ambassador of Education award from the American Partnership for Eosinophilic Disorders in Hollywood (Katz). If celebrities endorse controversial products, such as Kelly Clarkson’s endorsement of cigarettes or musicians’ endorsement of political figures, they are critiqued for allowing their name, image and talent to be associated with these products or causes.

The success of both corporations and popular musicians depend on the public’s perception of musicians’ images. Thus, both parties have a vested interest in forming a relationship that portrays the product as well as the artist in a positive light. More so than companies, some artists are especially conscious of the way they are portrayed to the general public because it directly affects the number of endorsements that are offered to them. Musicians also pay attention to the sorts of products they are endorsing, because those products become tied to their public image. Consequently, a popular musician’s reputation and the corporate products he or she endorses are inextricably connected.

5 – “Hold It Against Me”: The Evolution of the Music Video

On August 1, 1981, Music Television (MTV), an American cable network specializing in music-related programming, began broadcasting with the introduction “Ladies and gentlemen, rock and roll” (Burns). MTV began an era of 24-hour music television by presenting one video after another without pause. With this new context, by the mid-1980s the music video grew to play a central role in popular music marketing (Mueller). In fact, many artists owe their success to the popular appeal of their music videos. Thus, similar to advertisements, the intent of music videos became promotional. What makes music videos different from television advertisements is that they were originally intended to promote the artist and his or her music, rather than some external product.

As popular music has become an increasingly integral part of advertising, however, the placement of external products has, in turn, become more evident in music videos. The close partnership between advertising and popular music has caused a shift in the subtlety with which music videos promote external products. Music videos today are affected by advertising and endorsement partnerships from the musicians and the record labels. Through a close investigation of specific case studies, I explore how recent music videos reflect the union of advertising and popular music. What does the modern music video say about the effectiveness of popular music within the advertising world?

Lady Gaga is regarded as one of the most controversial and celebrated pop artists in the music industry today. Her combination of performance art and unique style has been the cause of much debate within popular music. The release of her music video for “Telephone” is a good example. Lady Gaga created the concept for the video which was

directed by Jonas Åkerlund, who is known for creating music videos in the form of mock movie trailers or mock short films (Wigler). The video was released in early 2010 and received immediate attention for the extensive, and perhaps excessive, product placement within its nine minutes. Much of the press about “Telephone” focused on the question of “selling out” and why so many products were conspicuously placed.

Some of the different brands that are visible in the video are the Kill Bill “Pussy Wagon” (a vehicle prop from the *Kill Bill* movies), Diet Coke, cigarettes, Honey Bun, Virgin Mobile, Wonder Bread, Miracle Whip, Polaroid, Heartbeats Headphones, Chanel, PlentyOfFish.com and Hewlett Packard, among others. What exactly is the relationship between these products and the artist? Lady Gaga offers that Quentin Tarantino’s “direct involvement in [the video] came from him lending me the Pussy Wagon. We were having lunch one day in Los Angeles and I was telling him about my concept for the video and he loved it so much he said, ‘You gotta use the Pussy Wagon’” (Gaga qtd. in Cady).

Some of the products placed in the video were a result of pre-existing sponsorships with either Lady Gaga or her label. A few weeks before the video was filmed, Lady Gaga was named Creative Director for a specialty line of Polaroid imaging products (Pemberton). Virgin Mobile was a sponsor for Lady Gaga’s then upcoming tour (Hampp). Similarly, PlentyOfFish.com had an ongoing partnership with Interscope Records, Lady Gaga’s record label (Hampp). Since the debut of the music video, PlentyOfFish.com experienced a 15% increase in traffic and, as a result, offered a contest for two singles to go on a date at each of Lady Gaga’s concerts for her 2010 “The Monster Ball” tour (Hampp). In addition, the Hewlett Packard Envy 15 Beats laptop was a limited edition that came with Dr. Dre’s headphones and Traktor DJ software. Lady

Gaga's Heartsbeats headphones, which were made by Monster (the same company that made Dr. Dre's headphones), are featured in the video as well (Hampp).

When questioned about the abundance of product placements in the music video, Troy Carter, Lady Gaga's manager, explains that several companies did not, in fact, pay to be featured in the video. Gaga's video questions the expectation that popular musicians enter into relationships with companies by profit motive. In an interview with *Ad Age* magazine, Carter posits "if Michael Jackson was making 'Thriller' [today], he would do this too. These million-dollar music videos have to have partners to be produced" (*Ad Age*). As music videos become more complex and require more technology, venues and props, they become increasingly expensive to produce. Many popular musicians want to create videos that require much financial support. As a result, it would be difficult to complete and release a music video without the various partnerships that people within the popular music industry have formed with companies.

The growing frequency of product placement is related to the move of television to the Internet and the attempt by record labels to use music videos as a source of revenue rather than as purely a promotional tool (Plambeck). The birth of video streaming through the World Wide Web has revolutionized the way that people access and absorb music. By allowing prospective artists a chance to make a name for themselves, the Internet has leveled the playing field as well as intensified the competition amongst popular musicians (Van Etten). While the Internet has made it easier for unknown artists to achieve recognition, the same opportunities do not exist for every artist. However, the Internet offers popular musicians a platform to deliver content (e.g. songs, live performances and music videos) that builds a following.

Because the Internet intensifies competition, the shift towards online video streaming has resulted in a growing trend towards more elaborate, high-budget music videos, which consequently results in more product integration (Masnick). Compared to 2008, the money spent on product placement in recorded music videos grew 8 percent in 2009 while overall paid product placement declined 2.8 percent (PQ Media). These percentages imply that while product integration as a whole has declined, product placement is being focused towards music videos. This highlights the importance of the music video for popular musicians as well as companies. Younger consumers are difficult to reach via traditional media (e.g. printed ads). In general, young men and women are more likely than the population as a whole to report they viewed advertisements placed in music videos (Williams et al. 5). Thus, the implementation of music videos on websites such as YouTube is a significant source of exposure for advertisers.

In addition, revenue from product placement in music videos totaled 15 to 20 million dollars last year, more than double the amount in 2000 (PQ Media). Patrick Quinn, chief executive of PQ Media, said that he expected the revenue to grow again this year (Plambeck). This statistic substantiates that the music video has become more than a purely promotional tool for record labels and artists. With the increase in product integration, music videos now generate a significant amount of revenue for the record labels and artists. Money made from product placement is often used to offset the rising cost of producing music videos (Mintzer).

In the 1980s and 1990s, when MTV was the dominant outlet for music videos, the channel's policy prohibited obvious product placement in videos (Majerol). The network would often blur brand labels or ask for a new version without the advertising

(Plambeck). As videos have migrated to the Internet through sites such as YouTube and VEVO, however, product integration has become much more common.

The frequency of placing products in music videos raises questions about how much branding is appropriate. Jordan Yospe, a branded-entertainment lawyer who works with screenwriters and producers to advise on product integration, suggests “I don’t want to see a character hold up a can and say, ‘This is great Coke.’ Everything needs to be done in the appropriate degree of moderation” (Yospe qtd. in Majerol). To be effective, branding needs to be woven into the music video so that it does not distract from the plot. When asked about the surge of product placement, David Kaplan, an employee of Nielsen, claims “What the data is showing us is that consumers seem very much OK with product placement and, if anything, find them to actually enhance their viewing experience” (Kaplan qtd. in Majerol). Thus, thoughtful product integration into music videos is effective and even liked by consumers.

It is important that members within the popular music industry maintain a collaborative relationship with companies in order to integrate brands effectively into music videos. VEVO, an online music video network that started in late 2009 in partnership with YouTube, “works as a conduit between the world’s largest music companies and brand marketers” (Caraeff). VEVO is partly owned by Universal Music, which is the parent company of Lady Gaga’s record label. Virgin Mobile, which is featured in Lady Gaga’s “Telephone” music video, has a strong relationship with VEVO. The chief executive of VEVO said that the placement of Virgin Mobile in Lady Gaga’s music video demonstrated “how complementary [their] relationships with brands and

music companies are and how [VEVO] can bring them together for successful partnerships in the future” (Carraeff).

As a result of the widespread access and viewership that the Internet provides, the popular music industry values music videos differently today. Jonathan Feldman, the vice president for brand partnerships at Atlantic Records says that “before, video was definitely [intended] to showcase creativity and content. It was promotional, and today we look at video as another piece of pie and a way to generate revenue” (Feldman qtd. in Plambeck). Unlike traditional advertising opportunities, where an advertisement is placed before or after the music, product integration is appealing because the product will always be within the video. When an advertisement is not placed directly into the music video, it is possible that viewers will focus on the video and forget about the advertisement. When brands are integrated, people will, subconsciously or consciously, associate a brand with the music video. This association might extend to a connection of the brand to the popular musician or the song featured in the music video. Thus, for advertisers, product placement is advantageous because it guarantees that viewers of the music video will remember their product.

This is a clear advantage for advertisers when placing their products within music videos. Why, however, do the musicians choose to do so? One such video, Britney Spears’ “Hold It Against Me,” sparked discussion about product placement almost immediately after its release in 2011. “Hold It Against Me” prominently features various brands (such as Sony, Makeup Forever and PlentyOfFish.com) and noticeably focuses on brand labels throughout the entirety of the video.

It was reported that Britney Spears received 500 thousand dollars for the product placements in her four-and-a-half minute video (TMZ). After watching the video, the British singer Marina of Marina and the Diamonds posted on her Twitter, “What is consensus on product placement in videos? As a fan, do you prefer product placement if it means bigger budget vid? [*sic*]” (MarinasDiamonds). In response, Katy Perry writes, “do it w/ style & grace...Not so in ur face like some. U hv to get creative w/ it. Some artists don’t care tho, & u can tell [*sic*]” (katyperry). Even among popular musicians, there is no strong consensus about product integration in music videos. Regardless of personal opinion, however, every musician understands the benefit of product placement and the financial advantage created by endorsements and sponsorships with companies.

This is why product integration within music videos has become prevalent throughout music videos of today. Some prominent examples are Ke\$ha’s “We R Who We R” (2010), which features Revolucion tequila and PlentyOfFish.com, Avril Lavigne’s “What The Hell” (2011), which features Marc Jacobs, Sony, Forbidden Rose and Abbey Dawn and Travie McCoy’s song “Billionaire” featuring Bruno Mars (2010), which includes a paid placement for Mini Cooper. About the “Billionaire” video, Feldman asserts that musicians have the final say over whether a product can be included and discloses that Atlantic has turned down opportunities because the placement would not look natural (Feldman). For “Billionaire,” the “Mini Cooper placement worked because a car was needed, and while it was in several shots, the car itself was not the main attraction” (Plambeck). Feldman asserts that it is important to the label and its artists that the music video is not seen as an advertisement for any product besides the artist (Plambeck).

It is clear that brands and advertising are taking a more permanent place in the music industry. Though popular music and advertising have coexisted for a long time, companies can now pay labels or artists to receive more exposure for their brand. Adam Kluger, CEO of Kluger Agency, reveals that “brands are tripling their revenue because of a mention in a Jay-Z song. So we go after the companies and partner them with the demographic. If you hear an artist talking about his new Fila sneakers, you’re going to think about it when you go shopping” (Kluger qtd. in Castillo). As product placement becomes more naturalized, musicians’ fears of losing artistic integrity are slowly subsiding.

The advent of the Internet and, with it, the ability to share music and videos freely has caused the popular music industry’s revenue growth to wane. As of 2009, total revenue from U.S. music sales and licensing was \$6.3 billion as opposed to total revenue of \$14.6 billion in 1999 (Forrester Research). The Recording Industry Association of America (RIAA) has reported declining revenue in nine of the years from 1999 to 2009, with album sales falling an average of 8 percent each year (Goldman). The main reason for the industry’s lapse in revenue growth seems to be the growing prevalence of digital music. David Goldberg, former head of Yahoo music, posits, “The digital music business has been a war of attrition that nobody seems to be winning. The CD is still disappearing, and nothing is replacing it in entirety as a revenue generator [*sic*]” (Goldberg qtd. in Goldman). The accessibility the Internet brings to consumers is difficult to monetize. Although the music industry licenses ringtones, licenses music on popular Internet radio stations such as MySpace Music and Pandora and licenses music videos on YouTube, these licensing fees do not make up for the volume of total lost sales (Goldman). As a

result, the music industry needs branding to offset production costs for albums, videos and tours, all of which cost a significant amount of money (Castillo).

Even while the recording industry is in decline, musicians always have choices about product placement. Matt and Kim, a Brooklyn-based duo, released a 2009 video for their song “Daylight” that had no product placement whatsoever. Both Matt and Kim are shown playing their instruments and singing in a variety of settings associated with everyday culture (i.e. a small, crowded apartment, a dimly lit closet, an alleyway and a dumpster). Both are dressed in simple and very casual attire, without any visible brand names. Matt uses a piano that is clearly worn down. The focus in this video is, quite obviously, the music. Though they do not integrate products into their music videos, Matt and Kim allow their music to be used in advertisements.

When asked about their opinion on licensing music to companies, Matt and Kim say, “...We decide based on whether it’s something we use or support... if it’s something we are completely against we wouldn’t do it. We ask a ton of questions, and we go back and forth with the companies a lot making sure that we see everything. We are about to be in this one [advertisement] and it’s for alcohol and you know, sometimes that can lead to the wrong way where it’s an [advertisement] in a club with scantily clad women [*sic*]” (Kim qtd. in Humber). Matt and Kim show that musicians are acutely aware of what goes on within advertising firms. They know how they want their music to be portrayed and make sure to follow the music licensing process closely and actively partake in the musical direction to ensure their songs are depicted accurately.

The commercial use of popular music in advertising is made increasingly apparent by the recent trend of product integration in music videos. No strong consensus

has been made on whether this transparent union is a positive or negative relationship. It is, however, a mutually beneficial one. For companies, music videos provide a source of exposure for their brand that is unlike that of traditional media outlets. Although less obvious, musicians also benefit from this relationship as well. Endorsements and sponsorships offer musicians and labels more financial resources to offset the resources needed to realize the creative concepts of their music videos, finance tours and reach a larger fan base. The argument that product placement in popular music is advantageous is further reinforced by the knowledge that musicians make a conscious decision when they enter into endorsements or sponsorships with companies.

6 – Cultivating a New Cultural Product: Thoughts on the Future of Popular Music and Advertising

It is Super Bowl Sunday and the television screen has just turned to a promotion for next week's episode of *Glee*. Suddenly, what appears to be a preview of a new episode turns into an advertisement for Chevrolet featuring the cast of *Glee* performing Dinah Shore's 1950's jingle "See the U.S.A. in Your Chevrolet." The Super Bowl is famous for its high-profile advertisements that air during its television broadcast. The cost for a 2011 Super Bowl XLV advertisement is approximately 3 million dollars for a 30-second spot, making advertising during the Super Bowl the most expensive of the year (Horovitz). Because the Super Bowl reaches over 90 million viewers, some of the most creative, as well as expensive (in terms of production cost), advertisements are produced specifically for this day.

Chevrolet created an advertisement featuring *Glee* for the 2011 Super Bowl XLV in the form of a preview for a new *Glee* episode. The advertisement begins with Sue Sylvester, an antagonist on the show, attempting to sabotage New Directions, the main cast of *Glee*. She announces to the members of New Directions that she has booked a gig on a Chevrolet advertisement for them. What she omits, however, is that participating in the advertisement will disqualify New Directions from participating in the Regional singing competition. The scene changes to a dream sequence that features Rachel Berry, the lead vocalist of New Directions, singing "See the U.S.A. in Your Chevrolet" with backup vocals by other members of the group. This advertisement illustrates a significant shift in how members within the popular music industry collaborate with other media

industries and indicates that the future of popular music is becoming seamlessly integrated with television and advertising.

This thesis has addressed various arguments both for and against the commercial use of popular music. On the one hand, the use of popular music in advertising raises issues regarding authenticity, ownership and naturalization. There is also the concern that popular musicians are “selling out” by licensing their music to companies, thus losing their artistic integrity. On the other hand, the commercial use of popular music provides musicians and labels with financial resources to successfully execute the creative vision of tours, performances and music videos. Yet despite the many concerns, it seems that the use of music in advertisements has proved to be a mutually beneficial relationship within the popular music and advertising industries.

One argument against the licensing of popular music is that advertising is solely entrenched in the commercial world. When popular musicians enter into alliances with advertising, critics argue that these corporate relationships cause the musicians to create music simply for material gain. Yet, popular music also has an economic component and is still accepted into popular culture.

A desire to create, and a need to live, and a yen for money or recognition are not warring, but joined elements in human beings. To decry popular culture because it is involved with profit motives is to disparage all levels of culture, all similarly with personal adulterated motives (Grimsted).

Advertisers and popular musicians share a similar goal: they want to reach a wide audience and be memorable. Popular music and advertising are two unique forms of media that are both “cultural-commercial hybrids: commerce makes art possible, just as art encourages commerce” (Klein 9). As such, the two industries have much more in common than many choose to acknowledge. The union of popular music and advertising

has blurred the line between art and commerce, and as yet, no clear balance between cultural and commercial objectives has been defined.

Society takes a very active role as consumers of popular music – they learn the melodies, familiarize themselves with the lyrics and even perform covers of songs. As I demonstrated in my thesis, consumers are very active and have much agency in my analysis of the practice of music licensing. Critics, music fans and musicians express strong beliefs both in favor of and in disapproval of the increasingly comfortable relationships between artists and corporations.

While I have focused on how the various aspects of the commercial use of popular music has affected both the popular music and advertising industries, it is the viewers and listeners who are most affected in their consumption of the media. The increased use of product integration in music videos and the increased use of popular music in commercials influences viewers to form strong associations between the commercial and artistic world.

The digitalization of popular music has caused problems in the past decade for the popular music industry because accessibility is difficult to monetize. Yet, this technological shift may be the industry's greatest opportunity. The dominating presence of the Internet will increase the strength and presence of advertising as well as popular music. The alliance of popular music and advertising is a powerful cultural product that will, by the sheer force of the influence it will exert over the world, achieve acceptance. Although controversy as to the legitimacy of such a cultural product will always exist, I believe the union between popular music and advertising is a significant relationship that

will eventually change the way society assimilates media and, consequently, how society thinks of and views the world.

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