

Introduction

In recent years it has become increasingly common to hear popular music outside of the expected and traditional vehicles of radio and personal stereos. In marketing, and particularly in television commercials, popular music has become ubiquitous. The presumed significance and power of popular music are revealed both by its persistent use in advertising, as well as by the sometimes disapproving responses of fans, critics, and musicians concerned with the problems raised by such usage.

Deregulation, digitization, and an overall increase in media commercialism in the past decade have resulted in a radio industry that displays an ever-narrowing range of music and a music industry that, confronted with potential threats to record sales, is seeking out alternative options to ensure financial viability. The industrial processes involved in the production of popular music and the creative processes of music culture are linked: as the supporting structures—organizational, legal, technological—transform, so too will the creation of music culture undergo change. The growing attraction to advertising is partly a reaction to changes within and dilemmas currently being confronted by the radio and music industries, yet the advertising industry presents its own set of problems for recording artists. As music culture nurtures a relationship with advertising, traditional ideological stances of popular music are challenged. Although popular music has always had commercial objectives, many musicians have nonetheless vowed to commit to an anti-commercial ideology. Moreover, as record companies and musicians become gradually more reliant on advertising as a means of revenue and exposure, the concern is that certain types of music will be favored in production, distribution, and consumption channels, endangering, or at any rate further marginalizing, less commercially feasible forms. The continuing debate about the use of popular music in advertising is evidence that the commercialization of the popular arts comes inbuilt not only with advantages but also with strain.

Through a close investigation of emblematic case studies, this book traces the continuities and unpacks the complexities of the increasingly common marketing practice of licensing music to advertising. I consider the discourse surrounding the adoption of popular music for television commercials through analysis of popular and trade press coverage and through interviews with involved parties, in order to explore the various arguments and issues activated by the changing relationship between popular music and advertising. The use of popular music in advertising is one example of a larger debate about the seemingly appropriate role of commercial objectives in the dissemination of culture and, as such, provides a lens through which a wide range of practices that have flourished as a result of hypercommercialism can be understood. From the renaming of sports and entertainment venues for corporate backers to product placement in film and on television, advertisers are

insinuated in nearly all aspects of leisure and entertainment today. This book addresses what the role of advertising means for popular music culture, weighing the celebrated benefits of corporate support against the negative implications of growing advertiser control.

The use of popular music in advertising revisits some issues that popular music has confronted in the past and generates some new issues as well. Among the issues relevant to song licensing for commercials are the relationship between authorship and ownership in popular music, the artistic legitimization of advertising, transformations in the radio and music industries, the role of music in branding, and the restructuring of texts that results from commercial placements of popular music. This book is structured around these topics by focusing on six relatively high-profile cases or collections of cases of popular music in television commercials, each of which underscores one of the aforementioned subjects. I have chosen cases that I believe “will help generate, to the fullest extent, as many properties of the categories as possible, and that will help relate categories to each other and to their properties” (Glaser and Strauss 1999/1967: 49). The cases were selected for study both because they are emblematic of one or more of the aforementioned issues and because all received a great deal of attention from fans and critics at the time of the ad campaigns and, in some instances, for years after. These cases can thus be understood as critical incidents in the use of music in advertising, and a close analysis of the cases allows for the identification of underlying values and patterns.

Chapter 1 provides a contextualization of the use of popular music in advertising by considering the historic predecessors to this modern practice, and popular music’s unsettled relationship to notions of both art and commerce. Subsequent chapters explore the tensions inherent to the practice, the reasons for its increasing presence, and the wider cultural debates invoked by the appearance of popular music in television commercials.

Chapter 2 examines the role of authorship in music licensing through an analysis of the 1987 watershed event that saw the Beatles’ “Revolution” licensed to Nike by Michael Jackson, who purchased the publishing rights to much of the group’s song catalog. Legal permission to grant the use of a song in a commercial, gained by Jackson through his purchase, is a regular element of the debate over music in advertising. While authorship is commonly associated with copyright and ownership in Western culture (Jaszi 1994: 31), in the music industry, the copyright system muddles the connection between authorship and ownership. That a band featured in a commercial is famous and successful does not necessarily mean the artists agreed to license the song. Though the three living Beatles protested the commercial usage of “Revolution,” even filing a lawsuit against Nike, its ad agency, and Capitol-EMI Records, they were legally helpless. Beatles fans witnessed the song being used to sell athletic footwear and, not for the last time, the use of popular music in advertising became a focus of debate. The extent of press coverage had much to do with the lawsuit, and, for this reason,

it is a case that speaks to issues of authorship and ownership in mergers between popular music and advertising.

The high-profile case of Nike licensing “Revolution” had the incidental result of informing the public about copyright law; it became clear that among fans and music experts, the response to art being licensed against the artist’s wishes is a disapproving one. I suggest in Chapter 2 that the system of copyright favors corporations even when musicians control their own rights, since licensing to advertising represents for some artists the only possibility of financial success. Neither artists who have sold their rights nor artists who cling to their rights can be viewed as powerful next to multinational companies.

The 1999 Volkswagen Cabrio commercial featuring late folksinger Nick Drake’s “Pink Moon” received a comparably positive reaction. In Chapter 3 I consider how the negative critical and public reaction to music in advertising has at times been tempered by creatively successful ads, and how aesthetics play a mediating role in the negotiation between advertiser, musician, and fan. Volkswagen’s award-winning spot featuring little-known folkie Nick Drake’s heartrending song is often credited with driving the practice to its current state of omnipresence, suggesting that the treatment of commercials as artistic works in and of themselves has opened up advertising as a more suitable vehicle for the placement of licensed music. If commercial art can be deemed art, why not commercials? As Thomas Frank documents in *The Conquest of Cool* (1996), there have been artistic visionaries working in advertising since the late 1950s, figures who didn’t simply co-opt qualities from the counterculture movement, but helped to actively constitute the movement. Commercials that succeed as entertainment present advertising as a cultural-commercial hybrid in a way that less creative ads do not. Savan writes, “It’s the *subtlety* of the sell that corporate-sponsored rock stars are increasingly judged by, not the fact that they’re selling at all” (1993: 90). This is why a case like the Volkswagen “Pink Moon” commercial was a challenge to traditional notions of selling out and boundaries between art and commerce; the ad was beautiful and poignant.

Chapter 4 considers the changes in the radio and music industries that have boosted advertising as an alternative source of exposure and revenue. In terms of music in advertising, 2000 was the year of Moby; the electronic artist became a star after licensing all 18 tracks off his 1999 album *Play*. The success of *Play* is credited almost entirely to the artist’s extensive licensing of its tracks, leading both to massive record sales as well as commercial radio play, both of which had previously eluded the artist. Especially as commercial radio becomes a less viable option for many musicians and as record sales are at least perceived to be threatened by illegal downloading, licensing to commercials becomes an attractive alternative source of revenue. I examine whether the benefit to a band can compensate for commercial taint, and whether the promotional benefit of being featured in an ad outweighs any perceived art versus commerce conflict.

Related to the issue of potential benefit to the performer is the question of whether the act of licensing music to advertisers can be viewed as a subversive one.

That is, licensing to advertisers may not only provide financially, but if spun well could be a boost to integrity as well. Some musicians, including Moby, have reportedly donated the compensation they received for commercial placements in clever and arguably subversive ways. But do these acts really countervail the benefits reaped by the advertiser using the song? The impossibility of quantifying this scale keeps the subject open to deliberation and in Chapter 4 the rationalizations offered in favor of licensing to advertising are weighed.

The type of product or service promoted by an advertisement presents another element of the debate surrounding popular music's use in advertising; in this way, the powerful illusion of branding is highlighted. In Chapter 5 I look at how the use of popular music in advertising presents potential consequences related to branding. Through the cool cachet invoked by the brand, companies like Volkswagen appear to be less of a threat to popular music. Further, the particular selection of music for an ad campaign may serve to increase a company's perceived cool. Though distinctions between one type of product and another based on branding are usually misleading, if effective, constructions, the use of popular music as a tactic in this regard is common.

Coke and Pepsi have perhaps the longest history with advertising of any consumer brands; their campaigns, old and new, provide an entry to understanding the use of music for branding. By emphasizing the entertainment qualities of their campaigns, and by applying characteristics of rock music to the promotion of their products, Coke and Pepsi have elided traditional debates about the dangers and consequences of commercial affiliation. The balance of power often brought into play by the art versus commerce debate—where the artist is weak and the corporation predatory—is thus obscured. By portraying the colas as involved in a genuine and close relationship with popular music, the cola companies accentuate the commonalities between popular music and advertising. Chapter 5 demonstrates how music is used as a shortcut towards branding as false consciousness.

Chapter 6 deals with one of the most impassioned discussions surrounding the use of music in advertising: whether the use is reverent to the perceived spirit or original meaning of the song. In the case of well-known pieces of music, the meaning previously associated with the song is, the advertiser hopes, transferred onto the product or service being advertised. Sometimes the ad does the work of transferal for the viewer, changing the lyrics to suit the item being promoted. The strategy of bricolage that may empower consumers to produce meaning through "making do" (de Certeau 1984) with the media available is employed by advertisers as well. By selecting specific sections of songs, rearranging and changing lyrics, and combining music with visuals, advertisers construct convenient preferred meanings.

Television commercials that have paired songs with apparently incompatible products or services have often been subject to greater attention and censure. I look at Wrangler's use of Creedence Clearwater Revival's "Fortunate Son" and Royal Caribbean Cruise Lines' use of Iggy Pop's "Lust for Life" to examine advertising's capacity to restructure popular music texts. Wrangler's use of "Fortunate Son" truncated the track so that it was reduced to a patriotic soundbite: the song was cut

after the lines “Some folks are born to wave the flag/ ooh the red, white, and blue,” conspicuously omitting the refrain “But it ain’t me, it ain’t me.” For years now, Royal Caribbean Cruises has used Iggy Pop’s “Lust for Life” in its ads. The song is notoriously about the singer’s heroin use and, before the cruise line licensed it, the track’s most famous placement was in the film *Trainspotting*, an adaptation of Irvine Welsh’s novel about Scottish junkies. If the fear is that commercial use of popular music poses a threat to the song by completely recontextualizing it, these two cases provide prime examples. Huron argued that “it is the overt knowledge of objectives and the consequent desire to control and handle the tools of musical meaning which make advertising such a compelling object of musical study” (1989: 572). In other words, the fact that decisions in advertising are so calculated and purposive makes advertising an especially rich place to explore the use of popular music.

Chapter 7 revisits some of the underlying tensions that were outlined in previous chapters, exploring how, for many artists, the practice of licensing music to television commercials is neither completely stigma-free nor totally out of the question. For lesser-known artists, licensing music to commercials is increasingly being used as a means to an end. While advertising may not be the ideal vehicle for exposure, some artists have licensed a song or two to advertisers just until their names are on the map and record sales pick up. I assess the current state of popular music in advertising through the case of indie-rock group the Shins licensing “New Slang” to a McDonald’s ad. The Shins licensed the track to McDonald’s despite a general ambivalence towards the practice. Since then, the band has seen an increase in record sales and offers for licensing in less contentious arenas, such as television and film. Frontman James Mercer says that he does not regret licensing the song to McDonald’s but thinks “it’s the kind of thing that, you know, you do once, and then you don’t have to do it again. We’re certainly less inclined to do something like that now, since we’re actually making money off the record” (LeMay 2004). With an eye to the future, this spot serves as a reminder of the complexities of advertising’s affair with popular music.

Many of the musicians I spoke with were neither proud nor ashamed of their decision to license music to commercials; all of them talked about the difficulty of making a living through music, and the dearth of options and opportunities to be heard and get paid. Yet even as this cloud of resignation hangs in the air, there are still musicians, both well-known and lesser-known, unwilling to enter into the exchange, and Chapter 7 considers their perspectives as well.

This investigation into the practice of song licensing in television commercials provides a direct entry into issues specific to commercialism, like branding and profitability, and also into broader issues that are central to the popular arts, such as copyright and control over the text. The continuing debate over music in advertising can seem at times selfish, where the opposition often appears to be saying little more than “This is *my* music and I don’t want it shared.” And contesting the use of music in advertising can appear a trifling battle: it is *just* music, after all, so what’s the big deal? However, disapproval of the practice is

also evidence that many critics are not content with the modern environment of hypercommercialism, or the unencumbered unification of creative work and marketing. Scholars of media policy are concerned by the lack of information and involvement on the part of citizens in legislating communication yet, insofar as the practice's ubiquity is essentially a result of advertisers taking advantage of the wobbly radio and music industries, the persistence with which some musicians and fans condemn commercial licensing of popular music is an unwitting vocalization of discontent with media policy.

This book addresses a number of questions prompted by the use of popular music in advertising: how does media legislation sometimes clash with ideologies of music culture? In what ways do old debates involving the tension between artistic and commercial goals re-emerge within changing media environments? Why is the practice of licensing to commercials viewed as appropriate to some people in some cases and reprehensible by other people in other cases? By unpacking the practice of music licensing in advertising through a variety of case studies, this book also seeks to illuminate theoretical issues regarding art, popular music, commercialism, and media regulation. Popular music in advertising continues to be an unresolved debate—neither unanimously approved of nor unanimously dismissed as debasing—because popular music itself is unresolved: it is at once art and commerce, to varying extents and in different proportions.

Studying the Use of Popular Music in Advertising

This study utilizes a combination of media analysis and interviews to explore the issues surrounding the use of popular music in advertising as a means of addressing broader questions about interactions between cultural and commercial objectives. In order to examine the discourse and debate around the practice of licensing popular music to advertisers, I analyzed popular and trade press coverage of the practice and conducted in-depth interviews with 29 cultural producers related to the practice of music licensing.

The decision to include both popular and trade press in this analysis allows for a multiperspectival consideration of the processes and issues involved in the practice of song licensing. The popular press is where discussions of music in advertising have been most frequent and most articulate. While fan message boards sometimes contain well-reasoned analyses of the practice, much fan discourse consists of simply emotional cries of “sell-out.” Coverage of the practice in the popular press tends to be more critical, applying classic critiques involving the distinctions between artistic and commercial goals. Consequently, music and cultural critics bring a sense of professionalism and clarity to the issue, while often also displaying the concern of a true fan. On the other hand, both the music and advertising trade press tend to examine the practice as it relates to potential benefits to musicians and advertisers. Ethical and aesthetic issues are often elided in favor of business and logistical matters.

Through an analysis of the popular and trade press coverage of this practice, I explore whether and how the general reaction to the practice has shifted over time, what have been identified as the problems and opportunities associated with the practice, and how popular musicians have partnered with advertisers to various results. While some of the popular press coverage includes quotes from musicians and advertisers involved in the practice of song licensing, the space and form of newspaper and magazine reportage do not allow for a very deep or nuanced conversation about the various pros and cons, causes and consequences. To compensate for this lack, I conducted in-depth interviews with various parties related to the practice of song licensing for commercial use, including musicians, music supervisors, advertising creatives, licensing managers, and record label owners and employees.

I interviewed musicians who had licensed tracks to advertisers, as well as a few who turned down offers to license tracks. Some of the musicians also composed music for commercials. The companies to which informants had licensed or composed music represent some of the most prominent names in advertising, such as Nike, Kleenex, Volkswagen, Saturn, Citibank, Sears, and Calvin Klein. I spoke with music supervisors about the process of mediating between musicians and the agency/client. Some of the music supervisors work at independent music houses, which handle both licensing and composition, that are hired by ad agencies. Others are full-time in-house music supervisors, working only for their agencies, though sometimes collaborating with music houses on projects.

My group of informants also included a number of advertising creatives, including copywriters, art directors, and creative directors. Most ad agencies do not employ full-time in-house music supervisors and, when outside agencies are not commissioned to suggest music, ad creatives will pitch and select music themselves. All of the advertising workers I spoke with have dealt with the music selection for at least one major ad campaign.

I spoke with a few people who manage licensing for labels and publishing groups, large and small. For smaller labels, that may not do enough licensing to warrant a devoted position to such transactions, often the owner manages licensing offers. In some cases indie labels hire an autonomous pitchman to promote their bands for TV, film, and advertising placement. One of my informants ran a company that represents the catalogs of hundreds of independent artists for various labels. Larger independents usually have at least one employee solely devoted to licensing, and major labels have entire departments. A few of my informants were more tangentially related to the practice of music licensing in advertising, including a journalist who has written about the practice for over a decade, the music promotions director of a large retail chain, and an account manager of one of the largest library catalogs used for licensing (music composed specifically for placement in moving-visual media). (See Appendix for more detailed information on informants and method.)

Together, the themes developed through interviews and press analysis elucidate the modern reality of the practice, the industrial changes that have provided a

foundation for the increased use of popular music in advertising, and the unresolved tensions surrounding media alliances that explicitly blur cultural ambitions with commercial objectives. The intellectual and historical context against which this practice must be considered is charted in Chapter 1.