Bands and brands going hand in hand

In licensing songs, musicians make money, products get promoted — but it's fans crying foul.

By Chris Lee, Times Staff Writer
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THE images of dead rock stars entered public consciousness quietly at first, turning up two months ago in a British giveaway magazine, as part of an ad campaign for Dr. Martens boots. In heavily retouched photo montages, Nirvana's Kurt Cobain, Ramones frontman Joey Ramone, the Clash's Joe Strummer and snarling Sex Pistols bassist Sid Vicious are seen perched amid rolling clouds in heaven. Each wears a white angel's toga and a pair of "Docs," the English work boots synonymous with punk rock's smash-the-state ethos. In a comer of each ad, the Dr. Martens logo hovers above the word "Forever."

Despite being seen by fewer than 100,000 people in the campaign's print run, the ads created a furor online and have come to rank among the most reviled marketing efforts in advertising history.

"Tasteless!" ran a headline in TheDailySwarm.com, the website that broke the story. (The images were licensed for use in the UK through Corbis, the original photos' supplier, apparently without permission from the musicians' estates.) Cobain's widow, Courtney Love, lamented the "despicable use" of his husband's image. Fan outcry lighted up hundreds of blogs worldwide. And as a coda, executives at Dr. Martens apologized for the "offensive" ads and fired Saatchi & Saatchi, the agency responsible for them.

Oddly enough, the fracas now commonly referred to as "Heavensgate" may be the most notable for its nostalgic value — for reminding pop fans of a time when their idols would rather have been caught dead than appear in TV commercials, vogue moodyly in print ads or shout out product placements in their songs. Nowadays, those practices have become an acceptable, if still not altogether palatable, part of the cultural scenery as advertisers increasingly look to pop music for sizzle and to some extent, vice versa.

At a moment in the musical continuum when Iggy Pop's ode to deviant hedonism, "Lust for Life" — a song in which he repeatedly pledges against temptation: "No more beating my brain with liquor and drugs" — plays in spots for Royal Caribbean Cruises, and bubblegum diva Fergie recently inked a reported $4-million deal to sing about Candie's teen apparel on her next album, the use of pop in ads no longer carries the sellout foul.

As has been reported, that's due in part to more artists reluctantly warming to the idea that licensing agreements are a necessary evil, generating revenue and creating "exposure" in an era of plummeting record sales and dwindling opportunities for commercial airplay — even if that means losing some existing fans in the process.

Advertisers, for their part, are harnessing pop's powerful potential for cross-branded synergy more aggressively and variously than ever. One side effect: Commissions for original music for ads are down, and licensing music from established and emerging artists is through the roof, marketers say.

It's a mixed blessing that can introduce underground artists to a wider fan base (as a current Motorola phone spot has, creating a minor ring-tone hit out of glitch-hop artist Dabyre's "Hyped-Up Plus Tax"). But just as often, ad pop adulterates musical chestnuts (such as EMF's 1991 hit "Unbelievable," repurposed as the jingle "Crumbelieveable" in the service of Kraft cheese) and can distort a song's original intent, as a 1995 Mercedes-Benz commercial did by using Janis Joplin's lampoon of consumer culture "Mercedes Benz" as a straight-ahead product endorsement.
According to Greg Lane, senior vice president of GSD&M, the Austin, Texas, ad agency that licensed Oasis' "All Around the World" for AT&T spots running since 2005, ad pop is a mutually beneficial relationship. "It's a marriage of two brands. It's the client's brand, be it AT&T or iPod, as well as the brand of the band itself," Lane said.

"Part of the deal is, you're never going to make everyone happy. And there's no such thing as bad press. Even if fans are upset, it might not affect sales of what's being advertised — it might increase sales."

Jay Babcock, editor and co-owner of the countercultural Arthur magazine, sees ad pop's ubiquity altogether differently, viewing it as the bellwether for a kind of cultural decay. "What kind of culture sets up a system where the only way to hear good music is through TV commercials for products you don't need?" Babcock said. "What little art is out there has to sneak in wherever it can, being stand-ins for jingles. It's the sign of an unhealthy culture. The culture is eating itself."

Profit-fueled change of heart

BACK in the '90s, when he was the lead singer of neo-psychedelia band Tripping Daisy, Tim DeLaughter had the luxury of snubbing requests to sell the group's music to marketers.

Fast-forward to 2003. Fronting his new band, the Polyphonic Spree, DeLaughter's hard line had been mellowed by necessity. His new 24-member symphonic rock orchestra was proving a difficult sell for new listeners when the singer was approached to license the Spree song "Light and Day" for a Volkswagen-iPod TV commercial. This time DeLaughter relented, first asking to see a cut of the spot before signing over the rights.

"We said, 'Hey, this is great!' " DeLaughter recalled from a Dallas recording studio. "You hear the song. You get to see the band's name on an iPod. We like the way it looks. And it's been a difficult road for us getting commercial airplay, so we thought, 'This is perfect.' "

It became one of the most talked-about spots of the year. And as with many songs licensed for commercials, a spike in iTunes downloads of "Light and Day" soon followed. But more importantly, it created an awareness of the group that surpassed anything the Spree had done before — a common refrain among ad pop licensees.

"A lot of these bands are like, 'If I'm getting exposure on television, that's great,' " DeLaughter said. "'It's better than what I'm getting on the radio.' " (The monetary stakes are markedly lower on TV shows than TV commercials, however. Unlike the six-figure licensing fee a plum commercial can fetch, song placement on a show that regularly features music, such as "Grey's Anatomy," typically nets $5,000 to $20,000 for an emerging artist.)

Moreover, the Spree is in good company, having joined a who's who of rock royalty that has lent music to (and less frequently, appeared in) pop ads. There's Led Zeppelin licensing its song "Rock and Roll" to Cadillac, Elvis Costello shilling for Lexus by discussing Beethoven in the back of a luxury sedan, Grammy-winning alt-country group Wilco selling the rights to six of its new songs to Volkswagen (explaining the move in a terse missive on the band's website under the heading "Breaking news: Wilco music used in advertisement in an effort to sell records") and, perhaps the topper, Bob Dylan crooning in a cowboy hat in a Victoria's Secret lingerie commercial.

Although hip-hop has largely been left out of the pop ad loop, rapper Sir Mix-a-Lot's paean to the female posterior "Baby Got Back" was remade in the service of a Target back-to-school promotion as "Baby Got Backpack." Pint-sized pop princess Avril Lavigne stares petulantly from the business side of a prepaid MPlash MasterCard. And in arguably the most outre example of ad pop, the art-rock outfit Devo rerecorded its classic 1980 song "Whip It" — an electro-pop spoof of Me-decade self-determination — for Procter & Gamble's Swiffer dust mop, changing the song's trademark exhortation to "Swiff it good!"

As Dan Wilcox, music supervisor at Ten Music, a Venice-based company that finds commercial licensing opportunities for indie artists, sees it, the incongruity of using independent music for a relatively pedestrian product or service has become an effective marketing strategy. That also explains advertising's diminishing reliance on agency-generated commercial jingles such as "plop plop, fizz fizz, oh, what a relief it is."

"Brands that are typically not the sexiest of products are now starting to license interesting music," Wilcox said. He cited the use of the indie rock group Irving's song "Death in the Garden, Blood on the Flowers" for a recent Totino's Pizza Rolls commercial.

"A few years ago, we would have gone with original music that was non-threatening. Safe for moms. Now, the times are changing," he continued. "Agencies are associating
brands with artists that have a life outside the commercial. They're getting written about on Pitchfork Media, you can go see them perform live. If an agency does a good job of matching it up, that pairing can be very valuable. As an advertiser, you are buying into another brand that has a built-in audience that can translate to your audience."

When products 'marry up'

YOU don't need to explain that dynamic to Brian Ritchie, bassist for the Milwaukee folk-punk trio the Violent Femmes. He discovered, to his dismay, that the group's lead singer, Gordon Gano, had licensed the rights to one of its most famous songs to Wendy's hamburgers, for use in a chili-baked potato commercial earlier this year.

And not just any song. "Blister in the Sun," as Ritchie tells it, lyrically deals with "masturbating and getting high" and is as cherished in alt-rock circles as "Unchained Melody" is by the "Big Chill" set. Soon after Ritchie's discovery, dozens of disgruntled fan e-mails and MySpace messages started coming in. "I'm never going to listen to you again," said more than one. Ritchie says he has not received any money from the licensing agreement and that Gano, a staunch vegetarian no less, did not consult him before selling the song's rights to Wendy's. (Gano told one reporter that he saw the ad as a positive thing and in fact sold the same song to Mitsubishi in 2003.)

Moreover, Ritchie worries the band's rapport with fans has been irreparably damaged. "I think it definitely hurts the band," he said. "Our strength is that we maintained our credibility, that we have this everyman identification from the fans. Being perceived as having sold out to a corporate entity to sell a questionable product like that is harmful to our image."

Nic Harcourt, KCRW's influential music director and host of "Morning Becomes Eclectic," has a sideline doing musical supervision for TV commercials through the firm Elias Arts. He said that when he chooses songs — most of which are licensed for a flat fee from $75,000 to $150,000 — he tends to focus more on what a song can do for an ad than the negative impact its placement could have on the performer.

"My first priority is to see if the music works," Harcourt said. "I'm not thinking too much about the bands. As for a band's image, that's up to them. I was working on a commercial for Victoria's Secret and they wanted a song by Linkin Park. It would have meant a lot of money, but [the band] didn't want to do it. You have to respect that."

Although he has never deigned to sign a licensing agreement, Tom Waits' atmospheric jazz-blues and distinctive speaking voice have been turning up without his permission in commercial spots for years. The singer-songwriter-actor has successfully sued a host of international conglomerates — Levi's, Audi and Opel among them — winning millions of dollars in damages and settlements when the companies have used his songs or hired sound-alikes to mimic his bourbon growl. Case in point: In 1990, a federal court jury famously awarded Waits $2.475 million in damages after Frito-Lay hired an impersonator to slavishly imitate his "Step Right Up" (a song Waits wrote as a parody of ad sloganeering!) for a Salsa Rio Doritos jingle.

As one of the last of a shrinking tribe of anti-commercial licensing Mohicans, Waits takes a critical view of ad pop.

"By turning a great song into a jingle, advertisers have achieved the ultimate: a meaningless product has now been injected with your meaningful memory of a song," he said. "The songs and the artists who have created them have power and cultural value, that's why advertisers pay out millions for them. Once you have taken the cash, you, your song and your audience are forever married to the product."

Put another way, rock 'n' roll is here to pay.

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