

BRANDWEEK

News Front

Scooby scares up film partners / Aldo steps back into '80s / Chupa gets healthy with Hamm

News

NEWS ANALYSIS

Will the FCC Let Marketers Be?

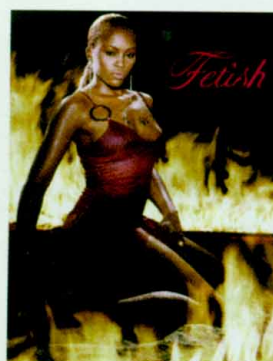
(Continued from page 4)

he said. "It's an easy target for non-governmental organizations—people against alcohol, or nudity. Those people have radical, fringe agendas and try to take advantage of mistakes of excess by the mainstream marketers . . . From a marketing standpoint, we [the agency] do whatever is good for our clients' brands. From a moral or political standpoint, I don't

"Advertising is the most easily pressured profession."

like censorship but that doesn't mean I wouldn't practice it on behalf of my clients."

Even as FCC hearings were under way, some were still sanguine about any possible changes. Tom Amico, chief creative officer at Kaplan/Thaler Group, New York, said he was not worried about a more restrictive climate. "The stuff that makes it onto TV has got to be approved by network clearance people," he said. "It's not like 'Oh no, Janet



What is sexy?
Fetish ads explore issue.

Jackson's breast can't appear on TV anymore,' and we all have to tone down." Consultant Jack Trout, president of Trout & Partners, Greenwich, Conn., agreed. "It's a tempest in a teapot or sexpot. It's more an issue for broadcasters, not marketers."

Some marketers, meanwhile, have been complaining for some time that programming has crossed the line. Hence, the Association of National Advertisers' Family Friendly Programming arm, which tries to create wholesome prime time programming. A rep for the organization said the group has no position on the FCC action yet. Family Friendly currently has seven of its own shows on the air including *The Gilmore Girls*, *American Dreams* and *8 Simple Rules for Dating My Daughter*.

While the issue isn't high on everyone's radar, it should be soon, added Mark DiMassimo, CEO of DiMassimo Advertising, New York. "It is developing so fast, it's not top of mind with advertisers," he said. "But, next week it will be."

NEWS ANALYSIS

First, FCC Scrutiny, Are Ad Probes Next?

Beer, videogames, fashion most affected by climate change. BY BRANDWEEK STAFF

AS THE FEDERAL Communications Commission ponders the notion of assessing fines for violent or obscene advertising as part of its probe of decency standards related to programming, concerns are growing among executives and their agency partners in beer, liquor, fashion and other categories that often rely on envelope-pushing ads.

While the FCC has no jurisdiction over advertising, an eventual scenario could see broadcasters refraining from running ads that they think could raise the FCC's ire.

"What will happen is advertisers will spend lots of money crafting commercials that they can't air, which will have a direct chilling effect on the ad industry," said Rick Kurnit, an advertising attorney with Frankfurt, Kurnit, Klein & Selz, New York.

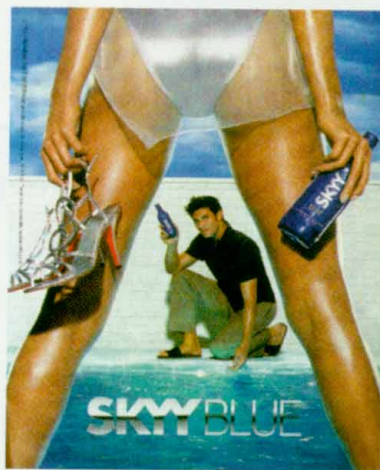
Last week, the FCC summoned network execs to Washington for hearings on the matter. Meanwhile, Clear Channel canned a controversial radio shock jock

"No [one] can conduct business when they don't know where the line is."

and pulled Howard Stern's show in six markets (see story, opposite page). While any number of mainstream advertisers have steered clear of such fare, in recent months advertisers have found themselves in the eye of the indecency storm:

- Janet Jackson's Super Bowl stunt—in which the singer bared her breast before a family-tilted audience of 90 million—led to red faces and finger-pointing at the NFL, Viacom and MTV, which produced the show. It may have also contributed to AOL's dismissal of lead marketer Len Short, who was behind the online service's halftime sponsorship, though sources said Short clashed with management over the brand's direction.

- Chrysler Group's Dodge unit caught flack for a TV spot for its 2004 Durango SUV, which showed two men discussing "size" at a urinal, and backed out of a deal to sponsor a Super Bowl ambush pay-per-view program dubbed *The Lingerie Bowl*, featuring



underwear models playing football in panties.

- Beer and liquor companies, which have long used titillating fare to reach younger audiences, have also rankled sensibilities—recall Miller's Catfight and Coors' cheerleader ads—most recently with Anheuser-Busch's slate of ads that ran during the Super Bowl XXXVIII telecast. Last year, radio shock jocks Opie & Anthony prompted a couple to have sex in St. Patrick's Cathedral as part of a "Sex for Sam" Adams beer stunt and were subsequently fired.

"We constantly monitor the shows we advertise on. That may need additional scrutiny because consumer response is moving," said Boston Beer rep Michelle Sullivan, noting the brand is now focused on a "quality" message. While the company has advertised on Howard Stern's

show, it isn't contemplating any moves yet.

"It's enormously disconcerting to think that advertisers and their agencies will have no comfort to know in advance whether their ad will cross the line," said consultant Mark Rodman of Beverage Distribution Consultants, Sawmpscott, Mass. "As a practical matter, no business can conduct business when they don't know where that line is if it's drawn by Salem-like witch hunters."

While brewers are feeling the heat, others are pulling back. Victoria's Secret notwithstanding, fashion ads appear to

be making a swing to a more conservative approach, with raciness out and wholesome coming in. Even new spring fashions evoke the retro '50s-inspired floral dresses as big, roomy skirts replace figure-hugging silhouettes of seasons past.

Tom Holliday, president of the Retail Advertising and Marketing Association, predicts the trend will continue. "For retailers, it's a question of how do my customers feel about what I am associated with," Holliday said. "That's always something to be aware of, so you're not associated with things that would turn off your customer base."

Videogame ads, which tend to feature more sex and violence than most, are also getting a closer look, said Wim Stocks, evp of Atari, New York.

The gaming rating board (or ESRB) has been paying "a lot more scrutiny than there was even a year ago," he said. "Ads have to be in synch with the rating that you get, in regards to how they are constructed and where they are placed. We're not about portraying gratuitous violence in videogames or in our ads."

Will marketers vying for the segment tone down their ads to buy peace? Andy Berlin, chairman of New York's Berlin Cameron/Red Cell, thought so. "Advertising is the most easily pressured profession in the world," (Continued on page 8)



Betting (on) the raunch: Skyy (left) and Sirius (top, with Pam Anderson) push envelope on sex; Howard Stern gets trashed.