Manufacturing Realisms
Product Placement in the Hollywood Film
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Department of Architecture
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Abstract
Through an examination of filmic portrayals of the trademarked product as a signifier of real ownerships and meanings of commodities, this paper is concerned with the conjunction of aesthetic and economic issues of the Product Placement industry in the Hollywood film. It analyzes Product Placement as the embedding of an advertising message within a fictional one, as the insertion of a trademarked object into the realisms of filmic space, and as the incorporation of corporate remakings of the world with film fictions. Product Placement images are therefore seen as a systematic surfacing of frameworks and discourses - legal, corporate, economic, and filmic - as both seamless and disruptive layers in film images and film making.

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Manufacturing Realisms
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Dedicated to my parents, William and Vivian Wong for their deep, constant and ever light hearted love and support
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Part One  Hollywood Realisms
introduction

Aesthetic questions of “realism” have always confronted a much deeper philosophical question: what is “the real”? However, under contemporary American capitalist practices, the material real has already been legally defined and marked as property. Given this pre-condition, long-standing questions about realism must engage with the capitalist mode of production that is both the subject matter and the framework of artistic production. This is especially significant for film and photography, where theorists have problematized and questioned the nature of the world that exists in order for the image to be made. In other words, the distance between the real and the realism of the photographic or filmic image becomes a critical juncture deeply related to the position of the aesthetic under capitalism.

In the Hollywood film of the late 20th century, questions of realism must be examined alongside the industry through which the film is produced as commodity. In film images, this capitalist reality is specifically selected, acquired and appropriated by film makers through the photographing of specific material objects – real and everyday products that function as props. These products, in addition, are marked literally by their legal source of manufacture, the trademark. Thus, the legal ownership and production of the real, when literally represented by its products in the fiction film, collapse the space delineated for artistic practice. The realist function of the “critical” distance of art-as-appropriation is returned to the space of the real, through “mere” reproduction of capital’s appearances. Thus, since the trademarked product functions in the Hollywood film as markers of the real, product placement images brings the question of realism to an irresolvable, though much rehearsed, question of Art: what is it to produce an image that reproduces the real?
At its most simple, product placement exists because of a basic fact: the making of film requires objects that exist in reality to be photographed. In the last twenty years, however, this technical requirement has given rise to the product placement industry - a commercial enterprise that capitalizes on the economic advantages of pairing the manufacturers of these real objects, products and the makers of film. Nowhere is the economic conjunction of film’s fictional objects and capitalism’s commodities made more visually evident than in the product placement industry’s rise in Hollywood. This historical transformation suggests a startling convergence of two things which had seemed different before; what had, until recently, in film fictions, been props have been turned into products. However, this convergence does not occur simply in Hollywood fictions, but is also produced by the commercial system of products in reality, in which advertising has remade commodities into props of lived cultural fictions. This paper attempts to examine the processes by which props become products, and products become props. It is an investigation of the making of fictional film images in which real products appear.

Because the trademark of an object indicates its source of production, and because the fictional film is produced by film makers, the image of a trademarked object in a fictional film stands for both its real and fictional meanings. Product placement professionals and film makers are compelled by their ownership and authorship to speak for these images. Thus, the product placement image is a visual artifact that cannot be extracted from the multiple interests that comprise of its production. In other words, the legal, commercial and economic frameworks of film production are fundamental to the visual, narrative and aesthetic frameworks of the film. This means that aspects of contemporary American capitalism – trademark law, branding, and marketing strategies – are visually present in the image, and therefore crucial to its meaningfulness. Simultaneously, the presence of the real product functioning as a fictional prop in a film is also generated by an aesthetic framework, the goal of making a fictional film seem “realistic”. The products in product placement images therefore provoke another question: what kind of fictions and realities do products stand in for, in the “realistic” images of Hollywood film?

In its current form product placement appears to be a disruptive practice yet to be fully absorbed aesthetically and economically into the larger Hollywood system. Many claims made by its practitioners regarding its meanings and intentions are contradictory and reveal how attempts to transform of props into products (and vice versa) reveals the assumptions made about the separation of fiction from reality, and the role of images in conflating that separation. To demonstrate the wide range of claims currently in circulation regarding product placement, I would like to introduce two examples at the extreme of practice. These examples are meant to expose the difficulties product placement practitioners inevitably face and that we must also question: How are the distinctions between products of everyday life and props of fictional films made and remade through images?
The first instance illustrates how contemporary advertising interests attempt to control the meaning of images depicting their products. In the early stages of the current American media and military invasion of Afghanistan, *Toyota* vehicles were appearing in news photographs and video clips driven by Taliban soldiers. Conscious of the potential of bad publicity, the *Toyota* company issued a press release stating that it did not sell its vehicles in Afghanistan, suggesting that any vehicles in Taliban hands were gotten illegally. Toyota's New York spokesperson, Wade Hoyt, also made a startling comment to a *New York Times* reporter. He said, "It's not our proudest product placement. But it shows that the Taliban are looking for the same qualities as any truck buyer: durability and reliability." 

The *Toyota* company’s attempt to recuperate from an undesirable reality the truth of their advertising fictions demonstrates one major tendency of product placement practices. News footage of the Taliban driving *Toyota* comes from live television footage or journalistic photographs of actual, real, events, in which trademarked cars are driven. Wade Hoyt, however, attempts to transform the real product (the car) into a prop of fiction. The absurdity of his statement demonstrates, though, that product placement practices are so habitual for Hoyt that any image of the trademarked product can be seen as an opportunity to validate his companies’ advertising claims. Statements such as Hoyt’s suggest that even the most unlikely images of our everyday reality can be reconstituted as advertisements.

The second example shows the opposite use of reality: an agreement is made mutually joining the advertising fictions of manufacturers of cars and manufacturers of films, and is reversely sold as "realism," a desired reality. In 1995, *BMW* announced that, for the first time, *James Bond* would drive a *BMW* as his official car in the film *Goldeneye*. Over the course of three movies, *James Bond* drove a *BMW* Z3 roadster in *Goldeneye*, a *BMW* 750iL sedan driven by remote control.
iL Sedan and an R1200C cruiser motorcycle in *Tomorrow Never Dies* (1997) and a *BMW Z8 Roadster* in *The World is Not Enough* (2000). Defending the $75 million agreement, MGM's executive vice president of worldwide promotions and corporate sponsorships, Karen Sortito, said, "You need to put products in movies to make them realistic. Why shouldn't we get something out of it? This is a guy who's been picking up gadgets and getting in cool cars for decades. Do they really want us to scratch out the logos?"

Sortito's claims indicate a reversal of Hoyt's attempt to transform images of the Taliban's trucks into Toyota advertisements. Unlike the Taliban-Toyota images, movie images of *James Bond* driving a *BMW* are the result of a legal and financial agreement that results in a specific trademarked car to be driven by a fictional character in a fictional film. However, Sortito employs the aesthetic claim of realism to justify the paid insertion of a real trademarked product into a fiction. For Sortito, the $75 million dollar agreement should be considered only secondary to the realistic function of the BMW. I would argue, however, that both the agreement and the contention of realism are fundamentally related to each other.

The incongruity of these two images and the divergent claims made upon them are brought together by the visual presence of the trademarked logo. However, they are also clearly separated by the conditions of their making. Whereas the Taliban-Toyota image is a residual effect of photojournalism, the *James Bond*-BMW images are the direct result of a discernable set of practices, the product placement industry. To further complexity their differences, in the forced encounter of these two acts of consumptions, we have the Toyota company ensuring us of the illegality of the real event (the fact that Toyota does not officially sell vehicles in Afghanistan renders inappropriate the Taliban's use of Toyotas), while the truly fantastical event (*James Bond* escapes from villains by driving a *BMW* with a remote control installed in his Ericsson cell phone) is actually
The Ericsson cell phone is used to blow up a safe called “realistic” by one of the marketers of the film. In other words, images claimed as product placements bring forth a complex set of issues in which a strategy of visual representation, realism, interlocks with larger capitalist practices. Because of its unique presence in film, product placement is problematically located and obscured by the proliferation of advertising and marketing images in contemporary visual culture. If defined merely as the presence of commodities in images, product placement is difficult to grasp. What, for instance, is not a commodity? What, for that matter, is not an image? This ambivalence is made even more pronounced in the Hollywood film industry, which specializes in the exaggeration and aggrandizement of images for immense profits. Thus, product placement can be more clearly defined by the James Bond example, as an agreement or a set of negotiations between a manufacturing company and a film making company regarding the presence of a trademarked product in the images of a film. This definition more clearly matches the development and scope of the product placement industry in its contemporary form.

This paper will therefore focus on a major distinction between the Taliban-Toyota images and the James Bond-BMW images, the public acknowledgment of an agreement between film makers and product manufacturers. The acknowledged existence of such agreements affords a degree of access, through public statements, to the otherwise inaccessible archives of Hollywood studios and production companies. Again, it is the visual literalism of authorship and ownership in product placement images that allows for speculation on otherwise undisclosed practices. Thus, the main argument of this paper is to consider the mode of production of product placement images as a specific manner of representation of a reality of commodities. More specifically, it is an investigation into strategies of visual production employed to place trademarked products into the fiction film.
The realistic function of product placements in the Hollywood film is set apart by another claim made by another worker of the same James Bond film, Tomorrow Never Dies. Contrary to the film’s marketing vice-president, actor Desmond Llewelyn, who played James Bond’s quartermaster, Q, had very different understanding of product placement. Describing the appearance of the Ericsson cell phone fitted with fictional capabilities, he said, “It does practically everything apart from talk and is the main gadget in the movie. Every Bond movie must have fantasy, and the gadgets help with that. As soon as you make the films too real, they get into trouble.”

The difference between actor Desmond Llewelyn’s and marketing executive Karen Sortito’s claims about product placements draw out the main visual contradiction about product placements in film. Do product placements make a film more realistic? Or, by modifying real-life products we are familiar with, does product placement add to the fantasy, fiction, and magic of film? The fact that the studio executive has a different claim justifying product placement than does the actor reveals the conceptions of realism and fantasy made by different workers in the film industry. Does the division of labour of Hollywood – in which the position of the studio’s executive vice president and the actor are made socially and economically different – contribute to their differing opinions? How do the underlying economic and legal structures of Hollywood film production – practices of financing, of trademark ownership, for example—contribute to the emergence of product placement as a practice which literally and disruptively places side by side the art and business of Hollywood in single images?

In other words, the critical issue that product placement raises is not, as the MGM vice-president suggests, whether films should or can “scratch out the logos” of the contemporary capitalist culture that they aim to represent. Rather, this paper will demonstrate how, in discovering and negotiating opportunities for carmakers
to pay for the appearance of their products in Hollywood films, the industry of product placement manufactures “realisms” as strategies of representation, and moreover, that such “realisms” are as much real as they are fictional.

The inability of the public to penetrate beyond the surface of contemporary mass-media image productions is ironically reversed by product placement images. Because trademarks themselves speak of other forms of ownership, intention and meaning, product placement images also demand that film makers and industry professionals speak in justification of them. Through the analysis of such claims, the purpose of this paper is to challenge the homogeneity and immovability of public opinion and to understand the finer grain of the industry’s varying approaches, conceptions, and practices. The notion of a single “Hollywood” entity was most definitively established by the publication in 1985 of David Bordwell, Janet Staiger and Kristin Thompson’s work, The Classical Hollywood Cinema, Film Style and Mode of Production to 1960. They demonstrated the possibility of examining Hollywood as a totality of its practices (institutions, divisions of labour, production norms) and styles (stylistic developments, aesthetic norms, genre). The central claim of their study was to show that there are crucial interconnections between the history of cinematic style and the history of the Hollywood industry. In this study, Bordwell, Staiger and Thompson pioneered a theoretical approach and method to the study of film history – one which looked for historical continuities in the analysis of the tension between existing norms - be they production norms, division of labour norms, or aesthetic norms - and new, disruptive innovations - be they introduced through new technologies from aerospace, military, photographic, audio communications industries, the result of larger economic moves, or cultural shifts. The main idea was to show the way in which the huge cultural and economic phenomenon known as “Hollywood” develops a systematic approach to film making. This remains crucial to understanding the conjunction of methods of production and the overriding aesthetic of Hollywood.

Product placement’s primary continuity with the Hollywood system lies in its claims of realism. A consistent posturing of realism as a fundamental signifying practice of Hollywood has figured prominently in the historical development of Hollywood products and mode of production. Product placement is no different. Thus, in my choice of cases, I have examined films that intend to represent contemporary American reality in part through commodities. The primary examples, Unbreakable, Diner, and Cast Away, are all films in which the film makers have made clear attempts to negotiate the cinematic representation of reality set out by the James Bond film workers; between the mere presence of commercial logos in film and their fictional re-makings.

The remainder of this paper is organized by the idea that product placement images and the product placement industry forces conceptions of realism into new, sometimes forced, and sometimes seamless theoretical and practical relationships. This paper, therefore, examines the claims, intentions, negotiations and agreements between film
makers and the product placement industry in Hollywood. Part II examines cases in which these claims and intentions converge seamlessly into successful legal agreements between film makers and the manufacturers or trademark holders of products, and Part III examines product placements which result in public disagreements in the form of lawsuits between film makers and trademark holders.
Product placement practice in Hollywood is composed of legal and personal negotiations between studios, agencies and corporations. The normalization of the product placement industry is evident in the increase of product placement agencies (companies that represent companies and negotiate with the studios) within the last two decades. There are over 100 product placement agencies in the U.S., representing a myriad of companies, and some large corporations have their own product placement personnel. In turn, every studio has a product placement department, sometimes called the production resources department. The executives in these departments are responsible for negotiating with the product placement agencies. ERMA, the Entertainment Resources and Marketing Association, is the professional organization dedicated to the codification of the practice.

According to ERMA, the negotiations are framed by two fundamental questions, “What product placement is appropriate to the creative need of the film?” and, “What product placement is economically feasible?” In other words, the product placement profession insists on a clear separation between creative needs and economic feasibility. I will contest this separation in my analysis of product placement practices.

Typically, ideas for placements are generated through the circulation of scripts both within the production studios, product placement agencies, and corporations. While the production team of a film identifies a “wish-list,” and a “must-haves,” list of props, with or without trademarks, advertisers (whether agencies or the public relations department of larger companies) identify “opportunities” for the beneficial placement of their products. These two lists form the basis of negotiation within the production company and within the larger supporting apparatuses of Hollywood in general. Increasingly, negotiations also take place with the marketing department of the film production company, with the goal of perhaps bringing together a product placement with a post-production marketing agreement.

For the product placement agent, the script analysis is a process with a primary objective of finding a situation that maximizes gain in the most accommodating situation possible. The situation is not found only in the script, but in knowledge of the preferences of directors, producers and studios to product placement in general, and their past relationship. Aware of the power of decisions made seemingly arbitrarily (ERMA calls some directors “Third World dictators”) ERMA constructs them as creative as opposed to rational commercial decisions and is careful to state that product placement is an “ancillary issue” to the “business” of film making. The “opportunity breakdown” is only feasible if it serves “the creative needs of the Picture.” ERMA states that the most critical aspect of product placement is that, “if the placement opportunity in any way jeopardizes the creative integrity of the film, it
will be dismissed as a possibility.” Here, ERMA is very careful to maintain the myth of the film as an entirely creative endeavor, by constructing a myth of the so-called creative integrity and totalitarian authority of the director. By relegating all responsibility of the aesthetics of the film to the director, product placement agents can assure themselves that they can never disrupt any pure creative intentions.

Thus, ERMA gives full allegiance to an imagined “creative integrity” of the film, and never presumes to define it. As a result, economic feasibility is defined only by creative integrity that is exclusively determined by the film makers. ERMA’s clear demarcation of its own boundaries is a strategic one – what it wants least is to waste time – but it also demonstrates the extent to which product placement professionals construct an impermeable boundary between economics and aesthetics.

However, ERMA’s strict definition of creative integrity is directly in conflict with its practices. ERMA recognizes that everything that composes the final images of a film are personally selected by somebody. Suddenly, it becomes less clear to what extent others involved in the film’s production have the same degree of pure creative integrity ERMA assigns to the director. Thus ERMA calls such workers only “quasi- creative,” who’s jobs only allows them to “shape,” not dismiss or decide on every detail, as it imagines directors do. ERMA’s real contact is with such “quasi-creative” workers, because every item on the set is hand picked by someone other than the director, though it may ultimately be the subject of several creative discussions prior to receiving approval to be photographed. This conception of the film industry as a multi-step process of production wherein creativity and power are increasingly diffused hints at the actual practices of product placement. In ERMA’s expectation of the film production process, the prop is but a minor and often ignored component of film making. Product placement practice, however, attempts to elevate or transform props procurement (or the work of un-celebrated film workers) into openly celebrated the creative field, creating a contradiction with its conception of a totalitarian director assuming full power over a pure notion of “creative integrity.”

The interaction between film makers and product placement agents, however, is not based on a singular, top down process in which one side merely solicits the other. Most simply speaking if film makers script a specific trademarked product, the role of the production resources department is to secure trademark clearance as well as free products for filming, and possibly any larger marketing agreement (in the form of a “tie-in”) with the product. They would then approach the product placement agents as representatives of the corporation. If, in an opposite case, there is nothing scripted, it is the job of the product placement agent to identify those “opportunities” and secure the aesthetic approval of the film makers. They would then approach the production resources department. In product placement, therefore, the product placement agent’s role is to encompass all the dynamics of the situation.
Since product placement agents (or the manufacturing companies) legally own the trademark of their products, it is possible to refuse cooperation with the film makers. At the same time, by scripting in trademarks, film makers signal their intention to engage in a representation of this priory and legally owned material world. The legal structure underlies the social agreements between the various players in the industry, in the form of both legal agreements regarding cooperation, or lawsuits contesting unauthorized uses.

In summary, it is telling that ERMA to states that “Product Placements very rarely happen by accident,” because the role of product placement agents is to manage and insert themselves into the process and to integrate it into a new economic practice. Filmic intentions, thus are constructed to be ever present, or at least made present through the industry’s practices. However, while it is true that the process is an interdependent negotiation, such negotiations are not always based on symmetrical interests, neither are such interests purely either “creative” or “economic.” Rather, this paper will argue that a multitude of creative and profit-making decisions by a multitude of workers in the film industry are constituted in different product placement practices.

ERMA’s construction of “creative integrity” will be more thoroughly examined as part of the most important construction of aesthetic ambitions in the Hollywood film. Above all, however, the aesthetic claim of “realism” justifies and drives product placement in the Hollywood film industry. The claim that product placement is justified aesthetically to make the fictional visuality of film appear “real” is an overarching cultural framework of product placement. According to its practitioners, product placement can only exist in a movie if it serves this aesthetic need. Not all films are the same, of course, and thus different realisms are conceived of in any given film. Thus, first it is necessary to examine the different strategies through product placement that make a film appear or function more realistically.

Because it remains integral to the Hollywood film to make use of contemporary American life as a visual, contextual, and thematic source material, “products” if defined as any object produced, consumed, and exchanged in the economy, are present in the film. As mass produced objects in America are almost always identified by trademark, trademarked products in the film fiction serve to reference the realness of the film’s subject and material. The product placement industry is primarily intent on embedding, inserting or incorporating the trademarked product, the brand name, or the logo, into films. Although the intentional inclusion of products in the Hollywood film is most visible when branded or trademarked products are placed, it is important to note that many other kinds of products are placed in film.

For example, the Pentagon maintains an office in Hollywood headed by 4-star general Lt. Col. Bruce Gillman, who states that his job is to ensure that Hollywood portrayals of the U.S. military are “accurate and up-to-date.” The office also aims to introduce new U.S. military
technology to the public through Hollywood films. The tobacco and alcohol industries have also long been accused of placing general habits, smoking and drinking, and not just specific products, into films. Although representatives for the military, tobacco and alcohol industries do claim that their work contributes to the realism of film making, clearly, those who argue against these kinds of product placements claim that Hollywood’s portrayal of military propaganda and habits detrimental to public health are unrealistic when compared to the statistical reality of Americans. Thus, when juxtaposed against these kinds of factual or scientific representations of reality, it becomes evident that Hollywood’s claims of “realism” are made specifically within a mode of representation called fiction, and are not scientific or documentary representation of reality. That is, Hollywood audiences are aware that Hollywood’s fictions are not “real” even if they are acknowledged to be, to some extent, “realistic.”

Thus, the extremes of factual reality and fantasy is where Hollywood realism (in which product placement claims a part in) to be situated. For instance, within the companies who place products in films (the U.S. Military, the alcohol, tobacco, automobile, food products, beverages,) there are both opinions that product placement contributes to realism, and opinions that companies benefit from the magic of the silver screen. Most marketing strategists claim that audience’s perceptions of the products are improved when the product is associated with Hollywood’s celebrities and fictional worlds. At the same time, even though manufacturing companies, their public relations department, their marketing department and their Hollywood representatives, product placement agents, have their own advertising agenda for their products, product placement is not solely a commercial infiltration of film making, because it remains part of the aesthetic claim of Hollywood to make realistic films in which trademarked objects are references for reality.

Thus realism, in this case, is not merely defined by the believable representation of life-as-it-is, but also understood as a degree of play, remaking, enactment or imitation of reality – through fictions and fantasies understood as “entertainment” and “escapism” in Hollywood. Thus, realisms in Hollywood films operates in a distinct fashions, within a dynamic of believability and fantasy. It is in this dynamic that product placement is situated.

Differences between product placement practices can be recognized in the way different realisms operate in Hollywood films and Hollywood film making processes – both cinematically and in terms of its production. The single word “placement” is too neutral to include the range of actions and conceptions of those actions evident in the scope product placement practice in Hollywood film. I would like to expand the understanding of product placement practices by articulating three broad production practices and strategies of representation evident in product placements. Embeddedness, insertions and incorporations are the three markers of distinct shifts discernable in both the film images and the specific
negotiations or agreements that led to their formation. I will first briefly introduce them here, and then provide detailed analysis of specific cases.

Embeddedness concerns the degree of invisibility between the trademarked product and the film. It also concerns the degree of integration between the advertising claims of the product, and the realism it performs in the film. Many embedded placements are objects which are not easily discernable, nor intended to be discernable in the film’s images. They are generally background placements with no direct link to the narrative, and therefore are not directly chosen by the scriptwriter, actor, or director. Instead, they come from the more traditional properties department of film production companies, which are now more commonly termed the “production resources department.” Prop masters are increasingly relying on product placement agencies to provide them with free products, especially as a means of reducing cost. These products are most often sets or objects which contribute to the look of the set, that are clues which reference the fictional time and place of the story—which of course in Hollywood, is often meant to be a real time and place. The various year, make and model of cars in the background on a street in a film image is an example of embedding products into film.

To insert something is to introduce something into an existing body. Insertions involve, by definition, a degree of disruptiveness. The result is that the inserted product is discernable from that which it has been inserted in. This is significantly more visible when the product’s identifiable trademark is easily legible in the image. Insertions are clearly deliberate, often scripted, or “found” opportunities for props masters and product placement agents to collaborate with film makers. They are often used or verbally mentioned by one of the actors, and receive significant visual treatment in the storyboard. Also, they are sometimes adopted by the manufacturing company as an advertising fiction. The Aston Martins driven by James Bond in movies since the 1963 movie Goldfinger is one example.

Incorporations describe a highly visible blending of an entire corporate philosophy and an entire film fiction such that they become almost indistinguishable. Thus, incorporated placements are when a corporate identity or brand image is wholly integrated into a film. They are more recent manifestation of product placement, and are mostly evident in the films Jerry Maguire, You’ve Got Mail, and Cast Away. In these films, the corporate philosophy of the companies Reebok, AOL and FedEx, are fundamental to the narrative themes of the films. The companies’ products are crucial to the articulation of the themes of the film. Incorporations are usually the result of higher level decisions between high-profile film makers and corporate executives. These placements operate beyond the level of the screen image, and are integrated with the total film itself, and may have been part of the entire process of the film’s inception and production.

In summary, whether the product placement is embedded, inserted, or incorporated, it is done so not simply into “the film,” but rather specifically into the space
of the film’s realism. The film’s realism is an existing mode of production and an existing aesthetic conception of the film image. The product, when placed into the film, is placed into the filmic tension of realism and fiction, a tension that has consistently been an important historical factor in the Hollywood industry. Product placement, as a new practice, is integrated into Hollywood within the range of these three different manners.

To further understand how product placement (as both practice and aesthetic claim) is related to the larger cultural conception of Hollywood realism, it is necessary to briefly articulate some major different uses of the world “realism” in Art. Firstly, realistic subject matter refers to the depiction of peasant, working class, consumer or everyday life. Secondly, realism in style usually means an attention to treating objects with minimal abstraction. Thirdly, social realism constitutes the intention of revealing (in whatever way) a more truthful image of social or political conditions, beneath other appearances. Thus, the word “realism” in art historical discourse spans concerns of subject matter, stylistic”treatment and/or social critique. It may be said, for instance, that American Photorealism takes for its subject matter the everyday life of working class commercial culture, treats its material at the level of the photographic verisimilitude, in order to partially to bring about a critique of stylistic realism of another medium (photography).

Similarly, product placement practice is founded on different kinds of realist claims that are related to the same issues in painting. The typical argument in defense of product placement is to say that a character drinking a Coke is “more real” than a character drinking a red colored can labeled “soda.” This claim actually glosses over what realism is and how it functions, since it merely opposes it to an obvious un-realism – the fake. Realism, however, is not about counterfeit. Rather, it is a specific strategy of representation that attempts to approach the real. Thus, the justification for product placement as a necessary construction of the real as opposed to the fake is misleading, since, there is no natural reason why, for instance, characters in films must drink soda, why that soda must be filmed closely in order to read the trademarks on it, and why, moreover, manufacturing companies and film makers should cooperate in order for this to occur. It is easy to conceive of a film in which no trademarked products appear and yet, also, seem “realistic.” Thus, here I will introduce specific realisms that determine and frame product placement practice in Hollywood. Because different aesthetic claims of realism are accomplished through different economic interactions in the film industry, each of these kinds of product placement typically produce different cinematic results.

Embedded placements make the film image appear realistic through the embedding of existing trademarked products into the diegesis (story-world) of the film. It is related to a realism of stylistic treatment in that a realism of the visual environment is a reason products are placed in the background of film images. Two common Hollywood themes usually motivate this; both the theme of the ordinary man or family and the period film require
realistic appearance of Hollywood film environments. Since Hollywood’s overriding notion of entertainment usually aims to achieve a great amount of empathy or escape on the part of the audience, the believability of the environments in which the characters exist is crucial. The claim that the film must “look realistic” is therefore atmospheric and contextually related to actual perceptions of specific products or brand names. These placements, therefore, operate because of the look, familiarity, and feel of objects for both the film makers and the audience at large. In these cases, products function primarily because they can communicate merely through their appearances, or simply through their identifying marks, such as the brand name, logo, or trademark. Since, however, such cultural meanings are partially generated in conjunction with advertising messages, embedded placements are often accused of being subliminal, hybrid, or pre-attentive messages. The fact that the audience does not notice them suggests to some viewers that the film advertises when viewers are not aware. Thus, again, the issue of invisibility is related to the link between advertising claims and the film’s realism claims in the embeddedness of placements.

Inserted placements are made visible because they are often foregrounded as real products in real actions as part of the film’s storytelling. It is closely related to a realism of subject matter, when applied to the contemporary Hollywood film uses objects as markers of a specific time, place, culture or society. Realistic characters consume, use, wear, hold, drink or drive actually existing objects to refer recognizably to a possible non-fictional reality. Even in its earliest phases, scripts included many inclusions of products throughout the text as products used or verbally mentioned by characters. They are placed in the film because the events of the story necessitate the portrayal of use. Trademarked products in this case are understood as objects of use, they are used in the film because in life we use such products. The realism of an inserted placement thus, functions with both visual and narrative strategies as part of the cinematic storytelling of the film.

Incorporations are cinematic attempts of social realism; they permit a film to address a real social phenomenon (a corporate image, or a corporate image that represents a larger social issue). This social realism of narrative or thematic concerns also motivate some film makers to deal directly with corporate names, images, or functions in their films. Cast Away is a film that claims to question the FedEx tagline, “The World On Time.” Jerry Maguire is a film that aims to criticize the money-grubbing world of American sports marketing typified by athlete endorsements contracts with Nike or Reebok. Since such productions require film makers to obtain trademark clearance from the corporation they wish to portray, the product placement becomes based on an interdependency of film making and the legal rights of trademark owners. 18

The conceptual distinctions that can be made between these types of placements, are meant to demonstrate the range of product placement practice. Certainly, the most problematic issues of product placement are located at the interstices of these three
models, where clear and simple demarcations are hard to make. This is where simple opposing distinctions: such as between prop and product, visual and narrative, foreground and background, structure and content, advertising and film, art and commerce, become difficult to evaluate without drawing from other analytical frameworks. However, the purpose of introducing these broad categories, is to show the different dynamics of aestheticisms, realisms, and commercialisms in the Hollywood film, and also to secure a set of terms for a more substantial and specific debate about the range of product placement. The task of creating a basis for evaluation of the product placement industry in Hollywood films, thus is the major goal of this chapter. In the following sections, I will analyze several case studies, grouping them loosely within these categories. The major questions to ask of each are: What was the process which resulted in the placement? What claims of realism does the placement make? How are the two related?
Part Two Seamless
embeddedness

Tropicana Orange Juice Placement in Unbreakable

In the 2000 film, *Unbreakable*, a Tropicana orange juice carton is placed in a kitchen scene in the final segments of the film. In this scene, the main character, David Dunn, reveals to his son, Jeremy, that he has accepted his own fate as a superhero. This scene occurs in the kitchen of their home, and is a scene of reconciliation in which father, mother, and son appear finally as a conventional nuclear family sitting down for breakfast.

The scene takes place in almost complete silence, and consists of a long, frontal take of the son (Jeremy) as he faces his father (David). Also facing the father, and therefore the audience, is a Tropicana orange juice carton. The scene begins as Jeremy enters the kitchen. At first, all that is visible is the window and cupboards of the kitchen, a kitchen table and on it some dishes and a Tropicana orange juice carton set on the far right of the table. At this point, the text and images of the carton are still unnoticeable. As Jeremy sits down at the table, the camera cuts to a view from around the room to face him, and in front of him, the Tropicana orange juice carton. Because of the close-up of the still take of Jeremy, the carton’s labels become legible.

As the scene continues, Jeremy sits facing his father and stares at both his father and mother speechlessly. After some time, attempting to feign normality, he turns the orange juice carton towards himself, opens it, and pours juice out of it into a glass in front of him. He then replaces the carton on the table such that the words and images on the other side of the carton are now visible, replaces the cap, and then he picks up the carton and places it out of the screen, on the kitchen counter. The entire action is quite slow and deliberate, as are all actions in the film, and is filmed entirely by one still camera position.
How does this placement “work”—both in terms of formal visual characteristics, and in terms of its logistics?

The filmic strategy of the film *Unbreakable* is characterized by two consistent photographic layers and themes. According to the film makers, the film consists of two visual codes; one which references the life of “an ordinary guy” and another which references the “supernatural comic book.” Both must be simultaneously present in every image in order for the audience to “enter” into the film and experience the surprise ending. David Dunn’s house in the film is meant to appear as an “ordinary” house. Many scenes in the film take place in the kitchen, which the writer and director M. Night Shyamalan, describes solely with the word “modest” in the script. The final scene in which the *Tropicana* placement occurs is arguably the clearest portrayal of ordinariness, since it is the only scene where the nuclear family is restored and breakfasts together. This is juxtaposed by the other theme of the film—as it is the moment in which David reveals to his son that he has accepted his fate as a superhero.

To achieve a realistic ordinariness of David Dunn and his family, a documentary-esque style is used to construct a realistic, or ordinary, world of the character. The photographic techniques include long takes, slow camera movements, and filming in sequence, which according to Shyamalan, results in a more realistic cinematography, as well as a truer portrayal of the characters by the actors.

To achieve the (fantastical) supernatural plot of the film, a systematic color theory is used as a visual language to reference the comic book style. David Dunn, the hero, is portrayed always in green. Elijah, the villain, is portrayed in purple, a color chosen by the actor, Samuel L. Jackson. There is a parallel tonal change that takes place through the course of the story; the world of David changes from cool to warm, while the world of Elijah changes from warm to cool. To reference the comic book style, graphical color
"pops" are placed throughout the movie, conforming to the atmospheric and color hue of the character's worlds, but meant to make the surprise ending seem believable. As Shyamalan argues, the goal is to make the audience "enter" the film, believing in its reality, and then to make the audience realize that the story is indeed a comic-book fiction. In Shyamalan's words, in the end you are supposed to realize that, "you weren't watching what you were watching." The realism of ordinariness, here, is intended to be a visual trick.

The Tropicana orange juice placement fits squarely in the confluence of these two photographic codes. Firstly, the graphical qualities of Tropicana suit the comic-book-style demands of the film. The carton's labels are primarily a warm green, for later-stage David's world, while the juice that comes out of it, and the picture of oranges on the carton are a bright, warm yellow-orange. The diachrome of the carton mirrors the diachrome of the entire scene, except that the white of the juice carton makes it "pop" in a separate graphic language. Following the documentary-esque style of photography, the camera does not move from a long, frontal take of the close-up of the carton and the frontal image of the character, until the emotion of the scene changes, resulting in a still graphical frame that references the basic comic book form. Secondly, the aesthetic goal to portray an ordinary family environment is met by the realistic qualities of the Tropicana orange juice as an expected conventional breakfast drink for a conventional American family. Thus, the construction of a realism of ordinariness, in this scene, is based on the naturalness and expectedness of orange juice. On the other hand, this scene also relies on the graphical qualities of Tropicana's logo and packaging design to reference an unreal fictional world. Thus, in an interesting turn, it is not so much Tropicana that fulfills the film's claim of realism, but rather the generic product of orange juice. The specific placement – the Tropicana look, is part of the photographic fictionality of the film.

The Tropicana placement in Unbreakable was negotiated between Susan Davis of Norm Marshall and Associates and the film's Prop Master, Kevin Ladson, in May 2000 (at a late stage of its production). According to Davis, "the placement opportunity was identified when the script was read, then when the Prop Master contacted us, we offered Tropicana as well several other products that matched our clients brand image. Besides Tropicana, Nestle and a Dole commercial received brand exposure."
I asked Davis who might have chosen *Tropicana* specifically over another product. She answered with a description of the roles of different film makers on the set: “A Set Decorator is in charge of creating the set that the actor will be seen in, e.g., a carton of *Tropicana* that is set on the kitchen table is put there by the Set Decorator. A carton of *Tropicana* that is set on the kitchen table and then picked up by the actor, is put there by the Prop Master.”

Finally, regarding the final choice to have *Tropicana* in this specific scene, Davis writes that, “Depending on the degree and value of a prop, the Prop Master may or may not have to present the product he has gathered and show it to the Production Designer or Director for approval. If Shyamalan didn’t like the look of the *Tropicana* carton, he would have pulled it and replaced it with something that fit his vision. With *Unbreakable*, fell into place right and *Tropicana* received a great visibility.”

Davis’ description of the process illuminates some interesting problems in determining how the *Tropicana* placement was achieved. First of all, Davis herself is unclear who, ultimately, placed that specific carton of *Tropicana* on the table of the set. This ambiguity illustrates the complexity of the process. Davis herself seems to have relinquished the products without knowledge or direct control of the final images. Instead, she believes that either the Prop Master or the Set Decorator, with the approval of the Production Designer or the Director, placed the carton on the set. It is also conceivable that the Director of Photography, of the Production Designers, who liked the color of one specific carton, choose it specifically for the scene. However, it is even conceivable that the actor himself choose the juice that day. The product placement agent, however, is assured that the placement fits the creative vision of the film, since ultimately, the director is fully responsible for the film.

According to Davis, “Nothing but 20 empty cartons were supplied to [Kevin Ladson] for this placement.” In other words, no fee was paid by *Tropicana* for the placement. Neither did *Tropicana* provide any other compensation. If this is true, we can presume that the Prop Master asked for Norm Marshall and Associates cooperation because it was easier to ask for a complete product line from different food and beverage product placement companies, rather than to do so on the property department’s time in a store.

Since the kitchen scene was not scripted in the 1999 draft by Shyamalan, it is not clear when the scene became planned, or to whether the pouring of the orange juice was ever scripted. Whether or not the specific scene was added then or later, it is also very likely that Ladson began acquiring products for the kitchen scenes early on, just as it was identified as an opportunity by the product placement agent.

To return this process to the film’s aesthetic goals itself: *Unbreakable* is a film which seeks to realistically portray at one level an ordinary American family, as well as an extra-ordinary story. Orange juice serves as a realistic product to be included in the commodity environment or kitchen of this family. Orange juice signals that the scene
took place in the morning, and in an air of general informality and convenience. The particular Tropicana orange juice carton, provided by a product placement agent upon request from the prop master, corresponded perfectly to the visual design of the film, which demanded a systematic color theory in which everything in the main character’s “world” would be green with graphic color “pops.”

Thus, it seems likely that either the production designer, director, or cinematographer may have approved the prop, since it is so well married with the visual strategies of the film. Most likely, the carton was finally “placed” on set by the props master, and used by the actor in the sequence. The long, frontal take of the carton out of focus and the character in the background in focus corresponds with the cinematography of the entire film. That the scene remained in the final edit—as opposed to several others in the script—was clearly a narrative decision on the part of the director, but clearly the film editor was also part of the construction of the sequence of the images in which the Tropicana carton is displayed prominently.

Corroboration from the film makers of these possibilities, whether the Prop Master Kevin Ladson, the Production Designer, Larry Fulton, or the Director, M. Night Shyamalan, would clearly be useful here. However, this is a believable reconstruction of how this particular placement may have worked. This reconstruction, however, relies on an ideal sequence of events and an ideal completion of each of film worker’s assigned tasks, in order to justify the placement in the final images in the film. In fact, because of the complexity and variety of tasks necessary in the production of the film, it is difficult to assign intentionality of the final image on any one given film worker, or even to establish a specific chronology of direct events that lead to the product placement. Since there is no evidence that the placement is the result of intent on the part of any single film maker, the placement can only be ultimately thought of as either extremely multi-intentional (that many people cooperated in the selection of the perfect object for the scene) or that it was “accidental” (that each person allowed what was available to her at that moment). Even though the director takes all aesthetic responsibility for a film, we cannot even be sure that he personally saw, touched, or chose the prop at any point in time.

What is being relied upon in the explanation of the aesthetic and industrial transaction of the embedded placement is the normative roles and sequences of film production. Thus, it is crucial to note that deviation from the normative model is highly likely when any single image is considered on its own. Although the director has final say, he also relinquishes a great deal of choice to each of the participants in the process—the prop master chooses from what the product placement agents provide, the designers choose from what the prop master provides, the director approves of such choices. The concept of the industry as a systematic mode of production is used by its workers as an explanation and a modus operandi. It is a mediating concept within a field of many possible intentional decisions and inadvertent oversights.
Equally, the norm or expectation of realism also guides those involved in the exchange. Throughout this process, a general conception of the realism of ordinariness, of everyday, of the imaginary family-next-door, is what binds the incidental and the intentional together: all of the separate film makers who participated in the process of the placement operated upon a realistic connection of Tropicana orange juice to breakfasts in modest kitchens.

The perfectability of the process with which Tropicana is expected to have been placed in the film is related to its smooth visual embeddedness into the film’s cinematic strategies. Despite the fact that Tropicana carton is so prominently displayed in the foreground, and at such a large scale, it remains a placement that is unnoticeable for many first time viewers. Thus, the embeddedness of this placement lies in its integration into the entire visual strategies of the film. It is primarily a visual placement that occurs in the peripheries of the primary action of the scene. At the same time, this brings to question the embeddedness of labour tasks into the whole construction of the film images. In other words, the visual embeddedness of the placement stems from the substantial subsumption of individual actions into the perfect system of the film industry. In this case, the placement suited each different requirements of the separate tasks of the film’s creation. This is made possible not only because there is an overall and agreed upon (or imposed) cinematic style – the “Shyamalan Style” – but also because there is an unacknowledged normative conception of the “realism” of orange juice’s connection to an ordinary breakfast scene.

For the product placement agent, the embedded placement is easy to do because it is already defined as undisruptive, background objects. The agent can send the props master any number of objects for their choice. Whether Tropicana homestyle orange juice or Tropicana ruby red grapefruit juice is chosen is of little concern to the agent, since supplying empty cartons results in virtually no cost for her. Moreover, there is little chance that the product will be portrayed negatively, since it will only appear peripherally in the scene. Thus, film makers have considerable leeway to ensure the visual function of the product within the film images.

Film maker’s choices of one brand over another as specific realistic claims of character or setting is not far from what marketers already know about the brand. Marketing research targets or identifies each product with a specific demographic group. What film makers choose usually re-enact these perceptions. Like an act of consumption or gift-giving, film makers assign their characters and scenes with specific brands and products. Trademarks are embedded into screenwriter’s scripts, as markers of a character’s gender, race, class, or personality. In the Unbreakable script, there are direct references to Sports Illustrated magazine as the choice of magazine for a young female sport agent, Dunkin Donuts boxes and bagels as the snacks of David Dunn’s security guard co-workers, and Teletubbies is mocked by Elijah Price as a sufficiently ridiculous mainstream toy for a young child. In other words, film makers are using their own existing perceptions about a certain branded product in forming a coherent
picture of their characters. Sydney Pollack, in his film adaptation of the novel *The Firm*, chose to place a *Mercedes* as the signing bonus for the main character when he joins a law firm. In the novel, written by John Grisham, a *BMW* was written as the vehicle. According to *Mercedes* product placement agent, Donna Schmidt, also of Norm Marshall and Associates, Pollack chose the *Mercedes* because it was a “90s luxury vehicle of choice,” whereas the *BMW* was suitable only for the ‘80s, the decade in which the book was written. 

Although this kind of selection is part of a creative decision on the part of the director, it coincides with a much more general cultural phenomenon of consumption. That we associate someone with a specific branded car, or specific brand of clothing, represents an intersection of advertising and cultural claims. If we recognize that consumption can, in some way, lend truth value to advertising claims, the cultural associations attached to brand images is influential upon those who (re)create images of a commodity culture in film.
the commodity aesthetic

The interlinking of commodity culture in aesthetic strategies might best be described by the literary historian Jean-Christophe Agnew's notion of the "Commodity Aesthetic." In his examination of American literature and painting of the 1880-1920, Agnew demonstrates how novelists and painters in turn of the century America addressed the rise of commodity culture and luxury consumption in the elite lifestyle. Agnew argues that the commodity aesthetic is "a way of seeing the world in general, and the self and society in particular, as so much raw space to be furnished with mobile, detachable, and transactionable goods." Agnew's analysis centers around images of "interiors" in American literature and painting in the early 20th century. Agnew quotes a passage from Henry James' The Golden Bowl (1904), in an interesting paragraph that calls this interaction between bodies and commodities a kind of "placement":

Mrs. Verver and the Prince fairly "placed" themselves, however unwittingly, as high expressions of the kind of human furniture required, aesthetically, by such a scene. The fusion of their presence with the decorative elements, their contribution to the triumph of selection, was complete and admirable; of a rare.

In this Henry James' passage, the word "placed" signifies the pre-existing condition of Mrs. Verver and the Prince. These two characters "place themselves" into a newly constructed commodity environment as much as they are "selected" and "required" aesthetically by the scene itself. In this inter-determination of character identity and commodity environment, all the objects are visual signifiers. The aesthetic move is in the transference of Mrs. Verver and the Prince's previous existence into the completion of a concrete visual expression of the power of purchase.

Similarly, the embeddedness of a product placement is a transformation of the selected object as required by the aesthetics of the scene. As an object it becomes an expression of the total meaning (triumph) of the scene as a visual expression. Realism then, in an embedded product placement, is a visual claim in which no object or person is meant to look "out of place" - even though it is the act of placing that defines the quality of realism - securing the cohesiveness of a fictional reality through a visual connection of identity with commodity.

In the contemporary system of product development, manufacturing and marketing research, it is certain that the image of the commodity is partially predetermined by its design, and by the profession of the marketing manager - whose job it is to ensure the proper connection of the brand image with the product and with the advertising campaign. In a normative chain of events, a need in the marketplace is identified through marketing research, a product is designed and manufactured to accommodate its commodities to the texture, colors, uses, and places of everyday life, and finally advertising is called in to...
communicate the new qualities of the product as a solution to a hitherto undefined need. Thus the product is designed to partially be “in place” in society prior to its launch into the marketplace.

For reasons marketing research cannot explain, just because a product fulfills a socio-scientifically discovered “need,” does not mean it will succeed. Since the success of the entire process is financially risky, there is a great pressure on advertising to produce the verification of this system in sales, or to re-produce success by re-inventing meanings for the brand or product. Thus, since the imagined or fictitious use value of the commodity can never be truly realized, advertising claims are by definition simply untrue, exaggerated, or fantastical. Advertising functions as an apparent producer of images and meanings which always appears as lies, as if it were the weakest link in the chain of rationalized production and consumption.

On the other hand, consumption, whether it is a purchase for oneself or one’s aesthetic creations, can serve to validate and materialize advertising claims. Even though the naturalness or in-place-ness of the product appears to be pre-manufactured (readymade), social use and appropriation, whether aesthetic or not, of commodities also contributes to re-making the association of a commodity to its place and meaning and use in reality. To this extent, the embedding of trademarked products into films are not unlike acts of consumption. In the Henry James’ example, literature serves to integrate existing cultural identities with the new commodity environment. The embedded product placement operates in a similar fashion. The embeddedness of product placements produce the in-place-ness of commodities to social constructions, or images, of everyday reality. To apply such an argument to the Tropicana placement, the branded product is used as a marker of meanings for the character and his commodity environment. However, the meaning comes not only from the advertising claims of Tropicana or orange juice, but from a larger cultural context, of which the film makers are a part, that accepts orange juice as a part of breakfast in an ordinary American family. The embedded placement does very little to change the meaning of the product, as if it had been “sold” to the film makers.

Realism, in an embedded placement, thus, re-enacts the meanings of consumption and commodity culture. However, the fictional status of the Hollywood film means that the materialization of consumption in film will never look like the true conditions of consumption. In comparison with the “modest” kitchen of Hollywood films and the modest kitchens in our own homes, the commodity environment seems to exist only in perfection in art. Instead it will be the real (kitchen) itself that becomes out-of-place. Embedded placements therefore brush the aesthetic claim of film realism with a presupposition of the unreality of the everyday.
At a crucial point in the film *The Matrix*, one of the film's main characters, Morpheus, tells the hero of the film, Neo, that he is merely living in a computer generated program which is used by a species of artificial intelligence beings to subjugate the human race. The program, called "The Matrix," simulates the spiritually pointless existence known to the audience as late-20th century America. In the actual "desert of the real" says Morpheus, human beings are grown and harvested in fields, and their bodies are used to generate energy. In a dramatic delivery, Morpheus reveals to Neo: "*The Matrix* is a computer-generated dreamworld built to keep us under control in order to change a human being into this." The film then cuts to a striking portrait-sized image of Morpheus holding up a coppertop battery.

The coppertop battery is the recognized design of Duracell batteries. The use of the "coppertop" is a metaphor referenced several times in the film. For instance, early on in the film, the hero's "actual" battery-like-existence is foreshadowed when one of the characters calls him a "coppertop" also referring to the color of his hair. Much later, when we come to understand the "reality" of how the Artificial Beings have modified the human race – we realize that humans are plugged into *The Matrix* physically through a port in their heads. The "coppertop" thus is an important motif used throughout the film, an illusion to the "real" state of humanity according to the film's fiction.

The Duracell placement in *The Matrix* is an original use of a commonly accepted design of a commonplace product. While maintaining a hold on what we understand to be the battery's use and Duracell's prominence, the placement also creates a metaphor instigated by the Duracell's coppertop design and function. The coppertop battery is specifically necessary to tell the story cinematically – that human beings are merely energy generators whose brains are plugged into computer program that manufactures what they believe to be reality. At the same time, the fact that the coppertop is recognized to be a battery for the audience is crucial to the impact of this image at the moment it is introduced in the film. The audience, without any verbal prompting, understands what "this" is, even though the word "battery" is never used.

The trademarked word "Duracell" is not written in
the script. However, the word "coppertop" is. "Coppertop" has been used by Duracell batteries (owned by the Gillette company) in its advertising for years. Duracell's three-tone ending to its commercials also references the three-syllable word "coppertop." Perhaps as an indication of the emerging cultural popularity of the word "coppertop," the Gillette company filed an application to trademark the words "The Coppertop Battery" in March of 2001 (six months after the film's release). The Duracell division of the Gillette company also began a $100 million global marketing campaign re-launching the word "CopperTop" as the "on-pack name" of its copper and black series of alkaline batteries.

The agreement between Duracell and the film makers of The Matrix was negotiated by A-List Entertainment Services. However, neither the product placement agent (Marsha Levine) nor Duracell's parent company, Gillette, are willing to reveal the details of this agreement. Both, of course, acknowledge that there was a legally binding agreement negotiated between them. It is conceivable to assume, as in most product placement contracts, that it is composed of an assurance that the film makers would not make an extremely negative depiction of the product, and possibly a provision of product or fee from Duracell to the film makers.

When Morpheus holds up the Duracell battery, we see the product placement as a glossy and graphical image. As a film still, it could be seen as a Duracell advertisement. However, when the placement is considered cinematically —that is as a part of a series of moving images with dialogue—the importance of the placement can be explained as part of the film's narrative. Unlike the Tropicana placement in Unbreakable, in which Joseph is only pouring orange juice, there is a reason integral to the film's narrative for Morpheus to be holding up, specifically, a Duracell battery.

Thus, I use the word "insertion" to describe the visually disruptive, introductory, active effect the Duracell placement has in this film sequence. The placement works by prompting the audience to make connections between the film's fiction and our reality. It puts the meaning of "battery" in play, even though it also re-enacts the advertised connection between Duracell, Coppertop and battery. Moreover, the placement refers directly to this advertised claim as common cultural knowledge. Thus, the film does not threaten the brand image or trademark of Duracell, nor does it threaten Duracell batteries' commercial value. Even though it reinforces the exposure of Duracell into the public eye, the film, however, makes an interesting creative use of the Duracell battery which would not be as effective without Duracell's coppertop design and name.

Through an examination of several other placements which I will call inserted placements, I will substantiate the following claims: Because inserted placements are products used explicitly by the film, rather than embedded solely into its visual language, it does more than visualize consumption. The product is not merely an object that serves in the visual composition of the film's background. Similarly, the inserted placement does more than re-iterate
the advertising claim of the product’s manufacturer. Instead, the action of using the product in the film has a specific cinematic purpose, and, importantly, that cinematic purpose is built upon the way the products advertised function, but may not re-enact advertising claims. The film’s appropriation of the products, thus, often portray “inappropriate” consumptions, which in fact become “realistic” in the context of the film’s narrative.

As a result, inserted placement primarily function not only because it is an aesthetic claim of the film environment’s realistic look. The inserted placement not only creates a visual realism, but a realism of subject matter, because it functions from specific social realities of consumption. This is substantially different from the visually seamless relationship of identity with commodity environment that embedded placements rely on.

Writer and director Barry Levinson’s series of films set in the Baltimore of his childhood, ’Diner’ (1982), ’Tin Men’ (1987), Avalon (1990), and Liberty Heights (1999) are noted for their meticulous use of what I have termed “embedded” product placements to simulate a realistic appearance of Baltimore in the early 1960s. Prop master Steve Walker, who worked on a Baltimore movie with Levinson, gives this detail in an interview:

There are a lot of little things that the audience will probably not notice that we had to get because Barry requested them. A friend of his wore a particular watch that he wanted for Troy. It’s a Ventura, a very highly collectible watch now and worth thousands, but it was a popular watch at the time. It’s a far-out kind of watch. All the particular things he wanted turned out to be something personal from his life, or his father or cousin or someone he knew had them.44

Campbell’s Tomato Ketchup in Diner
This construction of realism is a description of an embedded placement; it is accomplished through detailed reference to a trademarked product, as part of the work of the props master, even though it is something the audience may not notice. However, in the Baltimore films, there are also many noticeable product placements inserted in a substantially different manner than the embedded Ventura watch placement described by the props master. In his thematic attention to portray the Baltimore of the period not only as the setting, but also the subject matter of the films, Levinson's films insert trademark products into the narrative texture of the film. Several placements in the film Diner illustrate this.45

Much of the film takes place inside a diner. In this film, every single character is almost always smoking and every single ketchup bottle is a Campbell's ketchup bottle. Since all the ketchup bottles in the film are Campbell's, and because there is no other soft drink but Coke in the film, it is likely that some cooperation was made between Campbell's or Coke and the film makers. In a scene that takes place at a train station refreshment stand, a Coca-Cola sign is clearly displayed at the kiosk where two characters stop for conversation. Although the Coca-Cola sign is placed at the very edge of the screen, the logo is almost entirely present. This suggests that Coca-Cola provided a range of objects for the film.

In the opening scenes, one of the characters plays a practical joke on his friends by pretending to be hurt in a car accident. When his friends discover him lying on the road with blood on his face, he laughs, "I really got you guys, didn't I? Didn't I? Been carrying a ketchup bottle around for weeks." The character, played by Kevin Bacon, then jumps to his feet waving a bottle of Campbell's tomato ketchup in his excitement. It is a funny scene in the movie, setting the tenor for the kind of exploration of friendship the movie will be about.

In another Campbell's placement, in one of the many scenes of the characters just hanging out in their diner,
the scene includes a close-up shot of many ketchup bottles, some over turned on others to consolidate the ketchup into some bottles, in order to later refill others. This shot, though seemingly gratuitous to the plot, establishes the background workings of the diner. It is one of the rare shots in the movie hinting at the presence of the waitresses—the only females ever present in the diner, and it is a thoughtful detail of their work. The shot also indicates the late hour of the scene, the relative calm of the diner, and suggests that the characters have been in the diner for hours.

This placement shows more than ten bottles in one frame, and enough sides of the bottle's label to make it recognizably Campbell's. All of them are turned differently, all of them in varying stages of emptiness and fullness. The frame shows a waitress in the background, and she is made anonymous because her head is cut off by the frame. This striking visual detail demonstrates the film makers' intimate construction of a diner environment. However, in an interesting fashion, it also reveals how mass-produced trademark products that always look new get to the diner table. It even allows the audience to question what the waitresses have refilled the ketchup bottles with, and likely it was not an expensive, branded, ketchup.

Much later in the film, a main character, Boogie (played by Mickey Rourke), already shown to be temperamental and perhaps mentally unstable, is speaking to one of his friend Eddie at the counter of the diner. Eddie is holding a glass Coke bottle without a label but in the Coca-Cola bottle design that seems to always reference nostalgia. Rourke's character is holding a typical sugar shaker. After a discussion about his friend's virginity, the Rourke character suddenly tips his head back and pours sugar into his mouth in a frenetic kind of action. After swallowing the sugar, he grabs the bottle of Coke from his friend, and gulps it to wash down the sugar. The bizarre gesture of excess consumption is communicative of the instability of Boogie's personality.
The use made of *Campbell's* ketchup and *Coke* are substantially different from the advertising claim or brand image of their trademark. The remaking of the prescriptive image of consumption in the advertisement is made clear in the juxtaposition of Rourke's slightly neurotic gulping of the glass *Coke* battle with *Coca-Cola's* advertising pictures of cool, calm and coiffed people sipping a refreshing drink. It is also evident in the macabre use of ketchup to human blood in comparison to *Campbell's* claim of the familiar home-cooking taste of its products. These are products inserted to reference realistic uses of the products as a particular use of consumer culture. The use of these products are an important component of the plot of the film. They construct a realism that specifically references realities of consumption - simply, that different people drink *Coke* or use ketchup in different ways.

The intention of Levinson to make narrative use of certain products in his film is made clear in his comments regarding his use of another trademarked mass-produced product, the *Cadillac*. In the 1987 film *Tin Men,* the ostensible plot begins when two aluminum siding salesmen collide into each other while driving their beloved-Cadillacs. The two men then begin a battle, to avenge the damage done to their cars. The film begins with a long sequence of detailed shots of a new sky blue *Cadillac* before it is bought by one of the main characters. Throughout the film there are *Cadillacs* and vintage cars as part of almost every scene. Characters are identified by their cars, and the major action is often generated from events that take place to their cars.

In an interview, Levinson was asked why *Cadillacs* were made so important in his movies:
Levinson: In many ways because it’s the American dream and in these films it is part of that. You go to see the Cadillac and the American dream is there. But all is not well in America, and so in the course of the year of this film, going from rushes... that’s the changeover from the '55 to the '56 model and the '54 to the '55... the '56 comes out in '55 and the '55 comes out in '54 - that’s the way it works - but that’s the dream. So life goes on and the dream is still the American dream and yet we haven’t attained that and we still struggle with things. In Tin Men, it was because every Tin Man wanted the Cadillac because that meant they were a success. So it has always been the symbol of success in America, so that I’ve always used it in one way or another.47

Thus, for Levinson, the Cadillac is used in his film as symbolic of advertising claims and cultural beliefs. Levinson is so concerned with directly connecting the film’s notion of the American Dream with actual desires, that the annual manufacturer’s design and releasing schedule of new Cadillacs became a part of the film’s production, and was represented by it. For Levinson, it was necessary that the year of production of the car matched the year of the film’s fiction, and this new-ness value is itself a component of the “dream.”

Through the film’s realistic fiction, the film Tin Men argues that the fiction of the American Dream cannot always be actualized in reality. However, the film’s observation is also founded on an advertising and cultural fiction that marketers of Cadillac would encourage: that Cadillacs are objects of devotion and desire for successful men. This observation is a realist claim, that requires the film makers to cinematically portray, develop and engage with the allure, absurdity and fragility of a specific car.

In so doing, the film examines the characters’ deep and comic relations to their things, and is a narrative of a commodity’s social form. The story is, of course, really about something more emotional and philosophical than
cars themselves, but these emotions and philosophies are made directly apparent through the characters’ possession of these specific vehicles. Inserted products, therefore, function as part of an aesthetic strategy that both portrays reality as a subject matter and allows for the aesthetic re-making of the meaning of the advertising claim of Cadillac. The film Tin Men, questions whether or not Cadillacs can make a man successful. By extension, it questions the reality of a larger, social conception—the American Dream. Thus the placement is intended to operate realistically—through fiction, and upon reality.

As an economic transaction, the inserted product placement places the concerns of the product placement agent and the film makers in a different relationship than does the embedded placement. First of all, unlike the embedded placement, in which the product placement agent and props department provide a range of choices for the filming, it is more likely in the case of an inserted placement that the product is specifically chosen by one of the film makers with a great deal of aesthetic decision making power—the director, writer, or star actor, for instance.

Since the product is considered integral as a creative factor by these film makers, they must purposefully choose the products suitable for their use. In Tin Men, the film makers sought not just any car, but specifically the newest, sky blue Cadillac. In product placement practice, these products would be called a “wish-list” of products that the prop master may enlist the help of product placement agents to obtain.

However, since the products are considered integral to the film by someone with a degree of power in the film (such as the director), the props master might also be permitted to purchase or rent such products with the film’s budget. In other words, since the film makers with a great deal of creative power have a specific product in mind, they will not likely rely on product placement agents to...
provide them with a complete inventory from which to choose. Nonetheless, in order to reduce the cost of the film, it is certainly likely that the props master would seek the cooperation of the product placement agent.

For product placement agents who represent these scripted products, wish-lists for inserted products are still opportunities to place their products into a Hollywood film. Since the film does not make an overt critique of the product’s commercial value, it does not appear to the trademark owner or product placement agent as a negative placement. These agents, of course, have the power to refuse the film makers’ requests, but so long as they perceive that the placement is not negative in any way, there is little reason to refuse.

Even if they do, since the placement is considered creatively significant for the film makers, it is likely that they may decide to either purchase the products themselves, purchase one of a different brand, or even to film the product in such a way that the trademark is not clearly readable, to avoid any trademark infringement lawsuits. Although purchase might be more problematic when the product is extremely expensive, it is fair to say that Hollywood films generally have a large enough budget to insert the products that are integral to its narrative if one of its more powerful film workers considers them so.

In other words, the inserted placement provides considerable room for negotiation between film makers and product placement agents. There are a number of alternatives for each to take, and yet still fulfill either their aesthetic or commercial aims.

Because the inserted product placement is considered aesthetically important, but also commercially achievable - significantly separates the interests of film makers and product placement agents into clearly distinct spheres. The aesthetic result is that this relationship is significantly different from the seamless cooperation of creative and commercial decisions as in the case of the Tropicana placement in Unbreakable. Unlike embedded placements, inserted placements occupy the attention of high-profile individuals in the film making process because they are considered aesthetically integral to the narrative - determining its unique status as an object of use in the film’s fiction.
That insertions position film makers and product placement agents in a different relationship because of the relative aesthetical importance of the product inserted, does not necessarily mean that they do not become commercial successes for the products. The success of the famous insertion of *Reese's Pieces* candy in the 1982 film *E.T.* is heavily touted as the origin of modern product placement practice. In the film, the main character, Eliot, uses candy as a way to lure the extra-terrestrial out of hiding in the woods and into his home. The candy serves as the major point of communication between the first meeting of the main character and the alien.

The film makers first approached *Mars*, the makers of *M&M's* candy to be placed in the film because *M&M's* was scripted in the book by William Kotzwinkle. However, *Mars* refused and instead the makers of *Reese's Pieces*, *(M&M's main competitor)* Hershey, signed a contract with the film makers to spend $1 million to promote the film, and also was permitted to use *E.T.'s* image in its ads. The success of the *Reese's Pieces* following the film (sales increased by 65% according to some sources) has been attributed to both the creative use made of the candy in the film and the marketing campaign that followed.

It has been suggested that prior to the making of the film, the producer and director, Steven Spielberg, had approached *Mars* asking for a large fee for the placement, and that this is the reason *Mars* refused. Whether or not it is true, this possibility highlights the position of power an inserted product placement could have for film makers over the manufacturers of products. Given the publicized success of *Reese's Pieces* in association with the film *E.T.*, marketers have since had to worry about the possible benefit they give to a rival product should they refuse a film maker's request for a fee for a product placement.

The possibility that *Reese's Pieces* cross-promotional
advertising campaign was a major factor in the success of Reese's Pieces sales following the film is supported by the fact that other, equally creative, inserted placements in E.T. did not result in similar increases in product sales. For example, E.T. drinks Coor's beer while no one is home in a sequence that humorously indicates to the audience that E.T. and Eliot are physiologically linked. Since E.T. cannot talk, the fact that he is drinking beer is made through the label on the can. In another example, E.T. transforms a child's electronic toy, the Speak & Spell, into a machine to phone his extra-terrestrial home. However, neither Coor's nor Speak & Spell reported a significant increase in their sales following the film.

The Reese's Pieces placement in E.T. demonstrates that the insertion of a product in a film can create new fictional yet realistic meanings for the product, in a manner similar to the other inserted placements I have discussed. In E.T., this new association made from the film became an advertising claim for the product's marketing campaign in conjunction with the film marketing. This type of agreement, called a "tie-in" is considered economically separate from product placement, even though they are often negotiated with the participation of the production resources department, the film makers, and the product placement agents. In other words, in the accounting practices of Hollywood, marketing tie-in or cross-promotion deals do not include an exchange of fees between the film makers (production company, distributor) and the product placement agent (or the product's manufacturing company). In this case, the placement does not reduce the cost of the film's production, but rather increases the film's marketing campaign in dollar amounts and in scope. Almost all the James Bond placements are marketing tie-ins, allowing BMW to claim that it paid "nothing" for the placement, while spending $25 million in advertising each film.

Nonetheless, I would like to suggest that the post-production marketing campaign still relies on the aesthetic
success of an insertion. It is primarily when the product is used creatively in the film that the manufacturing company can use the new image to re-sell its product. Although this brings together two spheres of activity—film marketing and product marketing through association—the placement in the film proper is not the kind of integration of aesthetic and advertising messages as in an embedded placement. In the film *E.T.*, the *Reese's Pieces* candy is not sold in the same way that *Reese's Pieces* has been sold before. Rather, it is the advertisers who are borrowing the film’s fiction as an advertising fiction.

This is a major distinction between embedded and inserted placements: whereas an embedded placement re-enacts an advertising fiction that has been concretized as a larger social belief, the inserted placement creates new fictions with the product. The marketing tie-in, in a lucrative extension, advertises the film’s fiction of the product. This distinction is all the more important, when we consider that there are many creatively inserted product placements—such as the *Duracell* placement in *The Matrix*, and the placements in the Baltimore films—that were not promoted through major marketing tie-in agreements.

In short, although marketing tie-in is an important commercial practice of the product placement industry that capitalizes on an aesthetically important use of a product in a film, it should not be mistaken for the product placement itself. Rather it is a post-production interplay between fiction producers—advertisers and film makers. Strangely enough, a most fascinating array of portrayals of cultural remakings of the commodity object are sanctioned by the commodity producers and trademark owners themselves, and some, though not all, are quickly re-appropriated as advertising fictions. Thus, contrary to many product placement agents beliefs about successful product placements, the fact that inserted product placements are visually disruptive and noticeable, does not mean they cannot be commercially successful.
the realism of the readymade

The unique nature of the inserted placement as I have described it relies on the term “use,” specifically in relation to the idea of aesthetic remaking of products through film. Re-making and appropriation of the mass produced and trademarked commodity is the main operation of inserted placements. How goods are remade culturally, and through wider cultural processes than the realm of aesthetics has also been a concern for anthropologists, cultural historians, and consumer behavior researchers. The analysis of consumption and consumer behavior as a cultural process of making is forwarded by Grant McCracken, in his book, *Culture and Consumption*. Adapting methods of anthropology and consumer behavior research, McCracken argues for an overturning of the study of culture as a study of cultural “products” and examines creative processes, authorship, and design as only one part of the meaning transferred and located in material goods.

This expansive notion of culture is the predominant concern of cultural studies which has highlighted the role of consumers, as opposed to artists, as producers of culture. Inserted product placements – as cinematic productions whose material is cultural consumption – may be thought of as a nexus between artistic remakings of the commodity, and larger popular uses of it. Having examined the inserted product placement’s productive process in several films, I would like to further examine its precedents and contemporaries in post-war American visual culture. That is, its historical connections to other artistic re-workings of the mass commodity object in recent American art history.

Trademarked products have appeared as subjects of art since at least as early as Manet’s 1881-1882 painting, the *Bar aux Folies Bergeres*, in which two bottles of Bass ale are clearly depicted. This last major canvas by Manet also
depicts the first trademark ever registered in the world. *Bass & Co's Pale Ale*, was registered on Jan 1, 1876, the first Trademark to be registered under the (British) Trademarks Registration Act of 1876. In the 20th century, both Marcel Duchamp and Andy Warhol deal specifically with the trademarked object in their oeuvre. In the post-war period, it can be said that the trademarked commodity, the brand name, and logos, have been a significant source for popular culture. Popular culture itself has been remade into the culture of mass-produced products by artists such as Ed Ruscha and is the main assumption Robert Venturi and Denise Scott Brown's *Learning in Las Vegas*. Here I will argue that the work of American Photorealist painters has the most direct visual links to product placement.

However, none of these artists have been accused of “placing” products in their paintings. Why? At one level, it may be said to be because of the manner of production. There is not an industry of professionals devoted to place products into art. At another level, it is also because art is said to deal “critically” with its subjects. However, it is crucial to state that these are two separate issues. The hypothetical possibility that Andy Warhol received payment from the *Campbell’s* company, would not necessarily contradict the critical value of his work. My interest in putting these widely accepted artistic examples and product placement examples together is to question the difference and similarities in formal visual and stylistic concerns between two manners of visual or artistic production. It would be more accurate to say that each of these artists, and product placement, employ different processes of constructing realisms through the trademarked commodity.

In what specific manners does the Hollywood film industry differ from the more traditional single artist’s modes of production? Warhol and Duchamp both explicitly questioned this when they likened art production to mass production. Duchamp introduced the American word “readymade” as a subject for art in his found sculptures of the mass-produced, everyday object. Duchamp’s work with the readymade was meant, in his words, to highlight a paradox, “Can we make a work of art that is not a work of art?” In a BBC interview in 1959, Duchamp called the readymade “a form of denying the possibility of defining Art.” In his 1961 lecture at MOMA, Duchamp mentions the major components of the readymade in a description of its genesis. Duchamp claimed that the word “readymade” came to him around the time that he bought a snow shovel at a hardware store and wrote on it “In Advance of a Broken Arm.” In this lecture, Duchamp mentions the other two pieces that have been associated with the readymades: the bottle dryer (1914) inscribed with the words “de Marcel Duchamp,” the bicycle wheel which is attached to a stool (1913), and a cheap reproduction of a painting which he renamed “Pharmacy” 1914.

In this statement, Duchamp is quite clear that the readymades are cheap reproductions that he bought at hardware stores. One example he does give of the readymade is tubes of paint, thus linking the readymade
as supplies for the artist. To begin with, I would like to focus not so much on Duchamp’s use of the inscription, but in the idea of unmodified purchases of mass-produced commodities as subjects of art, and as a definition for the readymade.

The force of Duchamp’s paradox lies most basically in its challenge to the definition of art-making. In effect, his choice of a bottle rack—a banal and anonymously produced thing—is not art, at the same time that the theory of art would be made to accept his choice of it as art. When Duchamp chose to call these objects the readymade, he categorically delineated the non-aesthetic value of the commodity object; they are the opposite of the artistically made. By extension, thus, Duchamp’s very choice of the readymade had the result of not so much linking the art object from the markers of capitalist everyday, but instead to conceptually divide manufacturing production further from art-making. The move was to re-define the place of art against a capitalist production of the real, by using its objects. Duchamp’s readymades therefore plays against a definition of art as articulated by Bernard Edelman, who argued that the superposition of the ownership of the real (the trademark) by the creative ownership of the artist (in this case, the studio) defines the distinct and unique legal
position of Art. For instance, Edelman traces the history of film, where the legal problem of ownership is subsumed (or made invisible) under the workings of the aesthetic. In product placement, I would argue, the trademark owner similarly relinquishes his claim of ownership to the rights of the film maker to represent it. The readymades, as Duchamp conceived it, did not claim ownership of the real (existing trademarked product) but rather claimed that the simpler act of direct appropriation can and cannot be Art at the same time.

The force of Duchamp’s paradox is minimized by Benjamin Buchloh, who argues that Andy Warhol’s refusal of using the actual commodity in his “found representations” such as the Campbell’s Soup Can paintings, demonstrates that Warhol, unlike Duchamp, recognized “the false radicality of the readymade and the problem of its inevitable aestheticization.” Buchloh’s expansion of the term “readymade” to include the “found representation” misses the point of Duchamp’s use and definition of the readymade - that the readymade is not art, is not “representation” in the same sense. Duchamp’s challenge lies not so much through aestheticizing the commodity, but in questioning the position of art making in a reality of commodities. Because Warhol paints the readymade in his Campbell’s Soup Cans, he is effectively outside of Duchamp’s paradox. At the most simplistic level, Warhol’s Campbell’s Soup Can paintings, by remaking the trademarked at ten times its actual scale, as a singular object, flattened into the 2-dimensional and as acrylic on canvas framed in the rectangle, signals a full refusal of the
Duchamp paradox: the readymade was remade as art. Thus with these paintings Warhol, did not posit a break between the mass commodity and the work of art, but rather drew the two closer – aesthetic making supercedes mass-production. With Warhol, we have returned to Edelman’s definition of art – an over-appropriation in that legal ownership is subsumed under aesthetic production. The artist now owns what was owned before.

Unlike Duchamp’s readymades, which were re-inscribed with words as if to contest the trademark’s stand-alone ability to speak for the commodity, Warhol’s Campbell’s Soup Cans (and Brillo and Coke bottles, and Heinz ketchup) works allow the trademark to stand in for commercial reality. However, Warhol’s realism is enabled by the recognizability of the Campbell’s soup can design, a recognition made possible partially by the advertising power of Campbell’s. The trademark becomes a quick symbol of the everyday, and the everyday can be understood as singular sign, as subject of art. The irony, of course, is that despite being cheaply mass reproduced and readily available, the most mundane trademarked object can still be objects of desire. This aspect of the trademarked commodity is, I argue, the major critical commentary of Photorealist paintings - whose subject matter is the humanizing of the “masses” in mass consumption.

Photorealism and product placement images are directly related in their visual appearance. Both are based on the claim of a two-dimensional and framed photographic representation of everyday life. Like the film image, there is no break in the painting of a realistic scene, and the transparency of the photographic image is employed. Both Photorealism and Hollywood films in general utilize the same material in their subject, contemporary America. Because of this, trademarks, trademarked products and mass-produced commodities are present in both Photorealist paintings and Hollywood films.
The eeriness of Hopper’s earlier psychological commodity worlds pervade most of Photorealist work. In Richard Estes’ urbanscapes, for instance, the discomfort of New York City’s appearance lies in revealing the prior artificiality of everyday reality: its prior thought as design, its prior making as commodity, the prior deployment of trademarks into strategic visual zones. The power of the trademark, so easily spotted, and yet so easily overlooked, becomes the most obvious negotiation of the reality and its representation in product placement in this painting as it is in product placement and Hollywood realism.

Unlike Warhol’s extraction of the trademark out of the everyday and onto the canvas, in a painting like Estes McDonald’s, the trademark lurks, not parades, as merely symptoms of a larger sickness. The bright red of the McDonald’s sign visually jumps out even from its relatively marginal position in the street – as it was designed to do. In both Estes’ painting and product placement in film, the trademark attests to a specific time and place even as it serves to demarcate commercial ownership of real places, objects and times (as does the embedded placements in the period film).

The work of Robert Bechtle, on the other hand, employs the same strategy without the depiction of trademarks, but with industrial design. Bechtle’s streetscapes signify through automobiles. In the unique recognizibility of the specific make, year and model of an automobile as a recognizably designed and manufactured object, realism is made specific in time and place for those who can read the design of a car even without seeing its trademark. The cars in Bechtle’s suburban landscapes, like Estes’ period trademarks, also demarcate the most specific time frame of his image. Like the Cadillacs in Tin Men, the annual rotation of design, production, release and sale, of
car companies function as the underlying, realist time scheme of the images.

Both Bechtle and Estes work, while establishing a stylistic presentation of the place of the commodity object in contemporary America, however, are notable for the general absence of people in their outdoor scenes. Their people-less paintings are interestingly juxtaposed by the work of the Chuck Close and John Kacere, photorealists who paint only aggrandized parts of people. It is primarily in the work of Tom Blackwell and Ralph Goings, that commodity environments are shown in connection with a humanly social world. Tom Blackwell’s recent preoccupations have been with urban store windows. Humans appear in his paintings as mannequins and in reflections of the store windows, as if they were held captive by the confines of a commodity-defined display.

The work of Ralph Goings deals with specifically with the social context of commodity worlds, in which human relationships exist alongside and within the “system of objects – the commodity environment saturated with social meanings. Since the mid-seventies, Ralph Goings has almost exclusively painted the interior of diners, including many still life paintings of the typical diner booth condiments: ketchup, salt and pepper shakers, sugar shaker, and a napkin holder. In these still life paintings, Heinz Ketchup, Campbell’s Tomato Ketchup, A-1 Steak Sauce, French’s Mustard, and Louisiana Hot Sauce, amongst other condiments, are all featured. In these paintings, the design of the various stainless steel and glass shakers and holders recall the distinctiveness of the mass-produced cars of Bechtle.

Unlike Warhol’s Heinz or Campbell’s paintings, again, Ralph Goings presents a miniaturized history of these products in conversation with each other. Unlike Warhol’s
repetitive and abstracted trademarks, Goings trademarks are therefore distinctly individualistic. And the Photorealist attention to detailed verisimilitude, again, question the strangeness of the ubiquity of the recognizable trademark and design. The objects depicted in Goings' paintings are almost echoed exactly in the film Diner. The main difference is that, given the basis of exclusive appearance of product placement, all of the ketchup bottles in the film are Campbell's. Like Goings' still life though, they reappear consistently on the diner table. Attention is given to its position, and the visibility of the label. Nonetheless, despite Goings' special attention to the tradmarked product, in 88 paintings completed between 1980-1990, he has painted only one example of a commodity in use. Why this absence? There seems to be no reason why Goings could not, in his many paintings of people eating in a diner, depict someone holding and using the Heinz Ketchup bottles which he seems to be so interested in.

It is remarkable that in a complete catalogue of Photorealist work in the 1980s, there are almost no images that depict a commodity in use as an object of actual personal consumption. Thus, Photorealists generally continue the basic rhetorical gesture of Andy Warhol, in allowing the notion of the trademark to stand in completely for production, rather than to allow the permutations of consumption and cultural appropriation to accrue additional meaning to the tradmarked object. This is more than to say that consumption matters, but also to say that in reality commodities are used, that they have a wide variety of use value, and that these use values constitute a major aspect of cultural life under capitalism. The Photorealist painters generally choose not to address this, despite their attention to the everyday life of commodities. Does the lack stem from the fact that these Photorealists are attempting to paint within traditional artistic subject matter (landscape, portrait, still life)? Is this because these Photorealists, like Warhol's Campbell’s Insertions
Soup Can painting, treat the trademarked commodity and its mass-produced image as a simple and direct icon of the contemporary everyday capitalist reality? Is it because such an image, with a photo-realistic treatment, would simply look too much like an advertisement (such as the Coke advertisement images so prominent from the 1950s on)?

This then is the major distinction between the subject matter of product placement in film and in the Photorealism. Photorealism is most related to the visual techniques of Hollywood film realism because of its complete and seamless visualization of the contemporary. Both these aesthetic practices portray a reality that seems to lend itself easily to the photographic record. But in fact both are examples of a painstakingly complex and detailed construction of realism for specific aesthetic purposes. Certainly, in both practices Hollywood and Photorealism, there is a significant aesthetic process of selection. In product placement, this selection, the contingencies put upon it, and the exclusivity of it, constructs, however, different realisms than do Ralph Going's photorealisms.

While their images are visually realistic in similar fashion, in the inserted product placement in films, the use of commodities is not only portrayed, but becomes the subject matter of fictional narrative. As I have argued, Hollywood realism is situated between believability (in its recognizable connection to typical American life) and fiction. In the Hollywood films that I have examined, the films that create more fantasy than others (James Bond films, or The Matrix, or E.T.) the consumption of products becomes an extremely original and dramatic filmic use.

In merely the simple survey of images of humans drinking a soda, a fascinating range of advertising fictions, film fictions, and painting fictions exist. However, in the cursory survey of inserted product placements I have presented here, it is evident that the scope and variety of uses of the trademarked object in film far exceed either the repeated conventionality in Photorealist paintings, or
the prescriptive beauty of the advertising photograph. Ironically, however, it is product placements such as the ones in *Diner* that demonstrate the significant ability of film, of narrative, and of temporality to remake the trademark as not only a signifier of the real, but as an object of consumption which produces different realities. Fictions, whether they are filmic or painterly, whether they are socialistic, realistic or capitalistic, are inherently overlapping here as themselves the basis of representations. In the inserted placements of *Diner* waitresses are part of the making of *Campbell's* ketchup and a joke remakes *Campbell's* ketchup into blood.
dialogue in the original script, which relies on the actor to act out simplistic battles of good and evil out loud with himself for the camera.

The insertion of the Wilson volleyball as a character in the film is a convincingly realistic way for the actor to portray the workings of the character’s mind. As such, the Wilson volleyball is used by the film makers in a complex aesthetic fashion, turning the prop into a major thematic and dramatic component of the film. The Wilson character is not derived from the brand image or advertising claims of the Wilson sports equipment company. Instead the character emerges gradually through a series of events in the story. First, Chuck discovers the Wilson volleyball in one of the packages he is washed up on the shore with. While trying to make a knife, he accidentally cuts his palm. Yelling with pain, Chuck picks up the volleyball, still in its package and throws it against the ground. Later when the blood has dried on the volleyball, Chuck draws a face with a stick on it out of boredom. Slowly, after Chuck has
figured out how to physically survive, he turns to Wilson for companionship.

As the original pristine white volleyball grows increasingly dirty and yellow, Wilson “ages” as time passes. Chuck repaints Wilson’s face with his own blood, symbolizing their kinship. Over time Chuck cuts open the volleyball and pulls out material from within to make hair for Wilson. Thus Wilson emerges out of the narrative of the story, and even changes visually. Thus not only does the product become gradually remade by the film’s fiction, Wilson becomes a major emotional and dramatic component, more so than any inserted placement I have seen. The Wilson volleyball placement becomes an inserted placement with a fundamental role in the film. The Wilson Volleyball won a Critics’ Choice Award for “Best Inanimate Object” in a film.

The script writer, William Broyles Jr., claims that the idea for a volleyball companion named Wilson came to him when a Wilson volleyball did indeed wash up on the shore when he himself went to the Sea of Cortez with experts in primitive technology to do research for the script. Broyles writes that, “The time I spent on the Sea of Cortez gave me a strong realistic basis for the island sequence.” This claim, made in Broyles’ introduction to the publication of the shooting draft, indicates his intention to paint as realistic even something so imaginary as the transformation of a volleyball into a friend. The director, Robert Zemeckis, however, emphasizes the inexplicable non-realist process that contributed to the formation of the Wilson character. Zemeckis states that, “having Chuck paint Wilson’s face with his own blood was one of those mysterious moments of creativity...that simply can’t be explained. If you work hard enough and dig deeply enough, sometimes they just happen.” These two statements, again speak to the particular space in which the “realism” of a volleyball-persona emerges. It must be both based on “real” events, and the strange acts of aesthetic creation.
Although the Wilson character is written into the script at least since the 1998 draft, the extent of Wilson's role in the film and his physical transformation are not evident in this early draft. The Wilson Sports company insists that when it donated the volleyballs to the production, with no indication of its use. However, it is likely that the 1998 script was available to be read. It is also likely that the film makers would have signed a typical product placement contract stipulating they would refrain from overtly negative use. According to Wilson's Business Manager of Volleyballs, Alan Davenport, the possibility of negative portrayal was not really a concern, because, as he has said, “I'm not sure how you portray a volleyball badly.” Thus, the Wilson Sports company did permit the film makers substantial freedom in their use of the volleyball. As I have argued before, the separate concerns of the product's manager and the film's aesthetic use of the product in an inserted product placement allows significant creative space for maneuver for both parties concerned.

Indeed, the popularity of the Wilson character seemed to almost have taken Davenport by surprise. In a press release, he remarks, “The brand exposure we have received from Cast Away has been amazing. We realize how fortunate we have been with this product placement and we thank Twentieth Century Fox for this opportunity.” According to Wilson's press release, the company received numerous consumer requests for a Wilson-character volleyball. The Wilson ball was launched and sold when the film was released on VHS and DVD. What is striking about this product development, as opposed to the E.T. or James Bond tie-ins I have mentioned, is the unpremeditated-ness of the promotion. The Wilson company did not provide a cross-promotion marketing campaign in conjunction in the film's release. Rather, it later capitalized on the success of the inserted product placement. More so than most product placements, the Wilson volleyball placement in Cast Away demonstrates the

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Fig. 5 Chuck talks with Wilson

Fig. 6 Chuck has an argument with Wilson
capability of film fiction to put the commodity into play. The fact that the manufacturing company can attempt to respond to this new success should not be ignored, though, it also should not be confused as the product placement itself.

FedEx in Cast Away

The second placement in Cast Away exceeds the scope of embedded or inserted placements. It is, I argue, an incorporated placement because of the integration of the trademarked product and trademarked owning company, FedEx, into the narrative themes of the film and into many stages of its production. In Cast Away, Chuck Noland is a FedEx systems engineer who is a workaholic and thus his cast away situation on the island forces him to partially relinquish FedEx’s corporate philosophy and advertising tagline, “The World on Time.”

The movie is embedded and inserted with FedEx placements. It begins with scenes that take place in FedEx’s Russian operation, and its headquarters in Memphis. Chuck also tells us the history of the company’s founding in 1973. Chuck washes up on an island after surviving a crash of a FedEx airplane. He is washed up on the shore along with a many FedEx packages. In the film, he puts off opening the packages for survival needs until he is sure that he will not be rescued. Each of the objects he finds in the packages is put to use throughout the film. The Wilson volleyball is one of those objects. Chuck does not open one of the FedEx packages which has a hand-made drawing of angel wings on it, implicitly for an intuitive and spiritual reason. After his rescue years later from the island, delivers the package to a woman at the end of the film as an act of closure. When Chuck is finally rescued and returns to modern society, he is given a large homecoming party which was shot at the FedEx “Superhub” in Memphis, Tennessee with 1,200 FedEx employees in Hangar 21. Fred Smith, the
founder and owner of FedEx, makes a cameo appearance.

The more substantial part of the film are the two hours of footage on the island, in which Chuck Noland learns to survive with very little material goods, and slowly seeks for companionship and society. The images in this central part of the film would lose its impact without those constant reminders, through the FedEx packages, of the uselessness of modern civilization, and the fundamental beliefs of Chuck’s previous life. In the script, the FedEx packages that Chuck opens includes some useful items to his survival, including Tylenol. However, in the film, the scene where Chuck opens the FedEx packages is marked by ironic humor: The packages include: Japanese video tapes, a haute-couture dress, divorce papers, a pair of ice skates and the Wilson volleyball. Chuck Noland discovers the uselessness of modern society’s goods, facilitated by a company whose commercial service is to circulate these goods to all parts of the world. Slowly, Chuck finds a way to remake these commodities, as he does the Wilson volleyball, and the audience is shown the many creative things he does with every part of these initially useless products.

These misdelivered goods are not only just products remade by the film’s fiction (inserted placement) or background placements to indicate the film’s time and place (embedded placements). Rather, FedEx’s corporate philosophy is the major theme of the movie. Chuck Noland learns what it is like to live “outside” of time. He learns the spiritual emptiness of merely being a corporate workaholic. Finally, he is re-introduced to the importance of human companionship (the lack of which is personified in a volleyball). In the end, when Chuck returns to civilization, he discovers the pain of living outside of society. His fiancée has since married, because she could not “wait.” Chuck then finds solace in the only true kind of friendship: the purchase of a new Wilson volleyball, and the delivery of the angel-winged FedEx package to a woman who turned out to be an artist. Our only solace under
capital, in other words, is the making and remaking the material goods we love.

According to the official production notes, the decision to make the character a FedEx worker came early on when Tom Hanks, the actor who plays Chuck Noland, and scriptwriter William Broyles Jr. began working together on the project six years before the movie was released. In Broyle’s introduction to the published shooting script, he states that the first day he spoke to Tom Hanks about the film (in 1994), “Tom suggested that the main character might work for Federal Express.” The production notes state that it was writer Broyles who first approached CEO Fred Smith about FedEx’s placement in Cast Away. Here, Smith is quoted as saying, “He asked if we could help by allowing them to use the Federal Express system as a backdrop for a very interesting theme...It was an easy decision.” Smith, calling the film’s questioning of his corporate philosophy a “very interesting theme” clearly doesn’t think of the placement as negative. Rather, Smith has often been quoted defending his decision to allow the film makers to portray the crash of a FedEx jet, which is thought to damage the public perception of FedEx’s reliability.

Smith also describes FedEx’s involvement in Cast Away as a “backdrop” for the film. The production notes also clarify the scope of this backdrop: “FedEx gave the production an unprecedented level of support. From the earliest stages of development, key FedEx personnel worked to assist the film makers in a wide variety of areas from conveying corporate philosophy to contributing key technical resources.” What is interesting here is that the production companies and distributors are evidently celebrating the level of involvement FedEx generously “gave” to the production. According to all news reports, FedEx provided no fee nor cross-promotional tie in marketing campaign for the film. The lack of visible and public advertising the placement in this case, despite the
level of the placement, perhaps even suggests FedEx's non-immediate commercial interest in the film.” FedEx has found it easy to be involved in other near-negative placements before. For instance, in the Baz Luhrmann's adaptation of Romeo and Juliet, FedEx is the company that delivers Juliet's letter to Romeo too late for him to realize she would be faking her suicide. For Smith, FedEx's involvement with Cast Away was “an easy decision.” He does not claim to have had reservations with the film's questioning of his corporation's philosophy.

By making the cooperation transparent in the production notes of Cast Away, the film's distributors and production companies imply that the involvement of FedEx in the making of the film a celebrated and integral part of the film. It suggests that this involvement was crucial to making the film more communicative. The notes claim that everything from “conveying corporate philosophy” to “contributing key technical resources,” were provided by FedEx, suggesting that the largest and the finest details of the film were made realistic through the intense cooperation of FedEx. According to Broyles, this involvement was extremely important, since FedEx's “trucks and packages were instantly recognizable around the world.” This provided him with a “shorthand” for the theme of his script. For Broyles, it was easy and quicker to develop the abstract idea “the world on time” as the main character's initial mental state, with the audience's knowledge of FedEx's services and advertising claims.

In addition, the participation of FedEx in the film's production is as much corporate as it is personal. As Smith notes, “key personnel worked to assist the film makers in a wide variety of areas.” According to an interview with Broyles in the Sacramento Bee, FedEx's Managing director of Global Brand Management, Gail Christensen, spent two years working with writer William Broyles Jr. on the script. According to the production notes, Broyles also knows FedEx CEO Fred Smith personally. This personal involvement meant that the cooperation between FedEx
and Broyles exceeds the usual product placement agreement.

FedEx employee Christenson portrays her involvement as highly intense and influential. She is reportedly to have said "As we stepped back and looked [at the script], we thought it's not a product placement, we're a character in this movie. It's not just a FedEx product on a screen. It transcends product placement." Christenson is clearly aware that the FedEx placement in the film is unprecedented. Although she calls the FedEx involvement in the film "a character" the FedEx placement in the film is quite different from the role of the Wilson volleyball character. FedEx is both embedded and inserted throughout the movie. However, the realisms of these placements are made possible by a large incorporation of FedEx's corporate philosophy in the narrative of the film. FedEx is not only integrated into the aesthetics of the film, but also in its production. FedEx employees were personally integrated into many stages of the film's production. FedEx is thus incorporated into the film cinematically, and into most major components of its production – in the idea's development, in the script writing, as actors in the major film sequences, and in providing major props and locations for filming.

In terms of the film content, this incorporated placement exceeds the visual and narrative place of embedded and inserted placements, including the character of Wilson the volleyball, because of the way so much of a real American company, FedEx, is incorporated into the film. FedEx serves as the major narrative frame of the story. In many scenes, its giant logo appears on major parts of the sets, cars, airplanes, props and costumes. Most importantly, FedEx serves as the symbol of the major theme of the movie, the notion of being-on-time in society. The film must first create the realism of the obsession with connectedness and timeliness in modern American society, and then question it with questions of the actual physical and emotion needs for a human being to survive. In this
process, Chuck does come to re-evaluate his previous devotion to FedEx's corporate philosophy over humanly contact. Chuck also discovers the loneliness in not at least partially cooperating with the time of modern society.

The realism of incorporating FedEx into Cast Away is that it enables a portrayal of “civilization” through FedEx advertising claims, which promises that all people in the world can be connected by mail, and that time is crucial in this connection. Since FedEx does not manufacture a product but provides a service, it distinguishes this service with the advertising claims of the quality of its service by saying that it will always be on time and that it can deliver to anywhere in the world. This complex idea is made viable in a Hollywood film by making the character someone who is utterly consumed by his work for the FedEx company. This aesthetic strategy— to examine a large social condition through a man’s workaholic obsession with a company that typifies that social condition—is a realistic connection between a film theme and a film's plot.

Similar to the process I have argued in the way that embedded placements assign identity through placing commodities in the background of the character’s environment, the incorporation of FedEx into Chuck Noland’s emotional and psychological state serves to create identity through existing advertising claims to demonstrate the fiction’s connection to the audiences’ reality. That is, the audiences’ understanding of Chuck’s character is not only a physically materialized by product’s appearances in his world (as in an embedded placement), but as a philosophical outlook that is incorporated into the mind of personality the company he works for.

However, when this theme is brought into contact with the Hollywood story arc, resolution is made through completion (not reversal). By this narrative frame, Chuck can only re-establish connection with his previous life by reconnecting the FedEx way – delivering mail to people. The “realism”— the fictionalization of reality—is made through the incorporation of FedEx in comparison with a established Hollywood narrative (the marooned-on-an-island genre). To many observers, the criticality of the film (its development of an alternative to the FedEx philosophy) is lost. My retort is to question whether any Hollywood film would seriously fulfill such a critical position. Instead, it is necessary to recognize the degree to which cooperation was made with FedEx even for this criticality to be surfaced.

Film critic Alex Abramovich criticizes Broyle’s use of FedEx as a shorthand for the entire motivation and definition of Chuck Noland’s character.72 For Abramovich, a “good” drama should determine the motivations of a character, and no short cuts should be allowed in creating this in the story. However, I would argue that Abramovich clearly underestimates the ambition of the film makers in establishing a realistic connection between the film’s themes and social ills in modern day America. Thusfar in this paper I have refrained from offering suggestions of alternatives to product placement, but rather sought to understand why specific product placements are chosen. In this case, however, it is evident that without the overt reference to FedEx, it would be difficult to portray the idea
“the worldwide circulation of goods on time.” It is similar to the manner in which Andy Warhol used the Campbell's Soup label to represent the mass-reproduction of everyday goods. Unlike the embedded placement, relatively unnoticeable compared to the FedEx placement, the film Cast Away actually attempts to show the ironies of FedEx's advertising claim and the ironies of modern society.

Thus, I disagree with Abramovich's criticism that the assigning of FedEx as the workplace, or even as the misguided personal philosophy, of the main character is a poor aesthetic decision. “The World On Time” is trademarked as a corporate philosophy, but a philosophy nonetheless. To argue as Abramovich does denies the basic use of reality as aesthetic material – either in the form of symbolism, metaphor, or allusion. Instead, the more critical question, is, to what extent and to what ends are FedEx logos, products, and corporate operations otherwise embedded or inserted into the film in order to make this use of a real corporate philosophy tenable. How much of FedEx has to appear in order to make it function as a socially realist symbol? Only in the opening scenes, or in every frame?

The film Cast Away in fact removed many FedEx product placements in the script, indicating that the film makers tried to address this question. Broyles' 1998 third draft has much more extensive scenes revealing the workings of the FedEx company, its worldwide operations and its internal policies.73 On the island, Broyles' script has Chuck making a giant HELP sign on the beach of the island with the FedEx packages. On his escape raft, Chuck makes a signal kite and a water collection device out of FedEx boxes. When Chuck finally returns to civilization, is told by his fiancée, who had since married someone else, that the puppy she gave him before he was marooned was run over by a UPS truck. In the happy ending of the script, Chuck meets a beautiful woman who is a FedEx driver. All of these placements are removed in the film.

The heavy-handedness of the 1998 script's reliance on FedEx, and the relatively gratuitous killing of the main character's puppy by a rival companies truck suggests the extent to which incorporations might operate. However, the fact that FedEx appears less often and to less extent in the final film than in Broyles' script indicates that other film makers attempted to balance what really would be “realistic;” that is, what might be the limits of film images and their referents in reality. There is no public record that FedEx employees were involved in the removal of FedEx references throughout the film making process, and no indication that negotiations took place about the editing. However, considering the substantial revision of the script in the film version, it is unlikely that script changes were surprising. The point is that the extent of the incorporated placement is hinted at by Broyles' draft, but these extremities also mediated by the film-making process.
In order to sketch the scope of product placement practices in its general relation to the broad concept of realism, it was necessary to propose a simplistic classification of the product placement industry and its film products (specific placements in feature films). Primarily this is because, thus far, product placement has only been seen (by cultural critics and industry workers alike) in homogenous form, without basic distinctions drawn regarding its frameworks, operations, claims and products. The generalization of the field, is, of course, problematic, and perhaps the majority of product placements can be said to exhibit all three of the tendencies I describe – embeddedness, insertion and incorporation – at once, equally, or not at all. However, my interest is to integrate into one concept both aspects of production and product. Without a doubt, the most basic dynamic between economic and aesthetic determinisms of Hollywood films and film production is rehearsed in product placement. To say that a product placement in a film concerns a variety of both economic and aesthetic concerns, though, does not dissolve this basic dynamic.

Media critics and audiences alike bring a commonly heard criticism against product placement, which is often accused to be a commercial corruption of the aesthetic sphere of film. In response to them, film producers consistently make two claims justifying product placement. Firstly, that the monetary benefits of a given product placement is inconsequential to the large cost of a Hollywood film production. Secondly, that if the film world did not consist of some “real” products, it would appear unbelievable to audiences. Both these general claims of the aesthetic, as opposed to the economic, needs for product placement, are however faulty.

The dismissal of the economic impact of a product placement agreement is first of all contradicted by the many high-profile placement agreements between corporations and the producers of highly profitable films. The *James Bond* films and their multi-million dollar agreements with *Phillip Morris, BMW, Omega, Ericsson, Heineken, Vodka*, and *Visa* are perhaps the most publicized examples. Without *FedEx*’s complete and multi-level support of *Cast Away*, surely, the production costs of the film would have been significantly increased. These special agreements notwithstanding, the fact that, in roughly 90% of cases, money – accounted as fees - is not exchanged does not mean that product placement is not a significant component of the economic structure of the film industry. Although it is true that the vast majority of product placements are done in exchange for free items rather than for fees, as evidenced in the *Tropicana* placement in *Unbreakable*, product placement remains currently a billion dollar industry, and is integrated into many stages of film development, pre-production, production, and post-production marketing. The exchange of commodity without payment, remains an exchange.

In the film *State and Main*, David Mamet mocks
product placement by portraying a product placement for a dot.com company is added on the set of a 18th century New England town, for $5000. Though it is only $5000, it is the crucial amount the producer of the story needs to finish the movie. In his book on ethics in movie content based on interviews with other Hollywood professionals, Migeul Valenti, himself a producer, fully admits that the economic exchange of product placement is beneficial to producers, and even sometimes a “lifesaver.”

On the other hand, to say that product placement is driven solely by the aesthetic desire to portray the real world, and that trademarked products offer this realism is also very tenuous. First of all, Hollywood films do not claim to portray the world as it is (in the vein of documentary or surveillance) but rather are as a fictional narrative of reality, with the intention of revealing something of it (its aesthetic component). Hollywood’s realisms are not given, nor are they singular, but are negotiated and historically developed.

Secondly, there is no reason to assume that trademarked products represent reality more so than un-trademarked products. Although it is true that a red can labeled “soda” would appear “fake,” in the context of the contemporary proliferation of trademarked commodities, there is no reason to assume why a red can could not be simply red and not falsely labeled, or, why actors must drink soda beverages in movies. Thirdly, if a trademarked product corresponds so simply to reality, why do most film images show only one trademark product at a time? By that logic [trademark = reality], realism would then be defined by the saturation of trademarks into an image. On the contrary, all of the examples I have examined are product appearing in a film to the exclusion of all other products which serve a similar function. That is, there is no ketchup but Campbell’s ketchup in Diner, and there is no postal service but FedEx in Cast Away. In other words, if the correspondence of trademarked product to reality was so simplistic and obvious as to be necessary, why is there an entire profession devoted to the selection, marketing, and negotiation of a given product to a given film scene? In other words, if it is so natural for Tropicana to represent a modest kitchen, what really is the job of the product placement agent, the props master, or for that matter, the actor, the scriptwriter or the director?

These justifications are also contradicted by product placement agents’ portrayal of the cost-benefits of product placement to their clients. By simply operating as an agency, the product placement profession implicitly gives companies control over a product’s appearance in a film in exchange for pay. The implication by extension, therefore, is that the greater the expenditure on the part of the corporation, the better for control it has over the placement. In other words the amount exchanged between a corporation and a film production (whether in kind or cash) is a negotiated amount that balances needs of both sides.

Secondly, contradicting the producers claim that trademarks are equated with reality, product placement
agents instead regularly claim that product placement is beneficial because of the advertising clutter in daily life (billboards in cities, commercials on TV), and that film is one of the few places where a trademarked product can be shown exclusively away from the saturated marketplace. However, if this were true, than the “clutter” of FedEx in *Cast Away* could not be justified.

In addition, agents also claim that brands benefit from magical associations with film (the silver screen and its celebrities). In other words, while film makers claim that trademarked products serve as the markers of a realistic-looking world, for those that sell the same products in the real world, film is a magical and non-real world, in which a product can be advertised exclusively away from daily reality. However, films like *Diner* and *Cast Away* hardly give a positive association to the product that is placed. In practice, product placements results in an image only partially realistic or magical.

My objections to the rationalization that product placement is menially economic, and primarily aesthetic, should be juxtaposed against the opposing interpretation of product placement— that it is primarily economic, and only menially aesthetic. My point is to show that product placement operates beyond the simple determinism of either sphere, and that it is a practice which, while operating within both economic and aesthetic imperatives, is in no way (pre)determined nor finally foreclosed by either. This is all meant to raise the questions which really problematize product placement—not to protest that it exists at all—but to question how it works and how to evaluate—it given these realistic (both economic and aesthetic) constraints.

In 1975, Edward Buscombe, in his *Screen* article “Notes on Columbia Pictures Corporation 1926–1941” calls for a history of film which no longer separates the term “film industry” from the term “cinema.” Buscombe argues that so long as film historians and critics fail to consider the production of film as an industrial practice, no convincing argument, Marxist or otherwise, could be made theorizing the relationship of any film to American society. The simplistic generalizations that Buscombe criticized in 1975—that film merely “reflects” society, or that all Hollywood films intentionally function as conservative Republican propaganda—are very much operative in product placement criticism today.

The work of Janet Staiger offers a nuanced theory of the relation of the economic framework of film production to cultural signifying practices of film making. In her 1980 article on the studio standardization of continuity scripts, Staiger successfully offers an economic history of technological and cultural change in early American film, without positing that the economic framework of film production always closes off the aesthetic complexity of film products. Rather, as Bill Nichols in his introductory notes writes, Staiger’s view of the cinema is one in which the contradictory tendencies of the economic and aesthetic exist in tension with the other, even if they each have their own internal dynamic.

Staiger demonstrates in her paper that even if
economic ideologies of profit maximization and efficiency, determining the division of labour and mass production of scripts in Hollywood studios, had a direct and immense impact on the standardization of film scripts, the notion of artistic originality or novelty was at the same time heavily valued and promoted by studio heads and film advertisers. In other words, while economics does determine the industrial base (the mode of production) of Hollywood films, the aesthetic can always trump economics, but only so long as it is seen to serve other, non-tangible profit-securing gains (such as brand awareness or brand positioning). Her argument abstracted is not merely an explanation for the relationship of the two contradictory interests of the film industry, but also a means to analyze its history. Neither economics nor culture is constructed as a privileged determinant of any image's production.

Furthermore, Staiger’s model allows for an interpretation of historical change in film history that oscillates between two central and crucial ideological bases that undergo themselves a complex history of change. Product placement, if understood as an advertising practice intersecting with the traditional role of prop managers, and at the same time, an artistic desire to represent reality in a time and place in which social communications is often made with reference to trademarks, brand names, and logos, functions exactly within Staiger’s model. The relationship between industrial and aesthetic framework become thus present in the interrelationship of film production and film products.

Claims of realism—understood as a dialectic of reality and its representation—are then subsumed within this larger framework; “Reality” comes to mean both the social realities of film production within a capitalist economics, and the contemporary “reality” which film makers represent through their art works.80 Furthermore, this relationship is also evident in the way product placement agents, film producers, and marketing researchers understand their work. They contrast it to mere research, which is only a statistical storehouse of information regarding demographic categories of taste, preference and predisposition, and argue that their own interpretation and management of the base essentially as an “artistic” one— as a mode of decision-making that relies on originality and intuition.81

The constant juxtaposition of the “art” and “business” of film as a cultural production are similar to the juxtaposition of the real to the realistic. Thus, strategies of product placement bring the aesthetic and profit-making ambitions of film makers and the product placement agents into a relationship circumscribed by an enforced separation of aesthetic and economic concerns and issues.

Embedded placements I argue, are based on the seamless subsumption of normative film industry and the product placement industry. In its almost invisible interchange, normative conceptions of visual realism, defined by the association of identity with commodities, direct the exchange between aesthetic and economic interests. However, even product placements predominantly motivated by narrative content (Wilson
Volleyball, *Reese’s Pieces* in *ET* can be remade profitably by post-production tie-in agreements. Finally, the most ironic comment on the advertising claim of a corporate philosophy (*FedEx in Cast Away*) necessitates the most in-depth cooperation from the corporation.

Since advertisers and product placement agents seek to make product placements “seamless” or unnoticeable, the threat of hidden persuasion, or subliminal messages, thus looms especially over product placements. However, the question of whether or not the audience notices the trademark product in the film in fact has as much to do with visuality as it does with narrative. Moreover, seamlessness may not always coincide with advertising interests. This is a fascinating formal problem for product placements that is also mirrored by an interesting marketing problem for the marketing profession to solve.

Product placements are problematic for the marketing industry, since their effectiveness is hard to scientifically prove. Law and Braun’s 2000 study on product placement argued that the reason traditional studies of product placement impact have always been inconclusive or shown no effect, is because such studies employed tests of explicit memory (testing whether viewers remembered brand names after a single viewing). Instead, Law and Braun argue that tests of implicit memory show that when viewers are unaware of exposure to a brand, they are more likely to have positive feelings towards it. This study shows that while seen-and-heard placements (what I call inserted) are the most recalled, seen-only placements (what I call embedded) are in fact the most influential, and most likely to predispose a viewer to choose that product in a buying decision. On the other hand, other studies have shown that any “preattentive” exposure, that is any exposure not in the direct attention of the viewer, to an image will pre-dispose a viewer to feeling positive about the image in later, attentive exposure. In other words, it is possible to fulfill advertising interests of creating positive associations with the product regardless of its visibility.

This, then, is a major limitation to examining solely single product placements within one film. Whereas film analysis is concerned with the interpretation of the image, advertising culture and practices have a much longer outlook. Marketers are concerned with how the image might affect a viewer at different moments in time, and are interested in a proliferation of such kinds of images. An advertising campaign is concerned not just with the single image in the film, but also an entire marketing strategy. Thus, we must be aware that different product placements serves different marketing needs – mere exposure, de-contextualizing, association with celebrity or creating new fictions, for instance. Product placements can be said to naturalize the product’s association with a given situation or demographic group (embedded placements), to decontextualize the existing associations with the product and create new meanings (inserted placements), or to merely expose the product as much as possible (incorporated placements). Nobody of course, runs out to buy something embedded into a film right after seeing it, but this popular perception is not the proper
measure of advertising effectiveness.

In the context of manufacturing a seamless realism, and given some audiences’ attention and aversion to product placement, a product placement cannot be too obvious, or it will rupture the fiction of the image. However, in order for a placement to be justified as an advertising expenditure, it must at the same time be recognizably present. Thus, product placement agents prefer the trademark to be foregrounded and used, but also to be turned “ever so slightly” because a full frontal, symmetric shot of the product would appear too much like an advertisement. But this turn can only be accomplished inadvertently, by the play of an actor’s hands, by the turn of the camera or by the choices of the set decorator or props master. Thus, seamless construction of the product placement is always subject to the film making process.

Contrary to product placement agents’ prescriptions that verbal or used placements (what I call inserted placements) are more visible than background placements, in fact inserted placements can also be relatively unnoticeable to the audience, precisely because the audience expects the narrative to represent consumption visually and temporally in the film. On the other hand, the degree to which the placement is noticeable (such as FedEx and Wilson in Cast Away) will not measure its popular appeal. Audiences and film critics alike loved the Wilson character, and found the FedEx placement excessive. As a result, “seamlessness” cannot merely be defined by whether or not the audience notices the placement, neither can it be prescribed by the formal rules of product placement. Instead, it is necessary to understand that the seamlessness and disruptiveness of product placement are complicated by many uncontrollable factors, part of the interrelationship of fiction and realism in a particular Hollywood film, and the way it is made. In other words, despite the fact that there are tendencies given to types of product placements, these types cannot measure advertising effectiveness, success or popularity.

Seamlessness is not only a matter of visibility, but evidenced in the way economic and aesthetic concerns are interlocked in the negotiating process that results in the selection of a specific trademarked product to function in a particular realistic fashion. Just as the film produces a realistic representation of realities, so does the industry demonstrate the infiltration of fiction into these same realities.
Part Three  Disruptive
the inevitable detour

...art has always regarded itself as an inevitable detour that must be taken in order to "render" the truth of the thing.

– Roland Barthes, “That Old Thing, Art...”

In his essay on Pop Art, Barthes uses this definition to contest Rauschenberg’s claim that a canvas should “look like what it is.” For Barthes, Pop Art (represented by Rauschenberg) reverses what would be, otherwise “Art,” which is highlighted by the quotations Barthes places around the word “render,” implying that it is the interpretation or method of rendering that matters as Art. I am more fascinated, however, by the notion of the “inevitable detour,” and feel that, this too, must be open to interpretation. If product placement practices are understood as a “detour,” as the wrong route that returns us to the same destination, then its apparent theoretical position as merely reproduction or appearance of the capitalist real in art, can be reinterpreted as a practical crisis of representation itself. Product placement is at one level derived from the pop art – in this case, realist – call that images should “look like what it is.” However, when seen as a wholly systematized and codified industry, the production of product placement images compounds the question of what images are (what rendering might be) given the truth of the thing: the capitalist production and ownership of the real.

It is through the detour that the Taliban’s Toyotas are reclaimed as a product placement by the Toyota spokesperson. The Toyota company, through its public claims and press releases, attempts to reconstitute an image of reality as an advertisement. Similarly, product placement images in Hollywood, by functioning as realist images, reconstitute the real for us from within the space of fiction. In other words, any claim that we can discern product placement at all in any image as an existence of either advertising or artistic claims is to reclaim it, inevitably, as an activity of “rendering,” of intentional artistic practices.

In my analysis of product placement I have drawn attention to the existence of intentions, negotiations, and agreements between any individuals directly involved with the making of the product placement. I have also drawn attention to the strategies of realism evidenced in the product placement process. Thus my approach has operated on the definition of product placement as any part of the multi-step, multi-person process leading to the appearance of any trademarked product into any images of a film.

However, to pose such a general definition is almost as if to say that any existence of a trademark, logo, or brand name on any object in any image constitutes a product placement. Nonetheless, there exist unintentional or accidental images that can be claimed as product placements. Since film making is a complex process that involves many decisions, very few of which can be absolutely ascribed to a single individual, it becomes unclear, then, how the reclaiming of intention can be
justified. To absolve itself of such problems, product placement practitioners always claim that the film's aesthetic needs are the exclusive domain of the director. On the other hand, many audiences, when recognizing product placements in films, see the blatant corruption of aesthetics by corporate advertising interests. Any of these explanations, are then, like detours – the location of non-direct or hidden paths in the process of production— that claims the product placement image as a particular rendering of reality – either real or fiction. In other words, locating intention in a product placement image is to reclaim it for either artistic or economic interests, when in fact, such a process is inherently problematized by a lack of differentiation of the two. Where the Hollywood film is concerned, there are no exclusively artistic or economic intentions, just as there are no pure advertisement or filmic images of product placement.

Nonetheless such claims are made by those who speak for product placement images. What does it mean, if, news photographs of any individual using a trademarked product are “product placements”? Firstly, it suggests that in a capitalist society, all objects are commodities. Secondly, it implies that products are always “placed,” or “in-place” in the sense that they are part of environments, spaces or interiors which can be read as expressions of commercial ownership or power. Thirdly, it shows the extent to which products of visual culture depicting all objects/commodities can be reclaimed as intentional advertisements by the corporate entity that owns the legally recognized trademark. Fourthly, it foreshadows a legal contest, suggesting that simply by right of owning the trademark, the trademark holder owns the exclusive right to speak for all its appearances in the world. 86

Through my examination of different product placements in a few Hollywood films, I have tried to show that indeed, there are degrees to which any of these possibilities are true, and in operation. In fact, the most important difference between the trademarked product appearing in the news photograph or the Hollywood movie is the degree to which strategies of representation or mediation of reality exist in the production of the image – most generally speaking, the realm of the aesthetic. In other words, in order to understand the claimed product placement image, it is necessary to examine the making of the image. In my examination, the differences in these methods result in images and practices illuminates aspects of consumer culture otherwise deemed inaccessible because of the assumed (false) unity of the capitalist spectacle.

The problematic position of representation under capital is one of the major concerns of both Guy Debord's definition of the capitalist spectacle and Jean Baudrillard's notion of the “precession” of the simulacra. In their work, the question of separation - between “the real” (life under capitalism) and “the unreal” (cultural products of capitalism) - becomes crucial to the question of representation itself. Similarly, the product placement industry relies on an insistence on the part of all its practitioners and audiences on a separation between film as a mode of representation, and, the reality wherein
commodities are exchanged and marked by their origin of production. This is not to say that this insistence does not serve profit-making and advertising interests. Rather, it is to say that even in the exaggerated conjunction of commodity with image in contemporary consumer culture — product placement within the blockbuster Hollywood film — there exists a fine grain of negotiation between the real and its production as realisms. Even the trademark is without question, a "representation" (of the point of origin of the product) itself, as are the filmic spaces in which it appears. Thus, it remains important to recognize how multiple claims or fictions, whether advertising and filmic, can converge or collide and made visible in a product placement image.

In the product placement industry's rhetorical claims, this can be seen in the way that the product must be constructed as merely a prop of the filmic fiction. If product placement is conceived as the transformation of products into props, it poses interesting problems for product placement agents. According to the product placement professional organization, ERMA, product placement occurs as a purely equal and negotiated agreement in which the product placement is ultimately only an instance of mutual need between advertisers and film makers. The supposed invisibility of product placement, thus, must be guaranteed by the construction of the product as merely a prop.

For instance, automobile manufacturers maintain a policy that loaned cars must remain within camera range at all times, lest corrupt producers drive the expensive new cars for personal use.\(^7\) This ostensibly makes the camera stand in as witness for the claim that the car placement "serves the creative needs of the film." The car, thus, is merely prop, even when it is well acknowledged that cars are driven by those who work in the film industry for purposes other than the "creative" or "artistic" components of photographing the film. The camera, as the recording device and marker of aesthetic activity, is the umbrella under which unauthorized use is allowed. James Hanks, the product placement representative for BMW and Nissan, estimates that cars are "abused" in one out of thirty cases.\(^8\) He also states that to get a less coveted car (such as Nissan) placed, allowing it for film maker's personal use is common.

These kinds of unwritten norms are practices where the real uses of the car is placed clearly between both a prop and a product, and are also mirrored in many food and beverage product placement practices. For instance, a beer that is placed as a product in the film might also be provided as free alcohol for a cast party. An airline that is placed may also provide free travel for the production. A hotel used as a set may provide free accommodations. These multi-level provisions of the products for the film making process demonstrate the problem of insisting that the product is only a prop that serves the film solely in its visual or cinematic uses. In order to maintain such a system, when it comes to vehicles being used personally (not for the film production), the car turns into a "prop" that is "misused" or "abused," which is the same as when it
is used, in a non-fictional reality, as a vehicle. In such non-filmic, yet film production uses, the car is not simply a marker of reality prior owned and temporarily subsumed under the logic of the aesthetic. Rather, these acts fall outside the rubric of the official language of the product placement industry, and yet are integral to its process.

The transformation of all products into props is in fact made possible by the insistence that props exist in film. Again, as I have argued, there are many ways in which this is done, and not without its culturally significant and interesting procedures and results. However, cases in which the product failed to be transformed into a prop, or vice versa, reveal the some of the disruptive contradictions of reality and fiction when the trademark is placed in a film.

The claimed separation is not only insisted upon as different interests that different companies and studios have in the film, but also enforced by the legal definitions of the ownership of the trademark and of art. Thus, two striking extremes are circumscribed by the power of trademark and artistic works: so long as the inadvertent or accidental appearance is reclaimed by the trademark holder as product placement, or, so long as it is claimed as an intentional creative representation by a high-profile film maker, all product placements are “seamless” in that it is produced through a seamless interaction between distinct parties. This is not to say, however, that before its’ seamless remaking, the appearance of the trademark cannot be disruptive. Rather, as film audiences who play with spotting the product placements are well aware, the knowledge of the seamlessness of Hollywood and corporate profit-making interests is exactly what is disruptively visible. Thus, the incongruent attempt to transform all appearances into a seamless juncture of fiction and reality is apparent. Disputes, arising of these disjunctions are made public through lawsuits. These disputes are contests between reality and film fictions; through constructing a rhetoric that opposes pure aesthetic film making intention (spoken by the director-as-artist) against a construction of pure economic interests of corporate advertising, we can further reinterpret the meanings of realism in Hollywood film production.

Reebok v. TriStar

Contests regarding the full transformation of the trademark product into a prop refer to the law as an arbitrator of ownership and the rights of representation. To date, the most public case of a disagreement between the trademark owner and the film maker’s claims and intentions is made public the Reebok v. TriStar lawsuit, a debate in which a product placement was considered “artistically devastating” by the writer/director, Cameron Crowe, but “integral” by the trademark owner, Reebok. Although this lawsuit represents only one claim of the rights of trademark ownership, especially because TriStar and the film’s production company refuse to comment on the lawsuit, it is an illuminating document that shows the
grounds upon which a product placement can “fail.” That is, it demonstrates in what way claims and intentions are not seamlessly woven together in a production of realism. Since, ultimately, TriStar and Reebok settled out of court, this lawsuit did not result in legal conclusions, however, it does reveal an important textual interpretation of trademark law in defining limits of the ownership of products in relation to reality and filmic uses of them.

In the film Jerry Maguire, a disillusioned sports agent and an unrecognized athlete try to gain public and economic recognition. In one of the scenes, the athlete character, Tidwell, exclaims, “Fuck Reebok,” and several times in the movie criticizes athlete endorsement commercials.

Jerry doesn’t respond. Down in the lobby, Jerry catches a glimpse of a familiar-looking agent. It’s Sugar. Jerry is consumed with a thousand other thoughts, but Tidwell continues talking.

TIDWELL
You believe they’re shooting a Reebok ad down there? Did I ever Tell you my Reebok story?

JERRY
I gotta get back to Cushman.

TIDWELL
Okay, I understand. I’ll boil it down for ya. Fuck Reebok.

Crowe’s original script names Nike in the offending line. However, Nike refused to cooperate with the film makers, suggesting that it refuse trademark clearance. Instead, Reebok agreed to participate in the film on the condition that a fictional Reebok commercial is played during the closing credits of the film. In the end of the film, the heroes prevail and Tidwell is recognized as a great athlete. The intended fictional Reebok commercial portrays the Tidwell character in the end finally winning an endorsement with Reebok, and it includes an apology from Reebok for ignoring him. The commercial ends with the words “We didn’t notice you for 4 years. We’re sorry.” And then the Reebok logo was flashed.

The script’s criticism of Nike, is replaced with negative placement of Reebok with conditions which exceed the usual limitations of an inserted product placement. The acceptance of the agreement with Reebok proves that Crowe’s critical comment on reality was neither circumscribed by Nike’s practices, but instead interchangeable with any other major sports marketing company. In this case however, the use that Cameron Crowe wished to make of Nike led to an incorporation of Reebok’s marketing strategy with the film. According to the lawsuit, this was the result of direct decisions made by the film makers and TriStar pictures through a series of negotiations and was not an unwitting co-optation of the movie by Reebok.

The agreement between Reebok and the film makers
of *Jerry Maguire* includes not only the insertion of the verbal use of the words “Fuck Reebok” in the script and the embedding of Reebok-logo merchandise throughout the film, but incorporates a fictional commercial to be run in the film as part of its uplifting ending. Framing the narrative of the film, thus, is what *Reebok* claims to be its corporate philosophy: “to ignite a passion for winning, to do the extraordinary, and to capture the consumer’s heart and mind.” The inclusion of the *Reebok* commercial demands basically, that the *Reebok* marketing strategy into the aesthetic themes of the movie.

On Dec. 26, 1996, *Reebok* International sued *TriStar Pictures* for $10 million because the fictional *Reebok* commercial was omitted at the release of the film. To establish that the fictional commercial served creative needs of the film, the suit claims that the commercial was scripted and directed by director Cameron Crowe but produced (funded) by *Reebok*. According to news reports, Crowe edited the commercial from the movie after test screenings. Crowe said that the impact of the film was blunted by the commercial, and that including it would have been “artistically devastating.” *Reebok* claims that it cooperated fully with the producers of the film, citing expenditures in excess of $1.5 million in providing *Reebok* products for the use of the film and for the production of the commercial. *Reebok* sues *TriStar* on 12 counts: Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing, Intentional Misrepresentation, Breach of Promise, Fraudulent Concealment, Negligent Misrepresentation, Trademark Infringement, and Unfair Competition (Lanham Act), Trade Disparagement (Lanham Act), Unfair Competition (California Business and Professions Code, Unjust Enrichment/Restitution, and Unfair Competition. Following the settled lawsuit, the disputed commercial was reinserted in the cable television premier on *Showtime*. Nonetheless, *Jerry Maguire* was released in theatres without the *Reebok* commercial, and in its DVD and VHS version the commercial does not appear.

U.S. Trademark Law is intended to protect the public from the “likelihood of confusion” and the assurance of the quality of goods. The trademark is governed by title 15 of the United States Code, or the Lanham Act, enacted in 1946 and active today. The trademark is defined as any claim to a “word, phrase, symbol or design, or a combination of phrases, symbols or designs that identifies and distinguishes the source of the goods of one party from those of the others.” To register a trademark provides the holder the legal right to its exclusive use in commerce and the right to prevent its reproduction, imitation, false or misleading reproductions, and dilution.

Originally conceived with the intention of ensuring the consumer public a quality standard of mass reproduced goods, legal and cultural historian Rosemary Coombe argues that the trademark has never guaranteed quality or uniformity but only the assurance of a single, particular and distinctive source of commodities stamped with the same trademark. While the trademark ensures the singular source of the mass-produced commodity, Trademark

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Infringement and Misappropriation laws prevent the reproduction or imitation of the distinctive use of the mark, on the basis that it causes confusion for consumers. The trademark must be tied to a specific good, service, or container for goods. For instance, a trademark registration can expire when it is no longer used in commerce, and trademark infringement and disparagement, are specifically tied to preventing its reproduction in commerce. That is, against false or misleading goods. The commercial grounds of the trademark protection however, becomes confused in cultural terms, since a great deal of speech in a capitalist society could be construed as “commercial speech” – that is, as speech for which the speaker is given any commercial reward. Hollywood Films, of course, are forms of commercial speech given the fact that they are large commercial ventures with large profits and wide popularity. Thus, whereas there are very few cases of trademark infringement lawsuits against artists who portray trademarks in critical or negative ways, product placements are more likely to be sued for trademark infringement. As a result, product placements in Hollywood films do create competing interpretations of trademark infringement, public culture, and artistic license. I consider the Reebok lawsuit as a textual interpretation of a corporate philosophy and brand name reputation, in the context of the film fiction.

In its lawsuit against TriStar Pictures, Reebok provides a substantial description of the procedures behind the agreement that places Reebok into the film. The lawsuit was prepared by O'Donnell, Reeves & Shaeffer, a law firm known for its attacks on the power of the major Hollywood companies. Rarely are such details available to the public about any other product placement agreement. It is thus a revealing, though certainly one-sided, document.

First, Reebok reveals the manner in which it promoted itself for the film after Nike rejected involvement. According to the lawsuit, the agreement was brought about through many personal exchanges in meetings and correspondence. Clearly, the lawyers of Reebok seek to concretize the relationship as one replete with negotiation and consultation:

22. Having read the script of “Jerry Maguire” with great enthusiasm, Reebok told TriStar that it was extremely interested in having its name and products, including athletic footwear and apparel, prominently featured in “Jerry Maguire.” In early 1996, ”TriStar and Reebok entered into negotiations with a series of meetings, telephone calls, and exchanges of correspondence that chronicle the details of the promises made as part of the promotional partnership between Reebok and TriStar.”

As Reebok details in its suit, the outright negative portrayal of the trademarked party is only permitted through close supervision. All script changes are subject to the written approval of Reebok:

31. In the Letter Agreement, TriStar agreed that its use of Reebok’s products in “Jerry Maguire” was subject to Reebok’s approval, and
that if “the script is revised in a manner that alters, changes or modifies the use of the [Reebok] Product and/or Media, TriStar shall submit such revision to Reebok for approval not to be unreasonably withheld materially and Reebok acknowledges the approval of same as set forth in the script dated 2/1/96.” TriStar also agreed that it would “not portray Reebok or the Product in a violent or negative manner, but in a manner consistent with the goodwill and name that the Product enjoys in the marketplace unless TriStar shall first obtain the written approval of Reebok...”

Clearly though, the Letter Agreement is in itself contradictory, since TriStar, by having a character say “Fuck Reebok” obviously did indeed portray Reebok in a “negative manner.” However, at this early stage Reebok was willing to permit as being “consistent with the goodwill and name” of Reebok. However, in allowing the critical remark, Reebok asks to be redeemed through incorporation. Reebok details how its corporate philosophy is incorporated into the film in Paragraph 14:

14. When Reebok first read the “Jerry Maguire” script in December 1995, it was like a page from Reebok’s own corporate charter. Built on integrity and innovation, Reebok’s stated purpose is “to ignite a passion for winning, to do the extraordinary, and to capture the consumer’s heart and mind.” A nineties parable of personal redemption, the “Jerry Maguire” script heavily mirrored Reebok’s own philosophy that the basic passion for winning creates the possibility to win. A major theme of “Jerry Maguire” that also attracted Reebok to the project is the revival of Maguire’s passion for his career through his faith in and support of Tidwell and the simultaneous revival of Tidwell’s career through his association with Maguire and his rediscovery of the passion which motivated him to take up the sport in the first place.

In this paragraph Reebok seems intent on showing its altruistic (non-commercial) motivations. Reebok claims that the narrative of the story – understood by Reebok as a story of “personal redemption” – matches the philosophy of Reebok. Thus, it is implied that this corporate philosophy can allow for criticism, so long as the passion is “rediscovered” in the end. Thus, from the beginning, the portrayal “consistent with the goodwill and name that the Product enjoys in the marketplace” would immediately be violated if this “passion” – understood as Reebok’s corporate philosophy – was not restored in the end.

In other words, regardless of the room made for criticism, the film’s ultimate message, revealed only in its ending, can only be the same as the message of Reebok’s marketing campaign. The product placement, thus, ultimately is integrated at the level of narrative structure and content. Here we have the corporation defining, contrary to ERMA’s advice, the creative domain and ends of the film. The film, thus, is not only circumscribed by a typical Hollywood happy ending, but one in which is also “happy” from Reebok’s marketing point of view. Later, Reebok claims that the Tidwell commercial was produced “with the active creative involvement of the film’s director and the approval of TriStar.” Reebok also calls the Tidwell commercial “a quintessentially cutting edge Reebok
advertisement “sexy, funny and clever.” In other words, Reebok (as it must) refuse the film makers’ right to judge its own marketing endeavors as artistically misaligned to the film’s aesthetic concerns. Reebok’s claim thus is founded on an understanding of “creative” as singular. By this logic, anything creative should be in films.

Earlier, "Reebok had revealed the reasons for its strategic cooperation when it revealed why Reebok only rarely considers product placements in Hollywood movies: “Because Reebok conscientiously controls the quality and type of exposure given its product, Reebok has never pursued product placement for the sake of publicity alone and traditionally has avoided large-scale product placement deals.” Here Reebok clearly states that the product placement in Jerry Maguire had more at stake than the “sake of publicity alone.” What then did it imagine the movie could provide it beyond the traditional product placement deal? Reebok claims that the “Tidwell Commercial” was the “cornerstone of the placement deal.” The commercial is to “redeem” Reebok. From what is Reebok to be redeemed?

Through the inclusion of the commercial, Reebok is attempting to show that while it is willing to be criticized for its sponsorship practices. In doing so, Reebok seems to feel that it deserves, too (in a realistic Hollywood turn of events) to be “redeemed” along with the character’s happy ending. Like the transformation of the Wilson volleyball into the Wilson character, Reebok, a corporate entity, aims to be treated like a human individual, in a story of “personal” redemption.

Reebok’s claim that its corporate philosophy and the film’s fictions are perfectly aligned of course belies the real underlying “philosophy” of Reebok: which is not only to inspire passion in sports, but of course, to sell Reebok products. The ultimate advertising role of the product placement, is finally surfaced after all aesthetic pretensions are claimed. Paragraph 54 reminds us that the Tidwell Commercial was “the sole basis for Reebok’s willingness to associate its favorable name, products and trademarks with a Hollywood movie.” Ultimately, this need lead to the decision to manifest Reebok’s redemption through a fictional commercial, which is a visually and structurally obvious advertisement claim, portrayed outside of the film’s diegetic (and visual) space, but within its fiction.

The fictional Reebok commercial placement does not merely mean the personification of its corporate philosophy, but also the incorporation of its marketing strategy into the narrative structure of the film. Unlike a tie-in agreement, in which an advertisement might be shown outside the theatre through other venues, Reebok wished to incorporate the advertisement into the film itself, because it wished, FedEx in Cast Away-like, to unite the themes of the movie with its corporate philosophy. Filmic and Advertising fictions are thus not only paired, but the physical demarcation of the film’s beginning and end from the audience’s reality are also bridged.

Instead, the film’s ending was changed as part of the pre-screening and editing process. The pre-screening is itself part of the marketing of the film, a process whereby random audiences are convened as focus groups. Because of Reebok’s reliance on the ending, and on a specific,
truncated section of the film, its incorporated placement was easily noticeable by the audience, and also easily removed by the film makers. In effect, Cameron Crowe’s editing leaves Reebok’s redemption off the screen, implicitly allowing the criticism of Reebok, as a corporation unwilling to see talent in a certain athlete, to stand. Thus on the one hand, Reebok attempts to incorporate the film’s criticism within its brand image, while on the other Cameron Crowe claims that this “blunted” the aesthetic impact of the movie. We do not know whether Crowe believes that the message of the movie would be compromised by the Reebok commercial’s engagement with the storyline, or whether Crowe feared his audiences’ (consumers’) rejection of the blatant intertwining of advertising and film. In either case however, it is important to note that both possibilities serve to reinforce the separation of the aesthetic and commercial spheres – it aims to maintain clearly separate interests of Art and Advertising. Instead, it is the corporation, Reebok, that asked for unity between “real” advertising fictions, and “fictional,” Hollywood fictions.

Jerry Maguire and Cast Away represent two opposing insistences from which to speculate on the extent of incorporated placements. Most simply, both films share an aesthetic ambition to engage with themes that are linked to the social conditions of life in contemporary, American, capitalist society. Both use a Hollywood drama genre, fictional stories of individuals, as aesthetic vehicles to explore such themes. To bring the aesthetics of the drama to a certain relevance to reality, the film makers sought to reference specific company names, practices and beliefs in their films. This is the basis of each film’s realism – the use of a corporate image to portray real and larger societal dilemmas. Both films, however, sought to materialize their social realist agenda through incorporation, at the level of the film narrative and at the level of film production, with the companies. The cooperation is not merely an exchange of trademark clearances and products as prop, but a close interchange throughout the process of film making. Whether or not the placement is verbally critical (as Jerry Maguire is of Reebok) or visually ironic (as FedEx to Cast Away), the incorporation brings the film’s claim of realism intricately closer to the spheres of capital – the subject of its realism – with its legal repercussions than do most other product placements.

Like FedEx in the film Cast Away, Reebok served as a referent to a real social phenomenon. To make the complex philosophy of the film Cast Away real, the film sought to integrate many aspects of FedEx into the film. In Jerry Maguire, however, the incorporation was not part of the original intention of the script, but was made necessary because of the strong criticism of Reebok in the film. Trademark clearance was most likely the main reason the film makers of Jerry Maguire agreed to the incorporation of Reebok. In either case, the incorporation of Reebok into Jerry Maguire was proposed and envisioned by Reebok. This relationship, unlike the extremely friendly and personal relationships between the Cast Away and FedEx crews, lead to a public legal dispute.
The major difference between the two films is that whereas *Cast Away* only sought to reveal the ironies of the *FedEx* philosophy (an irony which not every viewer will interpret), *Jerry Maguire* aimed only to strongly and without doubt criticize Nike. This perhaps reveals the limits of product placement in producing a critique of the reality they wish to portray through trademarks and brand names. The lawsuit between *Reebok* and TriStar over *Jerry Maguire* suggests that the legal system will always prevent a strong negative critique made of a real corporate philosophy through an incorporated placement. As an extension of the Taliban-Toyota claim, it shows that the trademark holder seems to be able to claim legal rights for all its appearances, including virtual or fictional ones. However, it is important to state that Trademark Infringement and Misrepresentation were but two of the claims for relief claimed in the lawsuit. Any other of the claims, such as Breach of Contract, may have motivated the two parties to settle out of court. Regardless, with the example of the *Reebok v. TriStar* lawsuit, it is recognizable that criticisms of trademark may be interpreted as grounds for a suit.

However, there are few precedents of similar lawsuits on which to speculate as to its legal validity. Judge Alex Kozinski, has for instance, allowed “nominative air use” as a defense for referring to trademarks “for purposes of comparison, criticism, point of reference in order to protect useful social and commercial discourse.” However, “fair use” of the trademark (unlike the copyright) has not yet been concretely legitimized in court. According to legal scholar Rosemary Coombe, artistic or activist appropriations still place the artist at risk from the breach of trademark laws.

Moreover, not all critical or negative references to an existing trademark in a film require trademark clearance. In the 1988 movie, *Coming to America*, criticism of McDonald’s was made through a fictive name “MacDowell’s” which the audience understood that it did indeed humorously refer to the real fast food chain. We could question whether, the film makers of *Jerry Maguire* might have taken a similar tactic, but since Crowe conceived of his critique seriously (in the name of high art) as opposed to ironically, a real and existing referent was necessary. *Jerry Maguire* is a film that clearly intends to make serious, non-comedic commentary of the sports agent’s disillusionment with the marketing industry and an athlete’s struggle to gain economic and media attention with the specific mention of corporate sponsorship. All the events in the film are fictional, of course, but their grievances are made real through the reference to *Reebok*, a real company. Without the term “Reebok” not only would the point cease to be realist, it would also cease to be critical.

At the same time, however, not all realist critiques of trademarked names constitute trademark infringement. The International Trademark Association, an organization that has been an important influence in the development of trademark laws throughout US history, reminds its members of this in an article on product placement:
In the case of “Erin Brockovich,” which features an unflattering portrayal of corporate wrongdoing by Pacific Gas & Electric Co., the film maker was not required to obtain the company’s permission to use its name, because the film’s plot centered around actual events involving the company. In addition, if a product or service is used in the same way that it is used by the general public, the film maker need not seek the company’s permission.

Thus, the main reason that Jerry Maguire and Cast Away seek the cooperation of the corporations they portray is precisely because the film’s claims are fictional. That is, they use corporate trademarks only to stand in for a phenomenon in reality. It is precisely because the events are fictional, however, that these films are able to make their more general aesthetic claims; Realism, here, is the incorporation of corporate identities in the aesthetic portrayal of a larger truth (a realer real). The films employ realism thus, only in a space of fiction. They did not seek the strategy of documentary, of depicting real events, but in depicting aesthetic ambitions through fiction-related-to-the-real. Of course, to claim Unfair Competition, on the grounds that Reebok’s brand reputation would suffer based on a fictional representation is either to suggest that audiences simply believe everything on the screen to be true, or, that Reebok’s “brand reputation” itself is fictional, and can be challenged at the level of fictional space.

Finally, though it appears that the film Jerry Maguire was prevented by the trademark holder Reebok from making a critique of capitalist practices in sports marketing, in fact the limitations suggested by the Reebok v. TriStar lawsuit are specific and multiple. The consequences stems from the fact that Jerry Maguire portrays fictional, and not documentary events involving Reebok. Secondly, it stems from the fact that Jerry Maguire aimed to criticize Reebok overtly and not ironically. Thirdly, the overt criticism did not involve a personal and in-depth relationship with Reebok. Fourthly, Reebok’s own structuring of the agreement, in the fictional commercial was a clearly separable sequence at the very end of the film, made it simple to cut. Thus, the limitations of Jerry Maguire to criticize capitalist practices lies not simply in the power of the trademark owner over the power of artistic license, but in the particular process of production which produced the film. Rather than suggest whether it is product placement that limits the criticality of the film, it is more accurate to say that the problem is more substantively based on a given mode of production and within its attempt to manufacture a critical realism.
As part of the theoretical interest in the shift from production to mass-production, the site of consumption takes on critical significance. However, consumption has itself been an inadequate term to cope with the many ways that material goods are used, desired, bought, worn, appropriated, advertised, re-positioned, re-launched, re-made, reused and recycled. Product placement has become a significant aspect of the culture of consumption, producing and reproducing many real and fictional meanings of trademarked products. This fertile circularity, though, is wrought from the legal foundations of the ownership of the modes of production, one that designates the source of production on virtually every major or minor object.

On the other hand, the legal system preserves the distinction of artistic and literary activity through the copyright. Many artistic practices today are situated somewhere between the completely designed and mass-produced material world which is its subject and the basis of its mode of production, and the frenzy and speed of unauthorized pop-cultural appropriations, which are posed at once as critical and threatening to artistic expression. Given these conditions, the artistic processes of making and remaking the trademarked material world must inherently take on a complex paradox: How can Art represent the real critically, when the real is already owned as capital, both as trademark and artistic copyright?

In Ownership of the Image, elements for a Marxist theory of law, Bernard Edelman provides a legal definition of Art that is based on this fantastic fact. Edelman argues that since the real is a juridical object always and already invested with property, the photographer or film-maker’s discourse can only become her property on the condition that she re-appropriates the real. For Edelman, the notion of artistic property lies on a double paradox. The first paradox is the real which is represented by the image produced by a photograph is always, already, owed by everyone (as public domain) or someone (her face). The second paradox is that in order to claim it as artistic property, it must be re-appropriated. Edelman calls this, the nature of artistic and literary property, the “over-appropriation of the real.” If art is the over-appropriation of the real, what then is the trademark? For it too, is a distinctive mark which is intended to authorize the creative source of a mass-produced good. It is certainly, also, representation, as it is, image, as it is, signifier. It is designed, drawn, made. Does the film photograph of a trademarked object constitute the copyrighting of the trademark? How is that possible, when the trademark, as appearance, is itself owned?

These are the contradictions which product placement images, practices, and especially, legal disputes reveal. What constitutes “real” in the context of film realisms? What constitutes fictional filmic representations, in the context of clearly marked legal ownership of real objects? Finally, what constitutes advertisement, when brought up against the realm of fiction-making normally deemed to be “artistic”?

Real contests at the level of fiction is exactly what
another recent product placement lawsuit presents. On April 9, 2002, the owners of three landmark Times Square buildings, Sherwood 48 Associates, filed a lawsuit against the Sony Corporation, because, in the film Spider-Man (released on May 3, 2002), the film makers digitally altered the logos prominently displayed as billboards on the Times Square buildings. In place of existing Samsung and NBC billboards, the film makers digitally placed advertisements of Cingular (a rival of Samsung) and USA Today on the Times Square buildings. Cingular is reported to have paid for the product placement although USA Today claims not to have done so.

Sherwood 48 Associates argues that, as the owner of the buildings, it owns all the appearances of the building in all media. Moreover, it claims that the cost of the advertising space sold to its clients is justified precisely because of this multi-media visibility. The lawsuit states that the Times Square billboards are “the most visible, most spectacular and most expensive signs in the world,” claiming, therefore, ownership of the exchange value of visibility. Thus, according to the lawsuit, Sony is unfairly profiting and soliciting the rights to advertise on a building that it does not own. The lawyer for the building owners, Anthony Costantini, made this startling statement to reporters regarding the case. He said, “We think it’s inappropriate to substitute your own image for the one that exists.” What is “realism,” or “art,” though, if not the substitution of the artist’s image for one that exists?

In this return of the real, it seems again the legal definition of art must again confront “reality” through tentative existing assumptions of ownership and authorship. Is it appropriate to substitute an image for the real, when the real is marked with the ownership of another private entity? Is advertising merely fiction, or is it a real, physical, existing piece of property (a billboard or a trademark or a name)?

Sherwood 48 Associates has succeeded in a lawsuit on similar grounds, when it sued CBS for removing the NBC logo in its live New Year’s Eve coverage of Times Square events. Can the makers of Spider-man argue that, by virtue of being a film, by being merely a “representation” of reality, and not live news images of the real itself, it can have the rights to replace a “real” advertisement with a “fictional” one? Are there such things as fictional advertisements? Are there such things a real advertisements? Or is everything placed?
The Toyota company presented a press release stating that "Toyota does not sell vehicles in Afghanistan and Toyota has not provided vehicles to the Taliban government." It states that any vehicles the Taliban have are not legitimately imported: "Since 1996, the only vehicles officially exported to Afghanistan via legitimate channels are UN vehicles. Any other Toyota vehicles that do exist in these countries have flowed in from surrounding countries through private hands." The press release does, however, go on to estate that "Given the rugged terrain in the region it is not surprising that 4x4 trucks and SUVs are popular vehicles among the region's consumers." Oct. 10, 2001, Toyota Press Release.


Turcott, 1995

ibid.

The following texts are taken for ERMA's website, www.erma.org, which provides detailed explanations of product placement practice. They are also substantiated by Turcotte's 1995 study of the industry.

The James Bond cross-promotional cooperations are examples of such agreements. These will be more substantially analyzed in the section, 'insertions.'

Some product placement agents have state to me that their ability to control the kinds of final images their products will appear in is dependent on their previous experience with the same director, props master, or production company.

ERMA,

"From Script to Screen: Product Placement 101"

ERMA,

"The Creative Concerns"

ERMA,

"From Script to Screen: Product Placement 101"

ibid.

Langton (The Sunday Telegraph, Apr. 25, 1999). The US Army has also began a joint venture with the University of Southern California to design combat video games with Sony Pictures Image Works, Pandemic Studios, and Quicksilver Software. (Reuters, October 26, 2001).

Although there have been product placement deals between film makers and tobacco companies, which are permitted by U.S. law (and not by Australian or Canadian law) the tobacco industry claimed to voluntarily end the practice in the early 1990s. Activists continue to accuse tobacco companies of continuing the practice in secret. For example, Philip Morris paid $350,000 for James Bond to smoke Lark cigarettes in License to Kill, according to Lackey, W.1993, 275-292.
Legal issues of trademark clearance are addressed in Part 3.


Previously the son had tried to kill the father in that very same kitchen (because he believed his father couldn’t die), and the mother and father were on the brink of divorce.

Shyamalan likens his photographic style to the documentary style: “It [the film] has to be very real... with supernatural subjects done as if they were real... and treated with that same kind of respect and importance. I don’t like artifice. More and more I am pulling artifice out of the movie as if I were making a documentary.”

According to cast members Bruce Willis and Samuel L. Jackson, filming in sequence allows them to inhabit their characters more so than the usual Hollywood practice of filming according to production constrained scheduling. Stated by Samuel L Jackson, and Visual designer in DVD documentary (“Behind the Scenes...Visual Design”)
A film historian who forwards this argument include James Lastra, who proposes the idea of internalization of norms by Hollywood professionals and technicians that contribute to the standardized look of the Hollywood film. The construct of ‘aesthetic norms’ in Hollywood is supported by Dominick (1987) who holds that in a tight oligopoly (in Hollywood, the top four companies (distributors) hold 60% of total revenue), ‘convergence’ of practices takes place.

Shyamalan 1999, p. 4.

ibid, p. 19.

ibid, p. 29.


Agnew, p. 135.

James, Golden Bowl, p. 542.


Larry and Andy Wachowski, June 3, 1997 script.

Info from TPEE database, the United States Patent and Trademark Office.


Correspondence with author.

Distributor’s Production notes, Liberty Heights, Warner Bros.


Barbara and David P. Mikkelson. “Taking it E. T.”

McCracken, 1990, xv.

With the publication of Fay Weldon’s The Bulgari Connection (2001) that might be said to have begun. Weldon solicited Bulgari to pay her in exchange for featuring its jewelry in her novel. Weldon has stated that she sought for the product placement agreement in order to generate publicity for her novel.

Duchamp, 1973, p. 141


Edelman 1979. p. 38. Although Edelman does not address the Trademark directly here, he speaks of the prior ownership of ‘the real,’ whether as private property (someone’s own face) or as the public domain (trees, rivers, streets). I speak of the Trademark (logo) as a marker, like a face, of private property.
In the way that Richard Prince will later do with his Marlboro re-photographs. Buchloh 2001, p. 33.

The opposite of Debord’s ‘spectacle.’

I disagree with Linda Nochlin who argues that in Estes paintings, unlike in Hopper’s, there is “not the slightest effect of solitude or existential isolation.” Nochlin, 1981 p. 29.

Again, my use of the word ‘real’ here directly follows Bernard Edelman’s definition of art as an over-appropriation of the real—a world already legally ‘owned’ whether as private property or public domain.

This is particularly clear in Estes’ paintings of New York City and Tokyo. In the ‘old world’ paintings—Venice and Paris, Estes is not primarily recovering the representation of capital.

Linda Nochlin, in her analysis of American realism, argues that the trademark acts as “seals of authenticity of our time and our world, the guarantees of our fabricated realities.” I argue that it is important to note that the trademark has still be handled in different ways. Warhol’s Campbell’s Soup, on the contrary, reveals the inauthenticity of trademark more so than do the photorealists.

This painting, Fry Cook, is a 10x12” watercolor showing a cook pouring milk from a carton. Moreover, with the exception of the Fry Cook painting, all of the people in Goings’ diner are turned away from the viewer of the painting. In addition, the fact that Goings’ people do not look at the viewer, and break the diegetic separation, indicates another similarity with Hollywood realism.

The catalogue is edited by Louis Meisel, Photorealism Since 1980, whose gallery represents all of the Photorealist painters mentioned here. I have chosen it, despite Meisel’s obvious self-interests, because of his attention to the completeness of ten years of many Photorealist painters. There are of course, many other Photorealists, and many more Photorealist paintings, but my observation of this particular absence in their subject matter at a literal level holds true for Photorealist paintings featured outside of Meisel’s venues, including the San Antonio Museum Association exhibition.


In Broyles attempt to trace the film in an improbable history of his own personal experience, Broyles claims the realist genesis of the Wilson idea: "After an interminable night watching the stars circle I went down to the beach. There on the sand was a volleyball, washed up by the tide. Eventually I decorated it with shells and seaweed and began calling it by its brand name. I had learned for myself what I knew already, that man is a social animal. We weren’t meant to be alone. And now I had a companion: Wilson" (Broyles 2000: vii).

Quoted in Broyles, 2000.


Broyles, 2000, p. v.

Distributor’s production notes.
Broyles, 2000, p. ii.  
Broyles, Cast Away, third draft 1998.  
Valenti produced the movie Vig. Valenti, 2000, p.144-145.  
In his article, Buscombe notes that this claim is footnoted as the major supposition of the highly celebrated Cahiers du Cinema article "Young Mr. Lincoln."  
Bill Nichols introduces Staiger’s article in the 1985 anthology, Movies and Methods, Volume II.  
For instance, John Roberts, in his The Art of Interruption, proposes the definition of Realism as a dialectic between reality and representation. p. 5-8.
81 The framing of marketing as an 'art' and not a 'science' is commonly held by marketing professionals. Please see "Making and Selling Culture," for a comprehensive collection of interviews with elite mass cultural producers (such as Robert Zelnick, CEO and President of Twentieth Century Fox).
83 Ye & Raaij, 1997. Law and Braun propose different reasons for this based on extant studies, including the "truth effect" (Hawkins & Hoch, 1992, Law, Hawkins, & Craik, 1998), the "mere exposure effect" (Janiszewski 1993), the "false familiarity effect" (Holden & Vanhuele 1999).

This has lead marketers to follow up embedded placements in Television shows by scheduling advertisements of the placed products during the commercial breaks.
The idea that the trademark holder may lay claim to all its appearances is suggested in Coombe.
Dean, 1993.
Interview with Author, March 28, 2002.
The commercial showed the athlete character in a Reebok commercial, ending with the words “We didn’t notice you for 4 years.” “We’re sorry.” And then the Reebok logo was flashed.
The entire legal brief may be obtained at www.courtv.com/legaldocs/business/reebok.html
The television release of the film on Showtime was the only instance where the commercial was run in the closing credits. This perhaps was considered less problematic because the American television medium is itself complexly and historically related to commercials.
According to legal historian Rosemary Coombe, however, in current practice all that the trademark really communicates to the public is the assumption that all goods stamped with the same trademark come from the same original source. Coombe argues, for instance, that there is no reason that the quality of a 7UP towel has anything to do with the quality of the 7UP drink.
Reebok v. TriStar, paragraph 22.
Certainly, although the purpose of this paper was not to examine nor propose the ‘criticality’ of product placement in the Hollywood, nevertheless, the very gesture of social realism, or realism in general is the distance from which the artistic practice can claim. Product placement since it is clearly produced through the legal, professional and personal relationships with the corporate world that few artist can claim not to have, suggests the limits and limitations of such questions (can art be critical of the real?) by its very existence.

Edelman, p. 38.


Anthony Costantini, Associated Press, April 11, 2002


McCracken, Grant. (1990) *Culture and Consumption, new approaches to the symbolic character of consumer goods and activities*. Indiana University Press, Bloomington and Indiana.


Agencies and Professional Organizations

A-List Entertainment Services
http://www.allfilmmarkets.com/alist/
Creative Entertainment Services
www.acreativegroup.com/ceshome/
Davie-Brown Entertainment
www.davie-brown.com
Entertainment Resources & Marketing Association (ERMA)
www.erma.org
Feature This!
www.featurethis.com
Hero Product Placement
www.heropp.com
International Trademark Association (INTA)
www.inta.org
Norm Marshall & Associates
www.normmarshall.com

Press Releases and Other

Product Placement and James Bond
www.ianfleming.org/007news/bond19/productplacement.shtml
Wilson Sports: Wilson Volleyball
BMW Films
www.BMWfilms.com
Toyota: Taliban Vehicles

Distributor’s Production Notes

Cast Away
www.castawaymovie.com
Jerry Maguire (1996)
Liberty Heights
http://liberty-heights.warnerbros.com/cmp/making.html
Unbreakable (2000)
www.areyouunbreakable.com
filmography


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newspaper, popular magazine, and web journal articles


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Weinberg, Larry. “Is product placement a form of advertising or is it just to reinforce customer sales?” www.geocities.com/weinbergreport


Sources of Illustration

PART 1

Fig. 1 Associated Press Photo. In Burns, John 2001

Fig. 2 BMW-AG Press Release Photo.

Fig. 3-10 Stills from Tomorrow Never Dies (1997). From Fan-Based Website: www.ianfleming.org, “Product Placement and James Bond” www.ianfleming.org/007news/productplacement.shtml

PART 2

Embeddedness

Fig. 1-5 Stills from Unbreakable (2000), taken by author.

Insertions

Fig. 1 Still from The Matrix (2000), taken by author.

Fig. 2-9 Stills from Diner (1982), taken by author.

Fig. 10-13 Stills from Tin Men (1987), taken by author.

Fig. 14-20 Stills from E.T. (1982), taken by author.

Fig. 21 Manet, Edouard. Bar aux Folies Bergeres, 1881-1882.

Fig. 22 Hopper, Edward. Gas, 1940. In Lucie-Smith, 1994, p. 127.

Fig. 23 Duchamp, Marcel. In Advance of the Broken Arm, 1915, original lost; 1964 version. In Ades, Cox & Hopkins, 1999, p. 150.

Fig. 24 Warhol, Andy. Campbell’s Soup Can, 1964 Silkscreen on canvas, 35.3/4 x 24 in. Courtesy Leo Castelli Gallery, New York. In Ratcliff, 1983, p. 7


Fig. 28 Estes, Richard. McDonald’s. 1981, Oil on canvas, 34 x 55”. Private collection. In Meisel, 1993, 187.

Fig. 29 Bectle, Robert. Sunset Street. 1984, Oil on canvas, 48 x 70”. Collection Jesse Nevada Karp, New York. In Meisel, 1993, p. 33.


Fig. 32 Goings Ralph. *Booth Group.* 1980, watercolor on paper, 8.5 x 10.5”. Private Collection, In Meisel, 1993, p. 230.


Fig. 35 Goings, Ralph. *Blue Diner with Figures.* 1981. Oil on canvas, 48 x 62.5”. Collection Martin Z. Margulies, Florida. In Meisel, 1993, p. 228.


Fig. 38-41 *Coca-Cola Advertisements.* Courtesy of www.ephemeranow.com

Incorporations

Fig. 1-15 Stills from Cast Away (2001), taken by author.