

Style

Lawsuit over CD's explicit lyrics ends

Settlement terms are confidential

by Manju Subramanya

Staff Writer

ROCKVILLE — A District Heights woman has settled her lawsuit against a recording company over a supposedly clean rap album that was laced with profanity.

Renee Perkins had picked out a clean version of rap artist Trick Daddy's popular "Thugs Are Us" for her 11-year-old son at the Iverson Mall in Marlow Heights in May, believing it to be free of vulgar language.

The CD did not contain a parental advisory label, a nonremovable black and white logo that recording companies began placing 11 years ago on albums containing explicit lyrics about sex, violence or drugs; instead, it was labeled a "clean version," meaning the

album had been edited of vulgarity.

But Perkins was stunned to hear explicit lyrics on the bonus track and sprinkled throughout the \$17.99 CD.

She filed a lawsuit June 19 in Montgomery County Circuit Court alleging "deceptive advertising" by record producer Atlantic Records, its parent company AOL Time Warner Inc., both of New York, and Slip-N-Slide Record of Miami.

The two sides reached a settlement in October and the lawsuit was dismissed Oct. 24, according to court papers.

Perkins' lawyer, Jon D. Pels of Rockville, said Wednesday that the terms of the settlement are confidential.

"Obviously, my client was happy," Pels said.

Jennifer Brosnahan, a lawyer in the Washington, D.C., firm Kirkland & Ellis, who represented all three companies, did not return a call seeking comment.

C4 THURSDAY, JUNE 21, 2001 R DM VA

STYLE

Md. Mother's Suit Calls CD's 'Clean' Label Misleading

By PHUONG LY
Washington Post Staff Writer

A District Heights woman has filed suit against a recording company, alleging that a rap album she bought for her 11-year-old son contained sexually explicit lyrics that were supposed to have been edited out.

Renee Perkins, a nurse, filed the complaint this week in Montgomery County Circuit Court against New York-based Atlantic Records over rapper Trick Daddy's "Thugs Are Us" album.

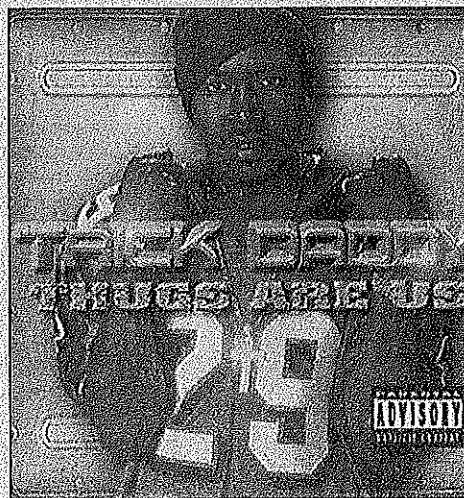
Jon D. Pels, Perkins's attorney, said the \$17 compact disc Perkins bought did not have a parental advisory label, which the recording companies in 1985, under pressure from parents' groups and Congress, began putting on albums with explicit lyrics dealing with sex, violence or substance abuse. Pels said the album was labeled "Clean Version," a tag that many retailers put on records in which certain lyrics have been dubbed over.

The complaint, filed as a class-action lawsuit, argues that Atlantic,

a subsidiary of AOL Time Warner, violated Maryland's "unfair and deceptive acts" statute.

Pels said he expects other parents to join the lawsuit and that the case is ideal for a class-action suit "because the damages are so small, most people aren't going to sue individually." The lawsuit asks for damages in the cost of the compact disc, attorney fees and any other amount deemed appropriate by the court.

Pels said Perkins told him about



Trick Daddy's "Thugs Are Us" has sold more than 500,000 copies.

the album when she took her mother to his office about another matter. Perkins said she had screened the album, purchased at Willie's CDs Records & Tapes in Prince George's County, so that she would know what type of music her son was playing at his eighth-grade graduation party.

"She was amazed and shocked by the amount of explicit language that you could hear," Pels said. "If they're going to endorse it as nonexplicit, we're going to expect it to be nonexplicit."

Pels said he bought four other "Thugs Are Us" albums labeled "clean" to make sure his client hadn't purchased a fluke CD. But the four discs also contained the explicit lyrics, he said.

Perkins's lawsuit states that "it is clear from the album that defen-

dants attempt to 'mix' over the sexually explicit lyrics but on numerous occasions just miss the intended words such that they remain clearly discernable."

Dawn Bridges, a spokeswoman for Warner Music Group, which oversees Atlantic Records, said the version was labeled "clean" because entire songs were dropped from the album. Warner Music, which represents high-profile artists including Madonna and Jewel, edits the albums with the artists' input.

Bridges said that suits such as Perkins's are "just going to discourage people from participating in a voluntary labeling program. . . . The nature of music is much different than the nature of films in trying to codify different words or different pieces of expression," Bridges said.

Atlantic's Web site promotes "Thugs Are Us," rapper Trick Daddy's fourth album, as a collection of "no-holds-barred rhymes" about Southern-style street life, including a "hyper-drive sex record." The album is certified gold by the music industry, which means it has had sales of more than 500,000 units.

Trick Daddy's popular "Thugs Are Us" for her 11-year-old son at the Iverson Marlow Heights in Prince George's County, Md., saying it was to be free of any explicit lyrics. The CD did not contain a parental advisory label, a move that recording companies began placing on albums with explicit lyrics about sex or drugs; it was labeled a "clean version" meaning the lawsuit was dismissed Oct. 24, according to court papers.

Perkins' lawyer, Jon D. Pels of Rockville, Md., said Wednesday that the terms of the settlement are confidential.

"Obviously, my client was happy," Pels said.

Jennifer Brosnahan, a lawyer in the Washington, D.C., firm Kirkland & Ellis, who represented all three companies, did not return a call seeking comment.

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Mom Sues Over Naughty Trick Daddy Lyrics

(Katrillon) -- A Maryland mother, claiming the clean version of a Trick Daddy album contains dirty lyrics, will "take it to da" courtroom in a class action suit.

Renee Perkins of District Heights, Md., was offended by lyrics on the rapper's edited *Thugs Are Us* album -- especially a bonus track that allegedly contains an offensive term for a male body part.

"They clearly try to dub over the bad word but it's clear as you can imagine," Perkins' lawyer, Jon Pels, told *Katrillon*. "In certain songs, we think there are other places where they miss [offensive terms] as well."

Perkins bought the CD to play at a party for her 11-year-old son, after making sure that the packaging did not have a "Parental Advisory" sticker. These tags are used by the album's distributors -- Slip-n-Slide Records, Atlantic Records and AOL Time Warner -- to warn parents about offensive lyrics.

"It would be better if they didn't have any labels at all," Pels said, noting that record companies are not required by law to use the stickers. "Do a job, you either do it right or don't do it at all. It's deceiving."

The album's distributors are all named in the suit, which seeks damages equivalent to the revenue for all edited *Thugs Are Us* discs sold in Maryland. The album features Trick Daddy's hit, "Take It to Da House."

A spokesperson for Trick Daddy could not be reached at press time.

-- Latoya Hunter
 7/11/01

Record labels sued over expletives not deleted

by Manjiv Subramanya Staff Writer

Renee Perkins is careful about the movies and television shows she allows her two young sons to watch, keeping them away from anything vulgar or violent.

So when her 11-year-old son nudged her in May for rapper Trick Daddy's popular "Thugs Are Us" CD for his sixth grade graduation party, the District Heights resident (whom she picked out the "clean version" at a record store at Iverson Mall in Hanlow Heights, Md.)

But when she played the CD at home, she said, she was stunned to hear explicit lyrics on the bonus track and laced throughout the other songs.

"I said, 'Wait a minute!' Perkins said, saying she was horrified that her son might have heard the profanity and embarrassed that she might have played the CD at the party. "I was very upset."

Perkins mentioned her experience to a lawyer in the Rockville firm of Pels, Anderson & Lee. Last week, the firm's Jon D. Pels filed a class-action lawsuit in Montgomery County Circuit Court alleging "deceptive advertising" by distributor Atlantic Records and parent AOL Time Warner Inc. of New York, and Slip-n-Slide Records of Miami.

Pels said the CD did not contain a parental advisory label, a non-removable black and white logo that recording companies began placing voluntarily 11 years ago on albums containing explicit lyrics about sex, violence or drugs. Instead, the CD was labeled a "clean version," meaning that the album had been edited.

Marketing an explicit CD under a "clean version" label is a violation of the Maryland Consumer Protection Act, Pels contends.

"Frankly, if they left the consumer there is no explicit content, there should not be," Pels maintained, saying Perkins' experience was able to "going to buy a non-magazine and finding explicit pornography in it."

"It is not a First Amendment case," he said, referring to the protection of free speech under the Constitution.

Pels, whose taste in music runs to James Taylor and Eric Clapton, said he listened to the Trick Daddy CD about a hundred times (the best is good, he offered). He also bought four other "clean version" CDs to ensure that the one Perkins bought "was not an aberration."

"They tried to dub over bad words, but either intentionally or negligently missed by," he said. "It is particularly blatant in the bonus track."

Pels is seeking a refund of the \$17.99 CD price, attorney's fees and any other amount deemed appropriate by the court on behalf of Maryland parents who bought the CD with the bonus track. Filing the suit on behalf of only Perkins would not be worthwhile, given the cost of the CD, he said.

Representatives of Warner Music, which oversees Atlantic Records, and Slip-n-Slide Records did not return calls for comment.

Eric Nuzum, a longtime critic of music censorship in America, said labels are "no guarantee" that the album is free of profanity.

"Parents that use that [label] simply are being fooled," said Nuzum, whose recent book, "Parental Advisory: Music Censorship in America," was published in April by Harper Collins.

"The Recording Industry Association of America introduced the labels in 1990 after bowing to pressure from the National Parent Teacher Association and the Parents' Music Resource Center (founded in 1984 by Tipper Gore) to identify music that contains raunchy lyrics."

But Nuzum said the voluntary system is meaningless because "you are trying to put objective qualifiers on something that is subjective."

Nuzum said he is against censoring because "these edits are compromising artistic vision."

As for Perkins' lawsuit, Nuzum said that while a parent "is the best person to determine what a child should hear, that parent shouldn't determine what other children should hear."

trick daddy

Trick Daddy Accused By Maryland Mom Of Having Dirty 'Clean' LP

06.26.2001

Trick Daddy put dirty words on a "clean" album, according to a Maryland mother who's suing the rapper's label and distributors.

Renee Perkins of District Heights, Maryland, bought a copy of Trick Daddy's *Thugs Are Us* to play at a party for her 11-year-old son, and chose the version that didn't have a "parental advisory" sticker, according to her lawyer, Jon Pels. She was startled when she previewed the album and heard the cut "Bonus Track: Deuce Poppi Snippet," which contains the line "Yo Deuce Poppi with a Trick in the house! Gonna wake up in the morning with a d--- in her mouth," and found that the offending word had not been edited out, Pels said. Elsewhere on the album, obscenities were poorly edited.

"We don't care what they say or what they sell," Pels said Tuesday, adding that he doesn't view this case as a First Amendment issue. "Just don't represent it as non-explicit if it's not."

Perkins filed the class-action suit against Trick Daddy's Slip-n-Slide Records, as well as Atlantic Records and AOL Time Warner, which distribute *Thugs Are Us*, in U.S. Circuit Court in Montgomery County, Maryland, on June 19. Pels said the album's packaging violates Maryland's Consumer Protection Act, which prohibits misrepresenting products to consumers.

The suit requests damages equivalent to the purchase price of the album for anyone in Maryland who bought the clean version of *Thugs Are Us*, according to Pels. He added that he is considering filing a similar suit in the District of Columbia, with other states possibly to follow.

Spokespersons for AOL Time Warner, Atlantic Records and Slip-n-Slide were unavailable for comment.

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