

MASS. MARKET: 'Truth in music' laws keep real rock rolling

By Jon Chesto

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QUINCY —

As manager for legendary doo-wop vocalist Herb Reed, you could imagine Fred Balboni's surprise when he saw that Reed's band The Platters was scheduled to play at the Hanover Theatre in Worcester on Aug. 23. Balboni never approved the date, and he knew Reed's band had never planned it, either.

Balboni promptly called the state attorney general's staff, which in turn contacted the theater. The theater first removed a photo of Reed from its Web site. Then, after Balboni contacted the AG's office again on Thursday, the theater changed the wording on its Web site to refer to the group as a Platters tribute band.

The confusion that played out in the past few days underscores the importance of the state's "truth in music" law, which was passed in 2006. Essentially, it bans musical groups from using the name of a band if they do not have at least one original recording member or clear legal rights to the name.

A spokeswoman for Attorney General Martha Coakley's office says it has only responded to two complaints – including the Hanover Theatre incident – since the law took effect. Both complaints have been resolved without requiring legal action.

Perhaps no one understands the importance of the law better than Jon Bauman, the guy who played "Bowzer" with rock-and-roll revival act Sha Na Na. Bauman, whose "Bowzer's Original Doo-Wop Party" rolls into the South Shore Music Circus on Friday, has spearheaded the charge nationwide to get similar musician protection bills passed in as many states as possible.

He says he probably spends about half his time on his musical career, and half his time with the Vocal Group Hall of Fame's Truth in Music campaign. He says the effort has prompted the passage of truth-in-music bills in 26 states so far, up from 18 at the end of 2007. He figures imposter bands' overall revenue has fallen significantly over the same time to the point where it's a fraction of what it was last year.

The California resident first became involved in the cause more than 10 years ago after he noticed that some of the bands he had known from his Sha Na Na days were being imitated by unscrupulous band managers who pass off the bogus bands as the real thing. The groups of the doo-wop era – such as The Platters, The Drifters and The Coasters – were the most frequent victims, partly because their concerts were rarely televised or filmed when they were at their peak.

What's remarkable about Bauman's crusade is that Sha Na Na wasn't a victim of this kind of sophisticated identity theft. Because of the group's TV show that ran for several years after debuting in 1977, the band members were visible public figures. Bauman is also a good person to spearhead a campaign against imposter bands because he has shown he can quit a band and continue performing the right way. Certainly, Bauman trades on his Sha Na Na fame and his "Bowzer" character to help draw the crowds. But he never pretends that he's part of Sha Na Na, which still performs separately with three members who were on the TV show.

Bauman's cause was championed in this state by state Sen. Marc Pacheco. The Taunton Democrat says he ran into Bauman in Florida in 2004 when both of them were helping U.S. Sen. John Kerry's campaign for president. Pacheco was floored to learn of the extent of the problem after talking with Bauman about the issue. He says he filed the bill to protect consumers from being deceived into thinking they were buying tickets to an authentic act, as well as the musicians whose identities were being copied.

So far, the law has had only a limited test in Massachusetts. Last year, ads for a Platters show at Merrimack College were reworded as a Platters tribute show after Balboni noticed it.

Then there's the upcoming gig at the Hanover Theatre, where a band performing Platters songs will open for the Harry James Orchestra. On Thursday, the show's organizers said they had legal documents that showed the band was the authentic Platters and sounded like they honestly believed it.

But a quick search of the U.S. Patent & Trademark Office database shows that Herb Reed, a Massachusetts resident, is the only person with rights to The Platters trademark. By Friday

afternoon, presumably after being contacted by the AG's office, the Worcester theater had added the crucial word "tribute" to the listing on its Web site.

Bauman says the two cases aren't the only indications of the law's success in Massachusetts. He says many of the people that run these imposter bands intentionally steer clear of states with truth-in-music laws so it's hard to gauge their full impact.

Three decades ago, Bauman helped revive interest in the music of the 1950s and early 1960s through his role as a member of Sha Na Na. Today, he's helping ensure fans of those musical styles continue to get an authentic experience when they head to the concert hall.

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