

# NAME THAT TUNE



Selecting the Right Music  
for Your Operation





## TAKE-HOME POINTS

By the time you've finished reading this article, you should be able to:

- ✓ Explain how music affects and does not affect diner spending and other behavior.
- ✓ Describe ways to match music to your concept.
- ✓ Identify worker safety and legal issues related to music in the restaurant.

*"Music has charms to soothe the savage breast."*

— William Congreve (1697)

As this opening line from a 17th-century play suggests, we've known that music can affect the listener for quite some time. In fact, no other element of design has been as thoroughly studied in restaurants and other public settings like stores and offices, as has music. But even with all of this empirical research on music's ability to influence those who hear it, there are still a lot of misconceptions about what music can and cannot do and how it should be used to best effect in a restaurant. Here then is a summary of what we know about the psychology of music in restaurant environments and how you can use this information to make your dining room a better place for your customers and your staff.

By Stephani Robson



Every restaurateur has probably observed guests behaving differently depending on what music is played. One bar operator I know says that after last call, he can empty his bar in minutes just by a nod to the DJ. According to researcher Charles Areni, managers of stores and restaurants have lots of beliefs about the benefits of background music, including:

- Music makes customers stay longer.
- Music distracts customers from a wait.
- Customers will eat to the beat.
- Music can encourage or discourage inappropriate behavior.
- Music blocks out annoying background noise from the kitchen.

Not all of these beliefs have been empirically tested but several have been studied in restaurant or food-related settings and many have been found to be true. It needs to be

store's concept, people are more likely to buy. One interesting study that demonstrates this phenomenon was done by Areni and David Kim of Texas Tech. They played either classical or "Top 40" music in a wine store and found that shoppers bought more expensive wine when classical music was playing, suggesting that the highbrow connotations of Mozart, Vivaldi and Chopin were a better conceptual fit with high-quality wines than the musical stylings of Rush or Fleetwood Mac. A British team found similar effects of classical music in a restaurant: Classical music led to greater spending than when the management played either pop music or no music at all.

Other researchers have found that matching the style of music to the customer rather than to the product can lead to increased sales. In one retail study, baby boomers bought more when they heard the classic rock of their youth. What's more, when people like the music they hear they

# **SURPRISINGLY,**

if the background music is the right fit, often people won't actually remember it when asked about it after they leave. In physical environments, background music that stands out is generally the wrong music. Many restaurant operators will say that if the guests are noticing background music while they eat, something is probably not right about their dining experience.

made clear that we can't make people do something just by playing a particular kind of music. Sound, light, scent, temperature and textures all can influence people's experiences but certainly are not drivers of a given behavior.

Rather, atmospheric elements like music make connections with people's memories, moods and thoughts that in turn influence how someone will respond in a restaurant or store. Music suggests and enhances but doesn't force. The trick is to match musical attributes to the kind of experience guests want to have at a given time and place. The right music can make guests happy about more than just what music is playing while the wrong music can turn guests off and lead to scathing online reviews.

## **What Type of Music?**

Generally when people think about what music to play in a store or restaurant, they think in terms of style: rock, jazz, classical. Of course, there are lots of subsets in each of these genres and which subset you choose is sending a message to your guests about your restaurant's concept or brand. For your regulars, the music you play helps reinforce their positive views of you while for those who haven't dined with you before, music is used as an important clue to figure out who you are and whether they should come in. So it's crucial that you choose a style of music that reflects the kind of dining experience you want to promote.

Psychologists and marketing researchers have shown that when the music genre is a good fit with the restaurant or

are more likely to like everything about their experience including the service and the staff. Music preference appears to increase the amount of time spent dining, how much is spent, and how likely the guest is to return or recommend the restaurant to others. In advertising, well-liked music has been shown to increase the likelihood of purchase, which is why you'll hear popular hits played during car ads on TV. So choose any music you play on your website with as much care as you choose what you play in your front-of-house.

Intentionally choosing music that doesn't fit has its place too. Playing opera or classical music to stop groups of young people from loitering has been an effective strategy for gas stations and convenience stores for years.

Surprisingly, if the background music is the right fit, often people won't actually remember it when asked about it after they leave. In physical environments, background music that stands out is generally the wrong music. Many restaurant operators will say that if the guests are noticing background music while they eat, something is probably not right about their dining experience.

## **What Should the Music Feel Like?**

Think of the music that's played in scary movies to indicate when a bad thing is about to happen: it's usually in a minor key. Most people associate music in a minor key with sadness, fear or anxiety — and are probably not what you want your guests to experience when they dine with you. The emotional character of music is one of its most impor-



tant features and yet it's something that doesn't get as much attention as genre or artist. Deciding on whether a piece of music fits with your concept is largely a function of the connection between the music's emotional qualities and the emotions you want your guests to feel. Of course, you can't control everyone's emotional connection to a given piece of music: Songs that most people find upbeat may bring on terrible memories for someone. But in general you can aim for musical selections that promote positive emotions.

The emotional qualities of music are conveyed not just by key but also by rhythm, tempo, instrumental arrangement and vocals. Consider a popular song like "Brown Eyed Girl" by Van Morrison. You hear this song in bars and restaurants all the time because its peppy tempo and familiar tune fit well with lots of casual concepts. Now imagine this song rearranged for bagpipes. The song remains the same but its emotional qualities have changed dramatically.

Make sure to listen to all the songs you plan on playing to make sure that the arrangement, not just the tune, works for your concept. There is little research on whether vocal music is a better choice than instrumental for restaurant dining rooms, so let your restaurant concept be your guide here. A good rule of thumb is that the more upscale the restaurant, the more instrumental your music should be, but of course there are always exceptions for specific concepts. Certainly make sure that if your music choices do have vocals, they are suitable for family listening.

But even music that is a perfect conceptual fit for your restaurant can be problematic if it is too fast or too loud for your patrons. There is an academic concept called "arousal congruency," which essentially means that your guests will be happiest when the amount of stimulation they receive from being in your restaurant matches the degree of arousal they wanted in the first place. So, yes, give

## Music Licensing 101



By Barry H. Shuster

A few years ago, one of our readers called *Restaurant Startup & Growth* magazine's offices to inquire about an organization that told her she would have to submit an annual fee if she continued to play recorded music for her guests' entertainment. "Are they serious?" she asked.

If the organization was one of several performing rights organizations, which include ASCAP (American Society of Composers, Authors and Publishers), BMI Broadcast Music Inc. (BMI), and SESAC (SESAC Inc.), the answer to her question is very likely "YES" — boldfaced, underscored, all caps.

U.S. federal copyright laws give songwriters and publishers the right to collect royalties whenever their songs are played in public. When you purchase a CD you purchase a license for private use. When you play that CD in your business for the entertainment of your guests, you need to purchase a separate license for public performance. Most copyrighted songs played in this country are licensed by one of the three performing rights organizations.

For example, ASCAP collects royalties on behalf of its 200,000-plus members. Your ASCAP licensing annual fee entitles your business to play any of several million copyrighted songs and compositions in its repertoire (i.e., musical works licensed by the organization). Restaurants (or any business that plays copyrighted music to the public) are required to pay the organizations a licensing fee, which typically amounts to no more than a couple hundred dollars a year, and is based on factors such as the size of the venue and whether the busi-

ness uses live or recorded music. Refusal to pay a licensing fee to the performing rights society (or the songwriters or publishers who own the songs) constitutes a violation of U.S. copyright laws.

Among the services provided by ASCAP, BMI and SESAC to its member songwriters and publishers is recovering profits related to the unlawful use of their members' songs. A recent spate of well-publicized legal actions by the performing rights organizations is helping educate owners about this. For example, earlier this year, ASCAP brought 24 copyright infringement actions against nightclubs, bars and restaurants in 15 states and the District of Columbia. The penalties and award damages for "infringing" copyright laws can be stiff, and often range in the tens of thousands of dollars. Under U.S. copyright laws, an infringer may be liable for statutory damages of \$30,000 to \$150,000, as well as court costs and attorneys' fees.

### Show Me Where It Says I Have to Pay a Licensing Fee

Article 1, Section 8 of the U.S. Constitution gives Congress the power "to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." Thus, U.S. copyright is governed almost exclusively by federal law. The current statute is the Copyright Act of 1976, which protects art, literature and dramatic works. Under current laws, copyright protection lasts for the life of the author plus 70 years.

Under the Copyright Act, a public performance means to "perform at a place open to the public or  
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at any place where a substantial number of persons outside of a normal circle of family and its social acquaintances is gathered," or "to transmit or otherwise communicate a performance by means of any device or process." That means a public performance of a copyrighted song can include a live band performance, playing it to your guests on your sound system via a CD or radio broadcast (in most situations), or making copyrighted music available to visitors to your website.

The Copyright Act protects both the lyrics and musical score and the sound recording. For example, if you played a recorded song to your guests, you could be in violation of the copyrights of the songwriter and the band performing the song. Complicate this scenario by considering if the song were written by two writers who jointly owned the work. Again, you can see why performing rights societies became necessary.

### Exceptions to the Rules

All laws have their exceptions. Perhaps most relevant to your business are a couple of exceptions to the Copyright Act that apply to small restaurants. One exception allows transmission of "a single receiving apparatus of a kind commonly used in private homes." This exemption only applies if no direct charge is made to see or hear the transmission and the transmission, once received, is not further transmitted to the public. Essentially, this covers a restaurateur who plays music broadcasted via radio airwaves on a home sound system. Think of a small truck stop café with a tiny

radio in the open kitchen playing "Your Cheatin' Heart," courtesy of the only AM station in town.

Also, in 1998, President Clinton signed the Fairness in Music Licensing Amendment, which exempted restaurants of less than 3,750 square feet from some licensing fees. If your establishment falls under this category, you can play as many televisions and radios as you like without paying royalty fees, as long as the music originates from a radio broadcast (or in the case of television, broadcast station, cable or satellite carrier). To qualify for this exemption, you may use six or fewer speakers with no more than four speakers in any one room. (In the case of audiovisual equipment, you may use no more than four TVs, with no more than one TV in each room, and no TV having a diagonal screen size greater than 55 inches, together with the same speaker restrictions.)

Finally, if your restaurant operates what the Copyright Act calls a qualifying "coin-operated phonograph record player," aka "jukebox," you should know that ASCAP, BMI and SESAC created as a joint venture with the Amusement & Music Operators Association a trade association representing jukebox owners, the Jukebox License Office (JLO). The JLO offers one license to jukebox owners, through which they may obtain the right to perform any work in the collections of all three societies. The license fee is based on the number of jukeboxes owned by the licensee. For more information, visit [www.jukeboxlicense.com](http://www.jukeboxlicense.com).

the customers what they want and they'll come back — that's not rocket science. The challenge is to figure out how much excitement and energy your guests actually want at dinner and then making sure you provide it, consistently and appropriately.

Music is a big part of generating that energy even if most guests hardly notice what you're playing. The arousing qualities of music are largely a function of its tempo, its volume and its predictability.

### How Fast?

Music tempo is relatively easy to test in a restaurant because finding music of a given tempo is as simple as Googling. (One of many websites that sort popular music by tempo is [www.jog.fm](http://www.jog.fm).) Back in the 1980s, marketing professor Ronald Milliman played restaurant music at different speeds and measured how long the meal took, how much people bought, and whether the staff changed the service pace to match the music. He played music with less than 72 beats per minute (bpm) as his slow music condition and music that was over 92 bpm when he wanted fast music. (As a point of reference, the famous doo-wop song "Life Could Be a Dream" is about 70 bpm, while "ABC" by the Jackson 5 is just over 92 bpm.)

When faster music was played, guests spent less time in the restaurant but that wasn't because servers moved faster; service time wasn't affected by the music. Conversely, bar purchases were significantly higher when slower music was played, as were gross margins.

Unfortunately, Milliman didn't say a lot about what music he played although we know that it didn't use vocals because he didn't want to complicate matters with lyrics or any effects stemming from the gender of the singer. The kind of restaurant he used for his study was "high in quality, attractively decorated, above-average-priced, and [appealing] to mostly middle-aged people" but we don't know much more about the restaurant con-



cept where he got his findings. Other researchers have tried similar studies but have not had consistent results, partially because they have not been able to test under the right conditions or for enough nights to unquestionably target the music as being a driver of patron behavior.

Tempo also appears to affect the actual pace of eating. In one study, patrons of a cafeteria took more frequent bites when the music was faster, and in another they drank their drinks faster when the bar played up-tempo music. The consensus among psychologists who study music in commercial environments is that tempo effects are more a reflection of preferences than of unconscious responses to musical attributes. If we like the music, we perk up and our behaviors will reflect our higher degree of arousal.

## How Loud?

Music volume is another attribute that is relatively easy to test but fraught with peril; guests complain about loud music more than just about anything else after bad experiences with service or food. Most restaurants are understandably leery about cranking up the music just to see how guests will react so music volume has not been studied scientifically in restaurants. However, a study in a retail store found that loud music boosted spending but decreased the time spent shopping. But take these findings with a grain of salt; this research is close to 50 years old and it's quite possible that today's consumers will have different responses given how much loud music they hear on their own devices and in public places.

We all think of young people as liking loud music and old folks preferring background music to be much softer, which is generally true. As we get older, our ability to process sounds and separate background noises from conversation is much reduced. But what's interesting is that gender also plays a role in our response to loud music. In one laboratory study, men didn't seem to have a strong preference between

loud and soft music, while women very strongly preferred soft music and estimated that time passed more slowly when the music wasn't loud. (In fact, women appear to respond more strongly than men do to a lot of atmospheric elements.) There are also safety issues to consider surrounding music volume. See "Ear Protectors Should Not Be Standard Equipment for Your Servers," on this page.

## How Novel?

We like familiar songs because we can predict them; we know where the tune is going, we can tap along to the rhythm, and we can tell the difference between the chorus and the verses. Music's predictability influences its arousing qualities: Highly arousing music may have erratic rhythmic patterns or chord progressions while dull music is so predictable that it hardly registers with us. For restaurant use, it is probably best to stay away from music that changes radically in tempo, rhythm or style within the same piece. "A Day in the Life" by the Beatles is an exceptional composition but is probably too complex for your dining room. Discordant jazz or atonal classical music is best-suited for aficionados to enjoy at home or in concert rather than at your bar.

Selecting music of the right genre, tempo and volume is not enough to create the right dining environment, however, because music is only one component of a whole. The best restaurant designs are cohesive, which means that the music, the layout, the lighting, the materials and finishes, even the smells come together in a pleasant combination that most guests generalize as "the atmosphere." Good restaurant music blends with and enhances the other elements of the design. There is no magic formula to create a cohesive environment; like art, most people know it when they see it. Your best bet for incorporating music into your dining room is to consider what other messages your restaurant's design conveys and try to identify music with a similar emotional tenor.

## Ear Protectors Should Not Be Standard Equipment for Your Servers

There are absolute standards about how loud your music can be played in order to comply with Occupational Safety and Health Administration guidelines. You can't expose your employees to a whole shift of music that is 90 decibels or more, a volume that sounds incredibly high for a restaurant but is not uncommon at all in bars and nightclubs. (Ninety decibels is about the same volume of noise as you get when you are operating a power lawnmower.) But even at sound levels that OSHA feels are safe, you'll get lots of guest complaints. One study found that the average noise level in restaurants was about 70 decibels but that the volume needed for comfortable conversation is around 60 decibels. Flip through any restaurant review and you'll read lots of guest rants about not being able to hear their dining companions. Part of the problem is the way we design restaurants today: lots of hard surfaces, no carpets, and tables packed close together to maximize capacity, all of which can make a space seem very loud. But music that is playing at too high a volume is a big contributor to uncomfortable noise levels.

How loud should the music be? In general, not more than about 60 decibels for restaurants where you want guests to converse over a meal. (You can test your music levels with an inexpensive sound meter that you can buy online for about \$30.) Turn the music up for active bar scenes but keep it to not more than about 75 decibels unless you want your guests and staff to be hoarse at the end of the night.



What about playing no music at all and letting the buzz of the room be the music? This may not be the best approach. Studies in retail stores seem to indicate that playing no music at all is arousing but not necessarily in a good way. The silence may make people feel self-conscious and uncomfortable, neither of which are conducive to happy dining. In spaces where playing music may be difficult or restricted, such as outdoor seating in residential neighborhoods, consider other forms of background sound, such as a fountain to provide a gentle aural backdrop to your guests' conversations.

## Who Picks Your Music?

Music is so easy to access now that everyone's a closet DJ. You can certainly develop your own playlists from music downloads or copies from CDs that you've purchased. You can also retain the services of a music provider who will customize the music to reflect your operation. A good music provider will work with you to create custom mixes for different meal periods and different days of the week. Make sure you communicate clearly with these contractors and preview their work before you begin playing it for your guests. It's also a good idea to track your average check, dining duration and guest comments before and after the music is in place so that you can work with the provider to fine-tune the mix if necessary.

It's important to retain control of what music gets played when you are not around. All too often, restaurateurs abdicate their responsibility for providing background music to their employees who will generally play the music that they like rather than music that is best for the concept. After all, they are the ones hearing it all night long. This is a big mistake because in many cases your employees are demographically and psychographically different from your guests. And the music that you like yourself might not be a perfect fit with the preferences of your customers. But in

any case, you need to play music that is at least tolerable to your staff because unhappy servers will have a much more significant downward effect on your guests' satisfaction than anything else.

A common complaint from employees is that restaurant music is too repetitive. One restaurant I know has, as far as I can tell, exactly 180 minutes of music that is played in a continuous loop because the owner feels that the music selection is the perfect fit for his neighborhood European bistro. Maybe it is but there is only so much Edith Piaf that one can take in a shift. Guests will complain about repetitive music too. The catalog of published music is vast so there is no reason to keep playing the same 50 songs. One way to reduce monotony while at the same time get staff buy-in about the music selection is to establish your parameters for genre, speed and attributes such as whether you want vocalists and then ask a couple of your audiophile employees to put together a sample mix for you to approve.

## Make Sure It Is Legal

Before you let your line cooks loose on iTunes, note that it is important that you comply with copyright law whenever you play any kind of music in your restaurant. You cannot just download some songs — paid or pirated — and play them without compensation to the artists and publishers who created them, nor can you play CDs that you bought at retail. To use most previously recorded music, you must either pay periodic fees to the major music publishing houses (ASCAP, BMI and SESAC) or contract with a music provider who will cover any copyright fees as part of their service to you. There are stiff financial penalties if you are caught playing music for which you haven't legally contracted to play in public and you can even be fined if the local band you hired to play during Sunday brunch covers somebody else's song without authorization. Live music is also protected by copyright. Many state restaurant associations have negotiated reduced rates on music licensing for their members so check with yours to see if you can get a break on licensing fees. The National Restaurant Association has more information on legal requirements for music in restaurants on its website at [www.restaurant.org](http://www.restaurant.org). Also see "Music Licensing 101" on Page 31.

## A Vital Part of Our Culture

Music is such a vital part of our culture that you've got to offer it as part of the whole dining experience you create. Even though there appear to be a lot of ways you can make mistakes with your music, you shouldn't have any trouble finding music that's the perfect fit for your concept because of the tremendous number of musical options available. Pick a fairly lengthy music library of positive, easy-to-like music that suits your particular crowd and experiment to find what works when. Keep the volume and the tempo at comfortable levels and reap the rewards of an appealing restaurant atmosphere.

RS&G

### Additional Sources



There are several excellent academic articles that describe studies about music and consumer behavior. Good summaries can be found in the articles, "The Influence of the Musicscape within Service Environments" by Steve Oakes [Journal of Services Marketing, 2000] and "Setting the Tone with the Tune: A Meta-Analytic Review of the Effects of Background Music in Retail Settings" by Francine Garlin and Katherine Owen [Journal of Business Research, 2006]. Additional bibliographic references for the research mentioned below can be obtained by sending the author an email at [skr4@cornell.edu](mailto:skr4@cornell.edu).

For information on selecting a music system for your restaurant, see the article by the same name at [www.restaurantowner.com/members/624.cfm](http://www.restaurantowner.com/members/624.cfm).