27 JUNE 2024 / How Spotify picks its winners

SCORING IN – Bubbling Over - NO DRUMS (tension building, repetitive bass, strings, chimes, reverb, spooky)

SEAN RAMESWARAM (host, Today, Explained): There’s something *strange* happening on the world’s largest music streaming service. People around the world say they are experiencing the same phenomena: They play a song. Any song. A random song. But then when that song is done. A new song plays:  
  
 SCORING OUT –

SEAN: But it’s always the same song!

<CLIP> SABRINA CARPENTER’S “ESPRESSO”

SEAN: Your playlist finishes?

<CLIP> SABRINA CARPENTER’S “ESPRESSO” OUT

SEAN: There’s that song!

<CLIP> SABRINA CARPENTER’S “ESPRESSO”  
  
SEAN: “Espresso!”

ESPRESSO OUT

SEAN: That album finishes? There’s that song!

<CLIP> SABRINA CARPENTER’S “ESPRESSO”

SEAN: “Espresso.”

ESPRESSO OUT

SEAN: “Espresso” finishes?

LONG PAUSE

<CLIP> SABRINA CARPENTER’S “ESPRESSO”

SEAN: There it is again, “Espresso.”

ESPRESSO BUMP

SEAN: The “Espresso” conspiracy theory is brewing on *Today, Explained*.

[THEME]

SEAN: Rebecca Jennings, senior correspondent at Vox. We've asked you here to explain a phenomena on Spotify. Now, I'm going to confess that on my Spotify, I'm very particular about never letting Spotify ever play any music for me.

REBECCA JENNINGS (Vox senior correspondent): Oh, wow.

SEAN: I want to listen to the music I've already predetermined that I want to listen to. Now -

REBECCA: This is some control tendencies happening here.

SEAN: Sure, I'm very particular. I am my own DJ. However, I know that I may be in the minority. How are other people, maybe even you, experiencing music recommendation on Spotify right now?

REBECCA: So there has been a lot of online chatter over the past two or so months where people were saying,

SCORING – ESPRESSO

SFX SWIPE

*<CLIP> TikTok: Why does this song play after every single song that I play regardless of what it is?*

SFX SWIPE

*<CLIP> TikTok: Can espresso please stop coming up after every single thing I listen to is this happening to anyone else?*

SFX SWIPE

*<CLIP> TikTok: Every single time on Spotify something I was listening to ended, it would start playing Espresso by Sabrina Carpenter*

*SCORING BUMPS UP: “That’s that me, ESPRESSO”* \*KEEP RUNNING UNDER\*

REBECCA: It’s just ‘Espresso’, ‘Espresso’, ‘Espresso’.

SEAN: And it's not Sabrina Carpenter, the artist. It's not a genre. It's just this one song.

*SCORING: That’s that me Espresso* DELAY

REBECCA: It's just this one song. It came out in April it really, really was just everywhere. No matter what song you played, it was just like …

ESPRESSO INTRO STARTS

REBECCA: … you heard those first few bars of espresso and you're like, oh, it's it's this again.

*<CLIP> SABRINA CARPENTER: That’s that me*

*<CLIP> SABRINA CARPENTER: That’s that me*

*<CLIP> SABRINA CARPENTER: That’s that me*

*<CLIP> SABRINA CARPENTER: That’s that me* SLOWED AND DELAYED

SEAN: And people's, gut reaction to this song popping up over and over and over again is that there's some sort of untoward payola-esque conspiracy on Spotify right now?

REBECCA: On, Twitter and TikTok. People are sort of saying their theories about what they think is going on.

SFX SWIPE

<CLIP> TikTok: *I’ve seen lots of comments about how Espresso by Sabrina Carpenter got to number one on the global spotify charts basically because of payola.*

SFX SWIPE

<CLIP> TikTok: *It’s really suspicious like is there payola going on*

SFX SWIPE

<CLIP> TikTok: *Some people call it Spotify-ola I just say it's payola but for Spotify but I mean that’s definitely what’s happening.*

REBECCA: They're like the labels and Spotify are, all coming together to force feed us espresso down our throats which is a metaphor that works in two ways.

SEAN: It does. For people who aren't from, like, 1947. Can you remind them what payola is?

REBECCA: Absolutely. So payola is, a practice that is illegal. And it refers to when labels would pay radio DJs to play certain songs without disclosing it.

*<CLIP> UNIDENTIFIED RECORD EXEC: Take the money. We’re gonna make this one a hit!*

REBECCA: Payola. crucially, it refers only to the public airwaves. Airwaves on TV and radio. And so, you know, even if there is pay for play happening with, with Spotify, it's technically not payola because the internet does not apply.

SEAN: So that's not what's going on here.   
  
REBECCA: <laughs>  
  
SEAN: Another theory I see is that Sabrina Carpenter is a so-called industry plant.

REBECCA: Sure.

SEAN: What exactly would that entail?

REBECCA: So an industry plant is sort of this, like, vague term that people love to use, on the internet when they suddenly start seeing an artist everywhere and they're like, ‘Where did you come from?’  
  
SEAN: <laughs>  
  
REBECCA: Which is kind of funny because Sabrina Carpenter has actually like, she's she was like a Disney Channel star like ten years ago.

*<CLIP> SABRINA CARPENTER: Hey I’m Sabrina Carpenter from ‘Girl Meets World’ and you’re watching Disney Channel.*

REBECCA: So she actually has been around for a long time. And like, if you want to say that the whole like, Disney machine is a little bit weird and corrupt or whatever, it's like, sure, I hear you. But like industry plant, that is not.

*<CLIP> I’m working late cause I’m a*

*<TEXT TO SPEECH CLIP> DISNEY STAR*

SEAN: It sounds like she was literally planted by an industry ten years ago. And that industry was Disney. <laughs>

REBECCA: Right no, exactly, exactly. <chuckles>

SEAN: So for all the people who do think there is some conspiracy going on here, what is actually going on? How does Spotify’s recommendation engine work. Why would it play “Espresso” more than the new Vampire Weekend let’s say.

REBECCA: Oh, God.  
  
SEAN: Uh!

<CLIP> *VAMPIRE WEEKEND: Can't reach the moon now …*

REBECCA: Oh, because that album's bad.

SEAN: Oh! Opinion!

<CLIP> *VAMPIRE WEEKEND: The world looked different when god was on my side \*FALLS AND DELAY\**

REBECCA: So there's a lot of different mechanism for the algorithm to work, but basically one of its underlying principles is this idea called collaborative filtering, where like, you know, if you're kind of a standard like pop music listener, it will take, songs that other pop listeners, are really liking and adding to their playlists and engaging with or whatever, and serve them to you.

SEAN: But why does it feel to people like it's just one song?

REBECCA: No, that's a really good question. And I think it's like this, this concept that happens a lot in these recommendation algorithms, which is like snowballing. It's like I think people are really familiar with it on TikTok, where it's like, you know, people, people understand that, you know, TikTok will like, serve people, serve people a video. And if that if those people like that video, it will serve it to more people and more and more and more until it becomes, like inescapable for a certain group of users. And Spotify is, we can kind of safely say it works similarly. But because I think there is so much distrust within the music industry,and for good reason because it’s natural that people are like, well, you know, something else is going on rather than just sort of like algorithmic snowballing.

SEAN: What has Spotify said specifically about Sabrina? What have they said about this song, “Espresso”? Because clearly there's this clamoring online for some reasoning here.

REBECCA: Yeah. So I reached out to Spotify for comment. They wouldn't comment on the record. But they did send me –

SEAN: Ugh!

REBECCA: Of course. They they did send me two Instagram posts that they, that they had published about the rise of Sabrina Carpenter, and they made it very clear that, you know, this is just an occasion where, you know, the stars kind of aligned with her career in general. She kind of did the standard, like pop girly thing.

<[CLIP](https://www.youtube.com/watch?v=gz79wa--qKA)> SNL: *SABRINA CARPENTER: … excited to never talk. I’m on SNL and you’re not …*

REBECCA: And that coincided with the amount of plays of “Espresso” on the platform. But like,because, you know, this many plays are happening on Spotify. Like how much of those were just like auto plays that Spotify sort of like pushed on to people versus people searching for “Espresso”. It's like that's that's sort of the gray area of like, well, how much is the platform kind of boosting this person's career?   
  
SEAN: Right.  
  
REBECCA: Versus like other forces?

SEAN: So there's a bit of a black hole on how exactly all of this works. Maybe it's a huge black hole. But do we know if there is a legitimate way to pay for extra plays on Spotify?

REBECCA: So there actually is! Spotify has this thing called ‘Discovery mode’, where artists can forfeit about 30% of their streaming royalties, in an effort for Spotify to push their songs to more listeners.   
  
SEAN: Hm.   
  
REBECCA: And, this is obviously very controversial, as you can imagine. Three members of Congress have signed a letter to Spotify saying either you need to release a list of, you know, every single artist that's enrolled in the program. And also saying that as far as we know, the artists who are using it and the artist that Spotify publicly has, you know, said are using it, are independent artists. They're not associated with major labels. They're basically doing this to compete with the major labels, which, in the letter to the Congress people said, you know, that sort of creates this sort of like race to the bottom where the artists who are already like up and coming in there, and they're less privileged than those signed to major labels, like they're forfeiting even more of their profits in an effort to just compete, to compete on the same playing field. It does feel sort of like, you know, a little like pay to play, because it kind of is, but you're not paying anything. But you’re not paying anything. You're just like, forfeiting the potential streaming profits.

SCORING IN – Good\_Time\_Sped\_Up\_CEZ\_CEZ\_4580\_01201\_STEM\_(AI\_Instrumental)\_APM-08

REBECCA: Deals with labels and recording artists are confidential like we don’t know what’s in them. And so there could be a lot of, there could theoretically be stuff like Spotify is required to play this song X-Y-Z times. I don’t know.

SEAN: If that were one day revealed that Spotify was making deals with record labels to boost their artists, would Spotify be breaking any rules or would it just be sort of deceiving its listeners, its users?

REBECCA: So I talked to two academics who study this, and one said that obviously, like, you know, it's not a payola law because again, it doesn't apply.  
  
SEAN: Right.   
  
REBECCA: But I think, you know, in the future, the Federal Trade Commission could theoretically count this as an example of, you know, undisclosed advertisements.   
  
SEAN: Hm.   
  
REBECCA: And so the same law that, you know, requires influencers to say, like, hey, like this brand paid for me to stay at this hotel or they're paying for me to post this. There is a world in which theoretically, Spotwify could, you know, be be forced to say like, hey, the reason you're hearing this is because we're getting a deal from this.

SCORING OUT

SEAN: I have to imagine it's pretty low on the list of federal priorities, though: Why is “Espresso” playing more often than Vampire Weekend?

REBECCA: <chortles> I mean, maybe there's someone at the FTC being like, ‘I can't escape “Espresso.”’ We need to do an investigation.’ <laughs>

SEAN: <laughs> I hope so.

REBECCA: <laughs>

*<CLIP> SABRINA CARPENTER: I’m working late cause I’m a*

*<TEXT TO SPEECH CLIP> Member of the FTC*

SCORING IN – Come\_On\_Girl\_BRU\_BR\_0783\_01901\_APM-02

SEAN: Rebecca Jennings. Vox dot com.

SEAN: Rebecca Jennings. Vox dot com.   
  
So just to summarize here, Sabrina Carpenter isn’t an industry plant, or at least she’s not a particularly new one. Spotify IS recommending her a lot, but *probably* just because they think you’ll like her, not because she’s paying them to do so. *Probably*. But if you’re looking for a reason to be mad at Spotify, we might have one when we’re back on *Today, Explained*.

[BREAK]

*<CLIP> SABRINA CARPENTER: I’m working late cause I’m a …*

SEAN: *Today, Explained* co-host. Sean Rameswaram. Back at it. Sounds like you can’t really be too mad that Spotify thinks you might like another and another and another shot of “Espresso”. But if you wanna be mad at Spotify, you can always be mad about how little they pay songwriters. David Israelite certainly is. He's in the middle of leading a fight AGAINST the streaming platform because he’s the president *and* CEO of the National Music Publishers' Association or as its friends know it, the NMPA …

DAVID ISRAELITE (National Music Publishers’ Association president): … which is the trade association that represents all music publishers and their songwriter partners in the United States.

SEAN: Okay. And right now, you are mad at Spotify. Tell me why.

DAVID: <chortles> Well, it's not so much that I am mad at Spotify, it's that Spotify has declared war on all of the songwriters that have made their business even possible. And so as a representative of those songwriters and music publishers, sure, I'm mad, but more importantly, I'm motivated to try to fix what is the problem, which is Spotify trying to cheat these songwriters out of the royalties that they deserve.

SEAN: Now, I'm sure a lot of Spotify users out there will be surprised to hear that Spotify has declared war on songwriters because they're just listening to ‘Espresso’ or whatever and had no idea. So tell people what exactly you mean and how Spotify has maybe declared war because they certainly haven't used those words.

DAVID: So if you're one of the 44 million Americans who subscribe to Spotify, what they've done is change the nature of your subscription to make you what is called a bundled customer. And what a bundle means is when you take a music product and you marry it with another product that's not music related, in this case, a audiobooks product. And then you try to tell the consumer that you're getting both for a higher price.

SEAN: Hm.

DAVID: That is something that Spotify has done without the permission or the consent of these 44 million Americans.

SCORING IN – Frogs Not Hopping

DAVID: And so if you go back to November of last year, for these 44 million subscribers that signed up for a music plan, all of a sudden, without any notice, you saw a little button in your subscription that said audio books. And it gave you, for free, 15 hours of listening to books a month.

SEAN: OK

DAVID: So then fast forward to March 1st of this year, and Spotify very quietly rolled out a product that said, if you want to just buy audiobooks for $9.99 a month, you can sign up for just an audiobook product. And I suspect very few people have done that. In fact, if you try to even find it, they make it very difficult to even find. And the significance of them doing that is that what they now claimed is that for those 44 million subscribers that they had been giving audiobooks to for free since November of last year, that now made them a bundled customer.

SCORING OUT

DAVID: And so for those 44 million customers, a couple of things happened.

SAME SCORING BACK IN

DAVID: First of all, under the law, if you are a bundled product, you pay songwriters under a different formula that results in songwriters getting a significantly less amount of money than if they were just a music subscriber. And so we believe that Spotify has fraudulently converted these 44 million customers into what they call bundled customers in kind of a scam to try to pay songwriters less.

<[CLIP](https://www.youtube.com/shorts/0UmRq1KG0cE)> TikTok: *Somebody’s gotta get Daniel Ek on the phone because he’s trying to fuck songwriters.*

DAVID: The second thing that happened is Spotify announced on July 1st they were raising prices.

<[CLIP](https://www.tiktok.com/@yourbestfriendjoshua/video/7376281960462896430)> TikTok: *The music streaming giant is raising prices again. For the second time in less than a year. // You know where I’m really about to go back to Limewire! Because this shit is getting too damn expensive.*

SCORING OUT

SEAN: Okay, so what you're saying is Spotify is making a bunch of back -end changes, then all of a sudden they jack up the price a little bit, but in doing so they somehow are paying musicians less and making room for audiobooks. Is that right?

DAVID: That's exactly right.

SEAN: And since you represent songwriters and not, you know, audiobook publishers, let me ask you, how much money is on the line here? How much do songwriters, musicians stand to lose?

DAVID: So songwriters, and again, we're talking about not the recording artists who perform the music, but rather the people that write the music, that group is looking to lose probably more than $150 million this year.  
  
SEAN: Hm.  
  
DAVID: And that number will be even bigger next year. Because when Spotify raises prices, songwriters should get to participate in getting more money from the raised price.

SEAN: I think it's probably high time that I ask you, for the sake of our listeners who don't know, how songwriters are getting paid through Spotify.

DAVID: <chortles> In the United States, you have to go back to the year 1909 when Congress thought that songwriters and music publishers had a monopoly on player piano rolls – those things you would stick in a piano and they would play a song.

SEAN: Yeah!

SCORING IN – The\_Goldust\_Saloon\_OMI\_OMN\_0059\_00501\_APM-07

DAVID: In 1909, Congress passed a law that said that songwriters and music publishers have to license their copyrights and the government will set a price.

*<*[*CLIP*](https://law.scu.edu/wp-content/uploads/hightech/1909%20Act%20as%20enacted.pdf)*> PROFESSIONAL VOICE ACTOR PETER BALONON-ROSEN: Copyright act of 1909: Any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents*

SCORING OUT

DAVID: That law from 1909, fast forward to today, the way that it works is that there are three judges in Washington, DC. They're called the Copyright Royalty Board.

SEAN: Wow.

DAVID: And every five years, there's a trial. And on one side of the courtroom is my organization representing songwriters and publishers. And on the other side of the courtroom, are the companies that do digital music like Spotify, Apple, Amazon, YouTube, Pandora. And at the end of that trial, the court issues a decision and those are the rates and the rules that govern us for five years at a time.

SCORING IN – Richard Goes Skating

DAVID: This court decided to impose upon the industry the idea that if you bundle a product, you pay under a different scheme. They were not anticipating something like this. They were anticipating a real bundle where you take a music product that you can buy alone, you take a non -music product you can buy alone …   
  
SEAN: Hm.   
  
DAVID: … and you marry them together for a discount. That's what the court intended. What Spotify is doing is trying to manufacture a bundle that a customer did not choose.

SCORING BREATHES

DAVID: As the trade association that represents all these songwriters and music publishers, we have filed a complaint with the Federal Trade Commission or the FTC because we believe what Spotify is doing involves a fraudulent and deceptive business practice that is prohibited by law.

We also have referred that FTC complaint to 10 different state attorneys general.

And furthermore, we have sent this to six leading consumer advocacy organizations to also investigate whether or not what Spotify is doing involves a fraudulent and deceptive business practice.

In addition to those three things, NMPA has also asked Congress to take a look at changing the law that makes us license and give music publishers and songwriters more freedom to make their own decisions about whether or not they want to be in business with a company that treats them like this.

SCORING OUT

SEAN: You know, David, you explain to us how songwriters get paid, that it goes back to player pianos and this high council copyright royalty board, these three judges in DC, it sounds sort of like something out of a fantasy novel. Is that part of the reason Spotify can maneuver in this way? Because there's this small, unknowable government outfit that is determining how royalties work in the United States, would it be different if songwriters got to choose how much they license their music to Spotify for, for themselves?

DAVID: It's a great question and I just want to be very clear: Record labels that represent recording artists are in a free market. They're not regulated by this law and Spotify is not doing this to them. That's because if you're a record label, you can actually say no to Spotify and therefore Spotify has to treat them like business partners. But for songwriters and music publishers, the law makes us license our songs, whether we want to or not.

SCORING IN – Vector Mode NO STRINGS, shorter (synth, minimal drums, drum glitches, modal)

DAVID: I think Spotify is counting on two things. They're counting on ignorance from their customers and they're counting on human nature is not going to go through the exercise of going through a bunch of steps to get back to where you started. And what I mean by that is that Spotify has now come out and said that they are going to offer a music only alternative.  
  
SEAN: Aha!  
  
DAVID: But! But they're going to make these 44 million customers who were automatically shifted into a different plan have to elect to quit their current plan and sign up for a new one just to get back to where they were. And I think Spotify is counting on not many people will do that.

SCORING OUT

SEAN: You know, Spotify would be nothing were it not for the songwriters' work that they bring to people. And, that being said, I can only really think of one or two songwriters in the history of this platform that have really taken a strong stand against it. Neil Young and subsequently Joni Mitchell. Do you think artists still have the power here? And if so, why don't they flex it more?

DAVID: So one of the challenges is that interactive streaming or digital music services like a Spotify are now the number one source of income for the music industry. And Spotify is the largest of them. So in order to take a stand for a high profile artist, you're asking them to give up their number one revenue source to make a stand and on behalf of songwriters, which sometimes those artists are also songwriters, but sometimes they're not. It's a very difficult thing to ask anyone to do is to hurt your own economic interest to stand up for others.

SCORING IN – Users Lose Drugs

DAVID: I think you might start seeing more of it, but it's a very difficult thing to do.

SCORING BUMP  
  
SEAN: David Isrealite. President *and* CEO of the National Music Publishers' Association – the NMPA for short.

We reached out to Spotify to hear what the company had to say and they were like …

SCORING OUT

*<CLIP> SABRINA CARPENTER: I’m working late cause I’m a singer.*

SEAN: Noooo. No. They actually had a lot to say.

SCORING FADES BACK IN

SEAN: Including that they notify users of any changes to their service and certainly notified everyone about this one. They said they think that bundles like the one we spoke about with David attract more customers to pay for subscriptions, which means more people paying for music overall. And they reminded us that Spotify IS on track to pay publishers more this year than last.

Our program today was produced by Peter Balonon-Rosen. We were edited through the grace of Matthew Collette. Fact-checked and openly mocked by Laura Bullard. Mixed and mastered by Rob Byers and Andrea Kristinsdotter.

It’s *Today, Explained*.

[10 SECONDS OF SILENCE]