

THE PARALLEL TRENDS OF INCREASED
ADULT CONTENT IN MAINSTREAM MEDIA
AND HARDER CORE PORNOGRAPHY:
A TALE OF MARKET FAILURE?

INTRODUCTION

Over the past fifteen years, mainstream media increasingly incorporated pornographic references and themes into its content. This occurred on broadcast television, mainstream cable stations, billboards, and in print advertising. During a similar period, the adult industry's video production skyrocketed from 1,500 new titles per year to more than 11,000. Many of these films depicted increasingly hard core acts, which the industry felt were necessary to satisfy customer demand. Although pleasingly parallel, these trends are probably not directly related. Rather, the shift to harder core pornography can most likely be traced to competition among directors and actors to differentiate their work from other adult films.

Part I describes the proliferation of pornography and sex in mainstream media. There are a substantial number of explicitly pornographic references in broadcast television, cable televisions, movies, and advertising.

Part II documents the current financial state of the pornography industry. The pornography industry makes \$10 billion per year. Reverberations between the content of mainstream media and the content of pornography would thus have a huge financial impact.

Part III documents the shift toward harder core material in the pornography industry. Plot-driven pornography has been on the decline. Plotless all-sex films are now the norm. These so-called "gonzo" films often contain much more violence, and more hard core sex acts such as double penetration, fisting, and urination.

Part IV examines each trend, and discusses the relationships between these parallel trends. Increased references to pornography in mainstream media are probably the result of shifting social norms that make harmful boycotts harder to mount. The change in media content was probably not caused by the shift toward harder core pornography. However, media content may have contributed to the shift toward harder core pornography.

Part IV also discusses four theories that seek to explain the shift toward harder core pornography. The first two theories postulate a link between mainstream media and harder core pornography. The last two theories seek to explain the shift to harder core pornography without drawing any causal connections to mainstream media content. First, mainstream media might be whetting the appetites of their viewers for pornography. However, mainstream media references usually refer to traditional plot-based pornography. They do not depict or refer to harder core acts such as double penetration. If consumers' tastes are being constructed by mainstream media content, then they should seek out softer core porn. Thus the whetting theory is inadequate to explain the shift toward harder core pornography.

Second, sexier mainstream media may be siphoning off softer core viewers, leaving only harder core customers in the adult film market. However, there is evidence that the adult film market is growing, not shrinking. New customers would dilute this effect unless they too sought harder core pornography.

The siphoning approach must be supplemented with a theory explaining why new customers enter the market, and why they seek harder core pornography. Social norms may have changed enough to decrease the stigma associated with viewing pornography, thus enticing new customers. Because the siphoning approach assumes that sexier cable material and soft core porn are fungible, these new customers would only enter the market if they sought harder core pornography. However, this theory assumes a constant level of desire for harder core material; the only reason new customers did not enter the market before was the threat of social sanctions. Although I do not analyze the issue of whether there is such a latent desire for hard core porn in men, I doubt all men have an innate desire to see bestiality and other hard core acts.

Third, under a gateway theory, consumers of pornography may become desensitized with certain acts and seek out harder core material to achieve the same sexual response. This theory is empirically unsatisfactory. Preliminary survey data suggests that any given customer's tastes in pornography are stable over time; they do not evolve.

Fourth, under an institutional theory, competition among adult film directors for investment money may give them incentives to stand out by including harder core sex acts. This is the most plausible explanation given the current (albeit paltry) data. A recent survey of 150 pornography consumers shows widespread discontent with harder core acts, and a general demand for more plot driven films. Given the adult industry's underground history, it may not have the customer feedback systems required to

correct this mismatch between supply and demand. This mismatch may indeed continue if the low entry costs of pornography entice a constant supply of new directors, each of whom will seek to stand out from the crowd with, and ultimately fail because of, harder core content.

PART I: PORNOGRAPHY IN THE MAINSTREAM

Broadcast Television

Between 1989 and 1999 the number of references to pornography on broadcast television increased by a factor of four.¹ References to pornography increased more than overall sexual content on broadcast television, which only increased by a factor of three.² One example of television's pro-pornography trend in the 1990's occurred on the prime time show "Friends." In a March 1998 episode, the young New York professionals became entranced by an adult cable station.³ Hilarity ensued as Chandler began to see the world through pornography-colored glasses: "I was just at the bank...and the teller *didn't* ask me to go do it with her in the vault."⁴

News media has often attempted to attract more viewers by covering nudity and pornography. *Sunshine & Health* magazine is a shining example of this genre. Started in 1931, this magazine was the "Official Organ of the American Sunbathing Association."⁵ At a cover price of twenty-five cents, it was the cheapest means of obtaining nude photos.⁶ The publication also contained classified ads for discrete photo development.⁷ Such ads were most likely targeted at small time or amateur pornographers.

News reporting and documentary programs today follow the pattern of *Sunshine & Health*. In 1999, Good Morning America interviewed women taking part in "Voyeur Dorm," a web site that transmitted live pictures of their dorm rooms for a monthly fee.⁸ On the milder side, ABC aired a "Victoria's Secret Fashion Show" in November of 2000. The network reportedly had to blur out sections of the models bodies to account for the transparency of several articles of clothing.⁹ The network aired sequels in 2002 and 2003.¹⁰

Also in 2003, Fox produced "The Simple Life," a documentary which followed two rich young women, Paris Hilton and Nicole Riche, as they were introduced to life on a farm. Fox is producing a second season (The Simple Life 2: Road Trip) despite (or because of?) the proliferation of a home-made sex tape involving Paris Hilton. Red Light District Video acquired the rights to distribute the tape from Paris's paramour, Rick Salmon.¹¹ The tape is now for sale under the title "1 Night in Paris."¹²

Despite the increase in pornographic references, sexual content as a whole seems to be decreasing, at least during the 8-9pm time slot. A study tracking trends from 1998 to 2002 reported a 67% decrease in “sexual content” during this time slot on ABC.¹³ CBS had only a 6% decrease.¹⁴ Fox had a 48% decrease.¹⁵

Recent backlash against sexual content on broadcast television suggests that this trend will continue. During the 2004 halftime show, Janet Jackson bared her nipple for less than one second. The FCC received more than 200,000 complaints.¹⁶ In April 2004 the FCC fined Clear Channel \$495,000 for remarks made by shock-jock Howard Stern.¹⁷ In the wake of these events, Victoria’s Secret decided not to air its fashion show again.¹⁸ Many stations are self-censoring to a surprising degree. Even PBS is not immune. Last month the producer’s of Masterpiece Theater refused to distribute an unedited version of the British series “Prime Suspect.” Instead PBS edited out the “salty language.”¹⁹

Mainstream Cable Channels

With primetime shows such as the Sopranos, Queer as Folk, and Sex and the City, Home Box Office and Showtime have drawn a large mainstream viewing audience.²⁰ These cable stations have used the popularity of these programs to promote several documentaries and reality shows that center around sex. Most notably, Showtime has run two seasons of a reality TV show following the real life pornography empire of Adam Glasser, better known by his stage name “Seymore Butts.” Entitled “Family Business,” this show follows the daily routine of Mr. Glasser and his mother (who is the company’s bookkeeper).²¹ Episode titles take their cue from the adult business, and include “ASS the World Turns,” “In SicknASS and In Health,” and “The Breast Is Yet To Come.”

Home Box Office has several documentary offerings that center around sex and pornography. In 2002, HBO aired “Cathouse,” a documentary about a Nevada brothel called the Moonlite Bunny Ranch.²² The film does not show any sex with customers, but does have several scenes of the prostitutes masturbating with and without sex toys. HBO has also produced a follow-up called “Cathouse 2: Back in the Saddle.”²³

In another documentary, “Hookers & Johns: Trick or Treat,” HBO explores street prostitution and johns in New York, Newark, Miami and Amsterdam.²⁴ The camera-men use filming angles to ensure that the film does not show genital contact during the on-screen sex. Lastly, HBO has been producing a documentary series entitled “Real Sex” for the last twelve years. As part of this series, HBO produced “Real Sex: Porn 101

XXXtra Credit.” This documentary followed a group of ivy-leaguers who made and entered an adult film in the Amateur Porn Film Festival.²⁵

In the music video industry, there are plenty of suggestive lyrics and dance moves, but no nudity...yet. Universal Music Group is considering partnering with Vivid Entertainment to produce an uncensored music video channel.²⁶ Universal Music Group is a music industry giant.²⁷ Vivid entertainment is one of the powerhouses of the adult film world. They took home nine awards at the 2004 Adult Video Awards Show.²⁸

Movies

Like cable documentaries, Hollywood too has capitalized on its porn-producing neighbors in the San Fernando Valley. Starting in 1996, Hollywood has made several feature films that center on the pornography industry. In “The People vs. Larry Flynt,” the Hustler mogul was cast as a free speech pioneer rather than a sleazy Cincinnati low life. It was nominated for eight academy awards. “Boogie Nights” depicted the changes that videotape technology wrought on the pornography industry in the late 70’s.²⁹ It was nominated for three academy awards. “Wonderland” told the tale of pornography star John Holmes aka “The King.”³⁰ It drew big name actors such as Val Kilmer (Batman Forever, Red Planet), Lisa Kudrow (Friends), and Carrie Fisher (Star Wars).³¹ Tom Cruise and Nicole Kidman starred in “Eye’s Wide Shut,” which is replete with intrigue and soft focus group sex.³² In 2001, an independent film company released a popular documentary of pornography star Ron Jeremy aptly named “Porn Star: The Legend of Ron Jeremy.”³³

Most recently, Hollywood has released “The Girl Next Door,” which depicts an ex-pornography star who falls in love with a socially awkward high school boy.³⁴ This film bears some resemblance to the 1983 Tom Cruise film “Risky Business.” However, in Risky Business, the female lead is a prostitute rather than a pornography star. Perhaps Hollywood’s portrayals of pornography stars will follow the trajectory of prostitutes in films. If so, we might expect to soon see a version of “Pretty Woman” showing that even pornography stars can be redeemed.

Despite Hollywood’s willingness to depict the pornography industry, few pornography stars are able to overcome the stigma of their careers and enter mainstream acting.³⁵ The notable exceptions are Ron Jeremy and Traci Lords. Ron Jeremy has had numerous bit parts and several larger roles in mainstream films like Detroit Rock City and Orgazmo.³⁶ Traci Lords has been more successful, perhaps because of the added notoriety she gained when authorities learned that most of her pornography career

took place while she was a minor.³⁷ She has been on TV's *Melrose Place*, *Rosanne*, and *MacGyver*.³⁸ She also appeared in "Blade," a 1998 Vampire movie starring Wesley Snipes.³⁹ Most recently, she published an autobiography that reached 27th on the *New York Times* bestseller's list.⁴⁰

Other Media

In February 2004, Harvard University students organized a sex magazine called "H Bomb."⁴¹ The University briefly withheld funding from the publication after receiving bad press.⁴² However, the magazine was granted funding on the condition that it not publish anything "pornographic."⁴³ The magazine's two female editors say the issue will be out this spring.⁴⁴ The novelty of naked Harvard students has been dulled however, by another Harvard publication. The *Lampoon*, Harvard's student comedy publication, created a parody version of the H Bomb complete with real nude photos.⁴⁵

Mainstream advertising is also exploring the appeal of pornography. In 2003, a sneaker company named Pony hired pornography star Jenna Jameson to advertise their product in print ads and billboards.⁴⁶ Jenna Jameson is one of the most famous active pornography stars. Pony also employs Pamela Anderson Lee, whose home made sex tape is currently distributed through IEG Enterprises.⁴⁷

Abercrombie and Fitch also pushes the envelope of using sex to sell products. Its Christmas 2003 catalog contained numerous nude photos.⁴⁸ One photo of a group a naked men and women sparked controversy due to the caption underneath it, which read:

Sex, as we know, can involve one or two, but what about even more? The *ménage à trois* (three-way) is not an uncommon arrangement. An orgy can involve an unlimited quantity of potential lovers. Groups can be mixed-gender or same-sex, friendly or anonymous. The risk of pregnancy and of STD transmission, including HIV, increases with each additional partner. A pleasant and supersafe alternative to this is group masturbation—sometimes called a circle jerk or Jack-and-Jill-Off. Orgies and group sex were common in the Middle Ages. Promiscuity was popular with both the peasantry and the nobility. Since divorce was forbidden by the Church, adultery was common and socially accepted. Did you know? Both humans and porpoises have one sex act in common—group sex. So that's what they keep making those noises for.⁴⁹

Under pressure from consumer boycotts, Abercrombie pulled the catalog from its stores.⁵⁰

Although hardly “mainstream,” the New York City art world has also flirted with pornography on occasion.⁵¹ In 1999, a New York Gallery exhibited photos from the sets of pornography films. Some artists of the time were trying to perfect pornography-chic: “You’re seeing it more in art in galleries...More than the subject material, young photographers are very intrigued by the lighting and mood, the texture and color. They’re trying to create a new kind of good quality, using bad quality, and where they’re getting it from is the whole look of pornography.”⁵²

Needless to say, the internet is replete with pornography. However, the internet is also home to several porn-related sites that utilize mainstream business models. For example, BlueDoor.com is an adult video rental service that works in much the same way as mainstream Netflix.com. These sites distribute video rental through the mail. In this way a potential pornography customer can get DVD quality without the stigma on entering the back room of a video rental store. The adult industry also has internet job sites. At AdultStaffing.com, prospective pornography actors, strippers, phone sex operators, web programmers, and magazine editors can post their resumes in search of work. Entrepreneurs can post ads looking for investors, partners, or employees.⁵³

At least one local Chicago bar is doing its part for the adult industry. Every Saturday night from midnight to two-thirty a.m. the Twisted Spoke shows heterosexual pornography on the several televisions scattered around the bar.⁵⁴ The practice is billed as “Smut and Eggs,” because the kitchen starts serving breakfast after midnight as well.⁵⁵

PART II: BIG BUSINESS AND PORNOGRAPHY PROFITS

Pornography involves more than just small California companies. Cell phone companies, hotel chains, and even GM all have a stake in the success of the pornography market. Many of these companies only pander in soft core material,⁵⁶ but others have few limitations.

Pornography may soon be available on cell phones. In April 2004, business leaders in mobile technology met with pornographers to discuss delivering pornographic content to cell phone users.⁵⁷ The current proposals only affect Europe.⁵⁸ Analysts expect that pornography will account for 5 percent of cell phone data transfers next year in Western Europe.⁵⁹ One British cell phone company already sells adult pictures, and has amassed 67,000 buyers.⁶⁰

Hotel chains and cable companies also have a large financial stake in the growth of pornography. Major hotel chains (Hilton, Marriott, Sheridan, Westin, Hyatt...) made \$175 million in 1997 on adult videos.⁶¹

Forty percent of all U.S. hotel rooms offer pay-per-view pornography.⁶² Ten percent of guests take advantage of the offer.⁶³ These sales account for 70% of all the in-room charges that hotels collect.⁶⁴ Cable companies like AT&T and AOL have adult content that raked in \$465 million in 2001⁶⁵ DirectTV, which is owned by General Motors, reportedly makes \$150 million per year on its adult programming.⁶⁶

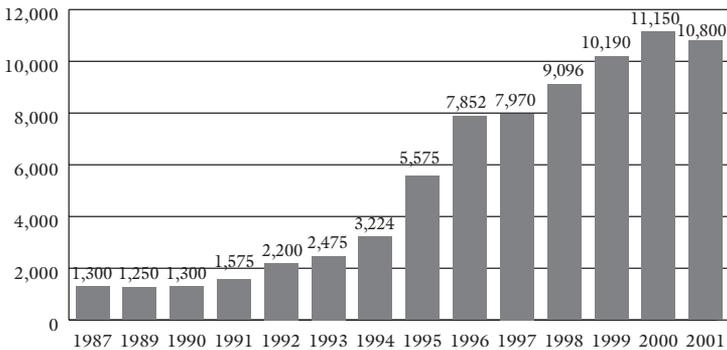
Snapshot of the Industry's Financial Health

The adult industry in the United States probably makes \$10 billion per year. In 2001, Forbes disputed this figure and claimed that the business made no more than \$3.9 billion.⁶⁷ No news agency published an empirical rebuttal to Forbes claim. However, the press has currently settled on the \$10 billion figure.⁶⁸ This may represent sensationalism, or a knee-jerk adaptation of Forbes' figure to account for the growth of the internet and inflation.

There are two main arguments that the \$10 billion figure is inaccurate. First, it is based on self-reported data. The adult industry may have an interest in making their product appear more mainstream than it actually is. Thus they are apt to over report their market share. Second, the large corporations that have a stake in pornography, such as hotel and cable businesses, may encourage inflated estimates. In the wake of Bush's election however, it seems just as likely that adult companies would seek to fly under the radar and deemphasize their earnings. Given the large number of reputable sources quoting the \$10 billion figure,⁶⁹ it is probably an adequate point estimate as long as it is taken with a large grain of salt.

According to the adult industry, \$4 billion of their earnings derive from rental and sale of adult films. In 2001, the adult industry produced almost 11,000 new titles. In 1991, by comparison, the industry only produced 1,500 titles.⁷⁰

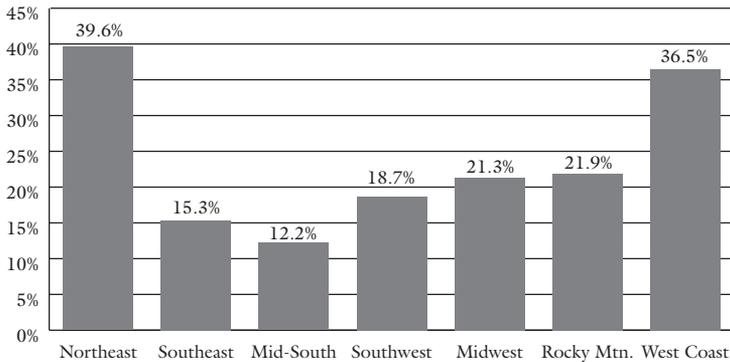
Number of Adult Titles Released



This expansion was fueled by the decreased costs of production associated with the all-sex pornography genres. As costs decreased, more amateurs entered the business, thus increasing the number of titles even more. Overall, the industry claims to control 29 percent of the overall video sales and rental market.

Forbes attacked this number aggressively by noting that Blockbuster and Hollywood Video don't stock adult titles, and Wal-Mart does not sell them. However, the estimate may not be crazy. First, it is not clear whether the industry claims that one in three video sales/rentals is of an adult film, or whether one in three dollars spent on sales/rentals goes to adult videos. Because adult videos are often more expensive to rent and buy, the later claim is much more supportable. Second, Wal-Mart is concentrated in the mid-west.⁷¹ The coasts, however, produce the lion's share of pornography's sales/rental profits.⁷²

Percentage of Video Market attributable to Adult video



Analysts estimate that the adult industry earns \$1 to \$2 billion online. Internet revenue is mostly subscription based. For example, for a monthly fee of \$30 one can gain access to Vivid.com's catalog of pictures and video clips.⁷³ Cybererotica.com has a similar monthly subscription plan for \$50.⁷⁴ In 2000, Cybererotica had approximately 300,000 paying members.⁷⁵ These sites represent the high end. Many sites have fees of less than \$10 per month.

The remaining \$4 billion or so is probably a combination of cable subscriptions, pay-per-view hotel sales, and magazines like Hustler and Playboy.⁷⁶

PART III: THE EVOLUTION OF THE ADULT INDUSTRY

“There’s no question there’s been a turn for the harder in the XXX in recent years. In the mid-’90s, double penetration seemed to be the bar for nasty. Then came the massive gangbangs, such as the Houston 620 in 1999, bukkake vids (also 1999) and today seeing cream-pies, throat-fucking, ass to mouth, double-vaginal and double-anal penetration is not uncommon.”⁷⁷

Adult Films: Less Plot, More Hard Core Content

While pornographic references on television increased by a factor of four, there were also substantial changes within the adult industry. Penthouse and Hustler began publishing pictures of sexual penetration in 1998.⁷⁸ The most drastic changes, however, occurred in the adult video market. First, the popularity of adult films with legitimate plots was challenged by the new plotless “gonzo” pornography style. This style grew in popularity mostly because it was cheaper to make. Second, the video sales and rental markets grew considerably, as did the competition to fill the new demand.

The plot driven feature film has faced increasing competition from all-sex films. Today, the industry produces far more all-sex films than feature films.⁷⁹ In the late 80’s John Stagliano (aka Buttman) popularized a lower cost all-sex genre now called gonzo or wall-to-wall pornography. The cost savings came from two sources. First there was no set or transportation costs. Second, sometimes the camera was just set up on a tripod, alleviating the need for a cameraman or lighting director.⁸⁰ The average cost of a gonzo pornography is \$12,000.⁸¹ It costs ten to twenty times that amount to make a feature film.⁸² The decreased price tag helped gonzo pornography to gain a foothold in the industry.⁸³ After a brush with John Stagliano, Adam Glasser (aka Seymore Butts) started his own gonzo pornography business.⁸⁴ Glasser, who now stars in a reality series on Showtime, was the symbolic leader of the gonzo industry for the 90’s.

Gonzo pornography tended not only to be cheaper, but also harder core. This mostly took the form of multiple men with a single woman. Throughout the 90’s gonzo pornography popularized gangbangs⁸⁵ (sequential sex with multiple men), double penetrations or “DPs” (simultaneous anal and vaginal penetration), and double or triple anal penetration (multiple penises at the same time).⁸⁶ Today harder core films might also include urination, vomit,⁸⁷ and “cream-pies,” where the man ejaculates inside his co-star.⁸⁸ Internal ejaculation is considered hard core because of the risk of HIV infection.

Gonzo porn also tended to exhibit more violence against women. On-camera rape happens. Feature film producer Ed Powers chastised gonzo producers for using pain to sell films. “[Y]ou don’t tell the girl what she has to do and threaten her money if she won’t do it and bounce her check and not pay her...when a girl tells me she cried and they stopped, and then you go look at the product and they’ve zoomed [in] on the tears.”⁸⁹ Actresses tell a similar tale. During the filming of “Rough Sex 2,” part of a series that is now discontinued, Regan Starr encountered an unexpected level of violence.

I got the shit kicked out of me...I was told before the video - and they said this very proudly, mind you - that in this line most of the girls start crying because they’re hurting so bad....I couldn’t breathe. I was being hit and choked. I was really upset, and they didn’t stop. They kept filming. You can hear me say, “Turn the fucking camera off,” and they kept going.⁹⁰

Veronica Hart, a director of feature films, summed up the difference between features and gonzo in the following way:

My problem is that obviously some of them [the actresses] don’t know [that there will be violence or multiple male penetration], and you guys feel no responsibility for the people that are watching. I avoid this type of material, and I want to make stuff that I feel is good, it puts out good messages... I’m not sending out the message to a bunch of guys that it’s okay to go out and abuse chicks because that’s what they really want. And I think that’s really dangerous shit to put out there.

Ms. Hart also noted that the difference is not in the actual sexual acts performed, but in the manner they are portrayed. “Even when the chick wants it big and bad and hard, and she wants to be taken by a bunch of guys, it’s very clear in *my* movies that it’s *her* wish.”⁹¹

Gonzo’s low quality style set the stage for reality pornography.⁹² Like reality TV, reality pornography coaxes real people to star in adult movies. The genre has been around at least since 1989,⁹³ but became a big seller only more recently. There is even a pornography version of American Idol that was released in February 2004.⁹⁴ Last year the reality pornography genre became so popular that it made the cover story of the Adult Video News.⁹⁵

The most successful reality series to date is produced by Shane’s World. It includes titles such as “Campus Invasion,” “Frat Row Scavenger Hunt,” and “College Invasion.”⁹⁶ The premise is simple. Two pornogra-

phy actresses and a few cameramen crash frat parties and run contests to see which fraternity member will get to be on camera with one of the actresses.⁹⁷ They also wander into dorm laundry rooms to find lucky contestants.⁹⁸ Not all students choose to participate,⁹⁹ but those that do are immortalized on film.¹⁰⁰

Indiana University, one of the target campuses, disciplined student participants.¹⁰¹ One participant lamented his choice and claimed that his drunken stunt may have ruined his life.

I wanted to go to law school and maybe be in politics. But what community would want me to represent them now? For years I will have problems, all because of a two-minute mistake.¹⁰²

“Campus Invasion” won the best gonzo film award at the 2003 Adult Video Awards.¹⁰³ “College Invasion 3” is, as of May 16, 2004, the second best selling adult DVD, losing out only to a film by current pornography darling Jenna Jameson.¹⁰⁴

With the onslaught of gonzo and reality pornography, features are increasingly marketed to couples, women, and older men. The industry estimated in 2001 that couples represent 20 percent of the rental market.¹⁰⁵ Solo women represent only 2 percent.¹⁰⁶ Wicked Pictures, winner of thirteen awards at this year’s Adult Video Awards,¹⁰⁷ has actively courted the couples market.¹⁰⁸ As have smaller production groups such as Candida Royale, which only markets to couples and women.¹⁰⁹

PART IV: EXPLAINING THE PARALLEL TRENDS

Over the past fifteen years mainstream media increasingly incorporated pornographic references and themes into its content. During a similar period, the adult industry started producing many more titles. Many of these films depicted increasingly hard core acts, which the industry felt were necessary to satisfy customer demand. Are these parallel shifts related? If so did one cause the other, or is there a factor in society that caused both shifts?

The relationship between these trends cannot be explained by a simple causal theory. More complex theories rely on some form of a gateway approach, which hypothesizes that viewers seek out harder and harder material over time. There is some evidence, however, to refute the gateway approach. As an alternative I argue that the internal dynamics of the adult film industry forces directors to incorporate harder core sex acts into their films. The increased supply of harder material however, does not correlate with increased demand. In fact, a survey of 150 pornography consumers shows widespread discontent with harder core acts, and a general demand for more plot driven films.

Why Has Mainstream Media Increasingly Incorporated Pornography-Based References and Themes?

This paper offers only a cursory discussion of why mainstream media has increasingly incorporated references to pornography. I start with two premises: first, that references to pornography and sex help capture attention and sell products; second, media companies seek to maximize profits. This shifts the focus of inquiry to the question of why mainstream media has not incorporated an even greater number of references to pornography. To answer that question I make several cursory hypotheses about shifts in social norms. A fuller answer might be provided in journals of cognitive psychology and social psychology, but here I limit myself to cursory statements using the Abercrombie and Fitch boycott as a guiding example.

This paper does not defend the premise that sex sells, but rather takes it as an approximate starting point. Part I discussed several anecdotal examples of pornography in the mainstream, including an episode of “Friends” and the Pony advertising campaign. Both seek to attract a large number of viewers. They use sex to sell.

The mainstream media cannot incorporate an infinite amount of pornographic references into its content. At a certain point the references will violate the moral code of a sufficient number of people to trigger bad press and a boycott. The Abercrombie and Fitch boycott suggests that the current line in the sand is somewhere between the use of pornography stars in advertising to minors and promoting group sex among minors.

The Abercrombie and Fitch boycott threats came from the American Decency Association, a Michigan based Christian group. Abercrombie reported fielding 300 calls per hour about the catalog.¹¹⁰ The American Decency Association also threatened to boycott stores in the same malls as Abercrombie in an effort to increase pressure on the company.¹¹¹ This tactic worked, and Abercrombie withdrew the offending catalog. Abercrombie recently published their Spring 2004 catalog. The catalog contained no nudity.¹¹²

Once social mores change enough to preclude a large boycott (or recourse through government regulators like the FCC), the benefits of including pornography references will outweigh the costs. The Abercrombie catalog again serves as a good example. The American Decency Association has been boycotting Abercrombie since 2001. However, their efforts did not create sufficient market pressure to dissuade Abercrombie from showing nudity in their catalogs. The American Decency Association marshaled much more support when Abercrombie’s catalog went beyond nudity to discuss group sex in a positive light. Presumably this triggered support from less radical groups, and increased the boycott’s legitimacy in the eyes of the press.¹¹³

Mainstream media will incorporate as much sex and pornography as possible given the current state of social norms against such content. If the Abercrombie boycott and Janet Jackson's revelation are representative, then prevailing social norms distinguish between broadly disseminated popular advertising and more targeted advertising. Nudity in the former is condemned vehemently enough to lend support to boycotts and complaints. Nudity in the later is not. However, references to group sex cross the line.

The increased pornography references in mainstream media were probably not caused by the increased popularity of hard core pornography. The Abercrombie catalog is targeted at teenagers. Although there is a dearth of data on the subject, teenagers are unlikely to have consumed enough hard core pornography to affect their tastes in advertising. Even if teens were viewing harder core porn, there does not seem to be a common sense link between watching harder core acts such as double penetration and wanting to see mere nudity in catalogs. The pornography references in "Friends" were probably not more entertaining to consumers of harder core pornography than to soft core consumers or people who do not watch any pornography. In fact, the relatively bland references to missionary style one-on-one sex were probably less entertaining to consumers of harder-core porn.

How Mainstream Media Affects Pornography Consumption: A Whetting Approach

A first simple theory might be that the increased mainstream references to pornography have whetted appetites, and thereby caused increased adult video sales. When "Friends" aired its adult channel episode, millions of viewers were probably intrigued by the content that held Joey and Chandler's attention for so long. New Yorker's who saw Pony's porn-star campaign, or Jenna Jameson's Times Square billboard, were probably similarly curious about the pornography world. Documentaries on HBO and Showtime satisfy these curiosities, at least to a degree. But these documentaries are not themselves pornography. They are akin to *Sunshine & Health* magazine, "the Official Organ of the American Sunbathing."¹⁴

A whetting theory would predict that porn sales would increase along with increases in mainstream media references to pornography. This correlation seems to exist. As pornography references increased in mainstream media, the number of adult titles produced by the industry increased almost ten-fold. The increase in titles is at least suggestive of increased overall sales.

The whetting theory, however, does not account for the shift toward harder core pornography. If people's appetites for pornography are created

or whetted by mainstream media, then their appetites should reflect the stimulus provided by such media. Media depictions do not differentiate between plot driven pornography and gonzo pornography. Mainstream media does not suggest specific hard core acts such as fisting or DPs. If anything, mainstream media references reflect an idealized 1970's version of pornography.¹¹⁵ Thus people should seek out plot driven pornography over gonzo style films.

"Friends" provides a good example of the blandness of mainstream media references to pornography. As quoted above, Chandler expressed dismay that a bank attendant did not ask him to sleep with her. At most this is a reference to one-on-one traditional missionary style sex. Nowhere did this episode suggest violence or multiple partners.¹¹⁶

How Mainstream Media Affects Pornography Consumption: A Siphoning Approach

A more complex theory might posit that HBO and Showtime are similar enough to plot driven pornography that they have siphoned off some adult video purchasers. The siphoned viewers would by definition be those who feel that cable documentaries and pornography are fungible. Because HBO and Showtime do not show hard core material such as fisting, these shows can only be fungible with plot-driven softer core pornography. Thus customers who remain in the adult film market do so precisely because they desire to view something different than the normal sex acts that cable documentaries depict. This would result in a shift toward the production of harder core pornography.

The growth in adult video production is problematic for the siphoning theory. Because the theory postulates that softer core customers are leaving the adult film market, it suggests that the adult film market should be shrinking. However, the vast growth in the number of adult titles produced annually suggests a growth of the number of customers. To salvage the siphoning theory, new customers must be entering the adult film market. Further, they must desire harder core pornography. Since I have posited that HBO and plot-oriented pornography are fungible, the only reason for these people to enter the adult video market would be to obtain harder core pornography.

New customers might have emerged because of the same social norm shift that made boycotting more difficult. Like mounting an effective boycott, the threat of social stigma requires a certain threshold number of people who are willing to condemn a practice. As the number of people with strong negative feeling about sexuality and pornography fades, so too might the social stigma that attaches to pornography viewing. It is doubtful that

these new customers would openly consume pornography. Half of current pornography viewers do not even mention their pornography habit to other men.¹¹⁷ If men mentioned at all, they do so in a joking manner.¹¹⁸ However, the social cost of being caught renting a pornography film might have been reduced just enough to entice new customers into taking the risk.

One potential problem with the siphoning theory is that it assumes that there has been a constant level demand for *harder core* pornography. New customers are transitioning from non-porn viewers, to hard core porn viewers. The only proffered explanation is a decrease in social stigma. If these new customers were only held back by the fear of stigma, then their taste for hard core pornography must have existed prior to the shift in social norms.

I find this assumption difficult to swallow. There seems to be nothing intrinsically sexier about anal intercourse than vaginal. However, harder core acts are usually more violent toward women and tend to subordinate them to the desires of more men. If male sexuality is related to subordination and control, then harder core desires may be latent in much of the population. Although an analysis of male sexuality is well beyond this paper, such an undertaking would be required to fully ascertain the viability of a siphoning theory.

Why is Pornography Harder Core? A Gateway Approach

The gateway theory postulates that customers seek harder core material because they have become bored with “normal” sex, and are looking for different stimulation. This theory is summed up nicely by pornography director Jerome Tanner: “Comes a time when this, whatever ‘this’ happens to be, is just not enough, so you just go on to the next level. I don’t know where you draw a line and where do you stop, but in my movies, I attempt to give them the harder sex.”¹¹⁹ Catherine MacKinnon would agree: “More and more violence has become necessary to keep the progressively desensitized consumer aroused to the illusion that sex is (and he is) daring and dangerous.”¹²⁰ Another feminist writer analogizes pornography viewing to a drug addiction and its gateway theories: “There is a cycle of addiction, where users seek out harder and harder pornography, leading, in extreme cases, to ‘snuff’ films where a woman’s sexual murder constitutes ‘entertainment.’”¹²¹

If a gateway theory is correct, the shift to harder core pornography could occur regardless of the trend in mainstream media. Even if the adult video customer base remained constant and was uninfluenced by mainstream media, repeat customers would demand harder and harder core pornography.

At first blush, the gateway theory appears to have some empirical support. Researcher William Griffit makes an analogy to real-life sex patterns:

many men and women become bored with each other sexually, and are happier once a new stimulus is introduced.¹²² He also cites rodent experiments where male rats will copulate with a female multiple times, but then show no sexual drive until a new female is introduced.

As interesting as these studies are, they do not directly address the shift to harder core pornography. In both studies a new female is sufficient for a renewed sexual response. Why then would voyeuristic experiences—such as pornography viewing—require more than just a new female, but also a new *sex act*? Even more problematic, why would these new acts have to be more violent? If novelty is all that is required, then new venues and new plots should be sufficient.

The gateway theory inappropriately assumes a linear relationship between sex acts. Such acts are usually ranked from most to least subordinating. Novelty theories don't support the notion that more subordination is required for stimulation, but rather only that something novel is required. Further, can we really rank sex acts on this scale? Is urination “harder” than gangbanging?

There is some evidence to refute the gateway theory in its entirety. In “Watching Sex”, journalist David Loftus solicited information from 150 pornography consumers about what they liked and disliked about pornography.¹²³ These men reported that their tastes in pornography were remarkably stable. They either enjoyed watching the type of pornography they were first introduced to,¹²⁴ or they settled into a genre relatively quickly and thereafter stuck with it. The only trend over time was a tendency to seek out higher quality depictions of a chosen genre.¹²⁵

Those men that watched bondage or more unique pornography identified childhood experiences as the source of their tastes.¹²⁶ They reported that their initial experiences with mainstream pornography did not satisfy them: “I frequently wondered in what way I was different, that *Playboy* et al. did not do for me what it was reputed to do for others.”¹²⁷ Thus tastes appear to be independent from pornography rather than shaped by it.

Loftus's survey was not a comprehensive. Selection bias probably drove more stigmatized pornography viewers away.¹²⁸ However, these data give an initial negative answer to the question of whether the gateway theory is viable.

Why is Pornography Harder Core? An Institutional Approach

The trend toward harder core pornography may represent competition among directors and actresses rather than consumer demand. The underground roots of the pornography industry have probably hampered its development of customer feedback systems. Young directors may seek

to make a name for themselves by differentiating their work. This may serve the needs of the director while actually annoying his customers.

The men in Loftus's study uniformly complained about the state of adult films today. Most were bored of the same "suck and fuck" formula.¹²⁹ They disliked close-up shots of genitals¹³⁰ and facial cum-shots.¹³¹ Instead of demanding harder material, most men desired "more romance, more buildup, more kissing, more normal people, lots of variety, and beautiful naked women."¹³² One man's ideal adult film was no more than a sappy teenage love story with more sex:

There would be a story, It might start out with a guy and/or a girl in their apartment alone, masturbating and fantasizing about the ideal guy, then actually meeting him/her on the street or in a restaurant. It doesn't have to take forever for them to go to bed with each other, but some production value would be appreciated.¹³³

Contrary to the anal sex focus of gonzo pornography, only a small number of men wanted to see anal sex. As many men wanted to see the *male* actor anally penetrated with a dildo, as wanted to see the female actress anally penetrated.¹³⁴ This suggests a serious mismatch between consumer demand and industry supply.

Why might directors seek to produce harder core films? The advent of all-sex pornography dramatically reduced the cost of producing an adult film. The internet too has dramatically reduced the costs of running an adult business. Given the low entry costs, new entrepreneurs may be entering the market and contributing to the 11,000 new titles produced in 2001. These new entrants create tough competition that may induce directors to create films that stand out by showing a sex act that no one has yet done. This was the business pattern that *Penthouse* used to compete with *Playboy* when, in 1971, Penthouse became the first major men's magazine to show pubic hair.¹³⁵ Larry Flynt then used this model again to compete with Penthouse.¹³⁶ This dynamic seems to be the most plausible explanation for films like Houston 620 (where one woman allegedly had sex with 620 different men).

The directing history of Skeeter Kerkove also provides anecdotal support for this notion. In 1999, he made a name for himself orchestrating fourteen sequential cream-pies in actress Bridget Kerkove, his wife.¹³⁷ In 2001, he filmed two triple-anal scenes and said in an interview that he was proud that he had never filmed a scene *without* anal.¹³⁸

Actresses too may feel the need to differentiate themselves in order to get work. To do so they may initiate, or at least be willing participants in,

harder core sex. These pressures are especially great now because California-based actresses are facing competition from actresses abroad, who tend to be more willing to engage in harder core acts.¹³⁹

If this hypothesis is correct, then companies with greater customer feedback systems should be producing fewer hard core pornography titles. I have no data regarding which companies have such customer feedback systems. However, if industry success is a rough proxy for good customer feedback, then Vivid Entertainment probably has a good customer feedback system. They are the largest video producer in the U.S.,¹⁴⁰ and they won 9 Adult Video Awards last year.¹⁴¹ They also hire actresses for long term contracts,¹⁴² which suggests that they engage in some long term business forecasting.

Vivid produces mostly plot driven films. They briefly tried to compete with gonzo pornography by producing a "Raw" series. Vivid cancelled this series when it failed to make any more money than their higher class products.¹⁴³ Vivid is also one of the few companies whose web site refrains from showing nudity unless they verify a credit card number. The opening pages of Vivid's website (which are designed to lure customers in) contain no cum-shots, genital close-ups, or depictions of anal sex. In fact they contain no nudity at all. This lends some support to Loftus's results, and the institutional approach outlined above.

CONCLUSION

Since 1989 mainstream media increasingly incorporated pornographic references and themes into its content. A parallel trend occurred in the pornography industry, which developed racier, harder core films. Although pleasingly parallel, these trends are probably not directly related. The changes in social mores that enabled the proliferation of pornographic references in mainstream media do not seem to account for the proliferation of *harder core* pornography. The gateway theory is theoretically unsatisfactory because pornographic acts are hard to place on a linear scale of softer to harder core. More importantly, consumer tastes appear to be stable over time.

The institutional approach is the most probable explanation given the data examined here. The internal dynamics of the pornography industry, not the evolution of consumer demand, is responsible for the shift to harder core pornography. Under this theory there is a mismatch between consumer demand and industry supply. Loftus's survey gives anecdotal evidence for this mismatch. Further support for this mismatch comes from the fact that the most successful adult video producer focuses on plot driven pornography. This mismatch gives directors room to make a name

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for themselves in a competitive industry without having to take account of consumer demand. The trend may even be able to continue as long as entry costs are low. New directors might then continue to enter the fray, flooding the market with harder core pornography that ultimately might not sell as well as plot driven films.

- 1 Parents Television Council, *What a Difference a Decade Makes: A Comparison of Prime-Time Sex, Language and Violence in 1989 and '99*, at <http://www.parentstv.org/PTC/publications/release/2000/pr033000.asp> (March 30, 2000).
- 2 *Id.*
- 3 NBC, Friends Episode Guide, at <http://www.nbc.com/Friends/episodeguide/90.html> (Last visited May 1, 2004).
- 4 EDWARD MARRIOTT, *Men and Porn*, *The Guardian*, November 8, 2003, at <http://www.guardian.co.uk/weekend/story/0,3605,1079016,00.html> (emphasis mine).
- 5 FREDRICK S. LANE III, *Obscene Profits: The Entrepreneurs of Pornography in the Cyber Age* 45 (Rutledge, NY 2000).
- 6 *Id.*
- 7 *Id.* at 73 n18.
- 8 *Id.* at 255.
- 9 GLORIA GOODALE, *Erotica Runs Rampant*, *The Christian Science Monitor*, February 1, 2002, at <http://www.youthintelligence.com/company/yiArticle.asp?yiArticleId=17>.
- 10 www.cbs.com/specials/victoriassecret/.
- 11 MSNBC News, *Paris Hilton sex tape to be released*, at <http://msnbc.msn.com/Id/4809912/> (April 28, 2004).
- 12 [http://superstore.goforit.com/details.link/tid/862047/cfid/4216468/cftoken/43074044/welcome/1-Night-In-Paris — Hardcore-Version.htm](http://superstore.goforit.com/details.link/tid/862047/cfid/4216468/cftoken/43074044/welcome/1-Night-In-Paris---Hardcore-Version.htm). (Last visited May 1, 2004).
- 13 Parents Television Council, *Sex Loses its Appeal*, at <http://www.parentstv.org/PTC/publications/reports/stateindustrysex/main.asp>. (Last visited May 1, 2004).
- 14 *Id.*
- 15 *Id.*
- 16 “Janet’s boob-boo by the numbers,” *Chicago Tribune*, February 9, 2004, pg 40.
- 17 “Stern rips decency fines,” *The Boston Herald*, April 13, 2004, The Edge p42.
- 18 *CBS News*, “Victoria’s Secret Drops TV Show,” at <http://www.cbsnews.com/stories/2004/04/13/entertainment/main611614.shtml> (April 13, 2004) (The announcement came less than three months after the Jackson uproar and a week after federal regulators proposed \$495,000 in fines against Clear Channel Communications for sexual material on the Howard Stern show.)
- 19 JACQUES STEINBERG, “Eye on F.C.C., TV and Radio Watch Words,” *New York Times*, May 10, 2004 at <http://www.nytimes.com/2004/05/10/business/media/10FCC.html?adxnln=1&adxnlnx=1084658793-wlUBmx2cnSDQ8W4JdEApSA>.
- 20 CHUCK BARNEY, “Cutting edge TV only on cable now,” *MSNBC News*, December 11, 2003 at <http://msnbc.msn.com/Id/3606866/>.
- 21 <http://www.sho.com/site/fbiz/home.do>. (Last visited May 1, 2004).
- 22 <http://www.hbo.com/docs/programs/cathouse/>. (Last visited May 1, 2004).
- 23 <http://www.hbo.com/docs/programs/cathouse2/index.html>. (Last visited May 1, 2004).
- 24 <http://www.hbo.com/docs/programs/hooks/>. (Last visited May 1, 2004).
- 25 <http://www.hbo.com/docs/programs/porn101/synopsis.html>. (Last visited May 2, 2004).

- 26 “What most likely will make Vivendi’s and Vivid’s ‘uncensored’ music channel a success, if it be one, is the sex — and lots of it” News Release from Morality In Media, Inc. January 8, 2004 at <http://www.moralityinmedia.org/mediaIssues/Vivendi-VivId.htm>.
- 27 Some of UMG’s artists include Beck, Black Eyed Peas, Mary J. Blige, blink-182, Bon Jovi, Mariah Carey, Vanessa Carlton, Sheryl Crow, DMX, Dr. Dre, Eminem, Melissa Etheridge, Eve, 50 Cent, G-Unit, Vince Gill, Godsmack, India.Arie, Ja Rule, Jay-Z, Toby Keith, B.B. King, Diana Krall, Limp Bizkit, Ludacris, Brian McKnight, Nelly, Nickelback, No Doubt, Puddle of Mudd, George Strait, Shania Twain, Stevie Wonder, Sting, 3 Doors Down and Trisha Yearwood. See, <http://new.umusic.com/overview.aspx>. (Last visited May 2, 2004).
- 28 *Adult Video News*, “The 21st Annual AVN Awards Show,” March, 2004 at <http://www.adultvideonews.com/cover/cover030401.html>.
- 29 <http://www.rottentomatoes.com/m/BoogieNights-1079858/about.php>. (Last visited May 2, 2004).
- 30 Holmes stared with Linda Lovelace in *Deep Throat*, and derived his nickname from the size of his penis. LANE, *Obscene Profits* at 117 n29 and accompanying text.
- 31 <http://www.rottentomatoes.com/m/Wonderland-1126070/about.php>. (Last visited May 2, 2004).
- 32 <http://www.rottentomatoes.com/m/EyesWideShut-1084872/about.php>. (Last visited May 2, 2004).
- 33 <http://www.rottentomatoes.com/m/PornStarTheLegendofRonJeremy-1111908/dvd.php?select=1>. (Last visited May 2, 2004).
- 34 A.O. SCOTT, “The Perfect Girl, Except for the Résumé,” *The New York Times, Film Review*, April 9, 2004 <http://query.nytimes.com/gst/fullpage.html?res=9D01EFDC1538F93AA3575C0A9629C8B63>.
- 35 LANE, *supra* note 5, at 86.
- 36 For a complete listing of Ron Jeremy’s films, see <http://www.imdb.com/name/nm0000465/>. (Last visited May 2, 2004).
- 37 LANE, *supra* note 5, at 87.
- 38 *Id.*
- 39 *Id.* For a complete filmography see <http://www.imdb.com/name/nm0000183/>. (Last visited May 2, 2004).
- 40 “Traci Lords: Underneath It All,” *The New York Times*, Hardcover Nonfiction, August 17, 2003 at <http://www.nytimes.com/2003/08/17/books/bestseller/0817besthardnonfiction.html?ex=1084766400&en=e67c752bb361734b&ei=5070>.
- 41 JENNA RUSSELL, *Flesh Amid Ivy: Harvard Allows Student Sex Mag*, *The Boston Globe*, February 12, 2004.
- 42 JENNA RUSSELL, “Harvard Warns Sex Magazine Against Pornography,” *The Boston Globe*, February 14, 2004. For an example of the criticism, see JIM BROWN and JENNI PARKER, “Ivy League Leader Lets Porn Parade as Protected Speech, Prof Says,” *American Family Association*, March 26, 2004 at <http://headlines.agapepress.org/archive/3/afa/262004c.asp>.
- 43 “Harvard Group Grants \$2,000 to Sex Magazine,” *The Boston Globe*, March 23, 2004.

- 44 JENNA RUSSELL, *supra* note 42.
- 45 <http://www.harvardlampoon.com>.
- 46 STUART ELLIOT, "Porn Stars to Adorn Ads for Clothing and Footwear," *International Herald Tribune*, February 25, 2003 at <http://www.iht.com/articles/87731.html>.
- 47 LANE, *supra* note 5, at 245.
- 48 See, <http://www.snopes.com/inboxer/outrage/abercrombie.asp> (Last visited May 2, 2004), and COLE KAZDIN, *Have Yourself a Horny Little Christmas*, Salon.com, November 26, 2003 at <http://www.salon.com/sex/feature/2003/11/26/abercrombie/indexnp.html>.
- 49 COLE KAZDIN, "Have yourself a horny little Christmas," Salon.com, November 26, 2003 at <http://www.salon.com/sex/feature/2003/11/26/abercrombie/indexnp.html>.
- 50 "Abercrombie & Fitch Catalog Sells 'Group Sex' to Teens," at <http://urbanlegends.about.com/library/blabercrombie.htm>. (Last visited May 2, 2004).
- 51 WILLIAM L. HAMILTON, "The Mainstream Flirts With Pornography Chic," THE NEW YORK TIMES, March 21, 1999 Section 9; Page 1; Column 1; Style Desk.
- 52 *Id.*
- 53 For example, the following add is dated 1/9/2003:
- We have been consigned to shoot some medical fetish video. We need attractive women ages 18 plus to act as "patients" for simulated physical exams to be performed on videotape. There is no sex involved in this production however the actress will appear nude and a simulated pelvic examination will be performed.
- <http://www.adultstaffing.com/default.cfm?fuseaction=Search.Detail&PersonType=Employer&OpenPositionID=5484&partnersite=>
- 54 <http://www.twistedspoke.com/smuteggs.html>. (Last visited May 2, 2004).
- 55 *Id.*
- 56 *Adult Video News*, "AVN Directors Roundtable: Old School/New School Smackdown," Cover Story, January 2003 at <http://www.adultvideonews.com/cover/cover010301.html> (Director Jerome Tanner noting: "I can't do choking because I sell to *Playboy*.")
- 57 JENNIFER L. SCHENKER, "In Europe, Cellphone Profits Go Up as Clothes Come Off," *International Herald Tribune* reprinted in *The New York Times*, May 4, 2004 at <http://www.nytimes.com/2004/05/04/technology/techspecial/04SHEN.html?ex=1084766400&en=8c2b50f329b51058&ei=5070>.
- 58 *Id.*
- 59 *Id.*
- 60 *Id.*
- 61 LANE, *supra* note 5, at 34.
- 62 *ABC News*, "American Porn: Corporate America Is Profiting From Porn—Quietly," January 28, 2003 at <http://abcnews.go.com/sections/primetime/DailyNews/pornographybusiness030128.html>.
- 63 *ABC News Nightline Report*, "Dirty Business: Porn Profits Attract Blue-Chip Corporations," *ABC News Nightline Report*, March 25, 2002 at <http://abcnews.go.com/sections/business/Nightline/pornography020325.html>.

- 64 CBS News, "Porn in the U.S.A.," *60 Minutes*, November 21, 2003 at <http://www.cbsnews.com/stories/2003/11/21/60minutes/main585049.shtml>.
- 65 PHIL KLOER, "Big Business Pushes Porn into the Mainstream," *The Atlanta Journal-Constitution*, August 16, 2003 at <http://www.slis.indiana.edu/news/story.php?storyId=705>.
- 66 *Dirty Business: Porn Profits Attract Blue-Chip Corporations*, *supra* note 63.
- 67 DAN ACKMAN, "How Big Is Porn?," *Forbes.com*, May 25, 2001 at <http://www.forbes.com/2001/05/25/0524porn.html>.
- 68 See, e.g. NICK MADIGAN, "Voice of Health in a Pornographic World," *The New York Times*, Section A; Column 1; National Desk; Pg. 14, May 10, 2004 (quoting \$9 billion); Porn In The U.S.A., *supra* note 64 (claiming that pornography makes "some-where around \$10 billion").
- 69 See *id.*
- 70 *Adult Video News*, "2001 Annual Sales/Rental Charts," December 2001 at <http://www.adultvideonews.com/cover/cover120105.html>.
- 71 TELIS DEMOS, "Fearing Walmart," *Columbia Political Review*, undated, at <http://www.columbiapoliticalreview.com/article004.asp> (Last visited May 2, 2004) (noting that there are 5 times more Wal-Mart's in Mississippi, Arizona, and Oklahoma than in Illinois, New York, or California.).
- 72 "2001 Annual Sales/Rental Charts," *supra* note 70. Note that the fuzzy text exists in the original, and was not exacerbated by this author. The categories appear to be: Northeast, Southeast, Mid-South, Southwest, MidWest, Rocky Mtn., and West Coast.
- 73 <http://www.Vivid.com> (last visited May 1, 2004).
- 74 <http://www.Cybererotica.com>. (last visited May 1, 2004).
- 75 LANE, *supra* note 5, at 222.
- 76 ACKMAN, *supra* note 67.
- 77 *Adult Video News*, *Harder, Faster: Can Porn Get Any Nastier?* October, 2003 at <http://www.adultvideonews.com/cover/cover100303.html>.
- 78 LANE, *supra* note 5, at 220.
- 79 *Adult Video News*, "State of the Feature Depends on Who You Talk To," October, 2003 at <http://www.adultvideonews.com/cover/cover100302.html> (Old school feature film directors Hart and Romone noting that 90% of the demand is for plot-less films.)
- 80 DAVID SEGAL, "The Maharajah of Poontang," *Salon.com*, November 8, 1999 at <http://archive.salon.com/people/feature/1999/11/08/stagliano/index1.html>.
- 81 *Id.*
- 82 LANE, *supra* note 5, at 51.
- 83 SEGAL, *supra* note 80.
- 84 SUSANNAH BRESLIN, "Extreme Porn Crackdown," *Salon.com*, July 12, 2001 at <http://archive.salon.com/ent/movies/feature/2001/07/12/seymore/>. (Stagliano rented Glasser's L.A. gym for a shoot. After seeing Stagliano in action, Glasser decided to change careers.)
- 85 *Id.* (citing "The Houston 500" where one woman has sex with 125 men.)
- 86 *Harder, Faster: Can Porn Get Any Nastier?* *supra* note 77.

- 87 BRESLIN, *supra* note 84 (citing “Girls Who Puck”).
- 88 Fecal matter still seems to be regarded as outside the mainstream; films containing defecation are still labeled “fetish” films. Bestiality is similarly labeled “fetish.”
- 89 AVN Director’s *Roundtable*, *supra* note 56.
- 90 AMIS, *supra*.
- 91 *Id.* (emphasis added).
- 92 Adult Video News, *Keepin’ It Real: The Hot, New Reality Porn Rage*, Cover Story, May 2003 at <http://www.adultvideonews.com/cover/cover050301.html> (“While the mainstream reality TV craze clearly has spawned the Reality Porn outpouring, the latter trend has its roots in public nudity fare and the advent of Gonzo in the late 1980s.”).
- 93 *Id.* (The film “On the Prowl” brought pornography actresses to adult video stores, where they would select lucky customers to be in the movie.).
- 94 For a review, see <http://www.dvdtalk.com/reviews/read.php?ID=9697>. (Last visited May 2, 2004).
- 95 *Keepin’ It Real*, *supra* note 92.
- 96 KEN HEGAN, “The New Sex Ed,” *Rolling Stone*, August 27, 2003 at <http://www.rollingstone.com/news/story?Id=5938496>.
- 97 *Id.*
- 98 *Id.*
- 99 *Id.* (During “College Invasion 1,” one frat member declined on-screen oral sex, despite misogynistic peer pressure from his friends: “Don’t be a bitch! Don’t be a bitch!”).
- 100 *Id.*
- 101 *Id.*
- 102 *Id.*
- 103 *Keepin’ It Real*, *supra* note 92.
- 104 See, <http://www.adultvideonews.com/charts/dvd0504.html>. (Last visited May 2, 2004).
- 105 2001 *Annual Sales/Rental Charts*, *supra* note 70. Note however, that at least one pornography director disputes that the women in these couples ever enjoy the films. Presumably they are just watching them to appease their boyfriends or husbands. See, *AVN Director’s Roundtable*, *supra* note 56 (Henri Pachard answering “no” to: “Do you honestly believe women enjoy couples tapes?”).
- 106 *Id.*
- 107 “The 21st Annual AVN Awards Show,” *supra* note 28.
- 108 *Adult Video News, Demographics Aid In Marketing Adult*, September 2003 at <http://www.adultvideonews.com/cover/cover090303.html>.
- 109 LANE, *supra* note 5, at 94.
- 110 ANNE MORSE, “Field Guide Bye Bye,” *National Review*, December 1, 2003 at <http://www.nationalreview.com/comment/morse200312010917.asp>.
- 111 *Id.*
- 112 American Decency Association undated news release, at <http://www.americandecency.org/abercrombie.htm>. (Last visited May 2, 2004).

- 113 Abercrombie could learn from the entrepreneurs who pioneered mail order pornography. The mail order pornography industry has a long history of refusing to sell to zip codes that are known for tough obscenity standards. Following this model, Abercrombie might be able to return to its old marketing strategy, at least in the northeast and on the west coast. Similarly Pony only chose to run its pornography based ads in New York City. Other media producers may not be able to use this model. Nationally broadcast television shows like *Friends* cannot easily tailor its messages to different regions.
- 114 *Sunshine & Health's* subscription base was decimated when *Playboy* was introduced. See, LANE, *supra* note 5, at xvi. If another Hugh Hefner can make pornographic films seem as acceptable as the real Hugh Hefner made nude photos, than these documentaries will be replaced by actual pornographic content.
- 115 Both *Boogie Nights* and *Wonderland* are set in this era. See, notes 29, 31.
- 116 Showtime's "Family Business" series may be an exception. Fans who wish to see the films depicted in this reality show will be renting the harder core gonzo films produced by its star, Seymore Butts. However, Mr. Butts was selling many videos before Showtime, HBO, and *Friends* began to reference pornography.
- 117 DAVID LOFTUS, "Watching Sex: How Men Really Respond to Pornography" at 85-86 *Thunder Mouth Press*, New York, NY 2002 (Half of 150 surveyed men did not ever discuss pornography openly, even to other men. If mentioned at all, pornography is talked about jokingly.).
- 118 *Id.*
- 119 *AVN Director's Roundtable*, *supra* note 56 (Jerome Tanner speaking).
- 120 LOFTUS, *supra* note 117 at 260.
- 121 *Id.*
- 122 WILLIAM GRIFFITT, "Pornography as a Research Tool: Exploring Fundamental Issues in Human Sexuality," in *Porn 101: Eroticism, Pornography, and the First Amendment* at 282 (JAMES ELIAS *et al.* Eds.) Prometheus, Amherst, NY 1999.
- 123 LOFTUS, *supra* note 117 at xi.
- 124 *Id.* at 130 (One third of men reported that the type of pornography that they enjoyed as youths was the type they still enjoyed.).
- 125 *Id.* at 131.
- 126 *Id.* at 113, 130 ("Jay" recalls a story of pretending to be a pirate and tying up a fellow child.).
- 127 *Id.* at 117.
- 128 *Id.* at xiii.
- 129 *Id.* at 32.
- 130 *Id.* at 39.
- 131 *Id.* at 40.
- 132 *Id.* at 44.
- 133 *Id.* at 47.
- 134 *Id.* at 41.
- 135 LANE, *supra* note 5, at 28. *Penthouse* subscriptions rose tremendously and actually exceeded *Playboy's* for a brief time. *Playboy* later surrendered the "pubic wars" and returned to its traditional soft focus approach. *Id.*

136 *Id* at 28, 102 (Flynt noting that “[n]either Hefner or Guccione [the publisher of *Penthouse*] wants to admit that people are buying skin mags for a turn-on first and for editorial quality second.”).

137 “Harder, Faster: Can Porn Get Any Nastier?,” *supra* note 77.

138 *Id.*

139 *Adult Video News*, “Fresh Faces, Not Financials, Draw U.S. Shooters Overseas,” October 2003 at <http://www.adultvideonews.com/cover/cover100309.html>.

140 *CBS News*, “Porn Film Safety Crackdown Sought,” April 21, 2004 at <http://www.cbsnews.com/stories/2004/04/30/health/main614880.shtml>.

141 The 21st Annual AVN Awards Show, *supra* note 28.

142 *Adult Video News*, “Contract Girls, Shape Company Image, Increase Sales,” September 2003 at <http://www.adultvideonews.com/cover/cover090304.html>.

143 “The State Of The Feature Depends On Who You Talk To,” *supra* note 79.