

Ass Badfinger

First appearance in trade magazines: December 1, 1973

Label af1

Apple

SW-3411

Apple label with "MFD. BY APPLE" on the full side.



On side 1, the copyright is at the bottom of the label.

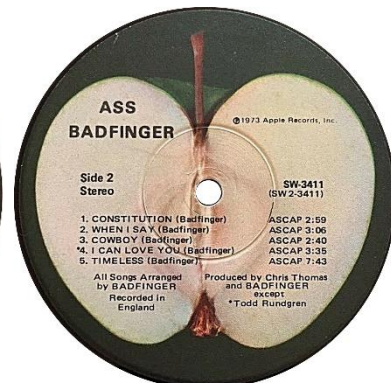
Factory: Los Angeles



BADFINGER—Ass, Apple SW 3411 (Capitol). A very well done set from this vastly overlooked British Band. Their fusion of strong vocal harmony with both intricate acoustic guitar work and a straight rock sound give them the combination that could attract over due attention. Previously thought of as mere Beatle sound-alikes, this foursome displays its own musical style with cuts like "When I Say" and "Blind Owl."

Same typeface as Los Angeles, but label is semi-glossy, and backdrop is darker.

Factory: Jacksonville

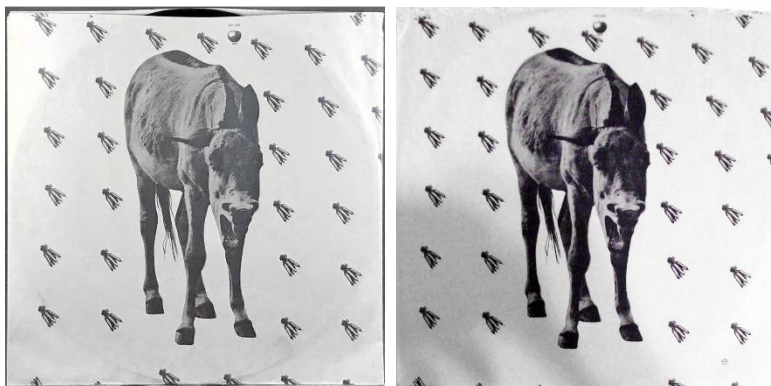


The copyright on side 1 is at the top of the label.

Factory: Winchester

Inner Sleeve:

Although both sides of the sleeve look nearly identical, the Apple logo and catalog number are in a different position on the two sides – possibly due to the requirement that the middle of the top edge of the inner sleeve accommodate the fact that the open side would be tab cut at a lower height than the other side.



This album came very close to remaining unreleased – at least for the time being. In 1972, Badfinger's distaste for their producers' treatment of their material led to their working on the new album by themselves, all the while the identity of their drummer was changing. The delays took them into the new year, and Apple rejected the album that Badfinger delivered to them. Chris Thomas entered as producer, under whom the band recorded new songs in April-May.

After some discussion about the final track listing, Apple was keen to release the album; however, the band's manager, Stan Polley, began negotiating with Apple about publishing rights. Since Joey Molland had written five of the album's ten tracks by himself, and since he had not signed a direct agreement with Apple Publishing, Polley did not want Apple to release the album. Based on the label styles they used, the final labels were certainly ready before September, but Apple was unable to put the album out. They decided to credit all of the songs to "Badfinger," which would relieve the publishing issue, since the group had a publishing agreement with Apple.

The label finally had the album ready by late November. The cover concept was largely conceived by Tom Evans, who viewed the music industry (and Apple in particular) as promising them a huge carrot (wealth) that they never actually received. Badfinger began recording for Warner Brothers immediately after leaving Apple, preparing their new album to be called *For Love or Money* (it wound up untitled). Although Apple rushed out *Ass* so it wouldn't compete with the new album, the two albums wound up in direct competition – which effectively damaged the sales of both records.

Meanwhile, Polley and the band had sued Apple over this album, on account of the publishing situation. By March, a judge sided in Apple's favor.



ASS—Badfinger—Apple SW-3411

The British band that has sounded so much like the Beatles on some of its records is really establishing an individualistic style on its latest LP which is highlighted by the hard rockin number, "Constitution" which is by far the heaviest the group has gotten to date. Naturally, the quintessence of harmonic perfection is resplendent on several of the cuts, particularly on "Cowboy," "I Can Love You," and the fantastic, moody composition, "Timeless." The group has written and arranged all the material on the album and the experience they've garnered from their past efforts is in full evidence here.

ASS

BADFINGER—Apple SW-3411 (\$5.98)

Badfinger has combined the best sound of the '60s (the Beatles, who else?) with a really contemporary pop feel. "Get Away" and "Apple of My Eye" are fine excursions into Beatlemania, while "The Winner," "Constitution" and "Cowboy" are examples of the more original side of Badfinger.



Badfinger Plea On 'Ass' Denied

NEW YORK—U.S. District Court Judge Arnold Bauman has denied a motion by Badfinger Music to enjoin Apple Records, Apple Music Publishing Ltd. and Capitol Records, Inc. from manufacturing, selling and distributing an LP titled, "Ass." The disk in contention was recorded by the British rock group, Badfinger, and released by the defendants last November.

Badfinger's suit had argued that the plaintiff was the sole proprietor of five songs on "Ass." The songs, it claimed, had been composed by Joey Molland, one of the members of the group who after joining Badfinger, had confirmed a longterm agreement which was already in existence with Apple Corp. Ltd. but had not signed a publishing agreement.

However, when the album was released by Apple it bore the notation, "All Selections Copyright by Apple Music Publishing Ltd."

Badfinger Music had claimed it was entitled to an injunction on the basis of this alleged copyright infringement, but the defendants had argued that the ownership of the copyrights was so unclear that injunctive relief would be unwarranted.

Due in part to the delays that caused Yoko's *Feeling the Space* album to come out before this record, *Ass* was the last Apple album by any artist other than one of the former Beatles; that is, it was the last album during the "Apple period" from 1968 to 1976. With their contracts with EMI expiring, the formerly fab four sought new contracts with other parties. Those developments took them into 1975. By early May ('75), Apple Records was laying off staff members in preparation for the shutdown that was to take place in January.

LONELY ASPINALL REMAINS

A Dead Apple In London; Label's Staff Gets Pared

By ADAM WHITE & BRIAN MULLIGAN

LONDON—Apple Records, for all intents and purposes, has closed down. Although a small staff is being kept on to handle accounting, most of the 15-strong personnel will depart at the end of the week, having been given notice two weeks ago.

Among those leaving, although not until the end of May, is Bernard Brown, general manager, records and publishing, who joined the company five and one-half years ago when Allen Klein was brought in to reorganize the firm. Neil Aspinall, one of the founders with the Beatles

of Apple Corps, remains in charge.

Brown, who has no firm plans at the moment, says, "To me and other people, this was inevitable. Now that the Beatles have gone their own way and have their own setups, what future was there for Apple? There was no point in keeping the organization going at its present level."

Apple was the first of the Beatles business ventures. After it was formed, EMI approved the release of their Parlophone Masters on the Apple label. The first was "Hey

Jude" in August 1968. After an initial surge of product by such artists as James Taylor and Mary Hopkin, Apple gradually declined, other than as an outlet for recordings by the former Beatles.

In seven years only 22 non-Beatles albums were released, the last being Badfinger's "Ass" album in March of last year. It is understood that the Apple label will continue to exist, but presumably only until such time as Paul McCartney, John Lennon, Ringo Starr and George Harrison have negotiated new individual recording contracts.

Also to be decided is the future of Apple music publishing, which contains a number of copyrights, including "Without You," written by Pete Ham and Tom Evans of Badfinger, a massive international seller for Harry Nilsson.

Apple's studio and cutting facilities come under the axe, too. Most of the staff left according to studio manager Malcolm Davis, and those few who remain will only be concerned with a "tidying-up" operation. A number of clients who had booked Apple for studio or cutting and copying work have been informed of the shutdown. Davis is unaware of any plans to dismantle or dispose of the studio equipment. "It's going into mothballs as far as I know," he says "and I only hope that the facilities and reputation that we built up do not go to waste."

An unusual irony associated with the shutdown is that the Apple logo remained in use here and there throughout the period (1976-1991) while Apple wasn't formally releasing any new records. At the time of Apple's return, for example, it was still possible to find the most recent pressing (1988-1990) of George Harrison's *All Things Must Pass* in record shops — with orange Apple labels. Apples remained in other countries, too — even on "new" Beatles records like *Rarities*. Perhaps in a way this meant that Apple Records was always destined to return.