LAWRENCE FERRARA, Ph.D.
PROFESSOR AND DIRECTOR
THE STEINHARDT SCHOOL
MUSIC AND PERFORMING ARTS PROFESSIONS
NEW YORK UNIVERSITY
35 WEST 4TH STREET/SUITE 777
NEW YORK, NY 10012
(212) 998-9412 EMAIL: LAWRENCE.FERRARA@NYU.EDU

Report re: "When You Wish Upon A Star" and

"When You Wish Upon A Weinstein" Family Guy episode

INTRODUCTION AND SUMMARY

1. I have been asked to complete a comparative musicological analysis of the musical¹ composition embodied in the sound recording of "When You Wish Upon A Star" which is part of the 1940 motion picture *Pinocchio* (hereafter *Pinocchio song*) and the musical composition embodied in a song from the *Family Guy* TV series episode entitled "When You Wish Upon A Weinstein" (hereafter *Family Guy song*)². I have

¹ I have not been asked to opine on the lyrics in this report.

² I have also compared *Pinocchio song* with what I have been informed is the Deposit Copy of "When You Wish Upon A Star"; the latter is published sheet music. The harmony and sequences of melodic pitches in the verse and chorus in *Pinocchio song* are virtually the same as in the Deposit Copy sheet music of "When You Wish Upon A Star." On the other hand: (1) the rhythmically free singing in *Pinocchio song* creates differences in the melodic rhythm as compared with the more evenly written melodic rhythm in the Deposit Copy sheet music of "When You Wish Upon A Star"; (2) Pinocchio song and the Deposit Copy sheet music have different Introductions; (3) Pinocchio song incorporates a 2-bar choral part immediately following its middle section that is not in the Deposit Copy sheet music; and (4) the final note in *Pinocchio song* is higher in pitch than the final note in the Deposit Copy sheet music. Nevertheless, the Introduction section in Family Guy song is very different from both the Introduction sections in *Pinocchio song* and the Deposit Copy sheet music of "When You Wish Upon A Star." Moreover, the other differences between *Pinocchio song* and the Deposit Copy sheet music of "When You Wish Upon A Star" are not substantial. On that basis, the findings and conclusions in this report with respect to the musical composition embodied in *Pinocchio* song also apply to the Deposit Copy sheet music of "When You Wish Upon A Star."

assessed similarities and differences, individually and in the aggregate, first to determine how much of the music in *Family Guy song* is similar to *Pinocchio song* and secondly, whether or not and to what extent the music in *Family Guy song* is transformative and builds upon the music in *Pinocchio song* to create new, original expression.

2. On the basis of my musicological analysis, it is my opinion that *Family Guy song* is a musical parody of *Pinocchio song*. *Family Guy song* incorporates a sufficient portion of the musical composition from *Pinocchio song* to conjure up an image of *Pinocchio song*. However, there is no wholesale copying of *Pinocchio song* in *Family Guy song*. In comparison to *Pinocchio song*, the musical composition in *Family Guy song* is substantially transformed and changed into new musical expression, that, through the use of musical devices, pokes fun at *Pinocchio song*.

ANALYSIS

- 3. A musical composition is composed of certain distinct and identifiable components, each of which can be isolated and individually described. The principal components in comparing similarities and differences between two musical compositions are: (1) structure; (2) harmony; (3) rhythm; and (4) melody.³
 - (1) **Structure** refers to a musical composition's organization of musical units or musical groups. The development of the melody and lyrics often dictate structure. Larger portions or sections are referred to as verses, choruses, or bridges. The material within each section can be identified with small musical units (e.g., a motive) or larger groups called phrases.
 - (2) Harmony refers to the use and the organization of chords, which are specific

³ Less relevant musical components are key, tempo, instrumentation, and style.

combinations of pitches built on intervals of a third. (*Pitch* is the specific high or low placement of a musical sound, often within a musical scale. An *interval* names the number of tones or space between two pitches.) A sequence of chords is referred to as a harmonic progression. Harmony provides context and color for melody.

- (3) **Rhythm** is the organization of the time values of sounds and silences, <u>i.e.</u>, how long a sound or silence (<u>i.e.</u>, a "rest") lasts.
- (4) **Melody** is a single line of music (<u>e.g.</u>, what an individual sings or hums), which consists primarily of pitch and rhythm.
- 4. For my analysis, I have considered (1) a sound recording of "When You Wish Upon A Star" as it appears in the film, *Pinocchio*; (2) a sound recording of the song at issue in the "When You Wish Upon A Weinstein" episode of *Family Guy*; (3) a VHS copy of the motion picture, *Pinnochio*; (4) a musical transcription I have prepared of the musical composition embodied in the sound recording of "When You Wish Upon A Star" as it appears in the film, *Pinocchio* (herein referred to as *Pinocchio song*), attached to this report as **Exhibit A**; (5) a copy of what I have been informed is the Deposit Copy of "When You Wish Upon A Star" in the form of published sheet music attached to this report as **Exhibit B**; and (6) a musical transcription I have prepared of the musical composition embodied in the sound recording of the song at issue in the "When You Wish Upon A Weinstein" episode of *Family Guy* (herein referred to as *Family Guy song*) attached as **Exhibit C**.
- 5. I have compared *Pinocchio song* and *Family Guy song* by using the overall methodology of (1) reviewing the musical compositions in their entirety, (2) reviewing and comparing each of the component elements in the musical compositions, and (3) returning to the musical compositions in their entirety in the context of the analysis of their component parts.

STRUCTURE

6. The presentation of a musical composition's structure provides a map or guide to its parts. The overall structure of *Pinocchio song* is charted immediately below. (A copy of my musical transcription of *Pinocchio song* is attached as **Exhibit A**⁴.) The recording time parameters (0:25 reads "25 seconds into the sound recording") and the narrative descriptions to the right of the time parameters in the following charts identify sound recording timings and lyrics to assist a reader of this report who cannot read music to locate the portions in the attached recordings, sheet music, and/or transcriptions.

Pinocchio song: Structure

INTRODUCTION

0:00 - 0:25 The first few seconds consist of arpeggios freely played by harp without any dialogue or singing. A more formal introduction commences at approximately 0:03 but does not include music at issue. At 0:20, a background choir enters singing on an "Oo" open vowel.

SECTION A

0:26 - 1:05 Commences with the Jiminy Cricket character singing "When you wish upon a star."

⁴ *Pinocchio song* is recorded in the key of E major. In keeping with musicological practices, I have prepared copies of the musical transcription in the recorded key of E major and also in the key of C major in order to facilitate comparison with *Family Guy song*.

SECTION B

1:06 - 1:25 Commences with a choir singing "Fate is kind."

SECTION A1

- 1:30 to 2:02 Commences with the Jiminy Cricket character singing "Like a bolt out of the blue." Section A1 is a "recapitulation" of Section A but is named A1 to acknowledge that its ending is different from the ending in Section A.
- 7. The overall structure in *Family Guy song* is charted immediately below. (A copy of my musical transcription of *Family Guy song* is attached as **Exhibit C**.)

Family Guy song: Structure

INTRODUCTION

0:00 - 0:05 The Peter Griffin character says "I gotta get a Greensteen or a Rosenblatt of my very own" with faint background instrumental music.

SECTION A

0:06 - 0:47 Commences with the Peter Griffin character singing "Nothing else has worked so far."

SECTION B

0:48 - 1:07 Commences with the Peter Griffin character singing "Where to find."

SECTION C

1:08 - 1:37 Consists of instrumental music.

SECTION A1

1:38 - 2:11 Commences with the Peter Griffin character singing "Though by many they're abhorred." Section A1 is a "recapitulation" of Section A but is named A1 to acknowledge that its ending is different from the ending in Section A.

CODA

- 2:12 2:31 Commences with a "knock, knock, knock" and the sound of a door opening.
- 8. In summary, the structure in *Family Guy song* embodies similarities and differences as compared with the structure in *Pinocchio song*. The similarities consist of commonplace practices. A significant structural difference is represented by the creation of new structures, <u>i.e.</u>, Section C and the Coda, in *Family Guy song* that are not in *Pinocchio song*.

HARMONY

- 9. As defined above, harmony provides context and color for melody. The harmony in *Pinocchio song* and *Family Guy song* is marked by some similarities but many more differences.
- 10. The Introduction sections in *Pinocchio song* and *Family Guy song* do not share any notable harmonic similarities and include many harmonic differences.

11. A comparison of the harmony in Section A in *Pinocchio song* and *Family Guy song* is charted immediately below.

The harmony in Section A in *Pinocchio song* charted over the harmony in Section A in *Family Guy song*

bar 1 bar 2 bar 3 bar 4 bar 5 bar 6 bar 7 bar 8

C Aaug A7 Dm Dm7 G7 Cdim C Cmaj9 Cdim Am7 Dm F G9 C G9 G7

C C#dim7 F/A G/B Am A½dim7 C C Abaug/E Fmaj7 F#dim G C Gsus G

- 12. In the chart immediately above, one can readily see that there are some similarities (e.g., a C chord at the beginning of bar 1) but that there are a far greater number of harmonic differences.⁵
- 13. Staying with the order of Sections in the structural outline presented earlier in this report and moving to the next correlative Section, the next chart represents a comparison of the harmony with respect to Section B in *Pinocchio song* and *Family Guy song*.

The harmony in Section B in *Pinocchio song* charted over the harmony in Section B in *Family Guy song*

 bar 1
 bar 2
 bar 3
 bar 4
 bar 5
 bar 6
 bar 7
 bar 8
 bars 9-11

 Fm Em C
 Dm Bbdim G7
 Cdim C
 C Am Am6 Am7
 D7
 D7
 Fm G7

 C/G G
 CB Cdim C
 Am E
 Am Abaug C/G Dm
 G6

14. In the chart immediately above, one can readily see that there are some

⁵ Within Section A of each of the works at issue, the harmony in bars 1 - 8 are virtually the same as in bars 9 - 16. Therefore, charting the harmony in bars 9 - 16 would be redundant to the chart of the harmony in bars 1 - 8 presented above.

similarities (e.g., the Cdim and C chords in bar 4) but that there are a far greater number of harmonic differences.

- 15. There is no Section in *Pinocchio song* that is correlative to Section C in *Family Guy song*.
- 16. The next chart presents a comparison of the harmony in Section A1 in *Pinocchio song* and *Family Guy song*.

The harmony in Section A1 in *Pinocchio song* charted over the harmony in Section A1 in *Family Guy song*

<u>bar 1</u> <u>bar 2</u> <u>bar 3</u> <u>bar 4</u> <u>bar 5</u> <u>bar 6</u> <u>bar 7</u> <u>bar 8</u>
C Aaug A7 Dm Dm7 G7 Cdim C Cmaj9 Cdim Am7 Dm F G9 C
C C#dim7 F/A G/B Am A½dim7 C C Abaug/E Fmaj7 F#dim C/G Gsus G

- 17. As is the case in the previous two charts, in the chart immediately above one can readily see that there are some similarities (e.g., the C chord at the beginning of bars 1 and 4) but that there are a far greater number of harmonic differences.
- 18. In summary, insofar as harmony provides context and color for melody, while the limited harmonic similarity between *Family Guy song* and *Pinocchio song* is sufficient to conjure up the image of harmony in *Pinocchio song*, the many harmonic differences support the transformative changes in the melody in *Family Guy song* that create new expression.

RHYTHM AND MELODY

19. As defined earlier in this report, melody primarily consists of *pitch* and *rhythm*. However, recognition of a melody is far more reliant on the sequences of

pitches than it is on melodic rhythms.

- 20. I have prepared and attached a copy of a comparative musical transcription of *Pinocchio song* and *Family Guy song* as **Exhibit D**. Each bar in *Family Guy song* is placed over the correlative bar in *Pinocchio song*.⁶
- 21. First, we will consider the melodic *rhythm*⁷ in the compositions at issue. I have drawn vertical lines to identify identical correlative melodic *rhythms* in the comparative musical transcription of *Pinocchio song* and *Family Guy song* presented in **Exhibit D** and attached this comparison as **Exhibit E**. Turning to **Exhibit E**, even without the ability to read music one can see that out of 157 notes (a 'note' consists of pitch and rhythm) in *Family Guy song*, 34 notes have identical correlative melodic *rhythms* with *Pinocchio song*. (As demonstrated in the next paragraph, only 6 of the 157 notes in *Family Guy song* have identical correlative melodic *rhythms* and *pitches* with *Pinocchio song*.) Thus, there are many more melodic *rhythmic* differences than similarities in the melodies in *Pinocchio song* and *Family Guy song*. There are sufficient similarities in melodic *rhythm* to conjure up an image of the *Pinocchio song* melodic rhythm in *Family Guy song*.
- 22. Now we turn to the sequences of melodic *pitches* in *Pinocchio song* and *Family Guy song*. In order to provide a presentation of similarities and differences, I have added vertical lines to identify identical correlative *pitches* in the comparative musical transcription of *Pinocchio song* and *Family Guy song* in **Exhibit D** and attached this comparison as **Exhibit F**.
 - 23. Turning to Exhibit F, one can readily see that out of 157 notes in Family

⁶ The melody in the Introduction in *Pinocchio song* is very different from the melody in *Family Guy song*. Therefore, this analysis commences with the correlative Sections A.

⁷ 'Melodic rhythm' refers to a note's duration and metrical placement within a bar.

Guy song, 23 notes have the same correlative pitches with Pinocchio song. It is important to remember that these vertical lines in **Exhibit F** only identify identical correlative pitches; the melodic rhythms of those pitches is different in most cases. Only 6 of the 157 notes in Family Guy song have identical correlative melodic rhythms and pitches with Pinocchio song. In addition, in bars 3, 11, 19, and 42 the sequences of pitches are different but the melodic contour⁸ is the same in Pinocchio song and Family Guy song.

- 24. Within the respective first 8-bar phrases in Section A in *Pinocchio song* and *Family Guy song*, out of a total of 25 notes, only 6 notes share the same pitches and none of those 6 notes share the same melodic rhythm. In the next 8 bars of Section A, out of a total 25 notes, only 7 notes share the same pitches and only 2 notes of those 7 notes share identical melodic rhythm. This limited amount of melodic similarity in Section A in *Pinocchio song* and *Family Guy song* is sufficient for *Family Guy song* to conjure up an image of the melody in Section A in *Pinocchio song*. The melodic differences support the creation of new musical expression. In addition, the substantial differences in harmony (as analyzed earlier in this report) color and contextualize the transformative changes in *melody* and the creation of new musical expression in *Family Guy song* as compared with *Pinocchio song*.
- 25. The sequences of pitches in the melody in Section B in *Family Guy song* are very different from those in Section B in *Pinocchio song*. Out of twenty (20) notes, only one (1) has the same correlative pitch in the respective Sections B in *Pinocchio song* and *Family Guy song*. As noted above, similarity exists in the melodic rhythm which when combined with the single correlative identical pitch, is sufficient to conjure up the image of Section B from *Pinocchio song* in *Family Guy song*. Thus, Section B builds upon the transformation of the melody and harmony into new musical expression that

⁸ 'Melodic contour' is the shape of a melody. Melodic pitches can ascend, descend, or repeat the same pitch.

occurs in Section A of *Family Guy song* and continues that creation of new musical expression in Section B.

- 26. Sections A1 in *Pinocchio song* and *Family Guy song* are largely the same as in the respective 8-bar phrases in Section A, as analyzed above. However, *Pinocchio song* and *Family Guy song* extend the 8 bar section to a ninth bar and end with the same final two notes.
- 27. In summary, the melodic and rhythmic similarities between Family Guy song and Pinocchio song are sufficient to conjure up an image of Pinocchio song. However, there are numerous and substantial differences in the melody and rhythm between Family Guy song and Pinocchio song. Furthermore and as noted earlier in this report, although the primary elements in a musical composition (i.e., structure, harmony, rhythm and melody) can be individually analyzed, a musical composition is heard as a combination of elements. On that basis and in considering Family Guy song and Pinocchio song in their entirety, the transformative changes in Family Guy song discussed in this report represent a qualitatively and quantitatively significant amount of new musical expression in Family Guy song as compared with Pinocchio song.

PARODY

28. The 29-volume, New Grove Dictionary of Music and Musicians (©2001) refers to "parody" in music as "A composition generally of humorous or satirical intent in which turns of phrase or other features characteristic of another composer or type of composition are employed and made to appear ridiculous, especially through their application to ludicrously inappropriate subjects." (volume 19, page 147) There are numerous bars of music in Family Guy song which represent the implementation of musical devices that poke fun at Pinocchio song. For example, the melodic contour in the second bar of six 2-bar phrases (sometimes beginning at the end of the first bar) throughout the respective Sections A and Sections A1 is turned upside-down in Family Guy song as compared with the melodic contour in the second bar of the correlative 2-

bar phrases in *Pinocchio song*. This upside-down musical device is used six times in *Family Guy song* at bars 2, 4, 10, 12, 41, and 43 as transcribed in **Exhibit D**.

- 29. Another recurring musical device in *Family Guy song* that pokes fun at *Pinocchio song* takes aim at one of the most memorable portions of the melody in *Pinocchio song*. This portion of the melody is heard three times in *Pinocchio song* in bars 5-6, 13-14, and 44-45. This portion of the melody consists of eight descending notes. Thus, the melodic contour of this memorable portion of the melody is wholly descending. By way of humorous transformation, the basic melodic contour in the correlative bars in *Family Guy song* is *ascending* and in addition, the eight correlative notes in *Family Guy song* include inner melodic contours that move up and down.
- 30. In summary, through the use of musical devices, memorable portions in the musical composition in *Family Guy song* effectively poke fun at the musical composition in *Pinocchio song*. These parodic turns of portions of the musical composition from *Pinocchio song* in *Family Guy song* create a musical parody of *Pinocchio song*.

CONCLUSIONS

31. On the basis of my musicological analysis, it is my opinion that *Family Guy song* is a musical parody of *Pinocchio song*. *Family Guy song* incorporates a sufficient portion of the musical composition from *Pinocchio song* to conjure up an image of *Pinocchio song*. However, there is no wholesale copying of *Pinocchio song* in *Family Guy song*. In comparison to *Pinocchio song*, the musical composition in *Family Guy song* is substantially transformed and changed into new musical expression, that, through the use of musical devices, pokes fun at *Pinocchio song*.

Respectfully submitted on February 26, 2008

By: Lawrence Ferrara, Ph.D.

EXHIBIT A

PINOCCHIO SONG Original key



PINOCCHIO SONG Transposed to C major



EXHIBIT B

CciEpuh 82126

JAN -8. 1940

When You Wish Upon A Star

Featured In The Walt Disney Full Length Motion Picture

"PINOCCHIO"

Lyric by Ned Washington

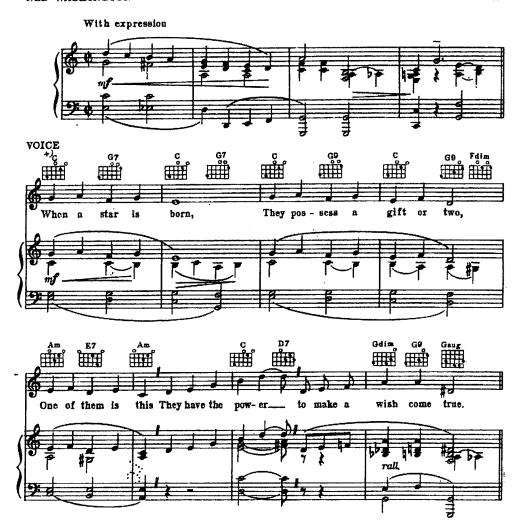
Music by Leigh Harline

IRVING BERLIN, Inc.

WHEN YOU WISH UPON A STAR

Featured In The Walt Disney Full Length Motion Picture "PINOCCHIO"

Lyric by NED WASHINGTON Music by LEIGH HARLINE



Symbols for Gutter, Chords for Ukulete and Banjo.







EXHIBIT C

FAMILY GUY SONG

cue:
"I gotta get a Greensteen or a Rosenblatt of my very own."



cue:

(knock, knock, knock) (sound of door opening)

"Hi. My name's Max Weinstien. My car just broke down. May I use your phone?"



EXHIBIT D



EXHIBIT E

COMPARATIVE TRANSCRIPTION FAMILY GUY SONG placed over PINOCCHIO SONG In the key of C major





EXHIBIT F

COMPARATIVE TRANSCRIPTION FAMILY GUY SONG placed over PINOCCHIO SONG In the key of C major





COMPARATIVE TRANSCRIPTION FAMILY GUY SONG placed over PINOCCHIO SONG In the key of C major

