

GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. 1155

5 December 2007

FILMS AND PUBLICATIONS ACT, No. 65 OF 1996 [Section 31(3)(b)]

FILM AND PUBLICATION BOARD

GUIDELINES TO BE USED IN THE CLASSIFICATION OF FILMS AND COMPUTER GAMES TO DETERMINE WHAT IS DISTURBING AND HARMFUL TO CHILDREN

1 *Introduction*

The *Films and Publications Act, 1996* (the Act), requires all films and interactive computer games to be classified by the Film and Publication Board (the "Board") before they may be offered for sale, hire or exhibition in South Africa.

The purpose of classification is to protect children from exposure to potentially disturbing and harmful materials and, in so far as sex is concerned, from premature exposure to adult experiences, and to provide such cautionary information as will allow adult South Africans to make informed viewing and reading choices, both for themselves and for children in their care. These Guidelines set out the criteria which must be applied by the Board and Review Board in making classification decisions.

While the Guidelines are based on research on the effects of the media on the development of children at various age-groups, it is important that they also reflect the norms, values and standards generally-accepted by the South African community. **Members of the public are invited to submit representations on the Guidelines to the Board, via e-mail to chettyi@fpb.gov.za or yewandel@fpb.gov.za, or via fax to (011) 483 1084, for the attention of Mr Chetty or Ms Yewande Langa, or by mail to Mr I Chetty or Ms Y Langa, Private Bag X2205, HOUGHTON 2041 by the 31 January 2008.**

2 **Guiding principles**

A classification committee, drawn from a panel of examiners appointed through a process of public nominations, examines a film or an interactive computer against the following principles-

- that adults have a right to freedom of expression
- that children must be protected from materials that pose a risk of harm
- that classification decisions must reflect generally-accepted community standards of tolerance
- that the public has a right to be informed of material which some may find offensive and to be protected from unsolicited exposure to such materials, and
- that classification decisions take account of the human rights values enshrined in the Constitution, especially with regard to respect for the dignity of all South Africans.

In making their decisions, classification committees, consistent with the principle that in all matters concerning children, the best interests of the child are paramount, aim to strike a reasonable balance between competing interests and the protection of children from potentially disturbing, harmful and age-inappropriate materials. It should be noted that child pornography is not a matter for classification. Any film or interactive computer game containing scenes, images or descriptions of child pornography is a matter for criminal investigation and prosecution.

3 **Classifiable elements and consumer information**

Films, interactive computer games and publications are classified into two general categories: restricted and unrestricted.

Materials in the restricted category are indicated by the letter "X". Only materials classified "X18" may be distributed or exhibited but only by the holders of licences to conduct the business of adult premises, in accordance with the conditions set out in section 24(2) of the Act, and only to persons of or above the age of 18 years. Guidelines for the restricted category are set out in Schedules 1 and 2, read with Schedule 5, Schedules 6 and 7, read with Schedule 9, and Schedule 10 of the Act. Materials classified "XX" may not be distributed or exhibited in public.

Materials in the unrestricted category may be distributed or exhibited by any person who is registered with the Board as a distributor or exhibitor of films. However, certain materials may be rated for distribution or exhibition only to persons of or above a specified age group.

Classification decisions are legally enforceable and the Act provides for a number of offences with respect to the distribution or exhibition of films, games and publications contrary to such conditions as may have been imposed on them in terms of a decision of the Board.

3.1 The Board has identified the following as *classifiable elements* which classification committees are required to assess within the context of the film or game: *violence, sex, nudity, drugs, language, blasphemy and prejudice or negative stereotyping based on race, ethnicity, gender or religion* or other group-identifiable characteristics.

Consumer information is indicated by symbols: “**V**” warns of violent scenes; “**S**” indicates scenes involving sexual conduct; “**N**” is for nudity; “**L**” is information about strong language, “**B**” advises blasphemy and “**P**” is advice that the material contains scenes or language that is biased or prejudiced with regard to race, ethnicity, gender or religion or other group-identifiable characteristics.

The guidelines below are for use by classification committees in determining what may be potentially disturbing or harmful to, or age-inappropriate for, children in films and games falling outside the restricted (“X”) category.

In applying the Guidelines, classification committees will assess the impact of the classifiable elements within the context of the film or game being examined. It is the intensity and frequency of a classifiable element that will determine the rating of the material examined: the more intense and frequent a classifiable element, the more likely that the material will be given a higher age rating. However, classification decisions are not based on individual classifiable elements but on the cumulative impact of classifiable elements within the context of the theme or story-line.

CATEGORY	YOUNGER VIEWERS ADVISORY-CAUTIONARY-CONDITIONALLY RESTRICTED				PRE-TEENS			TEENS	ADULTS
	"A" Films and Games	"PG" Films	"10M" Cinemas	"10" Films and Games	"13M" Cinemas	"13PG" Home Viewing	"13" Films and Games	"16" Films and Games	"18" Films and Games
RESTRICTION	No restrictions. Contains nothing inappropriate even for very young unaccompanied children	Parental guidance recommended. May contain scenes which may be inappropriate for younger unaccompanied viewers	Children under 10 years must be accompanied by an adult as a reassuring counter-balance to scenes which may be upsetting to younger unaccompanied viewers	Approved only for children 10 years and older	Children under 13 years must be accompanied by an adult as a reassuring counter-balance to scenes which may be upsetting to unaccompanied younger viewers	Parental guidance recommended. May contain scenes which may be upsetting to younger viewers	Approved only for children 13 years and older	Approved only for persons 16 years and older	Approved only for adults
IMPACT OF CLASSIFIABLE ELEMENTS	Very low and insignificant impact of classifiable elements	Low impact classifiable elements	Mild impact but counter-balanced by the reassuring company of an adult	Mild impact but not so frequent or intense as to be disturbing to children 10 years and older	Moderate impact but counter-balanced by the reassuring company of an adult. In the case of DVDs or videos for home-entertainment, parental guidance strongly recommended for younger viewers		Moderate impact but within the developmental level of children 13 years and older	Strong impact but of an intensity and frequency that is within the experience of most teenagers	High impact and intended only for adults
THEME	Generally, "family-oriented" and treated in a way that is not threatening to a child's sense of security and well-being	May be complex but treated in a way that is not threatening to a child's sense of security and well-being	May be complex but the film is of particular entertainment or educational value and the reassuring company of an adult will counter-balance any scenes which may be upsetting for younger unaccompanied viewers	May be complex, mature and treated in a way that may be upsetting and disturbing even to accompanied younger viewers	May be complex, mature and treated in a way that could be upsetting or disturbing to some younger viewers unless accompanied by an adult to provide a reassuring counter-balance to any distress that younger children may experience. For DVDs, videos and other films intended for home-viewing, parental guidance is strongly recommended for younger viewers		More complex and mature and treated in a way that would be disturbing and upsetting to the sense of security and well-being of younger viewers	Complex and mature themes treated in ways that will be frightening, disturbing and may even be misleading and encourage anti-social attitudes and behaviour in impressionable minds	No restrictions on themes and treatment appropriate for adult-viewing only

CATEGORY	YOUNGER VIEWERS				PRE-TEENS			TEENS	ADULTS
	ADVISORY-CAUTIONARY-CONDITIONALLY RESTRICTED				"13M"	"13PG"	"13"	"16"	"18"
	"A" Films and Games	"PG" Films	"10M" Cinemas	"10" Films and Games	Cinemas	Home Viewing	Films and Games	Films and Games	Films and Games
DRUGS ("D")	No scenes of drug use that may even appear to encourage or condone the use of drugs, including cigarettes and alcohol indulgence		No depictions of illegal drugs or drug abuse except within the context of a clear educational purpose or a clear anti-drug message		There may be brief scenes of drug and substance use, within context, but the overall message is that drug and substance use is unhealthy and not socially-acceptable			There may be scenes of drug and substance abuse, within context, but without glamorisation or instructional detail	There are no restrictions on depictions of drug and substance abuse within context
LANGUAGE ("L")	No strong language, such as swear words, expressions of threat, racial or gender or sexual abuse, profanity, blasphemy or expressions which are abusive, demeaning or disrespectful of human beings	There may be infrequent use of mild language, in context, but not language which is abusive, demeaning or disrespectful of human beings or racial or sexual epithets	Mild language but no expressions of racial, gender, religious or sexual abuse unless within a context that shows such expressions to be wrong and unacceptable		Brief and infrequent strong language within context as part of character or plot development. Expressions of abuse or disrespectful or degrading of human dignity may occur within context which shows such conduct to be socially unacceptable			There may be strong language within context as part of character or plot development. Expressions of racial or sexual abuse will be infrequent and within context	No restrictions unless the language amounts to the promotion of hatred based on any identifiable group characteristic and amounts to incitement of harm
NUDITY ("N")	There may be scenes of nudity, subtle and infrequent, in natural non-sexual contexts, with no close-ups or focus on intimate parts of the body		There may be very brief and infrequent scenes of nudity in natural non-sexual contexts but without frontal close-ups or focus on intimate parts of the body		There may be brief scenes of nudity in non-sexual contexts, without close-ups or focus on intimate parts of the body, to enhance the development of character or plot			There may be scenes of nudity without frontal lingering close-ups and within a context that is not sexually abusive, violent or exploitative	No restrictions on nudity unless there is full frontal and lingering close-ups or the context is one of gratuitous sexual abuse, violence or exploitation

CATEGORY	YOUNGER VIEWERS ADVISORY-CAUTIONARY-CONDITIONALLY RESTRICTED				PRE-TEENS			TEENS	ADULTS
	"A" Films and Games	"PG" Films	"10M" Cinemas	"10" Films and Games	"13M" Cinemas	"13PG" Home Viewing	"13" Films and Games	"16" Films and Games	"18" Films and Games
PREJUDICE ("P")	No reference to prejudice or negative stereotyping on any grounds		There may be very brief and infrequent references to prejudice or negative stereotyping within context but the overall message is that conduct is disrespectful of human beings and unacceptable		There may be brief scenes of prejudice or negative stereotyping within context to enhance the development of plot or character but the message is clear that such behaviour is disrespectful of human beings and should not be encouraged or condoned			There may be scenes of prejudice and negative stereotyping but not amounting to the advocacy of hatred	There may be expressions of prejudice and scenes of negative stereotyping but not amounting to the advocacy of harm-inciting hatred
SEX ("S")	There are no scenes of sexual activity, actual or implied, beyond brief expressions of affection, such as kissing or hugging, in non-sexual contexts		There may be very brief and infrequent scenes of implied sexual activity, without nudity and within socially-accepted contexts and related to the development of plot or character		There may be brief scenes of implied sexual activity, without nudity, within context, to enhance plot or character development			There may be brief scenes of consensual sexual activity justified by context but without close-ups on intimate parts of the body	Generally, no restrictions on scenes of sexual activity within context but without lingering close-ups on intimate parts of the body. Non-consensual sex may be discreetly implied but only within context and only if necessary for the development of plot and character

CATEGORY	YOUNGER VIEWERS				PRE-TEENS			TEENS	ADULTS
	ADVISORY-CAUTIONARY-CONDITIONALLY RESTRICTED				"13M" Cinemas	"13PG" Home Viewing	"13" Films and Games	"16" Films and Games	"18" Films and Games
VIOLENCE ("V")	There may be very brief and infrequent scenes of unrealistic and very-low impact non-threatening violence, menace or suspense justified by context and without bloodletting. There will be no scenes of domestic, racial, religious or sexual violence, actual or implied, or of imitable acts – physical or verbal		There may be very brief and infrequent scenes of mild violence but not in domestic, racial, religious or sexual contexts or within contexts that form a part of childhood "comfort zones", such as schools or playgrounds. Bloodletting is extremely limited and there is no focus on the effects of violence on humans or animals		There may be brief scenes of realistic but mild violence, justified by context, and without focus on the effects of violence on humans or animals or bloody details. Scenes of domestic, racial, religious or sexual violence may be discreetly implied and justified by context. There are no scenes condoning or rewarding violence			Scenes of realistic violence may occur within a meaningful context and necessary for the development of plot or character. Scenes of domestic, racial, religious or sexual violence are brief, infrequent and justified by context	No restrictions except for explicit scenes of extreme and gratuitous domestic, racial, religious or sexual violence or explicit scenes of the effects of extreme violence in prolonged graphic and gory detail
BLASPHEMY ("B") , defined as insensitive, offensive, demeaning, derogatory, disrespectful or irreverent expressions about any recognised religion, but not cults or Satanism, and not amounting to the advocacy of harm-inciting hatred, should not be treated as a <i>classifiable element</i> , determining age-restrictions, but as a matter for appropriate <i>consumer advice</i> . Depending on context, the taking of God's name in vain, in any religion, may amount to blasphemy. The sensitivities of certain religions, especially with regard to precepts and practices which may be unique to particular religions, should be noted appropriately. Expressions which do not amount to blasphemy but may constitute religious prejudice and are classifiable elements. Blasphemy amounting to the advocacy of hatred and constituting incitement to cause harm is a classifiable element in terms of Schedule 10									