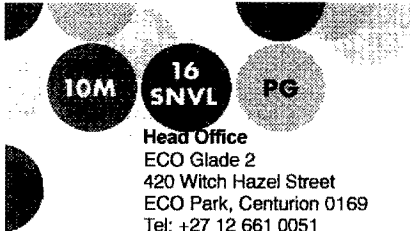

GOVERNMENT NOTICE

No. 341

23 April 2012



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Film and Publication Board

We inform. You choose.

FILM AND PUBLICATIONS BOARD

GUIDELINES TO BE USED IN THE CLASSIFICATION OF FILMS, INTERACTIVE COMPUTER GAMES AND CERTAIN PUBLICATIONS

Council of the Films and Publications Board, (herein after referred to as "FPB") hereby gives notice in terms of section 31(3)(b) and 4A(1)(g) of the Film and Publications Act, Act No 65 of 1996, as amended, (herein after referred to as "the Act") of its intention to prescribe guidelines to be used in the classification of films, games and certain publications.

A copy of the proposed guidelines is available on the FPB's website at <http://www.fpb.gov.za> and at the FPB offices at 87 Central Street Houghton, between 09h30 and 16h00, Monday to Friday until the 14th February. Thereafter at Eco Glade 2 420 Witch Hazel Street Centurion.

Interested persons are invited to submit written representations, on these draft Classification Guidelines within 30 working days from the date of publication by post, hand delivery, facsimile transmission, or electronically (in Microsoft Word) for the attention of:

Project Leader
FPB
Private Bag X2205
Houghton
2041

or

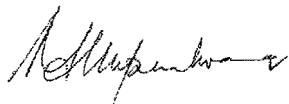
Project Leader
FPB
87 Central Street
Houghton
2041

Fax: 011 483 1084
Telephone: 011 483 0971
E-mail : guidelines@fpb.gov.za

All written representations submitted to the FPB pursuant to this notice will be made available for inspection by interested persons at the FPB offices and copies of such representations will be obtainable on payment of the prescribed fee.

Public hearings may be conducted in this process. Please indicate in writing if you would like to make a verbal presentation.

The final guidelines will be published in the government gazette.



MRS T.N.F. MPULWANA
COUNCIL CHAIRPERSON

GUIDELINES TO BE USED IN THE CLASSIFICATION OF FILMS, GAMES AND CERTAIN PUBLICATIONS

1. INTRODUCTION AND APPLICATION OF GUIDELINES

The Film and Publications Act, Act No 65 of 1996, as amended, requires all films, games, and publications to be classified by the Film and Publications Board ("FPB"), before they may be distributed (including to sell, hire out or offer or keep for sale or hire. It includes to hand or exhibit such material to a person under the age of 18 years in certain circumstances, and includes the failure to take reasonable steps to regulate access to films, games or publications) or possessed (including keeping or storing in or on a computer or computer system or computer data storage medium and also having custody, control or supervision on behalf of another person).

The purpose of classification is to:

- (a) provide consumer advice to enable individuals to make informed viewing, reading and gaming choices for themselves as well as for children in their care; and
- (b) protect children from exposure to disturbing and harmful materials and from premature exposure to adult experiences.

All material that meets the criteria of a film and game as defined in the Act, falls within the jurisdiction of the FPB. This includes films exhibited at cinema's, DVD's, Blu Rays, video on demand, mobile content and the internet.

All publications that are not bona fide newspapers published by a member of a body, recognised by the Press Ombudsman and which subscribes and adheres to a code of conduct, enforced by that body, falls within the jurisdiction of the FPB.

2. DEFINITIONS

In these Guidelines, unless the context indicates otherwise a word or expression to which a meaning has been assigned in the Act has the meaning so assigned. A number of relevant definitions contained in the Act may be repeated in these Guidelines for ease of reference. Where necessary, additional definitions were introduced:

"actual" means a real act that not merely potentially exists;

"affection" means kissing or hugging in non-sexual contexts;

“blasphemy” means the insensitive, offensive, demeaning, derogatory, disrespectful or irreverent expressions about any religion but does not amount to the advocacy of harm inciting hatred;

“briefing” means the provision of preparatory material;

“child pornography” includes any image, however created, or any description of a person real or simulated, who is, or who is depicted, made to appear, look like, represented or described as being under the age of 18 years –

- (a) Engaged in sexual conduct;
- (b) Participating in, or assisting another person to participate in, sexual conduct; or
- (c) Showing or describing the body, or parts of the body, of such a person in a manner or in circumstances which, within context amounts to sexual exploitation, or in such a manner that it is capable of being used for the purposes of sexual exploitation;

“competitive intensity” means the degree to which a player gets personally involved and the level of excitement created by the rivalry to obtain rewards;

“context” means the circumstances or background of material and should be viewed as a whole to understand the full meaning, in specific incidents, it is the circumstances or background which come before and after a particular incident that contributes to understanding its full meaning;

“debriefing” means a formal systematic questioning or examination process;

“degrade” means advocate a particular form of hatred which is based on gender;

“domestic violence” means depictions or descriptions of –

- (a) Physical abuse;
- (b) Sexual abuse; or
- (c) Emotional, verbal and psychological abuse;

“educational” means the act or process of imparting or acquiring general knowledge, developing the powers of reasoning and judgment, and generally of preparing intellectually for mature life;

“ethical harm” means desensitising to the effects of violence, degrading empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging

anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility, retarding social and moral development in children, distorting a child's sense of right and wrong and limiting a child's capacity for compassion;

"explicit" means fully and clearly expressed or demonstrated, leaving nothing merely implied and in realistic detail;

"explicit sexual conduct" means graphic and detailed visual presentations or descriptions of any conduct contemplated in the definition of "sexual conduct";

"exploitative" means making use of someone or something for selfish or improper reasons;

"extreme violence" means exceptionally intense, graphic or prolonged scenes of violence;

"first person gameplay" means the player is the main character, and viewing is through the player's eyes, it may mean the player is not seen in action but can view surroundings as in real life, and will be regarded as such even if views from other perspectives are also possible;

"gratuitous" means unwarranted, or uncalled for and included without the justification of a defensible story-line or artistic merit;

"harmful paraphilia" is a condition in which a person's sexual arousal and gratification depend on fantasizing about and engaging in sexual behavior that is atypical and extreme. It may cause distress or serious problems for the paraphiliac or persons associated with him or her;

"horror" means the use of frightening elements to scare or unsettle the audience;

"identifiable group characteristic" means a characteristic that identifies an individual as a member of a group identified by race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience belief, culture, language, birth and nationality;

"impact" means the potential effect on the target market of a single classifiable element or the cumulative effect of a number of classifiable elements;

"implied" means to involve or indicate by inference, association, or necessary consequence rather than by direct statement;

"intensity" means the strength of the treatment or subject matter or the strength of engagement or involvement;

“interactivity” means the ability of a user to participate and control user action, data input and commands so as to influence outcomes that may affect what options are available for subsequent interaction;

“mature” means relatively advanced mentally and emotionally;

“matters of public interest” means discussions, debates or opinions on matters pertaining to the common well-being or general welfare of the public or serving the interests of the public and includes discussions, debates and opinions on matters pertaining to religion, belief or conscience;

“menace” means an intention to inflict harm, a source of danger or threat and the act of threatening and arousing fear, menacing has the same meaning;

“nudity” means an unclothed (naked) or partially clothed person, wherein partially clothed means the frontal exposure of female breasts or buttocks and includes natural non-sexual contexts of exposure such as breast-feeding and bona fide cultural traditions;

“parental guidance” means the material may contain classifiable elements that may be disturbing or harmful for sensitive young viewers and that parents and care-givers are in the best position to decide whether or not a child in their care may access material classified as “PG”

“prejudice” means a pre-conceived judgment or an adverse opinion or leaning formed without just grounds or before sufficient knowledge or based on group stereotypes;

“sexual activity” includes consensual kissing, caressing, embracing, physical intimacy between two people but does not amount to sexual conduct;

“sexual conduct” includes –

- (i) Male genitals in a state of arousal or stimulation;
- (ii) The undue display of genitals or of the anal region;
- (iii) Masturbation;
- (iv) Bestiality;
- (v) Sexual intercourse, whether real or simulated, including anal sexual intercourse;
- (vi) Sexual contact involving the direct or indirect fondling or touching of the intimate parts of a body, including the breasts, with or without any object;
- (vii) The penetration of a vagina or anus with any object;
- (viii) Oral genital contact; or
- (ix) Oral anal contact;

“sexual violence” means conduct or acts contemplated in the definitions of “sexual activity”, “sexual conduct” and “explicit sexual conduct” that are accompanied either by force or coercion, actual or threatened, or that induces fear or psychological trauma in a victim;

“stereotype” means a set of inaccurate, simplistic generalizations about a group that allows others to categorize them and treat them accordingly;

“strong language” means swear words, threats, abuse, profanity or language that amount to prejudice;

“stylised” means using artistic forms and conventions to create effects that are not natural or spontaneous;

“substance” means chemical, psychoactive substances that are prone to be abused, including tobacco, alcohol, over the counter drugs, prescription drugs and substances defined in the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), or prescribed by the Minister of Health after consultation with the Medicines Control Council.

“substance abuse” means the sustained or sporadic excessive use of substances and includes any use of illicit substances and the unlawful use of substances;

“theme” means the subject matter that indicates what material is all about (such as crime, suicide, substance abuse, death, serious illness, racism, medical, legal or scientific, fantasy, drama, war/conflict etc.);

“third person gameplay” means the player is seen as a visible character on the screen, and the surrounding environment can be viewed, however will only be regarded as such if there is no option for first person gameplay;

“threat” means an indication of impending danger or harm;

“visual presentation” means -

- (a) A drawing, picture, illustration, painting, photograph or image; or
- (b) A drawing, picture, illustration, painting, photograph or image or any combination thereof, produced through or by means of computer software on a screen or a computer printout;

“violence” means any physical, psychological and verbal abuse whether self directed, interpersonal or collective

3. PURPOSE OF GUIDELINES

- (1) To provide guidelines that allows for the examining of a film, game or publication against the following rights:-
 - (a) Right to freedom of expression within the law;
 - (b) Right of access to information within the law;
 - (c) Protection of children from materials that pose a risk of harm;
 - (d) Right to freedom of security which include to be protected from unsolicited exposure to materials which some may find offensive;
 - (e) Right of equality;
 - (f) Right of human dignity;
- (2) To recognize that no right is absolute and that it may be limited when it is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom taking relevant factors including the nature of the right, the importance of the purpose of the limitation, the nature and extent of the limitation, the relation between the limitation and its purpose and any other less restrictive means to achieve the purpose into account.
- (3) To provide general guidelines to all classifiers to ensure:
 - (a) the consistent classification of material;
 - (b) no illegal or unconstitutional content is classified;
 - (c) content created through the commission of a criminal offence is appropriately classified;
 - (d) classification of material reflect public opinion;
 - (e) material does not cause any ethical harm at the category in which it was classified.

PART A – FILMS AND TRAILERS**4. GUIDING PRINCIPLES**

- (1) All classification decisions must consider the context, impact and the release format of material.
- (2) The context in which a classifiable element is presented determines the acceptability thereof within the relevant category. When considering context the following factors may be taken into account:
 - (a) The expectations of the public in general and the target market of the material;
 - (b) The theme of the material;
 - (c) The manner in which an issue is presented;
 - (d) The literary, artistic or educational merit of the film;
 - (e) The apparent intention of the film maker, as reflected in its effect.
- (3) The impact of a classifiable element determines the level at which it is categorised as follows:
 - (a) No - There is no classifiable elements present in the film
 - (b) low – no noteworthy single or cumulative occurrences of classifiable elements accordingly classifiable elements occur in passing or briefly;
 - occurrences of classifiable elements are not realistic;
 - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
 - no accentuation techniques such as lighting, perspective and resolution; and
 - theme of material is not threatening and cause no ethical harm;
 - No verbal reference or visual representation of certain classifiable elements such as sexual activity or conduct and sexual violence;
 - Classifiable elements form part of a bona fide story line.
 - (c) mild - only single occurrences of classifiable elements;
 - occurrences of classifiable elements are not realistic;
 - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
 - no accentuation techniques such as lighting, perspective and resolution; and
 - theme of material is not threatening and cause no ethical harm;
 - No verbal reference or visual representation of certain classifiable elements such as sexual activity or conduct and sexual violence;

- Classifiable elements form part of a bona fide story line.
- (d) moderate: - single or cumulative occurrences of classifiable elements and incidental depiction of a classifiable element;
 - occurrences of classifiable elements are not realistic;
 - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
 - Verbal reference rather than visual representation of certain classifiable elements such as sexual activity or conduct, sexual violence and violence with no noticeable effect;
 - no accentuation techniques such as lighting, perspective and resolution;
 - Theme of material may be threatening but cause no ethical harm;
 - Verbal reference rather than visual representation of certain classifiable elements such as sexual activity or conduct and sexual violence with no noticeable effect;
 - Classifiable elements form part of a bona fide story line.
- (e) Strong:- single or cumulative occurrences of classifiable elements;
 - Occurrences of classifiable elements may be realistic;
 - No details, close-ups or slow motion of sexual conduct or extreme violence;
 - No accentuation techniques such as lighting perspective and resolution of sexual conduct or extreme violence;
 - Theme of material may be threatening but cause no ethical harm;
 - Verbal reference rather than visual representation of certain classifiable elements such as sexual activity or conduct and sexual violence which may have a noticeable effect;
 - Classifiable elements form part of a bona fide story line.
- (f) Very strong :
 - single or cumulative occurrences of classifiable elements;
 - Occurrences of classifiable elements may be realistic;
 - May contain details, close-ups or slow motion of classifiable elements;
 - May use accentuation techniques such as lighting perspective and resolution; and
 - Theme of material may be threatening but cause no ethical harm;

- Verbal reference and/or visual representation of certain classifiable elements such as sexual activity or conduct, and violence but not sexual violence;
 - Classifiable elements do not necessarily form part of a bona fide story line.
- (g) Extreme - Single or cumulative occurrences of classifiable elements;
- Occurrences of classifiable elements may be realistic;
 - May contain details, close-ups or slow motion;
 - May use accentuation techniques such as lighting perspective and resolution; and
 - Theme of material may be threatening and may cause ethical harm;
 - Verbal reference and/or visual representation of certain classifiable elements such as sexual activity or conduct, sexual violence and violence;
 - Classifiable elements do not necessarily form part of a bona fide story line.

(4) The release format of the material must be considered based on:

- (a) The ability to replay scenes;
- (b) The ability to view certain scenes out of context;
- (c) The clarity of images; and
- (d) The impact of technology such as 3D.

4. CLASSIFIABLE ELEMENTS

- (1) A classification decision may include consumer advice about the content of a film, game or publication. Classifiable elements are indicated by alphabetic symbols or words and alert the public to particular elements which are noteworthy and may be potentially disturbing, harmful or inappropriate for children below a specified age or certain sensitive consumers.
- (2) Consumer advice should be indicated together with classification information on the outside of all material as applicable:
- a) **"B"** warning to consumers that are religiously sensitive.
 - (i) Blasphemy is not treated as a classifiable element determining age restrictions but as a matter of appropriate consumer information if it has a moderate, strong, very strong and extreme impact. Within the 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 certain religions, should be noted appropriately.
- (ii) An expression which does not amount to blasphemy but which may constitute religious prejudice is a classifiable element and must be considered in the allocation of an appropriate age-restriction.
 - (iii) Any advocacy of hatred and constituting incitement to cause harm towards any recognized religion is not regarded as blasphemy but prejudice, it is a classifiable element and must be regarded in as having a very strong impact and may be subject to a distribution restriction or be regarded as refused material.
- b) **“D”** alerts to scenes of substance (Drugs and Alcohol) abuse.
- (i) Any scenes of substance abuse are classifiable elements and must be considered in the allocation of an appropriate age-restriction.
 - (ii) Regardless of the level of age-restriction, the public must be alerted to the occurrence of substance abuse of a moderate, strong or very strong impact where applicable.
- c) **“H”** alerts that there are scenes of horror;
- (i) Any scenes of horror of a moderate, very strong and extreme nature are classifiable elements and must be considered in the allocation of an appropriate age-restriction.
- d) **“L”** alerts that there is use of strong language;
- (i) The use of strong language is a classifiable element and must be considered in the allocation of an appropriate age-restriction.
 - (ii) Regardless of the level of age-restriction, the public must be alerted of the occurrence of strong language of a moderate, strong or very strong impact where applicable;
- e) **“N”** warns that there are scenes of nudity;
- (i) Regardless of the level of age-restriction, the public must be alerted to the occurrence of nudity of a mild, moderate, strong or very strong nature where applicable;
 - (ii) Nudity in natural non sexual contexts, such as breast-feeding and bona fide cultural traditions are not considered in the allocation of age-restrictions but must be advised if it is of a mild, moderate, strong or very strong impact;
 - (iii) The deliberate flaunting of a person’s sexuality or the undue exposure of intimate parts is a classifiable element and must be considered in the allocation of an appropriate age-restriction based on the impact.

- f) **“P”** warns of scenes or language that is biased or prejudiced with regard to race, ethnicity, gender, religion, sexual orientation or other group-identifiable characteristics;
 - (i) Any scenes or language of prejudice are classifiable elements and must be considered in the allocation of an appropriate age-restriction;
 - (ii) Any advocacy of hatred and constituting incitement to cause harm based on prejudice, must be regarded as refused material.
- g) **“S”** indicates scenes involving sexual conduct;
 - (i) Any mild, moderate, strong, very strong or extreme impact scenes of sexual activity or consensual sexual conduct are classifiable elements and must be considered in the allocation of an appropriate age-restriction or be subjected to a distribution restriction;
 - (ii) Any scenes of consensual explicit sexual conduct must be regarded as having a very strong or extreme impact and classified appropriately;
 - (iii) Any scenes of non-consensual sexual conduct must be subject to restricted distribution (extreme impact) or regarded as refused material.
- h) **“SV”** indicates scenes involving sexual violence;
 - (i) Any scenes of sexual violence are classifiable elements and must be considered in the allocation of an appropriate age-restriction
 - (ii) Any scenes involving implied sexual violence must be regarded as having a moderate, strong or very strong impact where applicable and must be classified appropriately;
 - (iii) Any scenes involving actual sexual violence must be subject to restricted distribution (extreme impact) or be regarded as refused material.
- i) **“V”** warns of violent scenes;
 - (i) Regardless of the level of age-restriction, the public must be alerted to the occurrence of violence of a moderate, strong or very strong impact;
 - (j) Any scenes of extreme violence must be regarded as having a moderate, strong or very strong impact where applicable and must be classified appropriately;
- j) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”**
 - (i) It is recognised that the exact nature of the stimulus or stimuli that triggers seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect, therefore it is not treated as a classifiable element determining age restrictions

but as a matter for appropriate consumer information provided on a voluntary basis.

- (ii) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) and flash more than 3 times in any 1 second.
- (iii) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but no motion or little motion is sensed by the vestibular system (i.e. bouncing-camera movies). Similar to motion sickness is simulation sickness, or simulator sickness but is caused by playing computer/simulation/video games (i.e. first-person-perspective games and virtual reality setups). It is recognized that it may be identified subjectively and is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information provided on a voluntary basis.
- (iv) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 hertz. It is recognized that a low-frequency signal can go from being barely audible to annoying with a relatively small change in pressure level and that it may be identified subjectively and is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information provided on a voluntary basis;
- (v) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound may be indicated voluntarily and is not mandatory advice.
- (k) **“Imitable Acts and Techniques”**
 - (i) Imitable acts and techniques may be treated as a classifiable element to determine age restrictions where there is a reasonable likelihood that such acts or techniques may be copied or imitated, especially by children;
 - (ii) Imitable acts and techniques may be voluntarily indicated and is not mandatory advice.
- (l) **“Criminal Techniques”**
 - (i) Criminal techniques and instructional details of illegal or dangerous acts must be treated as a classifiable element to determine age restrictions and may require very high age restrictions depending on the context.

- (3) Consumer advice may be combined with age restriction categorization of material in order to inform the public regarding the content of material.

5. DISTRIBUTION CATEGORIES

- (1) Films are classified as unrestricted distribution, restricted distribution and refused categories.
- (2) Unrestricted distribution material may be distributed or exhibited by registered distributors and exhibitors in accordance with any age-restriction or condition which may be imposed by the FPB.
- (3) Restricted distribution material is indicated by the letter "X" in the classification system and may either be distributed and exhibited by licensed entities or not be distributed or exhibited in public at all.
- (4) Refused categories contain illegal or unconstitutional material.

6. CLASSIFICATION CATEGORIES OF FILMS

- (1) Films and games are classified into categories on the basis of:
 - (i) context,
 - (ii) impact of the classifiable elements and
 - (iii) release format.
- (2) The following classification categories are used for unrestricted films and games, intended for exhibition in public or for home-entertainment:
 - (ii) "A" means an all-ages category and means it is suitable for all;
 - (iii) "PG" means an all ages category but cautions sensitive viewers and indicates that parents and care-givers are in the best position to decide whether or not a child in their care may view the film, DVD or Blu Ray for home entertainment purposes;
 - (iv) "10" means that children under the age of 10 may not access the material although parents and care-givers are in the best position to decide whether or not a child in their care may view the films, DVD or Blu Ray for home entertainment purposes;
 - (v) "13PG" means an all-ages category but cautions sensitive viewers and indicates that parents and care-givers are in the best position to decide whether or not a child in their care that is under the age of 13 may view the films, DVD or Blu Ray for home entertainment purposes;
 - (vi) "13" means that children under the age of 13 may not access the material
 - (vii) "16" means that the material is suited for persons of 16 years and older.

(viii) **"18"** means adults only and the material is suited for persons of 18 years and older.

(3) The following classification categories for restricted distribution of films exist:

(a) **"X18"** means only a holder of a licence to conduct the business of adult premises, as set out in section 24 of the Act, may distribute or exhibit such content. 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.

(b) **"XX"** means the material may not be distributed or exhibited in public by anyone.

7. ILLEGAL AND UNCONSTITUTIONAL CONTENT

(1) Any material that contains propaganda for war or incitement of imminent violence or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm must be refused and reported to the chief executive officer for publication in the Government Gazette, unless judged within context the publication is a bona fide documentary or is a publication of scientific, literary or artistic merit or is on a matter of public interest which must be restricted accordingly.

(2) Any material that constitutes child pornography must be reported to the chief executive officer and be reported to the South African Police Service immediately.

8. RESTRICTED DISTRIBUTION MATERIAL - XX

(1) Films must be classified as **"XX"** if it depicts the following as set out in section 18 of the Act:

(i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;

(ii) Bestiality, incest, rape (sexual violence); conduct or an act which is degrading of human beings;

(iii) Conduct or an act which constitutes incitement of, encourages or promotes harmful behaviour;

(iv) Explicit infliction of sexual or domestic violence or

(v) Explicit visual presentations of extreme violence

unless judged within context the film is, a bona fide documentary or is of scientific, dramatic or artistic merit, in which even the material shall be classified **"X18"** or classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing harmful or age inappropriate materials.

- (2) The interpretation of (1)(i) – (v) above include instances of:
- (i) Detailed instruction or promotion in matters of crime or violence;
 - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia's;
 - (iii) Any material including scenes or dialogue likely to encourage an interest in harmful paraphilia's and sexual violence;
 - (iv) Gratuitous, exploitative or offensive depictions of violence with a extreme impact or which are excessively frequent prolonged or detailed and cruelty or real violence which are very detailed and which have a extreme impact;
 - (v) Detailed instruction in the use of proscribed drugs and material promoting or encouraging proscribed drug use;
 - (vi) Instances where no apparent consent could be given due to the appearance of any party participating in sexual activity, sexual conduct or explicit sexual conduct to be non compos mentis (not of sound mind i.e. in a drug or alcohol induced state or mentally ill etc.).
- (3) Any material that has been classified as XX must be reported to the chief executive officer to be published by notice in the Gazette, together with the reasons for the decision.

9. RESTRICTED DISTRIBUTION MATERIAL – X18

- (1) Any material listed in regulation 8, but that judged within context is a bona fide documentary or is of scientific, dramatic or artistic merit may be classified as X18.
- (2) Any material that contains explicit sexual conduct between consenting adults must be classified as X18 unless if it is judged within context a bona fide documentary or is of scientific, dramatic or artistic merit, in which case it must be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing harmful or age inappropriate materials.
- (3) Any material that contains any classifiable element that has an extreme impact must be classified as either X18 or XX as appropriate.
- (4) Any material that is classified as X18 must be notified to the chief executive officer to be published by notice in the Gazette together with the reasons for the decision.

10. UNRESTRICTED DISTRIBUTION – “A” All Ages - CONSUMER ADVICE

- (1) The context of the material does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for sensitive viewers or any children although the content may not be interesting to children, and the content has no sense of threat or menace.
- (2) The material contains no classifiable elements.
- (3) An “A” classification is applicable to all release formats.

11. UNRESTRICTED DISTRIBUTION – “PG” Parental Guidance – CONSUMER ADVICE

- (1) The context of the material does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children although the content may not be interesting to children, and has low impact classifiable elements and a very low sense of threat or menace.
- (2) The material either contains classifiable elements that have a low impact.
 - (a) Blasphemy “B” – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse “D” – material may not contain any scenes of substance abuse and any substance abuse could only be implied discreetly.
 - (c) Horror “H” – material only contains low impact instances or scenes of horror.
 - (d) Language “L” – material may only contain instances of low impact strong language justified by the context.
 - (e) Nudity “N” – material may only contain instances of low impact nudity in non sexual contexts and should be justified by the context.
 - (f) Prejudice “P” – material may not contain any scenes or language of prejudice unless clearly disapproved of in the context.
 - (g) Sexual conduct “S” – material may not contain any scenes of actual or implied sexual conduct or sexual activity, but may contain scenes of affection.
 - (h) Sexual violence “SV” – material may not contain any scenes of actual or implied sexual violence.
 - (i) Violence “V” – material may contain only low impact violence justified by the context.
 - (j) “Photo or pattern sensitivity, motion sickness and reactions to low frequency sound” – material likely to cause these effects may be indicated as a matter for appropriate consumer information.

- (k) **"Imitable Acts and Techniques"** – material may contain instances of low impact imitable acts and techniques.
- (l) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.

(3) A "PG" classification is applicable to all release formats.

12. UNRESTRICTED DISTRIBUTION – "10" CONSUMER ADVICE

- (1) Children under the age of 10 are not allowed to access material classified as "10".
- (2) The context of the material may not contain themes that may be harmful, or inappropriate for any children although the content may be complex and children under the age of 10 may find it confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a low or mild impact.
 - (a) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **"D"** – material may only contain innocuous scenes of substance abuse if it is justified by the context or carry a suitable anti-substance abuse message and is of a low or mild impact.
 - (c) Horror **"H"** – any scenes of low or mild impact horror must be justified by the context. Fantasy settings may when appropriate be regarded as reducing the impact.
 - (d) Language **"L"** – material may only contain instances of low or mild impact strong language justified by the context.
 - (e) Nudity **"N"** – material may only contain instances of low impact nudity in non sexual contexts and should be justified by the context.
 - (f) Prejudice **"P"** – material may not contain any scenes or language of prejudice unless clearly disapproved of or if it is used in an educational or historical context.
 - (g) Sexual conduct **"S"** – material may not contain any scenes of actual or implied sexual conduct or sexual activity, but may contain scenes of affection.
 - (h) Sexual violence **"SV"** – material may not contain any scenes of actual or implied sexual violence.
 - (i) Violence **"V"** – material may contain only low or mild impact violence justified by the context, any domestic violence must have a strong message against domestic violence.

- (j) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (k) **“Imitable Acts and Techniques”** – material may contain instances of low impact imitable acts and techniques.
- (l) **“Criminal Techniques”** – material may not contain any instances of criminal techniques.

- (4) A classification of 10 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

13. UNRESTRICTED DISTRIBUTION – “13 PG” AGE RESTRICTION

- (1) The material may be accessed by children over the age of 13 or if a parent or care giver decides it is appropriate for the child in their care that is of a younger age, in particular if it is of entertainment or educational value for such younger children.
- (2) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature and children under the age of 13 may find it confusing, distressing or upsetting.
- (3) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact.
 - (a) Blasphemy **“B”** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **“D”** – material may only contain low or mild impact occurrences of substance abuse if it is justified by the context. Any instances of moderate impact substance abuse must carry a suitable anti-substance abuse message.
 - (c) Horror **“H”** – any scenes of moderate impact horror must be justified by the context.
 - (d) Language **“L”** – material may only contain instances of moderate impact strong language justified by the context.
 - (e) Nudity **“N”** – material may only contain instances of low impact nudity and should be justified by the context.
 - (f) Prejudice **“P”** – material may only contain scenes or language of prejudice of low impact and if clearly disapproved and justified within the context or if it is used in an educational or historical context.

- (g) Sexual conduct **"S"** – material may not contain any occurrences of actual or implied sexual conduct but may contain low impact sexual activity.
 - (h) Sexual violence **"SV"** – material may not contain any scenes of actual or implied sexual violence.
 - (i) Violence **"V"** – material may contain moderate impact violence justified by the context, any domestic violence must have a strong message against domestic violence.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of mild impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
- (4) A classification of 13 PG is applicable to all release formats, different age restrictions may apply to different release formats as appropriate.

14. UNRESTRICTED DISTRIBUTION – "13" AGE RESTRICTION

- (1) The material may not be accessed by children under the age of 13.
- (2) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature and children under the age of 13 may find it confusing, distressing or upsetting.
- (3) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact.
 - (a) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **"D"** – material may only contain low or mild impact occurrences of substance abuse if it is justified by the context. Any instances of moderate impact substance abuse must carry a suitable anti-substance abuse message.
 - (c) Horror **"H"** – any scenes of moderate impact horror must be justified by the context.
 - (d) Language **"L"** – material may only contain instances of moderate impact strong language justified by the context.

- (e) Nudity **"N"** – material may only contain instances of low impact nudity and should be justified by the context.
 - (f) Prejudice **"P"** – material may only contain scenes or language of prejudice of low impact and if clearly disapproved and justified within the context or if it is used in an educational or historical context.
 - (g) Sexual conduct **"S"** – material may not contain any occurrences of actual or implied sexual conduct but may contain low impact sexual activity.
 - (h) Sexual violence **"SV"** – material may not contain any scenes of actual or implied sexual violence.
 - (i) Violence **"V"** – material may contain moderate impact violence justified by the context, any domestic violence must have a strong message against domestic violence.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of mild impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
- (4) A classification of 13 is applicable to all release formats, different age restrictions may apply to different release formats, as appropriate.

15. UNRESTRICTED DISTRIBUTION – "16" AGE RESTRICTION

- (1) Children under the age of 16 are not allowed to access material classified as "16". It is an offence to allow any child below the age of 16 to access material classified as "16".
- (2) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature and children under the age of 16 may find it confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a moderate impact with some elements having a strong impact.
- (a) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.

- (b) Substance abuse **"D"** – material may only contain moderate instances of substance abuse if it is justified by the context. Any instances of strong impact substance abuse must carry a suitable anti-substance abuse message.
 - (c) Horror **"H"** – any scenes of strong impact horror must be justified by the context.
 - (d) Language **"L"** – material may only contain instances of strong impact strong language justified by the context.
 - (e) Nudity **"N"** – material may only contain instances of moderate impact nudity and should be justified by the context.
 - (f) Prejudice **"P"** – material may only contain scenes or language of prejudice of moderate impact and if clearly disapproved and justified within the context or if it is used in an educational or historical context.
 - (g) Sexual conduct **"S"** – material may contain occurrences of implied sexual conduct and moderate impact sexual activity.
 - (h) Sexual violence **"SV"** – material may not contain any scenes of actual sexual violence, but sexual violence may be implied, if justified by the context.
 - (i) Violence **"V"** – material may contain strong impact violence justified by the context.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of moderate impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may contain instances of low impact criminal techniques.
- (5) A classification of 16 is applicable to all release formats accordingly no child under 16 may enter a cinema or buy or rent a DVD, or game, however classification of 16 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

16. UNRESTRICTED DISTRIBUTION – "18" CONSUMER ADVICE

- (1) Children under the age of 18 are not allowed to access material classified as "18". It is an offence to allow any child below the age of 18 to access material classified as "18".
- (2) The material contains classifiable elements that have a moderate impact with some elements having a strong or very strong impact.

- (a) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **"D"** – material may only contain strong impact instances of substance abuse if it is justified by the context.
 - (c) Horror **"H"** – any scenes of very strong impact horror must be justified by the context.
 - (d) Language **"L"** – material may only contain instances of very strong impact strong language justified by the context.
 - (e) Nudity **"N"** – material may only contain instances of strong impact nudity if justified by the context.
 - (f) Prejudice **"P"** – material may contain scenes or language of prejudice of strong impact if clearly disapproved and justified within the context or if it is used in an educational or historical context.
 - (g) Sexual conduct **"S"** – material may contain occurrences of moderate impact implied sexual conduct and strong impact sexual activity.
 - (h) Sexual violence **"SV"** – material may not contain occurrences of actual sexual violence but may contain occurrences of moderate impact implied sexual violence, if justified by the context.
 - (i) Violence **"V"** – material may contain strong impact violence justified by the context.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of strong impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may contain instances of mild impact criminal techniques.
- (3) A classification of 18 is applicable to all release formats accordingly no child under 18 may enter a cinema or buy or rent a DVD, or game, however classification of 18 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

17. GENERAL CONSIDERATIONS FOR THE CLASSIFICATION OF TRAILERS

- (1) Similar to the classification of films, trailers must be classified, and must be classified based on the same requirements of context and impact, however release format need not be considered.

- (2) The classification of trailers must be equal or lower than the films they precede regardless of release format.
- (3) In an instance where the entire context is not provided or too brief to establish conclusively, the impact should be determined based on theme, face value and other relevant factors.

18. GENERAL CONSIDERATIONS FOR FILMS OF EDUCATIONAL VALUE

- (1) Any film which may contain content that is determined to be of educational value may be so indicated by the classifier by using the symbol "ED".
- (2) Upon application by a school or further education and training institution as defined in the South African Schools Act, 1996 (Act 84 of 1996), and Further Education and Training Act 1998 (Act 98 of 1998) to the FPB, the age restriction category may be reduced by the FPB and certain viewing conditions may be imposed. Viewing conditions must be determined by the FPB and may include but are not restricted to:
 - (i) A minimum of number of suitably qualified educators to supervise the exhibition;
 - (ii) A mandatory briefing prior to the exhibition of the film to prepare the learners what to expect and provide an opportunity for sensitive learners to leave and not to view the material; and
 - (iii) A mandatory debriefing after the exhibition of the film by the suitably qualified educators to provide further context for the material and allowing learners to ask questions and share experiences of the material.

PART B - GAMES**19. GUIDING PRINCIPLES GAMES**

- (1) All classification decisions must consider the context, impact and the release format of material.
- (2) The context in which a classifiable element is presented determines the acceptability thereof within the relevant category. When considering context the following factors may be taken into account:
 - (a) The expectations of the public in general and the target market of the material;
 - (b) The theme of the material;
 - (c) The manner in which an issue is presented;
 - (d) The literary, artistic or educational merit of the game;
 - (e) The apparent intention of the game creator, as reflected in its effect.
- (3) The impact of a classifiable element determines the level at which it is categorised and is influenced by the degree of interactivity of the game such as first-person as opposed to third-person gameplay, the use of incentives and rewards, technical features and competitive intensity, as follows:
 - (a) No - contains no classifiable elements
 - (b) low - no noteworthy single or cumulative occurrences of classifiable elements;
 - no use of incentives or rewards for classifiable elements;
 - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
 - no accentuation techniques such as lighting, perspective and resolution; and
 - theme of material is not threatening and cause no ethical harm;
 - limited occurrences of competitive intensity involving violence and violence occur in third person gameplay;
 - occurrences of classifiable elements may be very strongly stylised and not realistic;
 - No verbal reference or visual representation of certain classifiable elements such as sexual activity or conduct, sexual violence and violence.
 - (c) mild - only single occurrences of classifiable elements;
 - occurrences of classifiable elements are not realistic;

- no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
- no accentuation techniques such as lighting, perspective and resolution; and
- theme of material is not threatening and cause no ethical harm;
- no use of incentives or rewards for classifiable elements;
- Occurrences of competitive intensity do not involve realistic and extreme violence and is infrequent or in third person gameplay;
- No verbal reference or visual representation of certain classifiable elements such as sexual activity or conduct, sexual violence and violence.

(d) moderate: - single or cumulative occurrences of classifiable elements;

- Verbal reference rather than visual representation of certain classifiable elements with no noticeable effect;
- Incidental depiction of a classifiable element;
- Occurrences of classifiable elements are not realistic;
- no details, close-ups or slow motion of nudity, violence and sexual activity or sexual conduct;
- no accentuation techniques such as lighting, perspective and resolution;
- Theme of material may be threatening but cause no ethical harm;
- some use of incentives or rewards for classifiable elements but not for nudity and sexual conduct or activity;
- Occurrences of competitive intensity do not involve realistic and extreme violence and is infrequent and may be in first person gameplay.

(e) Strong:- single or cumulative occurrences of classifiable elements;

- Occurrences of classifiable elements may be realistic;
- No details, close-ups or slow motion of nudity violence and sexual activity or sexual conduct;
- No accentuation techniques such as lighting perspective and resolution of nudity, sexual conduct or extreme violence;
- Theme of material may be threatening but cause no ethical harm;
- some use of incentives or rewards for classifiable elements but not for nudity and sexual conduct or activity;

- Occurrences of competitive intensity may involve realistic but not extreme violence and may be in first person gameplay.

(f) Very Strong:

- single or cumulative occurrences of classifiable elements;
- Occurrences of classifiable elements may be realistic;
- May contain details, close-ups or slow motion;
- May use accentuation techniques such as lighting perspective and resolution; and
- some use of incentives or rewards for classifiable elements;
- Theme of material may be threatening but cause no ethical harm;
- Occurrences of competitive intensity may involve realistic and extreme violence and may be in first person gameplay.

(g) Extreme:- Single or cumulative occurrences of classifiable elements;

- Occurrences of classifiable elements may be realistic;
- May contain details, close-ups or slow motion;
- May use accentuation techniques such as lighting perspective and resolution;
- use of incentives or rewards for classifiable elements; and
- Theme of material may be threatening and may cause ethical harm;
- Occurrences of competitive intensity may involve realistic and extreme violence and may be in first person gameplay.

(4) The release format of the material must be considered based on:

- (a) The ability to replay scenes;
- (b) The ability to view certain scenes out of context;
- (c) The clarity of images; and
- (d) The impact of technology.

20. CLASSIFIABLE ELEMENTS

- (1) A classification decision may include consumer advice about the content of a game. Classifiable elements are indicated by alphabetic symbols or words and alert the public to particular elements which may be potentially disturbing, harmful or inappropriate for children below a specified age or certain sensitive consumers.
- (2) Consumer advice should be indicated together with classification information on the outside of all material as applicable:

- (a) **“B”** warning to consumers that are religiously sensitive.
 - (i) Blasphemy is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information. Within the 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 certain religions, should be noted appropriately.
 - (ii) An expression which does not amount to blasphemy but which may constitute religious prejudice is a classifiable element and must be considered in the allocation of an appropriate age-restriction.
 - (iii) Any advocacy of hatred and constituting incitement to cause harm towards any recognized religion is not regarded as blasphemy but prejudice, it is a classifiable element and must be regarded in as having a extreme impact and may be subject to a distribution restriction or be a refused classification.
- b) **“D”** alerts to scenes of substance (Drugs and Alcohol) abuse.
 - (i) Any scenes of substance abuse are classifiable elements and must be considered in the allocation of an appropriate age-restriction.
 - (ii) Regardless of the level of age-restriction, the public must be alerted of the occurrence of substance abuse of a moderate, strong or very strong impact as applicable.
- c) **“L”** alerts that there is use of strong language;
 - (i) The use of strong language is a classifiable element and must be considered in the allocation of an appropriate age-restriction.
 - (ii) Regardless of the level of age-restriction, the public must be alerted of the occurrence of strong language of a moderate, strong or very strong impact as applicable;
- d) **“N”** warns that there are scenes of nudity;
 - (i) Regardless of the level of age-restriction, the public must be alerted to the occurrence of nudity of a mild, moderate, strong or very strong nature as applicable;
 - (ii) Nudity in natural non sexual contexts, such as breast-feeding and bona fide cultural traditions are not considered in the allocation of age-restrictions but must be advised if it is of a mild, moderate, strong or very strong nature as applicable;

- (iii) The deliberate flaunting of a person's sexuality or the undue exposure of intimate parts is a classifiable element and must be considered in the allocation of an appropriate age-restriction based on the impact.
- e) **"P"** warns of scenes or language that is biased or prejudiced with regard to race, ethnicity, gender, religion or other group-identifiable characteristics;
 - (i) Any scenes or language of prejudice are classifiable elements and must be considered in the allocation of an appropriate age-restriction;
 - (ii) Any advocacy of hatred and constituting incitement to cause harm based on prejudice, must be regarded as having a extreme impact and may be subject to a distribution restriction or be a refused classification.
- f) **"S"** indicates scenes involving sexual conduct;
 - (i) Any mild, moderate, strong or very strong impact scenes of sexual activity or consensual sexual conduct are classifiable elements and must be considered in the allocation of an appropriate age-restriction or distribution restriction;
 - (ii) Any scenes of consensual explicit sexual conduct must be regarded as having a very strong or extreme impact and classified appropriately;
- (g) **"SV"** indicates scenes involving sexual violence;
 - (i) Any scenes of sexual violence are classifiable elements and must be considered in the allocation of an appropriate age-restriction
 - (ii) Any scenes involving sexual violence actual or implied must be regarded as having a moderate, strong or very strong impact and must be classified appropriately;
- (h) **"V"** warns of violent scenes;
 - (i) Regardless of the level of age-restriction, the public must be alerted to the occurrence of violence of a moderate, strong or very strong impact;
 - (ii) Any scenes of extreme violence must be regarded as having a moderate strong or very strong impact and must be classified appropriately;
- (i) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"**
 - (i) It is recognised that the exact nature of the stimulus or stimuli that triggers seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect, therefore it is not treated as a classifiable element determining age restrictions

but as a matter for appropriate consumer information provided on a voluntary basis.

- (ii) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) and flash more than 3 times in any 1 second.
- (iii) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but no motion or little motion is sensed by the vestibular system (i.e. bouncing-camera movies). Similar to motion sickness is simulation sickness, or simulator sickness but is caused by playing computer/simulation/video games (i.e. first-person-perspective games and virtual reality setups). It is recognized that it may be identified subjectively and is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information provided on a voluntary basis.
- (iv) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 hertz. It is recognized that a low-frequency signal can go from being barely audible to annoying with a relatively small change in pressure level and that it may be identified subjectively and is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information.
- (v) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound may be indicated voluntarily and is not mandatory advice.
- (j) **"Imitable Acts and Techniques"**
 - (i) Imitable acts and techniques may be treated as a classifiable element to determine age restrictions where there is a reasonable likelihood that such acts or techniques may be copied or imitated, especially by children.
- (k) **"Criminal Techniques"**
 - (i) Criminal techniques and instructional details of illegal or dangerous acts must be treated as a classifiable element to determine age restrictions and may require very high age restrictions or be subject to restricted distribution.
- (l) **"Competitive Intensity"**
 - (i) The level of competitive intensity in a game to the extent that it is linked to violence must be treated as a classifiable element to determine age restrictions when appropriate.

- (ii) Higher levels of competitiveness of games involving violence may result in very high aggression levels than less competitive games involving violence and is therefore a factor that must be considered in the determination of an age restriction.
- (iii) Competitive intensity is heightened by the degree of interactivity of a game.

- (3) Consumer advice may be combined with age restriction categorization of material in order to inform the public regarding the content of material.

21. DISTRIBUTION CATEGORIES

- (1) Games are classified unrestricted distribution, restricted distribution and refused categories.
- (2) Unrestricted distribution may be distributed or exhibited by registered distributors and exhibitors in accordance with any age-restriction or condition which may be imposed by the FPB.
- (3) Restricted distribution is indicated by the letter "X" in the classification system.
- (4) Refused categories contain illegal or unconstitutional material.

22. CLASSIFICATION CATEGORIES OF GAMES

- (1) Films and games are classified into categories on the basis of context, impact of the classifiable elements and release format.
- (2) The following classification categories are used for unrestricted films and games, intended for exhibition in public or for home-entertainment:
 - (i) **"PG"** means an all ages category but cautions sensitive viewers and indicates that parents and care-givers are in the best position to decide whether or not a child in their care may access the game;
 - (ix) **"10"** means that children under the age of 10 may not access the material although parents and care-givers are in the best position to decide whether or not a child in their care may view the films, DVD/Blu Ray for home entertainment purposes;
 - (ii) **"13PG"** means an all-ages category but cautions sensitive viewers and indicates that parents and care-givers are in the best position to device whether or not a child in their care that is under the age of 13 may access the material;

- (iii) **"13"** means that the game is restricted to persons over the age of 13;
- (iv) **"16"** means that the material is suited for persons of 16 years and older;
- (v) **"18"** means adults only and the material is suited for persons of 18 years and older.

(3) The following classification categories for restricted films and games exist:

- (i) **"X18"** means only a holder of a licence to conduct the business of adult premises, as set out in section 24 of the Act, may distribute or exhibit such content. 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.
- (ii) **"XX"** means the material may not be distributed or exhibited in public.

23. ILLEGAL AND UNCONSTITUTIONAL CONTENT

- (1) Any material that contains propaganda for war or incitement of imminent violence or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm must be refused and reported to the chief executive officer for publication in the Government Gazette, unless judged within context the publication is a bona fide documentary or is a publication of scientific, literary or artistic merit or is on a matter of public interest which must be restricted accordingly.
- (2) Any material that constitutes child pornography must be reported to the chief executive officer and be reported to the South African Police Service immediately.

24. RESTRICTED DISTRIBUTION MATERIAL - XX

- (1) Games must be classified as **"XX"** if it depicts the following as set out in section 18 of the Act:
 - (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
 - (ii) Bestiality, incest, rape (sexual violence); conduct or an act which is degrading of human beings;
 - (iii) Conduct or an act which constitutes incitement of, encourages or promotes harmful behaviour;
 - (iv) Explicit infliction of sexual or domestic violence; or
 - (v) Explicit visual presentations of extreme violence.
- (2) The interpretation of (1)(i) – (v) above include instances of extreme impact and:
 - (i) Detailed instruction or promotion in matters of crime or violence;

- (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia's;
 - (iii) Any material including scenes or dialogue likely to encourage an interest in harmful paraphilia's and sexual violence;
 - (iv) Any sexual violence or sexual conduct related to incentives or rewards;
 - (v) Gratuitous, exploitative or offensive depictions of violence with a extreme impact or which are excessively frequent prolonged or detailed and cruelty or real violence which are very detailed and which have a extreme impact;
 - (vi) Detailed instruction in the use of proscribed drugs and material promoting or encouraging proscribed drug use or substance abuse related to incentives or rewards;
 - (vii) Instances where no apparent consent could be given due to the appearance of any party participating in sexual activity, sexual conduct or explicit sexual conduct to be non compos mentis (not of sound mind i.e. in a drug or alcohol induced state or mentally ill etc.).
- (3) Any material that has been classified as XX must be reported to the chief executive officer to be published by notice in the Gazette, together with the reasons for the decision.

25. RESTRICTED DISTRIBUTION MATERIAL – X18

- (1) Any material that contains explicit sexual conduct between consenting adults must be classified as X18.
- (2) Any material that contains any classifiable element that has a extreme impact must be classified as X18 as well as:
- (i) very strong competitive intensity in games combined with very strong or extreme levels of first and third person gameplay violence;
 - (ii) Any nudity or sexual activity related to incentives or rewards;
 - (iii) Extreme impact third person gameplay violence and very strong impact first person gameplay;
 - (iv) Any mild impact criminal techniques; and
 - (v) Any strong impact imitable behaviour (where appropriate).
- (3) Any material that is classified as X18 must be notified to the chief executive officer to be published by notice in the Gazette together with the reasons for the decision.

26. UNRESTRICTED DISTRIBUTION – “PG” Parental Guidance – CONSUMER ADVICE

- (1) The context of the material does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children although the content may not be of interest to children and has a very low sense of threat or menace.
- (2) The material contains no classifiable elements or has a low impact.
 - (a) Blasphemy **“B”** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **“D”** – material may not contain any scenes of substance abuse in any context.
 - (c) Horror **“H”** – material only contains low impact instances or scenes of horror.
 - (d) Language **“L”** – material may not contain instances of strong language in any context.
 - (e) Nudity **“N”** – material may not contain instances of nudity in any context.
 - (f) Prejudice **“P”** – material may not contain any occurrences or language of prejudice in any context.
 - (g) Sexual conduct **“S”** – material may not contain any occurrences of actual or implied sexual conduct or sexual activity, but may contain occurrences of affection.
 - (h) Sexual violence **“SV”** – material may not contain any scenes of actual or implied sexual violence.
 - (i) Violence **“V”** – material may contain no or low impact stylised violence.
 - (j) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **“Imitable Acts and Techniques”** – material may contain instances of low impact imitable acts and techniques.
 - (l) **“Criminal Techniques”** – material may not contain any instances of criminal techniques.
 - (m) **“Competitive Intensity”** – competitive intensity may have a mild impact provided there is no or low impact violence in third person gameplay and first person gameplay;
- (3) A **“PG”** classification is applicable to all release formats.

27. UNRESTRICTED DISTRIBUTION – “10” CONSUMER ADVICE

- (1) Children under the age of 10 are not allowed to access material classified as “10” unless accompanied by an adult. It is an offence to allow any child below the age of 10 to access material classified as “10” although parents and care-givers are in the best position to decide whether or not a child in their care may view the films, DVD or Blu Ray for home entertainment purposes.
- (2) The context of the material may not contain themes that may be harmful, or inappropriate for any children although the content may be complex and children under the age of 10 may find it confusing, distressing or upsetting.
- (3) The material contains no classifiable elements or has a low or mild impact.
 - (a) Blasphemy “B” – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse “D” – material may not contain occurrences of substance abuse in any context.
 - (c) Horror “H” – any scenes of low or mild impact horror must be justified by the context. Fantasy settings may when appropriate be regarded as reducing the impact.
 - (d) Language “L” – material may only contain instances of low or mild impact strong language.
 - (e) Nudity “N” – material may not contain any occurrences of nudity.
 - (f) Prejudice “P” – material may not contain any occurrences or language of prejudice.
 - (g) Sexual conduct “S” – material may not contain any occurrences of actual or implied sexual conduct or sexual activity, but may contain occurrences of affection.
 - (h) Sexual violence “SV” – material may not contain any occurrences of actual or implied sexual violence.
 - (i) Violence “V” – material may contain only low impact violence in first person gameplay or mild impact violence in third person gameplay and no occurrences of domestic violence.
 - (j) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **“Imitable Acts and Techniques”** – material may contain instances of low impact imitable acts and techniques.

- (l) **“Criminal Techniques”** – material may not contain any instances of criminal techniques.
 - (m) **“Competitive Intensity”** – competitive intensity may have a mild impact provided there is low impact first person gameplay violence and/or mild impact third person gameplay violence.
- (4) A classification of 10 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

28. UNRESTRICTED DISTRIBUTION – “13PG” AGE RESTRICTION

- (1) The material may be accessed by children over the age of 13 or if a parent or care giver decides it is appropriate for the child in their care that is of a younger age, in particular if it is of entertainment or educational value for such younger children.
- (2) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature and children under the age of 13 may find it confusing, distressing or upsetting.
- (3) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact.
- (4) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact.
 - (a) Blasphemy **“B”** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **“D”** – material may not contain any occurrences of substance abuse.
 - (c) Horror **“H”** – may contain occurrences of low, mild or moderate impact horror. Fantasy settings may when appropriate be regarded as reducing the impact.
 - (d) Language **“L”** – material may contain instances of low, mild or moderate impact strong language.
 - (e) Nudity **“N”** – material may not contain any instances of nudity.
 - (f) Prejudice **“P”** – material may not contain any occurrences or language of prejudice.

- (g) Sexual conduct **"S"** – material may not contain any occurrences of actual or implied sexual conduct or sexual activity, but may contain occurrences of affection.
 - (h) Sexual violence **"SV"** – material may not contain any occurrences of actual or implied sexual violence.
 - (i) Violence **"V"** – material may contain low, mild or moderate impact violence in third person gameplay, low or mild impact violence in first person gameplay and no domestic violence.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of mild impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
 - (m) **"Competitive Intensity"** – competitive intensity may have a moderate impact in moderate impact third person gameplay violence and mild impact first person gameplay violence.
- (5) A classification of 13PG must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

29. UNRESTRICTED DISTRIBUTION – "13" AGE RESTRICTION

- (1) The material may be accessed by children over the age of 13.
- (2) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature and children under the age of 13 may find it confusing, distressing or upsetting.
- (3) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact.
- (4) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact.
 - (a) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.

- (b) Substance abuse **"D"** – material may not contain any occurrences of substance abuse.
 - (c) Horror **"H"** – may contain occurrences of low, mild or moderate impact horror. Fantasy settings may when appropriate be regarded as reducing the impact.
 - (d) Language **"L"** – material may contain instances of low, mild or moderate impact strong language.
 - (e) Nudity **"N"** – material may not contain any instances of nudity.
 - (f) Prejudice **"P"** – material may not contain any occurrences or language of prejudice.
 - (g) Sexual conduct **"S"** – material may not contain any occurrences of actual or implied sexual conduct or sexual activity, but may contain occurrences of affection.
 - (h) Sexual violence **"SV"** – material may not contain any occurrences of actual or implied sexual violence.
 - (i) Violence **"V"** – material may contain low, mild or moderate impact violence in third person gameplay, low or mild impact violence in first person gameplay and no domestic violence.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of mild impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
 - (m) **"Competitive Intensity"** – competitive intensity may have a moderate impact in moderate impact third person gameplay violence and mild impact first person gameplay violence.
- (5) A classification of 13 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

30. UNRESTRICTED DISTRIBUTION – **"16"** AGE RESTRICTION

- (1) Children under the age of 16 are not allowed to access material classified as **"16"**. It is an offence to allow any child below the age of 16 to access material classified as **"16"**.

- (2) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature and children under the age of 16 may find it confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a mild or moderate impact with some elements having a strong impact.
- (a) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse **"D"** – material may not contain any occurrences of substance abuse.
 - (c) Horror **"H"** – may contain occurrences of strong impact horror. Fantasy settings may when appropriate be regarded as reducing the impact.
 - (d) Language **"L"** – material may contain instances of strong impact strong language.
 - (e) Nudity **"N"** – material may contain instances of low impact nudity.
 - (f) Prejudice **"P"** – material may not contain any occurrences or language of prejudice.
 - (g) Sexual conduct **"S"** – material may contain mild occurrences of implied sexual conduct or sexual activity but no actual sexual conduct and may contain occurrences of affection.
 - (h) Sexual violence **"SV"** – material may not contain any occurrences of actual or implied sexual violence.
 - (i) Violence **"V"** – material may contain strong impact violence in third person gameplay, moderate impact violence in first person gameplay and no domestic violence.
 - (j) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) **"Imitable Acts and Techniques"** – material may contain instances of moderate impact imitable acts and techniques.
 - (l) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
 - (m) **"Competitive Intensity"** – competitive intensity may have a moderate impact in strong impact third person gameplay violence and moderate impact first person gameplay violence.

- (4) A classification of 16 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

31. UNRESTRICTED DISTRIBUTION – “18” CONSUMER ADVICE

- (1) Children under the age of 18 are not allowed to access material classified as “18”. It is an offence to allow any child below the age of 18 to access material classified as “18”.
- (2) The material contains classifiable elements that have a moderate impact with some elements having a strong or very strong impact.
- (a) Blasphemy “B” – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
 - (b) Substance abuse “D” – material may contain mild occurrences of substance abuse.
 - (c) Horror “H” – may contain occurrences of very strong impact horror. Fantasy settings may when appropriate be regarded as reducing the impact.
 - (d) Language “L” – material may contain instances of very strong impact strong language.
 - (e) Nudity “N” – material may contain moderate instances of nudity provided it is not related to incentives or rewards.
 - (f) Prejudice “P” – material may not contain any occurrences or language of prejudice.
 - (g) Sexual conduct “S” – material may contain occurrences of moderate impact actual or implied sexual conduct or sexual activity, but not related to incentives or rewards.
 - (h) Sexual violence “SV” – material may not contain any occurrences of actual or implied sexual violence.
 - (i) Violence “V” – material may contain very strong impact violence in third person gameplay and a strong impact in first person gameplay but no domestic violence.
 - (j) “Photo or pattern sensitivity, motion sickness and reactions to low frequency sound” – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
 - (k) “Imitable Acts and Techniques” – material may contain instances of moderate impact imitable acts and techniques.
 - (l) “Criminal Techniques” – material may not contain any instances of criminal techniques.
 - (m) “Competitive Intensity” – competitive intensity may have a strong impact in very strong impact third person gameplay violence and strong impact first person gameplay violence.

- (3) A classification of 18 must be viewed in the context of release format and rated accordingly, different age restrictions may apply to different release formats as appropriate.

PART C – PUBLICATIONS

32. GUIDING PRINCIPLES

- (1) The Act recognises 2 categories for publications:
- (a) Those mentioned in section 16 of the Act; and
 - (b) Compulsory submittable publications.
- (2) The classification of publications other than those referred to in sub-regulation (3) is voluntary but any publication must be classified upon request by any interested person.
- (3) All publications that that contains the following must be submitted for examination to the FPB prior to such publication being distributed, exhibited or offered or advertised for distribution or exhibition:
- (i) Contains sexual conduct which violates or shows disrespect for the right to human dignity of any person; degrades a person or constitutes incitement to cause harm;
 - (ii) Advocates propaganda for war;
 - (iii) Incites violence; or
 - (iv) Advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm.
- (4) Compliance to the classification guidelines is mandatory for all publications.
- (5) All classification decisions must consider the context and impact of material.
- (6) The context in which a classifiable element is presented determines the acceptability thereof within the relevant category. When considering context the following factors may be taken into account:
- (a) The expectations of the public in general and the target market of the material;
 - (b) The theme of the material;
 - (c) The manner in which an issue is presented;
 - (d) The literary, artistic or educational merit of the publication;
 - (e) The apparent intention of the creator, producer or publisher of a publication as reflected in its effect.

(7) The impact of a classifiable element determines the level at which it is categorised as follows:

- (a) low – no noteworthy single or cumulative occurrences of classifiable elements;
 - No verbal reference or visual representation of certain classifiable elements such as nudity, sexual activity or conduct, sexual violence and violence including details or close-ups of violence, sexual activity or sexual conduct;
 - themes of an adult nature should be treated discreetly and not be exploitative and cause no ethical harm; and
 - Classifiable elements are not gratuitous and exploitative.
- (b) moderate: - single or cumulative occurrences of classifiable elements and incidental depiction of a classifiable element;
 - Verbal reference rather than visual representation of certain classifiable elements such as sexual activity or conduct and violence;
 - Any verbal reference to sexual violence must be handled discreetly and may not contain any visual representation of sexual violence;
 - No details or close-ups of nudity, sexual activity and violence;
 - No visual representations of sexual conduct;
 - Themes of an adult nature should be treated discreetly and not exploitative and cause no ethical harm; and
 - Classifiable elements are not gratuitous and exploitative.
- (c) Strong:- single or cumulative occurrences of classifiable elements;
 - No details or close-ups of nudity, sexual conduct or extreme violence;
 - Themes of an adult nature should not be exploitative and cause no ethical harm;
 - May have verbal reference and visual representation of certain classifiable elements such as nudity, sexual activity or conduct and violence;
 - Any verbal reference to sexual violence must be handled discreetly and may not contain any visual representation of sexual violence;
 - Classifiable elements are not exploitative and gratuitous.
- (d) Very Strong: - single or cumulative occurrences of classifiable elements;

- May contain details and close-ups of classifiable elements;
 - Themes of an adult nature should not be exploitative and cause no ethical harm;
 - Verbal reference and/or visual representation of certain classifiable elements such as sexual activity or conduct, and violence;
 - Any verbal reference to sexual violence must be handled discreetly and may not contain any visual representation of sexual violence;
 - Classifiable elements are not exploitative and gratuitous.
- (e) Extreme: Contains elements listed under either XX or X18 as set out in regulations 36 and 37.

33. CLASSIFIABLE ELEMENTS

- (1) In the context of publications, classifiable elements are used to assist in the determination of the impact of the material and therefore the allocation of an appropriate age restriction but are not included as consumer advice.
- (2) The classifiable elements considered in the allocation of an appropriate age restriction based on impact are:
- (a) strong language;
 - (i) The use of strong language is a classifiable element and must be considered in the allocation of an appropriate age-restriction.
 - (b) nudity;
 - (i) The occurrence of nudity of a moderate, strong or very strong nature must be considered in the allocation of age restrictions;
 - (ii) Nudity in natural non sexual contexts, such as breast-feeding and bona fide cultural traditions are not considered in the allocation of age-restrictions;
 - (c) Language that is biased or prejudiced with regard to race, ethnicity, gender, religion or other group-identifiable characteristics;
 - (i) Any language of prejudice is a classifiable element and must be considered in the allocation of an appropriate age-restriction;
 - (ii) Any advocacy of hatred and constituting incitement to cause harm based on prejudice, must be regarded as refused material.
 - (d) sexual conduct or activity;
 - (i) Any moderate, strong or very strong impact depictions or language of sexual activity or consensual sexual conduct are classifiable elements and must be considered in the allocation of an appropriate age-restriction or be subjected to a distribution restriction;

- (ii) Any depictions of consensual explicit sexual conduct must be regarded as having a very strong or extreme impact and classified appropriately;
 - (iii) Any language or depictions of gratuitous, exploitative or offensive non-consensual sexual conduct must be subject to restricted distribution (extreme impact) or regarded as refused material.
- (e) sexual violence;
 - (i) Any language or depictions of sexual violence are classifiable elements and must be considered in the allocation of an appropriate age-restriction
 - (ii) Any depictions of sexual violence must be subject to restricted distribution (extreme impact) or be regarded as refused material.
- (f) violent language or depictions of violence;
 - (i) Any language or depictions of violence and extreme violence must be considered in the allocation of an appropriate age-restriction, restricted distribution or refused categories;
- (g) criminal techniques
 - (i) Criminal techniques and instructional details of illegal or dangerous acts must be treated as a classifiable element to determine age restrictions, restricted distribution or refused categories.

34. CLASSIFICATION CATEGORIES OF PUBLICATIONS

(1) Publications are classified into categories on the basis of:

- (i) context,
- (ii) impact of the classifiable elements.

(2) The following classification categories are used for unrestricted publications, intended for availability to the public:

- (i) **"13"** means that children under the age of 13 may not access the material;
- (ii) **"16"** means that the material is suited for persons of 16 years and older;
- (iii) **"18"** means adults only and the material is suited for persons of 18 years and older.

(3) The following classification categories for restricted distribution of publications exist:

- (c) **"X18"** means only a holder of a licence to conduct the business of adult premises, as set out in section 24 of the Act, may make such publications available. 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.

- (d) **"XX"** means the material may not be made available by anyone.

35. ILLEGAL AND UNCONSTITUTIONAL CONTENT

- (1) Any publication that contains propaganda for war or incitement of imminent violence or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm must be refused and reported to the chief executive officer for publication in the Government Gazette, unless judged within context the publication is a bona fide documentary or is a publication of scientific, literary or artistic merit or is on a matter of public interest which must be restricted accordingly.
- (2) Any material that constitutes child pornography must be reported to the chief executive officer and be reported to the South African Police Service immediately.

36. RESTRICTED DISTRIBUTION MATERIAL - XX

- (1) Publications must be classified as **"XX"** if it depicts the following as set out in section 16 of the Act:
 - (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
 - (ii) Bestiality, incest, rape (sexual violence); conduct or an act which is degrading of human beings;
 - (iii) Conduct or an act which constitutes incitement of, encourages or promotes harmful behaviour;
 - (iv) Explicit infliction of sexual or domestic violence or
 - (v) Explicit visual presentations of extreme violenceunless judged within context the publication is, a bona fide documentary or is of scientific, dramatic or artistic merit, in which even the material shall be classified **"X18"** or classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing harmful or age inappropriate materials.
- (2) The interpretation of (1)(i) – (v) above include instances of:
 - (i) Detailed instruction or promotion in matters of crime or violence;
 - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia's;
 - (iii) Any material including depictions or dialogue likely to encourage an interest in harmful paraphilia's and sexual violence;

- (iv) Gratuitous, exploitative or offensive depictions of violence with a extreme impact or which are excessively frequent or detailed and cruelty or real violence which are very detailed and which have a extreme impact;
 - (v) Detailed instruction in the use of proscribed drugs and material promoting or encouraging proscribed drug use;
 - (vi) Instances where no apparent consent could be given due to the appearance of any party participating in sexual activity, sexual conduct or explicit sexual conduct to be non compos mentis (not of sound mind i.e. in a drug or alcohol induced state or mentally ill etc.).
- (3) Any material that has been classified as XX must be reported to the chief executive officer to be published by notice in the Gazette, together with the reasons for the decision.

37. RESTRICTED DISTRIBUTION MATERIAL – X18

- (1) Any material listed in regulation 8, but that judged within context is a bona fide documentary or is of scientific, dramatic or artistic merit may be classified as X18.
- (2) Publications classified as X18 contains different classifiable elements of strong or very strong impact.
- (3) Any material that contains explicit sexual conduct between consenting adults must be classified as X18 unless if it is judged within context a bona fide documentary or is of scientific, dramatic or artistic merit, in which case it must be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing harmful or age inappropriate materials.
- (4) Publications of X18 classification may contain prejudiced language of strong impact provided it is clearly disapproved of.
- (5) Publications of X18 may contain language of Extreme impact, provided it is not related to sexual violence or harmful paraphilias.
- (6) Publications of X18 may contain nudity, sexual activity and sexual conduct and violence of a very strong impact.
- (7) Any material that is classified as X18 must be notified to the chief executive officer to be published by notice in the Gazette together with the reasons for the decision.

38. UNRESTRICTED DISTRIBUTION – “13”

- (1) The context of the material does not contain any adult themes or themes that may cause ethical harm, although the content may not be interesting to children.
- (2) The material may not be accessed by children under the age of 13.
- (3) The material contains no classifiable elements or it has a mild impact.
 - (a) Language – material may only contain instances of low impact strong language justified by the context.
 - (b) Nudity – material may only contain instances of low impact nudity in non sexual contexts and should be justified by the context.
 - (c) Language that is prejudiced – material may not contain any language of prejudice unless clearly disapproved of in the context.
 - (d) Prejudice – material may only contain language of prejudice of low impact if clearly disapproved and justified within the context or if it is used in an educational or historical context.
 - (e) Sexual conduct – material may not contain any depictions or language of actual or implied sexual conduct or sexual activity, but may contain depictions of affection.
 - (f) Sexual violence – material may not contain any depictions or language of actual or implied sexual violence unless it is of educational value and clearly disapproved of.
 - (g) Violence – material may contain language or depiction of low impact violence justified by the context.
 - (h) Criminal Techniques – material may not contain any depictions or explanation of criminal techniques.

39. UNRESTRICTED DISTRIBUTION – “16” AGE RESTRICTION

- (1) Children under the age of 16 are not allowed to access material classified as “16”. It is an offence to allow any child below the age of 16 to access material classified as “16”.
- (2) Publications with an age restriction of 16 must be distributed in a sealed wrapper and covers must be suitable for public display.

- (3) The context of the material may be mature and adult themes should be treated discreetly. The content may be complex and children under the age of 16 may find it confusing, distressing or upsetting.
- (4) The material contains classifiable elements that have a moderate impact with some elements having a strong impact.
 - (a) Language – material may only contain instances of moderate impact strong language justified by the context.
 - (b) Nudity– material may only contain instances of moderate impact nudity.
 - (c) Prejudice – material may only contain language of prejudice of moderate impact if clearly disapproved and justified within the context or if it is used in an educational or historical context.
 - (d) Sexual conduct – material may contain language of implied sexual conduct but no depictions of sexual conduct and may contain language and depictions of moderate impact sexual activity.
 - (e) Sexual violence – material may not contain any depictions or language of actual or implied sexual violence unless it is of educational value and clearly disapproved of.
 - (f) Violence – material may contain moderate impact depictions and strong impact language of violence if justified by the context.
 - (g) Criminal Techniques –material may not contain any depictions or explanations of criminal techniques.

40. UNRESTRICTED DISTRIBUTION – “18” AGE RESTRICTION

- (1) Children under the age of 18 are not allowed to access material classified as “18”. It is an offence to allow any child below the age of 18 to access material classified as “18”.
- (2) Publications with an age restriction of 18 must be distributed in an opaque wrapper, and clearly indicate the age restriction on the wrapper.
- (3) The material contains classifiable elements that have a moderate impact with some elements having a strong or very strong impact.
 - (a) Language – material may only contain instances of very strong impact strong language justified by the context.
 - (b) Nudity – material may contain instances of strong impact nudity.
 - (c) Prejudice – material may only contain language of prejudice of moderate impact if clearly disapproved off and justified within the context or if it is used in an educational or historical context.

- (d) Sexual conduct – material may contain language of sexual conduct but no depictions of sexual conduct and may contain language and depictions of strong impact sexual activity.
- (h) Sexual violence – material may not contain any depictions or language of actual or implied sexual violence unless it is of educational value and clearly disapproved of.
- (e) Violence – material may contain strong impact depictions and strong impact language of violence if justified by the context.
- (f) Criminal Techniques –material may not contain any depictions or explanations of criminal techniques.

41. EFFECTIVE DATE

These Guidelines shall become effective upon the date of publication.

42. OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with the provisions of these Guidelines, is guilty of an offence. Upon conviction such person is liable to a fine in terms of section 24A and 24B of the Films and Publications Act.

43. REPEALED GUIDELINES

The Guidelines published in terms of the Films and Publications Act, published as the "Guidelines to be used in the classification of Films, Interactive Computer Games and Certain Publications" dated 1 September 2009 in Gazette Notice 32542 are hereby repealed.

CLASSIFICATION GUIDELINES - EXPLANATORY NOTE

EXECUTIVE SUMMARY

The draft guidelines reflect work conducted by the Films and Publications Board wherein the jurisprudence in South Africa was considered, a benchmark study was conducted and quantitative and qualitative research was undertaken.

The most noteworthy changes resulting from this process, in the classification approach are:

- The introduction of voluntary classifiable elements which means that these elements are not considered as part of an age restriction decision but rather to advise consumers –the voluntary classifiable elements include:
 - Photo or pattern sensitivity, motion sickness and low frequency sound; and
 - Imitable behaviour
- The introduction of additional mandatory classifiable elements which means that these elements must be considered as part of an age restriction decision – the additional mandatory classifiable elements include
 - Criminal techniques
 - Sexual violence
 - Horror (broader concept than just a genre)
 - Competitive Intensity (applicable to games only)
- A slight change in the age restriction categories with the removal of all instances of (M) – mature accompaniment and an alignment between the age categories between films and games:
 - A; PG; 10; 13PG; 13; 16; 18
- It should be noted that 13PG for cinema replaces the 'M' category and to the extent that 13PG is applicable to cinemas it means that children must be accompanied by adults.
- The consideration of specific types of content in the classification of adult material was clarified with the specific inclusion of “harmful paraphilia’s” as a factor to be taken into account when classification decisions are made.
- The requirement to take the educational merit of certain content into account in age restriction decisions was recognised, and a section providing for certain exceptions was included into the guidelines.

- Clarification is provided regarding the classification of trailers.
- The guidelines lastly paid specific attention to publications, which were not dealt with to the extent required in the previous guidelines.

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EXPLANATORY NOTE

1. INTRODUCTION

The Films and Publications Board ("FPB") was created to implement the objectives of the Films and Publications Act, as amended (Act No. 65 of 1996) ("the Act") and to regulate the distribution of films, games and certain publications. In the main this is done by means of classification of the material, the imposition of age restrictions and providing consumer advice. The FPB is a statutory institution of the Department of Home Affairs whose primary mandate is to contribute to the transformation of South African society. This is achieved by acting with due respect for the Constitutional rights and freedoms and in particular with regard to the protection of children from exposure to potentially disturbing, harmful, inappropriate content and from sexual exploitation in publications and audio visual content of any nature. The FPB, guided by the Act, prescribed Guidelines and classification guidelines, requires that all films, games and some publications be classified prior to either being distributed for sale, hire or exhibition in South Africa or being determined to be refused classifications.

In the preparation of the classification guidelines, the Films and Publications Board ("FPB") was tasked with the important and complex responsibility of balancing the Constitution of South Africa, legal developments within South Africa, technological developments and international best practice against the views of citizens. The outcome of this balancing act was used to prepare these classification guidelines for films, games and publications.

The fundamental purpose of classification is to protect children from 'indecent' exposure to disturbing and harmful material and from premature exposure to adult experiences. These classification guidelines allow adult South African citizens to make informed viewing, gaming, and reading decisions, both for themselves and for children in their care.

The objective of the explanatory note is not to discuss each and every issue addressed in the guidelines, but rather to provide further information on matters that may require additional explanation or that are newly introduced and require justification.

2. GUIDING PRINCIPLES

The FPB seeks to achieve high objectivity in its classification guidelines and inclusive consideration of the changes in South African society as reflected in the prevalent norms and values of its citizens and developments in South African legislation. It therefore attempted to reflect considerations of relevant legislation, citizen research and the accumulated experience of the FPB over many years in the guidelines.

As set out in the guidelines, the general underlying grounds on which the FPB exercises the broad discretion conferred on it are that:

- Works should be allowed to reach the widest audience that is appropriate;
- Adults should, as far as possible, be free to choose what they see, provided that it remains within the law and is not potentially harmful; and
- No illegal or unconstitutional content will be classified.

In the preparation of the draft guidelines the FPB followed the following processes:

- Review of South African Legislation;
- Benchmark study;
- Desktop research; and
- National Research: Qualitative and Quantitative

3. REVIEW OF SOUTH AFRICAN LEGISLATION

As a first step in the process the FPB considered how the legislature reflects society's norms and values in a list of relevant legislation. Due to the nature of the legislative process, which according to the fair administration of justice process requires a public comment process and often public hearings, it provided a good indication of the views of citizens. The reason that this review of the legal approach was conducted at the outset of the process was that it provided the FPB with a well-reasoned framework within which the views of citizens which were subsequently obtained were considered. The Acts taken into account were:

- Constitution of South Africa 1996,
- Children's Act, 2005,
- Commission of Gender Equality Act, 1996;
- Animals Protection Act, 1962;
- Animals Matters Amendment Act 1993;
- The Performing Animals Protection Act, 1935;
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000;
- Consumer Protection Act, 2008;
- Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007;
- Electronic Communications Act, 2005
- Electronic Communications and Transactions Act, 2002

- Prevention and Treatment of Substance Abuse Act, 2008
- Civil Union Act, 2006,
- Films and Publications Act, 1996 and the Films and Publications Amendment Act 1999,
- Films and Publications Amendment Act, 2004 and Films and Publications Amendment Act 2009

In the consideration of the list of legislation, some common threads were identified as indicative of the current social norms and values. These include in particular a more consumer focussed approach. Part and parcel of such an approach are a few core principles in line with the Constitution:

- Access to information as it relates to various areas ranging from business to health decisions as well as important decisions regarding how children should be raised. These views were reflected in the following Acts:
 - Consumer Protection Act
 - Electronic Communications Act
 - Electronic Communications and Transactions Act
 - Prevention and Treatment of Substance Abuse Act
- Freedom of expression is an important consideration for this project. In fact it is quite explicitly recognized in the Films and Publications Act, in terms of its classification approach. It is also reflected in the following legislation:
 - Civil Union Act
 - Electronic Communications Act
 - Consumer Protection Act
- The Right to Privacy is a core issue that is becoming more and more critical in the information age. The following legislation is particularly focused on the right to privacy:
 - Electronic Communications and Transactions Act
 - Consumer Protection Act
 - Electronic Communications Act
 - Promotion of Equality and Prevention of Unfair Discrimination Act
 - Civil Union Act

- Prevention and Treatment of Substance Abuse Act
- The protection of children which is also one of the main focus areas for the FPB is an area of growing concern and is seen as a critical issue in the following legislation:
 - Children's Act
 - Films and Publications Act (as amended)
 - Prevention and Treatment of Substance Abuse Act
 - Electronic Communications and Transactions Act
 - Consumer Protection Act
- Freedom and Security of Person:
 - Criminal Law (Sexual Offences and Related Matters) Amendment Act
 - Films and Publications Act
 - Prevention and Treatment of Substance Abuse Act
 - Children's Act
 - Animal Matters Amendment Act
- Freedom of Association is an area in the Constitution that took some time to be recognized and developed in South African legislation. This is illustrated by the Civil Union Act as an example the Act recognizes same sex marriages but only came into effect in 2006.
- Equality is a critical provision in the Constitution, a right that many people had to wait a lifetime for. People with disabilities and in particular people with mental disabilities, are increasingly being recognized as vulnerable. From the legislation equality now appears to be one of the most recognized and valued rights:
 - Criminal law (Sexual Offences and Related Matters) Amendment Act
 - Children's Act
 - Promotion of Equality and Prevention of Unfair Discrimination Act
 - Civil Union Act
 - Electronic Communications Act
 - Electronic Communications and Transactions Act
 - Prevention and Treatment of substance Abuse Act

Section 36 of the Constitution tends to be overlooked despite it being critical to the protection of citizens. It provides for the limitation of rights where appropriate, and guided the drafting of the classification guidelines, particularly as it relates to material subject to restricted distribution or refused classifications.

Society's values are however not limited to the treatment of human beings as enshrined in the Constitution but extend to the protection of animals. The Animals Protection Act, the Animals Matters Amendment Act, and; the Performing Animals Protection Act, were therefore taken into account although not explicitly mentioned.

The legislation considered in this review raised a number of pertinent issues that show a definitive shift in society's views over the last few years. Society has become more tolerant and open to individuals that choose to live their lives in a manner that is not necessarily in line with tradition as reflected by the recognition of same gender marriage set out in the Civil Union Act.

There is also a growing consciousness of the realities of our times to the extent that substance abuse and child pornography are critical issues of concern in modern society. These are not South African specific concerns and globally countries are grappling with these problems. The Prevention and Treatment of Substance Abuse Act is a confirmation of South Africa's commitment to the battle against drugs. In particular, since substance abusers are getting younger and younger, with reports of primary school addicts, the legislation makes specific provision on how to deal with children that abuse substances.

Child pornography, which falls within the category of child abuse is another area of concern reflected in the legislation. The Children's Act which has come into effect as recently as 6 years ago only, has explicit provisions to protect children with measures such as the creation of the National Child Protection Register. Legislation such as the Electronic Communications and Transactions Act, as an example also recognize that the fight against child pornography should be fought at various levels. For that reason certain requirements are placed on internet service providers to report instances of child pornography on the services that they host.

Some of these observations were taken into consideration in the preparation of the guidelines and are set out below.

3.1 Children's Act

The definition of a child as contained in the Children's Act is as follows:

"child means a person under the age of 18 years"

Upon the reading the Children's Act, it appears that society recognizes that children's views and their right to make their own decisions should be respected. This is reflected in the fact that any child above the age of 10 is required to consent to an adoption. From the age of 12, children can make serious health related decisions such as giving or withholding consent to HIV tests and acquiring condoms and contraceptives and children from the age of 16 years of age can give or withhold consent for virginity testing and male circumcision.

On the other hand, the child's right to be protected and cared for is explicitly provided for, not just at a physical level but also at an emotional one. Accordingly, there is a duty placed on parents and care givers to avoid physical, emotional and moral harm to a child. As per the Children's Act's definition, "abuse" includes subjecting the child to behaviour that may harm the child physically or emotionally.

The Children's Act also recognizes the realities of our times by making mention of the fact that begging and drug abuse are indicators of a child's need for care. Another serious and topical concern raised is the awareness of human trafficking and South Africa's commitment in terms of the UN Protocol to Prevent Trafficking in Persons. The serious light in which human trafficking is viewed is reflected in the provisions that clearly prohibits the provision of any assistance facilitating these acts, including through publication, print, media and the internet, amongst others. The Children's Act also recognizes the use of technology in facilitating child abuse, in the form of human trafficking. In section 285 (2) of the Children's Act, it requires that every Internet Service Provider operating in the Republic must report to the South African Police Service any site on its server that contains information in contravention of the human trafficking provisions.

3.2 Gender Equality Act and Framework on Gender Equality

In terms of the Gender Equality Act and the Framework on Gender Equality it is clear that society upholds the right of women to form part of South Africa's democracy and to actively participate in its development. The primary indicators include:

- A woman's earning power and involvement in the economy.
- Reduction of women's vulnerability to social injustice such as poverty, HIV/AIDS and violence.
- Extent to which women participate in political decision making.
- Women's professional opportunities.
- A change in attitude to women and enhanced recognition of the value they add to society.