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# GOVERNMENT NOTICE

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## DEPARTMENT OF HOME AFFAIRS

No. 754

17 July 2009

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

#### FILM AND PUBLICATION BOARD

#### GUIDELINES TO BE USED IN THE CLASSIFICATION OF FILMS, INTERACTIVE COMPUTER GAMES AND CERTAIN PUBLICATIONS *"Striving to make the life of every child better without making the life of a single adult worse."*

## 1 INTRODUCTION

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

The purpose of classification is to protect children from exposure to potentially disturbing and harmful materials and from premature exposure to adult experiences, as well as to provide such information as will allow adult South Africans to make informed viewing, gaming and reading choices, both for themselves and for children in their care. These Guidelines set out the criteria which must be applied by the Board and Review Board in making classification decisions. In applying the Guidelines, classification committees will assess the impact of the classifiable elements within the context of the film, game or publication being examined.

## 2 GUIDING PRINCIPLES

A classification committee, drawn from a panel of examiners appointed through a process of public nominations, examines a film (or an interactive computer game or a publication) against the following rights and principles:

- the right to freedom of expression within the law;
- the right of access to information within the law;
- the right of children to be protected from materials that pose a risk of harm;
- the right of the public to be protected from unsolicited exposure to materials which some may find offensive, and
- the principle that classification decisions take account of the human rights values enshrined in the Constitution, especially with regard to the right of everyone to have their dignity respected and protected.

In making their decisions, classification committees, consistent with the principle that in all matters concerning children, the best interests of the child are paramount, aim to strike a reasonable balance between competing interests and the protection of children from potentially disturbing, harmful and age-inappropriate materials. It should be noted that child pornography is not a matter for classification. Any film, interactive computer game or publication containing scenes, images or descriptions of child pornography is a matter for criminal investigation and prosecution. Similarly the distribution of films, interactive games and publications containing advocacy of harm inciting hatred based on race, ethnicity, gender and religion may amount to a criminal offence.

### 3 CLASSIFIABLE ELEMENTS<sup>1</sup> AND CONSUMER INFORMATION

#### 3.1. Distribution categories

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

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

Materials in the *unrestricted* category may be distributed or exhibited, in accordance with any age-restriction or condition which may be imposed by the Board, by any person who is registered with the Board as a distributor or exhibitor of films.

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

#### 3.2. Classifiable elements

The Board has identified the following as *classifiable elements* which classification committees are required to assess within the context of the film, game or publication:

- **drugs**
- **language**
- **nudity**
- **prejudice, or negative stereotyping, based on race, ethnicity, gender or religion or any identifiable group characteristic**
- **sex, and**
- **Violence.**

#### 3.3. Consumer advice

A classification decision may include consumer information about the content of a film, interactive computer game or publication. Consumer information, indicated by alphabetic symbols, alerts the public to particular elements which may be potentially disturbing, harmful or inappropriate for children below a specified age:

- **"B"** information about religious sensitivity
- **"D"** alerts the public to scenes of drug and alcohol abuse
- **"L"** is information about strong language
- **"N"** is for nudity
- **"P"** is advice that the material contains scenes or language that is biased or prejudiced with regard to race, ethnicity, gender, religion or other group-identifiable characteristics
- **"S"** indicates scenes involving sexual conduct, and
- **"V"** warns of violent scenes

An age-restriction may be combined with consumer information to indicate that that film, interactive computer game or publication contains scenes, visual presentations, sequences or descriptions at a level of frequency and intensity that may be disturbing, harmful or inappropriate for children below the specified age.

The guidelines below are for use by classification committees in determining what may be potentially disturbing or harmful to, or age-inappropriate for, children in films, games or publications falling outside the *restricted* ("X") category. Guidelines for the restricted "X" category of materials are set out in the Act.

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

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<sup>1</sup> It is important to note that a child's interpretation of an expression, verbal or visual, may be, and often is, different from that of an adult. Children, for instance, may see violence where adults do not.

## 4 CLASSIFICATION GUIDELINES

### FILMS

Generally, films are classified into categories on the basis of the **impact** of a classifiable element or the cumulative effects of two or more classifiable elements. These guidelines do not apply to films broadcast on television. There are eight classification categories for films, whether intended for exhibition in public or for home-entertainment;

- **"A"** which is an all-ages category
- **"PG"** all ages but parental guidance is recommended for younger or sensitive viewers
- **"10M"** which means that children under the age of 10 years must be accompanied by an adult
- **"13M"/"13PG"** Persons under the age of 13 years must be accompanied by an adult to any film classified "13M", while a DVD or VHS or an interactive computer game classified "13PG" requires "Parental Guidance" for persons under the age of 13 years
- **"10"** restricted to person 10 years and older
- **"13"** is a category restricted to persons 13 years and older
- **"16"** restricted to persons 16 years and older, and
- **"18"** is restricted to "adults only".

### NOTES

(i) **"IMPACT"** refers to the potential effect, on viewers of different ages or levels of maturity, of a single classifiable element or the cumulative effect of a number of classifiable elements. The adjectives **low, mild, moderate, strong** and **high** describe the hierarchy of impact of classifiable elements. A **low impact** classifiable element will have less of an impact or effect on a viewer of any age, whether accompanied or not. Impact may be heightened by, for instance, greater detail, close-ups, slow motion, special effects, such as lighting or sound, frequency, sustained focus and realism. One or two scenes of low-impact violence, for instance, may not be disturbing to children. **But the same low-impact scene repeated a number of times might heighten the impact to require a higher rating.**

(ii) **"BLASPHEMY" ("B")**, defined, for the purpose of classification, as insensitive, offensive, demeaning, derogatory, disrespectful or irreverent expressions about any recognised religion, but not cults or Satanism, but not amounting to the advocacy of harm inciting hatred, is not treated as a classifiable element determining age – restrictions but as a matter for **appropriate consumer information**. Depending on context, the taking of God's name in vain, in any religion, may amount to blasphemy. The sensitivities of certain religions, especially with regard to precepts and practices which may be unique to certain religions, should be noted appropriately. An expression which does not amount to blasphemy but which may constitute religious prejudice is a classifiable element. Blasphemy amounting to the advocacy of hatred and constituting incitement to cause harm is a classifiable element of the Act.

(iii) **"IMITABLE/ CRIMINAL ACTS/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 younger viewers. Criminal techniques and instructional details of illegal or dangerous acts, for instance, may require higher age restrictions.

(iv) **"NUDITY"**, for purposes of classification, may be distinguished from **nakedness in natural non-sexual contexts**, such as breast-feeding and bona fide cultural traditions. **Nudity** for purposes of classification is the deliberate flaunting of a person's sexuality or the undue exposure of a person's intimate parts.

## CLASSIFICATION CATEGORIES FOR FILMS INTENDED FOR EXHIBITION IN PUBLIC OR FOR HOME-ENTERTAINMENT

### 5 CHILDREN: ADVISORY-CAUTIONARY-CONDITIONAL RESTRICTIONS

#### 5.1 "A" ADVISORY

Films in this category will not contain classifiable elements at a level of frequency and intensity that may be disturbing, harmful, upsetting or even inappropriate even for very young unaccompanied children.

<b>IMPACT</b>	<b>Very low</b> and almost insignificant
<b>THEME</b>	Themes are treated in ways that will not threaten a child's sense of security and well-being
<b>DRUGS</b>	A film classified "A" will not contain scenes that may even appear to encourage, glamorise or condone the use of drugs, including cigarettes, and alcohol
<b>LANGUAGE</b>	"A" category films will not contain expressions of offensive vulgarity, racial, gender or sexual abuse, profanity, blasphemy or expressions which are clearly demeaning or disrespectful of human beings
<b>NUDITY</b>	A film classified "A" will not contain scenes of nudity. However, there may be brief and discreet depictions of nakedness in non-sexual contexts, without close-ups or focus on intimate parts of the body
<b>PREJUDICE</b>	There will be no expressions or depictions of prejudice or negative stereotyping, regardless of context, in films classified "A"
<b>SEXUAL CONDUCT</b>	A film classified "A" will not contain scenes of sexual activity, actual or implied, beyond brief expressions of affection, such as kissing or hugging, in non-sexual contexts
<b>VIOLENCE</b>	Films classified "A" may contain very brief and infrequent scenes of unrealistic and very low impact but non-threatening violence or menace or suspense, justified by context and without bloodletting. There will be no scenes of domestic, racial, religious or sexual violence, actual or implied, or of imitable expressions, whether physical, psychological or verbal

#### 5.2 "PG" CAUTIONARY

Films classified "PG" (Parental Guidance) will not contain classifiable elements at a level of frequency and intensity that may be disturbing or harmful, but may contain sequences that may be either upsetting to, or inappropriate for, sensitive younger viewers. Parents and care-givers are in the best position to decide whether or not children in their care may watch a "PG" film.

<b>IMPACT</b>	Low but may require parental guidance for younger, sensitive viewers
<b>THEME</b>	Themes may be complex but treated in ways that will not threaten a child's sense of security and well-being
<b>DRUGS</b>	A film classified "PG" will not contain scenes that may even appear to encourage, glamorise or condone the use of drugs, including cigarettes, and alcohol
<b>LANGUAGE</b>	"PG" category films will not contain expressions of offensive vulgarity, racial, gender or sexual abuse, profanity, blasphemy or expressions which are clearly demeaning or disrespectful of human beings
<b>NUDITY</b>	A film classified "PG" will not contain scenes of nudity. However, there may be brief and discreet depictions of nakedness in non-sexual contexts, without close-ups or focus on intimate parts of the body
<b>PREJUDICE</b>	There will be no expressions or depictions of prejudice or negative stereotyping, regardless of context, in films classified "PG"
<b>SEXUAL CONDUCT</b>	A film classified "PG" will not contain scenes of sexual activity, actual or implied, beyond brief expressions of affection, such as kissing or hugging, in non-sexual contexts
<b>VIOLENCE</b>	Films classified "PG" may contain scenes of low impact and non-threatening unrealistic violence or menace or suspense, justified by context and without bloodletting. There will be no scenes of domestic, racial, religious or sexual violence, actual or implied, or of imitable expressions, whether physical, psychological or verbal

### 5.3 "10M" CONDITIONAL RESTRICTION

Children under the age of 10 years may not be allowed to watch a film classified "10M" **unless accompanied by an adult**. Although a "10M" film may contain sequences that may be distressing or upsetting to children under the age of 10 years, the film may be of particular entertainment or educational value even for an under-10-year-old **as long as the child is accompanied by an adult to provide a reassuring counter-balance to the potentially distressing or upsetting scenes**

<b>IMPACT</b>	Low to mild - Sensitive children will need the reassuring company of an adult
<b>THEME</b>	Themes may be complex but the film may be of particular entertainment or educational value <i>and the reassuring company of an adult will counter-balance any scenes which may distress or upset sensitive children</i>

<b>DRUGS</b>	No depictions of illegal drugs or drug abuse except within the context of a clear educational purpose or a clear anti-drug message
<b>LANGUAGE</b>	Mild language but no expressions of racial, gender, religious or sexual abuse unless within a context that shows such expressions to be socially unacceptable
<b>NUDITY</b>	There will be no scenes of nudity but there may be brief depictions of nakedness in non-sexual contexts, without close-ups or focus on intimate parts of the body
<b>PREJUDICE</b>	There may be very brief and infrequent references to prejudice or negative stereotyping within context but the overall message is that such conduct is disrespectful of human beings
<b>SEXUAL CONDUCT</b>	There may be very brief and infrequent scenes of discreetly implied sexual activity, without nudity, and within socially-accepted contexts and related to the development of plot or character
<b>VIOLENCE</b>	There may be very brief scenes of mild, whether physical, psychological or verbal violence but not in domestic, racial, religious or sexual contexts or within contexts that form part of childhood "comfort zones", such as schools or playgrounds. Bloodletting is extremely limited and there is no focus on the effects of violence on humans or animals

#### 5.4 "13M" CONDITIONAL RESTRICTION

Children under the age of 13 years may not be allowed to watch a film classified "13M" **unless accompanied by an adult**. Although a "13M" film may contain sequences that may be disturbing, distressing or upsetting to children under the age of 13 years, the film may be of particular entertainment or educational value even for an under-13-year-old **as long as the child is accompanied by an adult to provide a reassuring counter-balance to the potentially disturbing, distressing or upsetting scenes**

<b>IMPACT</b>	Moderate and younger viewers may need the reassuring company of an adult
<b>THEME</b>	Themes may be complex, mature and treated in a way that could be disturbing, distressing or upsetting to some younger viewers unless accompanied by an adult to provide a reassuring counter-balance to any distress those younger, sensitive children may experience
<b>DRUGS</b>	There may be scenes of drug and substance use, within context, but the overall message is that drug and substance abuse is unhealthy and not socially-acceptable
<b>LANGUAGE</b>	Mild to moderate language, within context, as part of character or plot development. Expressions of abuse may occur within a context which shows such conduct to be socially unacceptable
<b>NUDITY</b>	There will be no depictions of sexual contexts, without close-ups or focus on intimate parts of the body

**PREJUDICE** There may be brief scenes of prejudice or negative stereotyping within context to enhance the development of plot or character but the message is clear that such behaviour is disrespectful of human beings and should not be encouraged or condoned

**SEXUAL CONDUCT** There may be very brief and infrequent scenes discreetly of implied sexual activity, without nudity and within socially accepted contexts and related to the development of plot or character

**VIOLENCE** There may be brief scenes of realistic but moderate, physical, psychological or verbal violence, justified by context, and without focus on the effects of violence on humans or animals or bloody details. Scenes of domestic, racial, religious or sexual violence, whether physical, psychological or verbal may be discreetly implied and justified by context. Violence is not glamorised, condoned or rewarded

## 5.5 "13PG" CAUTIONARY

This is a classification category that applies to home-entertainment products, such as DVDs, video cassettes and interactive computer games. Films in this category may contain sequences that may be disturbing, distressing or upsetting to sensitive viewers under the age of 13 years. However, a "13PG" film may be of particular entertainment or educational value to children and young persons. Parents and care-givers are best placed to decide whether or not to allow children in their care to watch a "13PG"-rated film

**IMPACT** Moderate - Adult guidance is strongly recommended for sensitive children under the age of 13 years

**THEME** Themes may be complex, mature and treated in a way that could be disturbing, distressing or upsetting to some younger viewers

**DRUGS** There may be brief scenes of drug and substance use, within context, but the overall message is that drug and substance use is unhealthy and not socially-acceptable

**LANGUAGE** Mild to moderate language, within context, as part of character or plot development. Expressions of abuse may occur within a context which shows such conduct to be socially-unacceptable and wrong

**NUDITY** There will be no depictions of nudity but there may be brief scenes of nakedness in non-sexual contexts, without close-ups or focus on intimate parts of the body

**PREJUDICE** There may be brief scenes of prejudice or negative stereotyping within context to enhance the development of plot or character but the message is clear that such behaviour is disrespectful of human beings and should not be encouraged or condoned

**SEXUAL  
CONDUCT**

There may be very brief and infrequent scenes of discreetly implied sexual activity, without nudity and within socially-accepted contexts and related to the development of plot or character

**VIOLENCE**

There may be brief scenes of realistic but moderate, physical, psychological or verbal violence justified by context, and without focus on the effects of violence on humans or animals or bloody details. Scenes of domestic, racial, religious or sexual violence may be discreetly implied and justified by context. Violence is not glamorised, condoned or rewarded

**6 YOUNG PERSONS: RESTRICTED CATEGORY****6.1 "10"**

This is a legally-restrictive category and it is an offence to allow children under the age of 10 years to watch a film classified "10"

**IMPACT**

Mild but of an intensity that may be disturbing to children under the age of 10 years

**THEME**

Themes may be complex, mature and treated in a way that may be upsetting and disturbing even to accompanied children under 10 years

**DRUGS**

No depictions of illegal drugs or drug abuse except within the context of a clear educational purpose or a clear anti-drug message

**LANGUAGE**

Mild language but no expressions of racial, gender, religious or sexual abuse unless within a context that shows such expressions to be unacceptable

**NUDITY**

There will be no depictions of nudity but there may be brief scenes of nakedness in non-sexual contexts, without close-ups or focus on intimate parts of the body

**PREJUDICE**

There may be brief scenes of prejudice or negative stereotyping within context to enhance the development of plot or character but the message is clear that such behaviour is disrespectful of human beings and should not be encouraged or condoned

**SEXUAL  
CONDUCT**

There may be scenes of discreetly implied sexual activity, without nudity and within socially accepted contexts, to enhance plot or character development

<b>VIOLENCE</b>	There may be brief scenes of realistic but mild, physical, psychological or verbal violence justified by context, but without focus on the effects of violence on humans or animals or bloody details. Scenes of domestic, racial, religious or sexual violence may be discreetly implied and justified by context. There are no scenes glamorising, condoning or rewarding violence
<b>6.2 "13"</b>	
	Legally restricted to persons 13 years and older. It is an offence to allow anyone below the age of 13 years to watch a film classified "13".
<b>IMPACT</b>	Moderate and of an intensity that may be disturbing to children under 13 years
<b>THEME</b>	Themes may be more complex and mature and treated in a way that could be disturbing and upsetting to the sense of security and well-being of children under 13 years
<b>DRUGS</b>	There may be brief scenes of drug and substance use, within context, but the overall message is that drug and substance use is dangerous to one's health and is socially unacceptable
<b>LANGUAGE</b>	Films classified "13" may contain moderate language within context as part of character or plot development. Expressions of offensive abuse may occur but within a context which shows such conduct to be anti-social
<b>NUDITY</b>	There may be brief scenes of nudity in non-sexual contexts, without close-ups or focus on intimate parts of the body, to enhance the development of character or plot
<b>PREJUDICE</b>	There may be brief scenes of prejudice or negative stereotyping, within context, to enhance the development of plot or character but the message is clear that such behaviour is disrespectful of human beings and should not be encouraged or condoned
<b>SEXUAL CONDUCT</b>	There may be brief scenes of mildly implied sexual activity, without nudity, within context, to enhance plot or character development
<b>VIOLENCE</b>	There may be brief scenes of realistic but moderate, physical, psychological or verbal violence justified by context, and without focus on the effects of violence on humans or animals or bloody details. Scenes of domestic, racial, religious or sexual violence may be discreetly implied and justified by context. There are no scenes glamorising, condoning or rewarding violence

## **7 TEENS: RESTRICTED CATEGORY**

### **7.1 "16"**

Films classified "16" are legally restricted to persons 16 years and older. It is an offence to allow any person under the age of 16 years to view a film rated "16"

<b>IMPACT</b>	Strong and of an intensity that may be disturbing to persons under 16 years
<b>THEME</b>	Complex and mature themes may be treated in ways that may be distressing, disturbing and may even be misleading, encouraging anti-social attitudes and behaviour in impressionable minds
<b>DRUGS</b>	There may be scenes of drug and substance abuse, within context, but without the glamorisation of drug and substance use or instructional detail
<b>LANGUAGE</b>	There may be strong language, within context, as part of character or plot development. Expressions of racial or sexual abuse will be infrequent
<b>NUDITY</b>	There may be scenes of nudity but without frontal lingering close-ups and within a context that is not sexually abusive, violent or exploitative
<b>PREJUDICE</b>	There may be scenes of prejudice and negative stereotyping not amounting to the advocacy of hatred based on identifiable group characteristics
<b>SEXUAL CONDUCT</b>	There may be brief scenes of consensual sexual activity justified by context but without lingering close-ups on intimate parts of the body
<b>VIOLENCE</b>	Scenes of realistic violence may occur within a meaningful context and necessary for the development of plot or character. Scenes of domestic, racial, religious or sexual violence are brief, infrequent and justified by context

## **8 ADULTS: RESTRICTED CATEGORY**

### **8.1 "18"**

Films classified "18" may not be exhibited or distributed to persons under the age of 18 years. It is an offence to allow any person under the age of 18 years to view a film rated "18"

<b>IMPACT</b>	Very strong and intended only for adults
<b>THEME</b>	No restrictions on themes and treatment appropriate for adult-viewing only

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<b>DRUGS</b>	There are no restrictions on <sup>11</sup> depictions of drug and substance abuse within context
<b>LANGUAGE</b>	No restrictions unless the language amounts to the promotion of hatred based on any identifiable group characteristic and amounts to incitement of harm
<b>NUDITY</b>	No restrictions on nudity unless there is full frontal and lingering close-ups on genitals or the context is one of gratuitous sexual abuse, violence or exploitation
<b>PREJUDICE</b>	There may be expressions of prejudice and scenes of negative stereotyping but not amounting to the advocacy of harm-inciting hatred based on any identifiable group characteristic
<b>SEXUAL CONDUCT</b>	Generally, no restrictions on scenes of sexual activity within context but without lingering close-ups on intimate parts of the body. Non-consensual sex, not amounting to rape as legally defined, may be discreetly implied but only within context and only if necessary for the development of plot and character
<b>VIOLENCE</b>	No restrictions except for explicit scenes of extreme and gratuitous domestic, racial, religious or sexual violence or explicit scenes of the effects of extreme violence in prolonged graphic and gory detail

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