

SUMMARY OF REASONS FOR DECISION

Under the Films, Videos, and Publications Classification Act 1993 (FVPC Act)

HEADNOTE

Title of publication:	Don't Breathe
Other known title(s):	Not stated
OFLC ref:	1600737.000
Medium:	Film
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	Contains violence, sexual violence and offensive language.
Display conditions:	None

The publication is a film from the US with a running time of 88 min 22 sec.

The film is a horror/thriller about three young thieves who break into a blind military veteran's house to steal settlement money he obtained after his daughter was killed in a car accident, and discover that he isn't as helpless as he seems. The three thieves are Alex, whose father runs a home security company; Rocky, a young woman who wants to escape dysfunctional family life with her younger sister; and Rocky's boyfriend Money. Shortly after breaking into the veteran's home the veteran kills Money by shooting him in the head. Rocky and Alex become trapped inside the veteran's home and while trying to escape via the basement discover a young woman chained up in what seems to be a sex dungeon; her name is Cindy, and she is revealed to be the driver of the car that killed the veteran's daughter. Alex and Rocky try to rescue her but Cindy is shot and killed. A game of cat and mouse ensues, with Alex and Rocky trying to escape the veteran's fortified house with the stolen settlement money, but meeting obstacles at every turn.

The film deals with matters of horror, crime, cruelty and violence under s3(1) of the FVPC Act. The film relies heavily on elements of fear and suspense as Rocky and Alex try to escape the veteran's house, which is fortified with bars over the windows and locks on all the doors. The film deals with crime in terms of murder, rape and kidnapping, and the acts of breaking and entering by the main characters. The strongest depictions of the infliction of serious physical harm and acts of significant cruelty are discussed under s3(3)(a)(i). Sexual violence and degrading physical conduct are discussed under s3(3)(a)(ii) and s3(3)(a)(iii). Criminal activity is considered under s3(3)(d).

The film does not promote or support, or tend to promote or support, any s3(2) matters.

Under s3(3)(a)(i) the film contains a moderate extent and degree of the infliction of serious physical harm, and significant cruelty is dealt with at a high degree through the veteran's treatment of Cindy, and his plans for Rocky after Cindy is killed. In terms of serious physical harm, Money is shot in the head at close range soon after entering the veteran's house. His death

is fairly graphic, leaving a blood spatter on the wall behind him. Cindy is later shot in the face after attempting to escape through a trapdoor in the basement. She still has a gag across her mouth at this point, and blood is shown seeping through the gaffer tape. Later, Alex is knocked through a window and falls onto a glass skylight below. The glass around him starts to crack. He is just about to roll to safety when the veteran detects his presence and shoots him in the body. Alex comes crashing through the glass onto the floor below. The veteran then brawls with him into a side room, viciously punching him numerous times in the face and then stabbing him with pruning shears. A short time later it is revealed that the veteran actually stabbed Money's (already dead) body with the pruning shears, and Alex returns to smash the veteran several times with a hammer. Just as he is about to escape the house however, the veteran shoots him in the back.

Sexual violence and sexual/physical conduct of a degrading nature constitute the film's strongest material. After Cindy is killed the veteran reveals that she was pregnant with his child – his reasoning is that because she took away his daughter, Cindy needed to repay her debt by supplying him with a replacement child. The veteran explains all this to Rocky after capturing her, and holding her captive with wire restraints on her wrists and suspension cables around her body. Telling her that he is not a rapist – “I never forced myself on her” – the veteran raises Rocky into the air using the cables, and cuts an incision over her genital area using a pair of scissors. The veteran then uses a turkey baster to collect a large semen sample, and walks towards Rocky with the clear intention of artificially inseminating her. He is prevented from doing so at the last moment by Alex, who smashes him from behind with the hammer. Rocky is set free and she kicks the veteran several times about the body and shoves the turkey baster into his mouth causing semen to spill out.

Under s3(3)(d) the film does not promote or encourage criminal acts per se, but does present the three thieves as somewhat sympathetic by turning them into victims. Rocky's desire to help her younger sister escape a dysfunctional home life also makes her into a sympathetic character. The range of criminal activity in the film, however, is well contained by the genre and serves to propel the story forward. There is no sense that criminal activity is glamorised in a wider sense, and neither is it free of consequences.

The film contains a moderate extent of highly offensive language in the form of "fuck" and its derivatives (s3A).

The film is a taut, well-made horror/thriller set in a contained location and featuring an unlikely antagonist. It focuses on the fear and desperation of young adults held captive against their will and fighting to stay alive. Depictions of fairly brutal violence pepper the film but it is the strong threat of sexual violence that has the highest degree of impact. Children and teenagers are likely to be greatly shocked and disturbed by this material, both the scene in which it is revealed that Cindy has been impregnated and particularly the scene where the veteran terrorises Rocky. The sustained focus on Rocky's distress as she is helpless and about to be sexually violated with a turkey baster is gratuitous and harrowing to watch. Adult audiences are more likely to have the maturity and experience to view the stronger violent and cruel elements of the film in the context of an intense survival thriller without being negatively affected. Balancing these harms against the right to freedom of expression as set out in the New Zealand Bill of Rights Act 1990, a restriction on the availability of *Don't Breathe* to adults is the lowest restriction that can be applied in order to prevent likely injury to the public good.

Note:

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