

## NOTICE OF DECISION UNDER SECTION 38(1)

TO: Commissioner of Police

**Title of publication:** Wicked Camper DZQ882

**Other known title:** Not stated

**OFLC ref:** 1600209.000

**Medium:** Vehicle

**Maker:** The Wicked Cult Limited

**Country of origin:** New Zealand

**Language:** English

<b>Classification:</b> Unrestricted.
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**Excisions:** None

**Descriptive Note:** None

**Display conditions:** None

### REASONS FOR THE DECISION

The Office of Film and Literature Classification (Classification Office) examined the publication and recorded the contents in an examination transcript. A written consideration of the legal criteria was undertaken. This document provides the reasons for the decision.

#### The Nature of the Publication:

The material for consideration consists of images and text that appear on the front, the back and on both sides of a campervan designated as *Wicked Camper DZQ882*. The campervan is offered for hire by a business known as Wicked Campers, owned by The Wicked Cult Limited.

While the medium - a campervan - has not until recently been examined by the Classification Office it clearly fits the definition of “publication” under s2(c) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) “a paper or other thing that has printed or impressed upon it, or otherwise shown on it, one or more (or a combination of 1 or more)

images, representations, signs, statements or words ...” The breadth of the definition indicates Parliament’s intention that the scope of the FVPC Act not be limited to films, DVDs, books and magazines. While a campervan’s status as a publication may not be immediately apparent, it meets the s2(c) definition, as do other unusual mediums previously classified under the FVPC Act. For instance:

- Apparel: OFLC 800513 – *Vestal Masturbation (Cradle Of Filth T-Shirt)*
- Drink Can – OFLC 1101242 - *Miss Svenson's Classroom Detention*
- Playing Cards: OFLC 9501108 - *Hershe Highway*
- Billboard: OFLC 702680 - *Erotica Lifestyles Expo Billboard*
- Card/Jigsaw Puzzle: OFLC 9601115 – *Colt Puzzle Cards*
- Calendar: OFLC 301472 - *Massive FHM Wall Calendar 2003*
- Street Sign: OFLC 9600069 - *"The New Venus Shop" Sign on Karangahape Rd*
- Packing Box: OFLC 9902226 - *'Just' 17 Love Doll*
- Sticker: OFLC 1400015 – *Panty Dropper*

### **Submission procedure:**

The campervan is one of several submitted for classification. The Classification Office received copies of the material for classification in the form of photographs of the front, back and sides of each campervan. They were submitted for classification on behalf of the Commissioner of Police under s13(1)(ab) of the FVPC Act. *Wicked Camper DZQ882* was received on 18 March 2016.

On 22 March 2016 the Classification Office advised the owner of the campervan of the right to make written submissions regarding classification. The Secretary for Internal Affairs, who has an automatic right to make written submissions, was also informed of the application for classification. When the owner advised that they did not have access to the campervan under consideration, the Classification Office provided them with copies of the submitted images on 07 April 2016. The closing date for submissions was 21 April 2016.

Under s23(1) of the FVPC Act the Classification Office is required to examine and classify the publication.

Under s23(2) of the FVPC Act the Classification Office must determine whether the publication is to be classified as unrestricted, objectionable, or objectionable except in particular circumstances.

Section 23(3) permits the Classification Office to restrict a publication that would otherwise be classified as objectionable so that it can be made available to particular persons or classes of persons for educational, professional, scientific, literary, artistic, or technical purposes.

### **Synopsis of written submission(s):**

Lengthy written submissions were received from both the New Zealand Police and Ford Sumner Lawyers, the legal representatives for the owner. These submissions have been thoroughly considered and are discussed below.

## Submission from New Zealand Police

The Police “respectfully submit that Wicked Camper DZQ882 should be classified as age restricted under s 3A and s 3B of the [FVPC] Act.”

The submission first gives details about the content of images and text on the left side and on the back of the campervan and goes on to interpret those on the left side thus:

The left side of the vehicle shows an image of a popular cartoon character from the Simpsons television show known as “Mr Burns” holding a cannabis utensil, commonly known as a bong, and the caption reads: “And this whole time I’ve been smoking harmless Tobacco.”

The Police note that the statement written on the left side of the publication is a direct quote from an episode of the Simpsons television show, episode 18 of season 5 of the show. In this episode the character “Mr Burns” is shown as pretending to be a member of Greenpeace involved in a protest at sea trying to stop nuclear companies from dumping waste into the oceans. Mr Burns drills a hole in the Greenpeace ship, exposes his true identity, pulls out a bong and says the line “and all this time I’ve been smoking harmless tobacco”. The context of the scene is that Mr Burns smokes from a bong to convince the other Greenpeace members that he is one of them but he smokes “harmless tobacco” rather than cannabis.

When taken out of context of the Simpsons television show episode, this [image and text] could be seen to be endorsing the use of cannabis and tobacco. The statement could also lead some viewers, in particular the young or vulnerable, to believe that smoking tobacco is harmless.

Under s3B of the Act a publication may be age restricted if it is likely to be injurious to public good. It is the Police submission that publication Wicked Camper DZQ882 meets the threshold of being injurious to the public good, because the left side of the vehicle depicts conduct that, if imitated, would pose a real risk of serious harm to self under s3B(3)(ii) of the Act. The publication depicts cannabis use and tobacco use, both of which pose a real risk of serious harm, particularly to children and young people.

The Police provide the following information regarding penalties for criminal acts related to cannabis:

Cannabis is a class C controlled drug in New Zealand. Smoking, consumption, or possession of cannabis is a criminal offence under s7 of the Misuse of Drugs Act 1975 and is punishable by a term of imprisonment of up to three months. Possession of cannabis utensils such as a bong is an offence under s13 of the Misuse of Drugs Act 1975 [and] is punishable by a term of imprisonment of up to one year.

The Police then consider the text on the rear of the campervan, which consists of the statement “Confucius say man with dick in peanut butter jar is just fucking nuts”

The Police note that the slogan on the rear of the publication is not one that Wicked Campers have developed, it is on many joke websites relating to inaccurate and comedic Confucius sayings and quotes. The Police submit that this portion of the publication Wicked Camper DZQ882 meets the threshold of s3A of the Act as the publication contains highly offensive language likely to cause serious harm to children and young people.

The slogan refers to conducting a sexual act with a food item, there is reference to male genitals, the slogan uses the offensive word, “dick”, and the slogan uses the highly offensive word “fucking”. In a Policing context, if an individual stated the words used in this slogan in a public place, that individual could face a prosecution under s4 of the Summary Offences Act 1981 depending on the circumstances (such as time, location, and audience).

The submission discusses the implications of the New Zealand Bill of Rights Act 1990 (NZBORA), specifically the right to freedom of expression. Several examples from case law illustrate limitations on this right, including “Expressions that are or can be deemed as offensive or obscene in nature”, which are “not necessarily protected under s14 of the NZBORA.” A

further example is commercial freedom of expression, which is protected under s14 of the NZBORA. The writer of the submission quotes the “learned authors of the New Zealand Bill of Rights” to the effect that “expression that is purely commercial in nature – expression connected with the sale of goods and services – has little claim to the protection of the right at all.”

The Police submit “that the message depicted on the rear of the publication *Wicked Camper DZQ 882* is a commercial slogan...and is intentionally offensive in nature. As such, the rights under s14 of the NZBORA should have far less, if any, weight than genuinely held views and expressions.”

The submission concludes by restating the Police view that *Wicked Camper DZQ882* should be age restricted.

### **Synopsis of Submission from Ford Sumner Lawyers**

The points most relevant to the consideration of *Wicked Camper DZQ882* are the use of humour, sexual references and references to drug use. With regard to publications that deal with drug use, in paragraph 52.3 the submission refers to decisions of the Classification Office that “display and promote frequent drug use” where the publications were given an unrestricted classification.

In paragraph 51, the submission states:

Furthermore, individuals are constantly exposed to drug use, sexual references and explicit language on a daily basis in mainstream popular culture across many media. Accordingly, the “average decent minded citizen” would be unaffected by the livery of the vehicles, given the standards in relation to language, drug use and sexual references that are now considered acceptable in modern society.

In paragraph 52, the submission notes that “these accepted societal standards are reflected in the decisions of the Classification Office” and gives examples. These are compared with the “low level explicit language on Wicked’s vehicles (“fucking” and “dick” are relevant to the campervan under review in this decision). Wicked submits that these examples “may be considered crass by the ‘average decent minded citizen’ but would not be injurious to the public good.”

The use of humour is dealt with in paragraphs 53 to 57. It is stated that “humour through social commentary and satire is the commanding influence, objective intent and prevailing characteristic” of each van. The content is intended to attract attention through “light hearted quotes, provocative sayings and colourful artistic imagery...” Images and text are said to be a satirical commentary referencing popular culture and that this humour and satirical intent is:

...clearly demonstrated within the context of the text and images, both individually and collectively, which is also an effective method of marketing, as it attracts and reflects Wicked’s young customer base through its extensive use of popular culture touchstones.

At paragraphs 58 to 63 the submission considers the right to freedom of expression contained in the NZBORA and whether any limitation on the availability of the campervans would be a reasonable restriction on that right. The submission states “...painting a vehicle with artistic imagery and provocative phrases is no different from an individual displaying artwork in a gallery...” and that “there is no content on Wicked’s vehicles which would be injurious to the public good in any way or form and no objectionable activity is “*promoted or supported*” by the content”. A restriction would be an unreasonable limitation on the right to freedom of expression.

The campervan under consideration in this decision is dealt with at paragraphs 68-79 of the submission. Paragraphs 68-69 deal with an image of Homer Simpson with a beer can, and text that is said to refer to “the age old analogy – ‘Why is everything that tastes good so bad for you?’” On the other side of the van, a character “is in possession of a bong, which is commonly used for the inhalation of marijuana, yet implies that he has only used it for harmless tobacco.” The submission notes the irony that although marijuana causes fewer health problems than tobacco, which is the leading cause of lung cancer, it is marijuana that is illegal, not tobacco.

The submission states that Wicked has removed the words, “Confucius say man with dick in peanut butter jar is just fucking nuts” from the vehicle but goes on to state Wicked’s position regarding this content:

(Paragraphs 76-77) It is our client’s position that there is no objectionable aspect to the content displayed on this vehicle and the language used is not ‘highly offensive’ and thereby does not warrant an age restriction, pursuant to section 3A.

The word ‘Fucking’ is commonly used in popular culture throughout various media forms...In the even that offence may be taken with this word, this still does not warrant restriction under the Act.

### **Description of the publication:**

The images in question on *Wicked Camper DZQ882* are superimposed on a background of pink paintwork, adorned with large spots in different colours on both sides of the vehicle. The front has the word “Wicked” on the bonnet in large red text that resembles handwriting. The text is superimposed on a white ground. Text on the back window and above the side windows of the campervan gives contact details.

The left side has a partially-obscured image of the character Mr Burns from the television cartoon, *The Simpsons*, holding a bong. A speech bubble beneath the campervan’s windows contains the quote, “And this whole time I’ve been smoking harmless tobacco”. The submission from the New Zealand Police identifies the character as Mr Burns.

The right side has a large, central image of the cartoon character, Homer Simpson, holding up a television remote in one hand and an open drink can splashing its contents in the other. Text in large black capitals to the left of the Homer character reads, “To alcohol, the cause of”, and continues in smaller print under the driver’s window with the words, “- and solution to all lifes prob” (presumably the angle of the photograph has cut off the end of the word “problems.”)

Text in white capitals beneath the back window reads, “Confucius say man with dick in peanut butter jar is just fucking nuts.”

### **New Zealand Bill of Rights Act 1990:**

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBORA) states that everyone has "the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form". Under s5 of the NZBORA, this freedom is subject "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". Section 6 of the NZBORA states that "Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning".

The role of the Classification Office is to determine whether the likelihood of injury to the public good (if any) arising from the availability of a publication outweighs the right to freedom of expression and therefore constitutes a reasonable limitation of this right.

### **The meaning of "objectionable":**

Section 3(1) of the FVPC Act sets out the meaning of the word "objectionable". The section states that a publication is objectionable if it:

*describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.*

The Court of Appeal's interpretation of the words "matters such as sex, horror, crime, cruelty or violence" in s3(1), as set out in *Living Word Distributors v Human Rights Action Group (Wellington)*, must also be taken into account in the classification of any publication:

[27] The words "matters such as" in context are both expanding and limiting. They expand the qualifying content beyond a bare focus on one of the five categories specified. But the expression "such as" is narrower than "includes", which was the term used in defining "indecent" in the repealed Indecent Publications Act 1963. Given the similarity of the content description in the successive statutes, "such as" was a deliberate departure from the unrestricting "includes".

[28] The words used in s3 limit the qualifying publications to those that can fairly be described as dealing with matters of the kinds listed. In that regard, too, the collocation of words "sex, horror, crime, cruelty or violence", as the matters dealt with, tends to point to activity rather than to the expression of opinion or attitude.

[29] That, in our view, is the scope of the subject matter gateway.<sup>1</sup>

The content of the publication must bring it within the "subject matter gateway". In classifying the publication therefore, the main question is whether or not it deals with any s3(1) matters in such a manner that the availability of the publication is likely to be injurious to the public good.

#### *Matters such as sex*

The text on the back of the campervan is a rather juvenile joke involving male genitalia and ending with an example of sexual double entendre where the play on words has alternative meanings. It is not just sexual humour. The man with his penis in the peanut butter jar can be seen as engaging in a sexual act, however improbable – he is “fucking nuts”. However, it is equally valid to interpret the joke to mean that the man with his penis in the peanut butter jar is “fucking crazy.” This alternative reading uses the word “fucking” as an adjective that amplifies the meaning of “nuts”.

The joke is not original: it is one of many similar efforts that may be found in collections of jokes in various media, including the internet. It does not describe an adult sexual practice.

The text of the joke is further considered under s3A.

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<sup>1</sup> *Living Word Distributors v Human Rights Action Group (Wellington)* [2000] 3 NZLR 570 at paras 27-29.

### *Matters such as crime*

The left side of the campervan shows a character from the long-running and globally popular television cartoon series *The Simpsons* holding a bong, a utensil usually associated with cannabis use. The character is not, apparently, using the bong. A large speech bubble displays the words, "And all this time I've been smoking harmless tobacco".

Cannabis is a Class C controlled drug in New Zealand. Smoking, consumption, or possession of cannabis is a criminal offence under s7 of the Misuse of Drugs Act 1975.

The question of whether the image and text on the campervan promotes or encourages drug use is considered under s3(3)(d).

### **Certain publications are "deemed to be objectionable":**

Under s3(2) of the FVPC Act, a publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, certain activities listed in that subsection.

The Classification Office has considered all of the matters in s3(2), but none are relevant to this publication.

### **Matters to be given particular weight:**

Section 3(3) of the FVPC Act deals with the matters which the Classification Office must give particular weight to in determining whether or not any publication (other than a publication to which subsection (2) of this section applies) is objectionable or should in accordance with section 23(2) be given a classification other than objectionable.

The Classification Office has considered all the matters in s3(3). The matters relevant to the publication are:

*s3(3)(a)(iii) The extent and degree to which, and the manner in which, the publication describes, depicts, or otherwise deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature.*

The joke on the back of the campervan relies on a rather improbable mental image involving the insertion of male genitals into a jar of a common food item. However, the humour is not intended to be taken literally. The joke is puerile and rather silly, but it is not degrading.

*s3(3)(d) The extent and degree to which, and the manner in which, the publication promotes or encourages criminal acts or acts of terrorism.*

*Wicked Camper DZQ882* deals with drug use to a limited extent and degree but it does not promote or encourage the use of illegal drugs.

The photograph of the left side of the campervan, submitted by the Police, only partially shows a figure holding an object that appears to be a bong. However, the Classification Office is prepared to accept the Police's description of the left side of the campervan:

The left side of the vehicle shows an image of a popular cartoon character from the Simpsons television show known as “Mr Burns” holding a cannabis utensil, commonly known as a bong, and the caption reads: “And this whole time I’ve been smoking harmless Tobacco.”

The text is a direct quote from an episode of *The Simpsons*. Mr Burns has been using a bong to convince Greenpeace members that he is one of them, but he smokes “harmless tobacco” rather than cannabis. At the point in the episode depicted on the campervan he pulls out a bong and says the line “And this whole time I’ve been smoking harmless tobacco”. The Police argue the following:

When taken out of context of the Simpsons television show episode, this [image and text] could be seen to be endorsing the use of cannabis and [sic] tobacco. The statement could also lead some viewers, in particular the young or vulnerable, to believe that smoking tobacco is harmless.

The Office does not believe the image and text provide sufficient support for this argument. The reference to drug use in the image – the bong – is quite limited without supporting material, and the text seems to act against any perception that cannabis is involved. The text has a satirical message, expressed in the word “harmless” as applied to tobacco. The submission from the owner’s legal representatives notes the irony involved: although cannabis causes fewer health problems than tobacco, which is the leading cause of lung cancer, it is cannabis that is illegal, not tobacco. Teenagers and adults, even if they are not familiar with *The Simpsons*, will probably grasp the intended meaning.

The message that children will take from image and text is less clear. However, without reinforcing elements, such as were present on the three campervans recently classified as objectionable,<sup>2</sup> it is difficult to argue that *Wicked Camper DZQ882* promotes or encourages drug use in a manner that would have immediate or ongoing effects on children.

**Publication may be age-restricted if it contains highly offensive language likely to cause serious harm:**

Section 3A provides that a publication may be classified as a restricted publication under section 23(2)(c)(i) if it

*contains highly offensive language to such an extent or degree that the availability of the publication would be likely, if not restricted to persons who have attained a specified age, to cause serious harm to persons under that age.*

"Highly offensive language" is defined in s3A(3) to mean language that is highly offensive to the public in general.

Parliament’s test of “serious harm” under s3A is a high one. It requires the Classification Office to establish firstly that a publication contains “language that is highly offensive to the public in general.” The text on the back of the campervan consists of a rather silly joke that contains the sexual terms “dick” and “fucking”. When they appear as part of a sexual joke in public view on the back of a campervan the words are likely to be considered highly offensive by the public in general, although the extent and degree of offence may vary. It is noted that the slang term “dick” is in fairly widespread use and its meaning is no longer confined to a penis. It is likely that “dick” on its own would not be considered “highly offensive”.

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<sup>2</sup> *Wicked Camper JLT886* (OFLC Ref: 1600221.000), *Wicked Camper GCT799* (OFLC Ref: 1600222) and *Wicked Camper JKC408* (OFLC Ref: 1600223.000)

With the first condition met, the second step requires the identification of serious harm to people under a certain age if the publication is not restricted to persons who have attained that age. Some harm, at least, is likely to children who are under 12-13 years of age. The language is not appropriate for children and certainly not appropriate for use on the back of a campervan where anyone may see it. Young viewers are likely to mistakenly view the language used as acceptable. If this assessment is not immediately corrected, children may emulate the language use in their own social settings, thereby incurring censure. However, the harm arising from the use of words such as “dick” and “fucking”, or the repetition of the whole of a rather silly joke, is unlikely to be serious.

It is difficult to assess the likelihood of serious harm to teenagers, who will probably have heard both “dick” and “fucking” used fairly freely in various media and are likely to have been subject to more or less frequent exposure to the use of the words in the context of their social interactions. Many will add the joke to their collection of vulgarities, perhaps to share with friends. They will, by their teens, have gained a level of sophistication that allows them to judge when, or if, to use such material. Again, any harm arising from viewing the words, or the joke, is unlikely to be serious.

**Publication may be age-restricted if likely to be injurious to public good for specified reasons:**

Section 3B provides that a publication may be classified as a restricted publication under section 23(2)(c)(i) if it

*contains material specified in subsection (3) to such an extent or degree that the availability of the publication would, if not restricted to persons who have attained a specified age, be likely to be injurious to the public good for any or all of the reasons specified in subsection (4).*

The Classification Office has considered all the matters in s3B(3), but none are relevant to this publication.

**Additional matters to be considered:**

s3(4)(a) *The dominant effect of the publication as a whole.*

Colourful paintwork and prominent images of characters from *The Simpsons* are likely to provide the initial attraction for viewers, especially children and young people. The intended satire in the text associated with these characters, on both sides of the campervan, is fairly subtle and is unlikely to capture viewers’ attention in the same way as the images. Reactions to the text on the back of the campervan will probably vary according to time, location and audience. People in a following vehicle, particularly if it also contains children, are probably those most likely to be offended by seeing a rude sexual joke written on the back of a campervan. Some viewers will be extremely offended.

s3(4)(b) *The impact of the medium in which the publication is presented.*

The imagery on the campervan is a form of commercial promotion for Wicked Campers and, as such, is designed to be large and to have impact. By its very nature the medium has the potential

to be inadvertently viewed in motion on the road, as well as in car-parks and a variety of off-road situations, including tourist spots, camping grounds and public places where children are likely to view the images. Unlike other portable media (such as DVDs or t-shirts), which allow considerable agency and control over the manner and circumstances of viewing, including access, any problematic parts of the campervan cannot easily be covered, for instance with clothing, or displayed only in restricted areas or to select persons.

*s3(4)(c) The character of the publication, including any merit, value or importance it has in relation to literary, artistic, social, cultural, educational, scientific or other matters.*

The images and text on the sides of the campervan use well-known television cartoon characters for a commercial purpose. However, because Wicked Campers have used images and text from *The Simpsons*, seemingly without significant alteration to their original, intended meaning, the images on both sides of the campervan are more genuinely satirical than those the Classification Office has previously dealt with.

*s3(4)(d) The persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available.*

The campervan is specifically intended to be displayed to a wide public audience. The humour is aimed at young adults but is presented to all ages indiscriminately. It is noted that the campervans are not hired to people under the age of 18 years. However, the age of the user(s) has no relevance to the campervan's accessibility to others.

*s3(4)(e) The purpose for which the publication is intended to be used.*

Images and text on the campervans are a form of commercial promotion designed to create public awareness of Wicked Campers and their brand.

*s3(4)(f) Any other relevant circumstances relating to the intended or likely use of the publication.*

No other relevant circumstances are apparent.

## **Conclusion:**

*Wicked Camper DZQ882* is classified as unrestricted.

In the framework set by the NZBORA, classification decisions must be reasonable and demonstrably justifiable. In this instance, the material considered does not meet the criteria of s3(3)(d). While the Classification Office must be concerned about any potential use of favourite television characters to promote or encourage criminal acts, in this case the link to drug use is tenuous. Only one image raises the question of promotion or encouragement for the use of an illegal drug. It does not do so in a manner likely to make enough of an impression on young viewers to justify restricting the campervan from them, an outcome that would in effect be banning its use as a campervan. Unlike the text and images on the previously classified *Wicked Camper JLT886*, *Wicked Camper GCT799* and *Wicked Camper JKC408*, where there was a clearly promotional aspect, there are no strongly credible references to cannabis or to any other illegal drug on *Wicked Camper DZQ882*.

The sexual joke on the back of the campervan has been considered under s3A, which allows an age-related restriction. If the joke, or the sexual terms it uses, were likely to cause serious harm it would be at a low level. At most the text on the back of the campervan would warrant a correspondingly low level of restriction. However, the Office finds that because serious harm arising from the text on the back of the campervan has not been identified, a restriction is not required. To impose a ban or restriction on this campervan would be neither reasonable nor justified.

The Office understands that there may well be many in the community, including parents, who are unhappy with the unrestricted rating of this publication – particularly given the offensive language and sexual reference prominently displayed on the rear of the campervan.

Classification of publications under the FVPC Act requires balancing injury to the public good with the right to freedom of expression. Lawmakers of the day did not place significant weight on offence as an injury to the public good. This was not an oversight. The threshold for restricting the right to freedom of expression was set at a high level and the powers of the State are focussed on reduction and prevention of harm to avoid unnecessary interference by the State in the lives of New Zealanders.

Reference to the decision of the Office on *Wicked Camper GCT798* enables a better understanding of the difference between harm and offence. The joking sexual reference in that case (to bukkake) serves to normalise a highly degrading, dehumanising and misogynistic sexual practice - causing a real risk of harm to members of the public, including children and young people, who view that reference and are influenced by it. On the other hand, the rear of *Wicked Camper DZQ882* contains puerile, schoolboy humour that plays on alternative meanings of a highly offensive word.

Nevertheless, the Office acknowledges the high level of public concern in relation to offensive content of the type displayed on this particular campervan. Dealing effectively with content that is offensive, but not otherwise greatly harmful, is far from clear-cut in New Zealand at present. For instance, the Office notes that the campervan appears to breach the Advertising Standards Code of Ethics. In particular, rule 5 which states:

Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

Advertising standards, however, are administered voluntarily by industry and there is no force of law to ensure the maintenance of those standards.

The Office also notes that Police appear to have considered the application of the Summary Offences Act to the campervan. By design, the Summary Offences Act deals primarily with smaller and less serious offences and may not be well tailored to the size and scale of the public impact caused by the blatant display of offensive language and sexual reference on this particular campervan.

**Date:** 16 May 2016

For the Classification Office (signed):

**Note:**

You may apply to have this publication reviewed under s47 of the FVPC Act if you are dissatisfied with the Classification Office's decision.

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