

24 April 2026

By email: [REDACTED]

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) which we received on 08 April 2026.

You said:

Hello there,

Hope all is well. I would like to request the ratings documents for a number of films which I am curious about the classification of under the Official Information Act:

- *Castration Movie Anthology I: Traps (R18)*
- *Castration Movie Anthology II: The Best of Both Worlds (R18)*
- *Fireball (2009) (Objectionable)*
- *Still Life: Betamale (R18)*
- *Nox Insomnia (R18)*
- *Family Tyranny Modeling & Molding (RP16)*
- *Cultural Soup (RP16)*
- *Afternoons of Solitude (R18)*
- *Another Gay Sequel: Gays Gone Wild! (Objectionable)*
- *A Day in the Life (Objectionable)*

While this is a bigger request than those which I have made before, I am intrigued about all these ratings because they illustrate unusual classification issues that likely required some degree of consideration. I am especially intrigued about the rationale behind the banning of Fireball, Another Gay Sequel and a DVD extra for A Day in the Life, because I believe these works being passed objectionable are strict even by the standards of the late 2000s and would likely be unbanned today, though I do not have sufficient funds currently to submit them for reconsideration.

Thank you very much and all the best,

Response to your request

Attached to this letter is a file containing the classification decisions relating to the publications listed in your request.

Please note that following publication titles:

- **Another Gay Sequel** [OFLC 0900142.000] is classified as Objectionable (unexcised). An R18 classification was recommended subject to excisions, but these were not made.
- **A Day in the Life** [OFLC 1001359.000] is classified as R18 (excised). Required cuts were recommended and made. The unexcised version is classified as objectionable.

The consideration sheets and/or reasons for decision related to the following publications are unavailable due to the corruption of the documents prior to their migration into the new registry system.

The relevant register pages are attached.

- **A Family Tyranny Modelling & Molding** [500227]
- **Cultural Soup** [500228]

Reconsideration process

If you believe the classification for any of these titles should be changed, you can apply for leave under [section 42](#) of the [Films, Videos, and Publications Classification Act 1993](#) for the classification of any of these publications to be reconsidered.

Whether leave is granted usually depends on factors such as the age of the publication, how widely available it is, and its artistic or cultural merit or value.

If leave is granted and the publication is re-examined, its classification may or may not change.

The reconsideration fee for members of the public is \$25.50 per film. This fee is only payable if the Chief Censor grants leave to reconsider the classification – please do not make payment when making your application.

More information about the reconsideration process can be found on our [website](#).

Publication of response

This response may be published on the Classification Office's [website](#). If it is published there, your personal information will be redacted.

Right of review

You have the right to make a complaint and seek a review by the Ombudsman of this response under [section 28\(3\) of the OIA](#). Information about this process is available at ombudsman.parliament.nz or freephone 0800 802 602.

Thank you for your interest in our mahi.

Ngā mihi nui,

Te Mana Whakaatu—Classification Office

Classification Decisions

Release of information about classification decisions for the below publications:

Publication Title	OFLC Reference	Classification	Document	Page No.
Castration Movie Anthology I: Traps	2600021.000	R18	Register page	1
			Consideration sheet	2
Castration Movie Anthology II: The Best of Both Worlds	2600022.000	R18	Register page	7
			Consideration sheet	8
Fireball	0901090.000	Objectionable	Register page	11
			Reasons for decision	13
Still Life: Betamale	2400493.004	R18	Register page	18
			Con sheet	19
Nox Insomnia	2100379.006	R18	Register page	30
			Con sheet	32
Family Tyranny Modelling & Molding	500227	RP16	Register page	41
Cultural Soup	500228	RP16	Register page	43
Afternoons of Solitude	2500256.000	R18	Register page	45
			Con sheet	46
Another Gay Sequel: Gays Gone Wild!	0900142.000	Objectionable	Register page	49
			Reasons for decisions	51
A Day in the Life	1001359.000	Objectionable	Reasons for decisions	58
			Register page	60

Released under the Official Information Act 1982

Classification Office Decision

Title of publication: Castration Movie Anthology I: Traps

Other known title(s): Not stated

OFLC ref: 2600021.000

Medium: Film (online)

Distributor: McHardyNZ

Director: Louise Weard

FVLB Applicant: McHardyNZ

Country of origin: Canada

Language: English

Applicant: Film & Video Labelling Body

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
------------------------	---

Excisions: No excisions recommended

Descriptive note: Contains explicit sex scenes.

Display conditions: None

Date of entry in Register: 17 February 2026

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	Running time
Feature(s):	Castration Movie Anthology I: Traps	274:13
Total running time:		274:13

Summary of reasons for decision:

Not applicable

**Consideration of the publication under the
Films, Videos, and Publications Classification Act 1993**

OFLC ref:	2600021.000
Submission channel:	s12(1)

Title of publication:	Castration Movie Anthology I: Traps
Other known title:	Not stated
Medium:	Film (online)
Distributor:	McHardyNZ
Director:	Louise Weard
Country of origin:	Canada
Language:	English
Applicant:	Film & Video Labelling Body

Examination date:	13 February 2026
Other identifying information:	

Components of publication

	Components	Running time
Feature(s):	Castration Movie Anthology I: Traps	274:13
Total running time:		274:13

Description: *Castration Movie Anthology I: Traps* is a Canadian arthouse film. It contains two chapters with distinct stories. The first chapter follows a couple who break up as the boyfriend becomes more interested in incel forums. The second chapter follows a trans sex worker, and her group of friends.

Classification: R18 Explicit sex scenes

SRG version: 1 July 2025

Section	Strength	Frequency	Comment/Examples
2.1 Sex	5	2	<p>There are many extended sex scenes, some of which feature unstimulated sexual conduct. The sex scenes often feature breast, buttock and sometimes full-frontal nudity.</p> <p>These include close of shots of mouths kissing and licking each other, consensual choking, sexual talking such as a character saying 'I want to fuck and suck your cock.'</p> <p>Examples of unstimulated sex acts include a character performing fellatio, a character rubbing another person's penis, and a character masturbating.</p> <p>Other sexual content includes:</p> <ul style="list-style-type: none"> • A character moans sexually when a woman licks his armpit. • A character masturbates in the shower, which is implied by movements. Her penis is shown in close-up as she ejaculates into a container, but the semen is not clearly visible. • A character does a 'sexy' photoshoot. She is shown masturbating in an attempt to become erect but is not able to. • A trans man takes his shirt off to show his friend his breasts before he gets surgery. He fondles them and demonstrates that he can lick them. • A character draws an illustration of a humanoid animal with a large

Released under the Official Information Act 1982

			<p>erect penis. She asks her boyfriend whether the drawing should be ejaculating.</p> <p>Urine in sexual situations.</p> <p>The film features two sex scenes which include urination in sexual situations.</p> <p>In the first a woman is sitting on a toilet urinating while a man talks about being aroused by her urinating. A trans woman then performs oral sex on the woman while she is on the toilet, but urine is clearly not visible.</p> <p>The second scene features two trans woman filming content for Onlyfans in a bathtub. One of the women urinates on the other one. The woman who is being urinated on says that she likes it but then starts gagging and looks disgusted. The tone is not degrading.</p> <p>These scenes are not promotional.</p>
2.2 Horror			
2.3 Crime			
2.4 Cruelty	2	3	<p>Examples of cruelty include:</p> <ul style="list-style-type: none"> • A character tells her roommate that he is pathetic for being a virgin at 22 and tells him he should transition so he is able to find people to have sex with. • A man screams “shut up” at his ex-girlfriend during a fight. • A man taunts and steal the hat from a living statue performer. <p>See also 4.8 <i>Discrimination</i></p>
2.5 Violence	1	1	There is a fight scene were two men wrestle. Neither of the men are injured.
4.1 Pain, suffering, and torture			
4.2 Sexual violence	2	1	A sex worker describes a client she had who coerced her into a sexual situation she had not consented to. She doesn't

			refer to it as sexual violence but makes it clear she did not like it.
4.3 Degrading behaviour			
4.4 Sexual conduct involving young people			
4.5 Sexualisation of children or young people			
4.6 Sexual content related to inflicting pain or suffering			
4.7 Crime promotion			
4.8 Discrimination	2	2	<p>A character reads the website 4chan and participates in message boards which feature discrimination against trans people, other queer people and women.</p> <p>Posts are shown scrolling down across the screen. They are shown briefly and cannot be read in full but include the slurs 'retard', 'tranny' and 'f*ggot.'</p> <p>The character replies to a post and calls the poster a 'f*ggot'</p>
5.1 Coarse and offensive language	5	2	<p>Slurs including 'f*ggot', 'tr*nny', 'c*nt', 'whore' and 'retard'. Transphobic slurs are used by trans people to reclaim them but are also used against them.</p> <p>Other offensive language used includes: 'f**k', 'dick', 'bitch', 'bullshit', 'tit' and 'cock.'</p> <p>Offensive language is used casually, in sexual contexts, as amplifiers, and as insults</p>
5.2 Bodily harm, substance abuse, and risky behaviours	3	2	<p>Drug use Cocaine is shown being snorted several times by the main characters. It is implied it is exchanged for sex.</p> <p>Risky behaviour Characters buy hormones on the 'grey market' and administer them themselves without support from doctors. They are advised against doing this but do so anyway as it is their only</p>

Released under the Official Information Act 1982

			method of getting the hormones they need to transition.
5.3 Suicide and self-harm	3	2	<p>There are references to suicide and acts of self-harm shown.</p> <ul style="list-style-type: none"> • A woman talks about how her brother died by jumping off a bridge after he was responsible for car accident where several people were killed. • A distraught character talks to another character on the phone and mentions they have been through two or three attempts in the past, implying she is suicidal. • A character posts an internet meme with a man with a gun to his head. • A character puts out a cigarette on her leg as an act of self-harm. There is a close-up of an ashy burn mark. • A character hits himself in the head repeatedly and calls himself an idiot.

Other considerations	Other classifications UK: 18 strong sex, nudity
-----------------------------	---

Released under the Official Information Act 1982

Classification Office Decision

Title of publication: Castration Movie Anthology II: The Best of Both Worlds

Other known title(s): Not stated

OFLC ref: 2600022.000

Medium: Film (online)

Distributor: McHardyNZ

Director: Louise Weard

FVLB Applicant: McHardyNZ

Country of origin: Canada

Language: English

Applicant: Film & Video Labelling Body

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
------------------------	---

Excisions: No excisions recommended

Descriptive note: Explicit sex scenes, sexual violence and drug use

Display conditions: None

Date of entry in Register: 18 February 2026

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	Running time
Feature(s):	Castration Movie Anthology II: The Best of Both Worlds	299:49
Total running time:		299:49

Summary of reasons for decision:

Not applicable

Description: *Castration Movie Anthology II: The Best of Both Worlds* is a drama that focuses on Circle, a trans woman living in a close-knit community of other trans women. Punished after she attempts to leave, she realises that the group is a cult. The film uses a series of conversations and encounters to explore themes of gender identity, coercion, social expectations, and the fragile line between belonging and domination.

Classification: R18 Explicit sex scenes, sexual violence and drug use

SRG version: 1 July 2025

Section	Strength	Frequenc y	Comment/Examples
2.1 Sex	5	2	<p>The opening scene blends sexual acts and drug taking. A naked character snorts a line of ketamine and joins two others who are kissing. Powder is sprinkled across someone's chest and inhaled by another. A character lightly slaps a kneeling individual wearing a dog collar, and a third person begins kissing one of the pair. A couple kiss and one strokes the other's breast. Someone's hand strokes another's penis, clearly shown. Characters lick powder from a another's buttock and spank them.</p> <p>Much later, two characters kiss. One's arm disappears between the other's legs and heavy breathing is heard.</p> <p>There are crude references to oral sex, threesomes and anal sex.</p>
2.2 Horror			
2.3 Crime			
2.4 Cruelty	4	3	Refer to 4.3 <i>Degradation</i>
2.5 Violence			
4.1 Pain, suffering, and torture			
4.2 Sexual violence	3	1	<p>A character confined to a cage is instructed to touch themselves. They initially refuse but later does it. The tone is coercive.</p> <p>A character accuses another of sexually abusing them when they were 16. Little detail, but it becomes the catalyst for the cult's collapse.</p>
4.3 Degrading behaviour	3	2	A character is stripped, caged, threatened, harassed, and intermittently doused with water. She's called a 'cunt', addressed as 'it', mocked and denied access to a toilet.

			She repeatedly begs to be released. When she is eventually let out, the leader hands her a pistol and positions it against her temple in a strongly implied threat. These scenes are prolonged.
4.4 Sexual conduct involving young people			
4.5 Sexualisation of children or young people			
4.6 Sexual content related to inflicting pain or suffering			
4.7 Crime promotion			
4.8 Discrimination			
5.1 Coarse and offensive language	4	3	'C*nt', 'b*tch', 'sh*t', 'whore' and 'retards' used as insults.
5.2 Bodily harm, substance abuse, and risky behaviours	4	2	Frank scenes show ketamine use without consequences. Also refer to 2.1 Sex
5.3 Suicide and self-harm			

Other considerations	UK 18: Abusive behaviour, strong sex, nudity, drug misuse
-----------------------------	---

Released under the Official Information Act 1982

CLASSIFICATION OFFICE DECISION

Title of publication: Fireball

Other known title(s): Fireball: Muay Thai Dunk

OFLC ref: 0901090.000

Medium: Film

Distributor: SKYCITY Cinemas/Distribution Ltd

Director: Thanakorn Pongsuwan

Producer: Adirek Wataleela

Country of origin: Thailand

Language: Thai, English

Applicant: Film & Video Labelling Body

Classification:	Objectionable
------------------------	---------------

Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 19 August 2009

Date of direction to issue a label: No direction to issue a label has been issued

	Components	Running time
Feature(s):	Fireball	98:40
Total running time:		98:40

Summary of reasons for decision:

The 35mm film entitled Fireball is classified as objectionable. This classification is because the publication tends to promote and support the infliction of extreme violence and extreme cruelty.

The feature showcases the most extreme forms of violence and brutality for the purposes of entertainment. The contextualizing factors, plot, and character development are weak and serve little other function than to justify greater degrees of violence as they film progresses. There are no repercussions for such brutal acts which are able to be committed at will and are intended to thrill the viewer. The overall effect is that extreme violence and cruelty is glamorized and promoted.

The Classification Office has considered the effects of the Bill of Rights on the application of the classification criteria elsewhere in these reasons. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that tend to promote and support the infliction of extreme violence and extreme cruelty.

Released under the Official Information Act 1982

REASONS FOR DECISION

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

Title of publication:	Fireball
Other known title(s):	Fireball: Muay Thai Dunk
OFLC ref:	0901090.000
Medium:	Film
Classification:	Objectionable.
Excisions:	No excisions recommended
Descriptive note:	None
Display conditions:	None

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.

Submission procedure:

The Film and Video Labelling Body submitted the publication on 05 August 2009 under s12 of the FVPC Act. It was submitted on behalf of SKYCITY Cinemas/Distribution Ltd.

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.

Description of the publication:

The publication is a 35mm film from Thailand. It contains a violent feature about an underground syndicate of thugs and mob bosses, who organise and play basketball as a brutal blood-sport.

The central character, Tai, is released from prison. He finds his twin brother, Tan, in a coma, as a result of playing "fireball" - a vicious variation of basketball. Tai, a hard, flinty character, investigates the fireball scene and is recruited by a mob boss to play the game. He discovers his brother's arch-rival plays for a different team - and in order to seek revenge through fireball, Tai's team must win every match so he can face his nemesis in the final. The thin plot briefly delves into the background of Tai and his teammates. It depicts each man as desperate for the money fireball promises in order to extract themselves from miserable and desperate situations.

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.

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 the following matters in such a manner that the availability of the publication is likely to be injurious to the public good:

Matters such as sex

A member of the team is shown in a room smoking a cigarette whilst a woman performs fellatio on him. This is suggested by movement alone, it is not explicitly depicted. She moves to kiss him, and he moves his head away. She asks him if he is "too disgusted to kiss a whore". He moves away and dresses.

Matters such as crime

The fireball matches are run by sinister mob bosses, and the activity is clearly underground and illegal. Large amounts of money are invested into the games.

Matters such as cruelty and violence

Whether the publication promotes or supports, or tends to promote or support, the infliction of extreme violence or extreme cruelty is discussed below in relation to s3(2)(f).

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.

In *Moonen v Film and Literature Board of Review (Moonen I)*, the Court of Appeal stated that the words "promotes or supports" must be given "such available meaning as impinges as little as possible on the freedom of expression"¹ in order to be consistent with the Bill of Rights. The Court then set out how a publication may come within a definition of "promotes or supports" in s3(2) that impinges as little as possible on the freedom of expression:

Description and depiction ... of a prohibited activity do not of themselves necessarily amount to promotion of or support for that activity. There must be something about the way the prohibited activity is described, depicted or otherwise dealt with, which can fairly be said to have the effect of promoting or supporting that activity.²

Mere depiction or description of any of the s3(2) matters will generally not be enough to deem a publication to be objectionable under s3(2). When used in conjunction with an activity, the Classification Office defines "promote" to mean the advancement or encouragement of that activity. The Classification Office interprets the word "support" to mean the upholding and strengthening of something so that it is more likely to endure. A publication must therefore advance, encourage, uphold or strengthen, rather than merely depict, describe or deal with, one of the matters listed in s3(2) for it to be deemed to be objectionable under that provision.

The Classification Office has considered all of the matters in s3(2). The relevant matter is:

s3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty.

The publication tends to promote and support the infliction of extreme violence and extreme cruelty. The rules of fireball are, simply, 'kill or be killed'. Five men are on each team, and the last man standing wins. If a player gets the ball into the basket, the game is also over. All participants in the game engage in the brutal bare knuckle fighting, which has a Muay Thai element. However, the camera consistently focuses on the viciousness and brute force of the fighting over any skill, technique, or knowledge of the martial arts.

Tai is taken to a warehouse by his boss, who is named Den. Den is portrayed as a smiling yet dangerous mob boss, with aspirations to move up in rank. He introduces Tai to several other men on his fireball team. Tai then engages in a game of fireball which is portrayed as a way to impress his new team and gain their acceptance. The fighting begins almost instantly. Tai begins to fight a teammate. They kick and punch each other, usually aiming for the head and face. Tai and his opponent are shown bleeding from their mouths, and blood sprays from their wounds.

¹ *Moonen v Film and Literature Board of Review* [2000] 2 NZLR 9 at para 27.

² Above n2 at para 29.

The fireball bouts take place in dark, seedy, fenced locations. The players are caged with no real means of escaping their opponents. A baying, bloodthirsty crowd antagonise the players and shake the metal fences. Some of the players are shown threatening each other, taping their fists and praying. A ball is thrown onto the court, and the games begin. The fights are filmed in low contrast lighting, and loud, heavy music accompanies the sequences. Rapid, jumpy camera shots flick from one fighting pair to another. All players wear similar clothing, and it is difficult to distinguish who is fighting against whom. The ball is quickly forgotten about – the basketball aspect of the game is nearly ignored, particularly in the final bout.

The violence is savage. Men kick, punch and elbow each other's faces and heads with such force it often sends them flying across the court. One man takes a running jump and kicks his opponent under the chin. Whilst the wounded lay on the ground bleeding, the assault continues, with brutal kicks and blows delivered. One man's foot is depicted stomping toward another man's head. The men jump on each other's backs and gouge at their faces and eyes. In one fight, metal rods are thrown into the ring. They swing the poles wildly and these connect with the other players several times. One is used to strangle another player. A man removes a sheath from his metal pole to reveal a sharp, quill-like end. He uses it against one of the central characters, Iq, by plunging it into his chest. This is shown in slow motion. Tai retaliates by singling out the murderer, and beating him savagely against the cage of the court. It would be unlikely a person could survive such an attack – the viewer is left assuming Tai has killed the man. During a flashback sequence, a player pours alcohol over another player who is injured on the ground. He lights him on fire.

One game is played outside, in the dark and the rain. The same type of violence ensues, and players' heads are shown being slammed brutally against the concrete. One player, Muk, is on the ground. His character has been developed slightly – the viewer is aware that his wife is pregnant; he works hard as a street butcher, and is desperate for money. The crowd becomes suspicious that he has attempted to throw the game and lose on purpose. The crowd shakes the fences and call out "blackie!" and "kill him!" Enraged, Muk enters the crowd, and they begin to beat him mercilessly whilst his teammates watch. The camera is shaky, and the shot is dark, grainy and apocalyptic. Arms and fists are depicted raining down on Muk, and his face is extremely bloodied and desperate. Finally, he is shown lifeless with a large knife sticking out of his neck.

The last game is set in an emptied dry-dock. There are stacks of wood and crates dotted along the court. These are used for cover and as props for the players to climb upon and launch attacks on each other. Much of this film is shown in slow motion to allow the viewer to watch the kicks and blows connect. A man is shown slitting another man's throat; they use pieces of wood to beat each other with, and the metal basketball hoop is thrown like a Frisbee. One man produces a large hunting knife, and stabs Tai several times in the torso. Tai struggles with the man and slices several of his fingers off. He grabs the man's leg and twists his foot around savagely. Tai is stabbed again, and strangled with the discarded basketball hoop. The camera flickers from fight to fight – it is nearly impossible to follow characters. All of the players are battered and covered in blood. Bodies are then shown littered all over the ground. One player staggers to his feet, which indicates the end of the game – he is the only one left alive.

Tai's brother, Tan wakes from his coma. He is then shown with a gang of thugs shooting one of the mob bosses responsible for the fireball fights. It is clear this is a murder fuelled by revenge. Bullets are shown peppering the boss's body. Tan then declares their rampage will continue – but instead of knuckle fighting, they will use guns.

The depictions of extreme violence and brutality, the way the players are depicted like caged animals during the fights, the way death is dealt with and encouraged, and the manner in which the fights are filmed, all tend to promote and support extreme violence and cruelty. In the absence of stronger contextualizing factors, plot, character development and the lack of repercussions for such brutal acts which are able to be committed at will, anti-social and violent behaviour is being explicitly glamorized, encouraged and supported.

New Zealand Bill of Rights Act 1990:

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBR Act) 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 NZBR Act, 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 NZBR Act 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".

Conclusion:

The film *Fireball* is classified as Objectionable.

This classification is because the publication tends to promote and support the infliction of extreme violence and extreme cruelty.

The feature showcases the most extreme forms of violence and brutality for the purposes of entertainment. The contextualizing factors, plot, and character development are weak and serve little other function than to justify greater degrees of violence as they film progresses. There are no repercussions for such brutal acts which are able to be committed at will and are intended to thrill the viewer. The overall effect is that extreme violence and cruelty is glamorized and promoted.

Excisions were considered, but, due to the pervasive nature of the problematic material, they would be impractical.

The Classification Office has considered the effects of the Bill of Rights on the application of the classification criteria elsewhere in these reasons. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that tend to promote and support the infliction of extreme violence and extreme cruelty.

Note:

Copyright Office of Film and Literature Classification. This document may be reproduced in whole but not in part without written permission except for brief quotations embodied in articles, reports or reviews.

Classification Office Decision

Title of publication: Still Life: Betamale

Other known title(s): Not stated

OFLC ref: 2400493.004

Medium: Film (online)

Distributor: Whangarei Art Museum

Director: Jon Rafman

FVLB Applicant: Whangarei Art Museum

Country of origin: United States

Language: English

Applicant: Film & Video Labelling Body

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
------------------------	---

Excisions: No excisions recommended

Descriptive note: Explicit sexual material and content that may disturb

Display conditions: None

Date of entry in Register: 05 December 2024

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	Running time
Feature(s):	Still Life: Betamale	4:55
Total running time:		4:55

Summary of reasons for decision:

Not applicable

Consideration Sheet

OFLC ref:	2400493.004
Submission channel:	s12(1)

Title of publication:	Still Life: Betamale
Other known title:	Not stated
Medium:	Film (online)
Distributor:	Whangarei Art Museum
Director:	Jon Rafman
Country of origin:	United States
Language:	English
Applicant:	Film & Video Labelling Body

Examination transcript No:	
Examination date:	28 November 2024
Other identifying information:	Decision covers 2 videos: <i>Still Life: Betamale</i> (OFLC ref. 2400493.004) <i>Mainsqueeze</i> (OFLC ref. 2400493.005)

Components of Film

Components of film originally examined:

	Components	Running time
Feature(s):	Still Life: Betamale	4:55
Total running time:		4:55

Components of film excised:

Released under the Official Information Act 1982

Consideration of the Publication under the Films, Videos, and Publications Classification Act 1994 (FVPC Act)

Description

These are abstract short films made by internet artist Jon Rafman. They were submitted with a batch of videos that are set to screen in the Jon Rafman 'Oh, the humanity!' exhibition at Whangarei Art Museum. The Museum confirmed that these two videos will not be a part of the exhibition.

Both videos contain many clips and images. Some are completely innocuous, while others contain classifiable content including explicit sexual imagery and graphic animal cruelty.

Still Life: Betamale (OFLC Ref. 2400493.004, runtime 4.55) features clips of pixelated game footage and cityscapes, 'furries'¹ engaged in various activities, photos of squalid domestic computer-gaming spaces, and a computer-generated voiceover.

Mainsqueeze (OFLC Ref. 2400493.005, runtime 7.23) features clips of a washing machine/dryer left running until it falls apart, a man bursting a watermelon between his thighs, an office worker destroying his laptop then trying to repair it, and many people floating in a wave pool.

The classifiable content is discussed under the relevant sections of this consideration sheet.

Excerpts from the 'Oh, the humanity' promotional guide provide information on Rafman's work:

Oh, the humanity! presents a series of films by Jon Rafman created between 2013 and 2021. Combining found images, custom animations and 3D models with footage from video games and other sources, Rafman constructs uncanny digital landscapes that feel at once nostalgic and disorienting. His fragmented, non-linear approach to narrative mirrors the circular way stories are told in digital spaces, where everything becomes a hyperlink to a hyperlink, with sidebars and rabbit holes replacing beginnings, middles and ends...

Rafman delivers a harrowing meditation on the digital era's fraught promises, and how they may have ultimately been broken. As identity dissolves into pixels, and narratives disassemble into hyperlinks, the exhibition asks: What remains when the human experience is filtered through a simulacrum? Rafman's vision, both mesmerising and profoundly unsettling, suggests that the answer may be nothing at all.

¹ *Furries* are fans of anthropomorphic animals – that is animals with human characteristics. *Furries* are part of the greater furry fandom subculture. This can involve people dressing up as animals, and pornographic content of anthropomorphic animal characters, often drawn or computer-generated.

Section 3(1): the Subject Matter Gateway	
Does the publication describe, depict, express, or otherwise deal with matters such as:	
✓	Sex ²
<p>Both videos draw on imagery from online fetish sites.</p> <p><i>Still Life: Betamale</i></p> <ul style="list-style-type: none"> • An image of a CGI furry holding their legs back revealing an erect-looking penis and their anus. Another furry hand appears to be gripping their buttock. • A quickfire montage of hentai-type images showing, amongst other things, tentacle porn (a body with 'butt slut' written on one buttock while blue tentacle-like things are wrapped around them and appear to penetrate their anus; tentacles penetrating genitalia) and creature-like hands splaying apart a person's anus, squeezing their testicles, and penetrating their mouth. • See also section 3(2)(d) for discussion of images that deal with cruelty and urination in association with degrading and sexual conduct. <p><i>Mainsqueeze</i></p> <ul style="list-style-type: none"> • A CGI video of a female masturbating a male until he ejaculates. Explicitly shown. • A person in a green furry costume is tied up Shibari-style and moving around. This may be read as somewhat sexual in nature. 	
✓	Horror
<p>Both videos have mild horror content.</p> <p><i>Still Life: Betamale</i></p> <ul style="list-style-type: none"> • Brief anime-style image of a dead cat with its bloody innards spilling out. • While not horror per se, there are gross images of squalid living spaces with computer-gaming set-ups and close-ups of old food squashed between keyboard keys. <p><i>Mainsqueeze</i></p> <ul style="list-style-type: none"> • Images of Renaissance/Baroque paintings, some of which depict horror and cruelty, for example people being crucified or 'burning in hell', and a decapitated body with blood pouring from the neck stump. These are very briefly shown in a montage. 	
-	Crime
✓	Cruelty

² Note that a publication can be found to deal with a matter such as sex if (a) the publication is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and (b) those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature. (s 3(1A)).

Section 3(1): the Subject Matter Gateway	
<i>Mainsqueeze</i> depicts strong animal cruelty – discussed at section 3(3)(a)(i).	
<input checked="" type="checkbox"/>	Violence
See section 3(3)(a)(i).	
<input type="checkbox"/>	None of the above, <u>proceed to s 3A and s 3B</u>

Section 3(2): Certain publications are "deemed to be objectionable"	
Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter.	
<input type="checkbox"/>	s 3(2)(a) The exploitation of children or young persons for sexual purposes
[]	
<input type="checkbox"/>	s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct
[]	
<input type="checkbox"/>	s 3(2)(c) Sexual conduct with or upon the body of a dead person
[]	
<input checked="" type="checkbox"/>	s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
<p><i>Still Life: Betamale</i> includes imagery involving the use of urine in association with degrading or sexual conduct, which is also cruel:</p> <ul style="list-style-type: none"> • A cartoon image of four naked furies with human-like breasts, hanged by the neck with rope, their hands tied behind their backs. They appear to be struggling/crying and one of them is urinating. • An image of naked anime-style characters who have stumps for arms and legs and pregnant-looking bellies. They are blindfolded and are skewered through the shoulders. Two have some sort of milking device at their genitals and appear to be urinating. <p>There is also an anime-style image of a female squatting over a toilet and urinating. It is unclear if this is intended to be sexual or not.</p>	

Section 3(2): Certain publications are "deemed to be objectionable"	
While confronting, these images do not tend to promote or support the use of urine in association with degrading or sexual conduct. They do not depict real people, and they are very brief within a video that features a wide range of content. They are not presented in a manner that is titillating. There is no suggestion that the creator is trying to promote this sort of activity, rather that they are making a statement about digital spaces.	
<input type="checkbox"/>	s 3(2)(e) Bestiality
<input type="checkbox"/>	s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty
<input checked="" type="checkbox"/>	None of the above
If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content?	
<input type="checkbox"/>	Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion.
<input type="checkbox"/>	No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u>

Section 3(3): Matters to be given particular weight	
If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:	
<input checked="" type="checkbox"/>	s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty
In <i>Mainsqueeze</i> , a woman handles a small crayfish before squashing it to death with her foot. The squashing is shown in close-up for around 10 seconds and is disturbing, with the crayfish's bodily fluid spilling out as it is crushed.	
<input type="checkbox"/>	s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct

Section 3(3): Matters to be given particular weight	
<input type="checkbox"/>	s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature
[]	
<input type="checkbox"/>	s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons
[]	
<input type="checkbox"/>	s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain
[]	
<input type="checkbox"/>	s 3(3)(b) Exploits the nudity of children or young persons
[]	
<input checked="" type="checkbox"/>	s 3(3)(c) Degrades or dehumanises or demeans any person
<p><i>Mainsqueeze</i> features photos of people passed-out in compromising situations. Some have had things done to them as pranks, for example their faces and bodies have been drawn on with black markers. Drawings include things like swastikas, penises near the mouth, and words such as 'loser', and various names for men's genitalia. Others have cigarettes or French fries inserted into their mouth and nostrils. A man is slumped with his face in a urinal, and another man lies by a toilet having wet his pants – their faces aren't visible so they aren't identifiable. These images appear briefly in a montage.</p>	
<input type="checkbox"/>	s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism
[]	
<input type="checkbox"/>	s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993
[]	
<input type="checkbox"/>	The publication doesn't deal with any s 3(3) criteria

Section 3A:	
Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers):	
[No offensive language was detected in either video.]	

Section 3B:	
Does the publication contain any of the following material?	
<input checked="" type="checkbox"/>	Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria).
<i>Still Life: Betamale</i> <ul style="list-style-type: none"> An image of a man wearing girl's underwear around his head and face, holding two guns to his head. The image is repeated several times throughout the video and is also zoomed in on. A cartoon image of a pair of dangling feet, which may be read as a hanged person who has wet themselves. 	
<input type="checkbox"/>	Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria).
[]	
<input type="checkbox"/>	Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
[]	
<input type="checkbox"/>	Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
[]	
<input type="checkbox"/>	None of the above

Released under the Official Information Act 1982

Section 3B:

Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?

- Cause them to be greatly disturbed or shocked
- Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both
- Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned.

Discuss likely harm/s or why the content is unlikely to cause these harms:

There is no apparent context to these images. They may be confronting, but there is nothing about them that is encouraging of self-harm/suicide.

Submissions & consultations (if applicable)

[]	Consultation or enquiries required under s 21
[]	
[]	Submissions received from interested parties under s 20
[]	

Any other information to be taken into account (if relevant)

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

[N/A]

Released under the Official Information Act 1982

Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

Still Life: Betamale and *Mainsqueeze* are artistic short films that explore the relationship between online digital life and humanity. These videos explore a darker side of online worlds than the batch of Jon Rafman videos classified unrestricted M (see OFLC ref 2400493.000).

We have considered the likelihood of harm against the films' artistic merit and the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

Both videos require restriction for their explicit sexual imagery. There is common social consensus across many countries, including Aotearoa New Zealand, that there is potential for harm in exposing children and teenagers to explicit sexual content before they are mature enough to process it. The fetish imagery that involves cruelty and degradation is also likely to disturb younger viewers who lack the maturity to contextualise it. This is despite the brevity of the images and the unreal subjects.

Mainsqueeze also requires a high restriction for the sustained footage of a crayfish being squashed to death. This clip is likely to be disturbing to many viewers, of all ages, and may be particularly upsetting to younger viewers.

Other content such as mild horror imagery, images that are suggestive of self-harm and suicide, and degrading images of real people are also more suited to mature audiences.

The videos are therefore restricted to adults. This interferes with the right to freedom of expression but is justified to prevent injury to the public good.

Classification

R18

Descriptive note to cover:

Still Life: Betamale: R18 explicit sexual material and content that may disturb
Mainsqueeze: R18 graphic animal cruelty, sex scenes, and content that may disturb

Excisions (if applicable)

Display conditions (restricted publications only)	
Are display conditions necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reason for any display conditions:	

Released under the Official Information Act 1982

Classification Office Decision

Title of publication: Nox Insomnia

Other known title(s): Not stated

OFLC ref: 2100379.006

Medium: Film (online)

Distributor: The New Zealand Film Festival Trust

Creator: Guy Charnaux

Director: Guy Charnaux

FVLB Applicant: The New Zealand Film Festival Trust

Producer: Not stated

Country of origin: Brazil

Language: English

Applicant: Film & Video Labelling Body

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
------------------------	---

Excisions: No excisions recommended

Descriptive note: Violence and explicit sex scenes.

Display conditions: None

Date of entry in Register: 06 October 2021

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	Running time
Feature(s):	Nox Insomnia	7:53
Total running time:		7:53

Summary of reasons for decision:

Not applicable

Released under the Official Information Act 1982

Consideration Sheet

OFLC ref:	2100379.006
Submission channel:	s12(1)

Title of publication:	Nox Insomnia
Other known title:	Not stated
Medium:	Film (online)
Distributor:	The New Zealand Film Festival Trust
Creator:	Guy Charnaux
Director:	Guy Charnaux
Producer:	Not stated
Country of origin:	Brazil
Language:	English
Applicant:	Film & Video Labelling Body

Examination transcript No:	773
Examination date:	01 October 2021
Other identifying information:	

Components Of Film

Components of film originally examined:

	Components	Running time
Feature(s):	Nox Insomnia	7:53
Total running time:		7:53

Components of film excised:

Released under the Official Information Act 1982

Consideration of the Publication under the Films, Videos, and Publications Classification Act 1994 (FVPC Act)

Description
<p><i>Nox Insomnia</i> is an animated short film that is divided into three acts. The animation is in the style of line drawings and the colour palette is restricted to white, black and red. The film begins with a warning that it is not suitable for young audiences but no age recommendation is provided.</p> <p>The narrative is centred on a 7-year-old boy who cannot sleep as he is too cowardly to stand up to the bullies at his school. He imagines what he would like to do to them. At the same time his parents are having energetic sex in the next room.</p>

Section 3(1): the Subject Matter Gateway	
Does the publication describe, depict, express, or otherwise deal with matters such as:	
✓	Sex ¹
The film contains depictions of sexual activity that are explicit, repetitive and lengthy. The animation of the boy's naked parents engaging in sexual intercourse includes a cross-section of a penis thrusting into a vagina. Male and female masturbation are also depicted in detail. The sexual activity concludes with the man attempting to ejaculate on to the woman's face as she kneels in front of him. Unfortunately, the boy bursts into the room and comes between them. The man ends up ejaculating on the boy's face.	
–	Horror
–	Crime
✓	Cruelty
The boy is physically and verbally bullied at school. The bullies slap him across the face and also hold him down on the ground with a foot on his back. The boy is called a "fag" and "faggot".	

¹ Note that a publication can be found to deal with a matter such as sex if (a) the publication is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and (b) those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature. (s 3(1A)).

Section 3(1): the Subject Matter Gateway	
✓	Violence
See s3(3)(a)(i).	
–	None of the above, <u>proceed to s 3A and s 3B</u>

Section 3(2): Certain publications are "deemed to be objectionable"	
Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter.	
–	s 3(2)(a) The exploitation of children or young persons for sexual purposes
–	s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct
–	s 3(2)(c) Sexual conduct with or upon the body of a dead person
–	s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
–	s 3(2)(e) Bestiality
–	s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty
✓	None of the above
If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content?	

Released under the Official Information Act 1982

Section 3(2): Certain publications are "deemed to be objectionable"	
-	Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion.
-	No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u>

Section 3(3): Matters to be given particular weight	
If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:	
✓	s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty
<p>The boy imagines what he would like to do to the bullies. One scene depicts a torture scenario orchestrated by the boy and another sequence shows the boy bashing a bully in the head with a length of pipe. Blood and bodily matter splash on the boy. The bully's head cracks open and blood and brain oozes out.</p> <p>The final act of the film is introduced by a quote attributed to Nietzsche –"That which does not kill us makes us stronger". The boy's resolve is inexplicably strengthened by the trauma of his father ejaculating on his face. The film ends with him punching the bullies in the face and he wins the affections of a girl.</p>	
-	s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct
-	s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature
-	s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons
-	s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain

Section 3(3): Matters to be given particular weight	
–	s 3(3)(b) Exploits the nudity of children or young persons
–	s 3(3)(c) Degrades or dehumanises or demeans any person
–	s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism
–	s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993
–	The publication doesn't deal with any s 3(3) criteria

Section 3A:	
Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers):</p> <p>The film contains use of the word "fuck" and its derivatives in relation to sexual activity. The language and associated visual imagery is likely to shock younger viewers. It is also likely to have a negative impact on their social relationships if they choose to imitate it. The film also contains the use of the derogatory terms "fag" and "faggot", which are likely to shock younger viewers.</p>	

Section 3B:
Does the publication contain any of the following material?

Section 3B:	
-	Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria).
-	Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria).
-	Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
-	Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
✓	None of the above
<p>Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?</p> <ul style="list-style-type: none"> ▪ Cause them to be greatly disturbed or shocked ▪ Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both ▪ Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned. <p>Discuss likely harm/s or why the content is unlikely to cause these harms:</p>	

Released under the Official Information Act 1982

Submissions & consultations (if applicable)

-	Consultation or enquiries required under s 21
-	Submissions received from interested parties under s 20

Any other information to be taken into account (if relevant)

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

The unrestricted availability of the publication is likely to be injurious to the public good. The common consensus in many countries is that explicit depictions of sexual activity should be restricted to adults because of the potential negative impacts on the developing attitudes and behaviours of young people. Whilst the animated medium lessens the impact of the violence depicted in the film, the impact of the sexual material remains high. The Classification Office believes a restriction to adults is warranted to prevent any potential for harm. The presence of highly-offensive language and cruel violence, which is presented as positive and justified, further supports the need for a restriction.

Nox Insomnia is therefore classified as R18. This classification places a limitation on the right to freedom of expression but is considered a justifiable restriction to prevent injury to the public good.

Classification
R18
Descriptive note to cover: Violence and explicit sex scenes

Excisions (if applicable)

Display conditions (restricted publications only)	
Are display conditions necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reason for any display conditions:	

Released under the Official Information Act 1982

REGISTER OF CLASSIFICATION DECISIONS

Title of Publication: Family Tyranny Modelling & Molding

Other Known Title: Family Tyranny

Format: DVD

Director/Author: Paul McCarthy, Nancy Buchanan

Producer/Publisher: Not Stated

Country of Origin: USA

Language: English

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years or who are accompanied by a parent or guardian.
------------------------	--

Descriptive Note: Content may disturb.

Display Conditions: Nil

Date of entry in Register: 24 February 2005

Date of direction to issue a label: 22 February 2005

Applicant: The Film and Video Labelling Body Inc.

Applicant to the Labelling Body: Auckland Art Gallery

OFLC No: 500227

Unexcised version of publication:

	Components	Running time
Feature:	Family Tyranny Modelling & Molding	8.11
Trailers:	Nil	
Total running time:		8.11

Excisions: No Excisions Recommended

Reasons for excisions:

Not Applicable

**Summary of reasons
for classification:**

Not Applicable

Released under the Official Information Act 1982

REGISTER OF CLASSIFICATION DECISIONS

Title of Publication: Cultural Soup
Other Known Title: Not Stated
Format: DVD
Director/Author: Paul McCarthy, Nancy Buchanan
Producer/Publisher: Not Stated
Country of Origin: USA
Language: English

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years or who are accompanied by a parent or guardian.
------------------------	--

Descriptive Note: Content may disturb.
Display Conditions: Nil
Date of entry in Register: 24 February 2005
Date of direction to issue a label: 22 February 2005
Applicant: The Film and Video Labelling Body Inc.
Applicant to the Labelling Body: Auckland Art Gallery
OFLC No: 500228

Unexcised version of publication:

	Components	Running time
Feature:	Cultural Soup	6.56
Trailers:	Nil	
Total running time:		6.56

Excisions: No Excisions Recommended

Reasons for excisions:

Not Applicable

**Summary of reasons
for classification:**

Not Applicable

Released under the Official Information Act 1982

Classification Office Decision

Title of publication: Afternoons of Solitude

Other known title(s): Tardes De Soledad

OFLC ref: 2500256.000

Medium: Film (online)

Distributor: Film & Video Labelling Body
The New Zealand Film Festival Trust

Director: Albert Serra

FVLB Applicant: The New Zealand Film Festival Trust

Country of origin: Spain, France, Portugal

Language: Spanish

Applicant: Film & Video Labelling Body

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
------------------------	---

Excisions: No excisions recommended

Descriptive note: Graphic animal cruelty.

Display conditions: None

Date of entry in Register: 26 May 2025

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

	Components	Running time
Feature(s):	Afternoons of Solitude	124:32
Total running time:		124:32

Summary of reasons for decision:

Not applicable

**Consideration of the publication under the
Films, Videos, and Publications Classification Act 1993**

OFLC ref:	2500256.000
Submission channel:	s12(1)

Title of publication:	Afternoons of Solitude
Other known title:	Tardes De Soledad
Medium:	Film (online)
Distributor:	Film & Video Labelling Body The New Zealand Film Festival Trust
Director:	Albert Serra
Country of origin:	Spain, France, Portugal
Language:	Spanish
Applicant:	Film & Video Labelling Body

Examination date:	23 May 2025
Other identifying information:	

Components of publication

	Components	Running time
Feature(s):	Afternoons of Solitude	124:32
Total running time:		124:32

Description: *Afternoons of Solitude* is a Spanish language documentary about young bullfighter Andrés Roca Rey. It is made up of footage from bullfights, him and his crew talking about his performance while travelling, and him preparing for fights in his hotel room. There is no commentary on bullfighting culture, or any narration or interviews.

Classification: R18 Graphic animal cruelty

SRG version: 28 March 2025

Section	Strength	Frequency	Comment/Examples
2.1 Sex	2	1	One of Rey's crew makes a comment about the crowd 'wanting to suck him off'
2.2 Horror			
2.3 Crime			
2.4 Cruelty	4	4	<ul style="list-style-type: none"> Most of the film is made up of extended sequences of bullfighting with real life footage which show significant bloody injury, pain and suffering of animals. This includes stabbing bulls with spears, whipping with flag darts, which are sharp sticks that hang off the bull, and stabbing with a sword until the bull collapses. Throughout the fights the bulls get bloodier and bloodier until they are stabbed deeply with a sword and collapse. Once collapsed, a person stabs a knife into the bull's neck, killing it. Someone then cuts the ears off, and the carcass is dragged by horses around the arena. The bulls are clearly in pain and are shown struggling to breathe, blood coming out of their mouths and they die slowly.
2.5 Violence	4	3	See 2.4 Cruelty
4.1 Pain, suffering, and torture	3	4	See 2.4 Cruelty
4.2 Sexual violence			
4.3 Degrading behaviour			
4.4 Sexual conduct involving young people			

4.5 Sexualisation of children or young people			
4.6 Sexual content related to inflicting pain or suffering			
4.7 Crime promotion			
4.8 Discrimination			
5.1 Coarse and offensive language	3	2	<ul style="list-style-type: none"> • Crude references to Rey having 'big balls' when discussing how masculine and brave he looked while bullfighting. • 'F**k', 'son of a bitch' and 'bastard' are used as amplifiers to talk about the bulls they are fighting.
5.2 Bodily harm, substance abuse, and risky behaviours	3	2	<ul style="list-style-type: none"> • Rey is seen being thrown in the air, pushed on the ground, attacked and pushed against a wall by bulls. Other matadors intervene quickly. • Sometimes Rey has blood over him, but most of this is from the bull with only a small amount from him. • He discusses wounds, how they are healing, medical treatment and them opening up but the wounds are not shown other than minor scratches and bandages on his arm or hands.
5.3 Suicide and self-harm			

Other considerations

Released under the Official Information Act 1982

CLASSIFICATION OFFICE DECISION

Title of publication: Another Gay Sequel: Gays Gone Wild

Other known title(s): Not stated

OFLC ref: 0900142.000

Medium: DVD

Distributor: Vendetta Films

Director: Todd Stephens

Producer: Derek Curl
et al.

Country of origin: United States

Language: English

Applicant: Film & Video Labelling Body

Classification: The unexcised version of this publication is classified as
Objectionable.

The excised version of this publication is classified as Objectionable
except if the availability of the publication is restricted to persons
who have attained the age of 18 years.

Excisions: Recommended but not made

Descriptive note: None

Display conditions: None

Date of entry in Register: 27 April 2009

Date of direction to issue a label: No direction to issue a label has been issued

	Components	Running time
Menu:	Play Movie Scene Selection	

	Extras	
Feature(s):	Another Gay Sequel: Gays Gone Wild	98:49
Timed component(s):	Copyright Warning/Beyond Home Entertainment/Disclaimer/R18+ Restricted Notices	0:36
	Teaser Trailer	0:51
	Deleted Scenes (x9)	6:53
	"The Clap" Music Video	4:19
	Becoming Stan The Merman	5:18
	Down Under The Golden Sea	7:18
	It's A Pukefest	6:54
	Welcome To Sunny Fort Lauderdale	5:02
Untimed component(s):	Audio Commentary	
Total running time:		136:00

Summary of reasons for decision:

The feature is a parody of the teenage coming-of-age comedy genre of films such as the American Pie series, with the notable difference that all of the main characters are gay men. It tells the story of four friends, Andy, Nico, Jarod and Griff on their spring break at a beachside resort in Florida and their sexual encounters during their week. The dominant effect is a sexual comedy about gay relationships, and the sexual material is strong enough to require a restriction to adults. Two excisions are required as the feature depicts urination as a sexually arousing activity in such a manner that it causes the DVD to tend to promote and support the use of urine in association with sexual conduct under s3(2)(d) of the Films, Videos, and Publications Classification Act. The distributor decided not to make the excisions and the DVD is therefore objectionable.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification criteria. The classification of objectionable interferes with the freedom of expression, but is the only outcome that is consistent with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable.

Released under the Official Information Act 1982

REASONS FOR DECISION

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

Title of publication:	Another Gay Sequel: Gays Gone Wild
Other known title(s):	Not stated
OFLC ref:	0900142.000
Medium:	DVD
Classification:	Objectionable.
Excisions:	Recommended but not made
Descriptive note:	None
Display conditions:	None

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.

Submission procedure:

The Film and Video Labelling Body submitted the publication on 09 February 2009 under s12 of the FVPC Act. It was submitted on behalf of Vendetta Films.

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.

Description of the publication:

The publication is a DVD entitled *Another Gay Sequel: Gays Gone Wild*. It contains a feature, behind the scenes footage, deleted scenes, trailer, and notices. The feature parodies the teenage

coming-of-age comedy genre of films such as the *American Pie* series, with the notable difference that all of the main characters are gay men. It tells the story of four friends, Andy, Nico, Jarod and Griff on their spring break at a beachside resort in Florida. The film is mainly concerned with their sexual encounters during their week at the resort. They enter the "Gays Gone Wild" competition – that is a competition to see who can have sex with the most men during the week. The film is predictable in its representation of the teen movie genre but is more adult in nature.

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.

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 the following matters in such a manner that the availability of the publication is likely to be injurious to the public good:

Matters such as sex

Included as a "matter such as sex" is any publication that in terms of s3(1A) -

- (a) ... is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and
- (b) those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature.

The feature is concerned extensively with matters of sex. A central theme of the plot is the Gays Gone Wild competition. This is a competition to see who can have sex with the most men during the week of spring break. They do this by collecting "fuckstamps". At the end of the week the person with the most "fuckstamps" is the winner.

There are numerous sex scenes. The range of implied sexual activity in the film includes masturbation, anal intercourse, anilingus, fellatio, ejaculation, group sex and urophilia (which will

be discussed under 3(2)(d)). One scene occurs after Jarod and Griff agree to start experimenting with group sex. They are in a motel room with a third man. All three start to have sex together but it soon becomes apparent that the lubricant they are using has been spiked with glue causing them to become stuck. The third man's hand sticks to Jarod's buttocks and Jarod's penis becomes stuck in Griff's anus. The third man tears his hand off Jarod's buttocks, tearing away a handprint shaped piece of flesh. Griff stops Jarod from attempting to remove his penis saying, "Stop, you'll tear out my rectum." While no genitals are seen, and the sex is implied by positioning and movement, this remains a graphic depiction of group sexual activity.

In another scene a man in a fluffy dog suit thrusts up against the naked Andy in a sexual manner reminiscent of rear entry anal intercourse. The head of the dog suit falls off to reveal the man in the suit is Andy's father. When they realise who the other is, they both start to vomit copiously. Luis, whose romance with Andy is just starting to burgeon, enters the room and also starts to vomit copiously. Special effects are used to give the appearance of the three of them projectile vomiting enormous amounts onto one another. The juvenile humour, which is based on disgusting the viewer, is typical of that found throughout the feature.

The film includes sexualised nudity. There are two brief shots of flaccid penises and two brief shots of erect penises. The strongest scene occurs during the dream sequence. Andy is walking down a hallway with multiple doorways. In one of the rooms a man is briefly shown wearing a mask. He threateningly shakes his erect penis at Andy.

Matters such as horror

The film includes matters of horror. During the dream sequence Andy, who is wearing a towel, is being chased by a horde of zombies. There is a brief scene where the zombies are shown eating the bloody viscera of one of their victims. In another scene the zombies catch Andy and one of them puts his hand between his legs implying he anally penetrates Andy. The fist emerges from his stomach. Matters of horror have a negligible effect on the viewer as they are presented in a farcical manner.

Matters such as crime

The film includes matters of crime in the form of drug use. This will be 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.

In *Moonen v Film and Literature Board of Review (Moonen I)*, the Court of Appeal stated that the words "promotes or supports" must be given "such available meaning as impinges as little as possible on the freedom of expression"¹ in order to be consistent with the Bill of Rights. The Court then set out how a publication may come within a definition of "promotes or supports" in s3(2) that impinges as little as possible on the freedom of expression:

Description and depiction ... of a prohibited activity do not of themselves necessarily amount to promotion of or support for that activity. There must be something about the way the prohibited

¹ *Moonen v Film and Literature Board of Review* [2000] 2 NZLR 9 at para 27.

activity is described, depicted or otherwise dealt with, which can fairly be said to have the effect of promoting or supporting that activity.²

Mere depiction or description of any of the s3(2) matters will generally not be enough to deem a publication to be objectionable under s3(2). When used in conjunction with an activity, the Classification Office defines "promote" to mean the advancement or encouragement of that activity. The Classification Office interprets the word "support" to mean the upholding and strengthening of something so that it is more likely to endure. A publication must therefore advance, encourage, uphold or strengthen, rather than merely depict, describe or deal with, one of the matters listed in s3(2) for it to be deemed to be objectionable under that provision.

The Classification Office has considered all of the matters in s3(2). The relevant matter is:

s3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct.

The publication tends to promote and support the use of urine in association with sexual conduct. During the dream sequence, Nico is in a shower in a bathhouse and sees two other men. They suggestively make eye contact with Nico then one urinates on the other as Nico looks on in fascination. The camera gives a close up of the stream of urine hitting the man's chest. Nico looks back, clearly finding the sight sexually arousing. A later scene again shows Nico in the shower. The two men are shown in a head and torso shot. Both are urinating into the air and front of them. While genitals are not seen, the arcs of urine are. Both men are waving at Nico with the intent of attracting him to a sexual encounter. Nico responds, waving back at them, and walks towards them. These scenes depict sexual arousal as a clear result of one man urinating on another, a third person Nico looking on and finding the sight sexually alluring, and making the decision to go and join them in the sexual activity. The promotional aspect of these scenes is somewhat mitigated by their inclusion in a dream sequence and overall comedy context of the film, however with these two scenes included the publication still tends to promote and support the use of urine in association with sexual conduct.

There is a further very brief scene where the two men are shown urinating in the shower. They are shown in a head and torso shot urinating into the air in front of them. Nico does not appear in this scene. While this scene does depict the use of urine in association with sexual conduct, the absence of any image of a sexually aroused person means there is nothing about the depiction that can fairly be said to have the effect of promoting or supporting that activity.

This leads on to a cabaret style dance sequence entitled *Down Under The Golden Sea*. The sequence is fully choreographed and deals entirely with the use of urine in association with sexual conduct. It shows Nico dancing under what appear to be streams of urine, twirling a yellow umbrella and falling backwards into a swimming pool of yellow liquid. Another scene shows Nico lying on his stomach facing a line of men urinating. The camera moves backwards between their legs their buttocks are visible as streams of urine are falling in front of them. Nico looks on in fascination. This scene does depict Nico finding the act of urination sexually alluring, however the tone of the dance sequence is both satirical and fantastical which effectively undercuts any tendency it may otherwise have had to cause the publication to tend to promote or support the use of urine in association with sexual conduct. The making of the dance sequence is dealt with in the extra material. This is unproblematic as the focus here is on rehearsals and interviews with the crew who express perplexity towards the practice of using urine in association with sexual conduct.

² Above n2 at para 29.

After the dance sequence there are two further references to the use of urine in association with sexual conduct. The four friends are shown on a bed together. One comments to Nico, "You look awfully chipper this morning, did you get laid?" Nico replies, "No, I got peed on." The three others look at him in perplexity. Later Nico gives a speech in which he says, "Through discovering the joy of watersports, I have discovered the secret of the universe." This turns out to be "remembering I am what I am". These references describe the use of urine in association with sexual conduct, however description of a prohibited activity does not necessarily amount to promotion of or support for that activity. In this case the descriptions merely form part of the storyline about Nico.

Sections 32 and 33 of the FVPC Act enable the Classification Office to recommend excisions if those excisions would result in a different classification. In this case it is recommended that two excisions be made. This would avoid the publication tending to promote and support the use of urine in association with sexual conduct. With these scenes removed Nico's verbal references described above will have little context, and therefore limited effect on the viewer.

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 matter that it considers relevant to the DVD is:

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.

There is one scene involving marijuana use. One of the Jaspers passes Nico a joint in a bar as a peace offering. Nico takes a very large amount of the drug accompanied by a vacuum cleaner sound effect. Griff asks what you do with it. Nico replies, "Just close your eyes and suck, honey". Griff takes a small amount and yells, "Let's dance!" This is followed by a shot of a group dancing in the bar. The scenes depicts drug use as consequence free and is linked with festivities, however the sequence is over-the-top and very brief. It is incidental to the main action of the film, and presented in a comedy context. Hence the DVD's promotion of drug use is negligible.

Additional matters to be considered:

Under s3(4), the Classification Office must also consider the following matters:

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

The dominant effect of the publication as a whole is a farcical parody of American teen movies with a gay twist.

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

The publication is presented on DVD with wide potential for high quality copying and viewing in private homes.

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 publication has merit with regard to entertainment.

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.

Due to its extensive and graphic sexual material, the DVD is intended for an adult audience and gay males in particular.

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

The DVD is intended to be used for entertainment and sexual titillation.

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.

The publication includes highly offensive language particularly in terms of sexual references. Examples include "You little bitches got your shit pipes lubed up?" and "Lying on the beach flashing vacancy signs on your man pussies." The offensive language is consistent throughout the feature and is often used in a casual comedic tone.

New Zealand Bill of Rights Act 1990:

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBR Act) 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 NZBR Act, 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 NZBR Act 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".

Conclusion:

The DVD *Another Gay Sequel: Gays Gone Wild* is classified as objectionable except if its availability is restricted to persons who have attained the age of 18 years, provided two excisions are made to the DVD. If the excisions are not made the DVD will be classified as objectionable. The feature is a sexual comedy about gay men. It has sexual material throughout that is strong and extensive enough that it requires restriction to the intended audience of adults. However, one scene interspersed with others in a dream sequence depicts men urinating on each other, which is presented as sexually arousing. The depictions make the DVD tend to promote or support the use of urine in association with sexual conduct, and objectionable under s3(2)(d). Two excisions were offered to remove the most problematic images.

The remainder of the publication requires restricted availability to avoid injury to the public good as it contains graphic and explicit sexual references and activity. The sexual content will be confusing for younger viewers who do not have the maturity to place it in the appropriate context of a comedic sexual parody of gay relationships or possess the level of sexual knowledge needed to understand the treatment of adult sexual practices. The likelihood of injury to the public good is avoided by restricting this publication to audiences that have attained the age of 18 years.

In this instance the distributor declined to make the excisions, and the DVD is therefore objectionable.

The Classification Office has considered the effects of the Bill of Rights on the application of the classification criteria elsewhere in these reasons. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable.

Display conditions:

Where the Classification Office classifies any publication as a restricted publication, it is required under s27(1) of the FVPC Act to consider whether or not conditions in respect of the public display of the particular publication should be imposed.

In considering the issue of public display, the Classification Office must have regard to the matters set out in s27(2) of the FVPC Act, namely:

- (a) *The reasons for classifying the publication as a restricted publication;*
- (b) *The terms of the classification given to the publication;*
- (c) *The likelihood that the public display of the publication, if not subject to conditions, or as the case may be, any particular condition, would cause offence to reasonable members of the public.*

The disc contains the title *Another Gay Sequel: Gays Gone Wild* only. This is unlikely to cause offence to reasonable members of the public. Consequently no display conditions have been placed on the publication.

Note:

Copyright Office of Film and Literature Classification. This document may be reproduced in whole but not in part without written permission except for brief quotations embodied in articles, reports or reviews.

CLASSIFICATION OFFICE DECISION

Title of publication: A Day In The Life

Other known title(s): Not stated

OFLC ref: 1001359.000

Medium: DVD

Distributor: VM Distribution Ltd

Director: Kirk "Sticky Fingaz" Jones

Producer: Kirk "Sticky Fingaz" Jones

Country of origin: United States

Language: English

Applicant: Film & Video Labelling Body

Classification:	<p>The excised version of this publication is classified as Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.</p> <p>The unexcised version of this publication is classified as Objectionable.</p>
------------------------	--

Excisions: Recommended and made

Descriptive note: Contains violence, offensive language, drug use and sex scenes.

Display conditions: None

Date of entry in Register: 15 September 2010

Date of direction to issue a label: 10 September 2010

Unexcised version of publication:

	Components	Running time
Menu:	Play Movie Set Up Scene Selection Special Features	
Feature(s):	A Day In The Life	89:48

Timed component(s):	Belly	1:24
	State Property 2	1:53
	Weapons	1:12
	O	0:38
	Belly 2	0:55
	Sticky Fingaz Music Video "Debo the Game"	5:00
	Making Of "A Day In The Life"	6:44
	A Day In The Life (Trailer)	1:39
Notices	0:36	
Total running time:		109:49

Reasons for excisions:

The DVD contains a hip hop musical drama and associated components. One excision is required to remove the component entitled Sticky Fingaz Music Video "Debo the Game" which promotes and supports the infliction of extreme violence and cruelty.

Excised version of publication:

	Components	Running time
Menu:	Play Chapters Trailers	
Feature(s):	A Day In The Life	89:48
Timed component(s):	Black Death	1:20
	Savage	2:32
	Shank	1:28
	Cooper's Camera	1:35
	Gun	2:34
	Genghis Khan	1:56
	Notices	0:04
Total running time:		101:17

Summary of reasons for decision:

Not applicable

Released under the Official Information Act 1982

REASONS FOR DECISION

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

Title of publication:	A Day In The Life
Other known title:	Not stated
OFLC ref:	1001359.000
Medium:	DVD
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Excisions:	Recommended and made
Descriptive note:	Contains violence, offensive language, drug use and sex scenes.
Display conditions:	None

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.

Submission procedure:

The Film and Video Labelling Body submitted the publication on 04 August 2010 under s12 of the FVPC Act. It was submitted on behalf of VM Distribution.

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.

Description of the publication:

The publication is a DVD from the United States, containing a feature, five trailers advertising other features, a trailer advertising the main feature, a behind the scenes segment and a music video.

A Day In The Life is set in Los Angeles, and the plot revolves around two rival gang families. It is written and directed by actor/rapper Sticky Fingaz, who also plays the main character. The central character, Stick, is struggling with his fraught lifestyle and the violence - especially after his partner Heaven reveals to him that she is pregnant. He becomes involved in a brewing gang war after his cousin Phya is shot during a home invasion. Stick decides he wants to leave the gang life, as soon as he settles the score for Phya. The feature is a 'Hip Hopera,' a series of hip hop songs in the form of an opera, inspired by the concept of rock opera. All of the dialogue is rapped over a constant hip-hop beat. The trailers promote similar features and depict gun and gang violence. The music video is for a Sticky Fingaz single "Debo The Game" and also depicts gun and gang violence.

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.

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 the following 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 feature contains a few depictions of sex, and includes some crass sexual references. Stick and Heaven are shown engaging in sexual activity twice. The first time, Heaven is in her underwear and they are on a bed. Sexual activity is suggested by movement. The second time, they are shown in the kitchen. Stick is holding Heaven up around his waist and sex is implied by movement and dialogue, for example, "fuck me, slap my ass" and "I'm fucking coming". No nudity is depicted, they are both fully clothed. Heaven is wearing a long skirt, which has been

pulled around her hips. In another scene, a robbery takes place. A man bursts into a bedroom. There is a couple on the bed, the woman is naked and the man appears fully clothed. Rear entry intercourse is briefly implied. Stick also discusses sex with another man in a car. He makes crass comments about sex; such as "I beat it raw," "I ate that bitch" and he remarks that Heaven has the "best pussy".

Matters such as crime

The feature deals extensively with a criminal lifestyle. It begins with a scene in a suburban house. There are people in the house smoking marijuana and weighing packets of powder. In another scene, a glamorous woman in a skimpy bikini snorts white powder. Stick visits a man and buys lots of guns. He purchases military issue weapons with assassin scopes, and a grenade launcher. All of the characters in the film seem to be affiliated with a gang, and all appear extremely wealthy. They drive luxury vehicles, live in opulent homes and wear lots of jewellery. There are many shots of luxury apparel, such as diamond-studded wristwatches and designer handbags. Much of the illegal material is affiliated to violence and the use of guns. The music video in particular is discussed further below in relation to s3(2)(f).

Matters such as cruelty and violence

Whether the music clip promotes or supports, or tends to promote or support, the infliction of extreme violence and cruelty is discussed below in relation to s3(2)(f). Other depictions of serious physical harm are dealt with under s3(3)(a)(i).

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.

In *Moonen v Film and Literature Board of Review (Moonen I)*, the Court of Appeal stated that the words "promotes or supports" must be given "such available meaning as impinges as little as possible on the freedom of expression"¹ in order to be consistent with the Bill of Rights. The Court then set out how a publication may come within a definition of "promotes or supports" in s3(2) that impinges as little as possible on the freedom of expression:

Description and depiction ... of a prohibited activity do not of themselves necessarily amount to promotion of or support for that activity. There must be something about the way the prohibited activity is described, depicted or otherwise dealt with, which can fairly be said to have the effect of promoting or supporting that activity.²

Mere depiction or description of any of the s3(2) matters will generally not be enough to deem a publication to be objectionable under s3(2). When used in conjunction with an activity, the Classification Office defines "promote" to mean the advancement or encouragement of that activity. The Classification Office interprets the word "support" to mean the upholding and strengthening of something so that it is more likely to endure. A publication must therefore advance, encourage, uphold or strengthen, rather than merely depict, describe or deal with, one of the matters listed in s3(2) for it to be deemed to be objectionable under that provision.

¹ *Moonen v Film and Literature Board of Review* [2000] 2 NZLR 9 at para 27.

² Above n2 at para 29.

The Classification Office has considered all of the matters in s3(2). The relevant matters are:

s3(2)(b) *The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct.*

During the first scene, a naked woman is dragged off of a bed and down the hallway by a large man who is holding a gun. He asks another man “you think there’s enough time for me to rape one bitch?” Apparently there is no time for rape, as the gang leave the terrified and naked woman alone. The publication does not promote or support, or tend to promote or support the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct.

s3(2)(f) *Acts of torture or the infliction of extreme violence or extreme cruelty.*

The feature contains many sequences of people being shot in many ways – drive by shootings, and point blank in the temple or chest, for example. The violence in the feature will be discussed further under s3(3)(a)(i). The violence and cruelty depicted in the music video clip (*Sticky Fingaz Music Video “Debo The Game”*) is considered further under this section.

The music video stars Sticky Fingaz. The first images are of bundles of money and bullets. Sticky Fingaz is shown loading a hand gun. A couple are then seen sitting on a sofa, drinking wine and exchanging gifts. The woman is filming the man opening a gift on a camcorder. The camera pans to include Sticky Fingaz in the shot. He is standing still, dressed in black and wearing a black balaclava. He is holding a gun. He pistol whips the man, and points his gun at the camera. The clip then depicts Sticky Fingaz in a different location, flanked by men holding guns and wearing large chains around their necks. Many of the men wear bandannas hiding their faces. The footage flicks back to Sticky Fingaz terrorising the couple. He points the gun at the man’s head, and orders him to open a safe. He then hits the man across the face. The screen setting often changes to Sticky Fingaz on a stage in front of many cheering fans, then to him standing next to the armed men, who often point their weapons at the camera. He is also shown taking a car from somebody and driving it around. The sound of their gun clips can be heard throughout the song. The couple are then shown on their knees, with tape over their mouths. Sticky Fingaz shoots the woman point blank in the head. Animated blood spray hits the camera. He then shoots the man in the same manner. The clip ends with a animated blood splatter on screen and the text ‘100 Mad Niggaz Wit Gunz?’.

These depictions of extreme violence and brutality, the way the characters in the clip point their weapons menacingly at the camera, the way Sticky Fingaz is depicted on stage as a hero in front of adoring fans, and the way such behaviour is glamorised and encouraged, all tend to promote and support extreme violence and cruelty. The lyrics, for example, “what you work hard for I work hard to take it”, “ I never punched a clock but always had plenty of money” and “I got guns, nigga, and I’m quick to pull it” all add to the strong effect of the clip. Sticky Fingaz raps in a very hostile and aggressive directly at the camera, often pointing a gun into the lens. In the absence of stronger contextualizing factors, plot, character development and the lack of repercussions for such brutal acts able to be committed at will; anti-social and violent behaviour is being explicitly glamorized, encouraged and supported.

The inclusion of this component results in the DVD tending to promote and support extreme violence and cruelty, and results in the publication being deemed objectionable. Sections 32 and 33 of the FVPC Act, however, require the Classification Office to recommend excisions or alterations to any film if those excisions or alterations would result in a different classification. In

this case it is recommended that one excision is made to remove the music video described above.

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 relevant matters are:

s3(3)(a)(i) The extent and degree to which, and the manner in which, the publication describes, depicts, or otherwise deals with acts of torture, the infliction of serious physical harm, or acts of significant cruelty.

The feature depicts many instances of serious physical harm. Some of the strongest and most typical examples are considered here. During the first scene, a rival gang storms a house, looking for drugs. They shoot several men inside the house, and blood sprays all over the walls. There is another shootout in a diner, where one man is shot as he is sitting on the toilet. Stick bursts into a house looking for his rival. They encounter a maid in the kitchen. She raises her hands and pleads for her life. She is shot in the chest and falls to the ground. Stick is shown walking down a hallway and a woman naked except for her underwear, hits him across the head with a bottle. They struggle, and Stick throws her to the ground, calling her a “fucking bitch” several times. He straddles her, and hits her across the face with a gun until she stops moving. Stick finds his cohorts, who have taped a man to a chair. He has a bloody, bruised face. They press him for information. He refuses to talk, so Stick tells his companion to “pop his wig”. He is shot point blank through his temple. It is very bloody.

There are also several shootouts on the street, in a hospital and in an airport. Bystanders are often caught in the crossfire, as the gang members show no apparent concern about who they are shooting at. Stick is eventually shot in the chest at the airport, and he dies on the runway tarmac. His death is the only one lengthily depicted, with Heaven sobbing over his bleeding body. None of the other deaths are lingered upon. The camera does not focus on their wounds or bodies. The quality of the feature, with its jumbled, haphazard camera work and reasonably unrealistic special effects tends to lessen the effect of the violence. The musical nature of the dialogue also lessens the effect, and lends an over-the-top, modern Shakespearian edge to the film.

s3(3)(a)(ii) The extent and degree to which, and the manner in which, the publication describes, depicts, or otherwise deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct.

An instance of threatened sexual violence has been discussed above under s3(2)(b). This scene adds to the misogynistic tone discussed below

s3(3)(e) The extent and degree to which, and the manner in which, the publication represents (whether directly or by implication) that members of any particular class of the public are inherently inferior to other members of the public by reason of any characteristic of members of that class, being a characteristic that is a prohibited ground of discrimination specified in section 21(1) of the Human Rights Act 1993.

The feature has a strong misogynistic tone. Status is materialized throughout the feature in the form of clothing, cars, liquor, weapons, and women. Women are referred to constantly as “bitch” and “ho”. They appear in the feature in bikinis, short skirts and high heels. They are shown draped off of the arms of men or reclining on couches. Most of these women have no dialogue, they are there as props. They are pliable and are distanced from the male characters in order to uplift the men’s ego and support their “gangsta” status. For example, one character named Black is shown sitting in the back of a luxury vehicle, with one silent woman fawning over him. He tells his driver that he wants a “party ho”. The driver tells him a “bitch” has been sent for. Black responds with “get another bitch. Fuck that retarded ho.” In another scene, Black is doing a deal with an assassin. He asks the assassin if he is hungry, and nods to a woman. He says “you want this bitch to fix you a plate?” There are also many gratuitous shots of women’s buttocks and breasts. These images and the tone of the feature present a stereotypical ‘gangsta rap’ mythology in which all women are bitches and gangsta rappers live their lives driving luxury cars, toting guns, collecting thong-wearing, gyrating women, making large amounts of money and living outside the law. Adults will be able to recognise these themes as a role-playing fantasy and will be able to identify the misogynistic themes as unacceptable and offensive, but younger viewers, especially those who are fans of Sticky Fingaz and other gangster rap will be more susceptible to these attitudes.

Additional matters to be considered:

Under s3(4), the Classification Office must also consider the following matters:

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

The dominant effect of the feature is of a fast-paced ‘hip hopera’. The film focuses on the ‘gangsta’ lifestyle, and focuses on one man’s struggle to leave the lifestyle.

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

The publication is a DVD which means the viewer has a high degree of control over the publication, with the ability to freeze, fast forward and rewind images.

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 publication has some artistic merit. The entire dialogue of the feature is lyrical and presented in rap format.

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.

Adults and fans of rap music.

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

The publication is intended to entertain viewers.

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.

The feature is heavily peppered with highly offensive language. There is notable use of 'motherfucker', 'nigga' and 'bitches'. The extent and degree of the language is likely to cause harm to children and teenagers. Emulation of this language is likely to result in intimidation and alienation. The word nigger/nigga, a pejorative to refer to black people, is used throughout the feature. This is used in a casual way, and has clearly been reappropriated by the users of the word.

Publication may be age-restricted if likely to be injurious to the 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.

New Zealand Bill of Rights Act 1990:

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBR Act) 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 NZBR Act, 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 NZBR Act 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".

Conclusion:

The DVD *A Day In The Life* is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years. This is dependent on one excision being made to the DVD. If the excision is not made, the DVD will be classified as objectionable.

The excision is required to remove the component *Sticky Fingaz Music Video "Debo the Game"*. This component tends to promote and support extreme violence and cruelty. In the absence of stronger contextualizing factors, plot, character development and the lack of repercussions for such brutal acts able to be committed at will; anti-social and violent behaviour is being explicitly glamorized, encouraged and supported by this particular one component.

If this component were removed, the remaining depictions of sex, crime, violence, serious physical harm and highly offensive language mean that the availability of the publication would be likely to be injurious to the public good if viewed by an audience under the age of 18 years. Adults are able to put depictions of serious physical harm and other adult themes into context. Younger viewers are likely to be disturbed by the violent images and sexual themes, and are at risk of being unduly influenced by the film's confusing moral messages. There is a risk that younger viewers will become desensitised to extreme violence. Risk of emulation of any of these behaviours will be greatly minimised if restricted to adults.

The Classification Office has considered the effects of the NZBR Act on the application of the classification criteria elsewhere in these reasons. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that tend to promote and support extreme violence and cruelty. If the required excision was made to the publication, a restriction to adults is the minimum restriction to prevent injury to the public good.

In this instance, the distributor agreed to make the excision. The second version of this publication also contains different, but similar, trailers to the first version.

Display conditions:

Where the Classification Office classifies any publication as a restricted publication, it is required under s27(1) of the FVPC Act to consider whether or not conditions in respect of the public display of the particular publication should be imposed.

In considering the issue of public display, the Classification Office must have regard to the matters set out in s27(2) of the FVPC Act, namely:

- (a) The reasons for classifying the publication as a restricted publication;*
- (b) The terms of the classification given to the publication;*
- (c) The likelihood that the public display of the publication, if not subject to conditions, or as the case may be, any particular condition, would cause offence to reasonable members of the public.*

The publication does not require display conditions – the title is innocuous, and the disc is blank with no images.

Note:

Copyright Office of Film and Literature Classification. This document may be reproduced in whole but not in part without written permission except for brief quotations embodied in articles, reports or reviews.

Released under the Official Information Act 1982