

# **FILM AND PUBLICATION BOARD**

## **CLASSIFICATION GUIDELINES FOR THE CLASSIFICATION OF FILMS, INTERACTIVE COMPUTER GAMES AND CERTAIN PUBLICATIONS**

Approved by the Council of the Film and Publication Board in consultation with the Minister of Home Affairs in terms of Section 4A(1)(a) read with section 31(3) of the Films and Publications Act No. 65 of 1996.

# **GUIDELINES TO BE REFERRED TO IN THE CLASSIFICATION OF FILMS, INTERACTIVE COMPUTER GAMES AND CERTAIN PUBLICATIONS**

## **1. INTRODUCTION AND APPLICATION OF GUIDELINES**

The Films and Publications Act, Act No. 65 of 1996 (“the Act”) requires certain films, games, publications and online content (“classifiable material”) to be classified by the Film and Publication Board (“FPB”). Once classified, the distribution is subject to the conditions imposed by the FPB. ‘Distribution’ includes screening in public, selling, hiring out, offering or keeping for sale or hire, handing, or exhibiting such material to a person under the age of 18 years in certain circumstances, and the failure to take reasonable steps to regulate access to films, games or certain publications.

The FPB Act makes it a criminal offence to possess and distribute child pornography.

Sexually explicit material that is classified X18 cannot be distributed to persons under the age of 18. However, if sexually explicit material, in the assessment of the Board, amounts to a bona fide documentary, is of scientific, literary or artistic merit, or is on a matter of public interest (hereafter referred to ‘the Section 16(4)(b) proviso’ from the Act)<sup>1</sup>, then the Board may determine an appropriate classification.

The purpose of classification is to provide consumer advice to enable individuals to make informed viewing, reading and gaming choices for themselves and for children in their care; and to protect children from exposure to disturbing, and harmful materials and from premature exposure to adult experiences.

All legitimate material that meets the criteria of a film, game, publication or online content as defined in the Act falls within the jurisdiction of the FPB. This includes films exhibited at cinemas, DVDS, Blu Rays, videos on demand, mobile content (in so far as it does not amount to broadcast content) and the internet.

All publications that are bona fide newspapers or magazines published by a member of a body either recognised by the Press Ombudsman or another recognised self-regulatory authority, and that subscribe and adhere to a code of conduct, do not fall within the jurisdiction of the FPB.

All publications other than those referred to in the preceding paragraph fall within the jurisdiction of the FPB.

## **2. DEFINITIONS**

Words or expressions used in these Guidelines have the same meaning assigned to them in the Act, unless the context indicates otherwise.

**‘actual’** means a real act that does not merely exist potentially;

**‘affection’** means kissing or hugging in non-sexual contexts;

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<sup>1</sup> This proviso appears for the first time in Section 16(4)(b) of the Act, as amended, and is repeated in Section 18(3)(a).

**‘abuse’** means to treat in a wrong, harmful or improper way or to misuse;

**‘blasphemy’** means insensitive, offensive, demeaning, derogatory, disrespectful or irreverent expressions about any religion. The advocacy of hatred that is based on religion, and that constitutes incitement to cause harm, is not merely blasphemy, and would result in the classifiable material being refused classification;

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

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

**‘classifiable element’** means a specific consideration, as set out in these Guidelines, which may influence the age restriction or other classification of material if it is present, based on the impact it has within a specific context;

**‘competitive intensity’** means the degree to which a player gets personally involved, and the level of excitement created in the player, as he or she engages with the various game levels in order to gain incentives and rewards (this includes the compulsive nature of gaming that could lead to addiction).

**‘context’** means the circumstances or background of material that should be viewed as a whole to understand the full meaning; in specific cases, it is the circumstances or background that come before and/or after a particular incident that contribute to understanding its full meaning;

**‘cultural insensitivity’** means insensitive, offensive, demeaning, derogatory, disrespectful or irreverent expressions about any cultural tradition, but that do not amount to the advocacy of hatred based on race or ethnicity or constitute incitement to cause harm;

**‘domestic violence’** means depictions or descriptions of –

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

Between persons in a domestic relationship that includes spouses, partners, children, blood relatives, or any other intimate partnerships;

**‘educational’** means the act or process of imparting or acquiring, general knowledge, developing the powers of reasoning and judgement, and generally preparing for mature life;

**‘explicit’** means –

- (a) Fully and clearly expressed or demonstrated, forthright and unreserved in expression, leaving nothing merely implied; or
- (b) In realistic detail;

**‘explicit sexual conduct’** means graphic and detailed visual presentation or descriptions of any conduct contemplated in the definition of ‘sexual conduct’;

**‘exploitative’** means making use of someone or something for selfish or improper reasons;

**‘extreme’** means to the greatest or utmost degree, extending significantly beyond the norm;

**‘extreme violence’** means exceptionally intense, graphic or prolonged scenes of violence;

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

**‘flicker vertigo’** means an imbalance in brain-cell activity caused by exposure to low-frequency flickering (or flashing) of a relatively bright light;

**‘FPB Act’** means the Films and Publications Act, Act No. 65 of 1996 as amended;

**‘Gazette’** means the relevant *Government Gazettes* applicable at the time;

**‘game’** means a computer game, video game or other interactive computer software for interactive game playing, where the result achieved at various stages of the games are determined in response to the decisions, inputs and direct involvements of the game player or players;

**‘gratuitous’** means contextually unwarranted, uncalled for, or included without justification;

**‘harmful paraphilia’** is a condition in which a person’s sexual arousal and gratification depend on fantasising about and engaging in sexual behaviour that is atypical and extreme. It may cause distress or serious problems for the paraphiliacs or persons associated with them;

**‘horror’** means the use of frightening elements to scare or unsettle the audience;

**‘identifiable group characteristic’** means group identification by race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth or nationality;

**‘impact’** means the potential effect of a single classifiable element or the cumulative effect of a number of classifiable elements;

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

**‘incitement to violence/ incites imminent violence/ incitement to cause harm’** means illegal unconstitutional content that has a clear intention to provoke, commiserate, encourage or propagate violence in terms of propaganda for war; inciting imminent violence or advocating hatred based on any identifiable group characteristics and constitutes incitement to cause harm;

**‘intensity’** means the strength of the treatment of, or engagement with, the classifiable elements in classifiable material;

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

**‘mature’** refers to relative cognitive, moral and emotional maturity;

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

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

**‘moral harm’** means desensitising to the effects of violence, diminished empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility, retarding social and moral development in children, distorting a child’s sense of right and wrong, and limiting a child’s capacity to compassion;

**‘nudity’** means the state or fact of being naked;

**‘parental guidance’** means that the material may contain classifiable elements that may be disturbing or harmful for young viewers, and that parents or caregivers are in the best position to decide whether or not a child in their care may access material classified as ‘PG’ subject to the specified rating applicable to such material;

**‘pornography’** means explicit description or exhibition of sexual subjects or activity in publications, films and computer games, in a manner, judged contextually, that is intended to stimulate erotic rather than aesthetic feelings in a reasonable person;

**‘prejudice’** means a pre-conceived judgement, or an adverse opinion or inclination, formed without just or rational grounds or before sufficient knowledge is gained, or that is based on group stereotypes, and that is degrading of human dignity;

**‘sexually-related activity’** includes consensual kissing, caressing, embracing, and physical intimacy that does not amount to sexual conduct;

**‘sexual conduct’** includes –

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

**‘sexual violence’** means conduct or acts contemplated in the definitions of ‘sexually related activity’, ‘sexual conduct’ and ‘explicit sexual conduct’ that are accompanied by force or coercion, actual or threatened, or that induce fear or psychological trauma in a victim;

**‘stereotype’** means a set of inaccurate, simplistic generalisations about a group that allow others to categorise them and treat them accordingly;

**‘short language’** means crude words, threats, abuse, profanity or language that amounts to prejudice;

**‘stylised’** means using artistic forms and conventions to create effects that are unrealistic or not spontaneous;

**‘substance’** means chemical, psychoactive substances that are prone to be abused, including tobacco, alcohol, over-the-counter drugs, prescription drugs and substances defined in the Drug and Drug Trafficking Act (No. 140 of 1992) as amended, or proscribed by the Minister of health after consultation with the Medicines Control Council;

**‘substance abuse’** means the sustained or sporadic excessive use of substances, and includes any use of illicit substances and the unlawful use of substances;

**‘theme’** means the message or idea that is conveyed by the classifiable material (such as good and evil, poverty, criminality, mortality, relationships, racism, war or conflict, etc);

**‘third person game play’** means the player is seen as a visible character on the screen, and the surrounding environment can be viewed; but the game will, however, only be regarded as such if there is no option for first-person game play;

**‘threat’** means an indication of impending physical or psychological harm;

**‘visual presentation’** means –

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

**‘violence’** means any physical harm, or psychological, emotional or verbal abuse, whether self-inflicted, interpersonal or collective, including gender-based violence.

### **3. PURPOSE OF GUIDELINES**

To provide guidelines that allow for the classification of a film, game or publication in accordance with, amongst others, the following rights:

- (1) Right to freedom of expression;
- (2) Right of access to information;
- (3) Right of children to be protected against maltreatment, neglect, abuse or degradation;
- (4) Right to freedom of security, which includes being protected from unsolicited exposure to materials that a reasonable person may find offensive;
- (5) Right to equality; and
- (6) Right to human dignity

To recognise that no right is absolute, and that it may be limited in terms of the law of general application when it is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking relevant factors, including the nature of the right, the importance of the purpose of the limitation, the nature and extent of the limitation, the relation between the limitation and its purpose, and any other less restrictive means to achieve the purpose, into account.

To provide general guidelines to ensure:

- The consistent classification of material;
- That no content that is prohibited in terms of this Act is classified;

- That content created through the commission of a criminal offence is appropriately channelled to the relevant authorities by the Film and Publication Board;
- That classification of material reflects public opinion;
- That material does not cause any moral harm in the category in which it was classified.

To protect children from exposure to potentially disturbing or harmful materials and from premature exposure to adult experiences, as well as to provide such information as will allow adult South African to make informed viewing, gaming and reading choices, both for themselves and for children in their care.

In making their decisions, classification committees, consistent with the principle that in all matters concerning children, the best interests of children are paramount, must aim to strike a reasonable balance between competing interests and the protection of children from potentially disturbing, harmful and age-inappropriate material.

The guidelines provided for the consideration of artistic, dramatic or scientific merit as but one of the considerations in making a classification decision. Accordingly, it should not be elevated above other factors to be considered in making a classification decision.

When interpreting and applying these guidelines, cognisance shall be taken of the country's cultural diversity, and effect shall be given thereto.

When applying and interpreting these guidelines, classifiers must also take cognisance that classification guidelines cannot be comprehensive in identifying all potential disturbing and harmful content. In addition, there may be material or content that may not be disturbing and harmful content. In addition, there may be material or content that may not be disturbing or harmful, but that may be age inappropriate and unacceptable to the community in general.

### **3.1 Application of the guidelines**

(1) These guidelines, to the extent indicated in the guidelines, apply to:

- (i) The industry;
- (ii) The general public;
- (iii) The Classification Committees of the Film and Publication Board.

## PART A – FILMS AND TRAILERS

### 4. GUIDING PRINCIPLES

- (1) All classification decisions must consider the context, impact and release format of the material.
- (2) When considering context, the following factors should be taken into account:
  - (a) The expectations of the public in general and the target market of the material;
  - (b) The theme of the material;
  - (c) The manner in which an issue is presented;
  - (d) The literary, artistic, dramatic or educational merit of the film;
  - (e) The apparent intention of the filmmaker, as reflected in its effect.
- (3) The impact of classifiable elements may increase in intensity according to frequency of occurrence, realism, detail, techniques used, and nature of theme, bona fide status, verbal references or visual presentation of sexually-related activity, sexual conduct or violence. Impact may be assessed in terms of the following categories:
  - (iix) **No (A)**
    - There are no classifiable elements in the film that justify a restrictive age classification.
  - (ix) **Low (PG)**
    - No significant single or cumulative occurrences of classifiable elements;
    - Classifiable elements are not realistic;
    - Limited accentuation techniques such as lighting, perspective and resolution;
    - The material is not threatening, disturbing or harmful;
    - The theme causes no moral harm;
  - (ixi) **Mild (10PG and 10)**
    - Limited occurrences of significant classifiable elements;
    - Classifiable elements may be realistic;
    - Limited accentuation techniques such as lighting, perspective and resolution;
    - The material is not threatening, disturbing or harmful;
    - The theme causes no moral harm;
  - (ixii) **Moderate (10-12PG and 13)**
    - Single or cumulative occurrences of classifiable elements;
    - Occurrences of significant classifiable elements may be realistic;
    - May contain accentuation techniques such as lighting, perspective and resolution;
    - The material maybe threatening, disturbing or harmful to children aged 13 and older;
    - The theme causes no moral harm to children aged 13 and older;
    - Verbal reference, but no visual presentation, of certain classifiable elements such as sexually-related activity, sexual conduct or violence with no noticeable effect;
    - Classifiable elements form part of a bona fide story line.
  - (ixiii) **Strong (16)**
    - Single or cumulative occurrences of significant classifiable elements;
    - Occurrences of classifiable elements may be realistic;
    - May contain details, close-ups or slow motion of sexually-related activity, sexual conduct or violence;

- May contain accentuation techniques such as lighting, perspective and resolution of sexually-related activity, sexual conduct or violence;
  - The material may be threatening, disturbing or harmful to children of 16 and older;
  - The theme may not cause moral harm to children of 16 and older;
  - Verbal reference or visual presentation of certain classifiable elements such as sexually-related activity, sexual conduct or violence which may have an impact;
  - Classifiable elements form part of a bona fide story line.
- (ixiv) **Very Strong (18)**
- Single or cumulative occurrences of classifiable elements;
  - Occurrences of classifiable elements may be realistic;
  - May contain graphic details, close-ups or slow motion of sexually-related activity, sexual conduct or violence;
  - May use accentuation techniques such as lighting, perspective and resolution;
  - The material may be threatening, disturbing or harmful to children;
  - The theme may cause moral harm to children;
  - Verbal reference or visual presentation of certain classifiable elements such as sexually-related activity, sexual conduct or violence, but not explicit sexual violence;
  - Classifiable elements do not necessarily form part of a bona fide story line.
- (ixv) **Presumptively harmful:**
- Contains elements listed under refused classification, XX or X18.

- (4) The release format of the material, including online content, must be considered based on its impact, and with regard to the following:
- (a) The ability to replay scenes;
  - (b) The likelihood that certain scene will be viewed out of context;
  - (c) The clarity of images;
  - (d) Interactivity with an unknown third person; and
  - (e) The impact of technology such as 3D.
- (5) Classifiers must have regard to the classifiable elements in determining an appropriate classification, and must also assign appropriate consumer advice if required.

## 5. CLASSIFIABLE ELEMENTS AND CONSUMER ADVICE

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

**The following classifiable elements and mandatory consumer advice must be considered:**

- a) **'D'** warns to scenes of substance (drugs and alcohol) abuse;
  - (i) Any scenes of substance abuse must be considered in the allocation of an appropriate age restriction.

- (ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of substance abuse of a mild, moderate, strong or very strong impact, where applicable.
- b) **'H'** warns that there are scenes of horror;
  - (i) Any scenes of horror of a mild, moderate, strong or very strong nature must be considered in the allocation of an appropriate age restriction.
- c) **'Criminal Techniques'**
  - (i) Criminal Techniques and instructional details of illegal or dangerous acts that may be life-threatening and that are detailed enough to be re-enacted or self-instructional must be used to determine age restrictions, and may require higher age restrictions.
- d) **'Imitative Acts and Techniques'**
  - (i) Imitative acts or techniques is a classifiable element that will determine age restrictions where there is a reasonable likelihood that such acts or techniques may be copied or imitated, especially by children;
- e) **'L'** warns that there is use of bad language;
  - (i) The use of crude language must be considered in the allocation of an appropriate age restriction.
  - (ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of language of a mild, moderate, strong or very strong impact, where applicable;
- f) **'N'** warns that there are scenes of nudity;
  - (i) Regardless of the level of age-restriction, the public must be alerted to the occurrence of nudity of a mild, moderate, strong or very strong nature, where applicable;
  - (ii) Nudity in natural non-sexual contexts, such as breast-feeding and bond fide traditions, is not considered in the allocation of age restrictions, but must be indicated if it has a mild, moderate, strong or very strong impact;
  - (iii) The undue exposure of intimate parts must be considered in the allocation of an appropriate age restriction based on the context and impact.
- g) **'P'** warns of scenes of language, that is biased or prejudiced with regard to race, ethnicity, gender, religion, sexual orientation or other identifiable group characteristics;
  - (i) Material may contain scenes of language of prejudice of mild, moderate, strong or very strong impact, if it is clearly disapproved of and justified within the context, in which case the 'P' advisory should be used;
  - (ii) Any advocacy of hatred that constitutes incitement to cause harm based on an identifiable group characteristic must be refused classification.
- h) **'S'** indicates scenes involving sexual conduct or sexually-related activity;
  - (i) Any mild, moderate, strong or very strong scenes of sexually-related activity must be considered in the allocation of an appropriate age restriction or be subjected to a distribution restriction;
  - (ii) Any scenes of consensual explicit sexual conduct must be regarded as having a very strong impact, and be classified appropriately;
  - (iii) Any scene of non-consensual sexual conduct must be regarded as presumptively harmful, and be classified appropriately.
- i) **'SV'** indicates scenes of involving sexual violence;
  - (i) Any scenes of sexual violence must be considered in the allocation of an appropriate age restriction;
  - (ii) Any scenes involving implied sexual violence must be regarded as having a mild, moderate, strong or very strong impact where applicable, and must be classified appropriately;
  - (iii) Any scenes involving actual sexual violence must be regarded as presumptively harmful, and be classified appropriately.
- j) **'V'** warns of violent scenes;

- (i) Regardless of the level of age-restriction, the public must be alerted to the occurrence of violence of a mild, moderate, strong or very strong impact;
- (ii) Any scene of extreme violence must be regarded as having a strong or very strong impact where applicable, and must be classified appropriately.
- (iii) Any scenes involving the explicit infliction of domestic violence, or explicit visual presentations of extreme violence, must be regarded as presumptively harmful, and be classified appropriately.

**The following voluntary consumer advice must also be considered:**

- k) **'B'** warns consumers that content may be religiously sensitive.
  - (i) Blasphemy is not treated as a classifiable element determining age restrictions, but can be used to provide appropriate consumer advice if it has a moderate, strong or very strong impact. If the content, judged within context, offends the sensitivities of certain religions, especially with regard to precepts and practices that may be unique to them, then the consumer advisory may be assigned.
  - (ii) Content that is not blasphemous, but that may constitute religious prejudice, is a classifiable element, and must be considered in the allocation of an appropriate age restriction.
  - (iii) Advocacy of hatred based on religion that constitutes incitement to cause harm, but is not of bona fide documentary, scientific, dramatic or artistic merit or on a matter of public interest, will be refused classification. However, if the proviso is applicable, the content will be subject to an appropriate age restriction.
- l) **'Photo or patterns sensitivity, motion sickness and reactions to low frequency sound'**
  - (i) The exact nature of the stimuli that may trigger seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect. It is therefore treated, not as a classifiable element determining age restrictions, but as a matter for appropriate consumer advice provided on a voluntary basis. This advisory may need to be provided even in instances of low impact if the stimuli may trigger seizures.
  - (ii) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) that flash more than three times a second.
  - (iii) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but little or no motion is sensed by the vestibular system (e.g. bouncing-camera movies). Similar to motion sickness is simulation (or simulator) sickness; but this is caused by playing computer/simulation/video games (i.e. first-person-perspective games and virtual reality setups). It is recognised that it may be identified subjectively, and is not treated as a classifiable element determining age restrictions, but as a matter for appropriate consumer advice provided on a voluntary basis.
  - (iv) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 Hz. A low-frequency signal can go from being barely audible to being disturbing with a relatively small change in pressure level, and it may be identified subjectively. It is not treated as a classifiable element determining age restrictions, but as a matter for appropriate voluntary consumer advice;
  - (v) Photo or pattern sensitivity, motion sickness, and reactions to low frequency sound may justify voluntary consumer advice.

## 6. DISTRIBUTION CATEGORIES

- (1) Films are classified as unrestricted distribution ('A' and 'PG'), age-restricted distribution (from '10PG' to '18'), restricted distribution ('X18' and 'XX'), and refused categories.
- (2) Unrestricted and age-restricted distribution material may be distributed or exhibited by registered distributors and exhibitions in accordance with any age restriction or condition that may be imposed by the FPB.
- (3) Restricted distribution material:
  - a. Restricted distribution material indicated by 'X18' in the classification system may only be distributed from or exhibited in licensed adult premises to persons older than eighteen, and may not be distributed or exhibited otherwise at all.
  - b. Restricted distribution material indicated by 'XX' in the classification system may be possessed but may not be knowingly broadcast, distributed, exhibited in public, or offered for sale or hire.
- (4) The refused classification category contains material that is prohibited by the Films and Publications Act.
- (5) The possession or distribution of child pornography is prohibited by the Act, and where classification in terms of the Act is required, it constitutes a refused category.

## 7. CLASSIFICATION CATEGORIES OF FILMS

- (1) Films and games are classified into categories on the basis of:
  - (i) Context,
  - (ii) Impact of the classifiable elements, and
  - (iii) Release format
- (2) The following classification categories are used for unrestricted and age-restricted films, intended for exhibition in public or for home entertainment:
  - (i) **'A'** is an all-ages category, and means the content is suitable for all.
  - (ii) **'PG'** is an all-ages category, but indicates that parents and caregivers may decide whether or not a child in their care may view the content.
  - (iii) **'10'** means that the content is not suitable for children under the age of 10 years and may not be consumed by children under the age of 10.
  - (iv) **'10-12PG'** means the content is not appropriate for children under the age of 10 and may not be consumed by children under the age of 10. If the content is particularly entertaining or of education value, parents or caregivers may decide whether it is appropriate for children in their care from ages 10 to 12 to see it. Children from the ages of 10 to 12 years are not allowed to watch a film classified '10-12PG' unless and only when accompanied by an adult.
  - (v) **'13'** means that the content is not appropriate for children under the age of 13 years and may not be consumed by children under the age of 13.
  - (vi) **'16'** means that the content is not appropriate for children under the age of 16 years and may not be consumed by children under the age of 16.
  - (vii) **'18'** means that the content is not appropriate for children under 18 years and may not be consumed by children under the age of 18.
- (3) The following classification categories refer to the restricted distributions of films:
  - (i) **'X18'** means that only a holder of a licence to conduct business of adult premises, as set out in section 24 of the Act, may distribute the film to persons

- older than eighteen or exhibit such content to such persons within such premises.
- (ii) 'XX' means that the content may not be knowingly broadcast, distributed, exhibited in public, or offered for sale or hire.

## 8. REFUSED CLASSIFICATION

- (1) Any material that contains propaganda for war or incitement of imminent violence, or that advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm, must be refused classification and be reported to the Chief Executive Officer to be published in the Gazette.
- (2) However, if judged within context, the content is a bona fide documentary or is a publication of scientific, literary or artistic merit, or is on a matter of public interest, it must be classified accordingly.
- (3) Any material that constitutes child pornography must be immediately reported to the South African Police Services by the Chief Executive Officer. There are no exceptions or exemptions for the possession, distribution, sale or hire of child pornography, which is illegal under all circumstances.

## 9. RESTRICTED DISTRIBUTION MATERIAL – XX

- (1) Films must be classified 'XX' if they depict the following, as set out in section 18 of the Act.
- (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
  - (ii) Bestiality, incest, rape conduct or an act which is degrading of human beings;
  - (iii) Conduct or an act which constitutes incitement of, encourages or promotes, harmful behaviour;
  - (iv) Explicit infliction of sexual or domestic violence; or
  - (v) Explicit visual presentations of extreme violence;
- Unless judged within context, the film is a bona fide documentary or is of scientific, dramatic or artistic merit, or is on a matter of public interest, in which case the material shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate material.
- (2) The interpretation of (1)(i)-(v) above includes instances of:
- (i) Detailed instruction or promotion of matters of crime or violence;
  - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia;
  - (iii) Any material, including scenes or dialogue, likely to encourage an interest in harmful paraphilia and sexual violence;
  - (iv) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or that are excessively frequent, prolonged or detailed, including cruelty to either humans or animals, or real scenes of violence that are very detailed and that have an extreme impact;
  - (v) Detailed instruction in the use of proscribed drugs, and material promoting, or encouraging proscribed drug use;
  - (vi) Apparent lack of consent for any party who participates in sexually-related activity, sexual conduct or explicit sexual conduct and who appears to be *non*

*compos mentis* ('not of sound mind'- e.g. in a drug or alcohol-induced state, or mentally ill).

Any material that has been classified as 'XX' must be reported to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

## **10. RESTRICTED DISTRIBUTION MATERIAL – X18**

- (1) Any material that contains explicit sexual conduct between consenting adults must be classified as 'X18' unless, judged within context, it is a bona fide documentary or is of scientific, dramatic or artistic merit, or on a matter of public interest, in which case it must be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate materials.
- (2) Any material that, in addition to explicit sexual conduct, contains any material referred to in section 8(2) above and has an extreme impact, may be classified as 'XX';
- (3) Any content that is classified as 'X18' must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

## **11. UNRESTRICTED DISTRIBUTION – 'A' All Ages**

- (1) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children, and it contains no sense of threat or menace.
- (2) The content contains classifiable elements that have no impact.
- (3) An 'A' classification is applicable to all release format.

## **12. UNRESTRICTED DISTRIBUTION 'PG' Parental Guidance**

- (1) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children. It has a low sense of threat or menace.
- (2) The material contains classifiable elements that have a low impact, as set out below:

### **Mandatory –**

- (a) Criminal Techniques '**CT**' – material may not contain any scenes of criminal techniques.
- (b) Substance abuse '**D**' – material may not contain any scenes of substance abuse, direct or implied.
- (c) Horror '**H**' – material only contains low impact scenes of horror.
- (d) Imitative Acts and Techniques '**IAT**' – material may contain scenes of low impact imitative acts and techniques.
- (e) Language '**L**' – material may only contain scenes with low impact language, justified by the context.

- (f) Nudity '**N**' – material may only contain scenes of low impact nudity in non-sexual contexts, and should be justified by context.
- (g) Prejudice '**P**' – material may not contain scenes or language of prejudice.
- (h) Sexually-related activity '**S**' – material may not contain any scenes of actual or implied sexual conduct or sexually- related activity, but may contain scenes of affection.
- (i) Sexual violence '**SV**' – material may not contain any scenes of actual or implied sexual violence.
- (j) Violence '**V**' – material may contain only low impact violence justified by the context, and may not contain any scenes of domestic violence.

**Voluntary –**

- (k) Blasphemy '**B**' – material may not contain instances of blasphemy.
- (l) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated as matter for appropriate consumer information.

### **13. AGE-RESTRICTED DISTRIBUTION – '10' CONSUMER ADVICE**

- (1) Material classified as '10' is not appropriate for children under the age of 10 and may not be consumed by children under the age of 10. Material classified as '10' is prohibited from distribution, exhibition, sale or hire to children under the age of 10 years.
- (2) The material may not contain themes that may be harmful or inappropriate for children under 10. The content may be complex and mature, as long as children aged 10 or older do not find it confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a low or mild impact as set out below:

**Mandatory –**

- (a) Criminal Techniques '**CT**' – material may not contain any scenes of criminal techniques.
- (b) Substance abuse '**D**' – material may only contain low impact scenes of substance abuse if they are justified by the context or carry a suitable anti-substance abuse message.
- (c) Horror '**H**' – any scenes of low to mild impact must be justified by the context. Fantasy or comedic horror may reduce the impact.
- (d) Imitative Acts and Techniques '**IAT**' – material may contain scenes of low impact imitative acts and techniques.
- (e) Language '**L**' – material may only contain scenes with low or mild impact strong language if it is justified by the context.
- (f) Nudity '**N**' – material may contain instances of low impact nudity in non-sexual contexts, and they should be justified by the context.
- (g) Prejudice '**P**' – material may contain scenes or language of prejudice of low impact prejudice, provided that it is clearly disapproved of in context, or if used in an educational, dramatic or historical context.
- (h) Sexually-related activity '**S**' – material may not contain any scenes of actual or implied sexual conduct or sexually- related activity, but may contain scenes of affection.
- (i) Sexual violence '**SV**' – material may not contain any scenes of actual or implied sexual violence.
- (j) Violence '**V**' – material may contain only low to mild impact violence if it is justified by the context. If there are scenes of domestic violence, they must be justified within context, and the material must convey a strong message against it.

**Voluntary –**

- (k) Blasphemy '**B**' – material may contain instances of low to mild blasphemy.
- (l) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated with the appropriate consumer information.

**14. AGE-RESTRICTED DISTRIBUTION – '10-12PG' AGE RESTRICTION**

- (1) The material is not appropriate for children under the age of 10 and may not be consumed by children under the age of 10. If the content is particularly entertaining or of educational value, parents or caregivers may decide whether it is appropriate for children in their care from ages 10 to 12 to see it. Children from the ages of 10 to 12 years are not allowed to watch a film classified '10-12PG' unless and only when accompanied by an adult. Children below the ages of 10 are not allowed at all to consume such material.
- (2) The material may not contain themes that may be harmful for any children. The content may be complex and mature, as long as children aged 10 to 12 do not find it confusing, distressing or upsetting.
- (3) The material either contains no classifiable elements or has a low to mild impact, with some elements having a moderate impact, as illustrated below:

**Mandatory –**

- (a) Criminal Techniques '**CT**' – material may not contain any instances of criminal techniques.
- (b) Substance abuse '**D**' – material may only contain low to mild impact occurrences of substance abuse if they are justified by the context. Any instances of moderate impact substance abuse must, contextually, carry a suitable anti-substance abuse message.
- (c) Horror '**H**' – any scenes of mild to moderate impact horror must be justified by the context.
- (d) Imitative Acts and Techniques '**IAT**' – material may contain instances of mild impact imitative acts and techniques.
- (e) Language '**L**' – material may only contain instances of mild impact language, justified by the context.
- (f) Nudity '**N**' – material may contain scenes of low impact nudity and they should be justified by the context.
- (g) Prejudice '**P**' – material may contain scenes or language of prejudice of low impact, if it is clearly disapproved of and justified within the context, or if used in an educational, dramatic or historical context.
- (h) Sexually-related activity '**S**' – material may contain scenes of low impact sexuality-related activity, but no scene of sexual conduct.
- (i) Sexual violence '**SV**' – material may not contain any scenes of actual or implied sexual violence.
- (j) Violence '**V**' – material may contain only mild to moderate impact violence justified by the context. If there are scenes of domestic violence, they must be justified within context, and the material must convey a strong message against it.

**Voluntary –**

- (k) Blasphemy '**B**' – material may contain instances of mild to moderate blasphemy.
- (l) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated with the appropriate consumer information.

## 15. AGE-RESTRICTED DISTRIBUTION – '13' AGE RESTRICTION

- (1) Material classified as '13' is not appropriate for access by children under the age of 13 and may not be consumed by children under the age of 13. Material classified as '13' is prohibited from distribution, exhibition, sale or hire to children under the age of 13 years.
- (2) The themes may be complex and mature, as long as children aged 13 or over do not find them confusing, distressing or upsetting.
- (3) The material may contain low to mild impact classifiable elements, with some elements having a moderate impact, as set out below:

### **Mandatory –**

- (a) Criminal Techniques '**CT**' – material may not contain any instances of criminal techniques.
- (b) Substance abuse '**D**' – material may only contain mild to moderate impact scenes of substance abuse if they are justified by the context. Any instances of moderate impact substance abuse must, contextually, carry a suitable anti-substance abuse message.
- (c) Horror '**H**' – any scenes of moderate impact horror must be justified by the context.
- (d) Imitative Acts and Techniques '**IAT**' – material may contain instances of mild impact imitative acts and techniques.
- (e) Language '**L**' – material may only contain instances of moderate impact language, justified by the context.
- (f) Nudity '**N**' – material may contain scenes of mild impact nudity and they should be justified by the context.
- (g) Prejudice '**P**' – material may contain scenes or language of prejudice of mild impact, if it is clearly disapproved of and justified within the context, or if used in an educational, dramatic or historical context.
- (h) Sexually-related activity '**S**' – material may contain scenes of mild to moderate impact sexuality-related activity, whether actual or implied, but no scenes of sexual conduct.
- (i) Sexual violence '**SV**' – material may contain scenes of low impact, implied sexual violence.
- (j) Violence '**V**' – material may contain moderate impact violence only if it is justified by the context. If there are scenes of domestic violence, they must be justified within context, and the material must convey a strong message against it.

### **Voluntary –**

- (k) Blasphemy '**B**' – material may contain instances of moderate blasphemy, in which the case '**B**' consumer advisory may be assigned.
- (l) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated with the appropriate consumer information.

## 16. AGE-RESTRICTED DISTRIBUTION – '16' AGE RESTRICTION

- (1) Material classified as '16' is not appropriate for children under the age of 16 and may not be consumed by children under the age of 16. Material classified as '16' is prohibited from distribution, exhibition, sale or hire to children under the age of 16 years.

- (2) The themes may be complex and mature, as long as children aged 16 or over do not find them confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a moderate impact, with some elements having a strong impact, as set out below:

**Mandatory –**

- (a) Criminal Techniques ‘**CT**’ – material may contain moderate impact criminal techniques.
- (b) Substance abuse ‘**D**’ – material may contain moderate instances of substance abuse if they are justified by the context. Any instances of strong impact substance abuse must, contextually, carry a suitable anti-substance abuse message.
- (c) Horror ‘**H**’ – any scenes of strong impact horror must be justified by the context.
- (d) Imitative Acts and Techniques ‘**IAT**’ – material may contain instances of strong impact imitative acts and techniques.
- (e) Language ‘**L**’ – material may contain instances of strong impact language, justified by the context.
- (f) Nudity ‘**N**’ – material may contain scenes of moderate impact nudity and they should be justified by the context.
- (g) Prejudice ‘**P**’ – material may contain scenes or language of prejudice of moderate impact, if it is clearly disapproved of and justified within the context, or if used in an educational, dramatic or historical context.
- (h) Sexually-related activity ‘**S**’ – material may contain scenes of moderate impact or occasional strong impact sexuality-related activity, but no explicit sexual conduct.
- (i) Sexual violence ‘**SV**’ – material may contain any scenes of actual sexual violence, but moderate sexual violence may be implied, if it is justified by context.
- (j) Violence ‘**V**’ – material may contain strong violence only if it is justified by the context.

**Voluntary –**

- (k) Blasphemy ‘**B**’ – material may contain instances of moderate to strong blasphemy, in which the case ‘**B**’ consumer advisory may be assigned.
- (l) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound ‘**PPS**’ – material likely to cause these effects may be indicated with the appropriate consumer information.

## **17. AGE-RESTRICTED DISTRIBUTION – ‘18’ AGE RESTRICTION**

- (1) Material rated as ‘18’ is not appropriate for children under the age of 18. Material classified as ‘18’ is prohibited from distribution, exhibition, sale or hire to children under the age of 18 years.
- (2) The themes may be of such complexity and maturity that they would harm or disturb children under the age 18, or prematurely expose them to adult experiences.
- (3) The material contains classifiable elements that have a strong to very strong impact, as set out below:

**Mandatory –**

- (a) Criminal Techniques ‘**CT**’ – material may contain scenes of strong impact criminal techniques.
- (b) Substance abuse ‘**D**’ – material may contain strong impact scenes of substance abuse if they are justified by the context.
- (c) Horror ‘**H**’ – any scenes of strong impact horror must be justified by the context.

- (d) Imitative Acts and Techniques '**IAT**' – material may contain instances of very strong impact imitative acts and techniques.
- (e) Language '**L**' – material may contain instances of very strong language.
- (f) Nudity '**N**' – material may contain scenes of strong impact nudity.
- (g) Prejudice '**P**' – material may contain scenes or language of prejudice of strong impact.
- (h) Sexually-related activity '**S**' – material may contain occurrences of strong or very strong sexuality-related activity or sexual conduct.
- (i) Sexual violence '**SV**' – material may contain occurrences of actual moderate to strong sexual violence if justified by context.
- (j) Violence '**V**' – material may contain strong to very strong violence, if justified by the context.

**Voluntary –**

- (k) Blasphemy '**B**' – material may contain instances of strong blasphemy, in which the case 'B' consumer advisory may be assigned.
- (l) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated with the appropriate consumer information.

## **18. GENERAL CONSIDERATION FOR THE CLASSIFICATION OF TRAILERS**

- (1) As with the classification of films, trailers must be classified, based on the same requirements of content and impact, and having regard to the applicable classifiable elements. However, release format need not be considered.
- (2) The classification of trailers must be equal to or lower than the films they advertise, regardless of release format.

## **19. GENERAL CONSIDERATIONS FOR FILMS OF EDUCATIONAL VALUE**

- (1) Any film that contains material of educational value may be indicated by the use of the consumer advisory '**ED**'.
- (2) Upon application to the FPB by a school or further education and training institution as defined in the South African Schools Act, 1996 (Act no. 84 of 1996 as amended) or Further Education and Training Act 1998 (Act No. 98 of 1998), the age restriction category may be reduced by the FPB, and certain viewing conditions may be imposed. Viewing conditions must be determined by the FPB and may include, but are not restricted to:
  - (i) A minimum number of suitably-qualified educators to supervise the viewing of the film;
  - (ii) A mandatory briefing by suitably-qualified educators prior to the viewing of the film to prepare the learners for what to expect, and to provide an opportunity for sensitive learners to leave without viewing the material; and
  - (iii) A mandatory debriefing by suitably-qualified educators, after the viewing of the film, to provide further context for the material, if necessary to reassure learners who may be adversely affected, and to allow them to ask questions and share experiences of the material.

## PART B – GAMES

### 20. GUIDING PRINCIPLES: GAMES

- (1) All classification decisions must consider the context, impact and release format of the material.
- (2) When considering context, the following factors should be taken into account:
  - (a) The expectations of the public in general and the target market of the material in particular;
  - (b) The theme of the material;
  - (c) The manner in which an issue is presented;
  - (d) The literary, artistic, dramatic or educational merit of the game;
  - (e) The apparent intention of the game creator, as reflected in its effect
- (3) The degree of interactivity of the game (such as first-person as opposed to third-person game play), the use of incentives and rewards, technical features and competitive intensity, has to be considered in determining the intensity of impact.
- (4) The impact of classifiable elements may increase intensity according to frequency of occurrence, realism, detail techniques used, and the nature of the theme, bona fide status, verbal references or visual presentation or sexually-related activity, sexual conduct or violence impact may be assessed in terms of the following categories:
  - (a) No (PG)
    - There are no classifiable elements in the game that justify a restrictive age classification.
  - (b) Mild (10 and 10-12PG)
    - Limited occurrences of significant classifiable elements;
    - Occurrences of classifiable elements are not realistic;
    - No details, close-ups or slow motion of violence, sexually-related activity or sexual conduct;
    - Limited accentuation techniques such as lighting, perspective and resolution;
    - The material is not threatening, disturbing or harmful;
    - The theme causes no moral harm;
    - No use of incentives or rewards for classifiable elements;
    - Occurrences of competitive intensity do not involve realistic and extreme violence, and are infrequent or in third-person game play;
    - No verbal reference or visual presentation of certain classifiable elements such as sexually-related activity or sexual conduct, sexual violence, or violence.
  - (c) Moderate (13)
    - Single or cumulative occurrences of classifiable elements;
    - Occurrences of classifiable elements are not realistic;
    - No details, close-ups or slow motion of nudity, violence, sexually-related activity or sexual conduct;
    - May contain accentuation techniques such as lighting, perspective and resolution;
    - The theme may be threatening, disturbing or harmful to children aged 13 and older and may not be consumed by children under the age of 13;
    - The theme causes no moral harm to children aged 13 and older;
    - Verbal reference to rather than visual presentation of certain classifiable elements, with no noticeable effect;
    - Classifiable elements form part of a bona fide story line.

- Some use of incentives or rewards for classifiable elements, but not for nudity and sexual conduct or sexually-related activity;
  - Occurrences of competitive intensity do not involve realistic violence, are infrequent, and may be in first-person game play.
- (d) Strong (16)
- Single or cumulative occurrences of significant classifiable elements;
  - Occurrences of classifiable elements may be realistic;
  - May contain details, close-ups or slow motion of, sexually-related activity or sexual conduct or sexual violence;
  - May contain accentuation techniques such as lighting, perspective and resolution;
  - The theme may be threatening, disturbing or harmful to children of 16 and older and may not be consumed by children under the age of 16;
  - The theme may not cause moral harm to children of 16 and older;
  - Some use of incentives or rewards for classifiable elements, but not for nudity and sexual conduct or sexually-related activity;
  - Occurrences of competitive intensity may involve realistic but not extreme violence (provided that it does not fall within the 'XX' category), and may be in first-person game play.
- (e) Very Strong (18)
- Single or cumulative occurrences of classifiable elements;
  - Occurrences of classifiable elements may be realistic;
  - May contain details, close-ups or slow motion of, sexually-related activity or sexual conduct or sexual violence;
  - May use accentuation techniques such as lighting, perspective and resolution;
  - The theme may be threatening, disturbing or harmful to children;
  - The theme may cause moral harm to children;
  - Some use of incentives or rewards for classifiable elements;
  - Occurrences of competitive intensity may involve realistic and extreme violence (provided that it does not fall within the 'XX' category) and may be in first-person game play.
- (5) Presumptively harmful: Contains elements listed under refused classification, XX or X18.
- (6) The release format of the material, including online content, must be considered based on:
- (a) The ability to replay scenes;
  - (b) The ability to view certain scenes out of context;
  - (c) The clarity of images;
  - (d) Interactivity with an unknown third-person; and
  - (e) The impact of technology such as 3D.
- (7) Classifiers must have regard to the classifiable elements in determining an appropriate classification, and must also assign appropriate consumer advice if required.

## **21. CLASSIFIABLE ELEMENTS**

- (1) A classification decision may include consumer advice about the content of a game. Classifiable elements are indicated by alphabetic symbols or words, and alert the public to particular elements that may be potentially disturbing, harmful or inappropriate for children below a specified age.

- (2) Consumer advice should be indicated together with classification information on the outside of all material as applicable:

**Mandatory –**

**(a) Competitive Intensity ‘CI’**

- (i) The level of competitive intensity in a game, to the extent that it is linked to in-game violence, must be treated as a classifiable element to determine age restrictions.
- (ii) Higher levels of competitiveness in games involving violence may result in much higher aggression levels than in less competitive games involving violence, and are therefore a factor that must be considered in the determination of an age restriction.
- (iii) Competitive intensity is heightened by the degree of interactivity of a game.

**(b) Criminal Techniques ‘CT’**

- (i) Criminal techniques and instructional details of illegal or dangerous acts that may be life-threatening and detailed enough to be re-enacted or self-instructional must be treated as a classifiable element to determine age restrictions. This may require a higher age restriction.

**(c) ‘D’ alerts to occurrence of substance (drugs and alcohol) abuse.**

- (i) Any occurrences of substance abuse must be considered in the allocation of an appropriate restriction.
- (ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of substance abuse of a mild, moderate, strong or very strong impact.

**(d) Imitative Acts and techniques ‘IAT’**

- (i) Imitative acts and techniques’ is a classifiable element that determines age restrictions where there is a reasonable likelihood that such acts or techniques may be copied or imitated, especially by children.

**(e) ‘H’ alerts that there are occurrences of horror;**

- (i) Any occurrences of horror of a mild, moderate, strong or very strong nature must be considered in the allocation of an appropriate age restriction.

**(f) ‘L’ alerts that there is use of strong language;**

- (i) The use of strong language must be considered in the allocation of an appropriate age restriction.
- (ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of strong language of a moderate, strong or very strong impact;

**(g) ‘N’ warns that there are occurrences of nudity;**

- (i) Regardless of the level of age restriction, the public must be alerted to the occurrence of nudity of a mild, moderate, strong or very strong impact;
- (ii) Nudity in natural non-sexual contexts, such as breast-feeding or bona fide cultural traditions, is not considered in the allocation of age-restrictions;
- (iii) The undue exposure of intimate parts must be considered in the allocation of an appropriate age restriction, based on the context and impact.

**(h) ‘P’ warns of occurrences or language that are biased or prejudiced with regard to race, ethnicity, gender, religion, sexual orientation or other identifiable group characteristics;**

- (i) Any occurrences or language of prejudice must be considered in the allocation of an appropriate age restriction;
- (ii) The advocacy of hatred constituting incitement to cause harm, based on an identifiable group characteristic, must be refused classification.

**(i) ‘S’ indicates occurrences involving sexually-related activity;**

- (i) Any mild, moderate, strong or very strong impact occurrences of sexually-related activity, including consensual sexually-related activity, must be considered in the allocation of an appropriate age-restriction or distribution restriction;

- (ii) Any occurrences of consensual explicit sexual conduct must be regarded as having a very strong or extreme impact, and must be classified appropriately.
- (j) **'SV'** indicates occurrences involving sexual violence;
  - (i) Any occurrence of sexual violence must be considered in the allocation of an appropriate age restriction;
  - (ii) Any occurrences involving sexual violence, actual or implied, must be regarded as having a moderate, strong or every strong impact, and must be classified appropriately;
- (k) **'V'** warns of violent occurrences;
  - (i) Regardless of the level of age restriction, the public must be alerted to the occurrence of violence of a moderate, strong or very strong impact;
  - (ii) Any occurrences of extreme violence must be regarded as having a strong or very strong impact, and must be classified appropriately.

### **Voluntary –**

- (l) **'B'** warns consumers that content may be religiously sensitive
  - (i) Blasphemy is not treated as a classifiable element determining age restrictions, but can be used to provide appropriate consumer advice if it has a moderate, strong, or very strong impact. If the content, judged within context, offends the sensitivities of certain religions, especially with regard to precepts and practices that may be unique to them, then the consumer advisory may be assigned.
  - (ii) Content that is not blasphemous, but that may constitute religious prejudice, is a classifiable element, and must be considered in the allocation of appropriate age restriction.
  - (iii) Advocacy of hatred based on religion that constitutes incitement to cause harm, but is not of bona fide documentary, scientific, dramatic or artistic merit or on a matter of public interest, will be refused classification. However, if the proviso is applicable, the content will be subject to an appropriate age restriction.
- (m) **'Photo or pattern sensitivity, motion sickness and reactions to low frequency sound'**
  - (i) The exact nature of the stimuli that may trigger seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect. It is therefore treated, not as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided on a voluntary basis. This advisory may need to be provided even in instances of low impact if the stimuli may trigger seizures.
  - (ii) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) that flash more than three times a second.
  - (iii) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but little or no motion is sensed by the vestibular system (e.g. bounding-camera movies). Similar to motion sickness is simulation (or simulator) sickness; but this is caused by playing computer/ simulation/ video games (i.e. first-person-perspective games and virtual reality setups). It is recognised that it may be identified subjectively, and is not treated as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided on a voluntary basis.
  - (iv) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 Hz. A low-frequency signal can go from being barely audible to being disturbing with a relatively small change in pressure level, and it may be identified subjectively. It is not treated as a classifiable elements determining age restrictions, but as a matter for appropriate voluntary consumer advice;
  - (v) Photo or pattern sensitivity, motion sickness, and reactions to low frequency sound may justify voluntary consumer advice.

## 22. DISTRIBUTION CATEGORIES

- (1) Games are classified as unrestricted distribution ('PG'), age-restricted distribution (from '10-12 PG' to '18'), restricted distribution ('X18' and 'XX'), and refused categories.
- (2) Unrestricted and age-restricted distribution material may be distributed or exhibited by registered distributors and exhibitors in accordance with any age restriction or condition that may be imposed by the FPB.
- (3) Restricted material:
  - a. Restricted distribution material indicated by 'X18' in the classification system may only be distributed from or exhibited in licensed adult premises to persons older than eighteen, and may not be distributed or exhibited otherwise at all.
  - b. Restricted distribution material indicated by 'XX' in the classification system may be possessed but may not be knowingly broadcast, distributed, exhibited in public, or offered for sale or hire.
- (4) The refused classification category contains material that is prohibited by the Films and Publications Act.
- (5) The possession or distribution of child pornography is prohibited by the Act, and where classification in terms of the Act is required, it constitutes a refused category.

## 23. CLASSIFICATION CATEGORIES OF GAMES

- (1) Games are classified into categories on the basis of context, impact of the classifiable elements and release format.
- (2) The following classification categories are used for unrestricted and age-restricted films, intended for exhibition in public or for home entertainment:
  - (i) **'PG'** is an all-ages category, but indicates that parents and caregivers may decide whether or not a child in their care may access the content.
  - (ii) **'10'** means that the content is not suitable for children under the age of 10 years.
  - (iii) **'10-12PG'** means the content is not appropriate for children under the age of 10. If the content is particularly entertaining or of educational value, parents or caregivers may decide whether it is appropriate for children in their care from ages 10 to 12 to access it. Children from the ages of 10 to 12 years are not allowed to play a game classified '10-12PG' unless supervised by an adult.
  - (iv) **'13'** means that the content is not appropriate for children under the age of 13 years.
  - (v) **'16'** means that the content is not appropriate for persons under the age of 16 years.
  - (vi) **'18'** means that the content is not appropriate for persons under 18 years.
- (3) The following classification categories refer to the restricted distribution of games:
  - (i) **'X18'** means that only a holder of a licence to conduct the business of adult premises, as set out in section 24 of the Act, may distribute the game to persons aged eighteen and older or exhibit such content to such persons within such premises.
  - (ii) **'XX'** means that the content may not be knowingly distributed, exhibited in public, or offered for sale or hire.

## 24. REFUSED CLASSIFICATION

- (1) Any material that contains propaganda for war or incitement of imminent violence, or that advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm, must be refused classification and be reported to the Chief Executive Officer to be published the Gazette.
- (2) However, if judged within context, the content has scientific, literary or artistic merit, or is on a matter of public interest, it must be classified accordingly.
- (3) Any material that constitutes child pornography must be immediately reported to the South African Police Services by the Chief Executive Officer. There are no exceptions or exemptions for the possession, distribution, sale or hire of child pornography, which is illegal under all circumstances.

## 25. RESTRICTED DISTRIBUTION MATERIAL – XX

- (1) Games must be classified 'XX' if they depict the following, as set out in section 18 of the Act:
  - (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
  - (ii) Bestiality, incest, rape, conduct or an act which is degrading of human beings;
  - (iii) Conduct or an act which constitutes incitement of, encourages or promotes, harmful behaviour;
  - (iv) Explicit infliction of sexual or domestic violence, or
  - (v) Explicit visual presentations of extreme violence;

Unless judged within context, the film is a bona fide documentary or is of scientific, dramatic or artistic merit, or in on a matter of public interest, in which case the material shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate material.

- (2) The interpretation of (1)(i)-(v) above includes instances of:
  - (i) Detailed instruction or promotion of matters of crime or violence;
  - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia and sexual violence;
  - (iii) Any material, including occurrences or dialogue, likely to encourage an interest in harmful paraphilia and sexual violence;
  - (iv) Any sexual violence or sexual conduct related to incentives or rewards;
  - (v) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or that are excessively frequent, prolonged or detailed, including cruelty to either humans or animals, or real occurrences of violence, that are very detailed and that have an extreme impact;
  - (vi) Detailed instruction in the use of proscribed drugs, and material promoting or encouraging proscribed drug or substance abuse related to incentives or rewards;
  - (vii) Apparent lack of consent for any party who participates in sexually-related activity, sexual conduct or explicit sexual conduct and who appears to be *non compos mentis* ('not of sound mind' – e.g. in a drug- or alcohol-induced state, or mentally ill).

- (3) Any material that has been classified as 'XX' must be reported to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

## **26. RESTRICTED DISTRIBUTION MATERIAL – X18**

- (1) Any material that contains explicit sexual conduct between consenting adults must be classified as 'X18' unless, judged within context, it has scientific, dramatic or artistic merit, or is on a matter of public interest, in which case it must be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate materials.
- (2) Any material that, in addition to explicit sexual conduct, contains any material referred to in section 25(2) above and has an extreme impact, may be classified as 'XX'.
- (3) Any content that is classified as 'X18' must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.
- (4) Any material that, in addition to explicit sexual conduct, contains any classifiable element that has an impact as set out below, must be classified as X18:
  - (i) Very strong competitive intensity in games combined with very strong or extreme level of first-person and third-person game play violence;
  - (ii) Any nudity or sexually-related activity related to incentives or rewards;
  - (iii) Extreme impact third-person game play violence and very strong impact first-person game play;
  - (iv) Any very strong impact criminal techniques; and
  - (v) Any very strong impact initiative behaviour (where appropriate)
- (5) Any material that is classified as X18 must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

## **27. AGE-RESTRICTED DISTRIBUTION – 'PG' Parental Guidance – CONSUMER ADVICE**

- (1) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children. It has a low sense of threat or menace.
- (2) The material contains classifiable elements that have low impact, as set out below:

### **Mandatory –**

- (a) Competitive Intensity '**CI**' – competitive intensity may have a mild impact, provided that there is no or low impact in-game violence in third-person game play or first-person game play.
- (b) Criminal Techniques '**CT**' – material may not contain any scenes of criminal techniques.
- (c) Substance Abuse '**D**' – material may not contain any occurrences of substance abuse, actual or implied.
- (d) Horror '**H**' – material only contains low impact occurrences of horror.
- (e) Imitative Acts and Techniques '**IAT**' – material may contain occurrences of low impact imitative acts and techniques.

- (f) Language '**L**' – material may only contain occurrences of low impact language, justified by the context.
- (g) Nudity '**N**' – material may only contain occurrences of low impact nudity in non-sexual contexts, and should be justified by context.
- (h) Prejudice '**P**' – material may not contain occurrences or language of prejudice.
- (i) Sexually-related activity '**S**' – material may not contain any occurrences of actual or implied sexual conduct or sexually-related activity, but may contain occurrences of affection.
- (j) Sexual violence '**SV**' – material may not contain any occurrences of actual or implied sexual violence.
- (k) Violence '**V**' – material may contain only low impact violence justified by the context, and may not contain any occurrences of domestic violence.

**Voluntary –**

- (l) Blasphemy '**B**' – material may not contain instances of blasphemy.
- (m) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated as a matter for appropriate consumer information.

## **28. AGE-RESTRICTED DISTRIBUTION – '10' – CONSUMER ADVICE**

- (1) Material classified as '10' is not appropriate for children under the age of 10 and may not be consumed by children under the age of 10. Material classified as '10' is prohibited from distribution, exhibition, sale or hire to children under the age of 10 years.
- (2) The material may not contain themes that may be harmful or inappropriate for children under 10. The content may be complex and mature, as long as children aged 10 or older do not find it confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a low to mild impact as set out below:

**Mandatory –**

- (a) Competitive Intensity '**CI**' – competitive intensity may have a mild impact, provided that there is a low impact first-person game play violence and/or mild impact third-person game play violence.
- (b) Criminal Techniques '**CT**' – material may not contain any scenes of criminal techniques.
- (c) Substance Abuse '**D**' – material may not contain any occurrences of substance abuse in any context.
- (d) Horror '**H**' – occurrences of low to mild impact must be justified by the context. Fantasy or comedic horror may reduce the impact.
- (e) Imitative Acts and Techniques '**IAT**' – material may contain occurrences of low impact imitative acts and techniques.
- (f) Language '**L**' – material may only contain occurrences of low to mild impact language, if it is justified by the context.
- (g) Nudity '**N**' – material may not contain any occurrences nudity.
- (h) Prejudice '**P**' – material may not contain any occurrences or language of prejudice.
- (i) Sexually-related activity '**S**' – material may not contain any occurrences of actual or implied sexual conduct or sexually-related activity, but may contain occurrences of affection.
- (j) Sexual violence '**SV**' – material may not contain any occurrences of actual or implied sexual violence.

- (k) Violence '**V**' – material may contain only low impact violence in first-person game play or mild impact violence in third-person game play, and no occurrences of domestic violence.

**Voluntary –**

- (l) Blasphemy '**B**' – material may not contain instances of low to mild blasphemy.
- (m) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated as a matter for appropriate consumer advisory.

## **29. AGE-RESTRICTED DISTRIBUTION – '10-12PG'– CONSUMER ADVICE**

- (1) The material is not appropriate for children under the age of 10 and may not be consumed by children under the age of 10. If the content is particularly entertaining or of educational value, parents or caregivers may decide whether it is appropriate for children in their care from ages 10 to 12 to play it. Children from the ages of 10 to 12 years are not allowed to play a game classified '10-12PG' unless supervised by an adult.
- (2) The material may not contain themes that may be harmful for any children. The content may be complex and mature, as long as children aged 10 to 12 do not find it confusing, distressing or upsetting.
- (3) The material either contains no classifiable elements or has a low to mild impact, with some elements having a moderate impact as illustrated below:

**Mandatory –**

- (a) Competitive Intensity '**CI**' – competitive intensity may have a moderate impact in third-person game play violence and mild impact in first-person game play violence.
- (b) Criminal Techniques '**CT**' – material may not contain any scenes of criminal techniques.
- (c) Substance Abuse '**D**' – material may not contain any occurrences of substance abuse.
- (d) Horror '**H**' – any occurrences of mild to moderate impact horror must be justified by the context. Fantasy or comedic horror may reduce the impact.
- (e) Imitative Acts and Techniques '**IAT**' – material may contain instances of mild impact imitative acts and techniques.
- (f) Language '**L**' – material may only contain instances of mild to moderate impact language, if it is justified by the context.
- (g) Nudity '**N**' – material may not contain any occurrences of nudity.
- (h) Prejudice '**P**' – material may not contain any occurrences or language of prejudice.
- (i) Sexually-related activity '**S**' – material may not contain any occurrences of sexual conduct or sexually-related activity, actual or implied.
- (j) Sexual violence '**SV**' – material may not contain any occurrences of actual or implied sexual violence.
- (k) Violence '**V**' – material may contain only low impact violence in first-person game play or mild impact violence in third-person game play, and no occurrences of domestic violence.

**Voluntary –**

- (l) Blasphemy '**B**' – material may not contain instances of mild to moderate blasphemy.

- (m) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound **'PPS'** – material likely to cause these effects may be indicated as a matter for appropriate consumer advisory.

### **30. AGE-RESTRICTED DISTRIBUTION – '13'– CONSUMER ADVICE**

- (1) Material classified as '13' is not appropriate for access by children under the age of 13 and may not be consumed by children under the age of 13. Material classified as '13' is prohibited from distribution, exhibition, sale or hire to children under the age of 13 years.
- (2) The themes may be complex and mature, as long as children aged 13 or over do not find them confusing, distressing or upsetting.
- (3) The material may contain low to mild impact classifiable elements, with some elements having a moderate impact, as set out below:

#### **Mandatory –**

- (a) Competitive Intensity **'CI'** – competitive intensity may have a moderate impact in third-person game play violence and mild impact in first-person game play violence.
- (b) Criminal Techniques **'CT'** – material may not contain any scenes of criminal techniques.
- (c) Substance Abuse **'D'** – material may only contain low to mild impact occurrences of substance abuse if they are justified by the context. Any instances of moderate impact substance abuse must carry a suitable anti-substance abuse message.
- (d) Horror **'H'** – any occurrences of low, mild or moderate impact horror must be justified by the context. Fantasy or comedic horror may reduce the impact.
- (e) Imitative Acts and Techniques **'IAT'** – material may contain instances of mild impact imitative acts and techniques.
- (f) Language **'L'** – material may contain instances of moderate impact strong language that is justified by the context.
- (g) Nudity **'N'** – material may contain occurrences of low impact nudity, and they should be justified by the context.
- (h) Prejudice **'P'** – material may not contain any occurrences or language of prejudice.
- (i) Sexually-related activity **'S'** – material may contain occurrences of low to mild sexually-related activity, whether actual or implied, but no occurrences of sexual conduct.
- (j) Sexual violence **'SV'** – material may not contain any occurrences of actual or implied sexual violence.
- (k) Violence **'V'** – material may contain only low to mild impact violence in first-person game play or moderate impact violence in third-person game play, and no occurrences of domestic violence.

#### **Voluntary –**

- (l) Blasphemy **'B'** – material may not contain instances of moderate blasphemy, in which case the 'B' consumer advisory may be assigned.
- (m) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound **'PPS'** – material likely to cause these effects may be indicated as a matter for appropriate consumer advisory.

### 31. AGE-RESTRICTED DISTRIBUTION – ‘16’– CONSUMER ADVICE

- (1) Material classified as ‘16’ is not appropriate for children under the age of 16 and may not be consumed by children under the age of 16. Material classified as ‘16’ is prohibited from distribution, exhibition, sale or hire to children under the age of 16 years.
- (2) The themes may be complex and mature, as long as children aged 16 or over do not find them confusing, distressing or upsetting.
- (3) The material contains classifiable elements that have a mild to moderate impact, with some elements having a strong impact, as set out below:

#### **Mandatory –**

- (a) Competitive Intensity ‘**CI**’ – competitive intensity may have a moderate to strong impact in third-person game play violence, and moderate impact in first-person game play violence.
- (b) Criminal Techniques ‘**CT**’ – material may contain instances of mild to moderate impact criminal techniques.
- (c) Substance Abuse ‘**D**’ – material may contain moderate instances of substance abuse if they are justified by the context. Any instances of strong impact substance abuse must carry a suitable anti-substance abuse message.
- (d) Horror ‘**H**’ – any occurrences of strong impact horror must be justified by the context.
- (e) Imitative Acts and Techniques ‘**IAT**’ – material may contain instances of moderate impact imitative acts and techniques.
- (f) Language ‘**L**’ – material may contain instances strong language justified by the context.
- (g) Nudity ‘**N**’ – material may contain occurrences of moderate impact nudity, and they should be justified by the context.
- (h) Prejudice ‘**P**’ – material may contain any occurrences or language of prejudice of moderate impact, provided that it is clearly disapproved of or justified within context, or if it is used in an education, dramatic or historical context.
- (i) Sexually-related activity ‘**S**’ – material may contain occurrences of implied moderate sexually-related activity or simulated sexual conduct, but no explicit sexual conduct.
- (j) Sexual violence ‘**SV**’ – material may not contain any occurrences of actual or implied sexual violence.
- (k) Violence ‘**V**’ – material may contain only moderate impact violence in first-person game play or moderate to strong impact violence in third-person game play, and no occurrences of domestic violence.

#### **Voluntary –**

- (l) Blasphemy ‘**B**’ – material may not contain instances of moderate to strong blasphemy, in which case the ‘B’ consumer advisory may be assigned.
- (m) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound ‘**PPS**’ – material likely to cause these effects may be indicated as a matter for appropriate consumer advisory.

### 32. AGE-RESTRICTED DISTRIBUTION – ‘18’– CONSUMER ADVICE

- (1) Material rated as ‘18’ is not appropriate for children under the age of 18. Material classified as ‘18’ is prohibited from distribution, exhibition, sale or hire to children under the age of 18 years.

- (2) The themes may be of such complexity and maturity that they may harm or disturb children under the age 18, or prematurely expose them to adult experiences.
- (3) The material contains classifiable elements that have a moderate impact, with some elements having a strong to very strong impact, as set out below:

**Mandatory –**

- (a) Competitive Intensity '**CI**' – competitive intensity may have a very strong impact in third-person game play violence, and strong impact in first-person game play violence.
- (b) Criminal Techniques '**CT**' – material may contain occurrences of moderate to strong impact criminal techniques.
- (c) Substance Abuse '**D**' – material may contain moderate to strong impact occurrences of substance abuse if they are justified by the context.
- (d) Horror '**H**' – may contain occurrences of very strong impact horror.
- (e) Imitative Acts and Techniques '**IAT**' – material may contain occurrences of moderate to strong imitative acts and techniques.
- (f) Language '**L**' – material may contain instances very strong language.
- (g) Nudity '**N**' – material may contain occurrences of moderate to strong impact nudity, provided that it is not related to incentives or rewards.
- (h) Prejudice '**P**' – material may contain occurrences or language of prejudice of strong to very strong impact.
- (i) Sexually-related activity '**S**' – material may contain occurrences of strong sexually-related activity or sexual conduct, actual or implied, provide that it is not related to incentives or rewards.
- (j) Sexual violence '**SV**' – material may not contain any occurrences of actual mild to moderate sexual violence.
- (k) Violence '**V**' – material may contain strong impact violence in first-person game play or very strong impact violence in third-person game play, and no occurrences of domestic violence.

**Voluntary –**

- (l) Blasphemy '**B**' – material may contain instances of strong blasphemy, in which case the 'B' consumer advisory may be assigned.
- (m) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound '**PPS**' – material likely to cause these effects may be indicated as a matter for appropriate consumer advisory.

## PART C – PUBLICATIONS

### 33. GUIDING PRINCIPLES

- (1) The Film and Publications Act No. 65 of 1996 recognises three categories of publications:
  - (a) Publications that are bona fide newspapers or magazines published by a member of a body either recognised by the Press Ombudsman or another recognised self-regulatory authority, and that subscribe and adhere to a code of conduct. These do not fall within the jurisdiction of the FPB; and
  - (b) Publications, other than those contemplated in subsection (1)(a) above, that contain material that advocates propaganda for war, incites violence, advocates hatred based on an identifiable group characteristic, and that constitutes incitement to cause harm, must be submitted by publishers before publication; and
  - (c) Publications about which requests for classification are received by the FPB.

- (2) The classification of publications other than those referred to in sub-section (3) of these guidelines is voluntary; but any publication must be classified upon the request of any interested person.

- (3) Any person, except the publisher of a newspaper or magazine contemplated in subsection (1) above, who, for distribution or exhibition in the Republic creates, produces, publishes or advertises any publication that -

- (a) Advocates propaganda for war;
- (b) Incites violence; or
- (c) Advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm;

Shall submit, in the prescribed manner, such publication for examination and classification to the Board before such publication is distributed, exhibited, offered or advertised for distribution or exhibition.

- (4) Compliance with the classification guidelines is mandatory for all relevant publications.

- (5) All classification decisions must consider the context and impact of material.

- (6) When considering context, the following factors may be taken into account:

- (a) The expectations of the public in general and the target market of the material;
- (b) The theme of the material;
- (c) The manner in which an issue is presented;
- (d) The literary, artistic, documentary or scientific merit of the publication, or its relevance to matters of public interest;
- (e) The apparent intention of the creator, producer or publisher of a publication as reflected in its effect.

- (7) The impact of a classifiable element can be categorised as follows:

- (a) Low to mild
  - No significant single or cumulative occurrences of classifiable elements;
  - Themes of an adult nature should be treated discreetly, not be exploitative, and cause no moral harm.
- (b) Moderate

- Single or cumulative occurrences of classifiable elements;
  - Textual description, but no visual presentation, of certain classifiable elements such as sexually-related activity, sexual conduct, and violence;
  - Any textual reference to sexual violence must be treated discreetly;
  - No detailed descriptions of nudity, sexually-related activity, or violence;
  - Themes of an adult nature should be treated discreetly, not be exploitative, and cause no moral harm.
- (c) Strong
- Single or cumulative occurrences of classifiable elements;
  - Themes of an adult nature should not be exploitative or cause moral harm;
  - May have textual description and visual presentation of certain classifiable elements such as nudity, sexually-related activity, sexual conduct, or violence;
  - However, any textual description of sexual violence must be treated discreetly, and may not contain any visual presentation of sexual violence;
  - No details or close-ups of nudity, sexually related activity, sexual conduct or violence;
  - Classifiable elements are not exploitative and gratuitous.
- (d) Very Strong
- May contain details and close-ups of classifiable elements;
  - Textual description or visual presentation of certain classifiable elements such as sexually-related activity, sexual conduct or violence;
  - Any textual description or visual presentation of sexual violence that does not contain explicit sexual violence which violates or disrespects the right to human dignity.
- (e) Presumptively harmful: Contains elements listed under refused classification, XX or X18.

## 34. CLASSIFIABLE ELEMENTS

- (1) In the context of relevant publications, classifiable elements are used to help in determining the impact of the material, and thus allocating an appropriate age classification.
- (2) The classifiable elements considered in the allocation of an appropriate age restriction based on impact are:
- (a) Strong language
- (i) The use of strong language is a classifiable element, and must be considered in the allocation of an appropriate age restriction.
- (b) Nudity
- (i) The occurrence of nudity of a moderate, strong or very strong nature must be considered in the allocation of age restrictions;
- (ii) Nudity in natural non-sexual contexts, such as breast-feeding and bona fide cultural traditions, is not considered in the allocation of age restrictions;
- (iii) The deliberate flaunting of a person's sexuality or the undue exposure of intimate parts is a classifiable element, and must be considered in the allocation of an appropriate age restriction based on the context and impact.
- (c) Language that is biased or prejudiced with regard to race, ethnicity, gender religion or other identifiable group characteristics
- (i) Any moderate, strong or very strong depictions, or language related to sexually-related activity, are classifiable elements, and must be considered in the allocation of an appropriate age restriction or be subjected to a distribution restriction;

- (ii) Any depictions of explicit sexual conduct must be regarded as having a very strong impact, and must be classified appropriately.
- (d) Sexual conduct or sexually-related activity
  - (i) Any moderate, strong or very strong depictions, or language related to sexually-related activity, are classifiable elements, and must be considered in the allocation of an appropriate age restriction or be subjected to a distribution restriction;
  - (ii) Any depictions of explicit sexual conduct must be regarded as having a very strong impact, and must be classified appropriately;
  - (iii) Any language or depictions or gratuitous, exploitative or offensive non-consensual sexual conduct must be subject to restricted distribution, refused classification, or other appropriate classification.
- (e) Sexual violence
  - (i) Any language about or depictions of sexual violence must be considered in the allocation of an appropriate age restriction or restricted distribution.
- (f) Violent language or depictions of violence
  - (i) Any language about or depictions of violence and extreme violence must be considered in the allocation of an appropriate age restriction or restricted distribution.
- (g) Criminal techniques
  - (i) Criminal techniques and instructional details of illegal or dangerous acts that may be life-threatening and detailed enough to be reproduced or self-instructional must be treated as a classifiable element to determine age restrictions, and may require higher age restrictions.

### 35. CLASSIFICATION CATEGORIES OF PUBLICATIONS

- (1) Relevant publications are classified into categories on the basis of:
  - (i) Context;
  - (ii) Impact of the classifiable elements
- (2) Any relevant publication that does not meet the criteria for the classification categories in sub-section (3) below of these Guidelines will not be subject to classification unless done voluntarily or upon request.
- (3) The following classification categories are used for publications that fall within the jurisdiction of the FPB and that are intended for availability to the public:
  - (i) **'13'** means that the material is not suitable for children under the age of 13;
  - (ii) **'16'** means that the material is not suitable for persons under the age of 16;
  - (iii) **'18'** means adults only – the material is not suitable for persons under the age of 18.
- (4) The following classification categories are for restricted distribution of publications, and are presumptively harmful:
  - (i) **'X18'** means that only a holder of a licence to conduct the business of adult premises, as set out in section 24 of the Act, may make such publications available.
  - (ii) **'XX'** means that the material may not be made available by anyone.

## 36. REFUSED CLASSIFICATION

- (1) Any publication that contains propaganda for war or incitement of imminent violence, or that advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm, must be refused classification unless, judged within context, the publication is a bona fide documentary, or is a publication of scientific, literary or artistic merit, or is on a matter of public interest. If the publication is refused classification, it must be reported to the Chief Executive Officer for publication in the Government Gazette.
- (2) Any material that is deemed to constitute child pornography must be reported to the South African Police Services by Chief Executive Officer immediately. There are no exceptions to the possession, distribution, sale or hire of child pornography, which regarded as illegal under all circumstances.

## 37. PRESUMPTIVELY HARMFUL MATERIAL – XX

- (1) Publications must be classified as 'XX' if they depict the following, as set out in section 16 of the Films and Publications Act:
  - (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity;
  - (ii) Bestiality, incest, rape (sexual violence), or conduct or an act which is degrading of human beings;
  - (iii) Conduct or an act which constitutes incitement of, encourages or promotes harmful behaviour;
  - (iv) Explicit infliction of sexual or domestic violence, or explicit visual presentations of extreme violence;

Unless, judged within context, the publication is a bona fide documentary, or is of scientific, dramatic or artistic merit, or is on a matter of public interest, in which case a publication that contains explicit sexual conduct which violates or shows disrespect for the right to human dignity shall be classified 'X18', and other publications classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate content, except with respect to child pornography.

- (2) The interpretation of (1)(i)-(iv) above includes instances of:
  - (i) Detailed instruction in or promotion of matters of crime or violence;
  - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct, including harmful paraphilias;
  - (iii) Any material including depictions or dialogue likely to encourage an interest in harmful paraphilias or sexual violence;
  - (iv) Gratuitous, exploitative or offensive depictions of violence that are presumptively harmful, or that are excessively frequent or detailed, or that depict cruelty to humans and animals, or occurrences of real violence that are presumptively harmful;
  - (v) Detailed instruction in the use of proscribed drugs and material promoting or encouraging their use;
  - (vi) Instances where participants are legally incapable of consenting to participate in sexually-related activity, sexual conduct or explicit sexual conduct and who

appear to be *non compos mentis* (not of sound mind – i.e. in a drug- or alcohol-induced state, or mentally ill, and the like)

- (3) Any material that has been classified as xx must be reported to the Chief Executive Officer for publication in the Gazette, together with the reasons for the decision.

### **38. RESTRICTED DISTRIBUTION MATERIAL – X18**

- (1) Any material that contains explicit sexual conduct between consenting adults must be classified as X18 (pornography), unless it is judged within context to be a bona fide documentary, or is of scientific, dramatic or artistic merit, or on a matter of public interest, in which case it must be classified from exposure to disturbing, harmful or age-inappropriate materials, except with respect to child pornography.
- (2) Publications classified as X18 contain one or more classifiable elements of strong or very strong impact.
- (3) Any material that is classified as X18 must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with reasons for the decision.

### **39. AGE-RESTRICTED DISTRIBUTION – ‘13’**

- (1) The material does not contain any adult themes or themes that may cause moral harm, although the content may be complex and mature.
- (2) The material is not suitable for children under the age of 13. Material classified as ‘13’ is prohibited from distribution, exhibition, sale or hire to children under the age of 13 years.
- (3) The material contains no classifiable elements, or it has a low to mild impact language as set below:
  - (a) Language – material may only contain instances of low to mild impact language justified by the context.
  - (b) Nudity – material may only contain instances of low to mild impact nudity in non-sexual contexts, and should be justified by the context.
  - (c) Language that is prejudiced – material may not contain any language of prejudice unless clearly disapproved of in context.
  - (d) Prejudice – material may contain language of prejudice of low to mild impact if it is clearly disapproved of and justified within the context, in which case the ‘P’ advisory should be used.
  - (e) Sexually-related activity – material may not contain any depictions or language of actual or implied sexual conduct or sexually-related activity, but may contain depictions of affection.
  - (f) Sexual violence – material may not contain any depictions or language of actual or implied sexual conduct or sexually-related activity, but may contain depictions of affection.
  - (g) Sexual violence – material may not contain any depictions or language of actual or implied sexual violence unless it is of educational value and clearly contextually disapproved of.

- (h) Violence – material may contain language or depictions of low to mild impact violence justified by the context.
- (i) Criminal Techniques – material may not contain any depictions or explanations of criminal techniques.

#### **40. AGE-RESTRICTED DISTRIBUTION – ‘16’**

- (1) The material is not suitable for children under the age of 13. Material classified as ‘16’ is prohibited from distribution, exhibition, sale or hire to children under the age of 16 years, as children under the age of 16 may find it confusing, distressing or upsetting.
- (2) The content may contain complex and mature, and adult themes should be treated sensitively.
- (3) The material contains classifiable elements that have a moderate impact, with some elements having a strong impact, as set out below:
  - (a) Language – material may only contain instances of moderate impact language justified by the context.
  - (b) Nudity – material may contain instances of moderate impact nudity.
  - (c) Prejudice – material may contain language of prejudice of moderate impact if it is clearly disapproved of and justified within the context, in which case the ‘P’ advisory should be used.
  - (d) Sexually-related activity and sexual conduct – material may contain language or visual presentations related to sexually-related activity, or moderate descriptions of sexual conduct, but no visual presentations of sexual conduct..
  - (e) Sexual violence – material may not contain any depictions or language of actual or implied sexual violence, unless it is of educational value and clearly contextually disapproved of.
  - (f) Violence – material may contain moderate impact depictions and strong impact language related to violence, if justified by context.
  - (g) Criminal Techniques – material may contain limited depictions or explanations of criminal techniques.

#### **41. AGE-RESTRICTED DISTRIBUTION – ‘18’**

- (1) The material classified as ‘18’ is not suitable for children under the age of 18. Material classified as ‘18’ is prohibited from distribution, exhibition, sale or hire to children under the age of 18 years.
- (2) Publications with an age restriction of 18 must be distributed in an opaque wrapper that must clearly indicate the age restriction.
- (3) The material contains classifiable elements that have a moderate impact, with some elements having a strong or very strong impact, as set out below:
  - (a) Language – material may contain instances of strong to very strong language.
  - (b) Nudity – material may contain instances of nudity in sexual contexts.
  - (c) Prejudice – material may contain language of prejudice of strong impact.
  - (d) Sexual conduct – material may contain language and depictions of strong impact sexual conduct.

- (e) Sexual violence – material may not contain depictions or descriptions of explicit sexual violence, unless it is a bona fide documentary, or is of scientific, dramatic or artistic merit, or is on a matter of public interest.
- (f) Violence – material may contain strong to very strong language or depictions of violence.
- (g) Criminal Techniques – material may contain limited depictions or explanations of criminal techniques.

## **42. EFFECTIVE DATE**

These Guidelines shall become effective upon the date of publication in the Gazette.

## **43. REPEALED GUIDELINES**

These Guidelines repeal the Guidelines published in terms of the Act as 'Guidelines to be used in the classification of Films, Interactive Computer Games and Certain Publications' dated 8 October 2012 in Gazette notice 35765.