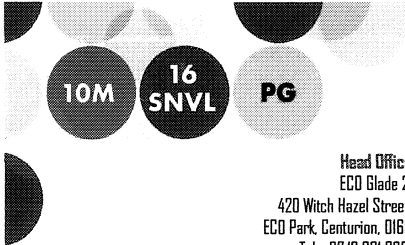


## GOVERNMENT NOTICE

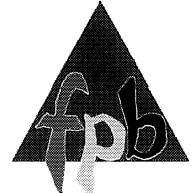
### DEPARTMENT OF HOME AFFAIRS

No. 804

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Film and Publication Board

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**DEPARTMENT OF HOME AFFAIRS**

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

**FILM AND PUBLICATION BOARD**

# Government Gazette

## 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, and publications 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.

In the case of child pornography the FPB Act also directly prohibits the possession and distribution of child pornography under criminal sanction. Such a sanction also follows upon the distribution of sexually explicit material to a person under the age of 18, unless the material amounts to a bona fide documentary or is of scientific, literary or artistic merit or is on a matter of public interest.

The purpose of classification is to provide consumer advice to enable individuals to make informed viewing, reading and gaming choices for themselves as well as for children in their care; and 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 and game 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 not bona fide newspapers published by a member of a body, recognised by the Press Ombudsman and which subscribe and adhere to a code of conduct, enforced by that body, fall within the jurisdiction of the FPB.

## 2. DEFINITIONS

In these Guidelines, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned. A number of relevant definitions contained in the Act may be repeated in these Guidelines for ease of reference. Where necessary, additional definitions are introduced:

**“actual”** means a real act that does not merely exist potentially;

**“affection”** means kissing or hugging in non-sexual contexts;

**“abuse”** means to treat in a wrong, harmful or improper way or to misuse;

**“blasphemy”** for purposes of these guidelines means insensitive, offensive, demeaning, derogatory, disrespectful or irreverent expressions about any religion that do not amount to the advocacy of hatred based on religion that constitutes incitement to cause harm and would amount to a refusable publication, film or game;

**“briefing”** means the provision of preparatory material;

**“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, amounts 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.

**“context”** means the circumstances or background of material and which should be viewed as a whole to understand the full meaning; in specific incidents, it is the circumstances or

background which 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 does not amount to the advocacy of hatred based on race or ethnicity and that constitutes incitement to cause harm;

**“debriefing”** means a formal systematic questioning or examination process;

**“domestic violence”** means depictions or descriptions of –

- (a) physical abuse;
- (b) sexual abuse; or
- (c) emotional, verbal and psychological abuse;

**“educational”** means the act or process of imparting or acquiring general knowledge, developing the powers of reasoning and judgment, and generally of preparing intellectually 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 presentations 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 far 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;

**"Gazette"** means the *Government Gazette*;

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

**"gratuitous"** means unwarranted, or uncalled for and included without the justification of a defensible story-line or artistic merit;

**"harmfulparaphilia"** is a condition in which a person's sexual arousal and gratification depend on fantasizing about and engaging in sexual behaviour that is atypical and extreme. It may cause distress or serious problems for the paraphiliac or persons associated with him or her;

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

**"identifiable group characteristic"** means a characteristic that identifies an individual as a member of a group identified by race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth and 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;

**"intensity"** means the strength of the treatment or subject matter or the strength of engagement or involvement;

**"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"** means relatively advanced mentally and emotionally;

**"matters of public interest"** means discussions, debates or opinions on matters 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 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, degrading 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 for compassion;

**“nudity”** means an unclothed (naked) or partially clothed person, wherein partially clothed means the frontal exposure of female breasts or male or female buttocks and or genitalia;

**“parental guidance”** means the material may contain classifiable elements that may be disturbing or harmful for sensitive 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” ;

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

**“prejudice”** means a pre-conceived judgment or an adverse opinion or leaning formed without just grounds or before sufficient knowledge is gained or which is based on group stereotypes;

**“sexual activity”** includes consensual kissing, caressing, embracing, and physical intimacy between two people but which 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 sexual 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 “sexual activity”, “sexual conduct” and “explicit sexual conduct” that are accompanied either by force or coercion, actual or threatened, or that induce fear or psychological trauma in a victim;

**“stereotype”** means a set of inaccurate, simplistic generalizations about a group that allows others to categorize them and treat them accordingly;

**“strong 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 not natural or 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 Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), 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(s) that indicate what the material is all about (such as crime, suicide, substance abuse, death, serious illness, racism, medical, legal or scientific, war/conflict etc.) and is to be distinguished from “genre” (such as drama, action, sci-fi and the like);

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

**“threat”** means an indication of impending danger or 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 combination thereof, produced through or by means of computer software on a screen or a computer printout;

**“violence”** means any physical, psychological or verbal abuse whether self-inflicted, interpersonal or collective, including gender-based violence.



## 1. PURPOSE OF GUIDELINES

To provide guidelines that allow for the examining 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 which a reasonable person may find offensive;
- (5) right to equality; and
- (6) right to human dignity.

To recognize 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 which is prohibited in terms of this Act is merely classified;
- content created through the commission of a criminal offence is appropriately channelled to the relevant authorities by the Film and Publication Board;
- classification of material reflects public opinion;
- 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 Africans 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 provide 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.

Classifiers when applying and interpreting these guidelines must also take cognisance that classification guidelines cannot be comprehensive in the identification of all potentially disturbing and harmful content. In addition there may be material or content which may not be disturbing or harmful, but may be age inappropriate and unacceptable to the community in general.

## **2 Application of the guidelines**

- (1) These guidelines, to the extent indicated in the guidelines, apply to
  - (i) industry;
  - (ii) the general public;
  - (iii) the Classification Committees of the Film and Publication Board.

## PART A – FILMS AND TRAILERS

### 3. GUIDING PRINCIPLES

- (1) All classification decisions must consider the context, impact and the release format of material.
- (2) The context in which a classifiable element is presented determines the acceptability thereof within the relevant category. 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, dramatic or educational merit of the film;
  - (e) the apparent intention of the filmmaker, as reflected in its effect.
- (3) The impact of a classifiable element determines the level at which it is categorised as follows: frequency of occurrence, realism, detail, techniques, theme, bona fide status, reference to sexual conduct or activity and violence:
  - (a) No - There are no classifiable elements present in the film
  - (b) Low
    - no noteworthy single or cumulative occurrences of classifiable elements, accordingly classifiable elements occur in passing or briefly;
    - occurrences of classifiable elements are not realistic;
    - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
    - limited accentuation techniques such as lighting, perspective and resolution; and
    - the theme of the material is not threatening and causes no moral harm;
    - no verbal reference or visual presentation of certain classifiable elements such as sexual conduct or activity or sexual violence;
    - classifiable elements form part of a bona fide story line.
  - (c) Mild
    - only single occurrences of classifiable elements;
    - occurrences of classifiable elements are not realistic;
    - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;

- limited accentuation techniques such as lighting, perspective and resolution; and
- the theme of the material is not threatening and causes no moral harm;
- no verbal reference or visual presentation of certain classifiable elements such as sexual activity or conduct and sexual violence;
- classifiable elements form part of a bona fide story line.

(d) Moderate

- single or cumulative occurrences of classifiable elements and incidental depiction of a classifiable element;
- occurrences of classifiable elements are not realistic;
- no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
- may contain accentuation techniques such as lighting, perspective and resolution;
- the theme of the material may be threatening but causes no moral harm;
- verbal reference rather than visual presentation of certain classifiable elements such as sexual activity or conduct and sexual violence with no noticeable effect;
- classifiable elements form part of a bona fide story line.

(e) Strong

- single or cumulative occurrences of classifiable elements;
- occurrences of classifiable elements may be realistic;
- may contain details, close-ups or slow motion of sexual activity or extreme violence;
- may contain accentuation techniques such as lighting perspective and resolution of sexual activity or extreme violence;
- theme of material may be threatening and may cause no moral harm;
- verbal reference rather than visual presentation of certain classifiable elements such as sexual activity or conduct and sexual violence which may have a noticeable effect;
- classifiable elements form part of a bona fide story line.

(f) Very strong

- single or cumulative occurrences of classifiable elements;

- occurrences of classifiable elements may be realistic;
- may contain details, close-ups or slow motion of classifiable elements;
- may use accentuation techniques such as lighting, perspective and resolution; and
- the theme of the material may be threatening and may cause moral harm;
- verbal reference and/or visual presentation of certain classifiable elements such as sexual activity or conduct or violence, but not sexual violence
- classifiable elements do not necessarily form part of a bona fide story line.

(g) Extreme

- single or cumulative occurrences of classifiable elements;
- occurrences of classifiable elements may be realistic;
- may contain details, close-ups or slow motion;
- may use accentuation techniques such as lighting perspective and resolution;
- the theme of the material may be threatening and may cause moral harm;
- verbal reference and/or visual presentation of certain classifiable elements such as sexual activity or conduct, sexual violence and violence;
- classifiable elements do not necessarily form part of a bona fide story line.

(4) The release format of the material includes the internet and must be considered based on its impact:

- (a) the ability to replay scenes;
- (b) the likelihood 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.

#### 4. CLASSIFIABLE ELEMENTS

- (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 which are noteworthy 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:

##### **Mandatory consumer advice:**

- a) **"D"** alerts to scenes of substance (drugs and alcohol) abuse.
  - (i) Any scenes of substance abuse are classifiable elements and 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 moderate, strong or very strong impact, where applicable.
- b) **"H"** alerts that there are scenes of horror;
  - (i) Any scenes of horror of a mild, moderate, strong and very strong nature are classifiable elements and 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 detailed enough to be re-enacted or self-instructional, must be treated as a classifiable element to determine age restrictions and may require higher age restrictions and be regarded as restricted distribution or refused depending on the context.
- (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" alerts that there is use of bad language;
- (i) The use of crude language is a classifiable element and 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 bona fide cultural traditions, is not considered in the allocation of age restrictions, but must be informed of if it has a mild, moderate, strong or very strong impact;
  - (iii) The deliberate flaunting of human 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.
- (g) "P" warns of scenes or language that is biased or prejudiced with regard to race, ethnicity, gender, religion, sexual orientation or other group-identifiable characteristics;
- (i) Any scenes or language of prejudice are classifiable elements and must be considered in the allocation of an appropriate age restriction;
  - (ii) Any advocacy of hatred that constitutes incitement to cause harm based on an identifiable group characteristic must be regarded as refused material.
- (h) "S" indicates scenes involving sexual conduct and sexual activity;
- (i) Any mild, moderate, stronger or very strong scenes of sexual activity or consensual sexual 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 scenes of consensual explicit sexual activity must be regarded as having a very strong impact and classified appropriately;
  - (iii) Any scenes of non-consensual sexual conduct must be subject to restricted distribution (extreme impact) or regarded as refused material.

- (i) **“SV”** indicates scenes involving sexual violence;
- (ii) Any scenes of sexual violence are classifiable elements and must be considered in the allocation of an appropriate age restriction;
- (iii) Any scenes involving implied sexual violence must be regarded as having a moderate, strong or very strong impact where applicable and must be classified appropriately;
- (iv) Any scenes involving actual sexual violence must be subject to restricted distribution (extreme impact) or be regarded as refused material.
- (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 scenes of extreme violence must be regarded as having a strong or very strong impact where applicable and must be classified appropriately.
- (k) Voluntary consumer advice:
  - “B”** warns consumers that content may be religiously sensitive.
    - (i) Blasphemy is not treated as a classifiable element determining age restrictions, but as a matter of appropriate consumer information if it has a moderate, strong, or very strong impact. Within the context, the taking of God's name in vain may amount to blasphemy. The sensitivities of certain religions, especially with regard to precepts and practices which may be unique to certain of them, should be noted appropriately.
    - (ii) An expression which does not amount to blasphemy but which may constitute religious prejudice is a classifiable element and must be considered in the allocation of an appropriate age restriction.
    - (iii) Any advocacy of hatred based on religion that constitutes incitement to cause harm, outside of bona fide drama, art, science or documentary material will be regarded as refused material and, where the said exemptions justify it, be subject to an appropriate age restriction.



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- (l) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”**
- (i) It is recognised that the exact nature of the stimulus or stimuli that triggers seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect; therefore it is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information provided on a voluntary basis.
  - (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). They flash more than 3 times in any 1 second.
  - (iii) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but no motion or little motion is sensed by the vestibular system (i.e. bouncing-camera movies). Similar to motion sickness is simulation sickness, 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 recognized that it may be identified subjectively and is not treated as a classifiable element determining age restrictions, but as a matter for appropriate consumer information provided on a voluntary basis.
  - (iv) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 hertz. It is recognized that a low-frequency signal can go from being barely audible to annoying, with a relatively small change in pressure level, and that it may be identified subjectively and is not treated as a classifiable element determining age restrictions, but as a matter for appropriate consumer information provided on a voluntary basis;
  - (v) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound may be indicated voluntarily and are not mandatory advice.
- (3) Consumer advice may be combined with age restriction categorization of material in order to inform the public regarding the content of material.

## 5. DISTRIBUTION CATEGORIES

- (1) Films are classified as unrestricted distribution, restricted distribution and refused categories.
- (2) Unrestricted distribution material may be distributed or exhibited by registered distributors and exhibitors in accordance with any age-restriction or condition which may be imposed by the FPB.
- (3) Restricted distribution material is indicated by the letter "X18" in the classification system and may only be distributed from or exhibited in licensed premises to persons older than eighteen and not be distributed or exhibited otherwise at all.
- (4) Refused categories contain material that is prohibited by the Films and Publications Act and is classified as XX.
- (5) The possession or distribution of child pornography is prohibited by the Act and where classification in terms of the Act is required, amounts to a refused category.

## 6. 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 films, intended for exhibition in public or for home entertainment:
  - (ii) "A" means an all-ages category and means it is suitable for all;
  - (iii) "PG" means an all ages category but cautions sensitive viewers and indicates that parents and caregivers are in the best position to decide whether or not a child in their care may view the film or DVD for home entertainment purposes;
  - (iv) "7-9PG" means that the material is not suitable for children under the age of 7. A parent or caregiver may decide if it is appropriate for children in their care from ages of 7 to 9, if it is of particular entertainment or educational value for such children. Children from the ages of 7 to 9 years may not be allowed to watch a film classified 7 - 9PG unless accompanied by an adult.

- (v) **"10"** means that the material is not suitable for children under the age of 10 years.
  - (vi) **"10-12PG"** means the material is not suitable for children under the age of 10. A parent or care giver may decide if the material is appropriate for children in their care from the ages of 10 to 12, if it is of particular entertainment or educational value for. Children from the ages of 10 to 12 years of age may not be allowed to watch a film classified 10-12PG unless accompanied by an adult.
  - (vii) **"13"** means that the material is not suitable for children under the age of 13 years;
  - (viii) **"16"** means that the material is not suitable for persons under the age of 16 years.
  - (ix) **"18"** means that the material is not suitable for persons under 18 years.
- (3) The following classification categories for restricted distribution of films exist:
- (a) **"X18"** means 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 film to persons older than eighteen or exhibit such content to such persons within such premises.
  - (b) **"XX"** means the material may not be distributed or exhibited in public by anyone and also not in the premises referred to in the previous subparagraph. In the case of child pornography it may also not be possessed anywhere.

## 7. UNCONSTITUTIONAL AND ILLEGAL CONTENT

- (1) Any material that contains propaganda for war or incitement of imminent violence or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm must be refused and reported to the chief executive officer for publication in the Gazette, 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 which must be restricted accordingly.
- (2) Any material that constitutes child pornography must be reported to the South African Police Services via the Chief Executive Officer immediately. There are no exceptions to the possession, distribution, sale or hire of child pornography, which is regarded as illegal under all circumstances.

## 8. RESTRICTED DISTRIBUTION MATERIAL – XX

(1) Films must be classified as “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 (sexual violence);
- (iii) Conduct or an act which is degrading of human beings;
- (iv) Conduct or an act which constitutes incitement of, encourages or promotes, harmful behaviour;
- (v) Explicit infliction of sexual or domestic violence or
- (vi) 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, in which case the material shall be classified “X18” or classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate material, except with respect to child pornography.

(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 paraphilias;
- (iii) Any material including scenes or dialogue likely to encourage an interest in harmful paraphilias and sexual violence;
- (iv) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or which are excessively frequent, prolonged or detailed, including cruelty to either humans or animals or real scenes of violence which are very detailed and which have an extreme impact;
- (v) Detailed instruction in the use of proscribed drugs and material promoting or encouraging proscribed drug use;
- (vi) Instances where no apparent consent could be given due to the appearance of any party participating in sexual activity, sexual conduct or explicit sexual conduct 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 to be published by notice in the Gazette, together with the reasons for the decision.

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

- (1) Any material listed in regulation 8 of these guidelines, but that judged within context as a bona fide documentary or as of scientific, dramatic or artistic merit may be classified as X18 (pornography), except with respect to child pornography, which is classified as XX in spite of the said exemptions.
- (2) Any material that contains explicit sexual conduct between consenting adults must be classified as X18 unless it is, judged within context, a bona fide documentary or is of scientific, dramatic or artistic merit, 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.
- (3) Any material that, in addition to explicit sexual conduct, contains any classifiable element that has an extreme impact, must be classified as X18;
- (4) 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.

## **10. UNRESTRICTED DISTRIBUTION – “A” All Ages - CONSUMER ADVICE**

- (1) The context of the material does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children although the content may not be interesting to children, and the content has no sense of threat or menace.
- (2) The material contains no classifiable elements.
- (3) An “A” classification is applicable to all release formats.

## **11. UNRESTRICTED DISTRIBUTION – “PG” Parental Guidance – CONSUMER ADVICE**

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

**Mandatory-**

- (a) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
- (b) Substance abuse **"D"** – material may not contain any scenes of substance abuse and any substance abuse can only be implied discreetly.
- (c) Horror **"H"** – material only contains low impact instances or scenes of horror.
- (d) **"Imitative Acts and Techniques"** – material may contain instances of low impact imitative acts and techniques.
- (e) Language **"L"** – material may only contain instances of low impact mild language justified by the context.
- (f) Nudity **"N"** – material may only contain instances of low impact nudity in non-sexual contexts and should be justified by context.
- (g) Prejudice **"P"** – material may not contain any scenes or language of prejudice unless clearly disapproved of in the context.
- (h) Sexual activity **"S"** – material may not contain any scenes of actual or implied sexual conduct or sexual 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.

**Voluntary –**

- (k) Blasphemy **"B"** – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (l) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (3) A "PG" classification is applicable to all release formats.

**12. UNRESTRICTED DISTRIBUTION – "7-9PG" CONSUMER ADVICE**

- (1) Material classified as 7-9PG means that the material is not suitable for children under the age of 7. A parent or caregiver may decide if it is appropriate for the children in their care from the ages of 7 to 9 years of age, to access the material if it is of particular entertainment or educational value for such children. Children from the

ages of 7 to 9 years may not be allowed to watch a film classified 7-9PG unless accompanied by an adult.

- (2) The context of the material may not contain themes that may be harmful, or inappropriate for children under 7. The content may be complex and mature; therefore children under the age of 7 may 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" – material may not contain any instances of criminal techniques.
- (b) Substance abuse "D" – material may only contain innocuous scenes of substance abuse if they are justified by the context or carry a suitable anti-substance abuse message and are of a low impact.
- (c) Horror "H" – any scenes of low impact horror must be justified by the context. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (d) "Imitative Acts and Techniques" – material may contain instances of low impact imitative acts and techniques.
- (e) Language "L" – material may contain instances of low or mild impact language, justified by the context.
- (f) Nudity "N" – material may contain instances of low impact nudity in non-sexual contexts and should be justified by the context.
- (g) Prejudice "P" – material may not contain any scenes or language of prejudice unless clearly disapproved of or if in an educational or historical context.
- (h) Sexual activity "S" – material may not contain any scenes of actual or implied sexual 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 or mild impact violence justified by the context and, if domestic violence is present, must contextually have a strong message against it.

**Voluntary -**

- (k) Blasphemy "B" – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.

- (l) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (4) A classification of 7-9PG must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats, as appropriate.

### 13. UNRESTRICTED DISTRIBUTION – “10” CONSUMER ADVICE

- (1) Material classified as “10” is not suitable for 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 context of the material may not contain themes that may be harmful or inappropriate for children under 10. The content may be complex and mature; therefore children under the age of 10 may 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”** – material may not contain any instances of criminal techniques.
- (b) Substance abuse **“D”** – material may only contain innocuous scenes of substance abuse if they are justified by the context or carry a suitable anti-substance abuse message and are of a low or mild impact.
- (c) Horror **“H”** – any scenes of low or mild impact horror must be justified by the context. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (d) **“Imitative Acts and Techniques”** – material may contain instances of low impact imitative acts and techniques.
- (e) Language **“L”** – material may only contain instances of low or mild impact language justified by the context.
- (f) Nudity **“N”** – material may only contain instances of low impact nudity in non-sexual contexts and should be justified by the context.



- (g) Prejudice **"P"** – material may not contain any scenes or language of prejudice unless clearly disapproved of or if in an educational or historical context.
- (h) Sexual activity **"S"** – material may not contain any scenes of actual or implied sexual 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 or mild impact violence justified by the context; and, if domestic violence is present, must contextually have a strong message against it.

**Voluntary -**

- (k) Blasphemy **"B"** – material may contain instances of blasphemy that does not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (l) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (4) A classification of 10 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate.

**14. UNRESTRICTED DISTRIBUTION – "10-12 PG" AGE RESTRICTION**

- (1) The material is not suitable for children under the age of 10. A parent or care-giver may decide if it is appropriate for children in their care from ages 10 to 12 to access the material, if it is of particular entertainment or educational value for such children. Material classified as "10-12PG" is prohibited from distribution, exhibition, sale or hire to children under the age of 10 years. Children from the ages of 10 to 12 years may not be allowed to watch a film classified 10-12PG unless accompanied by an adult.
- (2) The context of the material may not contain themes that may be harmful for any children, although the content may be complex and mature since children under the age of 10 may, nevertheless, find it confusing, distressing or upsetting.
- (3) The material contains either no classifiable elements or has a low and mild impact with some elements having a moderate impact, as illustrated below:

**Mandatory -**

- (a) "Criminal Techniques" – material may not contain any instances of criminal techniques
- (b) Substance abuse "D" – material may contain low or 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" – material may contain instances of mild impact imitative acts and techniques.
- (e) Language "L" – material may contain instances of mild to moderate impact language justified by the context.
- (f) Nudity "N" – material may contain instances of low impact nudity and should be justified by the context.
- (g) Prejudice "P" – material may contain scenes or language of prejudice of low impact, if contextually clearly disapproved of and justified within the context, or if used in an educational or historical context.
- (h) Sexual activity "S" – material may contain scenes of low impact sexual activity.
- (i) Sexual violence "SV" – material may not contain any scenes of actual or implied sexual violence.
- (j) Violence "V" – material may contain mild to moderate impact violence justified by context and must, if domestic violence is present, contextually; have a strong message against it.

**Voluntary -**

- (k) Blasphemy "B" – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
- (l) "Photo or pattern sensitivity, motion sickness and reactions to low frequency sound" – material likely to cause these effects may be indicated as a matter for appropriate consumer information.

- (4) A classification of 10-12PG is applicable to all release formats; different age restrictions may apply to different release formats as appropriate.

## 15. UNRESTRICTED DISTRIBUTION – “13” AGE RESTRICTION

- (1) Material classified as “13” is not suitable for access 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 context of the material may contain themes that may be unsuitable for children under 13 and the content may be complex and mature; therefore children under the age of 13 may find it confusing, distressing or upsetting.
- (3) The material may contain mild to moderate classifiable elements that have a low and mild impact with some elements having a moderate impact, as set out below:

### **Mandatory -**

- (a) “Criminal Techniques” – material may not contain any instances of criminal techniques.
- (b) Substance abuse “D” – material may only contain low, mild or moderate 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 moderate impact horror must be justified by the context.
- (d) “Imitative Acts and Techniques” – material may contain instances of mild impact imitative acts and techniques.
- (e) Language “L” – material may contain instances of moderate impact language justified by context.
- (f) Nudity “N” – material may contain instances of low to mild impact nudity and should be justified by the context.
- (g) Prejudice “P” – material may contain scenes or language of prejudice of low to mild impact if, contextually, clearly disapproved of and justified within the context, or if used in an educational or historical context.
- (h) Sexual activity “S” – material may contain occurrences of mild to moderate actual or implied sexual activity.
- (i) Sexual violence “SV” – material may contain scenes of low impact, implied sexual violence.
- (j) Violence “V” – material may contain moderate impact violence justified by context and, if domestic violence is present must, contextually, have a strong message against it.

**Voluntary -**

- (k) Blasphemy "**B**" – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (l) "**Photo or pattern sensitivity, motion sickness and reactions to low frequency sound**" – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (4) A classification of 13 is applicable to all release formats and different age restrictions may apply to different release formats, as appropriate.

**16. UNRESTRICTED DISTRIBUTION – "16" AGE RESTRICTION**

- (1) Material classified as "16" is not suitable for 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 context of the material may contain themes that may be unsuitable for children under 16. The content may be complex and mature. Children under the age of 16 may find it 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**" – material may contain instances of mild to 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**" – material may contain instances of strong impact imitative acts and techniques.
- (e) Language "**L**" – material may contain instances of strong language justified by the context.
- (f) Nudity "**N**" – material may contain instances of moderate impact nudity and should be justified by the context.

- (g) Prejudice "**P**" – material may contain scenes or language of prejudice of moderate impact if, contextually, clearly disapproved of and justified within the context, or if used in an educational or historical context.
- (h) Sexual activity "**S**" – material may contain occurrences of moderate and possibly strong impact sexual activity.
- (i) Sexual violence "**SV**" – material may not contain any scenes of actual sexual violence, but sexual violence may moderately be implied, if justified by context.
- (j) Violence "**V**" – material may contain strong violence justified by context.

**Voluntary -**

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

- (5) A classification of 16 is applicable to all release formats; accordingly no child under 16 may enter a cinema or buy or rent a DVD, or game; however classification of 16 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats, as appropriate.

**17. UNRESTRICTED DISTRIBUTION – "18" CONSUMER ADVICE**

- (1) Material rated 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) The material contains classifiable elements that have a strong impact with some elements having even a very strong impact, as set out below:

**Mandatory -**

- (a) "**Criminal Techniques**" – material may contain instances of moderate to strong impact criminal techniques.
- (b) Substance abuse "**D**" – material may contain strong impact instances of substance abuse if justified by context.
- (c) Horror "**H**" – any scenes of very strong horror must be justified by context.

- (d) **"Imitative Acts and Techniques"** – material may contain instances of very strong imitative acts and techniques.
- (e) Language **"L"** – material may contain instances of very strong language justified by the context.
- (f) Nudity **"N"** – material may contain instances of strong impact nudity if justified by context.
- (g) Prejudice **"P"** – material may contain scenes or language of prejudice of strong impact, if clearly disapproved of, and if justified within context, or if used in an educational or historical context.
- (h) Sexual activity **"S"** – material may contain occurrences of strong or even very strong implied sexual activity.
- (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 justified by context.

**Voluntary -**

- (k) Blasphemy **"B"** – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (l) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (3) A classification of 18 is applicable to all release formats; accordingly no child under 18 may enter a cinema or buy or rent a DVD, or game; however classification of 18 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate.

**18. GENERAL CONSIDERATIONS FOR THE CLASSIFICATION OF TRAILERS**

- (1) Similar to the classification of films, trailers must be classified, and must be classified based on the same requirements of context and impact; however release format need not be considered.
- (2) The classification of trailers must be equal to or lower than the films they precede, regardless of release format.

- (3) In an instance where the entire context is not provided or too brief to establish conclusively, the impact should be determined based on theme, face value and other relevant factors.

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

- (1) Any film which may contain content that is determined to be of educational value may be so indicated by the classifier by using the symbol "ED".
- (2) Upon application to the FPB a school or further education and training institution as defined in the South African Schools Act, 1996 (Act No. 84 of 1996), and 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 exhibition;
  - (ii) A mandatory briefing prior to the exhibition of the film to prepare the learners what to expect and provide an opportunity for sensitive learners to leave and not to view the material; and
  - (iii) A mandatory debriefing after the exhibition of the film by suitably qualified educators to provide further context for the material and allow learners 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 the release format of material.
- (2) The context in which a classifiable element is presented determines the acceptability thereof within the relevant category. 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 or educational merit of the game;
  - (e) The apparent intention of the game creator, as reflected in its effect.

(3) The impact of a classifiable element determines the level at which it is categorised and is influenced by 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, as follows:

- (a) No - contains no classifiable elements
- (b) Low - no noteworthy single or cumulative occurrences of classifiable elements;
  - no use of incentives or rewards for classifiable elements;
  - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
  - limited accentuation techniques such as lighting, perspective and resolution; and
  - the theme of the material is not threatening and causes no moral harm;
  - limited occurrences of competitive intensity involving violence and violence occur in third-person game play;
  - occurrences of classifiable elements may be very strongly stylised and not realistic;
  - no verbal reference or visual presentation of certain classifiable elements such as sexual activity or conduct, sexual violence and violence.
- (c) Mild - only single occurrences of classifiable elements;
  - occurrences of classifiable elements are not realistic;
  - no details, close-ups or slow motion of violence and sexual activity or sexual conduct;
  - limited accentuation techniques such as lighting, perspective and resolution; and
  - the theme of the material is not threatening and 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 sexual activity or conduct, sexual violence and violence.



- (d) Moderate single or cumulative occurrences of classifiable elements;
- verbal reference rather than visual presentation of certain classifiable elements with no noticeable effect;
  - incidental depiction of a classifiable element;
  - occurrences of classifiable elements are not realistic;
  - no details, close-ups or slow motion of nudity, violence and sexual activity or sexual conduct;
  - may contain accentuation techniques such as lighting, perspective and resolution;
  - the theme of the material may be threatening but cause no moral harm;
  - some use of incentives or rewards for classifiable elements, but not for nudity and sexual conduct or activity;
  - occurrences of competitive intensity do not involve realistic and extreme violence and are infrequent and may be in first-person game play.
- (e) Strong:
- single or cumulative occurrences of classifiable elements;
  - occurrences of classifiable elements may be realistic;
  - may contain details, close-ups or slow motion of nudity, violence and sexual activity or sexual conduct;
  - may contain accentuation techniques such as lighting perspective and resolution of nudity, sexual conduct or extreme violence;
  - the theme of the material may be threatening and may cause moral harm;
  - some use of incentives or rewards for classifiable elements, but not for nudity and sexual conduct or activity;
  - occurrences of competitive intensity may involve realistic but not extreme violence and may be in first-person game play.
- (f) Very Strong:
- single or cumulative occurrences of classifiable elements;
  - occurrences of classifiable elements may be realistic;
  - may contain details, close-ups or slow motion;
  - may use accentuation techniques such as lighting, perspective and resolution; and
  - some use of incentives or rewards for classifiable elements;

- the theme of the material may be threatening and may cause moral harm;
  - occurrences of competitive intensity may involve realistic and extreme violence and may be in first-person game play.
- (4) The release format of the material includes the internet and 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.

## 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 which 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"

- (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, when appropriate.
- (ii) Higher levels of competitiveness of games involving violence may result in very high aggression levels than 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"

- (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 and may require higher age restrictions and be regarded as restricted distribution or refused categories depending on the context.
- (c) **“D”** alerts to scenes of substance (drugs and alcohol) abuse.
- (i) Any scenes of substance abuse are classifiable elements and 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 moderate, strong or very strong impact as applicable.
- b) **“Imitative Acts and Techniques”**
- (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.
- c) **“H”** alerts that there are scenes of horror;
- (iii) Any scenes of horror of a mild, moderate, strong and very strong nature are classifiable elements and must be considered in the allocation of an appropriate age restriction.
- d) **“L”** alerts that there is use of crude language;
- (i) The use of crude language is a classifiable element and 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 crude language of a moderate, strong or very strong impact as applicable;
- e) **“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 as applicable;
- (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, but must be advised of if it is of a mild, moderate, strong or very strong nature, as applicable;
- (iii) The deliberate flaunting of human 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.
- (f) **“P”** warns of scenes or language that are biased or prejudiced with regard to race, ethnicity, gender, religion, sexual orientation or other group-identifiable characteristics;

- (i) Any scenes or language of prejudice are classifiable elements and must be considered in the allocation of an appropriate age restriction;
- (ii) Any advocacy of hatred constituting incitement to cause harm based on an identifiable group characteristic must be regarded as refused material.
- (g) **"S"** indicates scenes involving sexual activity;
  - (i) Any mild, moderate, strong or very strong impact scenes of sexual activity or consensual sexual activity are classifiable elements and must be considered in the allocation of an appropriate age-restriction or distribution restriction;
  - (ii) Any scenes of consensual explicit sexual activity must be regarded as having a very strong or extreme impact and classified appropriately;
- (h) **"SV"** indicates scenes involving sexual violence;
  - (i) Any scenes of sexual violence are classifiable elements and must be considered in the allocation of an appropriate age restriction
  - (ii) Any scenes involving sexual violence, actual or implied, must be regarded as having a moderate, strong or very strong impact and must be classified appropriately;
- (i) **"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 moderate, strong or very strong impact;
  - (ii) Any scenes of extreme violence must be regarded as having a strong or very strong impact and must be classified appropriately;

**Voluntary -**

- (j) **B"** warning to consumers that are religiously sensitive.
  - (i) Blasphemy is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information. Within context, the taking of God's name in vain, may amount to blasphemy. The sensitivities of all religions, especially with regard to precepts and practices which may be unique to certain religions, should be noted appropriately.
  - (ii) An expression which does not amount to blasphemy but which may constitute religious prejudice is a classifiable element and must be considered in the allocation of an appropriate age restriction.
  - (iii) Any advocacy of hatred based on religion that constitutes incitement to cause harm must be regarded as having an extreme impact and

must be refused classification, unless the exemptions of art, drama, documentary or public interest apply.

(k) **“Photo or pattern sensitivity, motion sickness and reactions to low frequency sound”**

- (i) It is recognised that the exact nature of the stimulus or stimuli that triggers seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect; therefore it is not treated as a classifiable element determining age restrictions but as a matter for appropriate consumer information provided on a voluntary basis.
- (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) they flash more than 3 times in any 1 second.
- (iii) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but no motion or little motion is sensed by the vestibular system (i.e. bouncing-camera movies). Similar to motion sickness is simulation sickness, 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 recognized that it may be identified subjectively and is not treated as a classifiable element determining age restrictions, but as a matter for appropriate consumer information provided on a voluntary basis.
- (iv) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 hertz. It is recognized that a low-frequency signal can go from being barely audible to annoying, with a relatively small change in pressure level, and that it may be identified subjectively and is not treated as a classifiable element determining age restrictions, but as a matter for appropriate consumer information.
- (v) Photo or pattern sensitivity, motion sickness and reactions to low frequency sound may be indicated voluntarily and are not mandatory advice.

(3) Consumer advice may be combined with an age restriction categorization of material in order to inform the public regarding the content of material.

## 22. DISTRIBUTION CATEGORIES

- (1) Games are classified unrestricted distribution, restricted distribution and refused categories.
- (2) Unrestricted distribution may be distributed or exhibited by registered distributors and exhibitors in accordance with any age-restriction or condition which may be imposed by the FPB.
- (3) Restricted distribution is indicated by the letter "X18" in the classification system.
- (4) Refused categories are indicated by XX and will include child pornography, hate speech based on an identifiable group characteristic, degrading material and certain forms of extreme violence.

## 23. CLASSIFICATION CATEGORIES OF GAMES

- (1) Films and 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 films and games, intended for exhibition in public or for home entertainment:
  - (i) **"PG"** means an all-ages category but indicates that parents and caregivers are in the best position to decide whether or not a child in their care may access the material;
  - (x) **"7-9PG"** means that the material is not suitable for children under the age of 7. A parent or caregiver should decide if the material is appropriate for children in their care from the ages of 7 to 9 years of age, if it is of particular entertainment or educational value for such children. Children from the ages of 7 to 9 years may not be allowed to play a game classified as 7-9PG unless accompanied by an adult.
  - (ii) **"10"** means that the material is not suitable for children under the age of 10 years;
  - (iii) **"10-12PG"** means the material is not suitable for children under the age of 10. A parent or care giver should decide if the material is appropriate for children in their care from the ages of 10 to 12 years of age, in particular if it is of entertainment or educational value for such younger children. Children from the ages of 10 to 12 years may not be

allowed to play a game classified as 10-12PG unless accompanied by an adult.;

- (iv) **"13"** means that the material is not suitable for persons under the age of 13 years;
- (v) **"16"** means that the material is not suitable for persons under the age of 16 years;
- (vi) **"18"** means adults only and the material is not suitable for persons under the age of 18 years.

(3) The following classification categories for restricted films and games exist:

- (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 to persons older than 18 or exhibit such material to persons older than 18 within the said premises.
- (ii) **"XX"** means the material may not be distributed or exhibited anywhere.

#### 24. UNCONSTITUTIONAL AND ILLEGALCONTENT

- (1) Any material that contains propaganda for war or incitement of imminent violence or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm must be refused and reported to the chief executive officer for publication in the Government Gazette, 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 which must be restricted in whatever platform regulated by the FPB.
- (2) Any material that constitutes child pornography must be reported to the South African Police Services via the Chief Executive Officer immediately. There are no exceptions to the possession, distribution, sale or hire of child pornography, which is regarded as illegal under all circumstances.

#### 25. RESTRICTED DISTRIBUTION MATERIAL – XX

- (1) Games must be classified as **"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 (sexual violence);

- (iii) Conduct or an act which is degrading of human beings;
  - (iv) Conduct or an act which constitutes incitement of, encourages or promotes; harmful behaviour;
  - (v) Explicit infliction of sexual or domestic violence; or
  - (vi) Explicit visual presentations of extreme violence.
- (2) The interpretation of (1)(i) – (v) above includes instances of extreme impact and:
- (i) Detailed instruction or promotion in matters of crime or violence;
  - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilias;
  - (iii) Any material including scenes or dialogue likely to encourage an interest in harmful paraphilias 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 which are excessively frequent, prolonged or detailed and which depict cruelty or real violence which are very detailed and which have an extreme impact;
  - (vi) Detailed instruction in the use of proscribed drugs and material promoting or encouraging proscribed drug use or substance abuse related to incentives or rewards;
  - (vii) Instances where no apparent consent could be given due to the appearance of any party participating in sexual activity, sexual conduct or explicit sexual conduct 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 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.
- (2) 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 levels of first and third-person game play violence;
  - (ii) any nudity or sexual 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 imitative behaviour (where appropriate).

(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 the reasons for the decision.

## 27. UNRESTRICTED DISTRIBUTION – “PG” Parental Guidance – CONSUMER ADVICE

- (1) The context of the material does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children although the content may not be of interest to children and has a very low sense of threat or menace.
- (2) The material contains no classifiable elements or has a low impact, as set out below:

### Mandatory -

- (a) “**Competitive Intensity**” – competitive intensity may have a mild impact provided there is no or low impact in-game violence in third-person game play and first person game play;
- (b) “**Criminal Techniques**” – material may not contain any instances of criminal techniques.
- (c) Substance abuse “**D**” – material may not contain any scenes of substance abuse in any context.
- (d) Horror “**H**” – material only contains low impact instances or scenes of horror.
- (e) “**Imitative Acts and Techniques**” – material may contain instances of low impact imitative acts and techniques.
- (f) Language “**L**” – material may not contain instances of strong language in any context.
- (g) Nudity “**N**” – material may not contain instances of nudity in any context.
- (h) Prejudice “**P**” – material may not contain any occurrences or language of prejudice in any context.
- (i) Sexual activity “**S**” – material may not contain any occurrences of actual or implied sexual activity, but may contain occurrences of affection.
- (j) Sexual violence “**SV**” – material may not contain any scenes of actual or implied sexual violence.
- (k) Violence “**V**” – material may contain low impact stylised violence.

**Voluntary -**

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

(3) A "PG" classification is applicable to all release formats.

**28. UNRESTRICTED DISTRIBUTION – "7 –9 PG" CONSUMER ADVICE**

- (1) Material classified as "7–9PG", is suitable for children from the ages of 7 to 9 years old if they are accompanied or supervised by an adult or care giver.
- (2) Material classified as "7–9PG" is prohibited from distribution, exhibition, sale or hire to children under the age of 7 years.
- (3) The context of the material may not contain themes that may be harmful, or inappropriate for any children, although the content may be complex and mature; therefore children under the age of 7 may find it confusing, distressing or upsetting.
- (4) The material contains no classifiable elements or has a low or mild impact as set out below:

**Mandatory -**

- (a) "**Competitive Intensity**" – competitive intensity may have a mild impact provided there is low impact first-person game play violence and/or mild impact third person game play violence.
- (b) "**Criminal Techniques**" – material may not contain any instances of criminal techniques.
- (c) Substance abuse "**D**" – material may not contain occurrences of substance abuse in any context.
- (d) Horror "**H**" – any scenes of low impact horror must be justified by the context. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (e) "**Imitative Acts and Techniques**" – material may contain instances of low impact imitative acts and techniques.

- (f) Language "L" – material may only contain instances of low impact strong language.
- (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) Sexual activity "S" – material may not contain any occurrences of actual or implied sexual conduct or sexual 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 contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (m) "**Photo or pattern sensitivity, motion sickness and reactions to low frequency sound**" – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (5) A classification of 10 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate and in particular interactive material involving an unknown third person.

**29. UNRESTRICTED DISTRIBUTION – "10" CONSUMER ADVICE**

- (1) Material classified as "10", is suitable for children under the age of 10.
- (2) Material classified as "10" is prohibited from distribution, exhibition, sale or hire to children under the age of 10 years.
- (3) The context of the material may not contain themes that may be harmful, or inappropriate for any children, although the content may be complex and mature; therefore children under the age of 10 may find it confusing, distressing or upsetting.

- (4) The material contains no classifiable elements or has a low or mild impact as set out below:

**Mandatory -**

- (n) **"Competitive Intensity"** – competitive intensity may have a mild impact provided there is low impact first-person game play violence and/or mild impact third person game play violence.
- (o) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
- (p) Substance abuse **"D"** – material may not contain occurrences of substance abuse in any context.
- (q) Horror **"H"** – any scenes of low or mild impact horror must be justified by the context. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (r) **"Imitative Acts and Techniques"** – material may contain instances of low impact imitative acts and techniques.
- (s) Language **"L"** – material may only contain instances of low or mild impact strong language.
- (t) Nudity **"N"** – material may not contain any occurrences of nudity.
- (u) Prejudice **"P"** – material may not contain any occurrences or language of prejudice.
- (v) Sexual activity **"S"** – material may not contain any occurrences of actual or implied sexual conduct or sexual activity, but may contain occurrences of affection.
- (w) Sexual violence **"SV"** – material may not contain any occurrences of actual or implied sexual violence.
- (x) 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 -**

- (y) Blasphemy **"B"** – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
- (z) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.

- (5) A classification of 10 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate and in particular interactive material involving an unknown third person.

### 30. UNRESTRICTED DISTRIBUTION – “10-12PG” AGE RESTRICTION

- (1) The material is suitable for children from the ages of 10 to 12 years old, in particular if it is of entertainment and educational value for such children if they are accompanied or supervised by an adult or care giver.
- (2) Material classified as “10-12PG” is prohibited from distribution, exhibition, sale or hire to children under the age of 10.
- (3) The context of the material may not contain themes that may be harmful for any children although the content may be complex and mature; therefore children under the age of 10 may find it confusing, distressing or upsetting.
- (4) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact, as set out below:

#### **Mandatory -**

- (a) **“Competitive Intensity”** – 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”** – material may not contain any instances of criminal techniques.
- (c) Substance abuse **“D”** – material may not contain any occurrences of substance abuse.
- (d) Horror **“H”** – may contain occurrences of low, mild or moderate impact horror. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (e) **“Imitative Acts and Techniques”** – material may contain instances of mild impact imitative acts and techniques.
- (f) Language **“L”** – material may contain instances of low, mild or moderate impact strong language.
- (g) Nudity **“N”** – material may not contain any instances of nudity.
- (h) Prejudice **“P”** – material may not contain any occurrences or language of prejudice.

- (i) Sexual activity **"S"** – material may not contain any occurrences of actual or implied sexual conduct or sexual 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 low, mild or moderate impact violence in third-person game play, low or mild impact violence in first person game play and no domestic violence.

**Voluntary -**

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

- (5) A classification of 10-12PG must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate and, in particular, interactive material involving an unknown third person.

**31. UNRESTRICTED DISTRIBUTION – "13" AGE RESTRICTION**

- (1) The material is not suitable for children under the age of 13.
- (2) Material classified as "13" is prohibited from distribution, exhibition, sale or hire to children under the age of 13.
- (3) The context of the material may not contain themes that may be harmful for any children under 13, although the content may be complex and mature and therefore children under the age of 13 may find it confusing, distressing or upsetting.
- (4) The material contains no classifiable elements or has a low and mild impact with some elements having a moderate impact as set out below:

**Mandatory -**

- (a) **"Competitive Intensity"** – competitive intensity may have a moderate impact third-person game play violence and mild impact first person game play violence.
- (b) **"Criminal Techniques"** – material may not contain any instances of criminal techniques.
- (c) Substance abuse **"D"** – material may contain low or mild occurrences of substance abuse.
- (d) Horror **"H"** – may contain occurrences of low, mild or moderate impact horror. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (e) **"Imitative Acts and Techniques"** – material may contain instances of mild imitative acts and techniques.
- (f) Language **"L"** – material may contain instances of low, mild or moderate strong language.
- (g) Nudity **"N"** – material may contain instances of low impact nudity.
- (h) Prejudice **"P"** – material may not contain any occurrences or language of prejudice.
- (i) Sexual activity **"S"** – material may contain low to mild occurrences of actual or implied sexual conduct or sexual 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 low, mild or moderate impact violence in third-person game play, low or mild impact violence in first person game play and no domestic violence.

**Voluntary -**

- (l) Blasphemy **"B"** – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (m) **"Photo or pattern sensitivity, motion sickness and reactions to low frequency sound"** – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (5) A classification of 13 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate and in particular interactive material involving an unknown third person.

**32. UNRESTRICTED DISTRIBUTION – “16” AGE RESTRICTION**

- (1) Material classified as “16” is not suitable for children under the age of 16.
- (2) Material classified as “16” is prohibited from distribution, exhibition, sale or hire to children under the age of 16.
- (3) The context of the material may contain themes that may be harmful for children under 16, although the content may be complex and mature. Children under the age of 16 may find it confusing, distressing or upsetting.
- (4) The material contains classifiable elements that have a mild or moderate impact with some elements having a strong impact as set out below:

**Mandatory -**

- (a) **“Competitive Intensity”** – competitive intensity may have a moderate impact in strong impact third-person game play violence and moderate impact first person game play violence.
- (b) **“Criminal Techniques”** – material may contain mild to moderate instances of criminal techniques.
- (c) Substance abuse **“D”** – material may contain moderate occurrences of substance abuse.
- (d) Horror **“H”** – may contain occurrences of strong impact horror. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (e) **“Imitative Acts and Techniques”** – material may contain instances of moderate impact imitative acts and techniques.
- (f) Language **“L”** – material may contain instances of strong language.
- (g) Nudity **“N”** – material may contain instances of moderate impact nudity.
- (h) Prejudice **“P”** – material may contain moderate occurrences or language of prejudice.
- (i) Sexual activity **“S”** – material may contain occurrences of implied moderate sexual activity but no actual sexual conduct and 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 strong violence in third-person game play, moderate violence in first person game play and no domestic violence.



**Voluntary -**

- (l) Blasphemy "**B**" – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (m) "**Photo or pattern sensitivity, motion sickness and reactions to low frequency sound**" – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (5) A classification of 16 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate and in particular interactive material involving an unknown third person.

**33. UNRESTRICTED DISTRIBUTION – "18" CONSUMER ADVICE**

- (1) Material classified as "18" is not suitable for children under the age of 18 years.
- (2) Material classified as "18" is prohibited from distribution, exhibition, sale or hire to children under the age of 18.
- (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:

**Mandatory -**

- (a) "**Competitive Intensity**" – competitive intensity may have a strong impact in very strong impact third-person game play violence and strong impact first person game play violence.
- (b) "**Criminal Techniques**" – material may contain moderate to strong instances of criminal techniques.
- (c) Substance abuse "**D**" – material may contain moderate to strong occurrences of substance abuse.
- (d) Horror "**H**" – may contain occurrences of very strong horror. Fantasy settings may, when appropriate, be regarded as reducing the impact.
- (e) "**Imitative Acts and Techniques**" – material may contain instances of moderate to strong imitative acts and techniques.
- (f) Language "**L**" – material may contain instances of very strong language.
- (g) Nudity "**N**" – material may contain moderate to strong instances of nudity provided it is not related to incentives or rewards.
- (h) Prejudice "**P**" – material may contain occurrences or language of prejudice.

- (i) Sexual activity “S” – material may contain occurrences of moderate to strong, actual or implied, sexual activity, but not related to incentives or rewards.
- (j) Sexual violence “SV” – material may contain mild to moderate occurrences of actual or implied sexual violence.
- (k) Violence “V” – material may contain very strong impact violence in third-person game play and strong violence in first person game play, but no domestic violence.

**Voluntary -**

- (l) Blasphemy “B” – material may contain instances of blasphemy that do not amount to prejudice. Instances of blasphemy should be indicated as a matter of appropriate consumer information.
  - (m) “Photo or pattern sensitivity, motion sickness and reactions to low frequency sound” – material likely to cause these effects may be indicated as a matter for appropriate consumer information.
- (4) A classification of 18 must be viewed in the context of release format and rated accordingly; different age restrictions may apply to different release formats as appropriate.

## **PART C – PUBLICATIONS**

### **34. GUIDING PRINCIPLES**

- (1) The Films and Publications Act No. 65 of 1996 recognises 3 categories of publications:
  - (a) Bona fide newspapers which do not fall within the jurisdiction of the FPB since they are subject to a system recognised by the Press Ombudsman;
  - (b) Publications which contain certain material which may be regarded as refusable and therefore 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-regulation (3) of these guidelines is voluntary but any publication must be classified upon request by any interested person unless the overall impact of the publication does not meet the classification categories in regulation 34(3) below, and therefore the publication need not be classified.

(3) Any person, except the publisher of a newspaper under the jurisdiction of the Press Ombudsman, who, for distribution or exhibition in the Republic creates, produces, publishes or advertises any publication that-

- (a) contains sexual conduct which-
  - (i) violates or shows disrespect for the right to human dignity of any person;
  - (ii) degrades a person; or
  - (iii) constitutes incitement to cause harm;
- (b) advocates propaganda for war;
- (c) incites violence; or
- (d) 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) The context in which a classifiable element is presented determines the acceptability thereof within the relevant category. 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 or scientific merit of the publication;
- (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 determines the level at which it is categorised as follows:

- (a) Low
  - no noteworthy single or cumulative occurrences of classifiable elements;
  - no verbal reference or visual presentation of certain classifiable elements such as nudity, sexual activity or conduct, sexual violence and violence including details or close-ups of violence, sexual activity or sexual conduct;

- themes of an adult nature should be treated discreetly and not be exploitative and cause no moral harm; and
- classifiable elements are not gratuitous and exploitative.

**(a) Moderate**

- single or cumulative occurrences of classifiable elements and incidental depiction of a classifiable element;
- verbal reference rather than visual presentation of certain classifiable elements such as sexual activity or conduct and violence;
- any verbal reference to sexual violence must be handled discreetly and may not contain any visual presentation of sexual violence;
- no details or close-ups of nudity, sexual activity and violence;
- no visual presentations of sexual activity;
- themes of an adult nature should be treated discreetly and not exploitatively and cause no ethical harm; and
- classifiable elements are not gratuitous and exploitative.

**(b) Strong**

- single or cumulative occurrences of classifiable elements;
- no details or close-ups of nudity, sexual activity or extreme violence;
- themes of an adult nature should not be exploitative and may cause moral harm;
- may have verbal reference and visual presentation of certain classifiable elements such as nudity, sexual activity or conduct and violence;
- any verbal reference to sexual violence must be treated discreetly and may not contain any visual presentation of sexual violence;
- classifiable elements are not exploitative and gratuitous.

**(c) Very Strong**

- single or cumulative occurrences of classifiable elements;
- may contain details and close-ups of classifiable elements;
- themes of an adult nature should not be exploitative and cause no moral harm;
- verbal reference and/or visual presentation of certain classifiable elements such as sexual activity or conduct, and violence;
- any verbal reference to sexual violence must be treated discreetly and may not contain any visual presentation of sexual violence;
- classifiable elements are not exploitative and gratuitous.

- (d) Extreme: Contains elements listed under either XX or X18 as set out in regulations 36 and 37 of these guidelines.

### 35. CLASSIFIABLE ELEMENTS

- (1) In the context of relevant publications, classifiable elements are used to assist in the determination of the impact of the material and therefore the allocation of an appropriate age restriction, but are not included as consumer advice.
- (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 group-identifiable characteristics
    - (i) Any language of prejudice is a classifiable element and must be considered in the allocation of an appropriate age restriction;
    - (ii) Any advocacy of hatred constituting incitement to cause harm based on an identifiable group characteristic, must be regarded as refused material.
  - (d) Sexual conduct or activity
    - (i) Any moderate, strong or very strong depictions, or language related to sexual activity, or consensual sexual 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 consensual explicit sexual activity must be regarded as having a very strong or extreme impact and must be classified appropriately;
- (iii) Any language or depictions of gratuitous, exploitative or offensive non-consensual sexual activity must be subject to restricted distribution (extreme impact) or regarded as refused material.
- (e) Sexual violence
  - (i) Any language or depictions of sexual violence are classifiable elements and must be considered in the allocation of an appropriate age restriction;
  - (ii) Any depictions of sexual violence must be subject to restricted distribution (extreme impact) or be regarded as refused material.
- (f) Violent language or depictions of violence
  - (i) Any language or depictions of violence and extreme violence must be considered in the allocation of an appropriate age restriction, restricted distribution or refused categories.
- (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 and be regarded as restricted distribution or refused categories depending on the context.

### 36. 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-regulation (3) of these guidelines will not be subject to classification unless done voluntarily or upon request.
- (3) The following classification categories are used for unrestricted publications, falling within the jurisdiction of the FPB, and 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, and the material is not suitable for persons under the age of 18.
- (4) The following classification categories for restricted distribution of publications falling within the jurisdiction of the FPB exist:
- (i) **"X18"** means 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 the material may not be made available by anyone.

### **37. UNCONSTITUTIONAL AND ILLEGAL CONTENT**

- (1) Any publication that contains propaganda for war or incitement of imminent violence or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm must be refused and reported to the chief executive officer for publication in the Government Gazette, 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, which must be restricted accordingly.
- (2) Any material that constitutes child pornography must be reported to the South African Police Services via the chief executive officer immediately. There are no exceptions to the possession, distribution, sale or hire of child pornography, which is regarded as illegal under all circumstances.

### **37. RESTRICTED DISTRIBUTION 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 of any person;
  - (ii) Bestiality, incest, rape (sexual violence); 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, in which case the material shall be classified "X18" or 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.
- (1) The interpretation of (1)(i) – (v) above includes instances of:
- (i) Detailed instruction or promotion in matters of crime or violence;
  - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilias;
  - (iii) Any material including depictions or dialogue likely to encourage an interest in harmful paraphilias and sexual violence;
  - (iv) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or which are excessively frequent or detailed and which depict cruelty to humans and animals, or scenes of real violence which have an extreme impact;
  - (v) Detailed instruction in the use of proscribed drugs and material promoting or encouraging proscribed drug use;
  - (vi) Instances where no apparent consent could be given due to the appearance of any party participating in sexual activity, sexual conduct or explicit sexual conduct to be *non compos mentis* (not of sound mind i.e. in a drug or alcohol induced state or mentally ill, and the like).
- (2) 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.



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

- (1) Any material listed in regulation 9 of these guidelines, but judged within context as a bona fide documentary or as of scientific, dramatic or artistic merit may be classified as X18.
- (2) Publications classified as X18 contain one or more classifiable elements of strong or very strong impact.
- (3) Any material that contains explicit sexual conduct between consenting adults must be classified as X18 (pornography) unless it is judged within context a bona fide documentary or is of scientific, dramatic or artistic merit, 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, except with respect to child pornography.
- (4) Publications of X18 classification may, in addition to explicit sexual conduct, contain prejudiced language of strong impact, provided it is clearly disapproved of.
- (5) Publications of X18 may, in addition to explicit sexual conduct contain language of extreme impact, provided it is not related to sexual violence or harmful paraphilias.
- (6) Publications of X18 may in addition to explicit sexual conduct contain nudity and violence of Avery strong impact.
- (7) 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.

### **38. UNRESTRICTED DISTRIBUTION – “13”**

- (1) The context of the material does not contain any adult themes or themes that may cause moral harm, although the content may be complex and mature and not be interesting to children.
- (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 mild impact as set out below:
- (a) Language – material may only contain instances of low impact moderate language justified by the context.
  - (b) Nudity – material may only contain instances of low 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 only contain language of prejudice of low impact if clearly contextually disapproved of and justified within the context or if it is used in an educational or historical context.
  - (e) Sexual activity – material may not contain any depictions or language of actual or implied sexual conduct or sexual activity, but may contain depictions of affection.
  - (f) 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.
  - (g) Violence – material may contain language or depictions of low impact violence justified by the context.
  - (h) Criminal Techniques – material may not contain any depictions or explanation of criminal techniques.

### **39. UNRESTRICTED DISTRIBUTION – “16” AGE RESTRICTION**

- (1) The material is not suitable for 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) Publications with an age restriction of 16 must be distributed in a sealed wrapper and covers must be suitable for public display.
- (3) The context of the material may be mature and adult themes should be treated discreetly. The content may be complex and mature, and therefore children under the age of 16 may find it confusing, distressing or upsetting.
- (4) 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 contain instances of moderate impact strong 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 clearly contextually disapproved and justified within the context or if it is used in an educational or historical context.
- (d) Sexual activity – material may contain language related to moderate sexual activity but no actual depictions of sexual activity.
- (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.

#### **40. UNRESTRICTED DISTRIBUTION – “18” AGE RESTRICTION**

- (1) 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, and clearly indicate the age restriction on the wrapper.
- (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 very strong language justified by the context.
  - (b) Nudity – material may contain instances of strong nudity.
  - (c) Prejudice – material may contain language of prejudice of moderate to strong impact, if justified within context, or if it is used in an educational or historical context.
  - (d) Sexual activity– material may contain language related to sexual activity but no depictions of sexual conduct and may contain language and depictions of strong impact sexual activity.
  - (h) Sexual violence – material may not contain limited depictions or language of actual or implied sexual violence unless it is of educational value.

- (e) Violence— material may contain strong depictions and strong language related to violence if justified by context.
- (f) Criminal Techniques—material may contain limited depictions or explanations of criminal techniques.

#### **41. EFFECTIVE DATE**

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

#### **42. REPEALED GUIDELINES**

These Guidelines repeal the Guidelines published in terms of the Act; published as the "Guidelines to be used in the classification of Films, Interactive Computer Games and Certain Publications" dated 1 September 2009 in Gazette Notice 32542.