

Annual Report 2009





*The BBFC
Annual Report
2009*



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President's introduction



In 2008, I discussed the issue of regulation in the new media age and looked at efforts both in the UK and internationally to deal with potentially harmful content, particularly on the internet. A key consideration in these discussions is around the value of classification. What is it for? Who is it protecting? Who is it empowering?

In 2009, a number of factors pushed some of these questions to the forefront of debate. These include the Government's decision on the future regulation of video games; discussions in Parliament over potentially harmful content in music and sports videos being freely supplied to children; the discovery that the Video Recordings Act was unenforceable; and the further growth of BBFC.online. All of these developments put the spotlight on the BBFC and it is clear that our work is valued by all those we serve, not just the public, but also Government, Parliament and industry.

In June the Government announced it supported Tanya Byron's recommendation that potentially

harmful video games should be subject to statutory regulation. But instead of accepting Dr Byron's recommendation that the BBFC should carry out this task, and following a consultation, also recommended by Dr Byron, the Government opted for the PEGI system while confirming that the BBFC's jurisdiction in relation to linear material and certain types of video game would remain unaffected.

The decision to remove the legal exemption from classification for video games threw into relief the exemption from classification enjoyed by video works concerned with sports, religion or music and designed to inform, educate or instruct. Some of these video works contain potentially harmful material, including strong bloody violence, including self harm, drug misuse and anti-social behaviour. MPs and Peers from all sides expressed their concern that such content was not subject to statutory regulation and may be freely supplied to children. During the debates in the House of Lords on the Digital Economy Bill and in the House of Commons on the Video Recordings Bill

and Andrew Dismore's Private Member's Bill, members called for this regulatory loophole to be closed and for such content to be classified by the BBFC.

We stand ready to classify such content and look forward to working with our partners in the home entertainment industry and beyond in responding to the Government's promised consultation on this issue in a positive and proportionate way to improve child protection without placing an undue burden on industry. We will also be working with Government to ensure that the Guidance that is issued on implementation of the new Digital Economy Act ensures that there is a clear division of responsibility between the BBFC and VSC so that consumers continue to understand and recognise our system of classification and to enable effective enforcement of the VRA.

Two further trends in 2009 illustrate why a BBFC classification retains for the film and home entertainment industries a value over and above a purely legal requirement.

First, the role of the BBFC in protecting children; empowering consumers; and supporting law enforcement agencies has historically been backed by law. But the discovery in August that the Video Recordings Act was unenforceable before UK courts removed the legal obligation on the industry to submit works to the BBFC for classification.

However, during the consequent hiatus in the enforcement of the Video Recordings Act, the vast majority of mainstream distributors continued to submit works to the BBFC on a voluntary basis. This strongly suggests that the BBFC offers something of value to the industry going beyond a simple legal obligation.

A BBFC symbol, backed by Consumer Advice, on a DVD, Blu-ray disc or video game does more than inform consumers as to the suitability of a product and its content. It protects a distributor's brand. It is a visible sign that a distributor has put its product through rigorous, independent scrutiny. It is a badge of corporate social responsibility. A responsibility the industry demonstrated in spades between August 2009 and January 2010 when the Video Recordings Act became enforceable.

Second, 2009 was marked by further evidence of the industry confirming the value it places on BBFC classifications through the BBFC.online scheme. BBFC.online is a voluntary scheme which allows Video on Demand (VOD) services to use BBFC classifications and Consumer Advice. For the public, BBFC.online brings to the virtual world the benefits of the consumer experience of the BBFC in the physical world. For Government – which backs the scheme – it offers reassurance that a great deal of VOD content is independently assessed for its suitability. For the home entertainment industry, a BBFC.online classification is a trusted kitemark which protects their brands and demonstrates their responsibility.

Over the past year the membership of the scheme has expanded, with seven new members joining it, bringing the total membership to 21. In 2009 we classified 5,495 works for online distribution. As online product increases in importance BBFC.online will continue to grow.

So we reached the end of a year in which the British public confirmed their trust in the organisation and its ability to empower them and protect their children, with 71 per cent of viewers checking the BBFC classification before deciding whether to watch a video work and 88 per cent of parents with young children rating the BBFC as effective. A year in which the BBFC was praised in both Houses of Parliament for empowering consumers and protecting the vulnerable from potentially harmful content. A year in which the BBFC continued to provide essential support to law enforcement agencies prosecuting those who produce pirate DVDs or sell age-inappropriate games to children.

I am grateful for the support we received in 2009 from the British public, Government, Parliament, local authorities and the film and home entertainment industries. In particular, I commend all those distributors and publishers who voluntarily submitted works to the BBFC for classification during 2009 and – as far as online content is concerned – continue to do so in 2010.

Finally, I wish to record my thanks to colleagues who have served the BBFC well and to welcome new faces. It is more than 10 years since the BBFC set up the Advisory Panel on Children's Viewing to provide expert advice and input on issues relating to classifying for children. A number of Panel members have been with us since the beginning and others joined the Panel over five years ago. We are refreshing the membership of the Panel and will

be appointing new members during the course of 2010. I would like to record my gratitude to those Panel members who are leaving for their very valuable contribution to the work of the Board and in particular David Simpson who stood down as Chair at the end of 2009.

Our other standing advisory body, the Consultative Council, which brings together many of our stakeholders and other interested parties with some independent people of distinction, has continued to provide a useful forum for discussion and consultation.

The Council of Management, which oversees the financial activities of the Board, is also getting some new members. Mike Cox, Bill McMahon and John Wilson are retiring and have, between them, served the Board for over 60 years. I would like to take this opportunity to wish them all the very best and to thank them for their sound advice and support over the years. We are welcoming four new members, Jonathan Teckman, Maggie Carver, Sonita Alleyne and Joanne Shaw and I look forward to working with them.

Finally, I should like to say farewell to Pete Johnson who has left the BBFC to become Chief Executive of the Association for Television on Demand (ATVOD) after 13 years with us, culminating in a most fruitful period as Head of Policy and Business Development.



Quentin Thomas, May 2010



2009 has been an eventful year for the BBFC. In June we launched our new Guidelines after a substantial public consultation. The same month saw the Government's decision to opt for the PEGI system of classification for video games. In August, as a result of preparing to implement this decision, the Government discovered that the Video Recordings Act was no longer enforceable and initiated action, now concluded, to rectify this. 2009 has also been a challenging year for the home entertainment industry. The decline in the amount of content being released found its echo in a decline in the number of works submitted to the BBFC for classification. Our response has been to cut staffing levels and develop and trial new services which will reduce the regulatory burden on the home entertainment industry while maintaining the BBFC's focus on child protection and consumer empowerment.

As presaged in my report last year, a key event for the BBFC in 2009 was the June launch of our new Guidelines.

The response to the Guidelines has been positive and a number of decisions have been affected by their introduction. Greater public concern over discriminatory language was reflected in the new Guidelines and caused an episode of *Friends* to be classified at '12' instead of 'PG' and an episode of *The Street* to be classified at '15' instead of '12' because in both cases discriminatory language was not sufficiently clearly condemned. On the other hand an anti-smoking advertisement which might have received a 'PG' in the past was passed 'U' on the grounds of its positive public health message.

For the third consecutive year, the Board's workload decreased. In 2009, both submissions and examined minutes fell by eight per cent compared with 2008. The downturn in submission levels was exacerbated by the discovery in August that the Video Recordings Act was not enforceable in UK courts which led to a further drop off in submission levels between September and December.

During 2009, the Government took a decision which will affect to a lesser extent submission levels to the BBFC. In June, the Government overturned the recommendations of both Tanya Byron and the Culture Media and Sport Select Committee that the BBFC should classify all video games suitable for children aged 12 and above. Following a consultation recommended by Dr Byron the Government decided to adopt the PEGI system – which is owned and controlled by the video games industry – for the rating of most games. The BBFC will continue to classify certain video games, including hardcore sex games and ancillary games on film discs, but we will be classifying fewer games than the 125 we classified in 2009. We look forward to working with Government and the Video Standards Council to ensure that the future classification architecture for film and game content continues to be robust and to maintain child protection and consumer empowerment at its core.

The decline in submission levels and the Government's decision on video game classification led the BBFC to run its third redundancy scheme in the last three years. This resulted in eight examiners and three administrative staff leaving the BBFC.

August 2009 was marked by the discovery that the Video Recordings Act was unenforceable. During this hiatus, which lasted until January 2010, the BBFC operated a voluntary classification scheme. It is testament to the strong corporate social responsibility of the home entertainment industry that the vast majority of mainstream DVD distributors and video game publishers continued to submit their works to the BBFC for classification and that entertainment retailers continued to restrict sales according to BBFC classifications. I should like in particular to thank the British Video Association, the Entertainment Retailers Association and ELSPA and their members for the highly responsible approach they took during this period.

Continuing in this positive vein, I am pleased to report that we continue to improve the service we offer to industry. We are acutely aware of the challenging times faced by the home entertainment industry and determined that the classification part of their business processes be as straightforward as possible. To this end, having conducted a Business Process Review in 2008 and implemented several key recommendations in 2009, the BBFC improved its average turnaround time per work by nine per cent – from 11 days to 10.

In the context of our relationship with industry I am also pleased that we were able to reach agreement with the International Software Federation of Europe (ISFE) in November that they would withdraw redesigned PEGI symbols and replace them with symbols which resembled less closely the existing, well-understood BBFC symbols. Challenging the PEGI symbols

which were launched in early 2009 was important if expensive. The value of the BBFC's work is the trust we have built up with the British public. We cannot accept other ratings bodies using symbols which consumers might mistake for ours.

Looking to the future and following successful trials carried out with our industry partners, 2010 will see the launch of three new services which are designed to make the Board's classification model more flexible and efficient to its customers.

- Online Submission Forms will allow customers to create submissions via the Board's Extranet facility allowing a saving of up to 24 hours in turnaround times.
- Pre Booking Express will guarantee same day turnaround for a 10 per cent increase on the standard tariff.
- Fragmentation will generate an overall certificate for a component submission as well as individual certificates for each component. This will save distributors time and money should they wish to release to market any of the individual elements of the submission.

2010 will see a number of other improvements to the service provided by the BBFC, not just for industry but also for law enforcement agencies and the public.

Law enforcement agencies, including Trading Standards Officers, have come to expect a high degree of support from the BBFC in relation to prosecutions under the Video Recordings Act. Following the re-adoption of the Act in January, we now offer even greater levels of support. When law enforcement agents take up a case of non-compliance with the Act with retailers, we will, where appropriate, take supporting action with distributors. This will benefit not only the public but also our distributor customers by helping them ensure that their products comply with the law.

The BBFC main website is undergoing a revamp and the new look site will go live in the summer. It will not only have a new look, but will be easier to navigate. It will still provide the wide range of information about the Board for both companies submitting works to the Board for classification and members of the public looking for information about works we have classified.

One of the important elements on the main website, and our website for parents – pbbfc.co.uk – is the Extended Classification Information which we provide for every work we classify. ECI provides detailed information about the range of elements which were taken into account when reaching the classification decision and is designed to help parents in particular decide whether a film or game is suitable for their child. It has also proved popular with film critics and it is tremendous to hear Mark Kermode regularly quoting it on the radio – even when he does not agree with it! The number of online visitors to our website for parents averaged 1.3 million hits per month, rising to 1.5 million in December. The new look website will give more prominence to this feature.

We look towards 2010 confident that we have made the necessary adjustments to deal with the events of 2009. We plan to build on the new services that we are providing and intend to continue to adapt and provide support to the Home Entertainment industry. We will also be monitoring closely public reaction to the new Guidelines and will continue to promote awareness of the online information that is available for parents in order to give them the tools to enable them to make informed viewing choices for themselves and their children.



David Cooke, May 2010





Accountability

The BBFC is accountable to the public and Parliament and this Annual Report is a key part of our fulfilment of that requirement. It provides a review of the work of the Board during 2009 as well as information about our financial position. This report can also be found on the Board's main website, and is placed in the libraries of both Houses of Parliament.

The BBFC's accountability to the public includes keeping up to date with changing attitudes and sensibilities. The BBFC carries out every four years a major review of the Guidelines used to classify all works submitted to the Board based on extensive public consultation. 2009 saw the publication of a new set of Guidelines which reflected the views of a cross section of the population from across the UK. Details of the research for this were covered in the 2008 Report.

Consumer Advice and Extended Classification Information

Consumer Advice is provided for all new feature works and games classified by the BBFC, enabling the public to make informed choices about the films, DVDs and interactive works available to them.

Consumer Advice takes the form of a brief description of the content which determined the classification of a film, DVD or video game. As well as noting issues such as violence, sex, language or any other matters likely to be of concern, Consumer Advice also

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Extended
Classification
Information (ECI),
is also available for
every feature film
and videogame
classified since the
autumn of 2007
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highlights themes, such as bereavement, or contexts, such as fantasy, which can influence the strength and impact of the material. Consumer Advice for the junior categories can also warn of behaviour which may be harmful if copied, or highlight content, such as characters in threatening situations, which might scare or distress younger viewers.

The strength and frequency of individual issues is also indicated in Consumer Advice through the use of

terms such as 'mild', 'moderate', 'strong' and 'very strong', across the categories. For example, violence at 'PG' and '12A' is likely to be 'mild' or 'moderate' while at '15' and '18' violence could be 'strong' or 'very strong'.

Consumer Advice is available on the BBFC's website and, with the co-operation of the film and video industry, is routinely displayed on film advertising, including posters, on print media and television, and on packaging for DVDs and video games.

An extended version of Consumer Advice, known as Extended Classification Information (ECI), is also available for every feature film and video game classified since the autumn of 2007. ECI offers an often highly detailed explanation of the classification issues that defined the work's category and, in addition, notes other content which did not directly determine the classification but may be of interest to the likely audience. As with Consumer Advice, the ECI is available on the BBFC's main website. It is a unique resource, unrivalled elsewhere in the world.

The Parents BBFC www.pbbfc.co.uk also provides detailed content information tailored specifically for parents and guardians and is designed for adults who want a more detailed understanding of the issues they are likely to find in a film, DVD or video game before they allow a child to see or play it.



- 1 - *The Dark Knight*, '12A'
- 2 - *Casino Royale*, '12A'
- 3 - *Watchmen*, '18'

Previous page
Avatar, '12A'

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 We received
 365 emails and
 letters – and not
 all complaints –
 a figure lower than
 in recent years
 ”



Letters from the public

In past years, a single classification decision has normally dominated the feedback we receive from the public. In 2009, there was no one decision which generated the level of response we received about *The Dark Knight* in 2008 or *Casino Royale* in 2007. In fact, we received 365 emails and letters – and not all complaints – a figure lower than in recent years. Many of the films mentioned here are dealt with in more detail in the relevant sections of this Report.

Despite the widespread media coverage of our decision to classify Lars von Trier’s *Antichrist* ‘18’ with no cuts, we only received 10 complaints. The film was described by correspondents as an “abomination”, “pornographic” and “common trash”. All the comments

were made in response to the media coverage; none of the complainants had actually seen the film. Indeed, there was some confusion about the actual nature of the film, with some people believing it to be a film about religion or Jesus Christ. We also received support from those who had seen the film, and who welcomed the opportunity to make their own mind up about it.

Another film which generated considerable media attention was *Brüno*. This was the latest comic incarnation of Sacha Baron Cohen – a flamboyant Austrian fashion journalist who seeks his fortune in America. Again the response from the public was comparatively muted. We received seven complaints. Most of these came from under-18 year olds who objected to our decision to rate the film ‘18’ for

strong sex and sexual references. This rating obviously prohibited them from seeing the film in the cinema (although a ‘15’ version of the film was also released). They described our decision as “unfair” and one predicted this classification would severely damage the UK film industry. While there were no complaints about the sexual content at ‘18’, other concerns were expressed about *Brüno*. One cinema-goer voiced misgivings about the welfare of the child actors used in the film. One was troubled by the perceived use of pejorative terms relating to those with mental illnesses, while another was concerned by the film’s treatment of “Christian minority” groups.

The rating given to a number of eagerly awaited works over the year was criticised by those prohibited from



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The education team addressed several prestigious film festivals throughout 2009, including the 62nd ‘Edinburgh Film Festival’, Northern Ireland’s ‘Cinemagic’ and the ‘Leeds Young People’s Film Festival’
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seeing or playing them. In particular, the ‘18’ awarded to *Modern Warfare 2*, the sixth instalment of the *Call of Duty* game franchise, generated 12 complaints, the most for any single decision in 2009. The majority were from young teenagers whose parents would not buy the game for them or allow them to play it as our decision signified it to be suitable only for adults. This time we were accused of wrecking the UK games industry (notwithstanding that this was a hugely successful title). We also received entreaties from some parents to review the rating or to cut the game as they claimed that the ‘18’ decision was ruining the social lives of their teenage sons who were precluded from playing the game with their friends.

There were four complaints from teenagers in response to the ‘18’ awarded to the hotly anticipated *Watchmen*. This certificate was felt to be more appropriate for the strong violence and sexual assault on a female

character despite the obvious fantasy comic-book context. The complainants pointed out that they had all read the graphic novel on which the film was based, and to deny them the opportunity to watch the film was, again in the disgruntled parlance of teenagers, “unfair”. One teenager demanded cuts be made to render the film suitable for ‘15’. Nevertheless, one (presumably adult) cinema goer criticised *Watchmen* for what he perceived as gratuitous violence and gore, and he was concerned that the film would encourage teenage violence.

We received 10 emails concerning our refusal to grant a certificate to the Japanese horror film *Grotesque*. Many believed the BBFC was acting arbitrarily and beyond our legal remit. Others believed our examiners were too “lightweight” to cope with such an extreme and challenging work; while one or two asserted that other works containing equally strong and sadistic material had been unproblematic

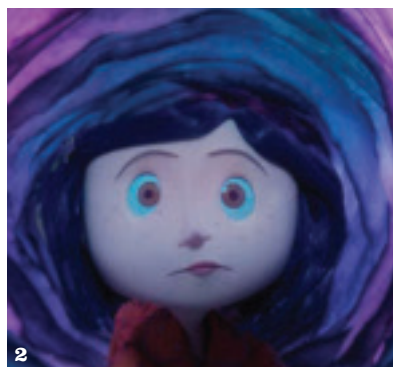
- 1 - *Modern Warfare 2*, '18'
- 2 - *Coraline*, 'PG'
- 3 - *Drag Me to Hell*, '15'

'traditional' fairy tale in which the young eponymous heroine discovers a parallel idealised world through a strange door in her new home. However, she soon discovers that this seeming paradise contains lurking dangers and Coraline must rely on her courage and resourcefulness to escape. The film has enormous visual appeal and a young audience would be delighted with its spirited heroine, its comic interludes and songs. Nevertheless, some parents felt the threat to Coraline and the figure of the wicked mother, who later turns into a spider, were too strong and upsetting for their children. One church youth group leader described the film as satanic. Our Extended Classification Information gave a detailed account of the film's content.

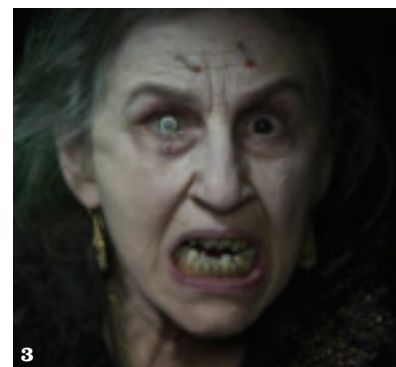
“
Traffic to the Pbbfc site increased enormously over the year, reaching 1.5 million hits for the month of December
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and classified by us recently. One particular incensed horror fan demanded a public apology from the BBFC to him and other fans who were eagerly awaiting the work's UK release. As a result of this decision, the BBFC was subjected to death threats and some very offensive emails. While we are happy to respond to criticism of our decisions and to explain our ratings, we take a very dim view of such correspondence. Those e-mailers were informed of the unacceptable nature of their approaches and the police and their internet service providers were informed. We did also receive some support for the decision.

The issue of horror, although of a less extreme nature, appeared in correspondence relating to several different films in 2009. *Coraline*, rated 'PG', was widely admired, but some parents reported that it terrified their children. Our decision received 10 complaints. *Coraline*, an adaptation of a well-known children's book, is a



The '15' rated film *Orphan* generated eight complaints from viewers who were unsettled by the notion of a 'child' being a homicidal and sexually precocious psychopath. The murder of a kindly nun in the film was also cited as being too strong for '15' although the sequence was impressionistic and without detail, and fitted into our '15' Guidelines. One individual believed this film was unsuitable for teenagers who had adoptive siblings and believed it would cause long-term difficulties for families who had adopted a child. Three complaints were received about another '15' rated horror film, Sam Raimi's return to the genre,



Drag Me to Hell, which was criticised for being too scary with one viewer believing that the film should carry a specific warning for those with heart conditions or "weak minds". Another believed the 'kitten sacrifice' scene in the film should have been cut and the issue of animal cruelty prominently displayed, even though this occurs off-screen and no real animal cruelty occurred (the 'kitten' is clearly a model). Three people objected to the horror and the homosexual content in the '15' rated *Dorian Gray*.

Accountability

Towards the end of the year, *A Christmas Carol*, rated 'PG', generated 10 complaints from parents. It was felt that the animated nature of the feature, the Disney brand name and its marketing gave no indication of the nature of the film, which contained some scenes of supernatural threat and macabre imagery. A number of parents reported having to remove their sobbing children from the cinema. One individual believed the film should have been rated '18'. This version of the well-known Charles Dickens story was recognised as a fairly faithful adaptation and it was felt that most parents would be familiar with the narrative and would know that it featured ghosts and meditations on mortality. The happy ending and Scrooge's conversion from miser to generous benefactor also acted as mitigating factors balancing the threatening elements. Our advice cautioned parents that the film contained 'scary scenes and mild threat'.

Difficult themes tackled by films at the junior categories saw objections raised by some parents. Our Guidelines permit serious issues at 'U' and 'PG' as long as the treatment is discreet and age-appropriate. The issue of miscarriage and the death of the dog at the end of *Marley and Me* ('PG') generated five complaints, especially as the film was advertised as 'good family fun'.

- 1 - *Up*, 'U'
- 2 - *Angels & Demons*, '12A'
- 3 - *Yes Man*, '12A'
- 4 - *Shifty*, '15'



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One parent was concerned that after seeing this film their children would now worry unduly about taking their pet to the vet. It was felt these issues were well-contextualised within the film and handled sensitively. Both issues were flagged on the film's entry on pbbfc.co.uk, our website for parents. The very successful animated feature *Up* ('U') was also criticised by some parents for covering matters such as childlessness, loneliness, the treatment of the elderly and the environment, which they felt were inappropriate for a children's cartoon. We judged that *Up* dealt with these potentially distressing matters in a discreet and sensitive way and the film overall (which has won many accolades around the world) was ultimately a life-affirming experience with many positive messages for young and older audiences alike.

Another interesting trend in terms of public response to our ratings in 2009 was the relative lack of '12A' films attracting criticism. *Angels & Demons* received seven complaints about the violence, in particular the scene in which one of the characters sets themselves alight. Again, (and after some reductions had been made following BBFC advice viewings) the violence lacked detail and was judged to be in keeping with the mystery-solving element and ritual aspects of the film (and book) and the film was accompanied by robust Consumer Advice. The comedy film *Yes Man*, in which Jim Carrey plays a character who agrees to everything he's asked, attracted five complaints. These centred on the scene in which the Carrey character submits to the sexual advances of his elderly female neighbour. No actual sex is seen, but is implied by Carrey's signature facial contortions. *Year One*, a comedy set in early Biblical times, received six complaints about the level and nature of its pseudo-Biblical sexual references.



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We also received comments – as well as congratulations and support – on a range of general issues. The treatment of child actors and animals in films was raised throughout the year in relation to various works. The anti-smoking teenage lobby group, D-MYST, launched their campaign, 'Scary Movies' which resulted in the BBFC receiving five postcards requesting all films containing smoking images to be rated '18'. This compares to their 'Toxic Movies' campaign in 2008 which saw the BBFC receive around 700 letters. Rather than automatically intervene when smoking appears on screen, the BBFC flags it up in



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Consumer Advice and in the Extended Classification Information, where appropriate. There has been general public commendation for our consumer advice schemes and educational websites.

From time to time, we receive correspondence on subjects and issues outside our remit. Aside from familiar complaints about the price of cinema refreshments and the behaviour of some cinema staff, the rise in 3D films saw complaints about the quality of 3D glasses and the headaches they produced in some cinema goers. One cinema goer asked for advice on which films would be likely to induce his motion sickness. There were complaints about films shown on planes and ferries. We received two calls from the public for books, particularly some violent crime thrillers, to be classified and warnings of content to be displayed on the covers. There was also a request to bring back theatre censorship (abolished in 1968). There were calls for films containing historical and theological inaccuracies to be penalised with higher ratings or to carry captions warning audiences.

Media education

The BBFC education team's commitment to delivering quality educational seminars and presentations continued in 2009, with the department responding to requests from academic institutions, local councils and film festivals, and reaching almost 12,000 students across the whole of the UK.

The BBFC's continued support of Film Education's National Schools Film Week (NSFW) 2009 resulted in 10 examiners hosting 29 classification 'master classes' in cinemas across the UK. The events were designed to address both primary and secondary students and films chosen for the events included *Shifty*, *Tormented*, and *Hunger* – all of which were well received by the young audiences. Ten of the events were directed towards primary school students, using the animated film *Coraline* to explore classification issues within children's fantasy films. The BBFC's student website (sbbfc.co.uk) provided teachers with online supporting materials to accompany all of the screenings.

As well as NSFW, the education team addressed several prestigious film festivals throughout 2009, including the 62nd 'Edinburgh Film Festival',

Northern Ireland's 'Cinemagic' and the 'Leeds Young People's Film Festival'. The BBFC also worked with the British Film Institute, delivering educational seminars to Key Stage 4 students and Key Stage 2 primary pupils. The team was also given the opportunity to showcase some of their new resources for teachers at the BFI's Media Studies Conference. Throughout 2009 the BBFC continued to offer its popular programme of in-house educational seminars to students of all ages, as well as providing presentations to visiting film classification bodies from around the world (Film, Governance and Society Study Programme) and student teachers on PGCE courses (Central School of Speech and Drama). Our relationship with National Schools Travel (NST) – the UK's leading educational travel company for Primary Schools, Secondary Schools and Colleges – has helped us to expand our geographical reach, with students from the outer-reaches of the UK visiting the BBFC offices. During 2009, the BBFC education department also embraced the possibilities offered by video conferencing technology, by virtually presenting to several schools in the Glasgow region.



Accountability

Online education

Throughout the year the BBFC's online educational presence has provided students, young children and parents with up-to-date information regarding film, DVD and video games classification via the three educational websites – Childrens BBFC (cbbfc.co.uk), Students BBFC (sbbfc.co.uk) and Parents BBFC (pbbfc.co.uk).

All three sites have seen some changes during the year, which have resulted in increased traffic.

Cbbfc attracted over 42,000 unique visitors over the course of 2009, providing users with its unique brand of educational material and fun classification based activities. As well as the addition of news stories,



competitions and student reviews, our partners at Mymovies.com provided moving image material to cbbfc, allowing users to access trailers for new and upcoming 'U' and 'PG' releases.

In October 2009 a new look sbbfc was launched with improved navigational facilities and brand new features. Employing a more 'rough and ready' aesthetic, the website is now divided into two separate user areas for students and teachers. As well as retaining the familiar informational content that was available on the previous version of the site, (eg case studies, article features, student guide, etc) it now also features examiner podcasts on relevant classification issues, such as South Asian cinema and video games, as well as online video content, including our online seminar and a video produced with the American Humane Association. Teacher and student feedback has been unanimously positive resulting in a substantial increase in visitors to the site. Sbbfc also provides users with a 'Twitter' feed, allowing them to keep up with the regular updates and new material added to the site. Examples of new material include case studies on the controversial Lars von Trier movie *Antichrist* and Nicholas Roeg and Donald Cammell's *Performance*, as well as an article comparing the BBFC's classification processes with those of our American counterpart, the MPAA.

- 1 - *Performance*, '15'
- 2 - *It's a Wonderful Life*, 'U'
- 3 - *Antichrist*, '18'
- 4 - *Jurassic Park*, 'PG'

Efforts during the year to publicise pbbfc – the Board’s website aimed at parents of young children, launched in 2007 – included creating links with parenting websites such as mumsnet.com and grannynet.co.uk. All feature films and DVDs classified ‘U’ to ‘12A/12’ and all video games are featured on the site which provides detailed information about what issues parents will find in the work. Perhaps as a result of these popular links, traffic to the pbbfc site increased enormously over the year, reaching 1.5 million hits for the month of December. In efforts to monitor success and examine possible improvements to the website, two online user surveys were launched that provided valuable customer feedback. Some of the results attested to the usefulness of the site, with 94.9 per cent of visitors claiming they would make a return visit and 96.8 per cent of visitors claiming that they would recommend the site to a friend, while others suggested areas where minor adjustments could be made to improve functionality and ease of use. Throughout the year the education team has also tried to expand the list of older titles on the site, adding Extended Classification Information for older family movies such as *It’s a Wonderful Life* and *Jurassic Park*.

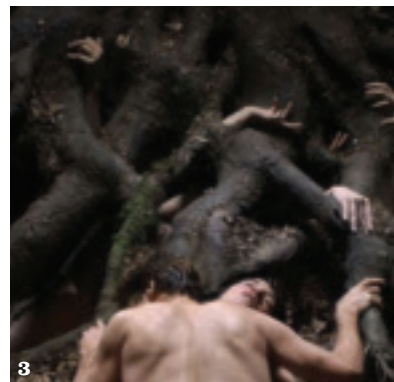
Research

BBFC research during 2009 was dominated by the final stages of the consultation which led to the publication of new Classification Guidelines in June. Both the consultation and the new Guidelines were discussed in full in last year’s Annual Report.

In February, as the Government prepared to make a decision on the future of video games classification, the BBFC commissioned a poll from YouGov involving 2143 adults (1329 parents). It showed parents overwhelmingly in favour of some sort of system which would see video games rated in the same way as DVDs and films. 82 per cent of parents believed it would help them if video games used the same ratings as films and DVDs. Three quarters of British parents were concerned about the content of video games and the same number wanted independent regulation of their content. The vast majority also believed that video games affect some children’s behaviour.

The BBFC was successful in its joint application with the University of Aberystwyth to the Collaborative Doctoral Awards Scheme (CDA). Collaborative awards are intended to encourage and develop collaboration between Higher Education Institution departments and non-academic organisations and provide opportunities for doctoral students to gain first hand experience of work outside an academic environment. The studentships also encourage and establish links that can benefit both collaborating partners, providing access to resources and materials, knowledge and expertise that may not otherwise have been available and also provide social, cultural and economic benefits to wider society.

The aim of the research, undertaken under the CDA scheme over the three academic years beginning September 2009, will be to explore how fans of extreme horror films have made use of



a series of new technologies (including video, laserdisc, DVD, Blu-Ray, the internet, peer-to-peer facilities, social networking, mobile technologies, and relatively cheap digital film-making and editing technologies) in pursuit of their interest in the genre. It is hoped that the research will provide key insights into the nature of the ‘potential viewer’ for such works, and the ways in which such viewers understand and interpret the films they watch.



Accountability

BBFC.online

BBFC.online is the BBFC's voluntary classification scheme for video content being supplied by digital means, such as download and streaming.

Launched in May 2008, with support from Government and the industry, it brings the key benefits of the DVD classification system to new media platforms, enabling consumers to use trusted BBFC symbols and Consumer Advice when choosing content for themselves or their children to view.

2009 was the first full calendar year for BBFC.online and saw many new Content Providers and Aggregators joining the scheme. We have now issued more than 8,000 BBFC.online certificates for film and TV content, and have chalked up an impressive membership list, reflecting the importance the digital industry places on effective content labelling.

We continue to supply Online Classifications for new works at the completion of the traditional Video Recordings Act (VRA) certificate process at no extra charge, and to supply instant Online Classifications for catalogue works for which a VRA certificate already exists. In response to industry demand, we are also preparing to trial a new aspect of the scheme whereby works can be submitted for Online Classification without having to obtain a VRA classification.

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We have now issued more than 8,000 BBFC.online certificates for film and TV content

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This service is designed for digital-distribution-only works and the fees for these submissions will be substantially lower than standard VRA charges. A lower charge is possible because some of the costs incurred in order to comply with the specific requirements of the VRA can be removed for a video-on-demand-only process.

The BBFC.online scheme was developed in the knowledge that the EU Audiovisual Services Directive would require the UK to introduce, by the end of 2009, a form of statutory regulation for certain video-on-demand services operating from within the UK. This EU Directive requires all member states to introduce certain basic rules for video-on-demand services which offer 'TV-like' content to the public. The first tranche of UK regulations came into force on 19 December 2009, by way of amendment to the Communications Act 2003, and makes it unlawful to supply material which might seriously impair under 18s unless such material is made available in a way that ensures that under 18s do not normally see or hear it.

The duty to enforce the new rules lies with Ofcom who, in relation to 'editorial content', intend to delegate most of those powers to the Association for Television On Demand (ATVOD). Both Ofcom and ATVOD have made clear that, in their view, content which has been classified by the BBFC in any category, including 'R18', would not be considered likely to seriously impair those under 18, and therefore does not need to be placed behind access controls.

Revised BBFC.online scheme rules, which come into force on 23 February 2010, reflect the public policy position on video-on-demand services set out in the amended Communications Act. At the same time, the BBFC has made clear to Government that it believes that the statutory requirements for

1 - *Star Trek*, '12A'

2 - *The Blind Side*, '12A'

video-on-demand services should be strengthened to ensure that, at a minimum, children are prevented from accessing 'hardcore' pornography. In the meantime, we see widespread use of BBFC classifications through the BBFC.online labelling scheme as the best way of signalling to consumers and to parents the nature of the video-on-demand content being offered and its suitability for different age groups.

Content Providers

Walt Disney Studios Home
Entertainment Europe
20th Century Fox
Warner Brothers
Paramount Pictures
Universal Pictures
2 Entertain
BFI Video
Contender Home Entertainment
Lions Gate
Momentum Pictures
Revolver
Network (Sound & Vision)
2K Games
Darker Enterprises
Harmony Video
Optimum Releasing
Hit Entertainment

Aggregators / E-tailers and Back Office Solution Providers

Tescodigital.com
LoveFilm
BT Vision
Coolroom
Tibboh Internet Services
Technicolor



Information technology

The BBFC IT systems remain central to the operational efficiency of the business. The BBFC has continued to make full use of services in support of remote working and integrated communications. Such services now mean that our staff can use the internal systems on a 24x7 basis regardless of their location, giving the organisation great resilience in the event of an external event such as adverse weather or transport disruption.

The reach of the IT systems has been steadily increasing to the point where for many of our customers their primary contact with us is through electronic data exchange. The extranet has provided submission tracking and decision support to our industry customers for several years. This has been extended to provide electronic versions of the familiar ‘Black Card’ shown before cinema films, to provide the materials required for online content and to enable our industry customers to complete all submission details online before delivery of the physical media. This facility reduces the scope for input errors and reduces administrative costs both for the industry and the BBFC. It also enables the BBFC to put in train the examination process earlier, thus improving throughput and easing scheduling. While this initiative has

required use of newer, more sophisticated development tools for the extranet, which have made it more efficient for extranet users, the underlying design in support of security and data integrity has not been compromised.

A further initiative enables customers, for a small additional fee, to select the day for their DVD to be seen and book that in advance of submission. This is in response to the, relatively small, number of cases where the standard BBFC turnaround time is not fast or predictable enough. If the demand is sufficient, this process is likely to be merged into the online submission process. This would enable customers to book possible viewing slots without any intervention from the BBFC.

Towards the end of the year the process which allows a single disc to be treated as a number of different submissions was finalised. Known as ‘fragmentation’, this is a complex process requiring careful co-ordination to ensure that all of the separate elements of a work come together at the end of the classification process. This has been requested by our customers and will bring with it some cost savings, as well as supporting our BBFC.online programme. We expect to see a dramatic increase in use of fragmentation in 2010 as the process moves from pilot to full implementation.

The most outward facing of all the BBFC IT systems is, of course, the public web site. This continues to attract very significant volumes of both unique and loyal visitors. A change to the site is under way where firstly the underlying structure and then the more visible content are being enhanced. The changes will be based on visitor feedback and by looking at the most visited parts of the site. The visitor figures show clearly how useful people find the classification decisions and consumer information. These areas, therefore, are the prime candidates for enhancement. Changes will occur during 2010 with the minimum disruption to the familiar and generally very well received site.

As far as the internal IT systems are concerned, the BBFC’s personnel and absence recording systems have been replaced during the year. This requirement emerged as a result of the business review process and has produced a cost saving in the region of £10,000 per annum. A clear focus on reducing such costs has been a key theme for IT throughout 2009 and will continue through 2010. Where possible, open source solutions are being adopted to provide cost savings and licence flexibility.

Accountability

In line with the BBFC approach of moving as much as possible of our historic material to digital formats to improve access and availability we have begun the process of scanning historic paper based files. This is an ongoing process with files being scanned as they are required, at a rate of around 50 items a week. There are in the region of one million items in all and to scan all these would not be an effective use of our resources.

The much more significant preservation of the BBFC's statutory archive – by converting all existing VHS tapes to digital files – began in November 2008. Throughput and quality have been above target from early in the programme. The expected throughput rate was 720 hours of ingested tape per week. In 2009 43,057 hours were ingested, giving a mean weekly rate of 861 hours. This volume represents 39,817 VHS tapes – just under a quarter of the archive.

The redundancies affecting the rest of the BBFC have also affected the ingest operation. The reduction in staff has required reorganisation and changes to responsibilities that, in a tribute to the hard work and dedication of the staff in Bracknell, have produced not only an increase in output per person, but an absolute increase in throughput. As a result the third party storage vaults, where the VHS tapes are stored, are being emptied at a higher rate than expected. If this continues, there will be a significant saving against the projected cost of the project.

Exceeding the target throughput so substantially has required changes to the system to ensure that the system itself is not an obstacle to maximum staff performance. The BBFC's in house IT team has developed a new bespoke system to replace the previous software. Being able to concentrate on the minimum necessary functionality at the highest performance has delivered a four fold performance increase and created a highly reliable system.

The Board is conscious of the environmental and cost impact of running a substantial data centre and efforts have been made to reduce the carbon footprint of the centre. A number of initiatives have reduced the power consumption of the Bracknell centre by some 15 per cent over the year. A significant part of this has been the reduction in the number of servers as a result of the changes to the systems, but simple measures, such as arranging servers to drop to standby overnight and power down at weekends, have all played a part. Similar steps within the Soho offices, especially server consolidation and new technology, have had similar effects, though the electricity demand in Soho is considerably smaller.

The digitisation of the VHS tapes has been so efficient that the planned ripping of DVD content is now planned to start early in 2010 rather than in 2011. It is, of course, a copyright infringement to copy a DVD other than for the purposes of the copyright owner or to preserve a copy for an archive or library. While commercial solutions exist, they are generally both complex and expensive. Instead, a solution has been designed and developed in-house at a very low incremental cost. The expectation is that this will enable DVDs to be ripped alongside the VHS ingest without significant impact on speed. Should this prove the case, the additional cost of acquiring DVD content will be very modest, thus providing an outstanding return on the investment. The BBFC is now actively looking into the commercial possibilities of the VHS ingest operation.

Enforcement

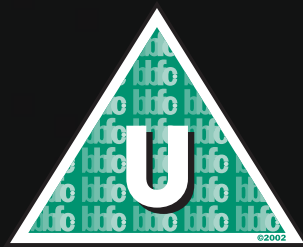
Under the terms of the Video Recordings Act 1984 (VRA) it is illegal to supply an unclassified work on DVD, Blu-ray or any other video format in the UK, unless it is exempt from classification. The Board provides support to police and Trading Standards officers by issuing Certificates of Evidence in respect of seized works. From January – August 2009 a total of 211 cases were processed by the Board, of which 88 cases (465 works) related to seized media items and 123 cases (1,608 titles) were based on the title alone. The average turnaround time was 12.1 days for seized media items and 5.2 days for title-only cases. This represents a reduction in turnaround times of almost 25 per cent for seized media items and almost 50 per cent for title-only cases compared to 2008.

In August 2009 it was discovered that the VRA was not enforceable under UK law. While waiting for the Act to come back into force, the Board was unable to issue Certificates of Evidence. Once the VRA was back in force the Board resumed providing the same efficient and easy-to-use service to law enforcement agencies.

1 - Up, 'U'



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'U' Universal – suitable for all

Over the past year, various children's films were awarded the 'U' category – 'suitable for all'. According to BBFC Guidelines, "U" films should be set within a positive moral framework and offer reassuring counterbalances to any violence, threat or horror'. In determining whether a film can be classified 'U', the broader areas of morality, behaviour and impact are considered alongside the standard issues of language, sex references, violence, horror, and so on. Parents also seek reassurance that children will be encouraged to behave responsibly and with kindness, and that films will make a clear distinction between what is right and wrong, and between appropriate and undesirable behaviour. A number of 'U' films, such as *Hannah Montana – The Movie*, a child friendly Disney film based on the TV series, were free of issues, while several 3D natural history films were also passed 'U', including *Ocean Wonderland*, set in the Great Barrier Reef. These visually stunning works were not only educational, but conveyed strong environmental messages. However, the 'U' category does not always mean that the film will be 'squeaky clean', and some 'U' films were more challenging for four year olds.

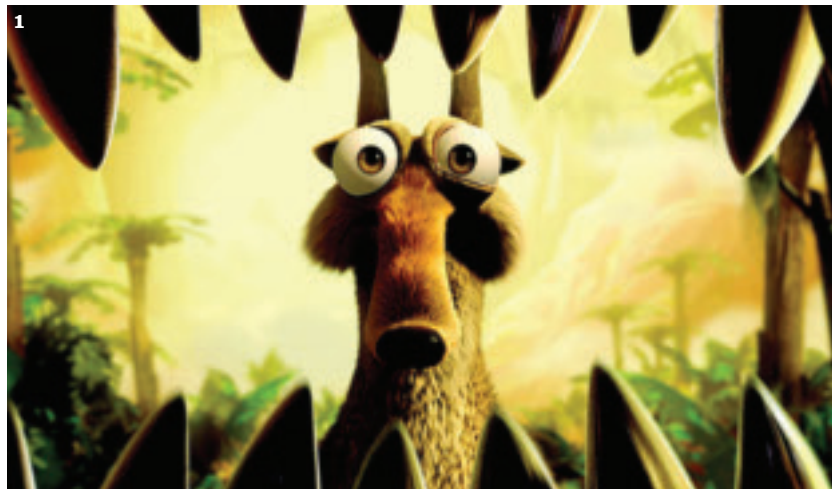
The Princess and the Frog is an old fashioned Disney animation film set in 1920s New Orleans. A poor waitress who dreams of owning a restaurant is transformed into a frog after meeting a Prince who has also been turned into a frog. The film's occasional mild scary scenes were felt to be containable at the 'U' category because reassurance quickly follows each brief scene, while light comic interludes also provided some counterbalance. Overall, the work is set within a positive moral framework in which the messages conveyed by the heroism, loyalty and friendship of the 'good' characters far outweigh any mild distress that could result from watching the scary scenes.

Ice Age 3 - Dawn of the Dinosaurs, the third in the hit animation feature series, generated some debate between examiners over whether it should be a 'U' or 'PG'. There are sequences of mild threat and comic violence, as well as frequent use of and focus on an attractive looking knife fashioned from a dinosaur tooth. Guidelines at 'U' state that there should be 'no emphasis on realistic or easily accessible weapons'. The knife is used by a pirate type character and seems to be his primary means of defence against dinosaurs. Ultimately the 'U' category was awarded and so far no complaints regarding the weapon have been received.

Another 'U' film did result in four complaints from members of the public. This was the Pixar animation



The 'U' category does not always mean that the film will be 'squeaky clean', and some 'U' films were more challenging for four year olds



film *Up*, an acclaimed tale of an elderly man who ties balloons to his house and journeys to South America, but whose plans are complicated by a young stowaway. The film was classified 'U' for the scenes of mild threat which were considered to be brief and swiftly followed by reassurance and humour. One set of parents, however, wrote of their five year old being terrified of 'the woman dying, the vicious nature of the dogs, the fighting and the fire', while others also mentioned these scenes scaring their young children. It is

impossible to predict what might upset any particular child and there are always some children that will be more sensitive than others. Furthermore, the BBFC's Extended Classification Information (ECI) for *Up* highlights most of these scenes in detail.

Bad language is another issue which is always foremost in the minds of parents of young children. At 'U' the Guidelines allow only 'infrequent use only of very mild bad language'. *Alvin and the Chipmunks – The Squeakquel*



KANE



contained infrequent uses of 'butt' and 'jerk'. There was also one use of 'crap' in the phrase 'holy crap balls' in *Cloudy with a Chance of Meatballs*. This language is not normally acceptable at 'U' unless only occasionally used and justified by context. Here, a single use was considered acceptable, given the warm and light hearted nature of the film. It is worth noting that the single letter of complaint about the film did not even mention the use of bad language. The complainant was more concerned about the 'insensitive' use of the term 'four eyes', said to a character wearing spectacles. They felt that because of the likelihood that child viewers would insult other bespectacled children by using the term (the complainant's five year old son wears spectacles), the 'PG' category was more appropriate. The BBFC responded by

pointing out that the character learns to wear her spectacles proudly by the end of the film, the hurtful name calling is not condoned and to raise the category based on this one reference would deny the film its natural 'U' audience.

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Citizen Kane was one film that received a modern 'U' film certificate

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- 1 - *Ice Age 3 - Dawn of the Dinosaurs*, 'U'
- 2 - *Citizen Kane*, 'U'
- 3 - *The Princess and the Frog*, 'U'





The issue of smoking raises concerns at the junior categories, particularly in relation to works which appeal to younger children. A 1951 cartoon in the compilation *Walt Disney Treasures – The Complete Goofy* showed Goofy's addiction to smoking and his attempts to quit. After much discussion between

examiners, it was decided that the cartoon could be passed 'U' because the portrayal of smoking was aversive and half the work focused on the negative consequences of the activity. The accompanying Consumer Advice 'Contains scenes of smoking' served to highlight the issue for parents.

A 'U' classification may also be awarded to a film which has no appeal to children. Such films might be beyond the understanding of children because of their content, but if they conform to 'U' Guidelines, they will be classified 'U'. *Citizen Kane* was one film that received a modern 'U' film certificate. Classified 'A' in 1941, the Orson Welles classic has held a 'U' certificate since 1985. An oblique reference to an attempted suicide, a slap delivered by a man to a woman and scenes of smoking were all thought to be acceptable at 'U', given the age of the work and the lack of appeal to young children.

The Tales of Beatrix Potter, a ballet performed by the Royal Ballet, and the opera *La Traviata*, are other examples of 'U' works that probably would not appeal to this particular age group. The charming ballet contained no classification issues whatsoever, while in *La Traviata*, two references to 'a



A 'U' classification may also be awarded to a film which has no appeal to children



- 1 - *Encounters at the End of the World*, 'U'
- 2 - *Cloudy with a Chance of Meatballs*, 'U'
- 3 - *Bright Star*, 'PG'

fallen woman' and sight of a blood stained pillowcase indicating a woman's impending death were not considered to be strong enough to raise the category to 'PG'. Finally, Werner Herzog's *Encounters at the End of the World*, a documentary about people living and working in Antarctica, was classified 'U' as mild sex references to penguin 'prostitution' and 'gay penguins' were thought unlikely to offend viewers or be understood by the very young.







'PG' Parental Guidance – general viewing, but some scenes may be unsuitable for young children

The 'PG' category is used to accommodate works with an appeal to most children of eight years and over, and which may contain material which departs from the safe, non-threatening world presented to younger children in films and DVDs at the 'U' category. They may also present examples of themes, language and behaviour that might offend or confound the expectations of parents had they been classified at the lower category. Some works which have no obvious appeal to children, but whose themes and issues are handled in a suitably discreet and sensitive manner, also find a place at 'PG'.

2009 saw the release of several films aimed at a junior audience which were based on the works of well-known writers. Charles Dickens' *A Christmas Carol* was re-told using computer animation and the voices of Jim Carrey and Colin Firth. In the narrative context of Scrooge being visited by ghosts who warn him to mend his ways or face the terrible consequences, the film provided several scary sequences which had the potential to disturb very young



children but were felt to be suitably placed at 'PG' where the Guidelines allow for 'frightening sequences [which] should not be prolonged or intense' and where 'fantasy settings may be a mitigating factor'. The film adhered closely to Dickens' story with all its fantastically macabre elements but also contained humour that provided respite from the moments of mild horror. Similar issues arose in film adaptations of Neil Gaiman's *Coraline* and Maurice Sendak's *Where the Wild Things Are* in which child characters find themselves in strange, sometimes unsettling, worlds. Scary scenes, along with some mild violence, were also issues raised in the animated feature *Fantastic Mr Fox* from the book by Roald Dahl. The film also contained a sequence in which the hero, Mr Fox, is threatened with a flick-knife. The Guidelines at 'PG' state that there should be 'no glamorisation of realistic or easily accessible weapons' and in this case the focus on the knife was deemed to be acceptable at 'PG' since it is wielded by a rat who is clearly portrayed as thuggish and not a character with which children are invited to identify.

A Christmas Carol and *Coraline* were the subjects of a number of complaints from parents whose children found them a slightly disconcerting viewing experience, and whilst the sensitivities of every child at the 'PG' category cannot be legislated for, an important balancing factor in their classification was the positive and accessible messages they contained for children about friendship, tolerance and resourcefulness.

Monsters Vs Aliens, an animated adventure comedy about a secret group of monsters who are used by the US government to defend Earth from evil invaders, was one of 2009's big releases and contained scenes of mild threat and comic fighting which was set in the traditional mould of 'over the top' cartoon violence between fantastical



Depictions of activities in films at the junior categories that carry the possibility of causing harm to children are assessed very carefully in accordance with the Guidelines





- 1 - *St Trinians 2 - The Legend of Fritton's Gold*, 'PG'
- 2 - *Where The Wild Things Are*, 'PG'

monsters and alien robots. The Guidelines at 'PG' state that 'moderate violence, without detail, may be allowed, if justified by its context (for example, history, comedy or fantasy)' and the film as a whole fell within this allowance. A similar blend of adventure and fantasy, this time in live action form, featured in *Race to Witch Mountain* which contained scenes of mild action violence, but used only by the heroic central characters against the clearly defined 'bad guys' as a means to protect themselves rather than for its own sake. Mild violence, with a more clearly humorous tone, was an issue in *Night at the Museum 2*, a sequel to the popular comic fantasy adventure about exhibits in a museum coming to life which was also an example – along with *Monsters Vs Aliens* and *A Christmas Carol* – of a feature film being released in 3D and IMAX versions, as well as the standard

cinema format. Films which contain elements of violence, threat or scary sequences, will have the effect of these issues amplified and intensified when presented in 3D and IMAX formats, and the classification of these versions takes this into account. In the cases of the films mentioned, the 'PG' category awarded to the standard versions was maintained since the 3D and IMAX formats made no significant difference and it was also felt that, given the various fantasy settings, the more 'overpowering' experience would more likely be a source of delight, rather than terror, for most children of eight years and older.

The BBFC states in its Guidelines that 'works should be allowed to reach the widest audience that is appropriate for their theme and treatment' and a number of films classified in 2009 were felt to have a broad appeal to a 'PG'



audience but contained some elements that sat uncomfortably at that category. In some of these cases the distributor was keen to achieve a 'PG' and sought advice from the BBFC – whilst the film was in post-production and before it was completed – about what would be required to secure the category. An example of this was *Dragonball Evolution*, a martial arts themed action adventure about a group of teenagers racing against time to prevent a vengeful warlord from obtaining the magical means of ultimate power. The majority of the martial arts violence in this fantasy-based film is delivered in a

films, *St Trinians – The Legend of Fritton's Gold*, contained the usual mixture of mild language, 'Carry On' style sex references and comic violence, but changes were made to slightly stronger sexual elements, language and depictions of potentially dangerous imitable behaviour, as advised by the BBFC, to ensure the 'PG' category. The advice given in these cases is not the same as cuts being imposed by the BBFC; it is the distributor's decision to accept or reject the advice and to take a higher category when the finished film is formally classified.



highly-stylised, choreographed manner with no undue detail, but moments of more focussed, personalised violence were toned down as a result of the advice given by the BBFC, which enabled the film to be passed at 'PG'. The violence in *Paul Blart – Mall Cop*, the story of a dedicated security guard and unlikely hero who attempts to foil a gang of robbers, occurs in the context of a broad, light-hearted comedy and sits comfortably within the allowance of the Guidelines at 'PG', but again a couple of stronger moments in fight scenes were changed on advice given to the company. The sequel to the popular modern day take on the St Trinians

Depictions of activities in films at the junior categories that carry the possibility of causing harm to children are assessed very carefully in accordance with the Guidelines, which at 'PG' require that there be 'no detail of potentially dangerous behaviour which young children are likely to copy'. In the fantasy adventure film *Aliens in the Attic*, in which a group of children attempt to repel an alien invasion, a sequence features an older boy lighting a banger and throwing it into a space in which the aliens are hiding while other fireworks are seen going off. Acknowledging that playing with fireworks is dangerous, the sequence

also comes with a warning from one of the other children to stop the activity before any serious damage is caused. It was felt that in this context, with the balance provided by the warning and the relative lack of detail in the process of igniting the fireworks, the scene could be passed at 'PG'. Similarly, a new 3D version of the hit animated film *Toy Story* released in 2009 included sight of a little boy attaching fireworks and rockets to his toys, and the toys themselves playing with matches which, on balance, was deemed to be suitably placed at 'PG' but would have posed much more of a problem at 'U'. The issues in both films



Some films contain an accumulation of issues that place them at the top end of a category and perhaps on the borderline with a higher category



Fame, about students from different backgrounds at a school for the performing arts who face triumph and disappointment as they hone their acting, dancing and singing skills, hoping to achieve their dream of stardom. The film includes language such as 'bitch' which, in this case, is not directed or aggressive but used in a funny, affectionate or ironic way, as well as drug references such as 'crack rock', but only in the context of a student describing the conditions of the poor neighbourhood in which he grew up and his comments have a strong anti-drug message. There is also a scene

- 1 - *Young Victoria*, 'PG'
- 2 - *A Christmas Carol*, 'PG'
- 3 - *Fame*, PG
- 4 - *Aliens in the Attic*, 'PG'



were clearly highlighted in the Consumer Advice and additional classification information available on the main BBFC and Parents BBFC websites to alert and inform parents of their presence. The BBFC sees the provision of such information, particularly at the junior categories, as an important aspect of its classification role.

Some films contain an accumulation of issues that place them at the top end of a category and perhaps on the borderline with a higher category. An example of this came in 2009 with the remake of Alan Parker's 1980 musical drama

in which a female student is lured into a sleazy actor's trailer and realizes that he intends to have sex with her, although she rebuffs this most unsympathetic character in no uncertain terms before anything can happen. A further sequence shows a male student, devastated by being told that he will not make the grade as a musical performer, standing at the edge of a subway platform as a train comes in with the clear implication that he is thinking of killing himself. This does not happen as he is spotted by other students who rush to him and show that he is still respected and cared for. The balancing factors for all these





'PG' Parental Guidance

issues were sufficiently compelling to allow this exuberant film with positive messages about friendship, perseverance and self-esteem to be accessible to a 'PG' audience, rather than being raised to '12A'. An extended version released on DVD required the '12' category as it included an unchallenged use of discriminatory language when one character refers to another as 'retarded'.

Discriminatory language and behaviour, whether based on race, sexuality or disability, is of great concern at the junior categories given the relatively impressionable nature of a child audience. The Guidelines at 'PG' state that 'discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context', which was clearly not the case with the extended version of *Fame*. An episode of *Little House on the Prairie*, released on DVD, contained a storyline about a black doctor who comes into the community, causing tension and in the case of one white character, outright prejudice as he refuses to let the doctor



1 - *Fantastic Mr Fox*, 'PG'
2 - *Coraline*, 'PG'
3 - *Avatar*, '12A'

tend to his pregnant wife and refers to him as a "nigger". The comment is immediately challenged by another character and the issue is resolved when the man realizes the error of his prejudice after the doctor has saved his wife's life. The use of the racist term in this case has a historical setting and its clear condemnation allowed it to be passed at 'PG'. We are very conscious of the strong offence which can result from this term, and in other contexts higher classifications would be necessary.

The appropriately discreet, sensitive or responsible treatment of various issues, including sex references, emotional distress, injury detail and suicide, allowed several film biographies with no natural appeal to a children's audience to be passed at 'PG'. These included *Young Victoria* (about the early years of Queen Victoria's reign), *Creation* (about the naturalist Charles Darwin) and *Bright Star* (the story of the love affair between the poet John Keats and Fanny Brawne).





12A

12

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Classification is not entirely an indoor pursuit!

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'12A' cinema '12' video – suitable for 12 years and over

In 2009 143 films were passed '12A', making it the second largest category for feature films after '15'. As in previous years the scope of '12A' films continued to diversify with films covering a huge range of themes, issues and genres. A year of adaptations saw a drama about funeral directors and songs about film direction, cavemen joking about the beginning of the world as others faced the end of it, and BBFC examiners donning hard hats to view horror in a museum.

Adaptations of popular books were a particularly strong feature of the '12A' category in 2009. For teen audiences adaptations of *The Twilight Saga* continued with *New Moon* which, like its predecessor *Twilight*, contained some moderate violence, horror and occasional bloody moments. Scenes including vampire attacks and executions carried some impact, as did some of the CGI werewolf fighting scenes, but lacked the strong detail or intensity

which would have suggested '15', especially in the known context of such a popular teen novel franchise.

At the other end of the scale *Harry Potter and the Half-Blood Prince* was also passed '12A', but sat comfortably at the lower end of the category. Though a lot milder than the last two instalments of the series, it had an accumulation of moments of threat, and the death of a well-loved and well-known character. These were felt better placed at '12A', where parents could make an informed choice about whether viewers younger than 12 could cope with the story and action.

There were also adaptations of hugely popular adult fiction, including *The Time Traveler's Wife*, starring Eric Bana with Rachel McAdams as his eponymous spouse. The film included some nudity, as Henry travels through time naked, and brief gory moments including sight of a character bleeding after a miscarriage and a character screaming in pain from a gunshot wound.

- 1 - *Twilight - New Moon*, '12A'
- 2 - *The Time Traveler's Wife*, '12A'
- 3 - *3 Idiots*, '12A'





Distributors continued to make use of the BBFC advice service, where works are seen before completion and senior examiners indicate the film's likely certificate and, where appropriate, offer cuts lists or advice regarding what changes should be made for the distributor to achieve a desired category. Biblical comedy *Year One* was seen in this way, with distributors electing to cut three strong, crude sex references to bring the work down to '12A'. Later in the year the full version, with cuts reinstated, was passed '15' on DVD. The De Vinci Code sequel *Angels & Demons* was also seen for advice, and like its predecessor was cut for '12A' with some violent scenes reduced to lessen their impact.

The new Guidelines introduced in June 2009 meant some changes to the '12A'. The introduction of the new 'Discrimination' guidelines at all categories, for example, meant an extended episode of *Friends* in which well-loved character Rachel referred to herself as a 'laundry spaz' after muddling up some washing loads, was

pushed out of 'PG'. The combination of a character with strong appeal to younger audiences and the lack of any criticism of derogatory terms or attitudes placed the episode at '12'. Similarly unchallenged uses of 'spaz' and 'retard/retarded' also took some episodes of US series *Gilmore Girls* to '12'. However, context is key, and episodes of vintage dance show *Fame* were passed 'PG' with uses of 'retarded' as a teacher explains the term is old-fashioned and inappropriate and clear emphasis is placed on avoiding offensive terms or attitudes.

Classification is not entirely an indoor pursuit! Several members of the examining and management team were involved in the classification of *Pasaje Del Terror* a short 3D English language horror film made to accompany an interactive visitors' experience at the Trocadero in London. The film is designed to be shown to audiences before they walk through a series of rooms and meet actors in horror costume. It tells the story of a female visitor who attempts to leave the

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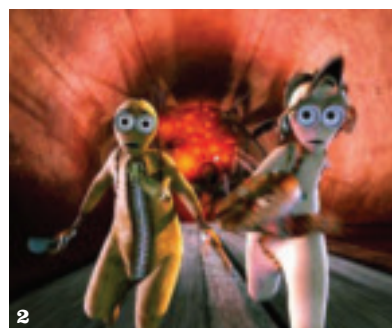


exhibit only to find that she is trapped in the streets of Victorian Whitechapel. She is then chased by a figure called Jack, who captures her and kills her in his carriage (although there is no strong element of sexual threat, as is usually found in depictions of Jack the Ripper). Though the work featured some blood, the levels of horror and threat were deemed moderate, not least as the viewing context was taken into account. More so even than horror films, which often attract self-selecting fans of the genre in particular, this work will have been seen only by those who have paid to enjoy a horror experience (similar to the London Dungeon).

Some of the big Christmas holiday hits received a '12A' category in 2009 including *Sherlock Holmes*, which contained some moderate violence as detectives ranged around Victorian London pursuing a criminal obsessed with 'black magic', and *Nine*, a big budget musical about an Italian film director in the 1960s. This contained several scenes of smoking by glamorous characters such as beautiful models and actresses. This was flagged for parents and cinema goers in the Extended Classification Information, which is published for all films.

Director James Cameron's eagerly awaited ecological odyssey *Avatar* also arrived for classification late in the year, in several formats 2D, 3D and IMAX. Each format is independently classified, examiners taking into account the affects of the larger IMAX screen or the 3D imagery. Despite the special effects and the 3D experience, the moderate violence (such as scenes where characters are killed or injured and occasionally site of arrows piercing bodies) and the prolonged battle scenes remained the same, and all three versions were classified '12A'. However, the more intense nature of viewing 3D or IMAX films was noted in advice on the Parents BBFC website, with the film carrying the additional warning that the IMAX and 3D versions 'may be unsuitable for younger or more sensitive children'.

3 Idiots is a Hindi language film which proved a crossover hit at Christmas time. Bollywood superstar Aamir Khan plays an engaging but enigmatic engineering student who disappears after graduation, and his friends who go on a nostalgic road trip many years later to find him. In classification terms the work was notable at '12A' as it featured several references to suicide, including sight of one student hanging in his bedroom and another student



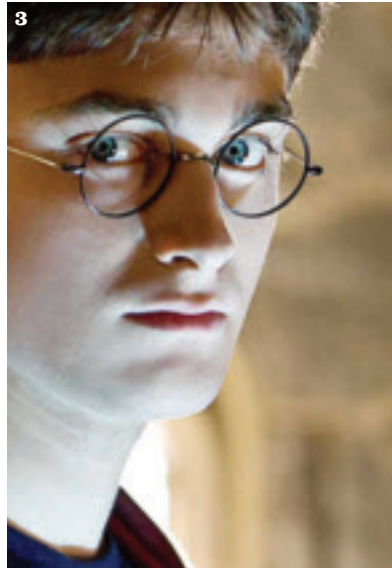


- 1 - *The Lovely Bones*, '12A'
- 2 - *9*, '12A'
- 3 - *Harry Potter and the Half Blood Prince*, '12A'
- 4 - *A Single Man*, '12A'
- 5 - *Sherlock Holmes*, '12A'

jumping from a high-rise building when faced with a difficult choice. In the latter example the student survives the fall and is gradually rehabilitated, healing physically and mentally with the help of his friends. The careful treatment of the theme, including emphasis placed on the wider effects of suicide and depression, even in this relatively light-hearted film suggested audiences of 12 and over would be able to cope with such a mature theme.

The '12A' certificate means that anyone aged 12 or over can go and see the film unaccompanied. Children younger than 12 may see the film, provided they are accompanied by an adult, who must watch the film with them. Given this, perhaps the most complex area for classification at '12A' is tone and impact, where the BBFC takes great care in judging the effects of a film on its likely audience.

Though the '12A' category often seems synonymous with family friendly hits, many more serious works have been passed at the category over the years – exploring mature, complex and sometimes even harrowing themes with sufficient sensitivity to be suitable for younger viewers of 12 and above, even if they are not the work's primary audience.



In *Departures* a Japanese cellist confronted his demons by taking work preparing bodies for burial. Though the film featured several shots of corpses being washed and clothed, a body being cremated and sight of families in the throes of grief and distress, the treatment was calm, straightforward and tender – suggesting it was suitable for young teenagers who would be able to understand and cope with the complex emotions in play.

In contrast, end of the world action film *2012* explored its theme of death, Armageddon and the desperate quest for survivors of a series of natural disasters to find and be selected for a modern day Noah's Ark, through high end special effects. The film and several of the trailers were passed '12A'. Though it dealt with a terrifying idea, the treatment in a clearly delineated story with identifiable role models and a lack of personalised violence was felt not to be too dark in tone to preclude viewers of 12 and above who were able to enjoy the exciting adventure story and appreciate the clear elements of fantasy.

Later in the year *A Single Man* contained 'mature themes' which required additional viewing and consideration. The work is a period



- 1 - *An Education*, '12A'
- 2 - *Nine*, '12A'
- 3 - *The Hurt Locker*, '15'

drama adapted from Christopher Isherwood's novel about a middle-aged lecturer who decides to commit suicide after his lover dies in a car crash. The work explores George's thoughts as he deals with bereavement, ill health and the problems of living 'invisibly' at a time when his homosexuality is socially unacceptable. Though not primarily aimed at younger viewers, the portrayal of a suicidal character here was not felt to glamorise or encourage similar behaviour. In addition it was felt the work could offer useful talking points in an education setting.

The Lovely Bones, a drama about a murdered child, based on Alice Sebold's blockbuster novel, was also classified late in 2009 ahead of its early 2010 release. The work was seen several times for advice and discussed at length before it was classified '12A'. The theme of a child murder is established early on which prepares the audience for subsequent events, including reference to a murderer and his previous crimes, but also the central character Susie's anxiety and regret about being dead and leaving her family. Although this theme may have the potential to disturb and upset, several factors suggested it should be available to young teenagers (towards whom it was at least partly aimed). These included

the film's relatively well known source, the relative restraint of the treatment, the clear and important cautionary message about 'stranger danger' and careful exploration of a complicated theme through a character's experience.

The '12A'/'12' Guidelines on the portrayal of drugs state that drug use must be infrequent and should not be glamorised or give instructional detail. In two episodes of the old television series *The Untouchables* the sale and use of heroin featured. These scenes were deemed to be acceptable at '12' given the age of the series and the fact that younger audiences were unlikely to identify with the older characters.

A number of documentary works were passed by the BBFC in 2009 at lower categories but which included some strong images of real death and mutilation. *Burma VJ – Reporting from a Closed Country* focused on the movement for democracy in that country and contained a gruesome image of a dead monk, killed by the ruling regime and left floating in a river. This image alone secured a '12A' rating for this work. The series *Paul Merton in India* contained a scene in which a holy man demonstrated the strength of his penis by hanging weights from it. In another episode a man has his skin pierced and hooks inserted to enable him to pull a car with his pierced skin. These issues were, in the documentary context, containable at '12'.







'15' – suitable for 15 years and over

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As in 2008, more cinema films were passed at '15' in 2009 than at any other category and challenging themes and issues once again featured. The BBFC's Guidelines, revised in 2009, now include 'Tone and Impact' as one of the overarching factors that may influence a classification decision at any level and in connection with any issue. This factor was a relevant consideration in a number of cinema films classified '15' in 2009.

A highly acclaimed foreign language film *Das Weisse Band – The White Ribbon* was a tale of ritual punishment in a small German town prior to World

teacher molested an unconscious and underage pupil – were mildly eroticised. This scene was neither brief nor discreet enough to be allowable at '12A'. In this context, such scenes would also have been likely to confound audience expectations, so the film was classified '15'.

In the UK film *Summer Scars*, a group of teenagers play truant in the woods and encounter a man who subsequently threatens their lives. The key classification issue was a long scene featuring strong sexual threat from the man towards a teenage girl where the man's misogynistic motivation is both convincing and credible. However, the portrayal of the threat was not strong



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War I. It contained little visual detail but featured a relentlessly disconcerting tone. This, together with some vivid child abuse references, meant the treatment was not suitable for young teenagers and was only allowable at '15'.

Cracks examined the relationships and tensions between a group of teenage girls and a charismatic female teacher at a strict boarding school. As in *Das Weisse Band – The White Ribbon* there was no strong visual detail and tone and impact were category defining issues. There was a pervasive sexual obsession theme and some protracted scenes of sexualised nudity – most notably in a scene where the female

and the scene was staged with sufficient restraint and discretion to be allowable at '15'.

Paranormal Activity was a popular low-budget US horror film that presented an apparent case history of a young couple threatened by paranormal manifestations in their house. Use of a hand-held camera technique lent a strong sense of immediacy and credibility to the tale. Although the frequency of strong language meant that the film could not be passed below '15', the element of strong threat, as an unknown supernatural force overwhelmed the couple in their own home, exceeded '12A' allowances.



However, the absence of very strong gore or horror effects meant the film was containable at '15'.

The distributor of *Daybreakers*, a strong and gory science-fiction horror film, chose to make cuts to obtain a '15' rating rather than receive an uncut '18' classification. Classified in 2009 but released in 2010, the film was set in a future world where vampires had taken over and humans were harvested for their blood. Strong bloody violence and horror secured the film's requested '15' category, but the cuts that were required removed some of the very strong bloody violence, including the strongest gory images that were only allowable at '18'.

Films are often submitted for advice in unfinished form prior to formal submission. The British film *Dorian Gray* was based on Oscar Wilde's

famous novel about a man whose portrait ages while he remains forever young. The film's distributor was advised that the unfinished version was likely to secure an '18' classification. Reductions to a scene depicting the central character's sadomasochistic excess and to a murder scene dwelling on the infliction of pain and injury were necessary to secure the requested '15'.

The Hangover was a popular American comedy film about a group of male friends who lose the groom during stag night celebrations. The film was submitted in unfinished form and the distributor was advised that brief shots which appeared to show explicit sexual activity needed to be removed to obtain the requested '15' classification. These were consequently removed for the film's cinema release. However, on video the distributor chose to release both the UK cinema version at '15' and the uncut version with the previously cut material restored and the latter version was classified '18'.

Two versions of the satirical comedy film *Brüno* were also released on film with different classification certificates. The film starred Sacha Baron Cohen as a gay Austrian fashion show presenter who falls into disgrace and travels to the USA in an attempt to achieve fame.

- 1 - *The White Ribbon*, '15'
- 2 - *Dorian Gray*, '15'
- 3 - *The Hangover*, '15'
- 4 - *Fish Tank*, '15'



It was originally shown to the Board in an unfinished version and the distributor was advised that it was likely to receive an '18' classification. However, the requested '15' certificate could be achieved by making changes to three scenes which featured strong sex and sex references. In the event, the distributor opted to release both an '18' and a '15' version.

The BBFC's language Guidelines at '15' state that 'there may be frequent use of strong language (for example, 'fuck'). The strongest terms (for example, 'cunt') may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable'.





'15' – suitable for 15 years and over

Very strong language was a classification issue in some British films classified in 2009. The acclaimed gritty social drama *Fish Tank* concerned a teenage girl whose life is thrown into turmoil by the arrival of her mother's new boyfriend. Strong sex and sex references were allowable at '15' as were five uses of very strong language in this context. The very strong language featured in the opening minutes of the film. Two uses were unclear, two featured in a comic context and one was aggressive but contextually justified as it indicated the aggressive and strained relationship between the girl and her mother. The film also had potential appeal to 15 – 17 year olds so, given these factors, these uses were permissible at '15'.

- 1 - *Crazy Heart*, '15'
- 2 - *Looking for Eric*, '15'
- 3 - *Sex & Drugs & Rock & Roll*, '15'
- 4 - *Couples Retreat*, '15'



Very strong language was a classification issue in some British films classified in 2009



Looking for Eric was also a social drama, albeit one with comic elements. The story concerns a depressed postman who, whether in reality or in his imagination, receives advice from Eric Cantona which assists him in his personal life and his attempts to save his community from crime gangs. As in *Fish Tank*, there were five audible uses of very strong language. These uses were comic, defiant but lacking in other aggravating factors or were used by a negatively presented character when he was weakened and defeated. In this context, the very strong language lacked the strength or conviction to come across as aggressive use so was allowed at '15'.



Sex & Drugs & Rock & Roll (classified in 2009, released in 2010) was a biopic about the life of the late singer Ian Dury and contained seven uses of very strong language. These uses were not aggressive, were undirected and male to male. They were neither gratuitous nor likely to cause offence to the self-selecting audience who would be well aware of the subject matter.

The BBFC’s Guidelines state that ‘Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations’. Although seven uses of very strong language was beyond policy and normal precedent, in this instance a more prohibitive category for *Sex & Drugs & Rock & Roll* would confound likely audience expectations so the film was exceptionally classified ‘15’.

Shifty was another gritty British drama that contained some very strong language. The film concerned the consequences of the return to town of a young man whose friend is a young British Muslim who has become a drug dealer. There was significant appeal to an older teenage audience but, unlike

the previous films, some of the very strong language was aggressive and directed or was used repeatedly during a violent confrontation. These exceeded ‘15’ allowances so they were cut for this category by the distributor, although some less aggressive or directed uses were allowed to remain at ‘15’.

At the lower end of the category, two American romantic comedies featured issues that exceeded the ‘12A’ category requested by their distributors.

Couples Retreat concerned a group of couples who travel to an island retreat to work out their relationship issues. Although many of the moderate sex references were permissible at ‘12A’, the film also contained a scene where a couple are shown engaging in sexual foreplay that featured indications of fetish activity, a scene where a man elaborately prepares himself for a sexual act and a subsequent scene where the same man becomes visibly sexually aroused by a masseuse and asks her to perform a sexual act on him. In spite of the distributor’s ‘12A’ request, these were scenes that either contained the type of ‘Frequent crude references [that] are unlikely to be acceptable’ at ‘12A’ or which exceeded ‘what is suitable for young teenagers’. The distributor was offered cuts for the requested ‘12A’, but chose instead to accept ‘15’ uncut.

“ The BBFC had to consider a number of works resubmitted for release on DVD or Blu-ray where the classification previously awarded was no longer appropriate according to current standards ”



The BBFC continues to take a strong line on sexual violence at all categories



The romantic comedy *It's Complicated* (classified in 2009, released in 2010) featured a middle-aged divorcee who is simultaneously wooed by her remarried ex-husband and another man. While the moderate sex references were permissible at '12A', there were scenes showing the divorcee and various acquaintances smoking marijuana, commenting approvingly on its perceived potency and subsequently enjoying themselves at a party with no apparent ill-effects. At '12A'/'12', BBFC drugs Guidelines state that 'any misuse of drugs must be infrequent and should not be glamorised or give instructional detail'. These scenes exceeded that guideline. Although the film as a whole did not promote or encourage drug misuse and neither was there any instructional detail, it was passed '15' rather than the '12A' requested by its distributor as cuts for the latter category were not viable.

The DVD version of the television series *Paul Merton in India* contained one scene in which holy men were seen taking part in the ritual smoking of marijuana. This scene took the work as whole up to '15' because



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- 1 - *Moon*, '15'
- 2 - *Up In The Air*, '15'
- 3 - *Daybreakers*, '15'
- 4 - *Precious*, '15'
- 5 - *Watchmen*, '18'

Paul Merton himself joined in the smoking which added an element of promotion or endorsement.

Also on DVD, *Transiberian*, a thriller about a couple who encounter some sinister passengers on a train journey from China to Moscow, required cuts for the requested '15' category to remove some shots of strong bloody violence within a torture scene which dwelt on the infliction of pain and injury.

The BBFC continues to take a strong line on sexual violence at all categories. At '15', the BBFC's Guidelines state 'There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification'. The '15' level video *Open Window* contained a powerful rape scene and looked at the effects of the rape on the life of the female victim. The sexual violence was contextually justified as it showed what the victim endured and her strength in moving on from the violation. It was also responsibly and discreetly filmed without nudity and primarily focussed on the victim's anguish.

As in previous years, the BBFC had to consider a number of works resubmitted for release on DVD or Blu-ray where the classification previously awarded was no longer appropriate according to current standards. In many cases these films were over twenty years old and their power or impact had diminished to the extent that they were now acceptable at '15'. These films included *Black Moon Rising* (which also had cuts previously required for '18' waived), *1990 – The Bronx Warriors*, *The Dead Zone*, *Heathers*, *A Kiss Before Dying* and *Penitentiary*.

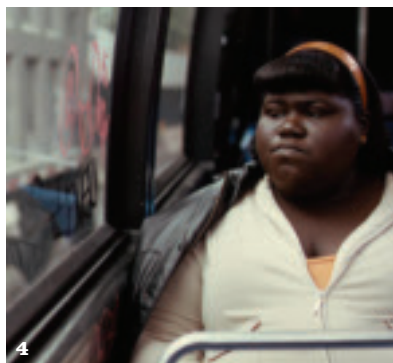
The documentary *Unseen Images of the Vietnam War* contained a number of shots of dead and mutilated bodies, including sight of a soldier being crushed by an armoured car and a surgeon performing an emergency tracheotomy. The strength of these images, and others, required the '15' classification.



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18

'18' – suitable only for adults

Concerns about the suitability of a particular scene or work at the lower classification levels can usually be dealt with by giving the work a higher category. But at '18' the only option may be to cut or reject the work. The Guidelines for the '18' category therefore reflect a desire to balance concerns about protecting the rights to freedom of expression with the need to protect vulnerable individuals, and wider society, from the possible harmful effects of some film and video material. This position corresponds with the legal framework within which we operate; taking into account the Human Rights Act 1998, the Video Recordings Act 1984 (VRA), the Obscene Publications Act 1959 (OPA), and other legislation (see *Legal issues*). A number of pieces of research carried out by the Board suggest strong public support for a policy which allows adults to choose their own entertainment provided it is lawful and not harmful.

Since its amendment in 1994, the VRA has placed a duty on the Board to have 'special regard (among other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the [video] work deals with: criminal behaviour; illegal drugs; violent behaviour or incidents; horrific behaviour or incidents; or human sexual activity'. During 2009, the BBFC has continued to have 'special regard' to harm issues, using classification at '18' where appropriate and cutting or rejecting material where necessary.

The Board operates on the assumption that adults are far less likely to copy dangerous activity than children but recognises that the potential for harm through imitation does not necessarily disappear completely with age. BBFC Guidelines for '18' allow for intervention where there is any detailed portrayal of violent or dangerous acts which are likely to promote the activities.

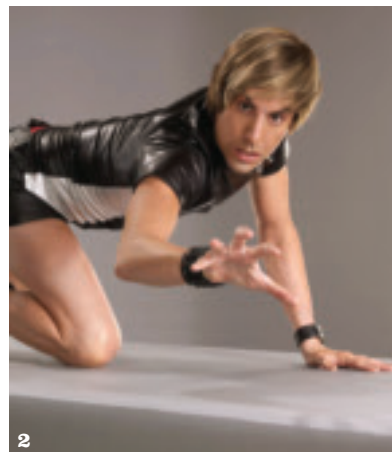


1 - *Harry Brown*, '18'
 2 - *Brüno*, '18'
 3 - *Inglorious Basterds*, '18'

“ Any detailed portrayal of drug misuse which is likely to promote or glamorise the activity may be cut, even at '18' ”

At the adult category the Board is far less concerned about stunts which are clearly potentially harmful or difficult to replicate. But the concern remains where activities are less obviously dangerous or are presented in a manner which suggests they are easily imitated. Concern is further increased when the activity appears to be fun or when, regardless of the certificate, there is clear underage appeal. In such cases the BBFC may require the addition of warning captions or, in extreme cases, cuts.

There were no new works submitted to the BBFC in 2009 that fell under the broad umbrella of extreme reality works. However, the end of the year saw the resubmission of *Sick – The Life & Death of Bob Flanagan, Supermasochist*. This work has had a long history with the BBFC having been submitted originally in 2001 when it was passed '18' with cuts to two scenes showing strong sado-masochistic activity. The work has now been passed at '18' without cuts. The BBFC took the view that, in the light of the publication of new Guidelines in 2009 and the recent legal clarification of the 'harm test', the risk of harm identified with regard to this work could no longer be considered such as to provide a sound basis for intervention.



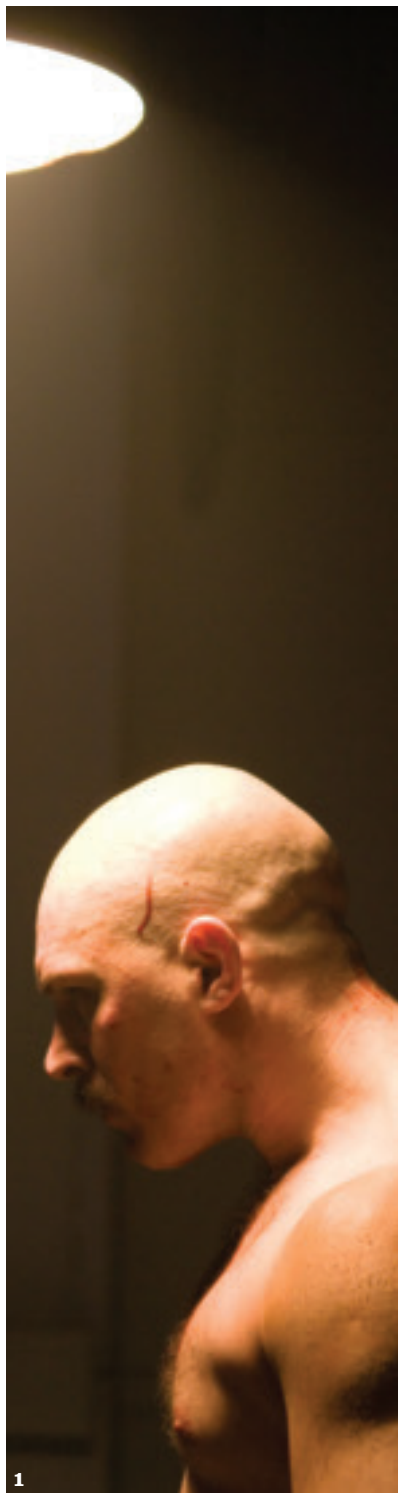
The BBFC Guidelines relating to dangerous acts at '18' explicitly include illegal drug use. Any detailed portrayal of drug misuse which is likely to promote or glamorise the activity may be cut, even at '18'. However, the Board recognises that filmmakers may seek to credibly represent illegal drug use, reflecting the existence of illegal drugs in the real world. But the Board remains conscious that illegal drug use is a serious social concern, and uses the higher classification category or cuts as appropriate. The Board will not censor material for adult audiences which merely depicts widely known drug taking procedures, providing such depictions are not promoting the activity. Current policy in this area reflects up to date expert advice and the current level of knowledge about drugs.

The BBFC did not cut any portrayals of drug use at '18' in 2009. However the British feature *Dolphins* released straight to DVD was raised to the '18' category for scenes of solvent abuse, specifically the inhaling of fuel, by young males. Given the potential for imitation of the activity in the representations in this particular film, and the dangers of the practice, the film went beyond the '15' allowance. The 1994 Quentin Tarantino film *Pulp Fiction* was re-submitted in an uncut version, having previously been cut on video to reframe close sight of a needle entering a vein during heroin use. Up to date advice suggests such specific visual details do not in themselves provoke a harmful response which would justify intervention at the adult category. In line with similar decisions in recent years, *Pulp Fiction* was passed at '18' without cuts.

The portrayal of sexual violence continues to be an issue the BBFC considers with great care, even at the higher categories. The new Guidelines emphasise that any depiction of sexual violence which goes beyond 'discreet' or lacks a strong contextual justification is not considered suitable for viewers under the age of 18.



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The House by the Cemetery, a ‘video nasty’ made in 1981, was released for the first time without cuts at ‘18’.

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A number of works featuring more detailed and difficult portrayals of sexual violence were therefore passed at ‘18’ this year. They included the Hungarian family drama *Delta*, in which a man brutally rapes an adult female member of his family. Although most of the scene is shown at a distance, some close up detail, including the sight of semen on the victim’s thighs after the attack, was felt to go beyond the requirement at ‘15’ for the portrayal to be ‘discreet’.

The American ‘grindhouse’ style horror work, *Run! Bitch Run!*, included several scenes of rape and sexual assault, some of them quite long in duration. While the portrayal of sexual violence itself is not automatically problematic at ‘18’, the BBFC may require cuts to material felt to eroticise or endorse sexual assault. It was carefully considered whether some of the scenes in this work fell into that category, particularly those where there is some focus on female nudity during the sexual attacks, but the work was ultimately passed uncut at ‘18’, as it was felt unlikely this film would be perceived by viewers to endorse sexual violence or encourage imitation.

Previously removed material was restored to *On the Game*, a light hearted documentary on the history of prostitution, which was cut when it received an ‘X’ certificate on film in

- 1 - *Bronson*, ‘18’
- 2 - *The Firm*, ‘18’
- 3 - *A Prophet*, ‘18’

1973. While at times it appears to trivialise the subject of sexual violence, the work is something of an historical curio now. The difference in how it is likely to be perceived by a modern audience was a key factor in restoring the cuts which had been made to brief portrayals of rape and sexual assault lacking in detail, and this documentary was passed ‘18’ uncut.

In a number of films classified last year, sexual or sexualised violence was just one among several issues which placed the work at ‘18’. The complex Japanese drama *Love Exposure* contained both ‘18’ level violence and sexualised violence. The over-the-top and cartoon-like fountains of blood in some of the violent sequences continued with a sexualised element in a scene where a girl seizes the opportunity to take her revenge on her abusive father when she finds him unable to move and with an erection. There is no sense of an attempt to sexually arouse the viewer in this bloody revenge sequence, meaning it was allowable under the Guidelines at ‘18’ but clearly beyond the limits of the ‘15’ category.

The ‘media effects’ evidence relating to harm is less clear cut in the case of violence that is not linked to sex and this is reflected in the BBFC’s treatment of non-sexual violence at ‘18’. The Board remains confident that the differentiation in its treatment between

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The Board recognises that the potential for harm through imitation does not necessarily disappear completely with age

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The British feature *Bronson*, charting the life of prison inmate Charles Bronson, contained many incidents of strong violence. One of the strongest scenes shows Bronson in a savage bare-knuckled fight with another man as well as various brutal confrontations between Bronson and prison guards which took the film to '18'.



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sexual and non-sexual violence is justified by the available evidence. Moreover, research undertaken to inform the BBFC Guidelines shows that the general public supports this position.

In accordance with BBFC Guidelines, therefore, cuts to non-sexual violence are likely only when the violence portrayed is very detailed and likely to encourage the activity. As has been the

case in recent years no works were cut purely on the grounds of violence, although the violence in several works, mostly of the horror genre (and covered elsewhere in this Report), was very strong and approached the limits of what is allowed at the adult category. However, after careful deliberation in all cases an '18' classification was deemed sufficient and proportionate to safeguard against any potential harm.



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Based on the 1980s graphic novel, *Watchmen* contained scenes of violence which could not benefit from any fantasy allowance. Although the story has otherworldly qualities, it is essentially based in a real world environment and the violence is personalised and often between human characters who suffer bloody injuries and death. With some dwelling on the infliction of pain and injury, the film required the '18' classification.

Quentin Tarantino's *Inglourious Basterds* also required the '18' classification for the strong violence and gory moments. Included amongst these were scenes in which individuals have swastikas carved into their foreheads and sight of bodies being scalped. The film also includes a scene in which a woman is questioned while having a finger pushed into a bullet wound in her leg.

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No works were cut purely on the grounds of violence, although the violence in several works, mostly of the horror genre, was very strong and approached the limits of what is allowed at the adult category

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Harry Brown, a British film about a pensioner seeking revenge on youths who have killed his best friend, includes strong violence, aggravated by the fact that the perpetrator is shown to either enjoy inflicting the pain and injury or displaying a degree of callousness when doing so.

The action film *Ninja Assassin* went well beyond the '15' category, with frequent strong and very bloody violence, including sequences of fighting with bladed weapons with body parts being removed and large bloody wounds caused. It very much dwells on the infliction of injury and contains strong gory images which could not be allowed below the '18' category.

Some foreign language features were also classified at '18' due to their strong violence. The Japanese feature *Tokyo Gore Police*, released on DVD,

has qualities which borrow from Manga, but this also includes exaggerated bloody violence including fleeting sight of a man who has his penis bitten off. But the artificial nature of the violence in the film is also transparent throughout. After a man has both legs severed, we see him using the masses of spurting blood as jet propulsion so he can fly around a room. It's a scene which typifies the excess and ensures that this particularly violent film remains removed from reality and containable without cuts.

The Tamil language action-drama *Thoronai* includes several fight sequences and instances of gangster violence between two rival gangs. It includes the use of weapons such as knives, sticks and guns which produce bloody injury detail that provides a focus on the brutality of some of the violence.



- 1 - *Tokyo Gore Police*, '18'
- 2 - *Colin*, '18'
- 3 - *L'Empire des Sens – In the Realm of the Senses*, '18'
- 4 - *Antichrist*, '18'
- 5 - *44 Inch Chest*, '18'

Un Prophete – A Prophet, the subtitled French language drama, could largely have been passed at '15' were it not for a limited quantity of violence which took the film to '18'. In one such scene an already dead body is repeatedly pumped with bullets, with a sustained focus on the bloody detail.

The Board does not intervene in horror films merely because of the possibility that these works might alarm or shock. It is assumed that the likely audience chooses to watch such films because they enjoy being frightened. However, the Board does ensure that the young and vulnerable are protected. Works featuring strong sadistic or sexual elements that dwell on the infliction of pain or injury are likely to be classified at '18'.

At '18', horror works are likely to contain the strongest gory images that

are unacceptable at '15'. Other '18' indicators may include the work being rooted in the real world, as opposed to a fantastical setting, horror that is played straight with little or no humour or irony, or the sexual terrorisation of women.

A modern remake of the 1972 horror feature *The Last House on the Left* required the same '18' classification given to the original when it was passed uncut in 2008. It contains a graphic stabbing and shooting during an assault; the shooting of a woman in the eye; a man's arm being caught in a waste disposal unit; and a man's head exploding after being placed in a microwave. Throughout these scenes there is a focus on the infliction of injury. Although strong, the material did not contain sadistic violence inviting the viewer to identify with the perpetrator in a way which raised the risk of harm.

Friday the 13th was a new film in the well known series which contained the same issues of strong bloody violence requiring restriction to the '18' classification. In one scene a woman is tied up in a sleeping bag and hung upside down over a campfire, the result being that her head begins to burn before the rest of her body catches fire. This scene is coupled with the screams of a man who has his foot caught in a large iron trap. Although graphically violent, these set pieces are well embedded in the horror context and follow many similar features in creating inventive ways of dispatching minor characters. As a result, the bloody violence falls within '18' standards. *Halloween II* saw the return of another long surviving horror character, Michael. It too required '18' for the very strong bloody violence. Cashing in on the appetite for well known adult horror series, 2009 saw the release of

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In a number of films classified last year, sexual or sexualised violence was just one among several issues which placed the work at '18'

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Saw VI, the latest in the *Saw* films franchise. It featured more of the same sort of strong violence and bloody horror as its predecessors.

The House by the Cemetery, a 'video nasty' made in 1981, was released for the first time without cuts at '18'. Under current Guidelines and practice there was no basis for maintaining the earlier cuts.

British horror films in 2009 included the sequel *The Descent: Part 2*, about a rescue team that ventures underground into the Appalachian caves. The film exudes a strong sense of dark menace throughout, together with several jarring 'jump moments'. Although the violent mutants encountered underground add an additional fantastical quality, the strong gory violence ensured the '18' classification.

Colin, another British-made zombie horror film contained a great deal of blood and gore as the humans attempt to destroy the brains of the zombies. With further shots of humans being eaten by zombies, including close up flesh-tearing shots, the film needed to be restricted to the adult category.

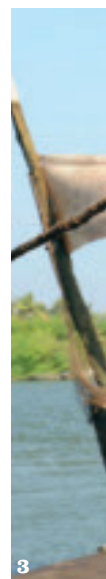


Heartless was a British urban horror film about a gentle young man with a disfiguring facial birth mark who enters into a murderous pact with a man who may be the devil. Although much of the film could have been covered by a '15' classification, it contained one scene of very strong gore that took it to '18'. In the scene, a man is murdered with a large knife, followed by the extraction of his still beating heart.

The Portuguese language feature *Embodiment of Evil – Encarnacao do Demonica* was the third instalment of the *Coffin Joe* series. It tells the story of an evil grave-digger who is released into the favelas of Brazil after forty years of imprisonment. The very strong scenes of violence, including torture, and the associated gory images were too strong to be acceptable at anything other than the adult category.

Meatball Machine, a subtitled Japanese 'extreme horror' work, featured extremely bloody dismemberment using drills, swords and mechanical saws. However this is similar to the previously mentioned *Tokyo Gore Police* in that the artificial nature of the violence is transparent throughout. It is very much a work for fans of this type of Japanese horror, featuring fantastical part-human creatures and with evident Manga inspired qualities.

Korean horror featured in *Thirst*, a film about an altruistic priest who is transformed into a vampire. The work was passed '18' for, amongst other issues, strong bloody violence and horror that includes a corkscrew being plunged into a man's chest, then twisted, causing a huge blood spurt, and the priest using a large shard of glass to slice his own tongue. Again, while embedded in the horror context and containable at '18', it could not be passed at anything less than the adult category.





- 1 - *Heartless*, '18'
- 2 - *Tony Manero*, '18'
- 3 - *Thoranai*, '18'
- 4 - *Thirst*, '18'

In 2009 only one South Asian language film was classified at '18'. The Tamil film *Thoranai* is an action/drama about a young man caught in the middle of a gang war while searching for his long lost brother. Several scenes of gangland killings with bloody detail and a focus on the brutal infliction of pain and injury were cumulatively strong enough to require the '18'. The visual detail of strong violence combined with the depiction of many characters, including the vengeful hero, taking some degree of sadistic pleasure while inflicting injury confirmed that the film was most suitably placed at the adult category.

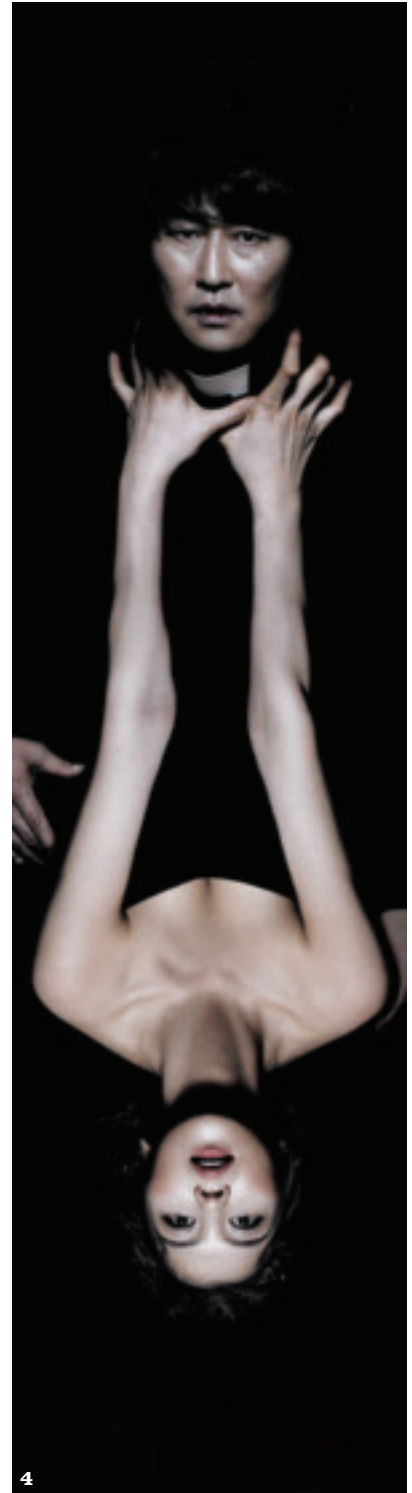


When it comes to sex in films for adults, the Board's policy is that explicit images of real sex should be confined to the 'R18' category, unless such images can be justified by their context. However, contextual justification is irrelevant if the primary purpose of the work is sexual arousal or stimulation (ie a sex work). Under the new Guidelines the contextual justification for explicit images of real sex at '18' no longer needs to be 'exceptional'. The Board's position in this area is informed by both research and public reaction to classification decisions.

As in previous years the policy in this area was tested in relatively few cases, with several of the works in question having been made in the 1970s. *Collection 2, Swedish Erotica*, a compilation of three early 1970s films from Sweden (*Wide Open, Love Play* and *More About the Language of Love*) was passed '18' without cuts. The work, which includes explicit images of sexual activity, is now very dated. By contemporary standards it is clearly not a sex work, but rather a genuine attempt to inform and educate, and the Board concluded that there was sufficient contextual justification to allow these scenes at '18'.

Les Nuits Chaudes de Justine was a 1976 French sex romp that includes brief scenes of explicit sexual activity. It was also passed uncut at '18'. Although the work includes elements of titillation, the Board was satisfied that its primary purpose was to entertain and amuse and, as it was not a sex work, there was no justification for applying the additional restrictions of 'R18' for adult audiences.

An experimental work from 1975, *Central Bazaar*, also included some brief scenes of sexual activity, albeit considerably less explicit than in other works that have been passed uncut at '18'. As well as being justified by context, the sex was considered unlikely to cause harm or offence and so the work was passed at '18' without cuts.



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The producer's 'cut' of *L'Empire des Sens – In the Realm of the Senses*, the Nagisa Oshima classic 1976 study of sexual obsession, sadomasochism, madness and murder, was submitted for a modern classification and was passed '18' uncut. The film, which is clearly not a sex work, includes explicit scenes of real sex that have been allowed at '18' for almost twenty years. But a scene, in which a naked boy's penis is tugged on by the female lead, had previously been considered questionable under the Protection of Children Act 1978, and had been optically zoomed on film and reframed on video/DVD to remove the offending material. This scene had already been removed from the version submitted to us.

Chilean drama, *Tony Manero*, includes a scene of very brief but explicit sex. However, the scene in question was judged to be contextually justified as it depicts the lead character's loss of libido and demonstrates the extent to which his life under a fascist regime has become dysfunctional. The work was passed uncut at '18'.

The Lars von Trier film *Antichrist*, about a couple trying to come to terms with the death of their son, included only brief images of real sex. In the context of this drama exploring such issues as grief, loss, guilt and fear, the explicit sex was defensible and consequently allowable at the adult category without cuts.

Each year a number of works, whose primary purpose is sexual arousal or stimulation, are submitted to the BBFC with a request for an '18' classification as opposed to an 'R18' certificate. To secure that '18', these sex works may only show simulated sexual activity, or activity that appears to be simulated. If the work contains clear images of real sex, clearly un-simulated sex, or sexually explicit animated images then the distributors are offered the option of either taking an 'R18', the category reserved for images of real sex, or cutting the sexual detail to secure an '18'. In 2009, as in most previous years, the majority of cuts to '18' sex works were to remove explicit detail on these grounds.

Some works submitted with a request for an '18' classification tread a fine line between being an 'erotic drama', with strong sex scenes set within an equally strong narrative context, and being a sex work, where the main purpose of sex scenes is sexual stimulation.

Caligula's Daughter was just such a work. Its storyline, which revolved around the enslavement and subjugation of young women, was outweighed by the frequency of its extended scenes of sexual fondling and simulated sexual activity. With the latter dominating the work, it was judged to be an '18' level sex work. As a consequence several cuts were made to scenes where the sexual activity was combined with elements including lack of consent, use of restraint, or sexual humiliation of the female characters.

Mild sexual fetish material, such as mild sadomasochist role-play, may be passed at '18' while stronger examples of fetish material are restricted to the 'R18' category. The 'R18' classification is also likely to be required where fetish



material has the potential to encourage harmful imitation among the uninitiated or possible underage viewers. At both '18' and 'R18' cuts are likely to be required if there is a potential for harm.

Explicit images of sexual activity within the context of sex education works may also be permitted at '18' where such works genuinely and manifestly seek to inform and educate on matters of human sexuality or safer sex and health. At '18' explicit imagery in sex education works should also be the minimum necessary to illustrate the educational or instructional points being made.

The Guidelines state that aggressive or repeated use of the strongest language, for example, 'cunt', is unlikely to be acceptable at any category lower than '18'. In 2009, this meant that a number

of films containing frequent very strong terms received an '18' certificate. These included British gangster film *44 Inch Chest*, football hooligan drama *Awaydays*, a filmed stage performance *Steve Coogan Live at the O2*, and the prison biopic *Bronson*, which features both frequent and aggressive uses of very strong language throughout. An episode of the US TV series *John from Cincinnati* received an '18' certificate for several aggressively delivered lines, including within threats of violence from a man to a woman.

In the American drama *Crossing Over*, it was not the number of uses which required an '18', but the aggressive delivery alone. In this feature, focusing on immigration issues, a forceful scene shows a grocery store being robbed. A woman has a shotgun pointed in her face as the gunman shouts a

combination of strong and very strong language at her. The aggressive use of the very strong language, accompanied by the strong, sustained threat and strong violence in the scene combined to place the work at '18'.

The classification of films at '18' for very strong expletives is based on public expectations of language in films restricted to the adult category.

- 1 - *The Descent – Part 2*, '18'
- 2 - *Saw VI*, '18'
- 3 - *Crossing Over*, '18'
- 4 - *Embodiment of Evil – Encarnacao do Demonica*, '18'
- 5 - *The House by the Cemetery*, '18'





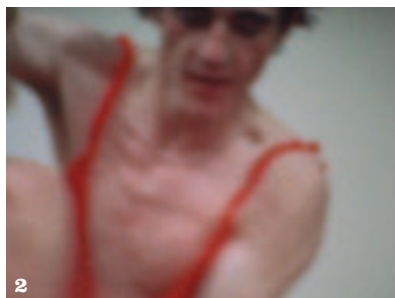
'R18' – to be supplied only in licensed sex shops to adults of not less than 18 years

The 'R18' category is a special and legally restricted classification primarily for explicit works of consenting sex between adults. Films may only be shown to adults in specially licensed cinemas, and DVDs may only be supplied in licensed sex shops which are open only to adults over 18. 'R18' videos may not be supplied by mail order.

The number of explicit pornographic works submitted to the Board in 2009 dropped for the sixth consecutive year, down to 861 works, marking the lowest 'R18' submission levels since 2001. Although this represents only a four per cent drop, year-on-year, from 2008 it is also a reduction of almost 39 per cent since the high water mark of 2003 when 1,405 works were submitted for 'R18' classifications. The proportion of 'R18' works subject to cuts in 2009 (24.2 per cent) was a reduction of three per cent over the previous year. However the high percentage continues to reflect the Board's strict policies on material which combines sexual detail with activity which is illegal, harmful, abusive, or involves a lack of consent or the infliction of pain or injury.

Cut material in 2009 once again commonly consisted of abusive and potentially harmful activity. Most common cuts for these activities were to remove scenes of choking and gagging during 'deep throat' fellatio and instances of breath restriction during sexual activity. Cuts were also made to underage sex references in line with research mentioned in the 2006 Annual Report. The BBFC continues to cut material in accordance with current interpretation of the Obscene Publications Acts (OPA) 1959 and 1964, which includes, but is not limited to, sexualised urination and certain types of enema play. In consultation with enforcement agencies and in order to ensure intervention is consistent with current interpretation of the legislation, the BBFC may pass brief and isolated examples of limited sexualised urination, so long as there are no harm concerns under the VRA and only in certain contexts where there is no realistic prospect of successful prosecution under the OPA. Aside from OPA considerations, the BBFC does not allow penetration with objects likely to cause actual harm, or objects associated with violence at 'R18'. In 2009 such cuts included penetration with cigarette holders, pool cues and mobile phones. In making these decisions the Board continues to draw upon expert research into violence and abuse in 'R18' sex works.

- 1 - *John from Cincinnati*, '18'
- 2 - *Central Bazaar*, '18'
- 3 - *Meatball Machine*, '18'
- 4 - *Modern Warfare 2*, '18'





Video games and associated media



Video games and associated media

In June 2009, the Government announced that it would adopt the PEGI system for all boxed video games supplied in the UK and confirmed it would legislate to this effect. This legislation – expected in 2010 – will end the BBFC’s legal duty to classify games which depict gross violence; human sexual activity; human genital organs or urinary or excretory functions; or techniques which may be useful in the commission of criminal offences. However, the BBFC will continue to classify video games which contain ‘R18’ level sexual content. It will also continue to classify simple video games on discs which are primarily film. The Government also confirmed that the BBFC’s role in relation to linear material will remain unchanged.

Following this decision, the BBFC began working with the Video Standards Council (VSC) to share best practice and ensure that the new classification architecture, including support for law enforcement agencies, will be as robust as that in place for film and DVD.

In the meantime, the BBFC continued to classify video games throughout the whole of 2009. The Board classified 181 video games and associated media during the year, a drop from 2008’s figures. No game titles were rejected or cut this year. Video games only have to come to the BBFC for classification under the terms of the Video Recordings Act either because they contain certain material including gross violence, sex, or useful criminal techniques, or linear material – that is video footage.

There were many sequels to popular games released in 2009, including *Resident Evil 5*, *Uncharted 2*, *Assassin’s Creed II*, *Street Fighter IV*, *Killzone 2*, *Left 4 Dead 2* and *50 Cent: Blood On The Sand*.

The latest *Call of Duty* title, *Modern Warfare 2*, was released in November 2009 and was the first game in this first-person shooter series to be classified ‘18’. In particular the ‘18’ category was awarded for a mission in which the player has infiltrated a terrorist group and joins them as they attack civilians at an airport. The violence is bloody and intense, and



“ In 2009 the BBFC rejected three DVD submissions

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aggravated by the fact that the civilians cannot fight back. The player character can choose to join in the shooting or do nothing in order to preserve his cover. But he cannot intervene to prevent the massacre by shooting the terrorists since he is then ‘discovered’ and is quickly overwhelmed and killed. The brutality in this mission was allowable at the adult category only, which was also required for the disturbing nature of the scenario and the potential for offence.

In contrast to the ‘12A’/‘12’ rated film and video, the video game of *X-Men Origins: Wolverine* received an ‘18’ certificate, with the title containing strong bloody violence as the titular character is able to use his claws to swipe heads and limbs from the torsos of enemies, with frequent sight of spurting blood and flying body parts as a result.

Away from the direct business of examining video games, the video game examiners have also been active participants in various external events, including industry conferences and presentations to schools and colleges throughout the UK.



Rejects

Films or DVDs, or digital media which contain unlawful or potentially harmful material will, where possible, be cut. If this is not possible because, for instance, the cuts are so extensive that a viable release cannot be salvaged from the remaining material, or if the distributor refuses to make the required cuts, then a work may be refused a classification altogether. In 2009 the BBFC rejected three DVD submissions. One was the British produced sex work *NF713*, another was a Japanese torture themed horror feature, *Grotesque*, and the third was a sex work titled *My Daughter's a Cocksucker*.

NF713 takes the form of an extended sequence in which a man tortures a woman psychologically, physically and sexually. The woman is bound and restrained throughout and the man in question tortures the woman to make her confess her crimes against an unnamed 'State'. But ultimately the aim is to break her down, make her fully compliant, and eradicate her individuality and make her the mere number of the title. Techniques employed include genital torture with forceps and electricity, makeshift waterboarding, beatings and forced urination. She is predominantly naked or semi-naked and her nudity is focussed upon. The torture is unremitting and takes up the majority of the work's 73 minute running time.

With the primary focus on the woman's naked, humiliated body together with the conventional BDSM aspects of the later part of the work, it is apparent that the primary purpose of *NF713* is sexual arousal or stimulation. It is within the BBFC's strict policy on sex works that material will not be passed if it depicts non-consensual sexual activity (whether real or simulated), the infliction of pain or physical harm (whether real or simulated), or sexual threats, humiliation or abuse that does not form part of a clearly consenting role-playing game. *NF713* focuses exclusively on these elements. In addition to the concerns raised under BBFC Guidelines and policy on sex works, the submission also breaches BBFC policy on sexual violence through its eroticisation of the torture of the woman. Given that the unacceptable material runs throughout, and that the theme of sexual violence and sexual threat is pervasive, cuts were not a viable option and *NF713* was refused certification at any category.

Grotesque is a Japanese film submitted on DVD which focuses for the majority of its runtime on the sexual assault, humiliation, extreme torture and eventual murder of an abducted male and female victim. Virtually from the start the couple are restrained and stripped and masturbated, before injuries including amputation, eye gouging, castration and evisceration are inflicted upon them in a torture scenario. After the gory and violent death of both hostages, the film ends with the killer choosing his next victim.

Unlike other recent 'torture' themed horror works, such as the *Saw* and *Hostel* series, *Grotesque* features minimal narrative or character development and presents the audience with little more than an unrelenting and escalating scenario of humiliation, brutality and sadism. BBFC Guidelines in consideration of compulsory cuts state that such intervention is most likely with regard, amongst other

- 1 - *Street Fighter IV*, '12'
- 2 - *Assassins Creed*, '15'
- 3 - *Killzone 2*, '18'
- 4 - *Left 4 Dead 2*, '18'
- 5 - *50 Cent - Blood on the Sand*, '18'

Rejects



things, to sexual or sexualised violence which endorses or eroticises the behaviour, and sadistic violence or torture which invites the viewer to identify with the perpetrator in a way which raises a risk of harm. Given that *Grotesque* features material which can be described in these terms throughout, primarily with a singular focus on the unacceptable content, cuts were not a viable option. Consequently *Grotesque* was refused a classification certificate.

My Daughter's a Cocksucker is an explicitly shot sex work featuring a number of similar scenes in which young women perform acts of fellatio on men whose faces are masked while frequently looking to camera and engaging with the viewer and their supposed parent. Questions and comments from the female performers include are 'you proud of me now Daddy?', 'Am I a good little cocksucker Daddy?', 'My older sister isn't as good as this, is she Daddy? Mommy taught me well', 'Are you jacking off to your little princess?', and 'Daddy told me to do it just like this'.

The context makes it clear that 'Daddy' is referring to a familial relationship and not a generic term for an older lover. In this work the dialogue encourages the male viewer to be aroused by, among other things, the idea of instructing and watching their daughter in the act of fellatio. This effect is potentially heightened by the implication that the daughter also finds this paternal interest arousing. Given which, the work constitutes 'material (including dialogue) likely to encourage an interest in sexually abusive activity (for example, paedophilia, incest or rape)...' which is unacceptable under Guidelines at 'R18'. In addition, the work featured sequences which are not allowed at 'R18' in which the female performers were made to gag and choke during fellatio while their heads are firmly held, causing evident discomfort. With the central concept and a great deal of the content being wholly unacceptable, cuts would have been extensive throughout. Cuts were therefore not viable and a classification certificate for *My Daughter's a Cocksucker* was refused.



- 1 - *The Damed United*, '15'
- 2 - *National Lampoons Animal House*, '12'
- 3 - *Nowhere Boy*, '15'
- 4 - *Cheri*, '15'





Legal issues

The Video Recordings Act 1984 (VRA) is the legislation underpinning the supply and classification of age-rated audiovisual works. It was discovered in August that, due to a failure to make a necessary technical notification to the European Commission before the VRA became law, the legislation was no longer safely enforceable against individuals in UK courts. On 15 December 2009, the Department for Culture, Media and Sport (DCMS) introduced a fast track Video Recordings Bill to the House of Commons to remedy that error. The Government has made clear that all classification certificates issued in accordance with the VRA since 1984 are valid, and will remain so following Royal Assent for the new Act. With the legislation back in effect the enforcement regime of the Video Recordings Act 1984 will be applied as vigorously as previously. Any video recording containing an unclassified video work released in the interim period will need to be withdrawn from sale with the new Act in force, unless the work can claim exemption. Despite

uncertainty during the period, the great majority of the BBFC's customers continued to comply with the provisions of the VRA by continuing to submit works for classification on a voluntary and best practice basis. The BBFC salutes the responsible and constructive approach taken by the great majority of distributors.

Apart from setting out the requirements to have works classified, the VRA also requires the BBFC to pay special regard to material that could be said to cause 'harm' to its potential audience, and provides a list of subjects which the BBFC must consider. They are: criminal, violent or horrific behaviour, illegal drugs and human sexual activity. Cuts made under the VRA are referred to through this Report.

The overarching requirements of the Human Rights Act 1998 (HRA) are key to the BBFC's work. The Act requires the BBFC to consider, among other things, the requirement that a filmmaker's freedom of expression is not infringed by its classification decisions. However, that requirement

is modified where something has been 'prescribed by law' or where it is 'necessary in a democratic society' or for the 'protection of health and morals' or the 'prevention of crime and disorder'. If the BBFC does intervene in a work the intervention must be 'proportionate' to the breach concerned. Once again, no specific issues with the HRA arose this year, but its application is something that remains at the forefront of the BBFC's thinking when classifying material.

The Obscene Publications Acts (OPA) of 1959 and 1964 are generally limited to the BBFC's work with pornography. If a work is deemed to be obscene under the current interpretation of the OPA, the BBFC must intervene. A work will be considered to be obscene if it has a tendency to 'deprave and corrupt' a significant proportion of the audience likely to see it. Again, many works required cuts to remove material that was deemed obscene under the current interpretation of the Act and this discussion is continued in the 'R18' section of this Report.

Under the Protection of Children Act 1978 (POCA), it is a criminal offence to exploit children by making indecent photographs of them. POCA penalises the distribution, showing and advertisement of those items. The BBFC's position has always been to refuse to classify works that contain indecent images of children (deemed to be those under 18), although it is often a difficult decision to reach, especially since the definition of the term 'indecent' is wide and open to various interpretations. The BBFC has sought legal advice on the meaning of this term and returns to lawyers where necessary on a case by case basis. It is not uncommon for the BBFC to seek a proof of age for younger looking performers in pornographic works. Other works raise interesting issues. In *National Lampoon's Animal House*, an actress (16 or 17 at the time of filming) was seen lying on a bed, her breasts

Legal issues

exposed. When the film was originally classified, POCA only made it illegal to distribute indecent images of persons under 16 years old and because the actress was at least 16 there was no case to answer. However, the Sexual Offences Act 2003 changed the age for indecent images to 18 and the question was therefore whether the revision to the law rendered the scene illegal today. It was judged that the relative maturity of the actress, the lack of any obvious exploitation of her and the non-pornographic context of the work were sufficient for it to be passed uncut.

The Cinematograph Films (Animals) Act 1937 prohibits the exhibition of a film if any scene within it has been 'organised or directed' in such a way as to involve the cruel infliction of pain or terror on any animal. The word 'animal' is defined as any domestic animal (tame or sufficiently tamed to serve some purpose for the use of man) or any vertebrate which is in captivity or confinement. It is the BBFC's policy to apply the Act equally to films and DVD submissions. Billy Connolly's *Journey to the Edge of the World* included footage of a seal being butchered by an Inuit family. Connolly doesn't participate in the kill, it is shown without detail and the hunt

would have taken place even without the presence of the cameras, so there was no animal cruelty issue to answer. The martial arts film *The Myth* contained scenes involving horses falling dangerously, but the distributor was able to demonstrate that CGI and fake horses had been used to achieve the effects and the work was passed uncut. An old Disney documentary film *True Life Adventures – White Wilderness* contained scenes for which cuts were written. The cuts were required to scenes in which lemmings were seen being attacked by predators, and to shots of them tumbling down a rocky cliff face. It was understood these scenes involving cruelty were created artificially, being orchestrated by the filmmakers, and no assurances could be given to the contrary. This episode of the series was withdrawn from classification by the distributor so no classification certificate was given.

The Criminal Justice and Immigration Act 2008 has also become relevant to the BBFC's work. A key feature of this legislation is the introduction of a standalone offence of the possession of extreme pornography, and the Act includes a duty on the BBFC to have regard to this. Extreme pornographic material is intended to refer to a subset

of obscene material, although unlike with the OPA, material classified by the BBFC under the VRA is excluded.

In order for a work to be in breach of this legislation it must be pornographic (produced solely or principally for the purpose of sexual arousal), be grossly offensive, disgusting or otherwise of an obscene character and, in an explicit and realistic way, portray either an act which threatens a person's life; an act which results, or is likely to result, in serious injury to a person's anus, breasts or genitals; an act which involves sexual interference with a human corpse; or a person performing an act of intercourse or oral sex with an animal (whether dead or alive).

Jay Sin's Deep Anal Abyss 2 was cut to remove sight of a pump being applied to a woman's anus with the resulting extrusion of the inside of the anus into the pump.

Finally, the new Digital Economy Act will, among other things, alter the way in which video games are to be classified in the UK. The consequences of this new legislation are discussed elsewhere in this Report.

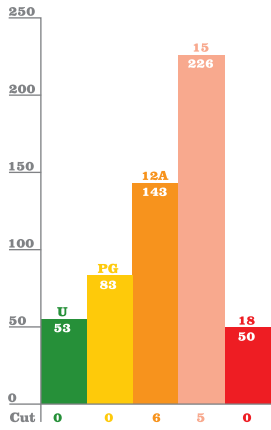
- 1 - *Paranormal Activity*, '15'
- 2 - *Episodes from Liberty City – Grand Theft Auto The Ballad of Gay Tony*, '18'



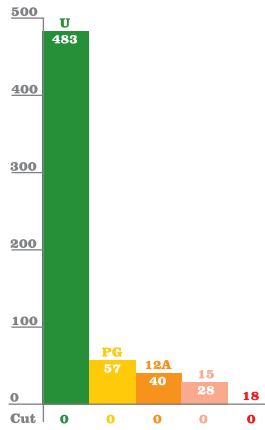
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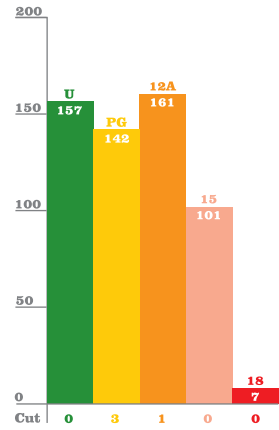
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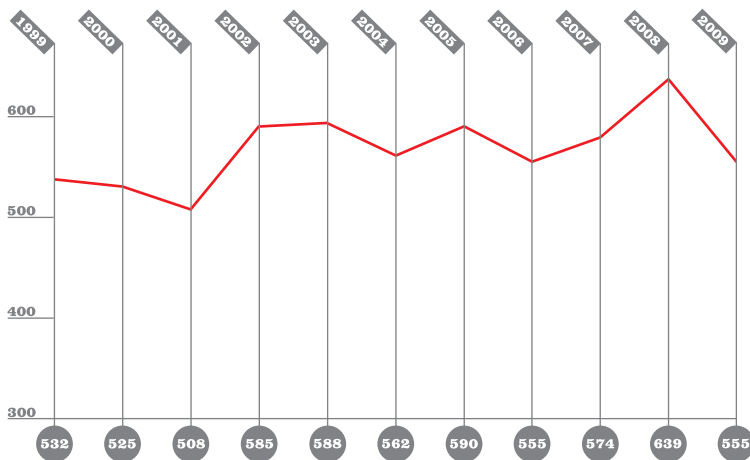
Film trailers 568



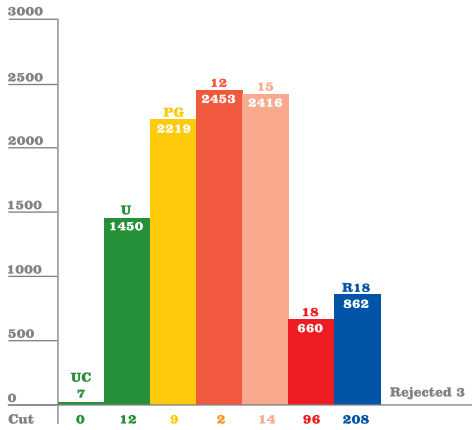
Film statistics 1999 - 2009

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
U	65	61	43	71	61	41	43	53	36	69	53
PG	121	112	121	142	132	102	100	92	104	117	83
12	72	88	107	48							
12A				74	152	148	153	160	159	178	143
15	192	174	174	201	188	222	219	198	222	227	226
18	73	85	59	48	56	49	54	52	53	48	50
R18					1		1				

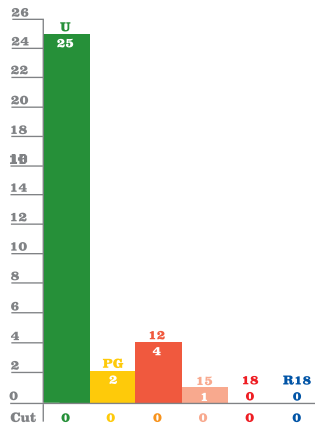
Film submissions 1999 - 2009



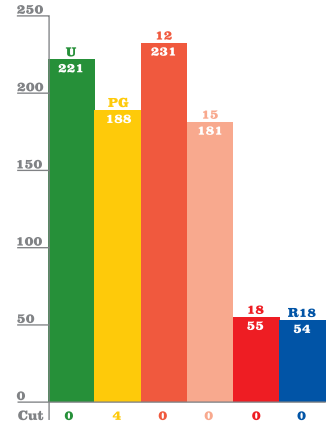
DVD 10,069



DVD advertisements 32



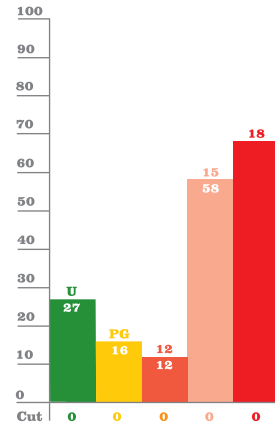
DVD trailers 930



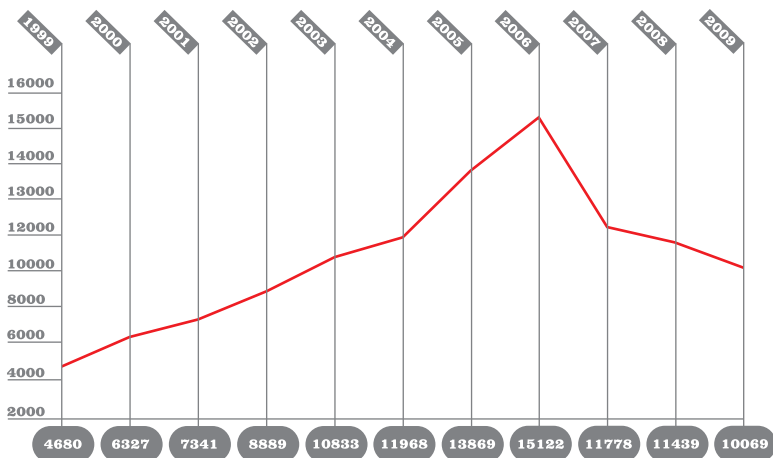
Video/DVD statistics 1999 - 2009

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Uc	150	125	152	121	152	119	65	66	12	15	7
U	975	1354	1471	1807	2084	2534	3104	3009	2480	1967	1450
PG	1091	1590	1826	2014	2280	2485	3380	4101	2721	2609	2219
12	457	813	859	1155	1685	1677	2273	2808	2562	2613	2453
15	899	1244	1322	1721	2244	2113	2669	2889	2344	2432	2416
18	1067	986	1059	1008	980	870	1133	1031	950	904	660
R18	29	212	651	1061	1405	1387	1237	1217	1159	897	862
Rej'd	9	4	1	2	3	2	7	1	1	2	3

Games and other interactive 181



Video/DVD submissions 1999 - 2009



These statistics represent the number of video works which were viewed in 2009. The statistics for 2009 on the BBFC website represent the number of certificates issued up to the point where the Video Recordings Act was suspended. Temporary certificates were issued during the suspension and legally valid certificates were issued in January 2010 when the VRA came back into force. These certificates are counted in the 2010 statistics on the website.

Video Appeals Committee

Video Appeals Committee

During 2009 there were no appeals to the Video Appeals Committee (VAC). The VAC is an independent body constituted under Section 4(3) of the Video Recordings Act 1984 to hear appeals from submitting companies against any BBFC decisions they consider stricter than warranted.

At the end of 2009 the full membership of the VAC was as follows:

President

John Wood CB

Solicitor; former Director of the Serious Fraud Office; former Director of Public Prosecutions in Hong Kong; former Special Counsel to Morgan Lewis Bokius

Members

Nina Bawden CBE, MA, FRSL, JP
Novelist; President, Society of Women Writers and Journalists

Biddy Baxter MBE, DLitt, FRSA, FRTS, FTCL

Advisory Board Member, Victim Support; Chair, The John Hosier Music Trust, Hon. President, the Selective Mutism Information and Research Association; former editor Blue Peter, BBC Television and consultant to the Director General of the BBC; author and broadcaster

Barry Davies

BA, MPhil, DMA, DMS, RSW, MBASW

Former Deputy Director of Social Services and Chair of Area Child Protection Committee; child protection trainer; independent investigator of complaints made by or on behalf of children and young people known to social services; Chair of Independent Complaints Review Panels, Chair of All Wales Primary Care Child Protection Trainers Group; Associate Consultant for *Children in Wales*; professional adviser to the Ombudsman on matters relating to safeguarding children

Pauline Gray

Regional Tribunal Judge, Social Entitlement Chamber; Deputy President of the Gender Recognition Panel

1 - *Broken Embraces*, '15'

2 - *A Serious Man*, '15'



Professor John Last CBE, DLitt

Lay Member Bar Standards Board 2008 –; Chair Bute Communications 2003-8; Chair Dernier Group 2003 –2009; Visiting Professor City University 1998-2006; Federal Vice President UK Liberal Democrat Party 2009 –

Dr Sara Levene MA, MRCP, FRCPCH

Paediatric safety consultant; medical qualified panel member of the Appeals Service; former medical advisor to the Foundation for the Study of Infant Deaths and to the Child Accident Prevention Trust

Haydon Luke

Former secondary headteacher and inspector; now education consultant and trainer, working in the fields of secondary education and education in and through museums and galleries

Dr Neville March Hunnings

Lawyer; former member of the Lord Chancellor's Advisory Committee on Legal Education and Conduct; editor of the Encyclopaedia of European Union Law; author of *Film Censors and the Law*

Robert Moore BSc (Econ),

Dip.App.Soc.St., CQSW

Independent consultant in social care; former Director of Social Services and one-time Children's Officer; Chairman of the Northern Ireland Children in Need Appeals Advisory Committee

Claire Rayner OBE

Author; broadcaster; health campaigner

Peter Rees C.Ed. Dip.Ed.

Dip.Psych. MA.

Former primary headteacher, independent education management consultant, Personal Tutor University of Reading Education Faculty, Chair of Holloway School Governing Body, Chair Sure Start Carroll Children's Centre Partnership Board Winchester, Member Islington BSF Strategic Partnership Board, marital and relationship therapist and personal counsellor in private practice

Dr Mike Slade

Consultant clinical psychologist; Reader at Institute of Psychiatry, King's College London; Associate Fellow of the British Psychological Society

Professor Fay Weldon CBE, MA,

DLitt, FRSL

Novelist; playwright; broadcaster



Consultative Council

Consultative Council

The Consultative Council has been advising the Board for almost 25 years. The Council meets three times a year and the membership is made up of representatives from the video, broadcasting, record and leisure software industries, local government and persons of individual distinction, as well as observers from the Department for Culture, Media and Sport (DCMS), the Metropolitan Police and Ofcom.

Director's reports and discussions

At each meeting the Director provides a written report which includes information about work levels, which affect the timeliness with which works are classified, policy issues and controversial classification decisions. The February meeting was the last meeting for Phil Archer, and the Director thanked him for his contribution to the Council. The 2008 end of year figures were presented to the February meeting. The attendees at that meeting were given an update on the research being carried out for the revision of the classification Guidelines to be published later in the year and encouraged to submit any views. They also heard about the latest position on BBFC.online and the work of the Board's education team.

The October meeting attendees had an update on workflow and the resulting staff redundancies and were informed about the legal problems surrounding the Video Recordings Act which had been found to be invalid. The Director thanked Lavinia Carey and members of the BVA for continuing to submit works on a 'business as usual' basis until the situation was resolved. They also heard about the Board's response to Liverpool Council's consultation on smoking in films. The Board's position was that it was unnecessary to automatically rate films with smoking in '18'.

Film screenings and discussions

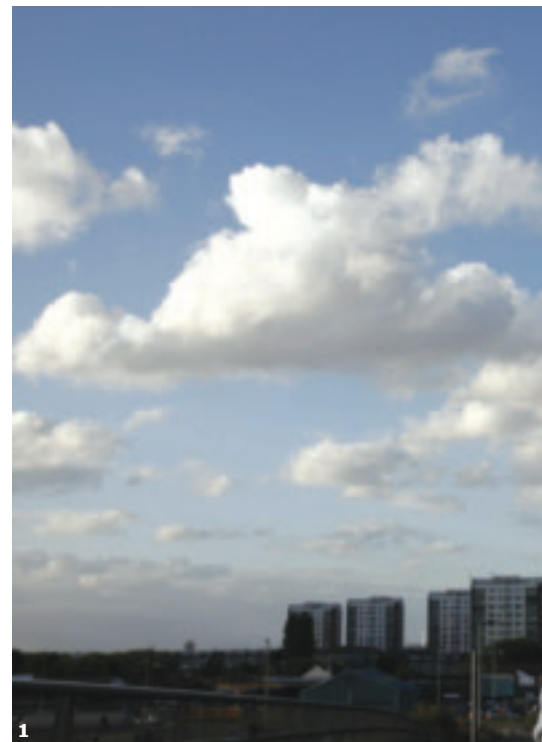
Each meeting is preceded by the screening of a recently classified film which raised particular classification issues. The film shown before the February meeting was *Doubt*, which dealt with the issue of possible child abuse in a Catholic school. There had been discussion during the classification process about whether the film should be rated '12A' or '15'. The final decision was to rate the film '15'. The meeting discussed the issues raised by the film, the ambiguity over whether the assault had actually taken place and the treatment of the theme and its suitability for a young teen audience. Doubts were expressed by Council members about how well 12 – 14 year olds would understand the complex issues and it was agreed that '15' was the most appropriate category.

The screening before the June meeting was *Spread*. The issue in this case was whether the film was better placed at '18' rather than '15'. The issue was whether the sexual activity and sex references in a film about a gigolo who sleeps his way to a life of privilege could be contained at '15'. The Board had rated the work '18' and the meeting agreed that this was more appropriate given the quantity of sexual activity and, what one member of the Council considered to be, the misogyny of the main character. The lead actor had 'teen appeal' and could be seen as a role model for 15 – 17 year olds.

The October meeting attendees watched *Fish Tank*. The main issue in considering the category was the five uses of 'cunt'. Under normal circumstances this would not be acceptable at '15'. There was also the issue of the age of the actress given the sexual activity in the film. The Board had given the film a '15' because it was felt that the film had appeal and 'something to say' to a mid teen audience. This film divided the Council with some members thinking that '18'

was a more appropriate classification because of concerns they had about how a younger audience would interpret the film, while other members believed that most 15 – 17 year olds would understand the ambiguities and subtleties of the film.

1 - *Fish Tank*, '15'
2 - *Spread*, '18'



Membership of the Consultative Council in 2009

Phil Archer

Family Online Safety Institute (FOSI)
(until February 2009)

Kim Bayley

Entertainment Retailers
Association (ERA)

Lavinia Carey

British Video Association (BVA)

Laurie Hall

Video Standards Council (VSC)

Cllr Jim Hunter

Convention of Scottish Local
Authorities (COSLA)

Steve Jenkins

BBC

Cllr Peter Kent

Local Government Association (LGA)

Sir William Lawrence

Local Government Association (LGA)

Cllr Maurice T Mills

Northern Ireland Local Government
Association (NILGA)

Cllr Goronwy O Parry MBE

Welsh Local Government
Association (WLGA)

Mike Rawlinson

European Leisure Software Publishers
Association (ELSPA)

David Simpson

Chair, Advisory Panel on Children's
Viewing (ex officio)

John Woodward

UK Film Council

Independent members

Professor Anthony Beech

Professor David Buckingham

Professor Colin Munro

Colin Webb

Observers

Inspector Andrew Shortland

Metropolitan Police
Scottish Government

Eleanor Hodge

Department for Culture,
Media and Sport

Wendy Parker

Department for Culture,
Media and Sport

Representative of Ofcom



Advisory Panel on Children's Viewing

Advisory Panel on Children's Viewing

The APCV provides the Board with access to a wide range of skills and expertise connected with children. As the bulk of the Board's work involves classifying material for everyone under the age of 18 this is a very valuable resource. Like the Consultative Council, the APCV meets three times a year, but David Simpson, in his capacity as Chairman of the APCV, also sits on the Consultative Council. Mr Simpson stood down as Chairman at the end of the year.

At the March meeting the Director reported back on the Home Affairs Select Committee seminar on knife crime which he had attended. This was, in effect, the launch of the Committee's inquiry into knife crime. They also heard the latest position on the future of games classification and were encouraged to contribute to the Guidelines review process. They also had an update on the education work of the Board, in particular improvement work on the website for parents.

At the July meeting members discussed the future modus operandi of the Panel and how best to utilise the range of expertise available through the Panel. They were also told the details of the Government's announcement on the future of games classification and its likely impact on the Board. The new classification Guidelines were discussed, and in particular, the abandonment of the 'Uc' category for DVDs particularly suitable for very young children. They were informed that Consumer Advice would flag up 'U' rated works which are aimed at pre-school children.

The November meeting had a short presentation on the full range of activities carried out by the Board's education team. The issue of expert advice to the Board was discussed and Panel members agreed to consider how best the Board should choose which

experts to approach for advice. David Simpson stood down as chair at the end of the year. He was thanked for his chairmanship of the APCV over the past 10 years and was presented with a BBFC 'Black Card' as a memento.

Film screenings and discussions

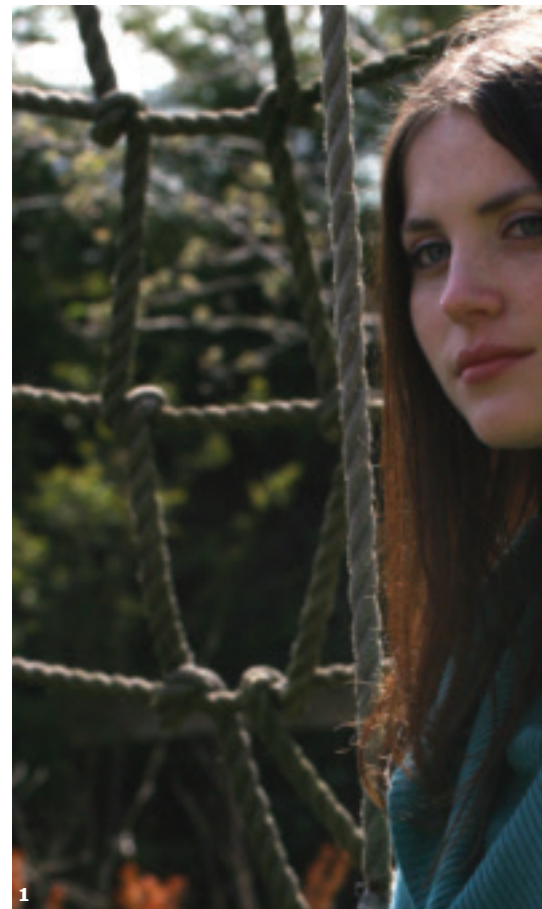
As with the Consultative Council, the APCV watches a film before the meeting and provides the Board with their views on the classification issues contained in the film. In the case of the APCV the films which they watch have contained issues relating to potential child or young person audiences and their likely reactions to what they are watching. This is particularly useful to the Board given that the majority of the works classified are classified for an under 18 audience.

The film seen before the March meeting was *Special People* and the issue was the use of potentially offensive language about people with physical disabilities. The Board has to consider whether the use of derogatory terms like 'spaz' or 'mong' are likely to be copied by young viewers who are not old enough to know that this behaviour is unacceptable. In the case of *Special People* these sort of terms were being used by disabled people to each other and the question was whether this made the language more acceptable or not and whether the positive messages about people overcoming their disabilities outweighed concerns about the language for a '12A' audience. The meeting agreed that '12A' was the appropriate category.

The July meeting attendees saw *Summer Scars* and the question was whether the film had been appropriately rated at '15' given the extended scene involving sexual threat towards a young girl. This sustained threat had made the work a borderline '15'/'18' case. The meeting agreed that the film accurately reflected how many teenagers filled their time and that it would have been a shame to have prevented 15 – 17

year olds from seeing the film as they did not think they would have problems coping with the issues it contained.

The November film, *Cracks*, dealt with a lesbian teacher in a 1930s girls' boarding school. It has been rated '15' and the meeting discussed the appropriateness of the classification. Concerns were expressed by some Panel members about the likely effect on a younger audience of the portrayal of the molestation of the pupil by the teacher and the unresolved narrative issues. It was felt that the complex issues raised by the film were unlikely to be understood by 12 year olds but would be by 15 year olds and that the '15' category was the correct one.





Membership of the APCV
at the end of 2009

David Simpson
Youth Court District Judge (Chair)

Sir William Atkinson
Head Teacher

Professor Vince Egan
Clinical and Forensic Psychologist

Joe Godwin
Director, BBC Children's

Dr Sue Krasner
Clinical Psychologist

Frances Lennox
Crown Advocate

Naomi Rich
Executive Producer, Illumina Digital

Professor Jack Sanger
Visiting Professor, University of East
Anglia and Innsbruck University

Dr Bill Young
Consultant Child and Adolescent
Psychiatrist



- 1 - *Special People*, '12A'
- 2 - *Cracks*, '15'
- 3 - *Summer Scars*, '15'

Following pages

- District 9*, '15'
- Wolverine*, '12A'







**The Principal Officers
of the BBFC in 2009**

President
Sir Quentin Thomas, CB

Vice Presidents
Alison Hastings
Gerard Lemos

Council of Management

Chairman
Graham Lee

Vice Chairman
Steve Jaggs

Treasurer
John Millard

Members
Sonita Alleyne (appointed 1/10/09)
Maggie Carver (appointed 1/10/09)
Michael Cox
John Holton
William McMahan, MBE
Ewart Needham
Patrick Swaffer
John Wilson, OBE

Director
David Cooke

Head of Operations
Dave Barrett

Head of Communications
Sue Clark

Head of Technology
Dave Harding

Head of Policy and Business
Development
Peter Johnson

Head of Finance and Personnel
Imtiaz Osman

Principal activities

The company, which is limited by guarantee, is responsible for the classification of cinema films and, in accordance with the terms of the Video Recordings Act 1984, for the classification of video works. Its revenue is derived principally from fees charged to distributors for the classification of their product.

Business review

Submission levels declined again due to the effects of the recession and saturation of the DVD market. This has resulted in a further decline of nine per cent in fee income. A resource requirement review was undertaken which resulted in redundancies.

Additional costs were incurred in legal action, resolved towards the end of the year, to defend the Board's intellectual property rights in its classification symbols.

The Government's decision to award Games Classification to PEGI will cause further pressures on fee income. The Board will continue to monitor submission levels and assess resource requirements.

The Board continues to be alive to new initiatives and opportunities and is currently trialling new procedures which it hopes will be of benefit to its customers.

Directors

The Directors of the company are the Members of the Council of Management together with the President.

All the directors held office throughout the year except Miss S Alleyne and Mrs M Carver who were appointed on 1st October 2009.

Statement of Directors' responsibilities

The directors are responsible for preparing the Report of the Directors and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors are elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Corporate Governance

The Directors continue to give careful consideration to, and have adopted the main principles of, corporate governance as set out in the Code of Best Practice of the Committee of the Financial Aspects of Corporate Governance (the Cadbury Report). However it is the opinion of the Directors that not all the provisions of the Cadbury Report are appropriate for a company of the size and structure of the British Board of Film Classification.

Financial instruments

The company's financial instruments at the balance sheet date comprised bank loans, investments, cash and liquid resources. The company has various other financial instruments such as trade debtors and trade creditors that arise directly from its operations.

It is, and has been throughout the period under review, the company's policy that no trading in financial instruments shall be undertaken.

Interest rate risk

The company has no interest rate exposure as all the long term debt is at a fixed rate.

Liquidity risk

The company had significant net cash balances as at the balance sheet date.

Foreign currency risk

The company's risk to foreign exchange transactions does not arise as all the company's financial instruments are denominated in Sterling.

Financial assets

The company has no financial assets other than investments, short-term debtors and cash at bank.

Borrowing facilities

As at 31 December 2009, the company had undrawn committed borrowing facilities of £536,000 (2008 - £536,000).

Environment, Health and Safety

The company is firmly committed to managing its activities so as to provide the highest level of protection to the environment and to safeguard the health and safety of its employees, customers and the community.

The company's Environment, Health and Safety (EHS) policies provide the guiding principles that ensure high standards are achieved and afford a means of promoting continuous improvement based on careful risk assessment and comprehensive EHS management systems. These policies are reviewed at regular intervals. This work has given greater emphasis to formal management systems, which bring a systematic improvement in performance.

Transfers to reserves

The retained deficit for the year of £23,042, has been transferred to reserves.

Fixed assets

Information relating to changes in the tangible fixed assets is given in note 8 to the financial statements.

Donations

During the year the company made charitable donations totalling £Nil (2008 - £100,000).

Statement as to disclosure of information to auditors

So far as the directors are aware, there is no relevant audit information (as defined by Section 418 of the Companies Act 2006) of which the company's auditors are unaware, and each director has taken all the steps that ought to have taken as a director in order to make aware of any relevant audit information and to establish that the company's auditors are aware of that information.

By order of the Board

DAL Cooke
Secretary

3 Soho Square,
London, W1D 3HD

18th March 2010

Independent Auditors' Report to the Members of British Board of Film Classification

We have audited the financial statements of British Board of Film Classification for the year ended 31 December 2009. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

This report is made solely to the company's members, as a body, in accordance with Sections 495 and 496 of the Companies Act 2006. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in a Report of the Auditors and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of directors and auditors

As explained more fully in the Statement of Directors Responsibilities on pages 74 and 75, the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. Our responsibility is to audit the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Independent Auditors' Report to the Members of British Board of Film Classification

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the company's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the directors; and the overall presentation of the financial statements.

Opinion on financial statements

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 December 2009 and of its deficit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

Opinion on other matter prescribed by the Companies Act 2006

In our opinion the information given in the Report of the Directors for the financial year for which the financial statements are prepared is consistent with the financial statements.

Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit.

P J Barton (Senior Statutory Auditor)
for and on behalf of Wilkins Kennedy
Statutory Auditors and Chartered
Accountants

Bridge House
London
SE1 9QR

18 March 2010

Income and Expenditure Account for the year ended 31st December 2009

	<i>Note</i>	2009	2008
Turnover	(2)	6,264,152	6,839,149
Operating costs		<u>(6,501,201)</u>	<u>(6,464,081)</u>
Operating (deficit)/surplus	(6)	(237,049)	375,068
Interest receivable and similar income	(3)	90,022	249,281
Interest payable and similar charges	(4)	(117,599)	(127,218)
Surplus/(deficit) on current asset investments:			
- realised		(100,592)	70,600
- decrease/(increase) in provision for unrealised losses		<u>293,109</u>	<u>(353,878)</u>
(Deficit)/surplus on ordinary activities before taxation		(72,109)	213,853
Tax on deficit/(surplus) on ordinary activities	(7)	<u>49,067</u>	<u>(120,628)</u>
Retained (deficit)/surplus for year	(14)	(23,042)	93,225
Retained surplus at beginning of year		<u>8,286,652</u>	<u>8,193,427</u>
Retained surplus at end of year		<u>£8,263,610</u>	<u>£8,286,652</u>

Continuing operations

None of the company's activities were acquired or discontinued during the above two financial years.

Total recognised surpluses and deficits

The company has no recognised surpluses or deficits other than the surplus or deficit for the above two financial years.

The accompanying notes are an integral part of these financial statements.

	<i>Note</i>	2009	2008
Fixed assets			
Tangible assets	<i>(8)</i>	<u>6,150,897</u>	<u>6,676,315</u>
Current assets			
Deferred tax asset - due after more than one year	<i>(9)</i>	31,784	3,538
Debtors	<i>(10)</i>	501,653	918,434
Investments	<i>(11)</i>	1,919,440	1,438,498
Cash at bank and in hand		<u>2,756,039</u>	<u>2,711,261</u>
		5,208,916	5,071,731
Creditors: amounts falling due within one year	<i>(12)</i>	<u>(1,285,299)</u>	<u>(1,457,526)</u>
Net current assets		<u>3,923,617</u>	<u>3,614,205</u>
Total assets less current liabilities		10,074,514	10,290,520
Creditors: amounts falling due after more than one year	<i>(13)</i>	<u>(1,810,904)</u>	<u>(2,003,868)</u>
Net assets		<u>£8,263,610</u>	<u>£8,286,652</u>
Capital and reserves			
Income and expenditure account		<u>8,263,610</u>	<u>8,286,652</u>
Accumulated funds	<i>(14)</i>	<u>£8,263,610</u>	<u>£8,286,652</u>

Approved by the Board of Directors on 18th March 2010

KG Lee - Chairman

JR Millard - Treasurer

The accompanying notes are an integral part of these financial statements.

Cashflow Statement for the year ended 31st December 2009

Reconciliation of operating surplus to net cash flow from operating activities	<i>Note</i>	2009	2008
Operating (deficit)/surplus		(237,049)	375,068
Depreciation charges		561,231	312,488
(Surplus) on sale of tangible fixed assets		-	(1,813)
Decrease/(increase) in debtors		470,078	(91,844)
(Decrease) in creditors		<u>(134,927)</u>	<u>(155,816)</u>
Net cash inflow from operating activities		<u>£659,333</u>	<u>£438,083</u>
Cash flow statement		2009	2008
Net cash inflow from operating activities		659,333	438,083
Return on investments and servicing of finance	<i>(15a)</i>	(56,577)	122,063
Taxation		(51,655)	(368,013)
Capital expenditure	<i>(15b)</i>	<u>(35,813)</u>	<u>(1,861,930)</u>
		515,288	(1,669,797)
Management of liquid resources	<i>(15c)</i>	<u>(288,425)</u>	<u>21,176</u>
Increase/(decrease) in cash		<u>£226,863</u>	<u>£(1,648,621)</u>
Reconciliation of net cash flow to movement in liquid funds	<i>(15d)</i>	2009	2008
Increase/(decrease) in cash in the year		226,863	(1,648,621)
Increase/(decrease) in current asset investments		<u>480,942</u>	<u>(304,454)</u>
Change in net liquid funds		707,805	(1,953,075)
Net liquid funds at beginning of year		<u>1,963,468</u>	<u>3,916,543</u>
Net liquid funds at end of year		<u>£2,671,273</u>	<u>£1,963,468</u>

The accompanying notes are an integral part of these financial statements.

1. Accounting policies

The principal accounting policies, which have been consistently applied are:-

a Basis of accounting

The financial statements are prepared under the historical cost convention and in accordance with applicable accounting standards.

b Tangible fixed assets

Tangible fixed assets are stated at original cost. Depreciation is provided at rates calculated to write-off the cost less estimated residual value of each asset on a straight line basis over its estimated useful life as follows:-

Movable furniture and equipment	25% per annum
Computer equipment	33.33% per annum

Long leasehold property is amortised on a straight line basis over the duration of the lease.

Expenditure on leasehold property and immovable furniture and equipment is fully depreciated in the year of acquisition.

c Current asset investments

Current asset investments are stated at the lower of cost and net realisable value.

d Taxation

The charge for taxation is based on the (deficit)/surplus for the year and takes into account taxation deferred because of timing differences between the treatment of certain items for accounting and taxation purposes.

Provision is made at current rates for tax deferred in respect of all material timing differences.

Deferred tax assets are only recognised to the extent that they are regarded as recoverable.

The company has not adopted a policy of discounting deferred tax assets and liabilities.

e Turnover

Turnover comprises the value (excluding VAT) of services supplied in the normal course of business.

f Leased assets

Rentals applicable to operating leases are recognised in the income and expenditure account as incurred.

g Pensions

The company operates a defined contribution pension scheme to provide retirement benefits for its staff. The amount charged to income and expenditure account in respect of pension costs is the contributions payable and provided in the year.

Notes to the financial statements for the year ended 31st December 2009

2. Turnover

The turnover and operating (deficit)/surplus are attributable to the principal activity of the company. The entire turnover in both periods is attributable to geographical areas within the United Kingdom.

3. Interest receivable and similar income	2009	2008
Bank deposit interest	54,840	195,268
Income from current asset investments	<u>35,182</u>	<u>54,013</u>
	<u>£90,022</u>	<u>£249,281</u>
4. Interest payable and similar charges	2009	2008
Interest on loan repayable after more than 5 years	<u>£117,599</u>	<u>£127,218</u>
5. Employees	2009	2008
Average monthly number of people employed by the company during the year:		
Non-executive directors	9	9
Presidential team	3	3
Management	6	6
Administration	10	12
Examination	29	36
Technical	<u>29</u>	<u>24</u>
	<u>86</u>	<u>90</u>
Costs in respect of these employees including directors:		
Salaries	3,555,796	3,743,930
Social security costs	347,606	387,671
Pensions	224,206	227,459
Life assurances	<u>9,695</u>	<u>10,140</u>
	<u>£4,137,303</u>	<u>£4,369,200</u>
Directors' remuneration		
The remuneration of the directors during the year was:		
Emoluments	267,224	255,403
Pension contributions in respect of 2 (2008-2) Directors	<u>36,834</u>	<u>34,189</u>
	<u>£304,058</u>	<u>£289,592</u>
Highest paid director		
The above amount for remuneration includes the following in respect of the highest paid Director	<u>£180,493</u>	<u>£168,253</u>

Notes to the financial statements for the year ended 31st December 2009

6. Operating (deficit)/surplus	2009	2008
	£	£
The operating (deficit)/surplus is stated after charging:		
Directors' remuneration (including benefits)	304,058	289,592
Depreciation and amounts written off fixed assets	561,231	312,488
Rental of equipment	38,253	39,750
Auditors' remuneration:		
- audit	22,000	28,000
- non audit	8,000	9,515
	<hr/>	<hr/>
7. Tax on (deficit)/surplus on ordinary activities	2009	2008
Reconciliation of tax charge to surplus:		
Deficit/(surplus) on ordinary activities multiplied by standard rate of corporation tax in the UK of 21% (2008 - 21%)	15,143	(44,909)
Effects of:		
Expenses not deductible for tax purposes	(940)	(1,510)
Realised investment (deficit)/surplus covered by capital losses	(21,124)	14,826
Unrealised investment surplus/(deficit) not taxable	61,553	(74,314)
Depreciation in (excess of)/less than capital allowances	(36,951)	45,905
Franked investment income not taxable	7,388	8,690
Other adjustments	(772)	606
Adjustment in respect of prior year	(3,476)	-
	<hr/>	<hr/>
	20,821	(50,706)
Deferred tax arising from the interaction of depreciation and capital allowances	20,821	(69,922)
	<hr/>	<hr/>
Tax on deficit/(surplus) on ordinary activities	£49,067	£(120,628)
	<hr/> <hr/>	<hr/> <hr/>

Notes to the financial statements for the year ended 31st December 2009

8. Tangible fixed assets

	Long leasehold property	Long leasehold property expenditure	Furniture and equipment	Total
Cost				
At beginning of year	5,180,700	94,154	3,740,676	9,015,530
Additions	-	-	35,813	35,813
At end of year	<u>5,180,700</u>	<u>94,154</u>	<u>3,776,489</u>	<u>9,051,343</u>
Depreciation				
At beginning of year	234,859	94,154	2,010,202	2,339,215
Charge for the year	41,446	-	519,785	561,231
At end of year	<u>276,305</u>	<u>94,154</u>	<u>2,529,987</u>	<u>2,900,446</u>
Net book value				
At end of year	<u>£4,904,395</u>	<u>£-</u>	<u>£1,246,502</u>	<u>£6,150,897</u>
At beginning of year	<u>£4,945,841</u>	<u>£-</u>	<u>£1,730,474</u>	<u>£6,676,315</u>

9. Deferred tax asset	2009	2008
At beginning of year	3,538	73,460
Credited/(charged) to profit and loss account arising from the interaction of depreciation and capital allowances	28,246	(69,922)
At end of year	<u>£31,784</u>	<u>£3,538</u>

A deferred tax asset arising on realised capital deficits carried forward of £87,856 (2008 - £61,797) has not been recognised as the directors are uncertain that sufficient suitable capital surpluses will exist in the future. Should such surpluses arise, the asset will be recovered.

10. Debtors	2009	2008
Trade debtors	233,606	371,685
Other debtors	101,595	317,070
Prepayments and accrued income	166,452	229,679
	<u>£501,653</u>	<u>£918,434</u>

Notes to the financial statements for the year ended 31st December 2009

11. Current asset investments - listed in UK	2009	2008
Cost		
At beginning of year	1,880,300	1,830,876
Additions	1,004,932	655,211
Disposals	<u>(817,099)</u>	<u>(605,787)</u>
At end of year	<u>2,068,133</u>	<u>1,880,300</u>
 Provision for unrealised deficit		
At beginning of year	(441,802)	(87,924)
Decrease/(increase) in provision	<u>293,109</u>	<u>(353,878)</u>
At end of year	<u>(148,693)</u>	<u>(441,802)</u>
 Cost less provision at end of year	<u>£1,919,440</u>	<u>£1,438,498</u>
 Market value of listed investments at end of year	<u>£2,257,577</u>	<u>£1,566,678</u>
 12. Creditors: amounts falling due within one year	2009	2008
Bank loan (secured - see note 13)	193,302	182,423
Trade creditors	257,291	318,719
Corporation tax	-	48,179
VAT	155,466	170,673
Other taxation and social security costs	128,742	211,191
Other creditors	422,987	408,452
Accruals and deferred income	<u>127,511</u>	<u>117,889</u>
	<u>£1,285,299</u>	<u>£1,457,526</u>

Notes to the financial statements for the year ended 31st December 2009

13. Creditors: amounts falling due after more than one year	2009	2008
Bank loan (secured)	<u>£1,810,904</u>	<u>£2,003,868</u>
Due within 1-2 years	204,764	193,301
Due within 2-5 years	685,890	644,241
Due after more than 5 years	<u>920,250</u>	<u>1,166,326</u>
	<u>£1,810,904</u>	<u>£2,003,868</u>
<p>The bank loan, which is secured by a fixed legal mortgage over the long leasehold property, bears an annual fixed rate of interest of 5.64% and is repayable in quarterly instalments. The final instalment is due for payment on 6th May 2018.</p>		
14. Reconciliation of movements on accumulated funds	2009	2008
(Deficit)/surplus for the financial year after taxation	(23,042)	93,225
Accumulated funds at beginning of year	<u>8,286,652</u>	<u>8,193,427</u>
Accumulated funds at end of year	<u>£8,263,610</u>	<u>£8,286,652</u>
15. Cash flow statement	2009	2008
a Return on investments and servicing of finance		
Interest received	25,840	195,268
Income from current asset investments	35,182	54,013
Interest paid	<u>(117,599)</u>	<u>(127,218)</u>
	<u>£(56,577)</u>	<u>£122,063</u>
b Capital expenditure		
Payments to acquire tangible fixed assets	(35,813)	(1,863,884)
Receipt from sale of tangible fixed assets	-	1,954
	<u>£(35,813)</u>	<u>£(1,861,930)</u>
c Management of liquid resources		
Purchase of current asset investments	(1,004,932)	(655,211)
Sale proceeds of current asset investments	<u>716,507</u>	<u>676,387</u>
	<u>£(288,425)</u>	<u>£21,176</u>

d Analysis of change in net funds	At beginning of year	Cash flows	Other non- cash changes	At end of year
Cash at bank and in hand	2,711,261	44,778	-	2,756,039
Bank loan repayable within one year	(182,423)	(10,879)	-	(193,302)
Bank loan repayable after more than one year	(2,003,868)	192,964	-	(1,810,904)
Current asset investments	1,438,498	288,425	192,517	1,919,440
	<u>£1,963,468</u>	<u>£515,288</u>	<u>£192,517</u>	<u>£2,671,273</u>

16. Guarantees and other financial commitments

Pension arrangements

- i The company operates a defined contribution scheme to provide retirement benefits for staff.
- ii The total pension charge for the year was £224,206 (2008 - £227,459).

Operating lease commitments

The following operating lease payments are committed to be paid within one year:

	2009 Property	2009 Equipment	2008 Property	2008 Equipment
Expiring:				
Between one and five years	27,812	21,084	27,812	21,084
After more than 5 years	37,500	-	37,500	-
	<u>£65,312</u>	<u>£21,084</u>	<u>£65,312</u>	<u>£21,084</u>

Capital commitments

Capital commitments which are contracted for but not provided in these financial statements

2009	2008
<u>£-</u>	<u>£-</u>

17. Company status

The company is limited by guarantee and is under the control of its members.
The liability of the members is limited to £1 each, in the event of the company being wound up.

18. Related party transactions

During the year Goodman Derrick LLP, a firm of solicitors in which PLJ Swaffer is a partner, charged £60,205 (2008 - £185,002) for professional services at normal commercial rates.

What is the BBFC?

A highly expert and experienced regulator of the moving image (especially film, video/DVD and video games), and also a service provider for new and developing media.

Why do we do what we do?

The BBFC regulates not just as a statutory designated authority but also because we serve a socially useful function.

Through the efficient classification of the moving image into advisory and age-related categories, the provision of consumer advice and the maintenance of our archive:

- we give the public information that empowers them to make appropriate viewing decisions for themselves and those in their care. We help to protect vulnerable viewers and society from the effects of viewing potentially harmful or unsuitable content while respecting adult freedom of choice.
- we provide media industries with the security and confidence of cost-effective, publicly trusted regulation and help to protect providers of moving image content from inadvertent breaches of UK law.
- we are able to assist Trading Standards officers in their enforcement role.

How do we operate?

We are open and accountable. As an independent, self-financing regulator, we are mindful of our unique position and proud of the trust that our expertise and integrity have built with the industry and public.

We are passionate about the moving image and balance our duty to protect with a respect for the right to freedom of expression.

We acknowledge and reflect the cultural diversity of the UK, and anticipate and embrace change.

Throughout the BBFC, we value and respect the needs of stakeholders, promoting team work and long term commitment for all staff in an atmosphere of support and co-operation.

What do we intend to do over the next 5 years?

Through investment in the BBFC's physical and human resources, especially the experience and expertise of staff, we will:

- Continue to regulate film, video/DVD and video games in a manner which maintains the support and confidence of the industry and the public
- Embrace technological change and opportunities in new media
- Respond to changing social attitudes
- Enhance our standing as a centre of excellence in regulation
- Actively promote the BBFC as a valuable social resource
- Lead and innovate in media education and research
- Develop new partnerships

This will ensure that the BBFC approaches its 2012 centenary as an independent and trusted resource; a high profile key brand that instils confidence across a range of media; a healthy cultural presence; and an enjoyable, inclusive and dynamic place to work.



