

Before the Film and Publication Appeal Tribunal

In the matter between:

2/2014

Ster-Kinekor Entertainment

And

Film and Publication Board

Award

Appeal against the decision assigning a restrictive age classification of 10-12PG (V) to the film 'Agent 2000'.

Background:

On the 10th of March 2014, a three-person classification committee assigned this film a restrictive age classification of 10-12 PG (V). The consequence of this classification is that children under the age of 10 are not permitted to view the film, and that children between the ages of 10 to 12 are permitted to view the film if they are accompanied by an adult. The unanimous classification committee provided detailed reasons in support of their conclusion. We are grateful to the committee for its thoughtful comments, and wish to acknowledge Mr Gibbon Bogatsu specifically, who represented the FPB, for his considered representations during the hearing. The applicant contended that the classification was unduly restrictive, and appealed against the classification. The appeal hearing was held on the 28th of March 2014, with the applicant being represented by Mr Y Naidoo. We are grateful to him for his written and oral submissions.

At the end of the hearing, the following ruling was made:

1. The decision of the FPB made on the 10th of March 2014 that the film, **Agent 2000**, be assigned a restrictive age classification of 10-12 PG (V), is set aside.
2. The film, **Agent 2000**, is assigned a classification of 7-9 PG.
3. No person under the age of 7 is allowed to see this film, and children between the ages of 7 and 9 must be accompanied by an adult if they wish to see this film.
4. Full reasons for the decisions will be given within fourteen working days.

These are the reasons for our ruling.

Description of the film

This is a local Afrikaans-language comedy produced by Kyknetthat depicts the adventures of secret agent 2000 whose forensic services are secured to unmask the school bully, Laksman('Executioner'), who is harassing the learners at Randburg Secondary School. Walter du Toit is agent 2000, a technologically savvy teenager, who is home-schooled and who lives with his parents and sisters. The bumbling but well-intentioned principal faces the possibility of a forced resignation at the hands of a domineering chairman of the School Governing Body, Dr Naude, if the Executioner is not caught before the Grade 8 dance. Walter du Toit enrolls at the school, finds love, establishes friendships, and follows various leads, sometimes with hilarious consequences and sometimes ineptly; but he is ultimately successful in his quest to unmask the Executioner. The identity of the Executioner is entirely predictable, and at the end there is an attempt to garner some sympathy for the dominated teenager who terrified his peers and attempted to let off tear gas in a crowded auditorium after bolting the doors.

Submissions of the parties

In essence, the classifiers found that the film contained complex and mature themes that were unsuitable for children under the age of 10 who, in their opinion, might find the contents confusing, distressing and upsetting. Some of these themes that were identified were about relationships, love, teenage romances, bullying, commitment, determination, and courage. The reports of the classifiers stated unequivocally that the violence in the film

was infrequent and of mild and not moderate impact. In his oral presentation Mr Bogatsu argued that there was constant menace and threat throughout the film, and he referred to the various acts of bullying such as the scene depicting a boy being tied up in cellophane, and another scene during which Balliewas harassed and sprayed blue. Further, he appeared to suggest that the violence was of concern, and referred to the action scene when the Executioner comes hurtling through the windows. He was concerned that young learners might be apprehensive about going to high school if these initiation practices awaited them. He submitted that there was a cognitive difference between children aged 7 to 9 and those aged 10. He concluded on behalf of the classifiers that their unanimous view was that this film could be harmful to a child aged 7, and felt that children over the age of 10 would be able to view the film without any adverse consequences.

Mr Naidoo on behalf of Ster-Kinekor argued that this was an entertaining film with sound positive messages. He identified four themes that in his opinion could be uplifting to children. The first theme was that violence is not a solution, and that bullying is to be deprecated. Secondly, there is the lesson that technology cannot replace human interaction; and the lead character, Walter du Toit, undergoes a journey of self-discovery and learns the importance of love and friendship. Walter also learns lessons about being unduly reliant on technology and about not applying common sense when he places his sisters in harm's way. Mr Naidoo also contended that there is an important message of forgiveness and understanding at the end when the bully is somewhat sympathetically treated. He also referred to the film having an educative function, and that it could be used as part of an anti-bullying campaign. He informed us that attempts were being made to screen the film in various schools. His submission in this context was that if the classification were reduced to a less restrictive one, more children would be exposed to the positive messages of the film, and this might result in a reduction in the incidents of bullying in our schools. He also submitted that the violence was unrealistic and stylised.

Reasons for the findings

More was made about scenes that were described as containing violence in the oral presentation than in the written reports of the classifiers. The action sequences cannot be classified as violence. The major fight scenes involving Walter du Toit and the Executioner

are more akin to a choreographed dance sequence than a genuine fight between protagonists. The impact of the blows is not portrayed, there is no gore or blood, and the characters are not portrayed as worse for wear as a result of their activities. The bruise that Walter suffers after one of the encounters miraculously disappears in the next scene. The fight scene on stage in the theatre is so non-threatening that the audiences deem it to be part of the performance. Some of the acts and responses are exaggerated and unrealistic. These are non-threatening action sequences, and are most unlikely to negatively impact on children even as young as seven. These action scenes are innocuous, and would be tolerable for a seven-year-old.

This is a comedy that portrays a precocious teenage secret agent uncovering the identity of a bully and, as a consequence, saving the job of the principal who retches whenever he is stressed. The bully strikes on a few occasions, and some of the younger boys are the victims. However, we do not witness the boys being roughed up or being tied up, wrapped in cellophane, or sprayed blue. We see the victims fleetingly after the bullying incidents, and they obviously recover and continue. Children will recognise that what was done by the Executioner to the victims is not acceptable – hence the quest to unmask him and stop these anti-social activities. We are also not convinced that the acts of bullying remain unresolved. At the end of the film, we learn the identity of the ‘Executioner’ and find out that his domineering father was partly to blame for his behaviour. The ‘bad guy’ is exposed, and we are asked to have some sympathy for him.

We are satisfied that the issues that relate to bullying are fully resolved. We accept that this occurs at the end of the film, and would have had more concern about the various scenes had they been more egregious or frightening and of higher impact. The scenes were fleeting, did not show any real suffering or discomfort, did not show the victims actually being roughed up and tied or sprayed, and the victims were not portrayed as suffering lasting consequences. Indeed, Ballie returns immediately afterwards to class and makes light of becoming a Smurf. We are of the view that this is a film with comedic elements which fleetingly portrays some acts of bullying. It cannot be described as being menacing or threatening.

Complex themes do not necessarily make a film unsuitable for children. The test is whether the complex themes may be harmful, disturbing, or age-inappropriate for children. While this film does deal with the vexed problem of bullying in schools, and its ultimate message may positively impact on efforts to curb bullying, the primary objective is not to educate about the effects and consequences of bullying. The primary objective of this film is to entertain, not to educate. Whatever educative impact the film has is purely incidental.

Section 19 of the Guidelines¹ allows for application to be made to the FPB for a film deemed to be of educational value for a relaxation of the age classification. The FPB may, if it is of the view that the film is of educational value, relax the age classification subject to specified conditions. It is relevant to note in this context that the distributors did not request that the film be assessed as a film of educational value. We are of the opinion that the primary objective of the film is to entertain and not to educate, even though the film contains anti-bullying lessons. We are of the view that the tangential anti-bullying lessons are not significant in determining a proper age classification for the film, and we regard it as a neutral factor in our assessment.

We had to determine whether a seven-year-old would be able to tolerate this film. Our view is that it is preferable that the film not be viewed by children under the age of seven, but that a seven-year-old reassured by presence of an adult would find the film tolerable. In this context, the Films and Publications Act² indicates that one of its objectives is to protect children from exposure to disturbing and harmful material and from the premature exposure to the adult experience. No adult experiences are portrayed in the film; and the issue therefore is whether the film contains material that would be disturbing and harmful to children between the ages of seven and nine if accompanied by adults when viewing the film.

It was common cause that the only classifications that could be applicable were the restrictive age classifications of 7-9 PG, 10, or 10-12 PG. The theme and message that could have caused some concern was that of the overbearing and domineering father who pressurised his high-performing son to attain even higher standards, with regrettable consequences. The boy reacts by directing his frustrations against younger boys and against

¹Government Gazette of the 8th of October 2012 No. 36765.

²Section 2 of the FPB act 1996 as amended.

the school community. However, balanced against that is the stable and happy home environment of the Du Toits, the viewer being informed that issues are being resolved in the Naude household. We have indicated on a number of occasions in the past that classifiers must start with the least restrictive classification and progress to a more restrictive classification if the film assessed on its merits requires this.

For the reasons stated earlier, we are of the view that the scenes of choreographed action cannot be classified as 'violence', and that this cannot be regarded as a factor that justifies a more restrictive classification. We are also of the view that it is not correct to conclude that there is threat and menace throughout the film. We are satisfied that, when assessed contextually, the relevant classifiable elements have a low to mild impact. We are of the view that the themes are generally of a positive nature, and the messages portrayed are that technology can achieve desirable results but that it is not a substitute for human interaction and the ability to communicate with each other. Walter du Toit's decision to experience the travails of a teenager in a public school environment and turn his back on the isolation of home schooling is an important message. The anti-bullying theme is important in a school culture where this practice and that of initiation is prevalent. Finally, the 'Executioner' is caught and forgiven, and appears to be dealing with his problems.

The Guidelines³ require that classification decisions consider the context, impact, and release format of the material. While there is some action, this is a comedy in which a teenaged secret agent tries to unmask the 'Executioner'. It is a film that is meant to entertain and not to frighten children. The fight scenes are presented as choreographed action with no real violence portrayed, and the themes are not likely to be menacing and frightening to children. There are elements of the slapstick and unrealism in the film that also mitigate those aspects that may cause concern to seven-year-olds. It would be unduly restrictive and unjustifiable to prevent nine-year-olds from watching the film. We were also satisfied that, given the low to mild impact of the classifiable elements judged within the context of a comedic, entertaining film with elements of unrealism, allowing seven-year-olds to watch the film in the reassuring presence of adults is most unlikely to be harmful, disturbing, or age-inappropriate.

³Section 3 of the Guidelines.

In the circumstances the following order is made:

Order:

- 1. The decision of the classification committee to assign the film, *Agent 2000*, a restrictive age classification of 10-12 PG (V) is set aside.**
- 2. The film, *Agent 2000*, is assigned a classification of 7-9 PG.**

Concurred by:

Adv. D Bensusan

Ms H Devaj

Ms P Marek

Revd M McCoy

Prof. K Moodaliyar