

6/2005

Before the Film and Publication Review Board.

In the Matter Between:

Videovision Entertainment

And

The Film and Publication Board.

Award:

Re: Mama Jack

Professor K Govender

A. Introduction.

1. A classification committee of the Board comprising Chief Examiner Ms P Radebe, Ms M. Pillay and Mr. SD Ndebele assigned the film, Mama Jack, a restrictive age classification of 10 with a consumer advisory for language. This meant that children under the age of 10 were not able to view the film. The producers of the film aggrieved by this classification appealed to the Review Board and we viewed the film and heard arguments on the 29th October 2005. We unanimously decided to set aside the decision of the classification committee and replace it with an advisory classification of PG. At the conclusion of the hearing, we informed the parties of our decision and undertook to provide the reasons for our decision within a reasonable period of time. These are our reasons.

B. Description of the Film.

2. This is a Leon Schuster film which is directed by Gray Hofmeyr. This film is of the same genre as the other Schuster films. The other films were not assigned a restrictive age classification. There is an unrealistic plot which is overtly used as a vehicle for Leon Schuster to exhibit his own unique brand of comic entertainment and humour. Slapstick and sometimes naughty humour, a variety of interesting characters, some swear words, bad guys who get their just desserts, lots of action and some simplistic social commentary are all thrown together to make an interesting and enjoyable concoction. Jack, a film grip, irritates and annoys an incompetent and bombastic American director, John D, who is in SA to direct a film about Nelson Mandela. In order to get rid of Jack, John D has his drink spiked and Jack, while in an intoxicated state, hallucinates and behaves in a bizarre fashion and this includes throwing up on the superficial American actress, who is imported to play the role of an angel. Thereafter he is hunted by the police and the Americans, who affronted by the manner in which their movie star has been treated, threaten to dispatch Jack, when they find him, to Guantanamo Bay. In an attempt to escape the police, Jack disguises himself as Mama Jack and quite fortuitously finds himself employed by an angelic and supremely, almost painfully, tolerant American woman. She just happens to be living with the obnoxious director who goes by the name of John D. Mama Jack moves in as the live-in maid and commences the torment of John D and ultimately succeeds in getting the latter incarcerated. Jack then gets the angelic American lady.

C. The arguments made by the various parties

3. Ms Pillay assisted by Mr. Ndebele made submissions on behalf of the examiners. We wish to express our appreciation to both of them for having carefully prepared their arguments and for the thoughtful manner in which they presented them. They were concerned with the frequent use of

expletives and other bawdy and coarse expressions. However they were particularly concerned about four specific scenes and the impact of these scenes on children under the age of 10. These were:

- The scene where the mayor appears to be choking on a snake that slithers down her throat.
 - The US actress being flushed down the toilet.
 - The vacuum cleaner suctioning in the penis through the pants of John D.
 - The scene when Stanley's penis is gripped by Mama Jack.
4. The producer, Mr. Schuster, Mr. Hofmeyr and Mr. Sobel addressed us in support of their contention that the classification is unjustifiably restrictive. In addition written submissions were made by Mr. Anant Singh, Mr. Schuster and Mr. Hofmeyr. They contended that this film was specifically designed for all persons and that they were very disappointed with the classification received. Mr. Sobel pointed out that the trailer which included all the scenes, which in the opinion of the classifiers were of concern, received a PG classification. He argued that this was inconsistent. Mr. Schuster in his written submissions pointed out that the film was made to entertain all persons including children. He stated that precautions were taken especially in respect of language to ensure that it would not upset younger viewers. In one instance, the word 'fok' was bleeped out. Mr. Hofmeyr argued that the film is great entertainment for the whole family and that a 10 (L) classification would do a disservice to the expectations and intelligence of the audience.

D. An Assessment of the Submissions and our conclusions

5. After our viewing of the film it became apparent that the only appropriate classifications are PG, 10 (M) or a restrictive classification of 10. A 10(M)

classification has been used to indicate that children under the age of 10 should be admitted if they are accompanied by an adult. The examiners, during their oral submissions, indicated that a 10(M) classification would address their concerns and may thus be appropriate. The 10 (M) is restrictive in the limited sense that children under the age of 10 are not able to view the film unless accompanied by an adult. It does not prohibit them from viewing the film. The issue before us crystallized into a discussion as to whether a PG or a 10(M) classification would be appropriate. The 10(M) classification is one which requires the accompaniment of an adult while viewing the film while a PG advisory classification serves to warn parents that the film contains scenes that may require them to exercise a measure of parental discretion and control in respect of children viewing the film.

6. We are not convinced that the language used in the film is of such a nature as to warrant the restrictive classification of 10 (L). While robust descriptive terms such as 'asshole' and 'ass' are used and the exasperation of the characters is sometimes expressed through the occasional 'bullshit', the language appears to be within the context of a busy slapstick comedy. Some of the expressions are used by the American characters and have acquired a less offensive connotation in their discourse that arse-hole or arse has in our context. A decipherable 'fok' was bleeped out by the producers in order to avoid a restrictive classification.
7. After being administered the truth drug, Jack hallucinates and while, in this state, imagines events and reacts to them. A snake makes its way into and slithering down the mouth of the mayor of Cape Town, much to her discomfort and anguish. During this sequence, the American actress is flushed down the toilet. These scenes are somewhat uncomfortable, but they are unrealistic and are clearly portrayed as part of Jack's

hallucinations. These scenes are juxtaposed with the real events to remind the audience that they are nothing other than part of Jack's hallucinations. The last sequence is when Jack, still intoxicated, finds a police car, which he perceives to be a space ship and the audience is then treated to a rollercoaster journey on the space ship. These comic and fantastical scenes will be viewed together and will be seen as nothing other than an extravagant attempt to entertain.

8. John D is the bad guy who is subjected to mock torment and aggression. It is inaccurate to describe these scenes as violent. He dives into a chlorine laced pool, is dumped from a great height while sitting in a portable toilet into the river, has ants blown into his underpants and is catapulted into the air and into trays of laid out food. The bad guy is seen again and again to be getting his just desserts. Even his incompatible girlfriend, who is angelic in every other respect, cannot summon up any sympathy for him. He walks away from all this and appears totally hale and hearty in sequential scenes. Similarly Jack is hurled against a cliff and his face smashes against the cliff face. He re-arranges his face and then promptly continues with the romantic endeavours. The scene with the vacuum cleaner suctioning in John D's penis must be seen in this context. The scene is clearly designed to be funny and is exaggerated. While anguish and pain appear on John's D face, the scene is clearly not portrayed as realistic. It, like all the other scenes described above, is slapstick and is perceived as having no effect.
9. The scene between Mama Jack and Stanley, when the latter with obvious lascivious intent jumps on the former, only to be repelled by a forceful grasp of his penis. This is a desperate act by Mama Jack to escape and he has limited options. The choice he makes is funny and gets him out of a dilemma. An unhurt, undeterred and buoyant Stanley leaves in anticipation

of future pleasures. The choice appears, at the end of the scene, to be a win-win situation for both of them.

10. Assessed holistically and in context, we do not believe that these scenes justify a restrictive classification of 10. The guidelines in respect of parental guidance provide:

This is an advisory category. It warns parents that the film contains some material that might confuse or upset some younger children who watch it alone. While the film is judged suitable for children, parents are advised to monitor the contents, either by finding out more about the film or by watching it with their children.

11. Given the similarity between this film and the other films by Leon Schuster, the slapstick nature of the action, the pure entertainment value of the film and its obvious appeal to all audiences, we are of the opinion that the PG classification would serve as adequate notice that there are some scenes that might confuse or upset younger children should they watch it alone. Given the nature of this particular film, we do not believe that we need a classification that is more restrictive than PG.

12. During the argument Ms Pillay informed us that Mr. Chetty had sat in on the deliberations of the classification committee. She added that Mr. Chetty did not in any way influence the decision of the committee. Our comments that follow are not meant in any way to suggest otherwise. After the classification committee had decided on a 10 (L) classification, Mr. Chetty conveyed a request from the distributors. They requested advice as to the changes that should be made to the content of the film in order to secure a less restrictive classification. We think it necessary to make a few observations about this.

13. Section 18 (4) of the Film and Publication Act 65 of 1996, as amended, provides that the discretion to classify films vests in a classification committee. This discretion must be exercised by the classification committee. Section 6 (2)(e)(iv) of the Promotion of Administrative Justice Act 3 of 2000 provides that the administrative action can be set aside if it was taken because of the unauthorized or unwarranted dictates of another person or body. It is important that there should not be the perception that an unauthorized person made the decision or materially influenced the making of the decision. We thus strongly recommend that no person other than members of the classification committee be present during the deliberations. This does not prevent the classification committee approaching any member of staff for assistance on interpreting the Act or guidelines or on any legal issue.

14. We would also like to comment on the request to the Committee to suggest changes to the film in order to secure the least restrictive classification. Section 18(4)(b)(i) of the Act allows the classification committee to suggest the excision of portions of the film so as to place it in a less restrictive classification. In our previous awards we suggested that these provisions be used with great circumspection in order to ensure that we are not perceived as a censorship body. As a general rule, the decision to excise parts of a film or work should be that of the producer, writer or artist. As a classification board, we should be reluctant to make decisions about excising parts of a film or publication. It may be useful for us to engage in a discussion on this issue so that guidelines could be developed to assist the classification committee when making these determinations. For instance, we need to determine whether and to what extent this advice by the classification committee would impact on any appeal that may subsequently be lodged with the Review Board.

E. Conclusion:

- 1. The decision of the classification committee is set aside.**
- 2. The film ‘Mama Jack’ is assigned an advisory classification of PG.**

Concurred by:

Mrs. P Marek.

Mr. A. Verster.

Ms. R Smith

Ms. M Mathabathe

Dated at Durban on the 13th November 2005