

*In re:*

*Appeal against the classification of the film of Austin Powers- Gold Member*

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## Decision

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### Background

This film was reviewed by examiners of the Film and Publication Board and classified as not being suitable for children under the age of 13 with a language advisory. The sexually suggestive language and some scenes of moderate sexual activity was the primary justification for this classification. Nu Metro appealed against this decision on the basis that the previous two Austin Power films were classified  $\geq 10'$  with language and sex advisories. It was contended that the film under consideration is no different in tone to the two previous films and that it should also be similarly classified. It was conceded that the film plays on sexual innuendo and is  $>$  spirited $=$  and it was suggested that a classification of  $\geq 10'$  with supporting consumer advice would be most appropriate.

Nu Metro requested that the appeal be heard as a matter of urgency as they planned to

launch the film during the week beginning on the 5<sup>th</sup> August. The Board managed to assemble a panel of four review board members and requested Mr Evert Knoesen to assist us, thus securing a panel of five members. I informed Ms Celia Fango of this and she consented to us proceeding with four members of the Review Board together with Evert Knoesen. Similar consent and approval was obtained from Mr Iyaver Chetty, the acting CEO of the Board.

This appeal was considered by Mr Sathish Juggernath, Ms Rene Smith, Ronald Lessick , Evert Knoesen and myself. The film was viewed at the Nu Metro complex at Rosebank on the Thursday 1st August 2002.

### Assessment

The film is a comic and fantastical account of a struggle between Austin Powers and Dr Evil. The latter seeks to extort money from world leaders by threatening to divert a meteorite to collide with Earth. He is assisted by various characters and Austin Powers journeys back into the seventies, engages with Goldmember, one of the villains , and they both return to present times to continue their struggle. Dr Evil escapes from jail, establishes a empire on board a submarine and captures Austin Power=s father. As Austin Powers is about to destroy Dr Evil, he is informed that the latter is his brother. They reunite and the mantle of evilness is handed over to Dr Evil=s son. This plot is heavily laced with sexual innuendo, overt sexual activity but with minimum exposure or nudity, and

fairly explicit sexual language. The film is light hearted and is sporadically funny.

A classification committee must start from the assumption that the film or publication is suitable for all ages and to depart from this premise if justification exists. The committee must exercise their discretion by first considering the least restrictive option and progressively proceeding to more restrictive classification options until it arrives at an appropriate classification. This structured approach would mean that every classification committees would have considered all the less restrictive options before arriving at their decision. This approach is consistent with the constitutional duty on the Board to promote the provisions of the Bill of Rights, particularly the right to freedom of expression.

It was clear that an >=A=> or a >=PG=> classification for this film would be singularly inappropriate. Even Nu Metro, the distributors, had requested a >10' classification recognising that the film plays of sexual innuendo. We carefully considered the option suggested by Nu Metro but unanimously decided against it. We were of the opinion that the adult nature of the themes and the extent and intensity of the sexual innuendo and sexual references warranted a >=13'= classification. The following were amongst some of the scenes that led us to our conclusion.

§ The scene with the Japanese twins named Fook Mi and Fook Yu is heavily laden with sexual innuendo and suggestive behaviour.

- § The scene on board the submarine when Austin Powers and Minimi engage in a series of acts which from the perspective of the person watching from the outside of the screen, appears to show a person genitalia making contact with his mouth. Although the actual events are revealed to the viewer, the illusions created by the shadow definitely depict scenes that are of an adult nature.
- § The scene when Minimi rubs himself against the leg of Foxy Cleopatra in an attempt to derive sexual gratification.
- § The scene which seeks to simulate a music video in which a person appears to be mouthing the word > motherfucker=.

The humour in the prejudicial reference to the Dutch, the insensitive references to fat people and the repeated references, through a variety of terms to male genitalia makes this film more suitable to people over the age of 13. Our conclusion is that >=13' would be an appropriate classification if the scenes and themes are viewed cumulatively. The adult nature of the content would make a >=10' classification inappropriate.

Each film must be judged individually on its merits. The fact that a film is a sequel does not mean that it must be assigned the same classification as the original film. Our task is to view each film and apply our guidelines in an objective manner.

*Conclusion.*

*The Film and Publication Review Board has the decided that the film ,Austin Powers Goldmember , be classified as not suitable for children under the age of 13 years.*

Professor K Govender

Chairperson

Film and Publication Review Board.

Mr Sathish Juggernath

Ms Rene Smith

Ronald Lessick

Evert Knoesen