

Before the Film and Publication Appeal Tribunal

3/2015

In the matter between:

Ster-Kinekor Entertainment

Applicant

And

Film and Publication Board

Respondent

Award

Appeal in respect of the film: *Pixels*

Professor Karthy Govender

Introduction and background

On the 15th of June 2015, a three-person classification committee unanimously assigned the film *Pixels* a restrictive age classification of 10 (L) (V). The classifiers were particularly concerned with the themes of the film, which they described as complex and mature as it dealt with world invasion and destruction. While they conceded that the impact was mitigated by the unrealistic setting, they concluded that children under 10 would find the film threatening and harmful. On their analysis the violence in the film was mild, and they further found that there was low to mild substance abuse. In addition, they noted that the language used had a low to mild impact, and that there was a measure of sexual innuendo that was not appropriate for children under the age of 10.

The applicant was unhappy with the classification, and in their written request to the FPB asked for a PG classification. In support of their arguments, they pointed out that the message and themes were overwhelmingly positive, as the film highlighted the importance

of honesty, and that even unusual and unique characters can make meaningful contributions. They further pointed out that the animation would serve to mitigate any concern that children might experience. They also argued that the *Pixels* brand is very familiar to children and would not frighten them. Because of the strong family appeal of the film, the applicant requested the much less restrictive classification of PG.

In order to accommodate the request that the appeal be heard on an urgent basis, the parties were given the option of either consenting in writing to the appeal being heard before a three-person panel, or waiting a further week for the appeal to be heard by a minimum of five persons. Both parties indicated in writing that they would rather the appeal be heard sooner by a three-person appeal panel.

On the 10th of July 2015, the Appeal Tribunal watched the film, heard arguments, and made the following order:

1. The decision of the FPB made on the 15th of June 2015 that the film *Pixels* be assigned a restrictive age classification of 10 with an advisory for violence and language is affirmed, subject to a limited modification.
2. The film *Pixels* is assigned a restrictive age classification of 10.

These are the reasons for our conclusion.

Description of the film

This is an action comedy, featuring leading actors that aims at entertaining both adults and children. As part of an initiative to make contact with galactic aliens, NASA launches a capsule into space with footage and images depicting life and culture on earth. These include images of President Reagan, the Rubik Cube, and various arcade games of the time. This endeavour, intended as a gesture of peace, is misinterpreted by the aliens as a declaration of war. They seek to use the arcade games featuring characters such as Pac-Man, Donkey Kong, Centipede, and Space Invaders as a format to launch pre-emptive strikes against Earth. An air force base is attacked, the iconic Taj Mahal is blown up, and Washington is attacked. President Will Cooper (Kevin James) realises that he needs to use unconventional methods to save the planet, and enlists the assistance of his friends from his youth. Sam Brenner (Adam Sandler) and Ludlow Lammonsoff (Josh Gad) were arcade game

champions in the 1980s, but their lives have been drifting somewhat aimlessly since. Brenner works as a home entertainment installer clad in a ridiculous orange outfit, and Ludlow lives with his grandmother and is obsessed with perceived conspiracies.

The blundering President Cooper requests help from Brenner, who subsequently enlists the assistance of his former nemesis, Eddie The Fire Blaster, in this titanic battle against the aliens masquerading as arcade game characters. Violet van Patten (Michelle Monaghan), recently separated from her husband, supplies the trio with devices and weapons to battle the aliens, and inevitably becomes romantically involved with Brenner. Much of the film is about this odd band using their peculiar skills acquired in the arcades while playing games against the aliens in various settings that are similar to the arcade games.

Submissions of the parties

At the hearing on the 10th of July 2015, the applicant was represented by Mr Govindarajulu, and the respondent was represented by Ms Ncheke. In his written submission and oral submissions, Mr Govindarajulu argued that the film explores very positive themes using friendly characters such as the Smurfs and Donkey Kong. He then compared it with what he regarded as similar films, and sought to argue that these films were given less restrictive classifications. As we have indicated in the past, films and publications must be assessed on their own merits in the light of the Films and Publications Act of 1996 and the Guidelines issued in terms of the FP Act. Referring to the classification of other films that may or may not have been viewed by the Appeal Tribunal is often not entirely useful. It simply encourages tangential arguments about the similarities and dissimilarities. It would be much more productive to refer in detail to the guidelines in support of the [arguments or submissions made to the Appeals Tribunal](#).

Mr Govindarajulu went on to argue that the fantastical nature of the film renders it non-threatening to children who would, in any event, be familiar with the characters. He asked us to have regard to the positive messages conveyed by the film. Unusual characters can make a positive contribution when society needs them. He correctly pointed out that no blood or gore is displayed, and concluded that the impact of the violence must therefore be considered to be mild. He stated that the language that might cause concern is infrequently used, and cannot as a consequence be the reason for a higher classification. While he initially

requested a PG classification, he accepted during his oral presentation that a 7-9PG classification would be acceptable to the applicant.

Ms Ncheke for the respondent argued that the film would be disturbing to children under the age of 10. In support of this argument, she referred to the realism with which some of the attacks were portrayed. She pointed specifically to the scenes depicting the attacks on India and Washington and to the menacing threat presented by some of the characters such as Pac-Man. She also argued that the language and sexual innuendo would be inappropriate for children. In this regard she referred us to the use of words such as 'fuck' and 'bitch', which are used infrequently in the film. She also stated that Eddie's fantasy of having a sexual encounter with Serena Williams and Martha Stewart, which is hinted at the end, is also not appropriate for children under the age of 10.

Reasoning of the Appeal Tribunal

The positive message that nerds and unusual characters can save the world and contribute is significant but incidental to the overall objective, which is to entertain. In our opinion, one of the primary goals of the film is to entertain an adult audience and older children. It is in pursuit of this that the film has moderate to high impact scenes that portray action in a realistic manner. Without doubt, none of the scenes portrays gore or violence, and much of it is set within a comedic and fantastical setting. In assigning a classification we had to balance these sometimes conflicting factors.

One of the main purposes of the FPB Act is to protect children from exposure to potentially disturbing or harmful material and from premature exposure to the adult experience. The objective of the guideline is to protect children and to provide useful information to enable adults to make informed and appropriate viewing choices.

The principle that all classification decisions must 'consider context, impact and release format of the material'¹ is a directive imperative of the guidelines. Section 3(2) of the guidelines directs that when considering context, regard must be had to the following factors:-

¹ Section 3 (1) of the Guidelines, published on 3 October 2014, No. 38051 (2014 Guidelines)

- (a) The expectation of the public in general and the target market of the material;
- (b) The theme of the material;
- (c) The manner in which the issue is presented;
- (d) The literary, artistic, dramatic or educational merit of the film;
- (e) The apparent intention of the filmmaker as reflected in its effect.

Finally in this context, the guidelines state that the impact of the classifiable elements “may increase in intensity according to frequency of occurrence, realism, detail, techniques used...”².

Thus the target market, the themes, the manner of presentation, the merits of the film, and the intention of the filmmaker must be considered together with the impact of the classifiable elements and the release format of the film.

It is apparent to us that the target market is adults and older children. Many of the scenes are specifically directed at adults. Violet is deserted by her husband for Sinnamon, seeks refuge in alcohol in her closet, and has to be comforted by Brenner. He tries to comfort her by focusing on Sinnamon’s inadequacies. The best they can come up with is that her eyes are too far apart.

The scenes with the hawkish army general in the Situation Room suggesting direct military engagement on flimsy evidence will not be understood by children. References to President Reagan, the president of the USA at the time the capsule was fired into space, and to Darryl Oats and John Hall are unlikely to be appreciated by children. Similarly, the sexual innuendo of a liaison between Eddie and Serena Williams and Martha Stewart, and the possibility of its coming to fruition, was clearly intended for adult amusement. Adults will also be amused by Ludlow’s obsession with Lady Lisa. She disappears, but later the animated character morphs into Lady Lisa and Ludlow rekindles his romance. In the last scene we see their offspring in the form of the animated figures. Adult themes and risqué humour clearly support the conclusion that this film was primarily aimed at adults and older children. The guidelines clearly require that the intended target market and the intention of the filmmaker be taken into account when assigning an appropriate classification. A consideration

²Section 3(3) of the 2014 Guidelines.

of these factors would point in the direction that a restrictive classification of 10 or higher would be preferable to that of a PG or 7-9PG.

There were a number of action and fights scenes during which the protagonists engage the aliens. If all the scenes were of the same limited intensity and as fantastical as that which occurred when the aliens were first engaged in London's Hyde Park, we would have been comfortable with a less restrictive classification than 10. There was limited tension and anxiety, and it was presented much in the nature of an arcade game. The protagonist dealt effectively and successfully with the threat.

However, it appears to us that many of the scenes were deliberately infused with a heightened sense of threat, anxiety, and menace to appeal to an adult audience. The early scene in which Ludlow surprises Brenner in his van and is thrown into the back was clearly intended to frighten momentarily. The attack on the school bus could also be disconcerting to younger children.

After the innocuous scene in Hyde Park, the ante is upped to make viewers much more uncomfortable. Various special effects are used to intensify the impact. The musical score featuring a full orchestra is used directly to accentuate the effect and impact. This is done in conjunction with other effects such as lighting and expressions of real concern and fear exhibited by the persons affected. This occurs whenever there is an engagement between the protagonists and the aliens. Pac-Man devouring the fire-trucks is one such example. Similarly, when the Taj Mahal is destroyed and the young Indian man abducted, we witness the anguish and terror etched on the face of the young lady to whom he was about to be engaged.

However, we have identified two scenes that caused us particular concern. In one particularly poignant scene we see Professor Ione Iwatani, the creator of the Pac-Man game, approach it in the clear belief that he can reason with his creation and move it away from the path of destruction and confrontation. The calm music and the sanguine expression on the face of Ludlow lend credence to this expectation. However, it is apparent that this expectation is not going to be realised and that something dire is going to happen. The scene changes dramatically when Pac-Man spurns the approach and attacks Professor Iwatani's

hand; and all the special effects are used to accentuate this stark change. Even the nonchalant Eddie is clearly affected by the attack on Professor Iwatani.

The other scene is when Brenner waits in the car park facing the approaching Pac-Man. He deliberately counts down against the backdrop of an imploding sound track and the menacing and calculated approach of Pac-Man. The anxiety and sense of menace is of high impact. The danger to Brenner is averted at the last minute. It was apparent to us that the filmmakers were pushing the boundaries to make the film more entertaining to older children and adults.

Menace is defined in the guidelines as "an intention to inflict psychological harm, a source of danger or threat, and the act of threatening and arousing fear"³. Many of the scenes discussed carry a relatively heightened sense of danger or threat, or certainly arouse fear. This is not an innocuous animated film that causes no concern. It is the anticipation and expectation of harm that may be potentially harmful or disturbing to young children.

However, weighed against this is the fact that this film is clearly a comedy that features aliens in the form of arcade characters doing battle with a group of game players using an assortment of science fiction weapons. This unrealism must also be taken into account in assigning an appropriate classification. There are also positive messages, and ultimately the aliens are forced back. Casting a group of misfits as heroes also conveys a positive message. There are no scenes of blood or gore, and in the end it becomes apparent that none of the characters is harmed. Had these mitigating factors not been present, we may have elected for the higher classification of 10-12PG.

We were concerned about the impact on children aged 9 and younger, but were of the view that the film, viewed holistically, will probably be tolerable to children aged 10 and above.

I turn now to the advisories. We were of the view that there is no need for the advisories. The classifiers appear to be of the view that the classifiable element of violence may have warranted a classification of 7-9. They were also concerned about the infrequent use of swear words. Given that there is infrequent and sometimes comedic use of swear words, the lack of any blood or gore, and the unrealistic nature of the film, we are of the view that a restrictive age classification of 10 need not be accompanied by any advisories.

³Definition section of the Guidelines.

A restrictive age classification of 10 is not out of line with the classifications assigned to the film in other jurisdictions. This film has been classified in Canada as PG, in Ireland as 12A, in Malaysia as P13, in South Korea as 12, in Sweden as 11, in the UK as 12A, and in the USA as PG-13.

In the circumstances the following order is made:

Order:

1. The film, **Pixels**, is assigned a restrictive age classification of 10.

Dated at Durban on the 27th of July 2015

Concurred by:

Adv. D Bensusan

Ms H Devraj