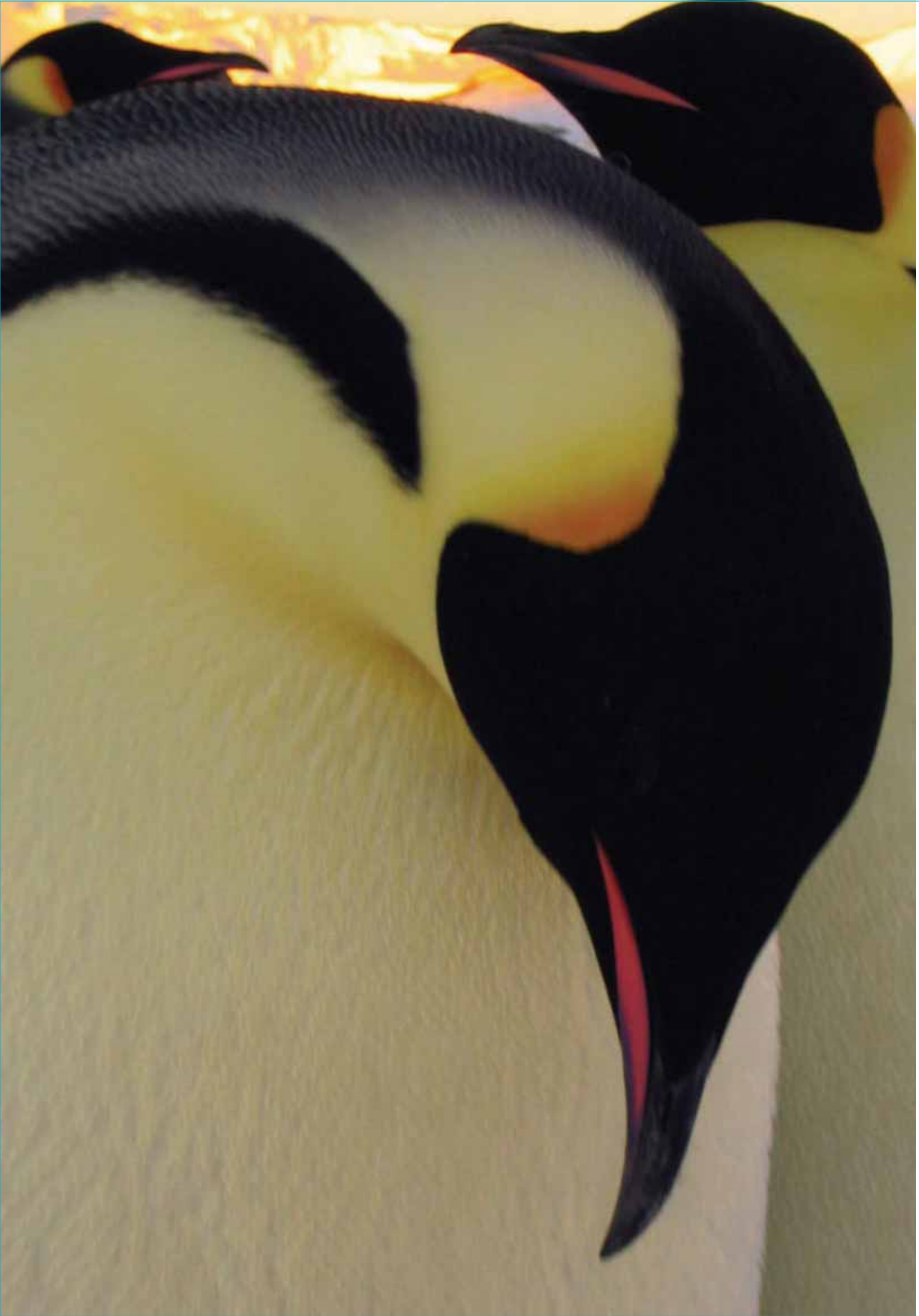
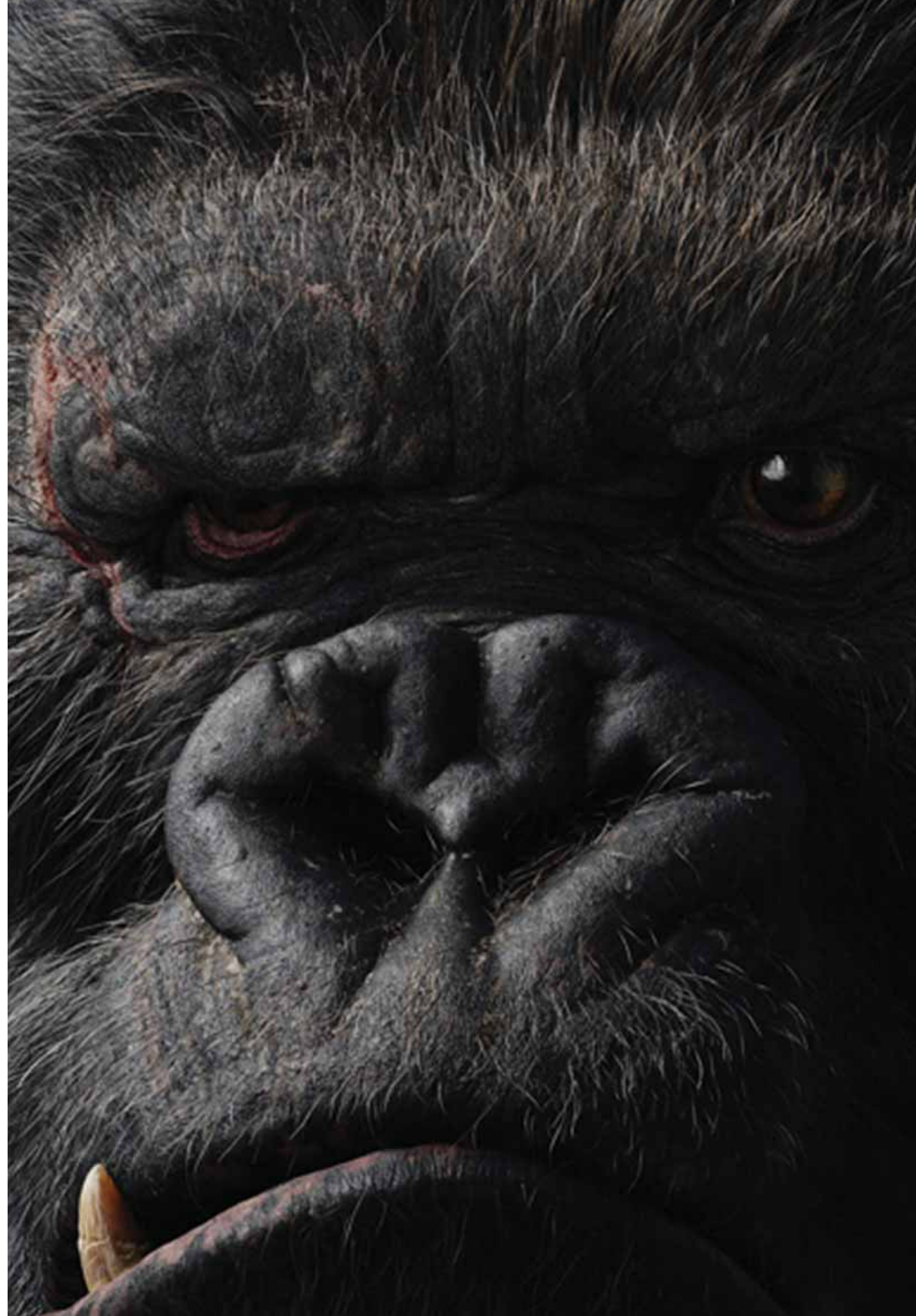




Annual Report 2005







Inside front cover

Pride and Prejudice 'U'

March of the Penguins 'U'

Inside back cover

The Chronicles of Narnia -

The Lion the Witch and the Wardrobe 'PG'

Sideways '15'

Previous page

King Kong '12A'

Wallace & Gromit in the Curse of the Were-Rabbit 'U'



President's introduction	3
Director's report	9
Accountability	14
Consulting the public	14
Consumer Advice	16
Letters from the public	16
Media education	20
On-line education	21
Research	21
Charitable donations	23
European classifiers conference	23
Customer helpline	23
Enforcement	24
Statistics	25
Classification	29
'U' Universal	29
'PG' Parental Guidance	33
'12A' Cinema '12' Video	40
'15'	42
'18'	52
'R18'	64
Digital media	65
Rejects	70
Legal issues	73
Video Appeals Committee	77
Consultative Council	81
Advisory Panel on Children's Viewing	86
Business Review	90
Report of the Directors	90
Accounts	93
The BBFC Vision Statement	103

The BBFC had major successes in 2005: publishing new classification guidelines; winning unanimously the appeal against its practice in distinguishing '18' and 'R18' sex works; and classifying a record number of works. The total number of works classified by the Board was 16,958, compared with 15,049 in 2004. Within that, digital games classified jumped from 43 to 198. The Board now has over 90 years experience of pre-publication content regulation. But does it, despite the figures just quoted, have a future?

In recent years, particularly with the establishment of Ofcom, content regulation has been concentrated in fewer hands, with a lighter touch and, the BBFC excepted, is primarily post publication oversight.

More widely, the audio visual content on offer to the public grows rapidly, with a marked diversity in the nature of the medium and in the means of delivery or access. Audio product and visual images, increasingly in digital form, may be available through televisions, computers, mobile phones, MP3 players and games consoles, as well as through cinemas and DVD and VCR players. It may arrive on line, on disk, cassette, film or on a data storage device, or off-air, by cable or phone line. It may be broadcast, with the audience in a passive role, or accessed – for example through the internet – at the initiative of the customer.

It is perhaps not surprising that some observers of this dynamic, but confusing, scene conclude that there is little future for regulation and the attempt to maintain it will seem like trying to shut the stable door when the horse has bolted.

At the Board we do not share this view. There is no doubt that:

- regulatory regimes will need to continue to adapt in the light of the new services;
- regulation should serve a relevant social purpose, and not needlessly be an impediment between the customer and the services available;

“The total number of works classified by the Board was 16,958, compared with 15,049 in 2004”

- as always, regulatory regimes must command and sustain public confidence and be fit for purpose: in practice depending, among other things, on the nature of the medium, the relationship between the customer and service provider and the extent to which unsupervised access by children is likely.

Current developments, and those in prospect, may require some nimble adaptations of regulatory requirements. But there is good reason for thinking that, in respect of film and video works, a similar degree of supervision will continue to be needed:

- the nature of audio visual product, and its potential impact, means that the public is likely to expect some oversight, particularly with a



view to the protection of children. (Though most of the research on media effects is inconclusive, a precautionary approach seems justified to many, especially when non-adults are involved.);

- there remains a strong commercial interest in demonstrating that product in this field meets accepted standards. (The Board itself was established at the instigation of the industry to ensure that films meet the required standard.)

Nonetheless, the rapidly shifting nature of the media scene, with new technological possibilities, some of which will undoubtedly become established in the market, means that these issues need to be kept under review. Against this background, the Board welcomes the enquiry by the House of Commons Select Committee on Culture, Media and Sport on 'New Media and the Creative Industries'. The Board is anxious to assist this work in any way it can.

We believe that we have unique experience and expertise to offer in a number of key areas, including:

- a strong brand image for our classification symbols. These offer the public an instantly recognisable and understood assessment of the general suitability of the material for viewers of different ages;
- the provision of concise but informative Consumer Advice, in conjunction with the industry, based on comprehensive prior scrutiny of films and other works. Like our symbols, our Consumer Advice is also a



Regulatory regimes must command and sustain public confidence and be fit for purpose



recognised and trusted brand, and has entered the national consciousness, to the extent of now being quoted in rock albums and advertising campaigns;

- open and transparent Guidelines which are regularly updated, through very extensive consultation, to ensure that they reflect the views of UK audiences;
- the protection of children through detailed scrutiny of and action on the wide range of potential harms and other issues which may arise, based where necessary on access to expert professional advice;
- the appropriate treatment of problematic material (eg those video games which are unsuitable for voluntary regulation, and films and other works which contain sexually explicit, violent or other problematic images), including the ability to distinguish what is lawful from what is not, and to reject works where no other intervention is sufficient.

One possible outcome, which the Board would welcome, would be the establishment of a forum, perhaps under the auspices of the Department for Culture, Media and Sport, to advance

consideration of the issues, bringing together the various commercial and creative interests, and those currently operating regulatory, including self-regulatory, systems.

The Board's achievements, and also its vision of and plans for the future, are set out in this Report. As always, we have many debts of gratitude to acknowledge, including to all those in the industry and the public who have worked with us or taken time to give us their views.

I should like to express my appreciation to Ewart Needham (whose term as Chairman of the Council of Management is ending) and to the other members of Council for their support.

The membership of the Advisory Panel on Children's Viewing was refreshed in 2004. The Panel brings together a wide spectrum of relevant experience in specialist backgrounds. We are fortunate that David Simpson has agreed to continue to serve as its Chair.

We also benefit from guidance, and the support of, the Consultative Council which brings together representatives of a number of relevant interests and individuals of distinction.

Almost all the work of the Presidents is undertaken in practice by the two Vice Presidents, Janet Lewis-Jones and Lord John Taylor, and me working as a team. I have greatly valued their commitment and support.

Most of the Board's work is of course done by its permanent staff. This year there was some welcome and needed increase in its complement. The staff, under the able leadership of the Director, with his senior management team, classified a larger number of works than ever before, but with the same meticulous care, dedication and enthusiasm.



Sir Quentin Thomas
May 2006

“Some observers conclude that there is little future for regulation. At the Board we do not share this view”





Director's report



What is the Board doing to equip itself for the future? As the President's introduction brings out, the future is already

happening, with broadband and non-linear TV and other programming growing at a great pace, and convergence now a reality. I can remember the predictions when I was doing broadcasting policy in the late '80s. The contrast between then and now certainly confirms the claim that the future is not what it used to be.

Last year we began to put in place a series of measures to enable the BBFC to gear up. They included:

- the updating of our Classification Guidelines (on which we consulted over 11,000 people) to take account of the public's current concerns. This is a process we will repeat regularly to ensure we stay in line with public opinion;
- an internal reorganisation, the 'Structures Review', which enabled us to create the two new roles of Head of Policy and Head of Process (Pete Johnson and Dave Barrett, both of whom have been very productive during the year);
- creating a new Vision Statement for the BBFC. We are proud of this fresh statement of the BBFC's direction and values. All the Board's staff contributed to it, and it genuinely guides our thinking and practice. It is reproduced on page 103 of this report. Associated material on our main website explains the thinking behind every phrase;

- as well as revamping our main website, we launched sbbfc, for students, as a companion to our highly successful cbbfc, for children. Already, sbbfc has attracted a lot of praise. There is plenty of meaty material on it, including case studies on our most famous past decisions.

This year we will continue this process:

- we are sharpening up our business planning. As well as setting clearer targets and objectives within and across departments, we will draw on work being undertaken for us by Screen Digest to enable us to get a better handle on the prospects for future workload and trends;
- we also commissioned research into our succinct and widely appreciated Consumer Advice. We are using this to see how we can tailor it still further to what the public wants and finds useful. This will enable us to judge whether old friends like 'mild peril' have had their day;
- as the President says, we are putting a good deal of effort into researching, and speaking to others about, the implications of the growth of new media for our system of regulation. We do not argue for regulation except where it is genuinely needed. But effective regulation has clear benefits: the prevention of harm; enabling informed choices; creating a safe environment within which to enjoy creative content. We regularly see and deal with material, whether so-called 'extreme reality', abusive pornography, or simply content which is unsuitable for the age group to whom it is addressed, where our intervention is clearly necessary. No-one should assume that such material will be confined to established platforms such as film and DVD. Whether in a regulatory or an advisory capacity, we believe we have unique expertise and experience to offer, including through:
 - our trusted brand;
 - our widely researched Classification Guidelines and Consumer Advice;
 - our international reputation as a film regulator (which was again demonstrated last November, when we hosted a very successful international conference of film-regulators in London);
 - our ability to act as a single source of advice and action on the potential impact on content of the law in such highly complex and contentious areas as obscenity, indecent images of children, proof of age, privacy and the prevention of animal cruelty;

“

effective regulation has clear benefits: the prevention of harm; enabling informed choices; creating a safe environment within which to enjoy creative content

”

- our uniquely thorough consideration of the most contentious digital games, often involving up to five hours of sampling by expert players equipped with cheat codes etc, and backed by the power not only to intervene but, if necessary, to reject a game;
- we would like to see collaborative work between government, regulators and the relevant industries, to work through the issues and reach agreement on how to co-ordinate and strike the future balance between regulation, self-regulation and co-regulation;
- we will also continue to improve our internal processes and systems through, for instance, the introduction of a new quality control process. And we will take forward our exploration of the scope for digitising our unique archive.

We will go on adding to the portfolio of action to equip ourselves for the future. Whether through regulation or advice, we have much to offer. Part of this is rooted in our longstanding and widely supported role as an *ex ante* rather than a *post hoc* regulator. In essence this means that we scrutinise every second (and, if necessary every frame) of a film all through, and give our classification, and if necessary intervene, before it is released, rather than responding to complaints after the event. This makes possible a degree of reassurance to the public, and the scope for building up real expertise, which are not available under different systems of regulation. It is strengths like these which we seek to build on,

and make available more widely, for the future. At the same time, as a still relatively small, un-bureaucratic organisation, we are able to achieve rapid turnaround times, and efficient as well as high quality decision-making.



Whether in a regulatory or an advisory capacity, we believe we have unique expertise and experience to offer



The highlights of 2005 are set out in this Report. As well as those already mentioned, I would draw attention in particular to:

- our response, published in November, to the Home Office consultation on possession of extreme pornography. This acknowledges the very serious underlying issue which the consultation sought to address; examines some possible unintended consequences of legislating in this field; proposes some solutions to these problems; and offers our expertise towards further work in this area;
- the unanimous decision of the Video Appeals Committee in July upholding our practice in distinguishing between '18' and 'R18' (hardcore) sex works. Research undertaken for us by Dr Guy Cumberbatch had confirmed that the public does not want to see hardcore made available at '18'. The result ensures that


hardcore sex material will continue to be clearly labelled 'R18' and sold only to adults in specially licensed sex shops;

- the dramatic, five-fold rise in the number of submissions of video games as the industry responded to public and media concern about certain high profile violent titles. We have recruited additional examiners with games skills to deal with this rise. We continue to work very closely with the Video Standards Council, the industry and government on the complex issues surrounding video games;
- much wider understanding and recognition of the '12A' category. We are very grateful for the efforts of distributors and exhibitors in helping us to get this across. Decisions in relation to major titles also played a key role. The '12A' awarded to Steven Spielberg's **War of the Worlds** was initially controversial but then generally welcomed: it reinforced the message that '12A' is a signal of general suitability only for 12s and over, although it does give parents and other responsible adults the flexibility to reach a considered view as to whether they should take younger children. **Harry Potter and the Goblet of Fire** illustrated the flexibility of '12A': the film was acknowledged to be darker and more intense than its predecessors, and was too strong for 'PG', but many under 12s were nevertheless able to enjoy it because of the parental discretion allowed by the category;
- our major contributions to media literacy and action against media piracy. On media literacy, which is widely acknowledged to be one of the

vital requirements of living in contemporary society, we gave presentations and workshops to over 5,000 students last year. We expect to double that contribution this year. On piracy, we continue to provide an essential service to enforcement officers seeking to establish, for the purposes of action through the criminal law, whether seized works have been pirated or not.

On a completely separate, but important note, the Board is committed to increasing the amount of waste which we can recycle. We have been recycling plain paper and cardboard for many years but we now recycle all types of paper and cardboard as well as plastic cups, aluminium cans, glass and some other types of plastic waste. All incoming media packaging is recycled or reused and unwanted furniture is offered to local charitable or educational organisations. I am pleased to report that we are now recycling half of our waste and looking for ways to increase this further.

In his introduction the President has paid tribute to the work of the Vice Presidents, the Council of Management, the Consultative Council and the Advisory Panel on Children's Viewing. I should like to express my own gratitude to them for their wisdom and support. Finally, I once again pay tribute to Penny Averill, my Deputy, and all my colleagues at the BBFC, for their skill, knowledge and hard work, and for being such great people to work with.



David Cooke
May 2006



Accountability

Batman Begins '12A'



The BBFC is accountable to the public, the industry 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 2005 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.

Consulting the public

For the Board to carry out its role it is vital that we keep in close touch with public attitudes. The extensive public consultation carried out during 2004 (see *BBFC Annual Report 2004*) resulted in the publication of new Classification Guidelines in February 2005. The Board is committed to keeping the Guidelines under review and will go back to the public on a regular basis to ensure that the Classification Guidelines continue to reflect current attitudes.

One of the things which came out of the consultation in 2004 was that people wanted Consumer Advice, particularly at 'U', 'PG' and '12A', to help them make viewing choices for

“

What came out of the groups very clearly was that awareness of Consumer Advice had improved considerably since the consultation carried out in 2004

”

themselves and their children. Consumer Advice is the short phrase which appears on film publicity, cinema listings and on the backs of DVD and video games packaging which is produced by the Board as part of the classification process. Well over 80 per cent of people who knew about Consumer Advice in 2004 found it useful when deciding which films to watch with children. In 2005 the Board decided to find out whether the language used in Consumer Advice was providing the right information and was easily understood.

To achieve this, the Board commissioned 14 focus groups spread across the country and made up of people aged 18–65, single and married, with and without children, from across the social spectrum. All of the people taking part were required to have visited a cinema at least once in the last three to six months and be regular film viewers at home. The groups were asked about their knowledge and experience of Consumer Advice and discussed a wide range of examples taken from films. Ten of those groups were then asked to take away a selection of films and to come up with their own Consumer Advice.

What came out of the groups very clearly was that awareness of Consumer Advice had improved considerably since the consultation carried out in 2004. Even young men in the 18–24 age group who, it might be argued, were least likely to need it, were not only aware of Consumer Advice but, in the case of one young man, actually used it to avoid renting horror films which his girlfriend did not like.



The focus group participants appreciated being given a sense of the strength and frequency of controversial content. They made it clear that they wanted information which is as specific as possible given the limitations imposed by brevity and clarity. The advice should reflect societal concerns, give a sense of the tone of the film and use clear, contemporary language.

Apart from widely acknowledging that writing Consumer Advice was not as simple as it seemed, the groups provided some very useful feedback which will be incorporated into future Consumer Advice. For further details about Consumer Advice see the relevant section of this Report.

When the Board consults the public it is restricted to people over the age of 18, but that does not mean that we are not interested in the views of children and young people. It is, after all, films, DVDs and games rated 'U' to '15' that make up the majority of works classified by the Board. Examiners regularly visit schools, colleges and universities to talk about the work of the Board, but also to listen to the views of the students. In particular, the Board consulted students in the 12–15 age groups in schools in England, Scotland and Wales. This followed on from an earlier exercise with 15–18 year olds.

The consultation took place between November 2003 and June 2005, involving 11 schools and some 330 pupils. The aim of the exercise was to find out what children in the 12–15 age group thought about the film and video classification process as well as what they thought about film content generally. The methodology used for the

research was a combination of video clips, group discussions and paper questionnaires.

The findings showed that this age group is amongst the highest consumers of films, in the cinema and on video/DVD, of any age group and that they clearly understand how the BBFC's decisions affect their viewing. There was a high recognition factor of the BBFC and its work. They recognised, in particular, that the introduction of the '12A' category had made a much broader range of works available to them and this was widely welcomed.

Pupils were unconcerned about strong language (but recognised that parents were still likely to be offended by their use of such language). This age group was also fairly liberal in their attitudes towards sex and nudity – unless they were watching with parents and members of the opposite sex! Pupils felt there could be stronger violence in '12A'/'12' works (although most agreed that the depiction of weapons such as knives should affect the overall rating) while there was broad agreement that sexual violence and racist violence should be treated more seriously.

“

By the end of 2005 nearly 100 per cent of top selling DVDs and videos carried the BBFC Consumer Advice

”



A large number of pupils claimed not to be frightened by horror films – many were familiar with the genre and had specific expectations. Attitudes to drug use were fairly consistent with most pupils believing that hard drug use was unacceptable below the '15' category whereas soft drug use was, by and large, found to be acceptable at '12A'/'12'. There was, however, strong opposition to both smoking and drinking in the most junior categories. Finally, most of those questioned agreed that people in their age group were highly likely to copy dangerous behaviour seen in film and on television.

The overall message coming out of the research was that the BBFC mostly gets its decisions right; there was, however, a clear (and not surprising) wish to be allowed to view higher rated works.

Consumer Advice

The BBFC continues to provide Consumer Advice for every film and video/DVD passed. This provides information about why a work has been given a particular category or whether it contains issues likely to be important to potential viewers (sex, violence, bad language etc). The information comes in the form of a single sentence which has been adopted not just on film advertising and posters, but also on the back of packaging for video/DVDs and games.

By the end of 2005 nearly 100 per cent of top selling DVDs and videos (although some companies are no longer issuing video versions of their films) carried the BBFC Consumer Advice. As part of efforts to improve parental understanding of video games ratings, in May

2005 the games industry agreed to carry BBFC Consumer Advice on all games carrying BBFC '15' and '18' ratings and it is also carried on some games rated at the lower categories.

Letters from the public

Although this section is headed letters from the public, it is as likely to be emails which come in via the 'contact the BBFC' link on the Board's main website. Most of the complaints received by the Board are about the category being too low, although one or two thought the rating given a particular film too high. No film received over one hundred complaints, but one came close. **Closer** was the subject of 93 complaints about the sexually explicit language in the film which had been rated '15'.

In the case of **Closer** the people complaining had in fact seen the film, which was not generally the case with **War of the Worlds**. This film was the subject of several articles in one tabloid newspaper condemning the '12A' rating and the majority of the 65 complaints came from people responding to what they had read in the press. This film was a good example of a '12A' film which was well suited to the young teen audience, but not suitable for very young children. The Board's Consumer Advice, 'Contains sustained menace, threat and moderate horror', and the subject matter itself – invasion of Earth by Martians – sent a clear message that this was not suitable for very young children.

Other films which were considered by a small number of people to carry classifications which were too low included **Star Wars Episode III: Revenge of the Sith** and **Batman Begins**, both considered too scary for '12A'; **House of Wax** (too



gory for '15'); ***Team America – World Police*** (language and sex references too strong for '15'); ***Meet the Fockers*** (language too strong for '12A'); ***The Island*** (the language and surgical scenes too strong for '12A') and ***The Devil's Rejects*** which four people thought too strong even for '18'.

Religious sensitivities can sometimes result in complaints about films and one such example was ***Jo Bole So Nihaal***, the title itself proving offensive to some sections of the Sikh community. The Board received 41 complaints, but it was clear that no offence was intended and, indeed, the presence of a strong, heroic Sikh character would be considered as positive by others. ***Jerry Springer – The Opera*** was also the subject of religious concerns with seven people writing in to ask that it be refused a certificate because of its apparently blasphemous content. As the work had been shown on television, as well as being a stage production, before it came in for classification and had not been prosecuted for blasphemy, it was unlikely that any prosecution against the DVD would succeed.

“

Given the number of people who go to the cinema and buy or rent DVDs each year we receive relatively few complaints, but each one which comes in gets an individual reply

”

As the section on 'U' rated films later in this report points out, film-makers sometimes slip adult jokes into children's films on the basis that these will go over the heads of the youngest members of the audience. One such example was ***Nanny McPhee*** which resulted in one complaint that the scene in which one of the characters mistakenly believes that the master of the house has made sexual advances on her, when in fact he has tried to rescue her from one of his children's booby traps, was too sexually explicit for 'U'.

The Consumer Advice which the Board issues with each work is designed to give information about why the work has been given the classification it has. But there is a fine line between providing information and spoiling the plot. The Board is sometimes torn between ensuring that parents can avoid taking children to see films which might disturb them and ruining the ending of the film for those who choose to see it. One such example was Clint Eastwood's ***Million Dollar Baby***. The work was rated '12A' but dealt with a very difficult theme (no, we are not going to spoil it for those who have not seen it!) which we felt, nonetheless, was suitable for young teenagers. We did receive a small number of complaints from people who thought the subject unsuitable for the age group concerned and who thought we should have spelled it out in the Consumer Advice.

It is not always films which result in complaints. Cinema advertisements have to be classified by the BBFC as well, but unlike the film they are shown with, people have not chosen to watch them and their content sometimes shocks or offends because it is unexpected. 'Public information' advertising can sometimes present a



...projetionas in ...
...Boedribe ...

...1907

...Boedribe in ...
...1907



Charlie and the Chocolate Factory 'PG'
Corpse Bride 'PG'
The Island '12A'



special dilemma when the message is important but the images used to get it across can be shocking. The Board has to consider whether to allow the advertisement through at the classification which will allow the message to reach the audience for whom it was intended, even if the images would normally place it at a higher rating. One such example was a Transport for London film shown to coincide with the Christmas party season warning of the dangers facing young women using unregulated mini cabs to get home. The advertisement was rated '12A' because the Board felt that it was an important message for a young teen audience, but eight people thought the context too shocking at '12A'.

The Board's Classification Guidelines state that 'there is no reason in principle why most themes, however difficult, could not be satisfactorily handled at '18' or even '15''. However, three people disagreed, and wrote in to say that the subject of incest, as portrayed verbally and in a comic way in ***The Aristocrats***, was unsuitable, even at '18'.

Given the number of people who go to the cinema and buy or rent DVDs each year we receive relatively few complaints, but each one which comes in gets an individual reply, even if they sometimes appear to be tongue in cheek. One such example was an email about ***Charlie and the Chocolate Factory***. The correspondent was concerned that as Charlie's family was supposed to be poor they should not be living in a detached house and that his five year old son had been confused by this apparent anomaly. He suggested that the film 'misleads young children about financial issues' and should therefore have been rated higher than 'PG'.

“

In all, some five thousand pupils attended events run by the Board's Education team at schools, colleges, universities, film festivals and at the Board's own premises in central London

”

Media education

The BBFC continued its strong commitment to media education in 2005. The Board's Education Officer and examiners hosted some 60 tailored presentations and workshops across the UK to pupils and students from primary age through to graduate level. In all, some five thousand pupils attended events run by the Board's Education team at schools, colleges, universities, film festivals and at the Board's own premises in central London.

With a full-time Education Officer now in place, the BBFC has also been able to enhance its relationship with other relevant organisations such as the British Film Institute and Film Education. The BBFC hosted a series of 'master classes' across the UK as part of Film Education's National Schools Film Week in the autumn as well as INSET workshops for teachers at BFI Media Studies Conferences and the London Film Festival. The Education team also hosted its first training day for PGCE Media Studies students from the Central



School of Speech and Drama with a view to expanding its commitment to aiding both students and teachers of Media and Film Studies.

At the end of 2005 the Education team began work on a long and short-term media education strategy. Its purpose is to provide a clear set of aims and objectives that will enable the Board to maintain a position as a key player in the field of media education and promoter of media literacy

“

**The cbbfc website
attracted some 1.3
million hits in 2005**

”

in the UK. The BBFC ultimately aims to ensure that the positive regulatory role of the BBFC remains consistently useful and effective for both current and future generations of moving image consumers.

On-line education

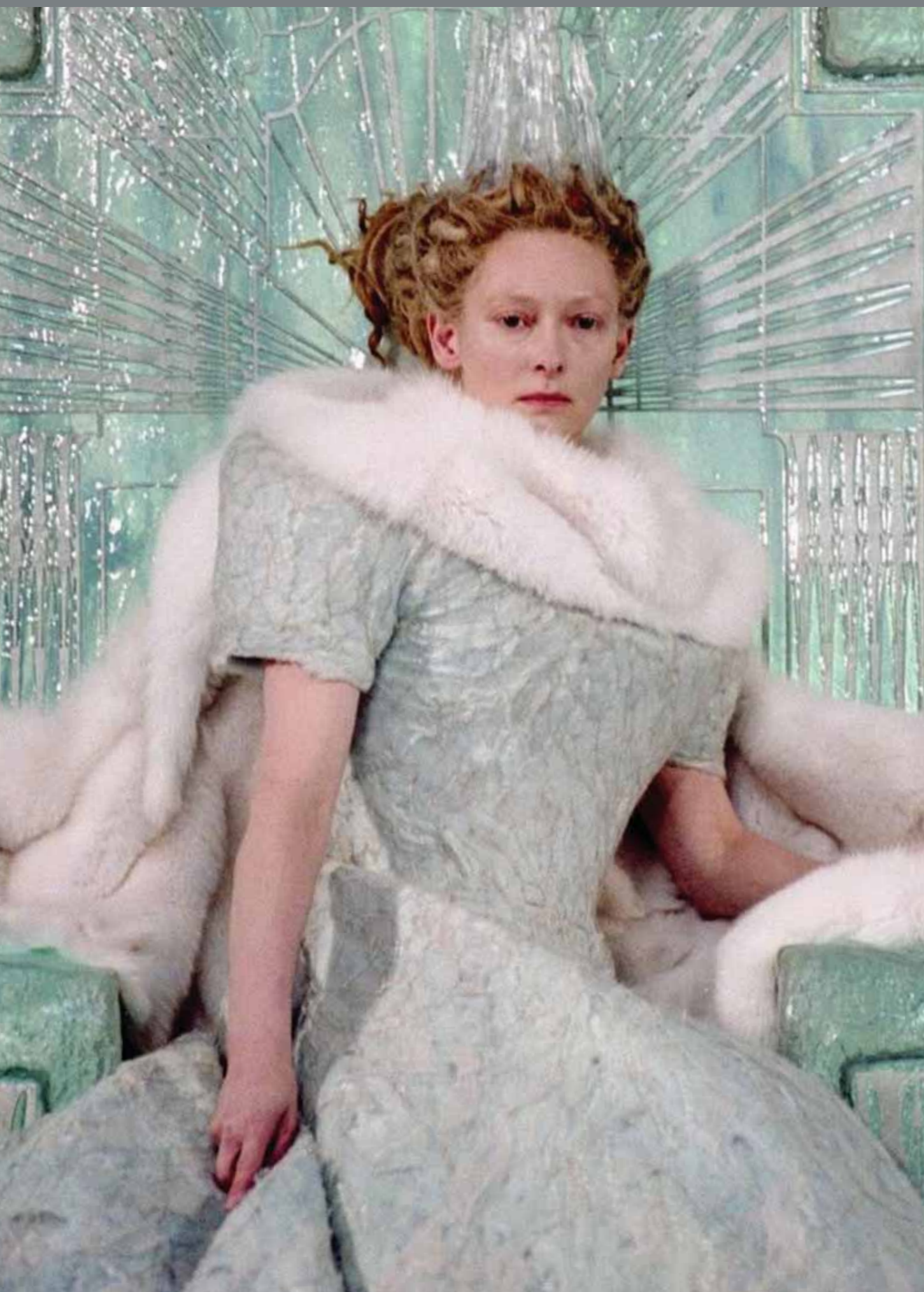
Following on from the success of cbbfc, the Board's educational website for primary school-aged children, an on-line educational resource aimed at older students was launched in June 2005. The cbbfc website attracted some 1.3 million hits in 2005 and Students' BBFC, or sbbfc, has begun to establish itself as a fundamental resource for both students and teachers of media and film studies from GCSE to graduate level. Six months after its launch it was attracting around 100,000 visitors every month.

Whilst the site already boasts a comprehensive downloadable Student Guide that addresses, in detail, areas such as the BBFC's history and the classification process, there are plans to further expand the site's usefulness for both students and teachers with curriculum-linked activities that will exist in tandem with other BBFC produced teacher resources.

Research

As part of our efforts to understand the viewing behaviour of people under 18, the Board has, for several years, commissioned research from Taylor Nelson Sofres to track their viewing habits using an extensive panel of 15,000 respondents. The research concentrates on the activities of people under the age of 18 as cinema-goers, buyers and viewers of video, DVD and Pay Per View material, and particularly their access to material classified '12A'/'12', '15' and '18'.

One of the things the research has allowed us to gauge is the extent to which families are using their discretion with the advisory '12A'. Initial figures indicate that children under 12 being taken to see '12A' films still form a small proportion of the audience. Over the last couple of years the research has been extended to monitor the access of under 18s to computer games rated above their age. As more data is gathered it will be possible to identify firm trends in other underage activity – for example, whether underage viewing is indicative of a special interest in a small number of films or habitual behaviour. Such information is a key to developing classification policy, and promoting and securing support for the BBFC classification system amongst the cinema industry and the public.





In 2005 the Board co-funded a literature review of research carried out since the beginning of 2000 into media harm and offence. This was published at the beginning of 2006. The review flagged up the fact that the majority of the research carried out into media effects was done in the US and involved television. The report's authors warned about the difficulty of meaningful read across from television to other mediums as well as differences in the way American research is funded and carried out.

Charitable donations

Every year the Board provides financial support for a range of worthwhile projects specifically related to film. The Board was particularly pleased to be able to provide funding to enable the British Film Institute's National Film and Television Archive to restore Michael Powell's 1939 film, ***The Spy in Black***.

The restored print made its debut at the National Film Theatre in August 2005, and has since been invited to the New York Museum of Modern Art's International Festival of Film Preservation. The BFI National Film and Television Archive now has new 35mm and digital copies as well as preservation materials thereby ensuring that this film by one of England's leading film directors is safeguarded for future generations.

European classifiers conference

In October 2005 the Board hosted an international conference for those involved in media classification. Over 40 delegates attended from Europe, Singapore, the United States, Canada, Australia and New Zealand.

“
The Board was particularly pleased to be able to provide funding to restore Michael Powell's 1939 film, *The Spy in Black*
”

The conference was launched with an event at the BFI London International Film Festival, to which the public were invited. This took the form of a discussion on the changing nature of censorship and the panel comprised of colleagues from Singapore, Ireland and Serbia and Montenegro, which have all, in different ways, undergone profound social change over the past few decades. The Board was delighted to be able to sponsor this event and to continue the working relationship with the British Film Institute.

Other topics covered at the conference included new media, piracy, digital media and a forum in which the topic 'Who Do We Classify For' was debated by experts in the field of child psychology, education, and delegates from France and the United States.

Customer helpline

There were 7,618 calls to the customer helpline in 2005, an increase of 50 per cent on the previous year. This sharp rise can be attributed to the increase in submissions and more enquiries resulting from the extranet service which allows customers to track the progress of their submissions through a secure on-line facility.

In November 2005 the Board introduced improvements to both the helpline and the extranet service. The helpline now allows callers to speak directly to Information Services, Accounts or the Technical department. The extranet now contains more information for customers, to address some of the queries typically handled by the helpline.

Enforcement

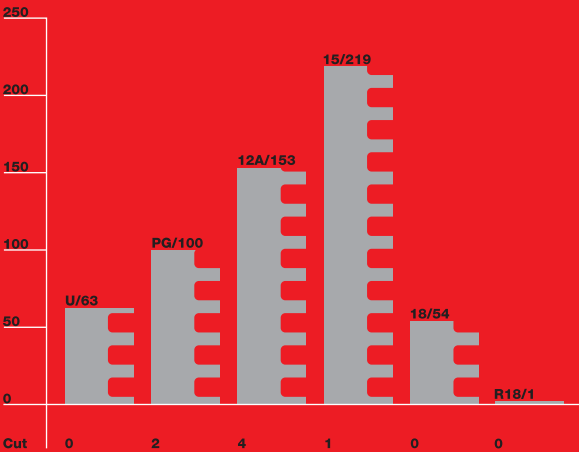
The BBFC continues to support the efforts of various organisations and agencies to deal with film piracy. We provide information to trading standards officers and the police to help them with prosecutions under the Video Recordings Act. 2005 saw a decrease in the number of both tapes and discs submitted for comparison and title-only enquiries. Seized videos and DVDs submitted for comparison totalled 1,436 and there were 11,865 title enquiries. It is worth noting that 2004 was a particularly busy year and that 2005 was up on 2003.



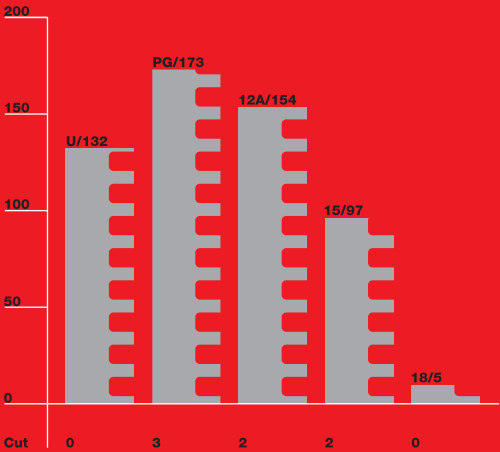
Statistics, Film



Film total – 590



Film trailers – 561



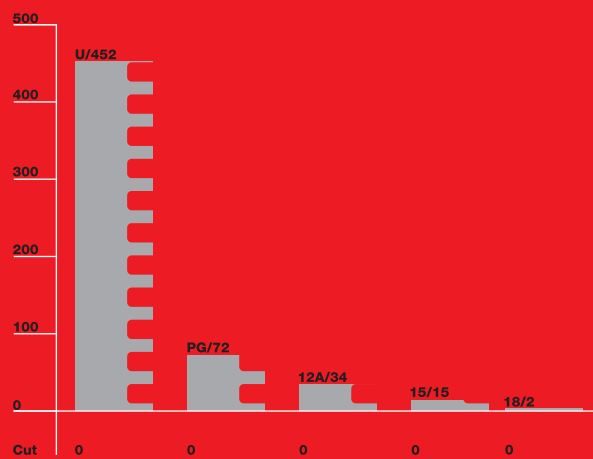
Film statistics 1995 - 2005

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
U	37	42	38	56	65	61	43	71	61	41	43
PG	110	98	113	109	121	112	121	142	132	102	100
12	49	66	60	40	72	88	107	122*			
12A									152	148	153
15	123	166	134	174	192	174	174	201	188	222	219
18	91	75	92	69	73	85	59	48	56	49	54
R18									1		1

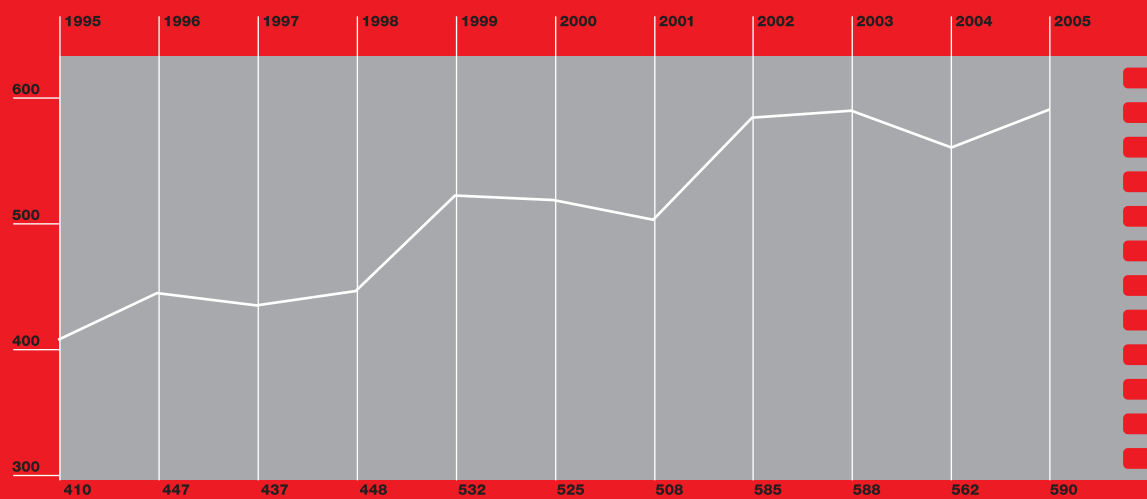
*Inc 12A



Cinema advertisements – 575



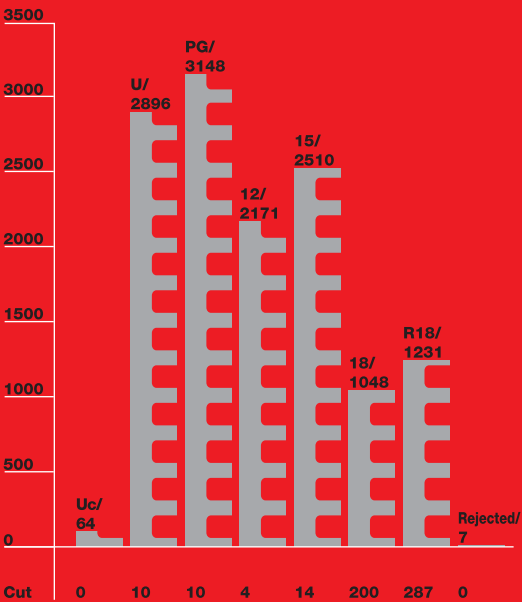
Film submissions 1995 - 2005



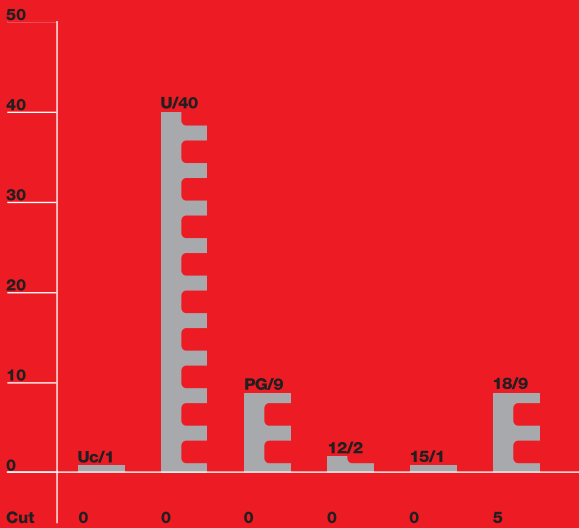
Statistics, Video and Games



Video total – 13075



Video Advertisments – 62

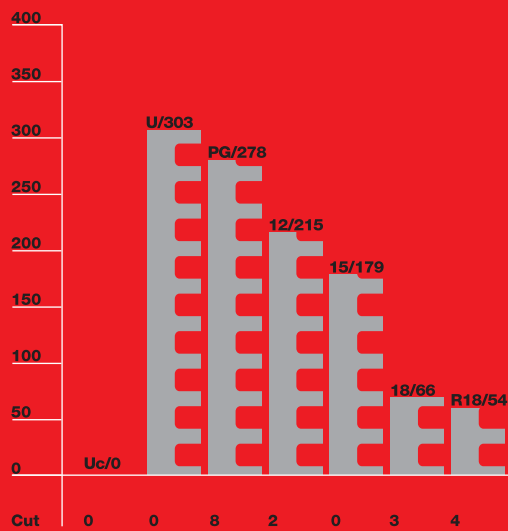


Video statistics 1995 - 2005

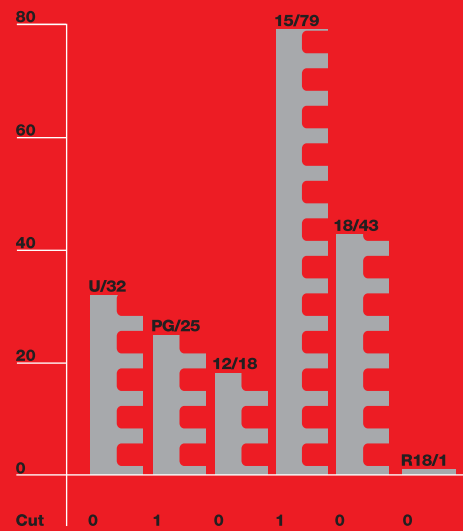
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Uc	160	157	143	111	150	125	152	121	152	119	65
U	66	803	711	900	975	1354	1471	1807	2084	2534	3104
PG	638	782	669	1090	1091	1590	1826	2014	2280	2485	3380
12	259	336	297	415	457	813	859	1155	1685	1677	2273
15	511	583	544	656	899	1244	1322	1721	2244	2113	2669
18	901	1033	878	1090	1067	986	1059	1008	980	870	1133
R18	23	27	32	42	29	212	651	1061	1405	1387	1237
Rejected	3	6	5	4	9	4	1	2	3	2	7



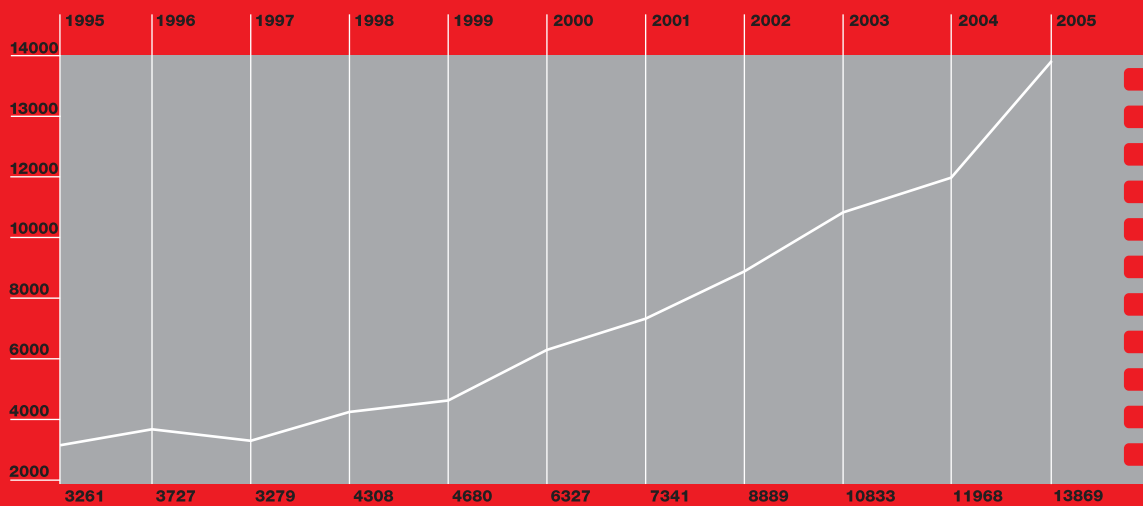
Video Trailers – 1095



Games and other interactive – 198

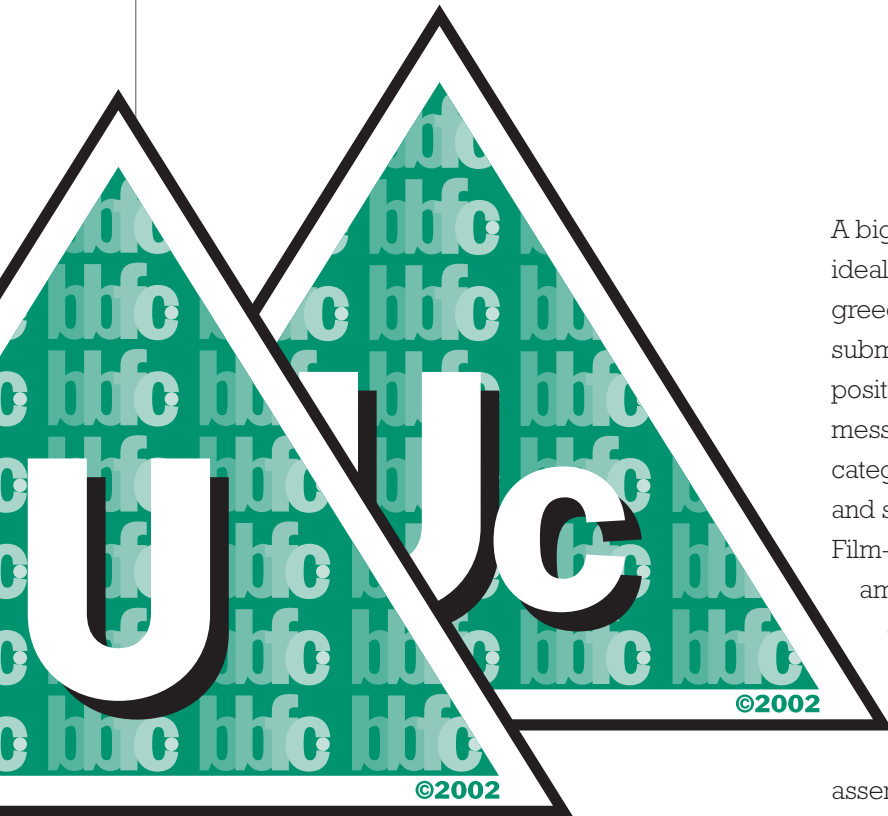


Video submissions 1995 - 2005



Classification

Robots 'U'

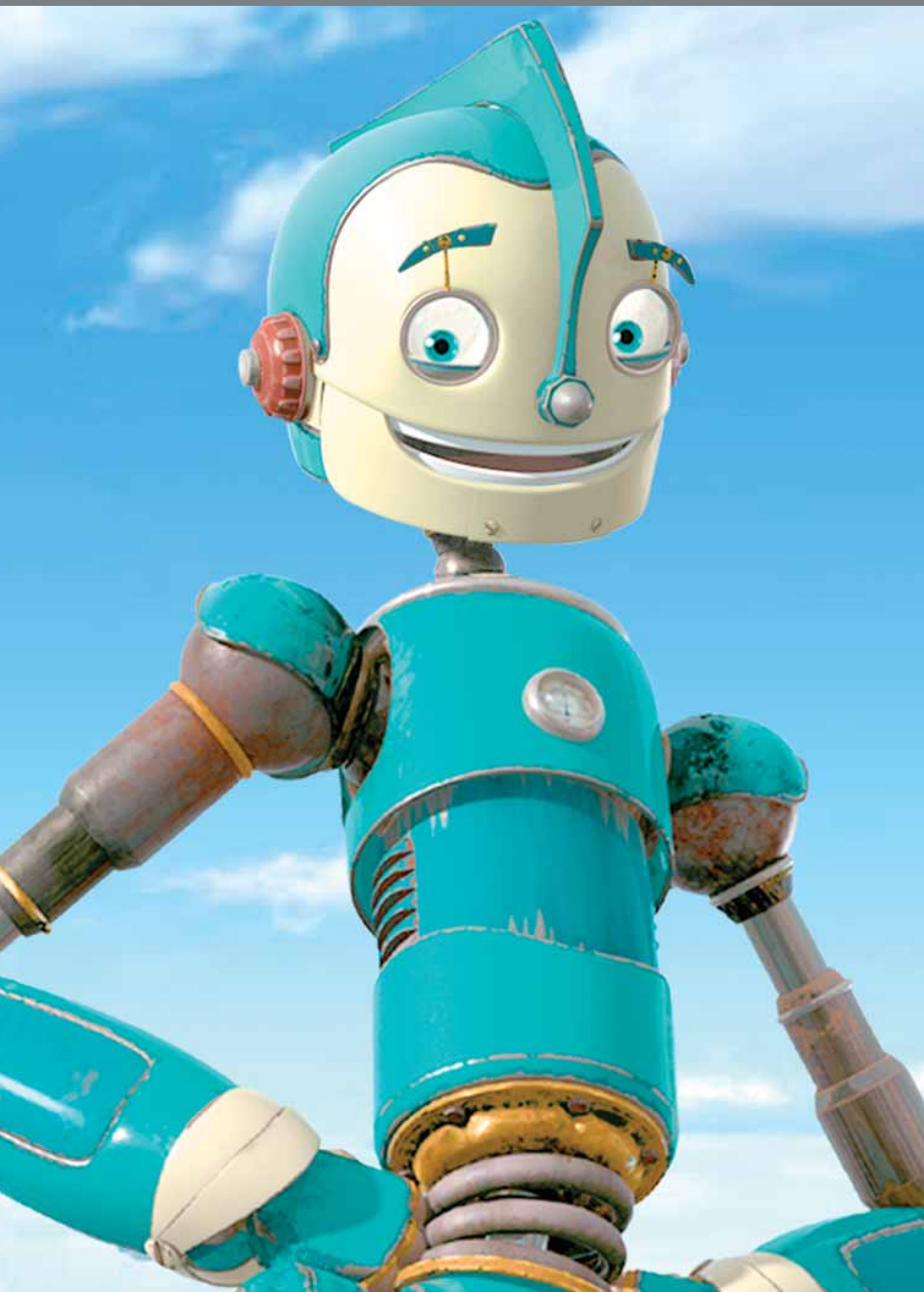


'U' Universal – suitable for all

The 'U' category is generally perceived by audiences as the category that is safe and suitable for children. However, 'U' merely indicates that there are unlikely to be any issues that would alarm most children over the age of four. It is the video sub-category 'Uc' that signals viewing material that is specially aimed at pre-school children, although the BBFC applies this category only at the express request of the submitting company.

As usual, the 'U' rating was awarded this year to a wide and varied range of material, from issue-free documentaries to well-publicised films for children. It is generally the latter that interests audiences the most and the range on offer in 2005 was considerable.

A big-budget animated film about a young, idealistic robot who bravely takes on corporate greed in the big city was one of the early submissions of the year. **Robots** contained the positive moral framework and reassuring messages that are a requirement of the 'U' category but also featured mild bad language and sexual innuendo that led to some discussion. Film-makers are known to slip gags in for the amusement of accompanying adult viewers and one such sequence in **Robots** suggested that the young hero was being conceived and delivered, while, in fact, a camera pan soon revealed that he was only being assembled from a kit. Examiners took the view that the joke was harmless and unlikely to cause offence to young audiences and their parents, especially as the punch-line emerged so speedily. Another sequence involving a group of robots loudly emitting bodily noises was also considered suitable for 'U' audiences, as scatological humour has long been a popular feature in children's entertainment, although not always with adults. Language was one of the other issues in the film. It was decided that sight of a down-and-out tramp robot begging in the big city with a placard reading 'Got Screwed' around his neck fell within the bounds of the 'U' category's requirement for language to remain 'very mild', especially as the offending word was only written down and a clear pun. However, a DVD extra to **Robots**, entitled **Aunt Fan's Tour of Booty**, contained on-screen text, reading 'Pimp my ride'. Examiners took the view that the word 'pimp' in this context was better placed at 'PG', in spite of the word's increasing currency on television in a non-sexual sense via 'Pimp My Ride', a popular MTV programme about customising cars.





Occasionally, when a film aimed at children has violence or language that is considered too strong to be contained in the junior categories, distributors can choose to make a cut rather than taking the film away from its natural audience with a more restrictive certificate. The distributor of ***Madagascar***, an animated film about New York zoo animals being shipped out to that island, chose to remove altogether a partially uttered strong expletive. A scene in which one of the animals is tranquillised and experiences an hallucinogenic 'trip' with accompanying psychedelic images was, on balance, considered acceptable at 'U', as the reference was clearly to tranquillisers and not recreational drugs.

Another animated film for children called ***The Adventures of Sharkboy and Lavagirl*** came as a 3D submission, both on film and video. The concern in this case was the action sequences, which were breathless and fast-moving, with one showing giant electric flex cables being used in a fight scene. However, the likelihood of imitation by small children was considered to be very low and the violence was well mitigated by the fantasy element running through the entire film.

Difficult themes are not taboo at 'U' but must be handled sensitively and appropriately so as not to create distress for younger audiences. The film ***Nanny MacPhee***, based on the children's books *Nurse Matilda*, was one such example. The theme of bereavement, running through the first half of the film, was gently handled, the camera focusing on a recently deceased mother's empty chair to indicate her sudden and tragic absence from her children's lives. Such discreet treatment of a difficult subject, that neither slips into mawkishness

nor glosses over important feelings, is considered entirely suitable for children's films. Stories have long served to introduce complex ideas to children.

Nanny MacPhee also contained a comic and fleeting throwaway reference to 'incest' towards the end of the film that was acceptable because it was said by a character established as being completely eccentric. The reference was thought likely to go over the heads of the children in the audience, especially as there was, in fact, nothing whatsoever to do with incest in the narrative of the film. An audio commentary to accompany the main feature on DVD, however, contained bad language and a drug reference that could not be contained at 'U'. This was withdrawn by the distributors rather than take the whole DVD to a higher category.

“
Difficult themes are not taboo at 'U' but must be handled sensitively and appropriately
”

The most marked change in the 'U' Guidelines, following the recent public consultation exercise, lies in the area of drugs. While the previous Guidelines stated that the 'U' category would contain 'no references to illegal drugs or drug use', the current Guidelines take a slightly less restrictive stance, stating that there can be, 'no references to illegal drugs or drugs misuse unless there is a clear educational purpose or clear anti-drug message suitable for the audience'. This change was made to allow useful anti-drug



messages to reach a wider audience. An early 'beneficiary' of this change was an episode of the old TV series ***The Partridge Family – Why Did the Music Stop*** in which two women are heard

“
The most marked change in the 'U' Guidelines, following the recent public consultation exercise, was made to allow useful anti-drug messages to reach a wider audience
”

discussing a teenage boy's 'problem with dope'. The adverse reaction conveyed by the women's facial expressions and their ensuing conversation quite clearly indicated that dope smoking is not a desirable activity and so it was agreed that this could be covered by the new Guidelines as containing a suitably unambiguous anti-drugs message.

The film ***Magic Roundabout***, based on the classic children's TV show, also contained some double entendre references to cannabis smoking with Dylan the 'hippie' rabbit saying that Dougal the dog has a problem with sweets and will soon be on 'two bags a day'. He goes on to talk about 'experimenting with recreational activities' and, after they have struck a blow against the villain declares, 'Wow – that was some hit'. Examiners took the view that such oblique references to drugs

were innocuous and unlikely to be understood by young children. They were no stronger than the catnip joke in ***Shrek 2*** that had also been passed 'U' in 2004.

Another area which examiners take particular note of is on-screen smoking, particularly if the activity is glamorised or presented as attractive. Many old films now carry the 'U' certificate, so examiners look at not only whether the work as a whole glamorises or promotes smoking but also whether it is specifically aimed at children or has significant appeal to them. Examiners also consider whether the smoker is an attractive character or role model or someone children readily identify with and whether the storyline is pro or anti smoking. What is being smoked (eg cigarette, cigar, pipe) is noted as well as its frequency on screen and the prominence given to the activity. In addition, the age and/or historical context of the work are also taken into account. It is fair to say that no films given a 'U' or 'PG' in 2005 raised any concerns about promoting smoking to a young audience. It is true that some films at these categories did contain smoking, but their appeal was not for young children, the low rating being awarded because of the lack of other classification issues like sex, language or violence. An excellent example of this was ***Good Night and Good Luck*** (classified in 2005 but released in 2006), George Clooney's film about the McCarthy era in the USA in the 1950s. The combination of the historical setting and the fact that the main character chain smoked in real life meant that smoking featured prominently. There were no other significant classification issues to take the film to a higher category and the obvious lack of appeal to a very young audience resulted in a 'PG' rating.



Examiners remain most concerned about dangerous and imitable techniques in 'U' rated films. A sequence in the classic animation ***The Flintstones – Barney the Invisible*** that showed Fred pulling a paper bag over Barney's head to cure him of hiccups raised some concerns among the examining team. While some felt that a paper bag was essentially harmless, others were of the opinion that younger children might not be able to tell the difference between paper and plastic bags and might imitate such an act with fatal consequences, especially as Fred is clearly heard instructing Barney to, 'Hold it tight so no air gets in'. Following discussion with the distributor of the series, the episode was finally passed 'PG' as a warning to parents.

Caution is also applied in the area of trailers and advertisements that come unbidden to audiences, without the benefit of Consumer Advice. For this reason, an advertisement for BSkyB dramas caused some discussion. This short advertisement showed an emotionally charged kiss between two women that contained a slight suggestion of coercion as one of the women weeps while succumbing to the kiss. Some examiners felt this might be distressing to younger viewers. However, as the Guidelines at 'U' permit 'mild sexual behaviour (eg kissing)' and because no difference is made between classifying heterosexual and homosexual love scenes, this was finally passed 'U'.

'PG' Parental Guidance

– general viewing, but some scenes may be unsuitable for young children

'PG' is the category where children are able to explore the boundaries beyond the safe world of 'U' and where they come across a variety of issues which they themselves will have to deal with in their own lives. In the broadcasting regulator Ofcom's 2005 research *A Safe Environment For Children*, parents taking part in the research said that their children were exposed to a range of dangers in their lives and that while they were concerned about 'premature exposure to negative influences' in the media, this was balanced by an acceptance that media images can play a positive role in enabling children to learn about and discuss the world.



Not all films labelled 'PG' are intended for children

A number of films in 2005 offered children the chance to observe behaviour both praiseworthy and inappropriate, from the moral framework that underpinned ***The Chronicles of Narnia – The Lion, the Witch and the Wardrobe*** to the domestic violence of Roman Polanski's dark version of the classic ***Oliver Twist***.

Of course, not all films labelled 'PG' are intended for children, but parents are safe in the knowledge that there are firm boundaries to the category that should protect all but the most sensitive children from







Nanny McPhee 'U'
Mrs Henderson Presents '12A'
The Brothers Grimm '12A'
Cinderella Man '12A'



distress. An example of this was the Spanish film, **Mar Adentro – The Sea Inside** about a man severely disabled as a result of a diving accident who makes a powerful plea for permission to end his life. While the content was unlikely to appeal to a young 'PG' audience, the film's poignancy was restrained and there was nothing in the film to encourage the idea that euthanasia is a simple solution. Explicit Consumer Advice gave clear warning of the film's subject matter allowing parents to make an informed choice about whether their children were ready for such a viewing experience.

Polanski's **Oliver Twist** was another example of a 'PG' rated film with little obvious appeal for young children. One member of the public did write to query the 'PG' certificate, not because it contravened the Guidelines, but because it did not seem much like a children's film, especially when compared with the familiar musical version. The Board did advise the distributors that the scene where Nancy was attacked by Bill Sykes should be toned down after the film was viewed for advice, and the submitted version contained only some drops of blood to indicate the ferocity of the blows. The accidental and fatal hanging of Sykes was not seen as likely to encourage children to play with ropes, and posed no problems at 'PG'.

Rize, a documentary about the dance phenomenon called krumping (a hip-hop style dance originating in Los Angeles) contained some references to drugs. Dancers explained how they had to combat the drugs culture in their neighbourhoods. Since there was no promotion or glamorisation of the drugs, and the anti-drugs

stance was evident throughout, the film could be accommodated under the 'PG' Guidelines. The revision and amendment of the 'PG' drugs Guideline to allow for 'a suitable anti-drug message' provided increased flexibility and enabled films like **Rize**, where it is made evident that drugs are dangerous, to be passed at 'PG'.

In the cinema version of the television series **Bewitched**, drugs references about an audience being 'on crack', because ratings showed they had failed to appreciate a particular TV character, were judged to be innocuous. Similar innocuous references to soft drugs featured in the romantic comedy **The Family Stone**.

“
The revision and amendment of the 'PG' drugs Guideline to allow for 'a suitable anti-drug message' provided increased flexibility
”

Language was the issue in **Roll Bounce**, another tale of triumph over adversity, with a group of youngsters coping with rivalry in the roller disco scene of the 1970s. Classification issues arose from a DJ's non aggressive use of 'mothersucker' and 'mofo' as he presided over a contest at the rink. Given the benign tone and strong appeal at 'PG', it was felt that this attempt to reproduce a sanitized version of the language of the 'South Side' did not warrant a '12A'.



Both the film and the DVD of the Vin Diesel comedy **The Pacifier** contained a directed use of the word 'spazz' – unkind playground slang that goes beyond the 'mild bad language' of the 'PG' Guidelines. The word was replaced by the distributor with something less offensive. By contrast a single emphatic use of 'bitch' in a 1977 film **The Turning Point** submitted for DVD did not alter the 'PG' rating because of the age of the work. It is current Board policy not to upgrade old classifications unless a clear harm issue is evident. An example where this occurred was the 1987 work, **The Reivers**, which came in for DVD classification and moved from its original 'PG' to '12' because of children fighting with knives.

As always, examiners maintain a careful watch for any hazardous on-screen activity that might be copied by the young. This year's crop included a bomb-making scene from the 1980s action series **Macgyver**. The episode, entitled **Thief of Budapest**, provided a recipe for making a bomb, with enough information to prove useful, resulting in cuts. On the other hand, scenes in the 1991 feature **Problem Child 2** in which a boy rigs up various booby traps for his father's unwelcome girlfriend were not felt to offer a level of detail that would facilitate imitation. But there was concern about scenes in a 'U' rated 1934 Shirley Temple film submitted for the first time for DVD. The plucky Shirley finds a man tied up in the house and goes to get a large saw to cut through his bonds. When this fails, she goes to get a large, shiny knife from a kitchen drawer, with which she frees him. Small children and large kitchen knives are not a comfortable combination at 'U', and it was felt that 'PG' was a more appropriate category. The 'PG' Guidelines for imitable

“ Examiners maintain a careful watch for any hazardous on-screen activity that might be copied by the young ”

techniques were modified to reflect the need to protect children from 'easily accessible' weapons, specifically knives, which are to be found in all homes.

The children's action film **Zathura – A Space Adventure** also required cuts for scenes of dangerous behaviour. In this sci-fi fantasy, the young heroes find their older sister deep-frozen, and in order to defrost her, one boy takes an aerosol spray can and ignites the contents with a lighter to make an impromptu flame-thrower. Later in the film, a passing astronaut, who drops in to help out the boys, needs to divert aliens who are attracted by light. He takes a fuel can, liberally douses a sofa and sets it alight. Both incidents of playing with fire were felt to be risky and easily imitated, and therefore resulted in cuts.

While the dangers of imitation are often clear, there is less clarity over what children might find distressing at 'PG'. Tim Burton's inventive animation **Corpse Bride** contained some scary-looking characters, but the charm and humour of the musical comedy treatment counteracted the potential for frightening a 'PG' audience. A new version of an old favourite, **Lassie**, also attracted a



'PG' because of its potential to distress – the dog is threatened with death – and a modicum of mild bad language. Somewhat stronger fare was briefly evident in the recent and highly acclaimed BBC adaptation of **Bleak House**, in which the brief sight of a character's burning remains threatened to push the series to '12' on DVD. However, given the work's classic status and historical context, it was felt that this brief shot could be accommodated at 'PG'.

While sex does not often feature in the 'PG' category, sexual references do occur.

Bachke Rehna Re Baba was a comparative rarity, a Bollywood sex comedy featuring kisses on the mouth and some mildly risqué references that UK audiences have become used to from the **Carry On...** films. While there was some risk that South Asian audiences in particular might find these references unsuitable, the film was classified at 'PG' in order to maintain the consistency of the application of the Guidelines.

The Board continues to take a strong line on racism, ensuring that references both verbal and visual are placed at the appropriate category. While legislation regarding incitement to racial hatred protects the public from actual incitement, examiners have to consider casual racism, particularly in old television material submitted for DVD classification, which might have been acceptable to the majority at the time but is less so in the light of current sensibilities. An episode of the late 1960s sketch show **Do Not Adjust Your Set** contained some casual visual references of this kind making 'PG' more appropriate than a 'U'.

The classification of advertisements, which arrive on cinema screens unbidden, requires judgement as to the receptivity of the audience and, sometimes, their sense of humour. In an advert for sanitary towels a hopeful looking man confronted the woman in his life in the bedroom with a variety of objects pulled from a bag, including a sink plunger, a pair of fluffy hand cuffs and a pineapple. In response she produces a pack of Always towels. The sexual innuendo, combined with humour, was considered containable at 'PG' given the obliqueness of the references.

“
The Board continues to take a strong line on racism, ensuring that references both verbal and visual are placed at the appropriate category
”





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

The BBFC considers that '12A' films are suitable for children over the age of 12 but the cinema category does allow parents and carers to take younger children to those films if they consider them suitable. It appears to be popular with audiences, but reports of toddlers watching films which are obviously beyond their understanding do raise concerns. Parents must understand that no '12A' film is suitable for very young children. It is unfair on the children and on other cinema goers whose viewing is disrupted. Taking young children to '12A' films to avoid making childcare provisions is irresponsible.

A number of high profile titles came in to the Board in 2005 with '12A' requests. Prominent amongst these was Steven Spielberg's **War of the Worlds**. Starring Tom Cruise, the film updated HG Wells' classic tale to modern day America. In line with Spielberg's increasingly dark oeuvre and the prevailing mood in disaster films after the events of September 11 2001, this was a sometimes bleak and harrowing work. The film was considered at length within the Board, including by the Director, before it was rated '12A'. Although intense and powerful in effect, there was nothing unprecedented within the film, and it was akin to other similarly rated disaster movies such as **The Day After Tomorrow**. Some sections of the press began a short-lived campaign questioning its suitability at '12A'.

“
Parents must understand
that no '12A' film is suitable
for very young children
”

The Board received a significant, but not unprecedented number of queries about the classification with the vast majority of the viewing public appreciating the film and having no difficulties with it at '12A'.

Other notable films at '12A' included **Batman Begins**, **Harry Potter and the Goblet of Fire**, **The Island**, **Star Wars Episode III: Revenge of the Sith** and **King Kong**. Like Spielberg's film, these all employed a battery of modern technological effects that provided a rollercoaster ride for audiences.

An exception to this was the film
of the





true-life events dramatised in ***Hotel Rwanda***. Based on events during the genocide, it highlighted the valiant efforts of Paul Rusesabagina who risked everything to save refugees from the atrocities of war.

The 1967 Peter Cook and Dudley Moore film ***Bedazzled*** came in for DVD classification. Previously passed 'PG', the work was deemed unsuitable at that category under current Guidelines, with its scenes of comic, attempted suicide by hanging. The more appropriate '12' also accommodated some jokes regarding rape, which are received somewhat differently by contemporary audiences. Cult comedian Jerry Seinfeld's TV series had an episode passed, somewhat unusually, at '12' (***Seinfeld – The Contest***) for a storyline that alluded to being tied up during the activity of masturbation.

Multiculturalism and the increasing profile in the UK of 'Bollywood' films were apparent in the growing number of titles and their increasing popularity with the mainstream audience. The Hindi film ***Jo Bole So Nihaal*** was unproblematic for the Board in terms of our Guidelines, but the use of a Sikh war cry caused offence to some and we received an orchestrated stream of complaints before the film was released.

Illegal drug use in the UK continues to be high on the news agenda. The debate centring round the reclassification of cannabis, and the possible linking of the drug with psychosis in some young people, is something that the Board continues to monitor carefully. The Board's cautious stance on drug use reflects public concern and is mirrored within our Guidelines at the junior categories.

There were not many works dealing directly with drugs at '12A'/'12', but those that were submitted carried a suitably prominent anti drugs message. Such works included ***The Secret Life of Zoey*** and the Hindi film ***Tum... Ho Na!***

Rather more noticeable in terms of its public profile, and its possible effect on younger viewers, was the big screen debut of ***The Dukes of Hazzard***. Based on the popular 1970s television series, the film had strong crossover appeal for nostalgic adults and younger viewers keen on Johnny Knoxville and Jessica Simpson. Unproblematic in the main, the film contained an adolescent and cavalier attitude to cannabis use in several scenes that made the requested '12A' problematic. One, in particular, featured the two male leads in search of an associate on a college campus. They enter one room where scantily clad women are seen smoking from a 'bong' device. The heroes are subsequently seen in a mildly euphoric and disoriented state. This obvious linking of drugs with glamorous figures and sexual pleasure and the casual and uncritical attitude towards drug use was in clear contravention of the Board's Guidelines regarding drug use at '12A', and the film was cut. When the film was submitted for DVD release the scenes had been reinstated. The company opted for '15' uncut instead.

The popular television series ***Lost*** was submitted to the Board for DVD release, almost simultaneous with its terrestrial airing. Hard drug use by the character of young boy band musician Charlie lacked detail and was obviously negative in its effect so could be contained at '12.' The cult television programme ***That 70s Show – Garage Sale*** contained veiled references to 'hash



brownies'. As with similar themes and treatments elsewhere, responsible types (parents in this case) are made to look foolish before the usual order is restored and conventional morals stated. After careful consideration it was felt that this episode could be accommodated at '12'.

The teen oriented horror film ***Cry Wolf*** told the story of a group of pupils at an exclusive school who create a fictional serial killer. When fellow pupils start turning up dead (or so it seems) it appears that the killer is real. The audience is left unsure for much of the film as to whether the killings are real or an elaborate hoax. Our Guidelines on horror allow 'sustained moderate threat' at '12A' and this is exactly what ***Cry Wolf*** offered as teens are stalked and chased through their school grounds by what may or may not be a serial killer. There was no gore or dwelling on violent detail. The Board considered that '12A' was also where the natural appeal of the film lay.

“
The Board appreciates that 15 to 17 year olds are able to engage with and understand complex narratives and mature issues, but we also know that a significant proportion of adults still want certain constraints on what this age group watches
 ”

'15' – suitable for 15 years and over

As with other categories, there is sometimes, at '15' a clash between the film-maker's desire for their work to reach a particular audience and the BBFC's need to ensure that the material is suitable for that audience. This can lead to voluntary cuts made by the distributor to achieve a lower category, or mandatory cuts where an image or activity is in clear breach of a particular piece of legislation, for example, a child actor placed directly or indirectly within part of a sex scene. Fortunately, the latter is infrequent and the BBFC usually finds itself having to consider the relatively mundane issue of age appropriateness when deciding where best to place a film within the category system.

The Board appreciates that 15 to 17 year olds are able to engage with and understand complex narratives and mature issues, but we also know that a significant proportion of adults still want certain constraints on what this age group watches. We attempt to strike a balance between the concerns of the responsible adult and the wishes of the young teenager who wants to





Munich '15'
War of the Worlds '12A'
It's All Gone Pete Tong '15'
Broken Flowers '15'

engage with more challenging material. To strike this balance a number of factors have to be considered: is the material likely to be harmful to this age group? Is the theme handled responsibly? How much consideration should be given to context when considering the work? These factors, taken together, help us determine the final category.

Classifying films is not an exact science. Audiences respond to films with their hearts as much as their heads and it is neither possible, nor desirable, to be completely prescriptive about what is permissible at a particular category. This can lead to accusations of inconsistency, or favouring one type of film over another. However, the BBFC aims to produce decisions which meet with the broadly based acceptance of the UK public.

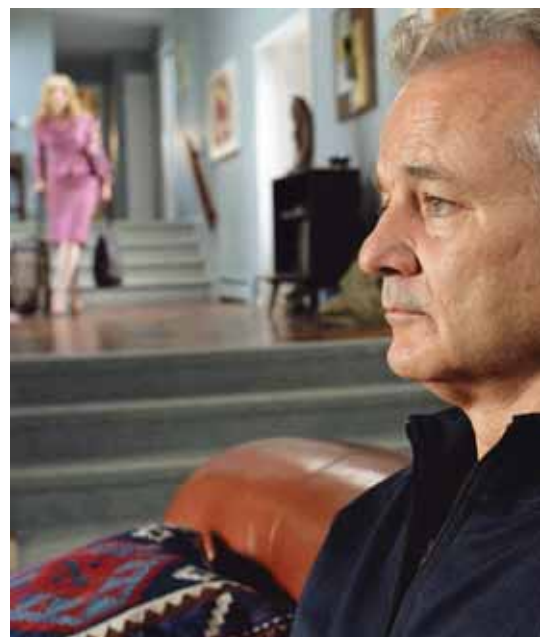
A number of films and videos in 2005 included issues that raised questions about whether they should be rated '15' or '18'. As ever, language is still high on the list of concerns which result in complaints. While strong language appears to lack the charge it once carried, it is clear that a fair proportion of the population still do not like, nor think it desirable for, younger people to use or hear the very strongest terms. The Board

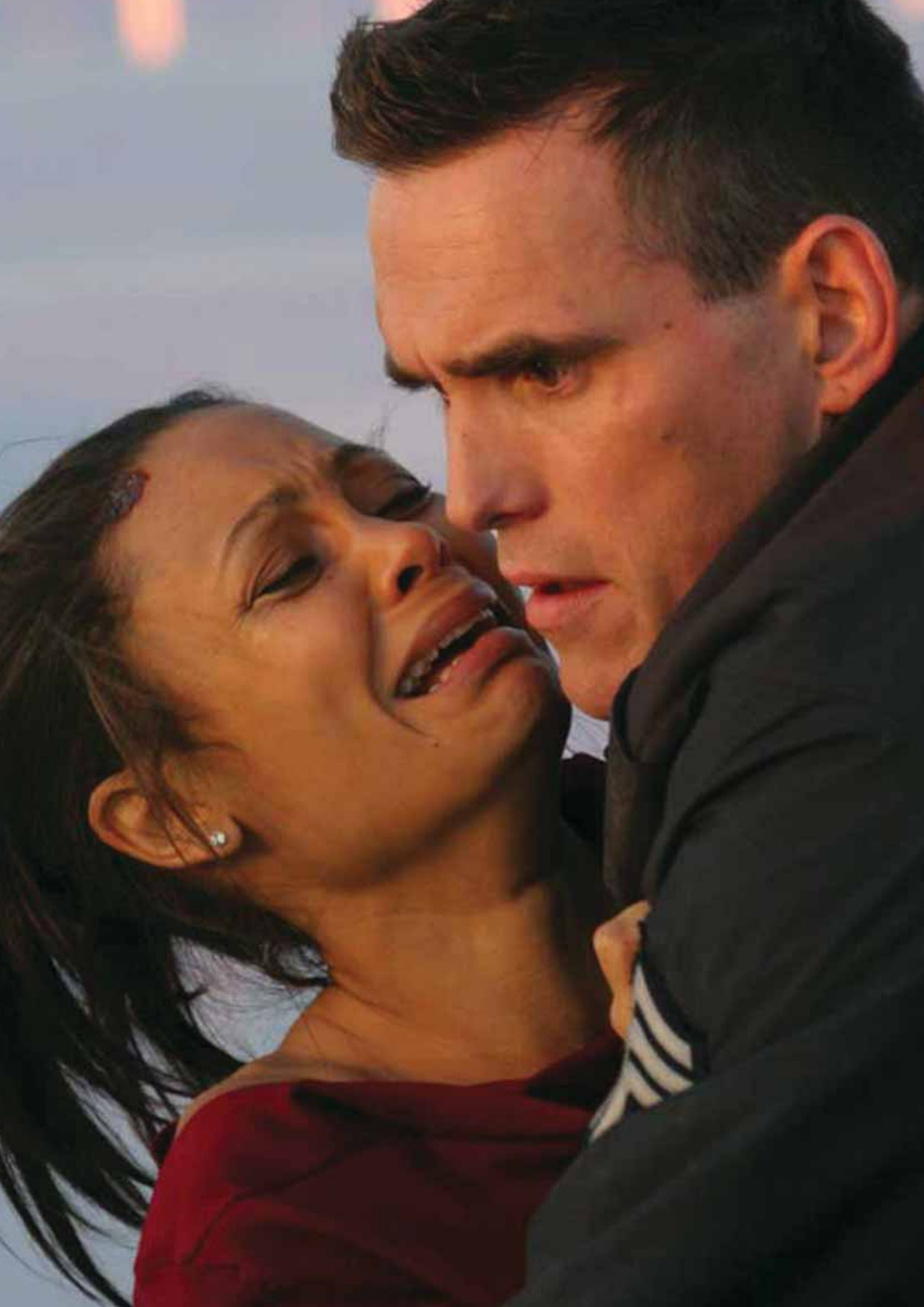
“
As ever, language is still high on the list of concerns which result in complaints
”

respects this desire, but the impact a particular word may have is dependent on how it is used, to whom it is said and in what context. An expletive used in frustration and directed towards oneself has a very different effect from the same expletive used to threaten or intimidate someone else, particularly if it is a man using it against a woman. This difference – the context – is what the Board takes into consideration when deciding how appropriate a given expletive is for the target audience.

“
The impact a particular word may have is dependent on how it is used, to whom it is said and in what context
”

At '15' the Guidelines allow for frequent use of strong language, but the strongest terms will be acceptable only where justified by context. Continuous use of aggressive, threatening language is unlikely to be acceptable. This applies particularly to the expletive 'cunt', which is still considered to be unacceptable below '18' by a significant proportion of the population. In 2005, justifiable exceptions were made to three works. The first, a DVD VAM (Value Added Material) work entitled **Yes – Finding Scene 54**, the second being **Deuce Bigalow European Gigolo** and the third, **It's All Gone Pete Tong**. The VAM offered an insight into the film-making process and the development of the script. As the actors read their lines and the director watched the proceedings,







one of the actors states 'Am I a second-hand cunt?'. While the scene is repeated a number of times, making it seem as if the expletive is being repeated several times over, it was considered to be exceptionally justified given its intention to illustrate the film-making and script development process in action. **Deuce Bigalow European Gigolo** is a typical low-brow comedy where sexual references, innuendo and expletives constitute a major component of the narrative. In this case the word was directed at a non-existent character and was also a play on words when, during a visit to the 'Man Whore Museum', a character in one of the displays is shown as 'Kunta Kuntlicka' (in an attempt to send up the character 'Kunte Kinte' in Alex Haley's book, *Roots*). While the comedy may not be particularly subtle, it was the view of the Board that these two instances were acceptable at '15' in this non aggressive and crudely comic context.

It's All Gone Pete Tong, a comedy about a self-centred, loutish club DJ who loses his hearing and must then learn to live with his disability, included two uses of 'cunt'. In the first instance, the DJ is studying a book on human anatomy and comes across an illustration of two people with their mouths wide-open. He murmurs to his companion: 'They look like a couple of cunts'. In the second instance the DJ's manager, in an effort to prove his total loss of hearing to the assembled press, turns to him and says, 'Your mum's a cunt'. The DJ nods and grins inanely without, of course, having a clue as to what is being said. Again the non aggressive use of the word was considered acceptable.

Whilst attitudes to sex are more relaxed this issue does throw up the odd challenge to our Guidelines and also, perhaps, public expectations of how sexually explicit a film can be at '15'. One example of this in 2005 was the film **Asylum** written by noted playwright, Patrick Marber. This period drama takes place in a mental institution where the wife of a therapist begins a tempestuous affair with a patient who has been incarcerated there for violently killing his wife. The occasional sex scenes coupled with a moment of domestic violence initially appeared to tip the balance in favour of '18'. However, the combination of the theme and its treatment, the lack of strong sexual detail and the relative lack of violent process diluted the strength of these images overall. It was concluded that whilst these images were borderline they did not in fact breach the '15' Guidelines.

At the lower end of the '15' scale, the film **Mr. & Mrs. Smith**, raised some questions about which category it should be placed in. The film starts out showing a married couple who appear to be quite traditional and conservative. Unbeknownst to each other they are both spies working for different intelligence services and it is only through a series of coincidences and events that they eventually realise what each other does for a living. To make matters worse, they find themselves working for opposing sides and at one point their suburban home becomes a battleground as they attempt to kill each other. Although there were elements of weapon glamorisation and other violent elements that contributed to the '15', in one brief scene Mrs Smith (Angelina Jolie) pretends to sexually service a male suspect. Clad in a tight-fitting, PVC



costume and pretending to be a dominatrix, she satisfies the client's desires by beating him across the buttocks with a whip. Though the visual detail was limited, the man is heard to moan in delight until his head is grabbed and his neck broken. Despite the film having quite a broad audience appeal, it was concluded that such a scene, along with the other elements noted above, was likely to confound parental expectations and the film was rated '15'.

The Board is sometimes required to classify 'public information' advertisements for showing in cinemas. These can present the Board with a dilemma. On the one hand they are deemed to be 'worthy' as they are trying to educate the public about matters of serious concern, but they sometimes use images or concepts which are not suitable at the junior categories. One such work was a short informational advert on behalf of the Keep Britain Tidy group. The work came with a 'U' category request and with the tag-line 'Don't be a gimp, keep Britain tidy.' Unfortunately, this line was accompanied by visuals of a man in a gimp costume used in sado-masochistic sexual role play, and being led on a leash to dispose of his rubbish in a bin. The Board considered the image to be wholly out of line with public expectations of an advertisement at 'U' even allowing for the public information aspect. The work was given very careful consideration before being classified at '15'. Though the term may not carry strong sexual connotations on its own, the fact that it was reinforced visually suggested that parental offence could be quite high had the work been passed at a lower category.

Scenes of sexual violence, especially where they appear to be gratuitous or exploitative, are unlikely to be passed at '15', though the Guidelines make allowance where such scenes appear 'discreet and brief'. Clearly, contextual arguments and appropriateness for this age-group are paramount. A case in point was the film **North Country**, a story concerning the verbal and physical harassment of a woman who works in a mine. One scene showed the young Josey being raped. This was intentionally distressing but without nudity or sexual detail. The film's attempt to highlight the problem of female harassment in a predominantly male environment had much to commend it and was considered suitable for a 15+ age group. A similar instance occurred in the film **Derailed**, which also featured a discreet and brief rape scene – the action predominantly taking place off-screen. In fact, it transpires that the rape was actually set up as part of a scam and that the supposed victim and villain are actually lovers. With these considerations taken into account, the film was passed at '15'. Finally, two foreign language films, **Cinque Fois Deux** and **Sukran**, also featured discreet sexual violence, though with contrasting contexts, and were also classified at '15'.

“
Scenes of sexual violence, especially where they appear to be gratuitous or exploitative, are unlikely to be passed at '15'
”



Violence in films remains a matter of concern to the Board although it appears to concern commentators less than it used to. This may be due, in part, to Hollywood film producers toning down the levels of blood and viscera that were the hallmark of the action movies of the nineties to obtain the lucrative 'PG-13' category from the Motion Picture Association of America (MPAA). In the UK, the introduction of the '12A' category has had a similar effect. Sometimes, however, distributors request this category even though their works stretch the '12A' Guidelines which require that violence should not dwell on detail and should not emphasise blood or injuries. In 2005, the film *Into the Blue* came in with a request for a '12A' rating, but straddled the '12A'/'15' borders. Some gruesome images showing the effects of a shark attack coupled with the bloody pulverisation of a character towards the end of the film pushed the work to '15'.

At the top end of the category the film *Doom* was passed '15' even though the action, violence and bloody special effects were quite strong. However, this was a film-of-the-computer-game which has been in the public domain for many years. The game carries a '15' classification because of the blood and violence, but this involves aliens and humans. The story is set on a distant planet some time in the future and follows the fortunes of a group of space marines who have to rid a research centre of unwelcome alien visitors. The action is so fast and furious that, generally, there is little opportunity to focus on particular victims or the injuries they have sustained and, taken as a whole, it was the Board's view that the lack of injuries and sadistic relish sat within the '15' violence Guidelines. In a similar vein, the film

Get Rich or Die Tryin', a supposed biopic of the rapper Curtis '50 Cent' Jackson, featured numerous violent scenes though again these were deemed to be consistent with the '15' Guidelines which indicate that whilst violence may be strong, it should not dwell on the infliction of pain or injury.

“ Violence in films remains a matter of concern to the Board although it appears to concern commentators less than it used to ”

One of the more interesting films classified in 2005, but opening in 2006, was Steven Spielberg's *Munich*. The director's take on the Munich Massacre of 1972 appeared to be a plea for reconciliation between Jews and Palestinians, though much of the film focussed on a group of Mossad agents recruited to exact revenge for the killing of the Israeli athletes. Bent on eliminating key figures within or associated with the Black September terrorist group, the Mossad men relentlessly track down and execute their targets with bomb and bullet until one of them in particular begins to question the value of what he does. Like his previous films, *Saving Private Ryan* and *Schindler's List* (both classified '15'), Spielberg does not spare his audiences' feelings in portraying the effects of violence upon the human body. The film's opening sequence in the Olympic village offers bloody impact effects as



the Israeli athletes are executed. In a separate scene, a woman who has killed one of the Mossad agents and left his naked body to be discovered is summarily executed when the remaining agents track her down. As the woman slowly dies, she sinks into a chair and is left partly naked and exposed in a gruesome parody of the previous killing. The film was subject to particularly careful consideration given the level of violent detail. But the violence was considered neither gratuitous nor exploitative and, taken as a whole, the work was felt to have an educative, if controversial, aspect. It was, therefore, deemed containable at the '15' category.

Imitable techniques likely to cause harm to the viewer or others are not usually a problem at '15'. However, 2005 saw three '15' classified works that were either cut or rated '18' in order to accommodate such issues. The drama/thriller, ***In My Father's Den***, featured a sex scene involving asphyxiation. With most of the appeal of the film directed towards a mid-teen audience, the distributor agreed to cut the activity. Another work, ***Stay***, also had cuts made. This psychological thriller had verbal references to a suicide technique removed. The Board is particularly wary of novel or previously unknown self-harm techniques being widely broadcast through either film or video.

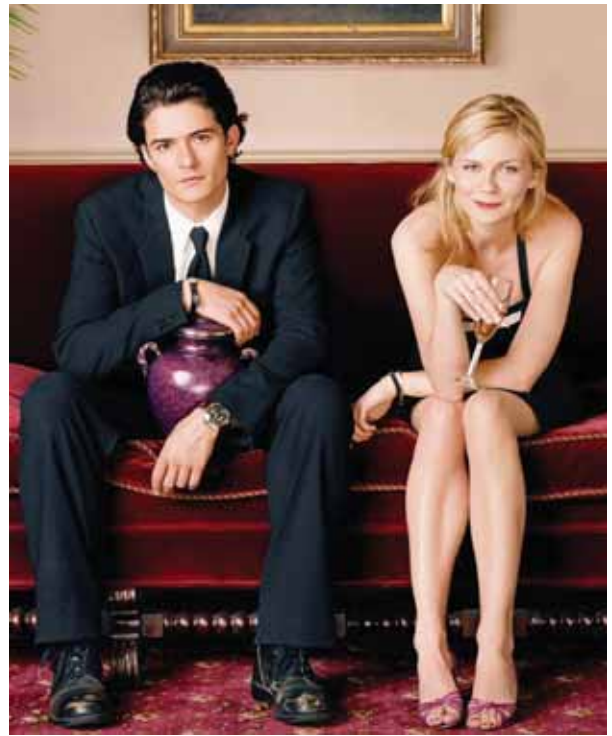
Finally, ***Roscoe's House of Chicken 'n Waffles*** was pushed up to '15' because it featured a comic hanging sequence in which the main character is seen to swing from a rope for some considerable time before he is rescued. Unfortunately, there are occasions where comic treatment of such a dangerous activity can have unintentional effects

“
The Board is particularly wary of novel or previously unknown self-harm techniques being widely broadcast through either film or video
”

and may even lead to younger, more impressionable viewers believing that hanging is survivable.

During 2005, there were three particularly notable horror films (in classification terms) at '15'. ***The Skeleton Key***, a voodoo themed chiller set in America's Deep South sat towards the lower end of the category. The creepy and menacing tone of this work was already pushing the upper limit of the '12A' Guidelines, but what ultimately pushed the work into '15' were moments of personalised, somewhat sadistically toned and cruel violence.

House of Wax and ***George A Romero's Land of the Dead*** both sat towards the upper end of the category. In ***House of Wax*** Paris Hilton and her friends stumble across a family of serial killers who turn their victims into exhibits at their wax museum. Although there are occasional moments of strong gore and violence, the formulaic and predictable story, its fantastical setting and its generally restrained treatment of the violence meant that this 'stalk and slash' film was containable at the upper end of '15'.







George A Romero's *Land of the Dead* was the much awaited fourth zombie film from the acclaimed master of the genre. Many horror fans had expected this film to receive an '18' certificate in line with the '18's given to Romero's previous three zombie films from the 1960s, '70s and '80s. Although Romero did not skimp on strong gore, it was reasonably brief and much of it is shot in semi darkness. This detracted from its strength. So too did the lack of human on human violence, the lack of any real sadistic edge to the violence and the fantastical setting, far removed from reality. These mitigating factors resulted in the film receiving a '15' certificate for its theatrical release.

The director released a slightly stronger version of the film on video/DVD. This too received a '15' certificate for the same reasons as the theatrical version. However, other material among the DVD extras put the whole DVD package up to '18'.

'18' – suitable only for adults

At the lower classification levels, concerns about the suitability of a particular scene or work can usually be dealt with by putting the film into a higher category. But at the adult level the only option may be to cut or even reject the work if it contains illegal or harmful material. Guidelines for the '18' category therefore reflect a desire to balance concerns about protecting the right to freedom of expression with the need to protect vulnerable individuals, and wider society, from the possibly harmful effects of some film and video material. This position corresponds with the legal framework within which we operate (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 decide for themselves what to watch. We make exceptions to that principle as rarely as possible.

“At the lower classification levels, concerns about the suitability of a particular scene or work can usually be dealt with by putting the film into a higher category

”

Since its amendment in 1994, the VRA has placed a specific duty on the Board to have 'special regard (among the other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to

18



Life is a Miracle '15'
Kingdom of Heaven '15'
The Constant Gardener '15'
L'Enfant - The Child '12A'
Jarhead '15'



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 2005, the BBFC has continued to give '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 completely disappear with age. BBFC Guidelines for '18' allow for intervention where there is any detailed portrayal of violent or dangerous acts which is likely to promote the activities, and during 2005 there were some video works containing scenes which fell into that category.

At the adult category the Board is far less concerned about stunts which clearly have the potential to be harmful or which are 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. It is heightened further when the activity appears to be fun or where, regardless of the certificate, there is significant underage appeal. In such cases the BBFC may require the addition of warning captions or, in extreme cases, cuts.

The reality TV genre continues to generate material which can challenge the limits of the adult classification. **Paramedics** is a fly-on-the-wall documentary with a cameraman following American paramedic crews as they attend serious accidents and incidents. It required cuts to remove

some of the more extreme and detailed shots of gory and serious real injuries, including close-ups of a leg severed by a train and footage of a dead woman being dragged from the wreckage of her car, on a number of grounds, including that exposure to these kinds of images may encourage the development of callous attitudes amongst members of the audience.

“

A number of pieces of research carried out by the Board suggest strong public support for a policy which allows adults to decide for themselves what to watch. We make exceptions to that principle as rarely as possible

”

In order to secure an '18' certificate for **The Original Xtreme Skate – Volume 1**, the distributor removed sight of a skateboarder skating whilst on fire; another skateboarder assaulting a security guard; a skateboarder crashing his head into the ground after a failed trick, including slow-motion repetition of the accident and a celebratory voiceover; and a drunken man being persuaded to perform a skateboard trick, as a result of which he is knocked unconscious. In all instances the risk of harm from imitation was considered high.



The BBFC Guideline relating to dangerous acts at '18' explicitly applies to illegal drug use as well. Promoting or encouraging the use of illegal drugs is unacceptable at any category. On the other hand, the existence of illegal drug use in the real world means that it is bound to feature in a wide range of film and video works, from serious documentaries to big budget feature films. The Board recognises that film makers may seek to make representations of illegal drug use credible but never loses sight of the fact that illegal drugs are a serious social concern, classifying upwards or cutting as appropriate. The BBFC is conscious of the vast amount of information about illegal drug use available to the general public and keeps up to date with current trends in drug use and initiatives in combating it. The Board does not see any purpose, however, in censoring for adult audiences material which merely depicts widely known drug taking procedures provided that it is not promoting such activity. In fact very few works featuring drug issues as their major theme were submitted to the Board in 2005.

“
Scenes or narratives which offer sexual violence as a pornographic pleasure or which suggest that the subjects enjoy or deserve sexual assault is of particular concern, even at '18'
”

The Danish sequel ***Pusher II – With Blood on My Hands*** was a bleak crime drama about a recently released criminal who returns to his former lifestyle before seemingly renouncing his criminal ways. As the title suggests, drug use featured, along with strong sex, violence and language, but in such a way as to present negatively the characters' lifestyles which led to their failure or downfall. Drug use also featured in the US drama ***Imaginary Heroes*** which charted the decline of a dysfunctional family following an earlier suicide and the clearly negative consequences and lack of promotional elements meant the drug taking scenes were containable at '18'.

On video, drug use and references resulted in an '18' classification for the US documentary ***Fearless Freaks Featuring The Flaming Lips*** which showed a middle-aged rock band reminiscing over their earlier success and attendant problems. One section featured the band's lead singer apparently injecting heroin, but the detail was neither instructive nor the work as a whole promotional, so it was classified '18' uncut. ***The Jackhammer Massacre***, a low-budget US horror film, featured a scene showing the preparation of an illegal drug but offered no new information to the likely viewer nor any sense of promotion, endorsement or glamorisation of drug use and was similarly able to be classified uncut when restricted to adult audiences.

Sexual violence and sexualised violence are usually handled responsibly by contemporary film makers and rarely require intervention other than that provided by the classification system. But scenes or narratives which offer sexual violence



as a pornographic pleasure or which suggest that the subjects enjoy or deserve sexual assault is of particular concern, even at '18'. Media research in this area has tended to identify three possible harmful effects, especially when the victim is shown 'enjoying' the sexual violence: the stimulation of aggressive thoughts and fantasies; the cultivation of anti-female attitudes; and more aggressive subsequent behaviour. While the relevant research into the effects of depictions of sexual violence was largely undertaken in the USA in the 1980s by researchers such as Donnerstein, Linz, Malamuth, Check, Zillman, Bryant, Berkowitz and Burt, and while methodology, as with most media effects research is disputed, the BBFC considers that this is an area in which the evidence supporting the case for possible harm is unusually strong. Consequently the BBFC continues to work on the precautionary assumption that scenes that combine violence with erotic imagery may encourage a harmful association between violence and sexual gratification.

It remains evident that our policy in this area commands the support of the public. The research *Where Do You Draw the Line?*, commissioned by the BBFC from Dr Guy Cumberbatch (and reported more fully in the *BBFC Annual Report 2002*), suggested that only 38 per cent of video renters thought adults had a right to see graphic portrayals of sexual violence. This compared with 67 per cent who thought adults had a right to see graphic portrayals of real sex, and 74 per cent who thought they had a right to see graphic portrayals of non-sexual violence. Crucially, the study also suggested that acceptability of an individual scene of sexual violence was heavily dependant on the narrative and context of the work.

Of course, the Board considers each portrayal of sexual violence very carefully, taking into account all relevant factors. In 2005, the Board was not required to make cuts for sexual violence to any films submitted at '18' for cinema release.

On DVD/video however, cuts were required to eight works on the grounds of sexual violence. 2005 saw the submission of a number of 1960s and 1970s exploitation works. Among these a number of trailers and films depicted rape or assault scenarios which were, by context and depiction, intended to titillate. Cuts were made to the 1968 composite work ***Scare Their Pants Off!*** to remove trailers for ***The Sin Syndicate*** and ***Prostitutes Protection Society***, in addition to cuts in the feature itself. The 1966 feature ***The Notorious Daughter of Fanny Hill*** required cuts to excise rape scenarios from a trailer for ***The Fabulous Bastard from Chicago***. Cult exploitation director Doris Wishman's 1970 work, ***The Amazing Transplant***, also had cuts to scenes of a rape presented as enjoyable and to eroticised depictions of sexual assault. Jess Franco's 1981 feature ***Sadomania***, a labour camp themed exploitation work, had a minimal cut for the brief depiction of female body mutilation in an eroticised context. The Japanese 'Hentai' series, from 1994 to 1996, ***La Blue Girl Returns Episodes 1, 2, 3*** and ***4*** also required cuts to remove scenes in which non-consensual sex was depicted as enjoyable, and depicted in an erotic manner.



Horror films which seek to push the boundaries have often fallen on the wrong side of the responsible handling of sexual or sexualised violence. The 1994 feature ***Shatter Dead***, a low budget alternative horror film, had a previous cut maintained to remove sight of a hand gun used to penetrate a woman. In addition the 2003 work ***Evil Breed: The Legend of Samhain*** had cuts to remove erotically charged nudity in conjunction with bodily mutilation.

Not all works with a past history have continued to present a problem at '18'. The 1976 'video nasty' ***SS Experiment – Love Camp*** was submitted to the Board in 2005 for the first time and passed at '18' without cuts. Scenes that had once exercised the authorities when the work was released on video in the early '80s did not contravene the Board's strict policy. Despite the questionable taste of basing an exploitation film in a concentration camp, the sexual activity itself was consensual and the level of potentially eroticised violence sufficiently limited.

Some previously cut works had material reinstated, including ***American Gothic*** which was originally cut in 1987; the 1988 Traci Lords vampire film ***Not of this Earth***; and the 1994 Sylvia Krystel film ***Dracula's Widow***. In all cases the sexualised violence in these older works was lacking in sufficient eroticised detail to raise concerns under either the current Guidelines or contemporary understanding of the relevant research and policy. Interestingly the 1973 Spanish horror film ***El Ataque de Los Muertos Sin Ojos – Return of the Evil Dead*** by director Amando de Ossorio was classified '18', with restoration of cuts to female nudity in conjunction

with knife use in a ritual sacrifice. However that director's 1971 alternative version of the same story ***La Noche del Terror Ciego – Tombs of the Blind Dead***, while having over one minute of material restored, still required a 16 second cut to eroticised violence. A third Ossorio film, the 1987 ***Night of the Seagulls***, exploring the same theme of undead Knights Templar requiring ritual female sacrifice, was passed at '18' with all previously cut material restored.

When portrayals of violence are not linked to sex, the 'media effects' evidence relating to harm is considerably less convincing and the BBFC's treatment of scenes of non-sexual violence at '18' reflects this. The Board is confident that this differentiation is warranted not just by the available evidence but is also supported by the general public, as outlined in two substantial pieces of BBFC research: *Sense and Sensibilities*, the research undertaken in 1999 to inform the drafting of the BBFC Guidelines published in 2000; and *Where Do You Draw the Line?*

BBFC Guidelines at '18' indicate that cuts to non-sexual violence will be likely only when the depiction is both detailed and likely to promote the activity. In 2005 there were no works cut purely for non-sexual violence, with the restriction of an '18' classification being a sufficient and proportionate response to the possibility of harm. A notable example of a cinema release classified '18' for violence was ***Sin City***. The film was a highly stylised live-action adaptation of a popular series of comic novels set in a dystopian cityscape reminiscent of US 1940s crime movies and filmed in black and white with occasional use of colour. Although this made the blood white





rather than red, the brutal, strong and sometimes sadistic vigilante violence meant that the film could not be contained below the adult classification.

While US films and videos dealing with vigilante and revenge themes were less prevalent in 2005, the South Korean film *Sympathy for Lady Vengeance*, which dealt with a woman seeking revenge on the man responsible for her lengthy prison sentence for a crime she never committed, was one example whose theme and content necessitated an '18' certificate. Similarly, the Thai film *Born to Fight*, in which a rebel army take over a village and hold the population hostage until their leader has been released by the government, was also restricted to adult audiences. The Hindi film *Ek Ajnabee*, was an Asian version of 2004's *Man on Fire* featuring Bollywood actor Amitabh Bachchan in the role played by Denzel Washington in the US film. As in the original film, the strong and bloody vigilante violence and focus on injury in the story of a heroic bodyguard taking violent revenge on those responsible for the kidnap and apparent murder of a young girl meant that this was also passed '18'.

Two violent British dramas dealing with social issues were also restricted to adult audiences. The American actor Elijah Wood, more familiar for his recent role as Frodo Baggins in the popular *Lord of the Rings* trilogy, played a wrongfully expelled Harvard student who joins a gang of London football hooligans led by his British brother-in-law in *Green Street*. Unsurprisingly, the realistic scenes of inter-gang violence, often accompanied by very strong language required an '18' certificate. *The Business*, a gangster film set on the Costa Del Sol in the 1980s shared the

“
Horror films are not cut because they alarm or shock as the Board recognises that audiences choose to see them because they like being frightened
”

same director and lead actor as 2004's '18' rated football hooligan drama *The Football Factory* and was similarly passed '18' for the strong violence and very strong language that featured in its tale of violent men attempting to profit from their criminal activities.

Two acclaimed and intelligent films from opposite sides of the world were also passed '18' for their strong violence. In David Cronenberg's US film *A History of Violence*, a family man in a small American town is confronted by his buried past in a film that probed the effects of violence, and the stronger scenes explored its serious theme in an appropriately adult manner. The Australian film *The Proposition*, a Western set in the late 19th century, concerned the consequences of a proposition put to a captured outlaw by a lawman who wants the man to find his more violent brother and kill him in order to win his freedom. Like *A History of Violence*, the film sought to explore the nature of violence and its consequences but a strong and sadistic element present in some of these often bloody scenes resulted in an '18' uncut.



Two older video works which had previously been rejected in 1987 were resubmitted to the Board in 2005. However, the impact and power of the urban gang dramas **Tenement** (previously rejected as **Game of Survival**) and **Class of 1984** had diminished to the extent that they were no longer likely to prove harmful. Both were passed '18' uncut. **Fight Club**, a fictional work which explored and ultimately rejected violence as a rite of passage to manhood, had previously required small cuts to reduce two moments of strong and brutal violence. However, these cuts had been made prior to the Board's public consultations in 1999/2000 and 2004 which revealed the strong wish for adults to make their own viewing decisions – provided the material is neither illegal nor harmful. The previous cuts for '18' were waived as they were not felt to have significantly altered the tone or likely effect of the work.

“
The previously established trend of shifting from the ever popular Bollywood love story formula towards the Hollywood-style action thriller genre peaked during 2005
”

The distinction between sexual and non-sexual violence is also reflected in the decisions made by the Board in relation to works which fall under the broad banner of 'horror'. Horror films are not cut because they alarm or shock as the Board recognises that audiences choose to see them because they like being frightened. Rather, classification policy ensures that the young and vulnerable are protected by placing works with strong sexual or sadistic elements or that dwell on the infliction of pain or injury at '18'.

In 2005, such strong gory horror films were predominantly low-budget films rooted in the real world and featured few fantasy elements. The horror scenes were also generally presented with a lack of any irony that might distance the viewer or dilute the work's intensity.

The Australian film **Wolf Creek**, which claimed to be based on real-life events, depicted the horrific consequences that befell a trio of young people in the Outback when a seemingly benign older man they encounter proves to be a sadistic serial killer. A strong sense of genuine threat and the sadistic terrorisation of the female characters were additional factors that reinforced the '18' classification. **The Descent**, a popular British film about a group of women on a caving holiday in the Appalachians where they encounter some murderous creatures, lacked any sexual threat, but the strong gory horror and focus on the victims' pain and injury made the '18' appropriate. Two US sequels to '18' rated films, **Saw II** and **The Devil's Rejects** (a sequel to the '18' rated **House of 1000 Corpses**) also featured strong sadistic elements in the human to human violence that made '18' the appropriate category. The latter film, depicting a



criminal family's flight from the forces of law and order during which they take a group of people hostage before torturing and killing them on their way to a bloody showdown, also featured a particularly potent conflation of sexual and horror imagery.

As in previous years, a number of horror films that had been cut many years ago were submitted for video classification under the current Guidelines. Scenes previously cut on grounds of non-sexual violence and gore, were often reinstated, allowing works such as **Just Before Dawn** and **Zombie Flesh Eaters** to pass at '18' uncut.

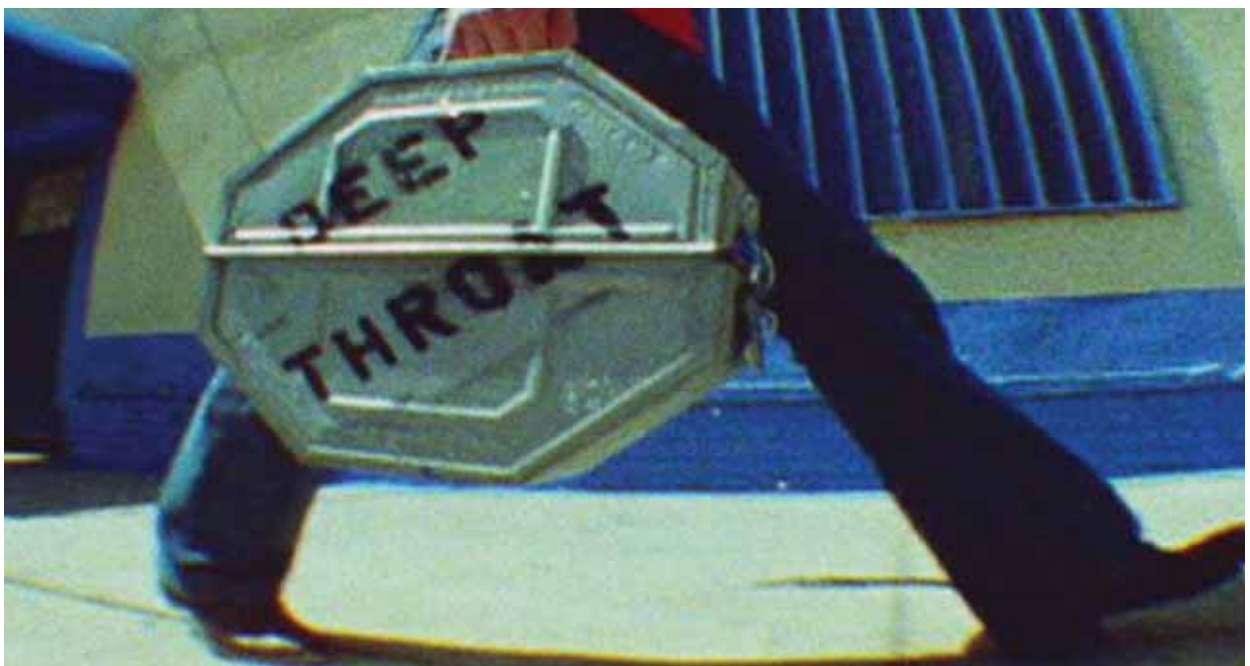
During the past year, the Board dealt with a rather small number of Asian films that were given an '18' category. These features were mostly given '18' classifications on the grounds that the films (from Bollywood and beyond) contained a level of violence that was deemed both strong and bloody. The previously established trend of shifting from the ever popular Bollywood love story formula towards the Hollywood-style action thriller genre peaked during 2005, though the level of violence in most of these films did not fall into the adult category.

Of the two Hindi films that were passed '18', one included the already mentioned **Ek Ajnabee** and the other was **James**, an action thriller which also contained both strong and bloody images of violence. Similarly, two Tamil films were passed at '18', **Aaru**, a bloody revenge thriller and **Ghajini**, a film with extreme violence including some towards female characters. Only one film was submitted in 2005 from Pakistan, **Fooja Amritsarya**, a Punjabi language action

film with frequent and strong violence and a political/religious slant. This is the only film of last year that touched upon Pakistan/India relations, as a response to the nationalistic Bollywood films of the last few years. The religiously aggravated violence in the story confirmed the '18' category for the film. A small number of the Asian films were rated '18' not just because of strong violence but because they also raised concerns about the potential effect on audiences of the vigilantism and political elements present in the works.

The Board's recent public consultation suggested that the public continue to take a relatively relaxed approach to the portrayal of sex in films for adults, and previous decisions to allow scenes containing real sex in feature films have not provoked substantial public criticism or alarm. That said there remains support for the Board's policy that explicit images of real sex should be confined to the 'R18' category unless they can be exceptionally justified by context. Hence in 2005 explicit images were cut from **Desperately Seeking Seka**, a documentary about a porn star, in order to obtain an '18' certificate, because the images were considered gratuitous rather than serving any important documentary or narrative purpose. On the other hand, another documentary, **Inside Deep Throat**, was passed at '18' with some brief sexually explicit imagery intact. This was considered necessary to illustrate the subject of the infamous sex film.

Other contextual justifications can be considered when deciding whether to pass out explicit imagery at '18'. The US feature **Brown Bunny** included a scene of explicit fellatio which was judged relevant to the emotional development of





the characters. A similar scene of fellatio, this time including ejaculation, was permitted at '18' in the 1980s German feature **Taxi Zum Klo**, a frank and honest study of a schoolteacher with an active gay lifestyle. The explicit sexual details in **Vergeef Me** and **Batalla En El Cielo** were also considered pivotal moments in the films' narratives, while in **Pusher II – With Blood on My Hands** some background images of pornography were seen as vital scene setting rather than merely for titillation. A common thread binding these images which have been justified at '18' is that they are not 'pornographic' in the sense that their primary purpose is not sexual arousal – they do not occur in the context of a sex work.

The number of softcore sex works submitted to the BBFC for an '18' certificate increased slightly from 2004 to 2005. As in previous years, the Board required that many of these works had moments of explicit sexual activity removed in order to obtain an '18' certificate. The context of a sex work is not generally thought to provide special justification for the inclusion of explicit real sex at '18'. The BBFC requires that sex works at '18' contain only apparently simulated sex, and removes any explicit detail or activity which is apparently real. In such cases the distributor is offered the option of taking an 'R18' certificate without cuts. In addition to apparently simulated sex, some mild fetish material was passed at '18', for example very mild role-play or focus on legs, shoes, or wet clothes.

The BBFC continues to pass occasional explicit imagery at '18' in 'Sex Education' videos. Such imagery is only passed if it is considered the minimum necessary to illustrate the educational

or instructional points being made, and if it occurs within a work which genuinely and manifestly seeks to inform and educate.

Some works may be classified '18' purely on the basis of the very strong expletives they contain. Such language, if classified below '18' may confound public expectations and cause significant offence, particularly if used aggressively or without substantial contextual justification. This policy reflects what we believe to be the broad consensus of public opinion. As a result 2005 continued to see works that might otherwise have been passed '15', classified '18' because of multiple or aggressive uses of the word 'cunt'. Many tended to be DVD extras or episodes of television series including for the HBO produced series **Deadwood** and the recent British comedy series, **The Thick of It**.





'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 videos of consenting sex between adults. 'R18' videos may only be supplied to adults in licensed sex shops, to which persons under 18 are not admitted. They may not be supplied by mail order.

“

Other submitted material included verbal and visual references to underage sex, which is considered by the Board to be inappropriate and unacceptable in a pornographic work

”

Although the number of explicit pornographic videos submitted to the Board each year seems to have levelled out, a slightly larger proportion of these works were subject to cuts in 2005 than in the previous year. This proportion (over 23 per cent) remains the highest of any category. It remains to be seen whether this represents a general shift towards more aggressive pornography.

Certainly, the greater proportion of 'R18' videos requiring cuts reflects 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 2005 commonly consisted of abusive and potentially harmful activity (for example, choking and gagging during deep throat fellatio). Some videos were cut to remove sadomasochistic activity which seemed to focus on the infliction of extreme pain and to go beyond trifling and transient injury. One such work, ***Severe Punishment***, was rejected outright on these grounds. The S&M genre is not prohibited in its entirety – some allowance is made for clearly consenting role-playing games where it is clear that no one suffers any real injury or significant pain. However, such material may be given an 'R18' certificate rather than an '18' even in the absence of explicit sex, depending on the detail and treatment, on the grounds that its presence in general shops may offend public sensibilities. Focus on activities such as urination or bondage could confound public expectation at '18' and/or encourage potentially harmful imitation on the part of uninitiated viewers.

The Board continues to seek to avoid passing material which is in breach of the criminal law – for example, material likely to be prosecuted under the Obscene Publications Act 1959 (OPA), on which the Board has taken advice from the Crown Prosecution Service (CPS) and Police. Such material includes potentially harmful sadomasochistic activity which goes beyond 'mild' and specific minority consensual activities such as urolagnia (urination during sexual activity, and the drinking or smearing of urine) which, although not harmful, still results in convictions under the OPA.

Other submitted material included verbal and visual references to underage sex, which is





Sin City '18'
Downfall '15'
The 40 Year Old Virgin '15'
Mysterious Skin '18'

“
The greater proportion of 'R18' videos requiring cuts reflects 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
”

considered by the Board to be inappropriate and unacceptable in a pornographic work. The BBFC must assess both whether material is in breach of the relevant laws on underage sex (for example, the involvement of performers under 18 – the Board continues routinely to seek evidence of age at the time of filming where there is any question concerning the age of performers) and whether material is likely to encourage an interest in sex with minors. Such material continues to vary substantially in tone and import, and the Board continues to take a cautious line in consultation with experts in the field.

The research into the way people buy, view and use pornography, mentioned in last year's report, was completed. The results of the research indicated strong support for allowing adults the freedom to view such sex works as the Board passes and which they may choose to view; for

the restrictions which the Board has established in relation to sex works, in consultation as noted; and for displays of safer sex messages on sex works at both '18' and 'R18'.

Digital media

2005 saw a very significant increase in the number of computer and console games submitted to the BBFC, going from 42 in 2004 to 252 in 2005. Of the 198 games which were examined and classified by the end of the year, 32 were rated 'U', 25 were rated 'PG', 18 were rated '12', 79 were rated '15', 43 were rated '18', and one game, **Hardcore Control**, was passed 'R18' and can only be sold in licensed sex shops. No games were rejected by the BBFC in 2005, although the Board remains prepared to use this power where there is no alternative.

“
2005 saw a very significant increase in the number of computer and console games submitted to the BBFC
”

Most games are exempt from BBFC classification under the Video Recordings Act 1984 (VRA) and are instead subject to a voluntary self assessment rating system operated through the Pan European Game Information (PEGI) organisation. Games may lose this exemption if they contain certain material including strong violence, sex and useful criminal techniques. In the past this has meant that the majority of games submitted to the Board have been aimed at the higher end of the market, and







generally passed '15' or '18'. However, as more and more games begin to include DVD style 'extras' such as trailers, documentaries and interviews, all of which are treated as linear video works and therefore require classification, the number and variety of games submitted to the Board increases dramatically.

Among the more notable games submitted in 2005, **50 Cent: Bulletproof** and **God of War** were both passed '18' for strong bloody violence in the UK, but banned in Australia. It is well worth noting, however, that the BBFC's Australian counterpart, the Office of Film and Literature Classification (OFLC) currently has no rating for games higher than MA15+ (for Mature Adults over 15).

The Punisher was another game in which the violence (coupled here with an at times sadistic interrogation feature) threatened to see it banned by the OFLC and attract an AO (Adults Only) rating from the Entertainment Software Rating Board (ESRB) in America. With most of the larger retailers refusing to carry games rated AO, the developers, following early advice from the ESRB, toned down some of the stronger violent scenes,

“

No games were rejected by the BBFC in 2005, although the Board remains prepared to use this power where there is no alternative

”

eventually gaining the lower M rating (for 17s and over) and an Australian MA15+. It was this 'toned down' version which was formally submitted to the BBFC and the game was passed '18' for the UK market with the addition of a warning caption at the beginning of the game advising that it contained frequent strong violence.

Narc, passed '18' in April of 2005, places the gamer in the role of a narcotics cop who, in the course of his work, confiscates various drugs from criminals. The gamer can then choose to hand them in as evidence, sell them on the streets to make some money, or take the drugs himself, with varying results. While this kind of gimmick could potentially fall foul of the BBFC Guidelines, which state: 'No work, taken as a whole, should promote or encourage drug use', in this particular game that was not the case. Repeated use of drugs leads to the player-character becoming addicted, having to go through withdrawal, and eventually losing his job as a cop. Progression through the mission based structure of the game requires a certain standing in the Police Department, and this standing goes down with every use of a drug. Consequently, it is simply not possible to get through even the early levels of the game while continuing to take drugs.

A PC based covermount disc for the magazine *Jetix*, which is aimed primarily at 6–11 year old boys, contained a mixture of content, including episodes of television shows on the satellite channel of the same name, trailers and video games. On completing one of these games, **London Taxi**, the gamer is presented with a weblink for www.888.com that, when clicked upon, connects to the related website, which is an



online gambling site aimed at people over 18. As the disc was otherwise 'PG' rated, the distributor chose to remove this particular demo.

The distributor of the sci-fi B-movie spoof ***Destroy All Humans!*** appealed against the '15' rating this game originally received for the level of violence. On further viewing, the '15' rating was upheld on the basis that the humorous nature of the game was not quite sufficient to mitigate the quality of the violence, which included the ability to immolate innocent human characters with a ray gun, causing some to run around on fire before disintegrating.

While it was originally classified in 2004, ***Grand Theft Auto: San Andreas*** ran into some classification problems in some countries in 2005 when a Dutch gamer modified some code in the PC version of the game to reveal a hidden sex minigame that had apparently been begun and then abandoned by the developers, with the code

“

There remains a tendency to view video games in the same way as board games – as harmless fun designed primarily for children

”

present but inaccessible to regular players. Some countries revoked the classification they had given to the game until a new version was produced, without the sexual material. In the UK,

“

The average age of gamers in the UK is 28, and the industry reflects this by producing games aimed at the adult market, which often contain strong violence, language, sex and other issues

”

however, no such action was necessary, as the sexual content of the game after the so called 'Hot Coffee Mod' was applied was still well within the '18' rating required for the strong bloody violence.

Since the BBFC started classifying games in December 1986 with the '15' rated text adventure ***Dracula***, game technology has moved on. While video games still constitute only a small part of the Board's overall workload, we continue to monitor a medium that is now a major part of the entertainment industry. 2005 saw the launch of several handheld consoles including the Sony PSP and Nintendo DS, as well as the first of the 'next generation' consoles, the XBOX 360 – with more to follow in 2006.

For the generation that grew up before video games had progressed past Atari's ***Pong***, there remains a tendency to view video games in the same way as board games – as harmless fun designed primarily for children. While there are certainly many games on the market which are



designed for and are suitable for children, the average age of gamers in the UK is 28, and the industry reflects this by producing games aimed at the adult market, which often contain strong violence, language, sex and other issues. With this in mind, we urge parents to treat '15' and '18' ratings on games as seriously as they would on videos and cinema films.

Because of the non linear and interactive nature of video games, the BBFC examines them in a different way to the way it examines films and videos, but the classification criteria used are broadly the same. Research into whether interactivity has any significant effect on the potential for harm is inconclusive but when considering harm arguments, while the same Guidelines are used for games and films, in the case of games the BBFC errs on the side of caution.

“ In 2005, seven works were rejected ”

However, the interactivity inherent in video games may, in certain contexts, lead to a greater potential for offence. While films and videos may present low levels of violence, sex, drugs or bad language in a manner appropriate for younger audiences, the ability of games to make the player complicit in these activities may cause them to be deemed inappropriate for the same age group, even if the level of detail is the same.

“ We urge parents to treat '15' and '18' ratings on games as seriously as they would on videos and cinema films ”

In the interest of clarifying these and other issues relating to the classification of games, in 2005 the BBFC published a booklet entitled *Classification of Video Games*, which is available to the industry and to members of the public, and can be downloaded from the BBFC website.

Rejects

Films or videos 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 2005, seven works were rejected.

Four of these works dealt with drugs. ***The Hash Man, Mushroom Growing Made Easy, Introduction to Indoor Growing, and High-Yield Hydroponic Systems*** provided clear and detailed guidance on the cultivation of either cannabis plants or psilocybe mushrooms. At the time ***Mushroom Growing Made Easy*** was submitted there was a lack of clarity with regard to the legal position in relation to the possession or cultivation of fresh and untreated psilocybe



mushrooms. Nevertheless, there was no doubt that the video showed how to cultivate an organism that contains a Class A drug (psilocin) and which, if altered or treated in any way (for example by drying), would result in the commission of a serious criminal offence. The law in this area was clarified later in the year when the growing and possession of such mushrooms was criminalised.

Under the Misuse of Drugs Act 1971, the cultivation of cannabis plants is illegal in the UK (without a license or other authority from the Secretary of State for research purposes), as is the ownership, use and supply of cannabis. Although these works were apparently produced in the United States, it was made clear in the videos that the growing of cannabis is illegal in many parts of the world and advice and tips are offered on how to avoid detection. The intention of all the videos is clearly to assist people in breaking the law by giving detailed advice on how to cultivate an illegal drug. The possibility of cutting the works was considered, but because the entire purpose of the works was to assist and encourage in breaking the law, cuts were not a viable alternative.

“

By presenting actual human death, mutilation and suffering as entertainment, the works, in the Board's view, had the potential to desensitise viewers

”

As noted earlier the Board rejected one sex work, **Severe Punishment**. The work, which lasted 37 minutes, consisted of a sadomasochistic scene in which two restrained women are beaten and whipped by a third. The whippings and beatings were directed at various parts of the women's bodies using various instruments and were intense and prolonged, resulting in severe reddening of the skin and weals. Other activities appeared to inflict genuine pain and physical damage. This went some way beyond the mild and clearly consensual activity which the Board allows under its Guidelines at 'R18', and challenged UK law in relation to sadomasochistic activity as clearly established in the 'Spanner' case. In that case, the court determined that, regardless of the consent of participants, the infliction of injuries that are more than 'trifling and transient' constitutes actual assault and is therefore illegal. The physical harm evident in **Severe Punishment** went beyond this allowance. It is the understanding of the Board, from the CPS and other enforcement agencies, that the visual depiction of strong sadomasochistic behaviour is also liable to be found obscene under the current interpretation of the OPA. The Board's own policy on sexual violence also featured in the decision to reject this submission. As the noted activity constituted the majority of the work, cuts were not a viable alternative.

Two works which caused serious concern for the Board in 2005 were **Terrorists, Killers and Other Wackos** and **Traces of Death**. Both works were very similar in presenting no contextualisation of the compilations of clips showing real killings, executions, suicides, accidents, and many other distressing images, including, in particular, in



Terrorists, Killers and Other Wackos, mutilation and torture. Neither could accurately be described as 'documentary' as they failed to present any journalistic, educational or other justifying context for the images shown. Rather the works presented a barrage of sensationalist clips, the purpose of which appeared to be prurient entertainment. The trivialisation of human and animal suffering was exacerbated by the loud music soundtrack and the tasteless inclusion of occasional 'comic' captions or voiceover.

Both works were considered carefully under both the Guidelines and the tests set out in the Video Recordings Act. A key consideration was the question of any harm that might be caused to potential viewers or, through their behaviour, to society because of the manner in which the works dealt with violence and 'horrific behaviour or incidents'. The Board concluded that the videos were potentially harmful because of the influence they could have on the attitudes and behaviour of at least some intended or potential viewers.

By presenting actual human death, mutilation and suffering as entertainment, the works, in the Board's view, had the potential to desensitise viewers, and perhaps even to incite some to harm others. The works invited the viewer to take sadistic pleasure in death, injury, mutilation and pain and encourage callousness toward victims. In essence they had the effect of devaluing human life. Given the potential for the works to deaden the sensitivity of viewers to pain and suffering and to impair the moral development of younger viewers in particular, the Board also considered that the works raised serious concerns about a possible

“

The Sexual Offences Act 2003, which came into force during 2004, amended the definition of a child from any person under the age of 16 to any person under the age of 18

”

breach of the OPA, which prohibits the publication of material likely to deprave and corrupt.

A further consideration is that of public acceptability. In this case the combination of the shocking and distressing images, the lack of any justifying context, the editorial treatment as described, and the calculated appeal to the intended audience, all appeared to the Board to raise serious concerns about the acceptability of the works. Cuts were considered, but the essential difficulty of both works lay not so much with any particular individual images (most of which may have been acceptable in a different, more serious, context) but with the manner in which the images were presented, and with the underlying, exploitative purpose of the works. Taken together with the harm issues, and potential breach of the law, these concerns strengthened the case for refusal of classification. The extent of cuts which would have been required meant that rejection was the only option.



Legal issues

The Human Rights Act 1998 incorporated the European Convention on Human Rights into English law. The BBFC is required to pay attention to the Act and, in particular, it needs to ensure that its decisions do not infringe freedom of expression. However, the BBFC is required to intervene where something is 'proscribed by law' or where it is 'necessary in a democratic society' for the 'protection of health and morals' or 'the prevention of crime or disorder'. Human rights law also requires that any intervention made by the BBFC must be 'proportionate' to the breach concerned.

The Act also requires the BBFC to negotiate the sometimes tricky balancing act between a person's freedom of expression and another person's freedom to enjoy a private life. Specialist legal advice was taken to investigate the position of, for example, unwitting participants in pornographic works in order to ensure that the BBFC operates correctly in this fast-changing area of the law. Although cuts on these grounds will be rare, the BBFC applies a two-stage test that considers whether a person appearing in a submitted work had a reasonable expectation of privacy in relation to the disclosed fact; and whether the value of the proposed interference in that person's right to a private life is greater than the value of the proposed interference with the other party's right to freedom of expression if publication is prevented.

The Board must also balance its responsibilities under the Human Rights Act with its obligations under both the Video Recordings Act 1984 (VRA) and the Obscene Publications Act 1959 (OPA). The VRA requires the BBFC to pay special

“**Even if an image of a child is not judged to be indecent in law, the harm provisions of the VRA may still justify BBFC intervention because of its potential for misuse**”

attention to material that could be said to cause 'harm' to potential viewers, or to society as a whole through the behaviour of viewers. In particular, the BBFC must consider the effects of criminal, violent or horrific behaviour, illegal drugs and human sexual activity. The BBFC is required to intervene in works considered to be 'obscene' under the current interpretation of the OPA. A work is considered to be obscene if, as a whole, it has a tendency to 'deprave or corrupt' a significant proportion of those likely to see it. The BBFC intervenes most often on OPA grounds in sex works. But the OPA is also relevant to non-sex works. In *The Bride of Frank*, a crude schlock-horror feature, footage was removed that purported to show the eponymous anti-hero decapitating a man and then defecating down his exposed throat and penetrating the eye socket of a woman with his penis.

In addition to this overarching legislation, some very specific pieces of legislation continued to have a significant impact on the work of the Board during 2005. The Protection of Children Act 1978



(POCA) makes it an offence to exploit children by making indecent photographs or pseudo-photographs of them and penalises the distribution, showing and advertisement of such indecent photographs or pseudo-photographs. A pseudo-photograph is an image, whether made by computer-graphics or otherwise, which appears to be a photograph. The Criminal Justice Act 1988 also outlawed the possession of such images. The Sexual Offences Act 2003, which came into force during 2004, amended the definition of a child from any person under the age of 16 to any person under the age of 18. The BBFC has always looked very carefully at images of children in the films and videos which are submitted for classification, particularly where such images involve nudity or the suggestion of sexual behaviour, and has always insisted on cuts to any image of a child that would be likely to be regarded as indecent. However, this is often a very difficult decision, not least because the legislation provides no statutory definition of 'indecent'.

Whenever there has been any doubt the BBFC has taken advice, from legal experts in the field or from the Paedophile Unit of the Metropolitan Police. Of course, even if an image of a child is not judged to be indecent in law, the harm provisions of the VRA may still justify BBFC intervention because of its potential for misuse.

Sweet Sweetback's Baad Asssss Song was a seminal 1970s independent film by Melvin Van Peebles, submitted to the Board for classification for a re-release. The film opened with images of an adolescent male having sex with a female prostitute. The Board gave serious consideration to the nude images of the minor in this scene,

including reference to information received at the time of the film's original release. It was concluded that the images did constitute a breach of the POCA as the depiction of the child performer engaged in simulated sex in the scene was indecent. Alterations were required to images within this sequence to remove the indecent elements present in the work before the work was passed '18'. ***Taxi Zum Klo***, previously mentioned for its inclusion of sex, presented more than one legal issue for the Board to consider, including the possible relevance of the POCA. A 'scene within a scene', in which a bona fide educational film depicted a paedophile making indecent advances towards a young child, was contrasted with the benign attitude of the lead character towards a young student. The Board sought information relating to the use of the child performer in an apparently indecent scenario. It was discovered that the scene was part of an actual German public information film which did not involve the child performer in any indecent acts. Therefore, there was no breach of the law in this case. The film was ultimately passed '18' uncut.

Other works that were considered in relation to the POCA and found to be within the law included coming-of-age French drama ***Innocence*** and ***Tales of Ordinary Madness***, David Hamilton's erotic drama ***Bilitis*** and the recent Michael Winterbottom comedy, ***A Cock and Bull Story***.

The Cinematograph Films (Animals) Act 1937 has been on the statute books for many years and was passed because of concerns about the treatment of horses in westerns. This legislation prohibits the exhibition or supply of a film which contains any scene organised or directed in such a way as to



Harry Potter and the Goblet of Fire '12A'
Murderball '15'
Syriana '15'
Serenity '15'



“ The realism available through digital production methods leaves little excuse for film-makers placing real animals in cruel situations ”

involve the cruel infliction of pain or terror on any animal or the cruel goading of any animal to fury. When faced with an apparent scene of animal cruelty on film, the Board seeks detailed information about how the impression of cruelty was achieved without any real cruelty taking place. In some cases the animal action will have been supervised by the American Humane Association or the Royal Society for the Prevention of Cruelty to Animals. In others, the Board may seek the advice of a specialist veterinarian to assess the onscreen evidence. If the Board is satisfied that it is likely that cruelty took place and was orchestrated by the film-maker, then cuts are made. Although the legislation applies to cinema films only, it is the policy of the BBFC to apply this legislation to video submissions as well.

With further developments in visual effects it has become increasingly difficult for the Board to differentiate between 'real' animals and computer generated images, leading, on occasion, to investigations into cruelty where no animals have actually been used. Correspondingly, the realism available through digital production methods

leaves little excuse for film-makers placing real animals in cruel situations.

In 2005, one cinema film was cut to remove scenes of real animal cruelty. The work was **Chairman of the Board**, featuring a scene of cockfighting. In the Emir Kusturica feature **Life is a Miracle** concerns were raised about a scene of a pigeon being attacked by a cat. After some consultation between the BBFC and the company, detailed assurances were provided as to how the action was performed, using a combination of live and stuffed animals, and special effects, ensuring that the scene did not breach the legislation.

During the year 25 videos were cut on the grounds of animal cruelty, apparently organised or directed by the film maker. This figure is lower than the previous year. The majority of cuts made were to old films that had been resubmitted for home release, or productions from countries where animal welfare is less regulated. Dangerous horse falls resulted in 16 videos being cut and four for scenes of cockfighting. Other forms of cruelty included: a fight between a snake and a mongoose; a monkey tied to a crucifix; a rat blasted with a flamethrower; a mouse pinned through the tail; and some big cat action from a vintage **Tarzan** feature. Such instances remain very much the exception and most animal action is carried out with due care to the welfare of the animals involved.

The Video Appeals Committee



The Video Appeals Committee (VAC) is an independent body constituted under Section 4(3) of the Video Recordings Act 1984 (VRA) to hear appeals from submitting companies against any BBFC decisions they consider stricter than warranted.

One appeal was heard in 2005, the first since 2002 and only the seventeenth appeal hearing concerning a BBFC decision since the introduction of the VRA. This appeal was lodged jointly by eight distributors in respect of nine separate titles. Each of the nine titles had previously been classified in the special 'R18' category on the grounds that their primary purpose was sexual arousal or stimulation and that they contained clear images of real sex. The original determinations had not been contested and permitted the works to be supplied only to adults and only in licensed sex shops.

During 2004, the distributors submitted slightly modified versions of the works and requested '18' certificates which would allow the works to be sold in any retail outlet and also by mail order. The changes to the video works typically amounted to the removal of between one and two minutes of material, although one title had been submitted minus five minutes of material. As the VRA does not contain any provision for the BBFC to vary the classification of a work once the classification has been accepted, the works had to have some modifications to enable them to be viewed again with the possibility of a different classification. It was common ground between the BBFC and the appellants that they did not affect the nature of material under consideration.

Each work was viewed in full by examiners. In each case the BBFC took the view that the primary purpose of the video was still sexual arousal or stimulation and noted the presence of clear images of real sex. In line with the criteria set out in its published Guidelines, the BBFC informed each distributor that the requested '18' certificate could only be achieved through extensive cuts and offered an 'R18' certificate without cuts. The distributors chose to appeal against the need for cuts before the work could be passed '18'.

The appellants argued that the BBFC's Guidelines should not restrict explicit sex material to a category which enabled it to be legally sold only to those adults who actually visited a licensed sex shop. It was suggested that, in the age of the internet and more liberal attitudes to sex, the public no longer supported such tight controls which were argued to be an unreasonable restriction on the appellants' rights to freedom of expression under the Human Rights Act 1998. The appellants attempted to draw parallels between the appeal works and the '18' classified film **9 Songs**, and also argued that, as masturbation was considered to reduce the risk of prostate cancer, masturbatory aids such as explicit sex videos should be widely available for adults. It was further suggested that the need to visit a licensed sex shop in person discriminated against people with disabilities.

In reply, the BBFC pointed to the terms of the VRA and highlighted the public policy concerns relating to harm and offence which had prompted the provision in the legislation for a special category for works which were suitable only for



sale in licensed sex shops. The BBFC argued that the appeal works, which contained large quantities of images showing clear sight of genitals engaged in vaginal penetration, anal penetration, oral sex and/or ejaculation, were precisely the sort of 'hardcore' sex works which were suitable for sale only in licensed sex shops.

The BBFC provided evidence from consultation and research exercises that the public believed that the current BBFC Guidelines properly placed 'hardcore' sex works at 'R18' and argued that, given the clarity with which this view has been expressed, public confidence in the whole classification system would be threatened if the material was to be passed '18'. The same evidence suggested that the public supported the BBFC in making a distinction between works which showed explicit 'hardcore' images primarily for the purpose of sexual arousal, and those which used such images for other purposes, for example, sex education.

One of the main public policy objectives of the 'R18' category is to keep the material out of the hands of children. Ethical considerations make it impossible to prove beyond doubt that viewing explicit 'hardcore' sex material is harmful to children but the BBFC presented evidence showing that experts in the fields of child psychology, child psychiatry, child/family psychotherapy, paediatrics, social work and teaching take the view that it is. The BBFC argued that it is therefore appropriate for a regulator to take a prudently cautious view that such works may be harmful to children and to classify them in a category which minimises the risk that children might gain access to them.

The BBFC also drew attention to a recent High Court decision which comprehensively rejected the argument that the restrictions which apply to 'R18' videos are an unjustified interference with the right to freedom of expression.

The BBFC went on to argue that the current policy of classifying 'hardcore' sex works at 'R18' operated effectively to address the various public policy concerns the material gave rise to: it enabled adults to have access to material which might otherwise be prohibited; it clearly identified the nature of the content and prevented adults from getting more than they bargained for or from inadvertently allowing the material to invade their family life; it provided a degree of certainty which allowed both producers and consumers of video material to regulate their conduct accordingly; it protected those who are deeply offended by the sale of the material from being exposed to the cause of such offence; it established a retail environment in which it was much less likely that children will be aware of the material or be able to gain access to it; and by reducing the risk that children come into contact with the material, it protected children and others from harm, whether harm of a specific nature to the individual child viewer, harm to others as a result of the actions of a child viewer, or harm of a more general nature (eg through negative effects on moral development and attitudes to women from continued viewing in childhood).



The VAC sat in a panel of seven, which is larger than in the past, but was not divided in its decision. The Committee identified the material in question as 'explicit and extreme' and pointed to substantial concern about the harm that children were likely to suffer if exposed to material of this sort. The VAC rejected the notion that an '18' certificate and clear labelling would suffice, arguing that such works would be 'readily available in places visited by children and would be very alluring to them' and concluded: 'We are firmly of the opinion that the material which is the subject of this appeal is not suitable for distribution other than in a sex shop'.

The appeal was therefore dismissed by a unanimous decision of 7–0.

At the end of 2005 the full membership of the VAC was as follows:

President

John Wood CB

Solicitor; consultant to Morgan Lewis, Solicitors; former Director of the Serious Fraud Office; former Director of Public Prosecutions in Hong Kong

Members

Nina Bawden

CBE, MA, FRSL, JP, novelist; President, Society of Women Writers and Journalists

Biddy Baxter

MBE, DLitt, FRSA, FRTS, Governor of Trinity London and Advisory Board Member, Victim Support; Chair, The John Hosier Music Trust; former editor Blue Peter, BBC Television and consultant to the Director General of the BBC; author and broadcaster.

Barry Davies

Former Deputy Director of Social Services and Chair of Area Child Protection Committee; consultant in child protection and investigator of complaints made by children under the Children Act 1989

Professor Philip Graham

Vice President, National Children's Bureau; Emeritus Professor of Child Psychiatry, Institute of Child Health, University of London



Pauline Gray

*District Chairman of the Tribunals Service;
member of the Gender Recognition Panel*

Professor John Last

*CBE, DLitt, Chair in museum studies at City
University, London with part-time teaching contract;
Company Chairman and former lay member
of the Press Council*

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;
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*

The Hon. Mrs Sara Morrison

*FIC, FCGI, FRSA, recently retired Chairman WWF;
and Chairman, University of Bath; formerly full
time director of large industrial plc; and many
non-executive directorships including
Channel Four TV*

Claire Rayner

*OBE, author; writer; broadcaster; health
campaigner; President of the Patients Association;
Vice President of the British Humanist Association*

Peter Rees

*Cert.Ed, Dip.Ed, Dip.Psych MA, MCMI, retired
primary headteacher; independent education
management consultant; associate lecturer at the
University of Winchester; Chair of Holloway School
Governing Body; Councillor, Winchester City
Council; director and relationship counsellor
in private practice*

Dr Mike Slade

*Consultant clinical psychologist; clinical senior
lecturer at Institute of Psychiatry, London; Associate
Fellow of the British Psychological Society*

Professor Fay Weldon

*CBE, MA, DLitt, FRSL; author; playwright;
broadcaster*



The wide range of backgrounds and expertise which make up the Consultative Council, which was established 20 years ago, provides a valuable resource and a sounding board for some of our more difficult decisions. 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, meet three times a year to consider and comment on the work of the Board.

Director's reports and discussions

As well as providing the Board with expertise and advice, the Council meetings enable the Director to keep the video/DVD and video games industry representatives informed about work levels, which directly affect the timeliness with which works are classified, policy issues and controversial cases. During the year, policy issues discussed included the piloting of submissions on DVD rather than video; improved provision of information for distributors via the extranet about what stage their works were at; the introduction of Consumer Advice for video games; and changes to the guidance about the placing of Consumer Advice on film posters.

The Director was able to report that the Code of Practice established with the industry in 2004 to allow different versions of the same film at different categories (eg a cut version at one category and an uncut version at a higher category) was working well. Also, agreement had been reached with the DCMS to allow DVDs to carry both the

BBFC classification and that given by the Irish Censor, provided they were the same category.

One issue which was discussed at two of the three meetings was the practice of giving away free DVDs with newspapers. There was concern that newsagents could unknowingly supply age restricted works to children because they were ignorant of the terms of the Video Recordings Act or because the newspapers did not make it clear on the front page that there was an age restricted DVD contained in the paper. The Board met LACORS, the trading standards organisation to discuss the issue. As a result of approaches by LACORS, a number of the publishers had agreed to carry certificate details on the masthead or provide vouchers so that people would have to collect the DVD in person.

Video games

A representative from both the Video Standards Council, which oversees the voluntary PEGI rating system in the UK, and the games industry body ELSPA, are members of the Consultative Council. At the February meeting the Director was able to report back on the joint BBFC/VSC seminar held in January for the video games industry. The seminar's aim was to ensure that the games industry was fully informed about the requirements of both the PEGI and BBFC rating systems.

At the October meeting BBFC examiners gave a presentation about video games and their classification. Examples of the range of games classified by the Board included ***Manhunt*** ('18'), ***The Punisher*** ('18'), ***Charlie and the Chocolate Factory*** ('U') and ***King Arthur*** ('12'). The meeting







discussed the relationship between violence in a game and similar violence in a film. It was clear from research carried out by ELSPA that parents did not take games classifications as seriously as film or DVD ratings. The meeting also discussed the issue of games being modified by internet delivered 'patches' after classification.

Film screenings and discussions

One of the features of the Consultative Council meetings is the showing of a recently classified film which raises particular classification issues. In 2005 the Council saw **Closer** and **Mysterious Skin**.

Closer had been rated '15' and a number of complaints about the rating had been received from people who felt that the sexually explicit language meant that it should have been rated '18'. The meeting discussed the marketing of the film, which had played on the star names – Clive Owen, Jude Law, Julia Roberts and Natalie Portman – thus raising erroneous expectations about the tone of the film. The meeting discussed whether the Consumer Advice had given a clear enough indication of what to expect. At the end of the discussion the majority view was that the film should have been rated '18'.

Mysterious Skin was seen before the June meeting. It had come to the Board with a request from the distributor for a '15' rating, but was in fact rated '18' because of a scene involving a sexual assault. Unlike **Closer**, the Board had not received any complaints about the rating of the film. The meeting discussed the practical problems of making a film about child abuse and the use of young actors, with the Board explaining how it

sought assurances from film-makers. Two Council members with expertise in the area of child abuse felt that the film accurately portrayed the abuse. Some members felt that the rape scene should have been cut, but the overall view was that the '18' rating was correct and that the Consumer Advice gave the right information to help people who would prefer to avoid such material.

It was decided in 2000 that the membership of the Consultative Council should be reviewed on a regular basis to ensure its continued effectiveness. As a result, at the end of 2005, Jean Coussins, Michael Marland and David Kerr stood down. The BBFC would like to thank them for their valuable contribution to the work of the Council. The Board owes a particular debt of gratitude to Michael Marland for his active engagement and wise counsel over the 16 years of his membership.



**Membership of the Consultative Council
in 2005 was as follows:**

Kim Bayley

British Association of Record Dealers (BARD)

Roger Bennett

*Entertainment and Leisure Software Publishers
Association (ELSPA)*

Lavinia Carey

British Video Association (BVA)

June Dromgoole

Channel 4 Television

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)

David Kerr

Internet Content Rating Association (ICRA)

Cllr Maurice T Mills

Northern Ireland Local

Government Association (NILGA)

Cllr Goronwy O Parry MBE

Welsh Local Government Association (WLGA)

David Simpson

Chair, Advisory Panel

on Children's Viewing (ex officio)

John Woodward

UK Film Council

Independent members

Dr Anthony Beech

Professor David Buckingham

Jean Coussins

Michael Marland

Colin Webb

Observers

Paul Alsey

Department for Culture, Media and Sport

Inspector Chris Bedwell

Metropolitan Police

Hugh Dignon

Scottish Executive

Eleanor Hodge

Department for Culture, Media and Sport

Fiona Lennox

Ofcom

Chief Superintendent Bill Tillbrook

Metropolitan Police

Advisory Panel on Children's Viewing



Like the Consultative Council, members of the APCV consider a recently classified film or discuss particular classification issues, but very much from the point of view of the likely impact on children. The panel is made up of people from a range of disciplines including social work, clinical psychology, education, the law and children's media. Under normal circumstances the APCV meets three times a year, but the July meeting was cancelled because of the terrorist bombings in London.

Three of the Panel members, Professor Jack Sanger, Dr Sue Krasner and Joe Godwin, took part in a panel discussion at the European Film Classifiers Conference hosted by the BBFC in London in October along with representatives of the French and American classification bodies. The panel discussion followed a showing of **Dear Wendy** which had been rated '15' by the Board. The Board was extremely grateful for their contribution to the event. Having this resource available to the Board is particularly helpful.

Director's reports and discussions

Panel members are kept informed about film classification decisions which prove to be controversial because they generate significant numbers of letters from the public or because of stories in the press. They have the opportunity to discuss the rationale behind the Board's decision. Films which were discussed included the re-edited version of **The Passion of the Christ** which was rated '15'; **War of the Worlds**, which generated several stories in the *Daily Mail* critical of the '12A' rating; and **Harry Potter and the Goblet of Fire**, because its '12A' rating was

higher than the 'PG' rating given to the previous titles in the series. All of the decisions were discussed and supported by the Panel.

Computer games

Like the Consultative Council, the APCV had a presentation from examiners about computer games and how the Board classified them. Because of the Panel's range of expertise the discussion covered the possible effects, both physical and psychological, on young games players. Concern was expressed about children with pre-existing behavioural problems spending long periods playing computer games.

The fact that playing video games tends to be a solitary pastime was also raised by the Panel and compared with the way films are watched in the home. BBFC examiners were able to assure the Panel that the solitary nature of games playing was taken into account when classifying games. What was clear from the discussions was that, even among experts in child psychology and psychiatry, there was no consensus about what effects, if any, playing computer games might have on children. It was agreed that what research there was, was inconclusive.

Film screenings and discussions

The film which the Panel watched before the November meeting illustrated the type of violence which would push a film classification from '12A' to '15'. **Serenity** was based on a US television sci-fi series and the tone of the work as well as the levels of violence, in particular the final battle sequence, had secured a '15' rating.



One Panel member felt that because the film had 'artistic merit' and had told its story well it might have resulted in it being 'penalised' with a higher rating. However, the tone and intensity of the work persuaded the rest of the Panel that '15' was the appropriate rating. Reactions to the film were mixed, with one Panel member highlighting what he saw as the moral messages for young people, while another Panel member was concerned about the representation of mental illness. The general consensus was that the natural audience for the film was teenagers and that cutting the work to achieve a '12A' rating would have removed too much of the film. The way the tone of the film and the intensity of the viewing experience affected the classification was discussed and it was agreed that the Board would prepare a presentation for the March 2006 meeting covering those issues.

APCV Members

David Simpson

Youth Court District Judge (Chair)

William Atkinson

Headteacher

Dr Jim Barratt

Head of Research and Statistics, UK Film Council

Professor Vincent Egan

Chartered Clinical and Forensic Psychologist

Joe Godwin

Head of Children's Entertainment, BBC

Karen Johnson

Commissioning Editor, Children's Education (BBC)

Dr Sue Krasner

Chartered Clinical Psychologist

Frances Lennox

Senior Crown Prosecutor

Naomi Rich

Executive Producer Illumina Digital

Dr Denise Riordan

Consultant Child and Adolescent Psychiatrist

Professor Jack Sanger

*Visiting Professor at University of East Anglia
and Innsbruck University*

Dr Bill Young

Consultant Child and Adolescent Psychiatrist



Principal Officers of the BBFC



President

Sir Quentin Thomas, CB

Vice Presidents

Janet Lewis-Jones

Lord Taylor of Warwick

Council of Management

Chairman

Ewart Needham

Vice Chairman

Graham Lee

Treasurer

John Millard

Members

Michael Cox

John Holton

Steve Jaggs

William McMahon MBE

Sylvia Sheridan OBE

John Wilson OBE

Director

David Cooke

Deputy Director

Penny Averill

Head of Communications

Sue Clark

Systems Co-ordinator

David Harding

Head of Personnel

Clive Hooper

Financial Controller

Imtiaz Osman

Head of Process

Dave Barrett

Head of Policy

Peter Johnson

Report of the Directors for the year ended 31st December 2005



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

Submissions of video and digital media works rose significantly in 2005 resulting in an increase of 9% in the Board's income compared with the previous year. In line with its policy of continually reviewing operational procedures, with the aim of providing the best and most cost effective services to its clients, the Board successfully piloted accepting content on DVD for classification. This service was implemented on 1 January 2006.

As well as making productivity improvements, the Board is recruiting extra staff in response to increased workload and is actively exploring digitisation of its archive. The Board continues to be concerned with the potential impact of Crossrail on 3 Soho Square and has engaged professional advisers.

Directors

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

Mr DAL Cooke was appointed at the last AGM for a five year term expiring in 2010. The other Directors were previously appointed for terms which expire in 2009.

Directors' responsibilities

Company law requires the Directors to prepare accounts for each financial year which give a true

and fair view of the state of affairs of the company and of the profit or loss of the company for that period. In preparing those accounts, the Directors are required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the accounts; and
- Prepare the accounts on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The Directors are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the company and which enable them to ensure that the accounts comply with the Companies Act 1985. 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.

Report of the Directors for the year ended 31st December 2005 (continued)



Financial instruments

The company's financial instruments at the balance sheet date comprised bank loans, 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 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 short-term debtors and cash at bank.

Borrowing facilities

As at 31 December 2005, the company had undrawn committed borrowing facilities of £354,000.

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.

Over the past years the company has undertaken a number of initiatives to improve environmental and health and safety performance. This has included considerable investment in the improvement of the office premises to reduce safety risks, improvements to planning of site health and safety actions.

Transfers to reserves

The retained profit for the year of £975,493 has been transferred to reserves.

Fixed assets

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

Donations

During the year the company made charitable donations totalling £149,750.

Auditors

A resolution will be proposed at the Annual General Meeting that Wilkins Kennedy be appointed as auditors to the company for the ensuing year.

By order of the Board

DAL Cooke
Secretary
3 Soho Square,
London, W1D 3HD.
13th March 2006

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



We have audited the accounts of the British Board of Film Classification for the year ended 31st December 2005 which comprise the Profit and Loss Account, the Balance Sheet, the Cash Flow Statement and the Related Notes numbered 1 to 16. These accounts have been prepared under the accounting policies set out therein.

Respective responsibilities of the Directors and Auditors

As described in the statement of Directors' responsibilities the company's Directors are responsible for the preparation of the accounts in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice). Our responsibility is to audit the accounts in accordance with relevant legal and regulatory requirements and International Standard on Auditing (UK and Ireland).

We report to you our opinion as to whether the accounts give a true and fair view and are properly prepared in accordance with the Companies Act 1985. We also report to you if, in our opinion, the Directors' Report is not consistent with the accounts, if the company has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by law regarding Directors' remuneration and other transactions is not disclosed.

We read the Directors' Report and consider the implications for our report if we become aware of any apparent misstatements within it.

Basis of audit opinion

We conducted our audit in accordance with International Standards on auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the accounts. It also includes an assessment of the significant estimates and judgements made by the Directors in the preparation of the accounts, and of whether the accounting policies are appropriate to the company's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the accounts are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the accounts.

Opinion

In our opinion the accounts:

- give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice, of the state of the company's affairs as at 31st December 2005 and of its profit for the year then ended; and
- have been properly prepared in accordance with the Companies Act 1985.

Wilkins Kennedy
Chartered Accountants and Registered Auditor,
Bridge House,
London Bridge,
London, SE1 9QR.
28th March 2006

Profit and loss account for the year ended 31st December 2005

	Note	2005	2004
Turnover	(2)	6,862,935	6,323,169
Operating costs		(5,615,031)	(4,884,017)
Operating profit		1,247,904	1,439,152
Interest receivable and similar income	(3)	182,245	111,347
Interest payable and similar charges	(4)	(153,753)	(162,555)
Profit/(loss) on current asset investments:			
- realised		41,717	(103,540)
- reversal of provision for unrealised losses		30,881	132,786
Profit on ordinary activities before taxation	(6)	1,348,994	1,417,190
Tax on profit on ordinary activities	(7)	(373,501)	(431,601)
Retained profit for year		975,493	985,589
Retained profit at beginning of year		5,596,092	4,610,503
Retained profit at end of year		£6,571,585	£5,596,092

Continuing operations

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

Total recognised gains and losses

The company has no recognised gains or losses other than the profit or loss for the above two financial years.

The accompanying notes are an integral part of this profit and loss account.

Balance sheet 31st December 2005

	Note	2005	2004
Fixed assets			
Tangible assets	(8)	<u>5,260,233</u>	<u>5,318,559</u>
Current assets			
Deferred tax asset		83,015	85,555
Debtors	(9)	501,417	437,209
Investments	(10)	1,683,255	1,551,802
Cash at bank and in hand		<u>3,191,064</u>	<u>2,533,051</u>
		5,458,751	4,607,617
Creditors: amounts falling due within one year	(11)	<u>(1,600,936)</u>	<u>(1,629,752)</u>
Net current assets		<u>3,857,815</u>	<u>2,977,865</u>
Total assets less current liabilities		9,118,048	8,296,424
Creditors: amounts falling due after more than one year	(12)	<u>(2,523,212)</u>	<u>(2,677,081)</u>
Net assets		<u><u>£6,594,836</u></u>	<u><u>£5,619,343</u></u>
Capital and reserves			
Capital reserve	(13)	23,251	23,251
Profit and loss account		<u>6,571,585</u>	<u>5,596,092</u>
Accumulated funds	(14)	<u><u>£6,594,836</u></u>	<u><u>£5,619,343</u></u>

Approved by the Board of Directors 13th March 2006.

E. J. Needham - Chairman

J. R. Millard - Treasurer

The accompanying notes are an integral part of this balance sheet.

Cash flow statement for the year ended 31st December 2005

Reconciliation of operating profit

to net cash flow from operating activities	Note	2005	2004
Operating profit		1,247,904	1,439,152
Depreciation charges		182,710	189,092
Increase in creditors		(38,083)	(43,023)
(Decrease)/increase in debtors		(1,919)	50,437
Net cash inflow from operating activities		£1,390,612	£1,635,658

Cash flow statement

		2005	2004
Net cash inflow from operating activities		1,390,612	1,635,658
Return on investments and servicing of finance	(15a)	2,366	(55,315)
Taxation		(405,861)	(229,344)
Capital expenditure	(15b)	(124,384)	(93,797)
		862,733	1,257,202
Management of liquid resources	(15c)	(58,854)	(51,620)
Increase in cash		£803,879	£1,205,582

Reconciliation of net cash flow

to movement in liquid funds	(15d)	2005	2004
Increase in cash in the year		803,879	1,205,582
Increase in current asset investments		131,453	80,866
Change in net liquid funds		935,332	1,286,448
Net liquid funds at beginning of year		1,261,334	(25,114)
Net liquid funds at end of year		£2,196,666	£1,261,334

The accompanying notes are an integral part of this cash flow statement.

Notes to the accounts for the year ended 31st December 2005

1. Accounting policies

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

a Basis of accounting

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

b Tangible fixed assets

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 written off as incurred.

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 profit 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 of sales (excluding VAT) of services supplied in the normal course of business.

f Leased assets

Rentals applicable to operating leases are recognised in the profit and loss account as incurred.

g Pensions

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

Notes to the accounts (continued)

for the year ended 31st December 2005

2. Turnover

The turnover and operating profit are attributable to the principal activity of the company.

3. Interest receivable and similar income	2005	2004
Bank deposit interest	137,797	75,208
Income from current asset investments	44,448	36,139
	<u>£182,245</u>	<u>£111,347</u>

4. Interest payable and similar charges	2005	2004
Loan interest	<u>£153,753</u>	<u>£162,555</u>

5. Employees	2005	2004
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	13	13
Examination	33	33
Technical	20	18
	<u>84</u>	<u>82</u>

Costs in respect of these employees including Directors:

Salaries	3,377,316	2,980,291
Social security costs	371,322	326,554
Pensions	172,455	126,042
Life assurances	7,540	6,833
	<u>£3,928,633</u>	<u>£3,439,720</u>

Directors' remuneration

The remuneration of the Directors during the year was:

Emoluments	257,645	226,557
Pension contributions in respect of 2 (2004-3) Directors	20,515	22,162
	<u>£278,160</u>	<u>£248,719</u>

Highest paid Director

The above amount for remuneration includes

the following in respect of the highest paid Director

<u>£159,330</u>	<u>£107,276</u>
-----------------	-----------------

Notes to the accounts (continued)

for the year ended 31st December 2005

6. Profit on ordinary activities before taxation	2005	2004
Profit on ordinary activities before taxation is arrived at, after charging:		
	£	£
Directors' remuneration (including benefits)	278,160	248,719
Depreciation and amounts written off fixed assets	182,710	189,092
Auditors' remuneration	24,000	21,000
Rental of equipment	10,308	8,687
	<hr/> <hr/>	<hr/> <hr/>
7. Tax on profit on ordinary activities	2005	2004
Reconciliation of tax charge to profit:		
Profit on ordinary activities multiplied by standard rate of corporation tax in the UK of 30% (2004 - 30%)	(404,698)	(425,157)
Effects of:		
Expenses not deductible for tax purposes	(2,588)	(4,120)
Investment gains not taxable	21,779	8,773
Depreciation in excess of capital allowances	(923)	-
Capital allowances in excess of depreciation	-	2,149
Franked investment income not taxable	10,326	9,198
Other items tax deductible	129	-
Marginal relief	5,564	2,881
Overprovision of tax	(550)	-
	<hr/> <hr/>	<hr/> <hr/>
	(370,961)	(406,276)
Deferred tax asset arising from the interaction of depreciation and capital allowances	(2,540)	(25,325)
	<hr/> <hr/>	<hr/> <hr/>
Tax on profit on ordinary activities	£(373,501)	£(431,601)

Notes to the accounts (continued)

for the year ended 31st December 2005

8. Tangible fixed assets

	Long leasehold property	Long leasehold property expenditure	Furniture and equipment	Total
Cost				
At beginning of year	5,180,700	29,383	2,147,753	7,357,836
Additions	-	4,175	120,209	124,384
Disposals	-	-	(11,600)	(11,600)
At end of year	<u>5,180,700</u>	<u>33,558</u>	<u>2,256,362</u>	<u>7,470,620</u>
Depreciation				
At beginning of year	69,076	29,383	1,940,818	2,039,277
Charge for the year	41,446	4,175	137,089	182,710
Disposals	-	-	(11,600)	(11,600)
At end of year	<u>110,522</u>	<u>33,558</u>	<u>2,066,307</u>	<u>2,210,387</u>
Net book value				
At end of year	<u>£5,070,178</u>	<u>£-</u>	<u>£190,055</u>	<u>£5,260,233</u>
At beginning of year	<u>£5,111,624</u>	<u>£-</u>	<u>£206,935</u>	<u>£5,318,559</u>

9. Debtors

	2005	2004
Trade debtors	344,910	292,479
Others	24,919	25,464
Prepayments and accrued income	<u>131,588</u>	<u>119,266</u>
	<u>£501,417</u>	<u>£437,209</u>

Notes to the accounts (continued) for the year ended 31st December 2005

10. Current asset investments – listed	2005	2004
Cost		
At beginning of year	1,633,636	1,685,556
Additions	401,126	462,777
Disposals	(300,554)	(514,697)
	<hr/>	<hr/>
At end of year	1,734,208	1,633,636
	<hr/>	<hr/>
Provision for unrealised loss		
At beginning of year	(81,834)	(214,620)
Decrease in provision	30,881	132,786
	<hr/>	<hr/>
At end of year	(50,953)	(81,834)
	<hr/>	<hr/>
Cost less diminution provision at end of year	<u>£1,683,255</u>	<u>£1,551,802</u>
UK Government securities	49,051	49,051
Other UK investments	1,634,204	1,502,751
	<hr/>	<hr/>
	<u>£1,683,255</u>	<u>£1,551,802</u>
Market value of listed investments at end of year	<u>£2,070,350</u>	<u>£1,737,618</u>
11. Creditors: amounts falling due within one year	2005	2004
Bank loan (secured - see note 12)	154,441	146,438
Trade creditors	282,512	299,347
Corporation tax	369,980	404,880
VAT	124,739	144,753
Other taxation and social security costs	266,010	236,444
Other creditors	252,910	264,975
Accruals and deferred income	150,344	132,915
	<hr/>	<hr/>
	<u>£1,600,936</u>	<u>£1,629,752</u>

Notes to the accounts (continued)

for the year ended 31st December 2005

12. Creditors: amounts falling due after more than one year	2005	2004
Bank loan (secured)	<u>£2,523,212</u>	<u>£2,677,081</u>
Due within 1-2 years	163,163	154,602
Due within 2-5 years	548,048	518,276
Due after more than 5 years	<u>1,812,001</u>	<u>2,004,203</u>
	<u>£2,523,212</u>	<u>£2,677,081</u>

The company's bank loan is secured by a fixed legal mortgage over the long leasehold property.

The company's bank loan bears a fixed rate of interest of 5.64% and is repayable in quarterly instalments.

The final instalment is due for payment on 6th May 2018.

13. Capital reserve	2005	2004
At beginning and end of year	<u>£23,251</u>	<u>£23,251</u>

The capital reserve represents surpluses realised on sales of fixed assets prior to 1984.

14. Reconciliation of movements on accumulated funds	2005	2004
Profit for the financial year after taxation	975,493	985,589
Accumulated funds at beginning of year	<u>5,619,343</u>	<u>4,633,754</u>
Accumulated funds at end of year	<u>£6,594,836</u>	<u>£5,619,343</u>

Notes to the accounts (continued) for the year ended 31st December 2005

15. Cash flow statement		2005	2004	
a Return on investments and servicing of finance				
Interest received		112,134	71,101	
Income from current asset investments		43,985	36,139	
Interest paid		<u>(153,753)</u>	<u>(162,555)</u>	
		<u>£(2,366)</u>	<u>£(55,315)</u>	
b Capital expenditure				
Payments to acquire tangible fixed assets		<u>£(124,384)</u>	<u>£(93,797)</u>	
c Management of liquid resources				
Purchase of current asset investments		(401,126)	(462,777)	
Sale proceeds of current asset investments		<u>342,272</u>	<u>411,157</u>	
		<u>£(58,854)</u>	<u>£(51,620)</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	2,533,051	658,013	-	3,191,064
Bank loan repayable within one year	(146,438)	(8,003)	-	(154,441)
Bank loan repayable after more than one year	(2,677,081)	153,869	-	(2,523,212)
Current asset investments	<u>1,551,802</u>	<u>58,855</u>	<u>72,598</u>	<u>1,683,255</u>
	£1,261,334	£862,734	£72,598	£2,196,666

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 £172,455 (2004 - £126,042).

The BBFC: A Trusted Guide to the Moving Image



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.

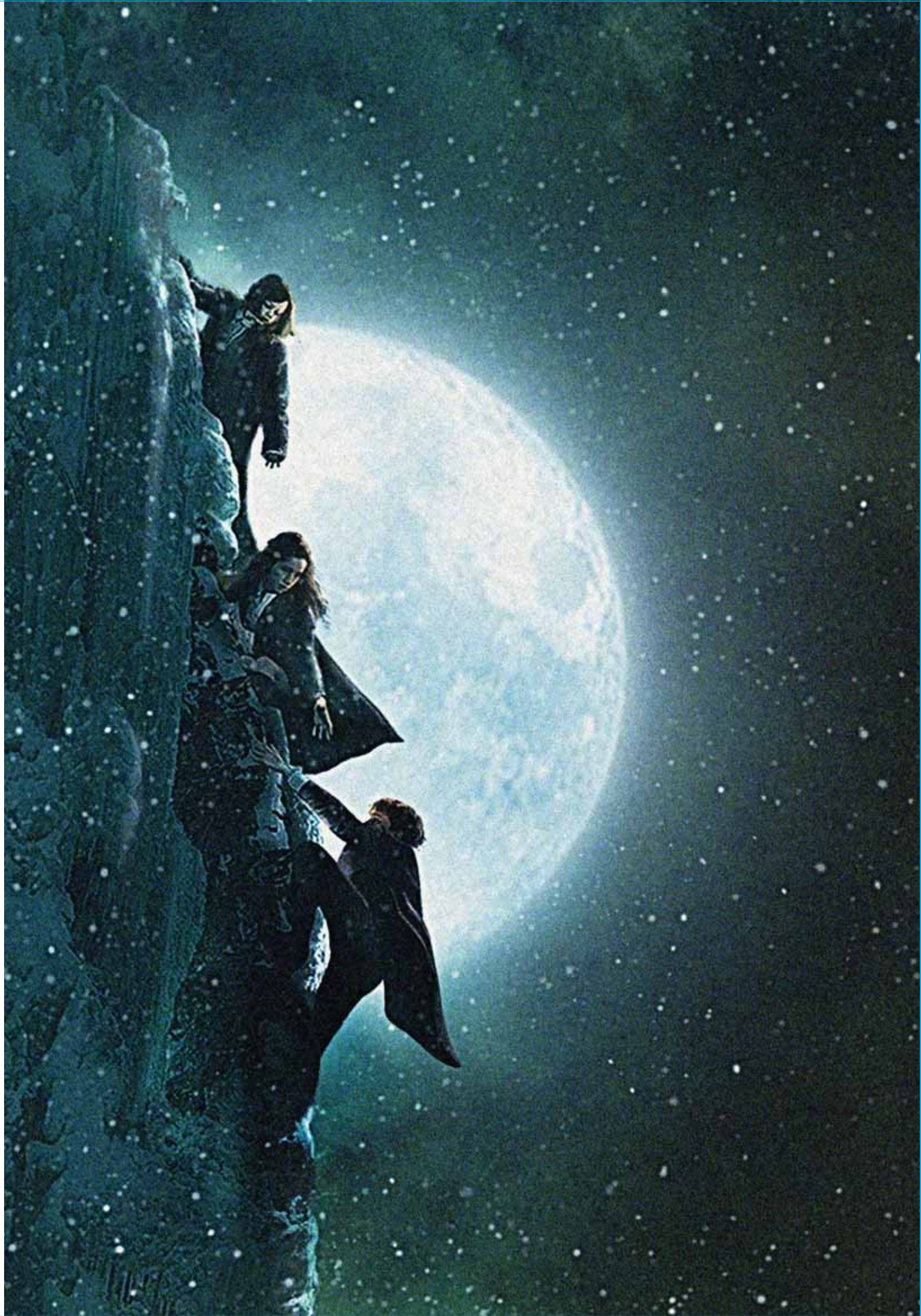
Throughout the BBFC, we value and respect the needs of stakeholders, promoting team work and long term commitment for all staff in an atmosphere of support and co-operation.

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.



British Board of Film Classification

3 Soho Square
London W1D 3HD

T 020 7440 1570

F 020 7287 0141

www.bbfc.co.uk

www.cbbfc.co.uk

www.sbbfc.co.uk