



British Board of Film Classification

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Mr Ed Vaizey MP
Minister For Culture, Communications and Creative Industries
DCMS
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9th July 2012

Dear Ed

I am writing in response to the DCMS Consultation on Exemptions to the Video Recordings Act and on Advertising in Cinemas. As we discussed at our meeting last week, we very much welcome this consultation and your longstanding personal commitment to deal with exempt video works which could be potentially harmful to children.

As you can see from our attached submission, we welcome and agree with your recommendation set out in Part A Option 1 to remove the double regulation of cinema advertisements. The BBFC, alongside the Cinema Advertising Association and the Cinema Exhibitors' Association, has developed a proposal (Annex 1 of our submission) recommending that the CAA alone performs pre release scrutiny of advertisements (namely paid for marketing communications promoting a commercial brand or service) with the BBFC retaining responsibility for classification of all other theatrical works, including trailers and public information and campaigning films.

As you know, the BBFC views its primary function as the protection of children. We therefore fully endorse your recommendation in Part B Option 2 to lower the threshold under which certain video works are exempt from BBFC classification. To assist the Government in progressing this option, and in order to reach a consensus across all interested parties, the BBFC, the British Phonographic Industry, the British Video Association, the Entertainment Retailers' Association and the Video Standards Council are jointly submitting proposed new criteria for the threshold (Annex 5 of our submission). Local Government Regulation also contributed to the development of this proposal. This joint proposal would cause minimal additional regulatory burden but would remove from the current exemption: strong violence; explicitly sexualised behaviour, including nudity; racist, homophobic or other discriminatory behaviour or language; imitable dangerous behaviour, including drug and other substance misuse; and repeated use of strong language.

We believe that this joint proposal which is in line with Part B Option 2 addresses the issues identified by Reg Bailey in his report: *Letting Children be Children – The Report of an Independent Review of the Commercialisation and Sexualisation of Childhood* and more generally the sort of potentially harmful video works which cause such concern amongst parents and which are presently being sold without any restrictions to children.

The consultation also seeks views on online ratings. Our research points to a strong desire among consumers for a trusted guide to the suitability of online content. We have therefore developed, in partnership with the video industry, a voluntary, best practice, self regulatory rating and labelling system which brings trusted BBFC symbols and content advice to audio visual content being distributed online. Platforms use BBFC classifications and content information in various ways: Netflix, Blinkbox (Tesco) and Microsoft Xbox display the BBFC's age-rating symbols

against the titles available for customers to buy or rent on their catalogue pages; BT Vision and British Airways run versions of the BBFC's cinema black cards before films that customers have purchased; finally, PictureBox includes pop-up cards that include the symbol and consumer advice. Other means of providing consumers with ratings information are available, including embedding the BBFC's symbols into audiovisual content. We work with our partners to ensure that whichever method they choose is implemented flexibly and with the minimum of fuss.

Yours sincerely,

David Cooke

David Cooke

**BBFC Response to Department for Culture Media and Sport
Consultation on Exemptions to the Video Recordings Act and
on Advertising in Cinemas**

Submitted: 9 July 2012

EXECUTIVE SUMMARY

Part A: Regulation of Advertising in Cinemas

Part A Option 0: No Change

1. The protection of children is at the heart of both the British Board of Film Classification (BBFC) Guidelines and decisions and of the Committee of Advertising Practice (CAP) Code. There are therefore no major advantages to pre-release scrutiny of commercial advertisements by both the Cinema Advertising Association (CAA) and BBFC other than a double lock on preventing children accessing unsuitable content and a level of consumer understanding that cinema advertisements will have the same, or a lower classification, than the film being viewed.

Part A Option 1: Remove the requirement for BBFC classification of cinema advertisements

2. **The BBFC supports Part A Option 1.** This option would not harm the objective of ensuring consumer and child protection, and would be more proportionate regulation for industry. The BBFC, CAA and Cinema Exhibitors' Association (CEA) believe that (i) future pre-clearance of cinema advertisements should be carried out by the CAA; and (ii) the BBFC should continue to classify all other theatrical works, including trailers and public information and campaigning films. A copy of the BBFC/CAA/CEA proposal is attached in Annex 1.

Part B: Exemptions to classification in the Video Recordings Act 1984

Part B Option 0: Leave the existing exemptions in place and untouched

3. **The BBFC does not support Part B Option 0.** The current rules allow potentially harmful material to be legally supplied to children (including material the BBFC would restrict to adults only or even refuse to certify) without any restrictions or advice to consumers.
4. When the Video Recordings Act (VRA) was originally introduced in 1984, the exempt categories were not considered ever likely to be harmful. But the law has not kept pace with the creation of new and stronger content. As a result, the VRA now needs updating (as has already occurred with video games).
5. Parents and other consumers overwhelmingly reject this option, as evidenced by the Mumsnet quantitative research (over 80% want the law to be tightened up to remove this loophole) and the Goldstone Perl qualitative research (all those surveyed want the law to be tightened up) (see Annexes 7 and 8).

Part B Option 1: Remove the exemptions from age rating for music, sports, religious and educational video works

6. This option to remove the exemption would work for the consumer. It would provide the surest way of ensuring that all potentially unsuitable content is classified to keep it away from children. It would also make law enforcement's

job much easier than at present because there would be no debate about whether or not a work is exempt and so no debate about whether to take action to prevent potentially harmful or other unsuitable content being accessed by children.

7. Under this option video works would be classified which are not potentially harmful. While this would give parents peace of mind, many of these works might be specialist in nature, with small sales volumes, and hence a BBFC classification would constitute a significant proportion of the distributors' costs. It could therefore be argued that this is not a proportionate response.

Part B Option 2: Lower the existing content thresholds for exemption so that more products are brought within the scope of the age rating requirement

8. **The BBFC supports Part B Option 2 to lower the threshold.** The first key advantage to this option is a ***greatly improved level of child protection***. The current threshold at which music, sport, documentaries and religious works lose their exemption is far higher than is safe for the protection of children. The proposed threshold under Option 2 is far more sensible, reflects the core concerns of parents, and would ensure that most inappropriate and potentially harmful content comes within the regulatory ambit of the BBFC and could not be supplied to children. The BBFC outlines specific concerns of parents relating to, for example, strong violence and sexualisation in response to Q B. 27 pages 18-20.
9. Second, this option would ***inform and therefore empower parents*** about content that they would consider harmful for their children. Parents presently equate the 'E' label with a BBFC 'U' label and are therefore unaware that this label may conceal strongly unsuitable content and consequently they need to monitor their children's viewing. The fact that some responsible distributors get a BBFC classification for such works while others simply label them 'E' in a manner that looks like a BBFC 'U' only adds to consumer confusion.
10. Third, lowering the threshold will also ***make child protection easier for law enforcement***. Under the present rules, even when potentially harmful material is being supplied to children, Trading Standards Officers (TSOs) are generally unable to intervene.
11. Fourth, ***retailers will have the advantage of a classification system that is more in line with their customer's expectations***. It would mean less consumer confusion about content and therefore fewer complaints.
12. Fifth, Option 2 is the ***closest option to that proposed by industry, the BBFC and Local Government Regulation as being a proportionate response to the problem***. Annex 5 contains the proposal by the BBFC, British Phonographic Industry (BPI), British Video Association (BVA), Entertainment Retailers' Association(ERA) and Video Standards Council (VSC). This option would cause minimal additional regulatory burden but would remove from the current exemption: strong violence; explicitly sexualised behaviour, including nudity; racist, homophobic or other discriminatory behaviour or language; imitable dangerous behaviour, including drug and other substance misuse; and

repeated use of strong language. It therefore addresses the issues identified by Reg Bailey in his report: *Letting Children be Children – The Report of an Independent Review of the Commercialisation and Sexualisation of Childhood* and more generally the sort of videos listed in Annexes 2 and 3 which parents argue should be regulated and which include sports videos featuring cage fighting and documentaries featuring racist commentary and self harm.

Exempt categories

13. Although music videos have been a focus of political and media concern, in research carried out by the BBFC, only around 20% of potentially harmful exempt videos were music videos, including music documentaries. Of the remaining 80%, many were sports videos (mainly mixed martial arts, ultimate fighting or other cage fighting videos) but the single largest genre were works designed to educate, inform or instruct including documentaries.
14. Not all presently exempt works fit neatly into a single category. There are a number of works which avoid classification under both the “educate inform or instruct” exemption and the music or sports exemption. It would therefore be very difficult, if not impossible, to differentiate between classes of video claiming exemption. To be practical, there must be a one size fits all solution for presently exempt video works.

BBFC classification of online material

15. This consultation also invites examination of what more can be done to encourage classification of online content. Independent research carried out in June 2011 found that as more viewing takes place online, consumers expect that the same level of regulation will apply online as currently applies offline. 85% consider it important to have consistent BBFC classifications available for VOD content, rising to 90% of parents of children under 16. 89% of parents check BBFC classifications on films that they and their children download, even though this is not always easy to do. 82% of parents with children under 16 prefer to download films which carry a BBFC classification over those films which do not. 92% of those who regularly download films find BBFC ratings and content advice useful. A full copy of the research is attached at Annex 6.
16. The BBFC has classified over 200,000 individual items of content for online distribution. A number of online platforms carry these BBFC age ratings. These include Talk Talk, BT Vision, Netflix, Blinkbox/Tesco, Microsoft, Sony Playstation, Vtech, British Airways. A greater take up of the BBFC’s online services by platforms such as Lovefilm and iTunes would empower parents and other caregivers and help them decide whether content is suitable for their children. Adoption of trusted and well understood BBFC symbols and content advice for music videos distributed online would also help.

Part B Option 3: Ask other parts of the video industry to introduce a self-regulatory ‘parental advisory’ system

17. **The BBFC does not support Part B Option 3.** Different self regulatory regimes, with their own distinct symbols and differing standards, alongside other products with trusted BBFC symbols is potentially confusing for consumers. A single classification regime, with a single set of age-related symbols, using consistent standards and criteria is the most effective way of warning consumers of potentially problematic content.

CONSULTATION QUESTIONS FOR PART A

When answering any questions please provide your reasons and any relevant evidence to substantiate your views, wherever possible.

General Questions

Q A.1 What is your view on the current system of regulating cinema advertising?

The current system works for consumers and enforcement agencies. However, having dual scrutiny by two highly effective child protection systems places an additional burden on industry which is disproportionate.

Q A.2 Do you consider that the current system which involves both the BBFC and CAA is placing an unnecessary dual burden on industry?

It could be argued that it is placing a disproportionate burden on industry when compared to the benefits for consumers. See Q A.1 above.

Q A.3 What is your assessment of any extra costs involved from this dual system?

The cost of BBFC classification is not great – on average around £107 per commercial. But it is an extra cost nevertheless.

Q A.4 Do you consider that the current system which involves both the BBFC and CAA is beneficial? Please provide your reasons?

Dual scrutiny means that consumers can be very confident that any advertisement shown at the cinema will not have content of a higher BBFC classification than the film being shown and will not be harmful. Consumers can also be assured that any advertisement will be compliant with the CAA's CAP code and therefore will not be misleading, harmful or offensive.

Q A.5 Is there any evidence to suggest that removing the BBFC requirement to age rate adverts shown in cinemas will result in a reduction in consumer and child protection? Please provide details.

No. The protection of children is central both to the BBFC Guidelines and its 'U', 'PG', '12A', '15' and '18' classifications and the CAP Code. Both systems are designed to protect consumers and children in particular. Each is highly effective in this role whether working in tandem or on their own.

In its classification decisions, the BBFC considers whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a

dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

Similarly, the protection of children is also essential to the CAP code. This is largely articulated through Sections 5 (Children) and 4 (Harm and offence), which follow closely the protection of children encompassed in the BBFC guidelines. They are designed to prevent children from being enticed into moral, physical or psychological harm, and reflect the norms of society with regard to what is appropriate for children to see and hear.

The CAP codes specific to commercials featuring or addressed to children have been refined in their interpretation over the years. A young child may not be seen in a room with an unguarded fire even in the presence of adults. A young child may not be seen on a public street without direct adult supervision being established, unless it is on the grounds of promoting safety. Ads addressed to children must not actively encourage them to pester their parents and must make clear that adult permission is required if a prize or incentive might cause conflict between a child's desire and a parent's authority. Equally, such ads must not tend to make children feel inferior or lacking in duty or loyalty if they do not buy a product.

For Part A Option 0 (No change) :

Q A .6 What is your overall assessment of whether this option would:

- **achieve the objectives of ensuring consumer and children protection**
- **work in practical terms**

It would continue to ensure the fullest consumer and child protection. And it already works in practical terms. Presently, a cinema advertisement receives a BBFC classification within 24-48 hours of being submitted to the BBFC.

The advertising industry, CAA and BBFC have been working together to ensure even swifter classification of advertisements through appropriate use of technology, with the aim of same day turnarounds for the approval/classification of cinema advertisements.

Q A.7 What are the key disadvantages of this option in your view? Could this option be adapted to overcome any problems?

The key disadvantage is the presence of double regulation. However, the advertising industry and BBFC have sought to alleviate the burden on industry by setting up a new method of classifying advertisements, introduced in June 2012, which has improved turnaround times for both the BBFC and CAA, see Q A.6 above.

Q A.8 What are the key advantages to this option in your view?

The advantage of having the BBFC classify commercial advertisements in addition to all other content is that the same rules are applied for feature films, short films, including campaigning and public information films, trailers and advertisements. This offers consistency to the public and reinforces the 'safe' nature of the cinema environment for parents.

However, the BBFC recognises that other than the above and a double lock on preventing children accessing potentially harmful content and a level of consumer awareness that advertisements in cinemas will have the same, or lower BBFC classification, than the film they are viewing, there are no major advantages to this option.

Q A.9 How do you think this option would work for the following key stakeholders:

- **consumers**
- **industry**
- **enforcement agencies**

It would work perfectly well for consumers (see Q A.8) and enforcement agencies, but would arguably place an unnecessary regulatory burden on industry.

Q A.10 Is there anything that would improve this option for any of the stakeholders?

Yes. Indeed, working together, the BBFC and advertising industry have introduced new working practices to reduce turnaround times. See Q A.6 and Q A.7 above.

Q A.11 Is this option a proportionate way of regulating cinema adverts?

No.

Q A.12 Is there any other information you think that Government should take into account when considering this option?

Yes. The Government should consider the joint proposal by the BBFC and cinema advertising industry to end the requirement for a BBFC classification for commercial advertisements, see Q A.14 below.

Q.A.13 Are there any other observations or representations you wish to make? Please provide details here:

No.

For Part A Option 1 (remove the requirement for the BBFC to have a role in age rating cinema adverts):

Q A.14 What is your overall assessment of whether this option would :

- **achieve the objectives of ensuring consumer and children protection**
- **work in practical terms?**

It would not harm the objective of ensuring consumer and child protection, and would work in practical terms.

Indeed, the BBFC, CAA and the CEA believe that future pre-clearance of cinema advertisements – namely paid for marketing communications promoting a commercial brand or service – should be carried out by one regulator rather than two under a self-regulatory regime – ensuring pre-clearance in line with the advertising codes.

The ASA should continue to play a corrective role.

The BBFC should continue to classify all other theatrical works, including trailers and public information and campaigning films. These are works which the industry and both regulators agree should be classified by the BBFC.

A copy of the joint BBFC/CAA/CEA proposal is attached at Annex 1.

Q A.15 What are the key disadvantages of this option in your view? Could this option be adapted to overcome any problems?

The only disadvantages are of perception and understanding. Both the BBFC and CAA are assiduous in their aim of protecting children, whether working in tandem or on their own. Parents need not fear that removing the requirement for a BBFC classification of commercial advertisements would lead to a reduction in child protection. There would just need to be some explanation for consumers of the change in regime so that they could be assured that the advertisements in the cinema would be appropriate for the film they were viewing.

Q A.16 What are the key advantages to this option in your view?

It would be less of a regulatory burden on industry. It would not speed up the regulation of advertisements because the BBFC classification is generally faster than CAA clearance. But it would reduce costs by around £107 per advertisement.

Q A.17 How do you think this option would work for the following key stakeholders:

- **consumers**

- **industry**
- **enforcement agencies**

It would work for both consumers and industry. It would save industry money – around £107 per advertisement.

As far as the consumer is concerned, the protection of children is central to the BBFC Guidelines and its 'U', 'PG', '12A', '15' and '18' classifications. In its classification decisions, the BBFC considers whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

The protection of children is also essential to the CAP code. This is largely articulated through Sections 5 (Children) and 4 (Harm and offence), which follow closely the protection of children encompassed in the BBFC guidelines. They are designed to prevent children from being enticed into moral, physical or psychological harm, and reflect the norms of society with regard to what is appropriate for children to see and hear.

The CAP codes specific to commercials featuring or addressed to children have been refined in their interpretation over the years. A young child may not be seen in a room with an unguarded fire even in the presence of adults. A young child may not be seen on a public street without direct adult supervision being established, unless it is on the grounds of promoting safety. Ads addressed to children must not actively encourage them to pester their parents and must make clear that adult permission is required if a prize or incentive might cause conflict between a child's desire and a parent's authority. Equally, such ads must not tend to make children feel inferior or lacking in duty or loyalty if they do not buy a product.

The BBFC is not clear how it would work for enforcement agencies in the absence of a BBFC classification made enforceable by the Licensing Act 2003. If the BBFC were to withdraw from the classification of cinema advertisements and advertisements only used in cinemas when cleared by the CAA and in accordance with their recommendations, this would need an amendment to s20 of the Licensing Act 2003.

Q A.18 Is there anything that would improve this option for any of the stakeholders?

Not for consumers and industry. The joint BBFC/CAA/CEA proposal (Annex 1) demonstrates how it would work for the public and industry.

Q A.19 Is this option a proportionate way of regulating cinema adverts?

Yes.

Q A.20 Is there any other information you think that Government should take into account when considering this option?

Not beyond the BBFC/CAA/CEA proposal.

Q.A.21 Are there any other observations or representations you wish to make? Please provide details here:

No.

CONSULTATION QUESTIONS ON PART B

When answering any questions please provide your reasons and any relevant evidence to substantiate your views where ever possible.

General questions

- Q B.1 To what extent do you think material that might be unsuitable for children is available in unclassified hard copy videos? Please provide any evidence to support your view.**

The BBFC is aware both from complaints to us from members of the public and from our own research that there are video works on sale in the UK which contain material which is potentially harmful to children, and which the BBFC would classify at 15 or 18, and in extreme cases not at all, which is freely available to children under the terms of the Video Recordings Act 1984 (VRA). Annex 2 contains a representative selection of video titles about which we have received complaints recently, and Annex 3 contains a selection of exempt videos on sale in the UK which may contain material which is potentially harmful under the VRA.

- Q B.2 Do you consider that some producers are not submitting works to the BBFC for classification when, in fact, their work does not meet the existing criteria for exemption? If so, please provide any evidence for your view.**

Yes. The BBFC is aware of a number of works which appear not to meet the existing criteria for exemption but which are have not been submitted to the BBFC for classification, including because the distributor is claiming exemption. These include naturist documentaries; fictional narrative works with a religious theme - whose distributor has told the BBFC that the works are exempt because of the focus on religion, and other essentially basic standard fictional narrative works on subjects ranging from prostitution to politics, in genres ranging from thrillers to war dramas.

A number of members of the public have complained to us about the Channel 4 sex education work '*Living and Growing*' which contains sight of human genital organs and animated depictions of sexual activity. A number of fictional narrative works are presently avoiding classification even though this class of video work is not exempt from classification. A representative selection of these video works is attached in Annex 4.

However, such works are not in the same class as the works listed in Annexes 2 and 3 which appear to be quite legally claiming exemption. This is because the VRA already requires the works in Annex 4 to be classified by the BBFC so in these cases the issue is one of enforcement.

- Q B.3 What measures do producers have in place for assessing the content of potentially exempt video works? How are decisions taken by producers on the exempt status or otherwise of video works?**

This question is one for the producers to answer. The BBFC is aware that they may consult the Video Standards Council (VSC). We understand that sometimes they consider the matter and reach a view internally.

In the proposal drawn up by the BBFC, BPI (British Phonographic Industry), BVA (British Video Association), ERA (Entertainment Retailers' Association) and VSC (attached as Annex 5), we offer guidance to distributors on what sort of content would, in our collective view, require classification under a change to the VRA. If the proposal is adopted by Government, we would envisage that the BBFC and VSC would advise distributors on the basis of that guidance.

Q B.4 Are there significant numbers of music, sports and educational products on the UK market which are not identified in published market data? If so, please supply evidence.

There are some videos which are not included in the published market data. We are aware of a number of martial arts/combat and keep fit titles which would not be in the BVA's statistics. These include specialist works designed to instruct in certain types of combat techniques including techniques using knives.

It is also worth recognising that not all presently exempt works fit neatly into a single category. For example, there are a number of works which avoid classification under both the "educate inform or instruct" exemption and the music or sports exemption. These include documentaries about musicians which feature performances by them. Some of these titles are listed in Annexes 2 and 3.

Because of this, it would be very difficult, if not impossible, to differentiate between classes of video claiming exemption. There really must be a one size fits all solution for presently exempt video works.

Q B.5 Is there any evidence to suggest that producers currently claiming the exemptions would include micro businesses?

We do not know.

Q B.6 For videos offered online, how frequently do individual products carry advice about their age-suitability or the nature of their content? How helpful are classifications and labels applied online?

To date, the BBFC has classified over 200,000 individual items of content for online distribution.

A number of online platforms carry these BBFC age ratings. These include Talk Talk, BT Vision, Netflix, Blinkbox/Tesco, Microsoft for Xbox, Sony Playstation, Vtech, British Airways. Parents report that the ratings are helpful.

Independent research carried out in June 2011 found that as more viewing takes place online, consumers expect that the same level of regulation will apply online as currently applies offline. 85% consider it important to have consistent BBFC classifications available for VOD content, rising to 90% of parents of children under 16. 89% of parents check BBFC classifications on films that they and their children download, even though this is not always easy to do. 82% of parents with children under 16 prefer to download films which

carry a BBFC online classification over those films which do not. 92% of those who regularly download films find BBFC ratings and content advice useful.

A full copy of the research is attached at Annex 6.

Q B.7 What more can be done to help parents determine whether specific online video content is, or is not, suitable for their children to see?

To help parents, content providers and platforms, the BBFC changed its online classification rules on 1 June. From that date, all works which receive a classification in the physical world also automatically receive an online certificate at no extra cost. This change ensures that greater numbers of products being exploited online carry a trusted BBFC rating and content advice.

A greater take up of the BBFC's online services by platforms such as Lovefilm and iTunes would empower parents and other caregivers and help them decide whether content is suitable for their children.

Adoption by the recorded music industry of trusted and well understood BBFC symbols and content advice for music videos distributed online would also help. A number of platforms which use BBFC symbols have indicated to us that they would carry music videos if they were age rated by the BBFC.

Questions on Options

Part B Option 0 (no change):

Q B.8 What is your overall assessment of whether this option would work, and why?

The current threshold for exemptions to the VRA is not working now and there are no indications that this will change. Annexes 2 and 3 demonstrate how some distributors are exploiting the present legal loophole in the VRA to get potentially harmful product onto the shelves, without any restrictions, which may then be freely supplied to children. No change to the law would send a message to those distributors that they may continue their present practices which we know from consumer feedback and independent research, including Mumsnet's research and qualitative research carried out in 2011 by Goldstone Perl (see Annexes 7 and 8) are causing parental concern.

Q B.9 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

Yes. This option does not work and cannot be adapted to overcome its fundamental flaws. Responsible distributors would continue to get their exempt but potentially harmful content classified. Irresponsible distributors would not. Indeed, the no change option would give the latter the green light to continue what they are doing. The current system creates an unlevel playing field with responsible distributors at a permanent disadvantage.

The voluntary nature of the decision to seek classification of graphic material also leads to consumer confusion. The very fact that some material is classified means that consumers assume that exempt material does not contain any problematic content. If they see for example a sports video with a '15' or '18'

rating they tend to assume that this will contain stronger material than another sports video with an 'E' for exempt symbol. But this is not the case. The BBFC frequently receives complaints because consumers assume that 'E' on the packaging is an official BBFC rating and that the BBFC has in fact quite deliberately given the exempt work a lower category of rating than another similar officially classified work. This confusion arises solely because of the current gap in regulation which damages the credibility of the system as a whole.

The current threshold level means that material that is potentially harmful to children has no statutory restrictions placed on its sale to minors. The public is not generally aware of this regulatory gap and therefore does not take precautions against it, in terms of restricting their children's access. This consultation represents an opportunity to end a significant loophole in current statutory protections and better protect children from harmful material.

Q B.10 What are the key advantages to this option in your view?

There are no advantages to this option. Any cost savings result purely from irresponsible distributors not paying to get their works classified and making more money by selling them to a wider audience than is appropriate because there is no age restriction on the works.

Q B.11 How do you think this option would work for the following key stakeholders:

- **consumers**
- **industry**
- **enforcement agencies**

There will be no improvement for consumers who will continue to be unhappy about certain content claiming exemption. The Mumsnet survey demonstrates very clearly the current dissatisfaction amongst consumers, particularly parents (see Annex 8).

Responsible video distributors support a tightening up of the law through a lowering of the level at which videos lose their exemption so ensuring a level playing field.

Enforcement agencies will continue to be unable to prevent potentially harmful content from being supplied to children. In 2009/2010 therefore, Local Government Regulation worked with the BBFC and BVA to draw up a proposal to tighten the law to lower the threshold at which videos lose their exemption. This proposal has been further refined and strengthened with the support of the BPI, ERA and VSC (see Annex 5).

Q.B 12 Is there anything that would improve this option for any of the stakeholders?

No.

Q B.13 Is this option a proportionate way of achieving regulatory control?

No. The loophole in the law would remain unchanged. There would be no regulatory control over exempt but harmful content.

Q B.14 Are there any other data, facts, figures or information you think that Government should take into account when considering this option?

Parents and other consumers overwhelmingly reject this option, as evidenced by the Mumsnet quantitative research (over 80% want the law to be tightened up to remove this loophole) and the Goldstone Perl qualitative research (all those surveyed wanted the law to be tightened up).

Q B.15 Are there any other observations or representations you wish to make? Please provide details here.

As the Government has recognised, when the current law was originally introduced in 1984, the exempt categories were not considered ever likely to be harmful and therefore the threshold was set extremely high. In fact the current threshold only covers material which contains: human sexual activity; 'gross' violence; human genital or excretory organs/functions; or techniques likely to be useful in the commission of offences; or are likely to stimulate or encourage sexual activity, violence or crime. This level of threshold is far too high for the proper protection of children and the vulnerable.

The Video Recordings Act now needs updating as has already occurred with video games under the Digital Economy Act 2010. Exempt material in all categories – music, educational, religious and sports – contains graphic material which should be classified and restricted for sale to minors.

Leaving the VRA unchanged would leave British children less safe than children in comparable countries. A number of other countries allow certain video works to be exempt from classification. This can cause problems, as in Ireland where the VRA is worded identically to our VRA and where there are issues over whether a work is really designed to educate, inform or instruct or is really a purely entertainment video work and where there is public disquiet over strong and very strong language in exempt works.

A number of countries allow exemptions from classification for certain video works. But they all have safeguards in place to prevent abuse. Finland and New Zealand have a failsafe button which can be triggered by the classification body to prevent harmful material being freely supplied to minors. The classification body may simply declare that a work claiming exemption is not exempt and require it to be classified. This results in very little abuse and virtually no problematic content escaping statutory classification.

In Australia, exempt video works lose their exemption from statutory classification in a variety of ways, including if a work contains "*material that would be likely to cause the film or computer game to be classified M or a higher classification*". M denotes "moderate" content. It sits between PG and MA15+ and is roughly equivalent to the BBFC's 12 classification.

In Denmark, exempt videos lose their exemption if they contain harmful material. The Danish regulator has stated that "*videos with harmful content,*

such as strong violence, sexualized behavior and nudity; racist or other discriminatory language; or drug misuse will not pass as overtly non-harmful and therefore require classification.

In Germany, educational and informational programmes (including travel, fitness or wildlife documentaries, and documentaries for children or teachers) may be declared by the copyright holder to be exempt from classification. But these works may only claim exemption if there is *"no harmful content for children and minors of all ages"* (source: FSK). If a work contains for example a *"depiction of violence ..., frightening images .. a regular classification by the FSK is required"* (source: FSK)

On a practical level, there is considerable public confusion around the exempt symbols being used on packaging. A number of distributors seek to copy the BBFC U symbol with an 'E' which encourages consumers to believe (i) that the BBFC has classified the product; and (ii) the product contains no potentially unsuitable material. Neither is true. Examples of such symbols are attached at Annex 9. Ideally, there should be an industry standard Exempt symbol which makes it clear that the BBFC has not classified the product alongside an explanatory statement to the effect that there may be content which is unsuitable for young children.

Option 1 (remove exemptions for music, sports, religious and education video works):

Q B.16 What is your overall assessment of whether this option would work, and why?

It would work for the consumer. It would provide the surest way of ensuring that all potentially unsuitable content is classified to keep it away from impressionable children.

There is a logic to require all video works to be classified. As Minister Ed Vaizey MP said during a debate on the VRA while in Opposition, *"there is some concern that music and sports videos remain exempt from classification ... There is overwhelming support for removing the exemptions. There is not a shred of logic or intellectual credibility to keeping music and sports videos exempt. Why should something be exempt just because it is of a particular genre?"* (Hansard, 7 January 2010, Col 195).

Q B.17 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

The sole disadvantage is the increased cost of classification to the industry. Most exempt videos are not harmful to, or unsuitable for, children. The video industry could argue that these products do not need to be classified. So a blanket removal of exemption could be argued as not being a proportionate response to the problem.

Q B.18 What are the key advantages to this option in your view?

Peace of mind and security for the consumer. This would constitute the strongest possible level of child protection.

Q B.19 How do you think this option would work for the following key stakeholders:

- **consumers**
- **industry**
- **enforcement agencies**

It would be perfect for consumers.

It would make law enforcement's job very easy – much easier than at present because there would be no debate about whether or not a work is exempt and so no debate about whether to take action to prevent potentially harmful or other unsuitable content from falling into the hands of impressionable children.

The BBFC would cope with the increased workload by recruiting extra staff. The BBFC has a tradition of increasing or decreasing its staff size depending on numbers of works being submitted. Evidence shows that we would be able to manage a greater volume of work without increasing costs to industry or leading to delays in classification. The BBFC has a strong track record of working with industry to meet its changing requirements, including absorbing huge increases in workload while simultaneously reducing turnaround time.

But it would not be popular with the video distribution industry because of increased costs. Retailers on the other hand would benefit from the certainty of BBFC ratings and labels which would reduce virtually to zero the number of complaints from customers who presently buy exempt product and find it is unsuitable for their children.

It would also reduce similar complaints to the BBFC from parents wanting to know why the BBFC classified a video as exempt (*sic*) when it clearly contained inappropriate content.

Q B. 20 Is there anything that would improve this option for any of the stakeholders?

The benefits of this option are its simplicity and comprehensiveness. Therefore, it is difficult to propose amendments to improve it.

Q B.21 Is this option a proportionate way of achieving regulatory control?

The BBFC recognises that under this option a large number of video works would be classified which are not potentially harmful to children. While this would give parents peace of mind, many of these works might be specialist in nature, with small sales volumes, and hence the BBFC's classification fee (albeit only on average £513 per work so far in 2012) would constitute a significant proportion of the distributors' costs. It could therefore be argued that this is not a proportionate response.

Q B.22 Are there any other data, facts, figures or information you think that Government should take into account when considering this option?

No.

Q B.23 This option could remove the potential for some video games that are primarily concerned with music, sports, religion and education to claim exemption. What evidence is there that there are significant numbers of such products? What might be the impact on them of this this option?

There are very few, if any, video games which presently claim exemption. The video game industry has by and large adopted PEGI rating for all its games which are presently exempt from classification. Any impact would be non-existent to negligible.

Q B.24 Are there any other observations or representations you wish to make? Please provide details here.

While this option would be the safest in terms of protecting children and empowering consumers, it would arguably be a disproportionate level of regulation.

Option 2 (lower the existing statutory thresholds for exemption so that more products are subject to classification):

Q B.25 What is your overall assessment of whether this option would work, and why?

The threshold at which music, sport, documentaries and religious works currently lose their exemption is far higher than is safe for the protection of children, as outlined in the response to Q. B 15. The proposed threshold under Option 2 is far more sensible and would include graphic violence, matters of a sexual nature, drug misuse, racist language, all core concerns for consumers and parents in particular.

Option 2 would therefore be the second best option for consumers compared to Option 1, because some potentially harmful product could still slip through the regulatory net. However, Option 2 would still catch most (if not quite all) potentially harmful product which is presently able to be supplied freely to children. It would be better than Option 1 for distributors.

Significantly, a very similar proposal to this Option already has the support of the mainstream home entertainment industry and the recorded music industry. TSOs and Local Government Regulation have also contributed to a proposal supported by the BBFC, BPI, BVA, ERA and VSC to lower the threshold so that more products are subject to classification (See Annex 5).

Q B.26 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

The only disadvantage is that by retaining a threshold there will always be a 'grey' area for those works on the borderline. However, a lower threshold at least minimises the potential harm of any works failing to be classified. As stated above, the only way to remove this disadvantage would be to classify all currently exempt products which it could be argued is a disproportionate response (as outlined in Q B.2).

Q B.27 What are the key advantages to this option in your view?

There are five key of significant advantages to Part B Option 2:

1. Child protection

First, the key advantage to this option is a greatly improved level of child protection. Like video game content, the content of sports, religious, documentary and music video works has changed beyond recognition since 1984 when the Video Recordings Act was first introduced. This has meant that inappropriate and potentially harmful content is exempt from statutory classification, allowing it to be legally supplied to children.

The main advantage of this option is therefore to lower the threshold to a level which will ensure that most harmful material comes within the regulatory ambit of the BBFC and cannot be sold to children. In the experience of the BBFC, all the categories of exempt works can contain harmful material with content which presents a number of different challenges as set out below:

Strong violence

Strong violence is a major concern for parents and as Annex 3 demonstrates there are number of exempt products on the market which contain material that should be considered to qualify as strong violence, for example, cage fighting, training in combat techniques including the use of knives and repeated shots of knock-out punches.

Strong language

BBFC research in preparation for our Classification Guidelines has repeatedly found that UK consumers generally believe that repeated strong language, particularly in an aggressive context should receive a higher classification and certainly should not be exempt.

Sexualisation of children

Reg Bailey's Independent Review of the Commercialisation and Sexualisation of Childhood for the Government raised serious concerns about the impact of music videos on the sexualisation of children. His report found that parents were particularly concerned about music videos. The report stated:

"Concerns focused on the sexual and violent nature of song lyrics; highly sexualised, verging on explicit, dance routines; and the stereotyped gender roles portrayed. Music videos were highlighted by some parents of boys who responded to our Call for Evidence: they expressed concern that these videos were influencing their sons' behaviour towards and perceptions of women and girls in a negative way."

(Letting Children be Children - Report of an Independent Review of the Commercialisation and Sexualisation of Childhood, page 32)

The report recommended that the Government consult on removal of the exemption for music videos because of the potential impact on children. The BBFC believes that Option 2 adequately addresses this issue of sexualisation, in relation not only to music videos but also other exempt works which can contain potentially damaging material.

Discrimination

The proposed criteria would also address the potential for currently exempt material to include references which could be considered to be discriminatory or even inflammatory in terms of race, gender and sexual orientation. This can include for example, documentaries covering issues such as the views of extreme right wing groups regarding certain races or ethnic groups. Parents should be aware if their children are watching such content.

Dangerous imitable behaviour including self harm, suicide and drugs use

Option 2 would address significant concerns about exempt material including depictions of dangerous imitable behaviour including self harm and suicide. The BBFC's policy on classifying portrayals of suicide is based on expert advice and research. It ensures that works with scenes of suicide and self harm are either given a more restrictive rating and consumers are informed of such content through consumer advice, or cut where necessary. The BBFC takes into account the vulnerability of the likely audience; the way the suicide and self harm are depicted; and in particular whether there is information in the work which could give instructional detail. Option 2 would help to ensure that depictions of suicide, suicidal behaviour and self harm are restricted to an appropriate audience, or if necessary cut. See attached as Annex 11, the BBFC's Submission to the Government Consultation on Preventing Suicide in England.

Option 2 would also enable the BBFC to deal with content featuring drugs misuse, alcohol and smoking. Children can be vulnerable to the potential glamorisation of drugs which can influence the attractiveness of drug-taking. Annex 3 contains a number of exempt works which potentially glamorise drugs misuse and which should be restricted in their sale to children.

2. Informing and empowering parents

Second, this option has the benefit of informing and therefore empowering parents if currently exempt products contain material that they would consider harmful for their children. Parents wrongly assume that exempt material is in fact within the BBFC's regulatory ambit. This means that they are not aware of the need to monitor such material in order to protect their children. The fact that some exempt material is classified by responsible distributors, while some is labelled 'E' in a manner that looks like a BBFC classification only adds to consumer confusion. This option should help to end this confusion, although as recognised above it is not as simple for parents and consumers as option 1.

3. More effective for Law Enforcement

Third, lowering the threshold will also make enforcement of the law easier for trading standards officers (TSOs). The current threshold is set so high that even when potentially harmful material is being supplied to children, TSOs are generally unable to prosecute.

4. Greater clarity for retailers

Fourth, retailers will have the advantage of a classification system that is more in line with their customer's expectations. It should mean less consumer confusion about content and therefore fewer complaints. A statutory scheme also has the benefit of clarity in terms of the implementation of the law for sales staff.

5. Proportionate for Industry

Finally, Option 2 is the closest option to that proposed by industry as being a proportionate response to the problem (see Annex 5). This option would cause minimal additional regulatory burden but would remove from the current exemption material which includes: strong violence; explicitly sexualised behaviour, including nudity; racist, homophobic or other discriminatory behaviour or language; imitable dangerous behaviour, including drug and other substance misuse; and repeated use of strong language. These are all key areas of concern for parents and society in general as outlined above. Basically the sort of videos listed in Annexes 2 and 3 which parents argue should be regulated. Responsible distributors are already voluntarily submitting such clearly problematic material and this solution would ensure a level playing field in standards.

Q B.28 How do you think this option would work for the following key stakeholders:

- **consumers**
- **industry**
- **enforcement agencies**

As stated in response to Q B. 27 consumers would benefit from this proposal because the lower threshold would bring material within statutory classification that consumers either believe should be covered for child protection reasons or believe is already covered by the BBFC. Consumer support for the change is evidenced by the Mumsnet research and Goldstone Perl research annexed to this response (see Annexes 7 and 8).

Industry and enforcement agencies both support such a change again for the reasons outlined in response to Q B.27.

Annex 5 contains a joint proposal co-written by enforcement agencies, the video and music industries, and relevant regulatory bodies to lower the threshold at which video works lose their exemption from classification. This proposal is based on what we collectively consider good for child protection and both a practical and proportionate response to the issue.

Q.B 29 Is there anything that would improve this option for any of the stakeholders?

Clear and comprehensive guidance for distributors as to when a video loses its exemption would be helpful. This need not be included in legislation but should be applied by distributors, law enforcement officials and regulators. The lack of guidance at present leads to confusion and militates against good and accurate decision making by distributors. (See Q B.3 above.)

Under this option, exempt material would still exist and therefore the comments set out in response to Q. B 15 above still apply in relation to clarity over the meaning of any exempt symbol.

Q B.30 Is this option a proportionate way of achieving regulatory control?

Yes

Q B.31 Are there any other data, facts, figures or information you think that Government should take into account when considering this option?

The BBFC believes that the Government should take into account the weight of evidence attached as annexes to this submission demonstrating that there are issues of content in each of the currently exempt categories of sufficient weight to merit action; and that such a change in regulation has the overwhelming support of consumers and particularly parents.

Q B.33 Are there any other observations or representations you wish to make? Please provide details here.

Although music videos appear to have been the main focus of political and media concern, this is not borne out by the available research. In research carried out by the BBFC, only around 20% of potentially harmful exempt videos were music videos. Furthermore, several of these were music documentaries rather than the more familiar promo videos. Of the remaining 80%, many were sports videos (mainly mixed martial arts, ultimate fighting or cage fighting videos) but the single largest genre were works designed to educate, inform or instruct, including documentaries.

It is also important to note that some of the problematic material is in mixed categories and therefore any attempt to separate out a specific exempt category would be very difficult to enforce and would damage the credibility of the statutory classification regime overall.

Option 3 (a voluntary, self-regulatory 'parental advisory' scheme) :

Q B.34 What is your overall assessment of whether this option would work, and why?

It would not work. As BVA Director General Lavinia Carey declared to BVA members in May 2012 *"the majority [of distributors] acknowledge that self regulation in this country would not achieve the same public confidence that exists in our classification regime today"*. This same view was also reported to independent researchers by leading UK film and video distributors in research commissioned by the BBFC and carried out by Goldstone Perl in June 2011, with many acknowledging that the BBFC is *"needed by industry"*. Quotes from individual distributors include *"Everyone pretty much accepts the BBFC. I think that they are pretty sound in terms of their credibility"* and *"There is an official arbitration as to what is acceptable and not acceptable. And there is a frame of reference that people can understand and relate to."* (See Annex 10).

The music industry's PAS is too arguably insufficient. It does not tell parents what the problematic content is, or what age the video is suitable for. It has been suggested by some that PAS is more of a marketing tool rather than a trusted guide for parents.

Different self regulatory regimes, with their own distinct symbols and differing standards, alongside other products with trusted BBFC symbols is potentially confusing for consumers. A single classification regime, with a single set of age-related symbols, using consistent standards and criteria is the most effective way of warning consumers of potentially problematic content.

Q B.35 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

It is potentially confusing for consumers. It does not give parents the information they need. The near certainty of different standards risks damaging faith in classification. Although BBFC standards are derived from wide scale public consultation and other research, and are consequently trusted by the public, there would be no guarantee that any self regulatory regimes would be so well grounded in research.

As stated in response to Q B. 33, some exempt material spans more than one category, for example a documentary could contain elements of music. Different self regulatory regimes would cause major categorisation issues which would be difficult to understand for consumers.

Q B.36 What are the key advantages to this option in your view?

There are no advantages.

Q B.37 How do you think this option would work for the following key stakeholders:

- **consumers**
- **industry**
- **enforcement agencies**

It would not work for consumers. It would not engage law enforcement. It would work for those parts of industry wishing to save money at the expense of child protection and consumer empowerment and of the reputation of the

industry they represent. But it is important to note that neither the BVA or the BPI support this option.

The video industry could be damaged by this option. This is because less scrupulous distributors are likely to be lax when it comes to labelling and self classification, leading to greater numbers of public complaints about the industry generally.

Retailers would risk having to deal with a greater volume of consumer complaints if standards under any self labelling regime were not sufficiently robust.

Q.B 38 Is there anything that would improve this option for any of the stakeholders?

No.

Q B.39 Is this option a proportionate way of achieving regulatory control?

No. It would not improve child protection one jot and would most likely cause consumer confusion.

Q B.40 Are there any other data, facts, figures or information you think that Government should take into account when considering this option?

No.

Q B.41 Are there any other observations or representations you wish to make? Please provide details here.

No.

ANNEXES

Annex 1 – Joint BBFC/CAA/CEA proposal on cinema advertising

Annex 2 – selection of exempt videos about which the BBFC has received complaints

Annex 3 – representative selection of videos on sale claiming exemption and of concern for child protection reasons

Annex 4 –representative selection of videos released as exempt, or without BBFC classification, that arguably should have BBFC classification under current VRA

Annex 5 –Exemptions consultation: joint proposal by BBFC/BPI/BVA/ERA/VSC

Annex 6 – BH and Associates research into consumer attitudes to online media regulation

Annex 7 – Goldstone Perl Research into consumer attitudes to exempt content

Annex 8 – Mumsnet research into parental attitudes to exempt content

Annex 9 – Examples of confusing 'Exempt' symbols in present use.

Annex 10 – excerpt from Goldstone Perl research into the attitudes of the film and video industry towards BBFC regulation

Annex 11 – BBFC Submission to the Department of Health Consultation on Preventing Suicide in England



ANNEX 1 - CINEMA ADVERTISING: JOINT PROPOSAL BY THE BBFC, CAA AND CEA

Executive Summary

The British Board of Film Classification (BBFC), Cinema Advertising Association (CAA) and Cinema Exhibitors' Association (CEA) believe that future pre-clearance of cinema advertisements – namely paid for marketing communications promoting a commercial brand or service – should be carried out by one regulator rather than two under a self-regulatory regime – ensuring pre-clearance in line with the advertising codes. The ASA would continue to play a corrective role.

The BBFC should however continue to classify all other theatrical works, including trailers and public information and campaigning films.

Detail

Who we are

The BBFC is an independent, private, not for profit company which classifies films and video works based on years of expertise and published Guidelines which reflect public opinion and the risk of harm. The CAA is the representative body for cinema advertising contractors in the UK and maintains a dedicated copy panel for clearance. The CEA represents the interests of well over 90% of UK cinema operators by number and market share; ranging from single screen/owner-managed sites to the largest circuit and multiplex operators.

The paper below represents the views of all three organisations.

Present regulatory regime

The pre-clearance of on-screen cinema advertising is currently done by two organisations: the CAA and the BBFC.

The CAA maintains a Copy Panel to pre-clear cinema commercials in compliance with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP code). Correct application of the code is overseen by the Advertising Standards Authority (the ASA) which ensures that all advertising is 'legal, decent, and honest and truthful' under the terms of the CAP code.

The BBFC classifies the commercial according to its published Classification Guidelines, which are themselves the result of extensive public consultation. (The BBFC sought the views of 20,000 people during each of its two most recent Guidelines consultations in 2005 and 2009.)

Applying the CAP Code and BBFC Guidelines involves a duplication of responsibilities with regard to the protection of children and some aspects of legality.

But only the CAP code regulates cinema commercials to ensure that they are 'honest and truthful'.

The CAP code and legality

All the Acts of Parliament that apply to films shown in the cinema apply equally to cinema advertising – for example, the Cinematograph Films (Animals) Act 1937. This will continue to be the case. Also, all Acts the BBFC applies to theatrical works such as feature films, are equally applicable to advertisements under the CAP Code alone.

Besides adhering to the above and other Acts, the CAP Code itself requires attention to further legal and trading matters not encompassed by the BBFC Guidelines. For instance, the terms, conditions and warnings required in financial advertising. Or the definition of a 'free' offer. The concept of 'legality' as conceived in the CAP Code is therefore broader than that contained in the BBFC Guidelines. Crucially, the CAP Code requires that no marketing communication should incite anyone to break the law and this requirement has been broadly interpreted by ASA Council.

The ramifications of this interpretation are seen most clearly in the Motoring section of the codes. Commercials may not show cars being driven on a public highway in such a way as would break the Highway Code. Safety-belts must be worn by occupants. A car should always appear to be driving within the applicable speed limit for the environment. An impression of high speed created through editing or use of wide-angle lenses is as illegitimate under the CAP Codes as a straight visual of a speedometer indicating 40mph as the car speeds through a 30mph limit. Furthermore, marketers must not make speed or acceleration the main message of their advertisements.

Advertisements for goods in the specialist areas of Weight Control and Slimming; Medicines, Medical Devices, health Related Products and Beauty Products; Food, Food Supplements and Associated Health or Nutrition Claims must comply with specific codes. These are designed to ensure compliance with legal requirements such as MHRA registration, safe usage and other health concerns, as well as appropriate targeting.

Gambling ads must clear the minimum legal age for making use of the good or service, and must also make clear that gambling is not a solution for financial problems. In addition, the advertising of some forms of gambling is illegal in certain parts of the UK and the CAA must restrict their screening accordingly.

The CAP code and the protection of children

The protection of children is central to the BBFC Guidelines and its 'U', 'PG', '12A', '15' and '18' classifications. In its classification decisions, the BBFC considers whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding

social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

The protection of children is also essential to the CAP code. This is largely articulated through Sections 5 (Children) and 4 (Harm and offence), which follow closely the protection of children encompassed in the BBFC guidelines. They are designed to prevent children from being enticed into moral, physical or psychological harm, and reflect the norms of society with regard to what is appropriate for children to see and hear.

The CAP codes specific to commercials featuring or addressed to children have been refined in their interpretation over the years. A young child may not be seen in a room with an unguarded fire even in the presence of adults. A young child may not be seen on a public street without direct adult supervision being established, unless it is on the grounds of promoting safety. Ads addressed to children must not actively encourage them to pester their parents and must make clear that adult permission is required if a prize or incentive might cause conflict between a child's desire and a parent's authority. Equally, such ads must not tend to make children feel inferior or lacking in duty or loyalty if they do not buy a product.

Restricting the screening of cinema commercials

When the CAA Copy Panel approves a commercial under the CAP codes, it bears in mind the fact that the codes can be interpreted in light of the likely audience. An advertisement acceptable for older children might not be acceptable for younger ones. Some ads may be appropriate only for teenagers and adults. Others for adults alone. The BBFC works in exactly the same way when making age related classification decisions against its Guidelines.

Cinema advertising is sold on the basis of the films it is booked to accompany. Because of this fact, the Panel therefore has two ways to restrict the screening of an ad to ensure it plays before an age-appropriate audience, and it applies these restriction methods bearing in mind that the audience has chosen to see the feature film, not the advertisements.

The first method is to restrict a commercial to screening with films of a certain BBFC category and above. This may be for the protection of children, or on the grounds of public expectations with regard to the content of advertising in general. The second method is to take into account the genre of the film the advertisement is to accompany and the audience it is likely to attract: a 'U' certificate documentary on global warming will be seen by a very different audience to the 'U' certificate *Arthur Christmas*.

The most commonly used method of restriction is the first: relating the screening of a commercial to a particular BBFC certificate level. A classification category may be said to encompass a broad band of material. A film may be given a BBFC '15' certificate for one or more elements drawn from discrimination, drug use, horror, imitable behaviour, language, nudity, sex, theme or violence. But whatever the reason, the audience will have actively chosen to see the movie, however extreme it may be, based on expectations of the particular genre at the given classification and on the Consumer Advice and Extended Classification information provided by the BBFC. In contrast, the audience will not have chosen to see the accompanying commercials.

Both the Copy Panel and BBFC therefore take a cautious approach when judging what will be acceptable in a commercial to run with a '15' film.

It is fair to say that the Copy Panel perceives the middle-to-lower end of the band that defines a '15' film as properly reflecting what may be seen or heard in an ad which must only accompany '15' films and above. An ad which presented material at the top end of the BBFC '15' certificate would likely receive a CAA restriction to screen only with '18' certificate films. This cautious approach is applied to all commercials in relation to the certificates of films they are allowed to accompany.

For the same reasons, it is fair to say that the BBFC's classification decisions for trailers advertisements may be more restrictive than for equivalent material in a main feature. For example, strong language is not permitted in advertisements or trailers at any category below '15'.

Impact on public of moving to a single, industry regulator

The above description of the current process demonstrates the similarities between the CAA and BBFC's pre-release scrutiny of commercials and how the two systems dovetail. In the event of the BBFC withdrawal from cinema advertising clearance, the public should not therefore perceive any change in their cinema experience. The cinema audience will not suddenly be presented with commercials it felt inappropriate to be seen with a particular certificate of film.

Nevertheless, when applying any code or guideline, some degree of judgement is always necessary. Presently any discrepancy of judgement between the BBFC and the CAA Copy Panel over a commercial is resolved by always applying the more restrictive of the two decisions. Thus, an ad deemed suitable for accompanying '12A' films by the BBFC might be judged suitable only for '15' films by the CAA. It therefore screens only with '15' films. Higher restrictions are regularly imposed on commercials by the CAA Copy Panel (though these are generally down to bilateral agreements between the BBFC and CAA to allow the CAA a wide margin for discretion rather than because the BBFC and CAA Copy Panel have widely differing standards).

With a sole pre-clearance body this mechanism would no longer exist but a corrective role would remain with the Advertising Standards Authority, which oversees the interpretation of the CAP Code. The ASA would continue, as now, to respond to public complaints, to monitor the proper application of the Code, and in the event of investigation, to issue ASA Council decisions to the advertiser and the CAA Copy Panel.

The industry will continue to restrict the exhibition of commercials by way of relating them to BBFC certificates. Therefore a degree of ongoing liaison will continue between the BBFC and the Copy Panel. This would ensure the integrity of the BBFC Guidelines coherent with public expectations regarding advertising.

Other options

Another option would be for the BBFC to be the single regulator of theatrical advertisements. However, we do not favour this approach. This is because the BBFC restricts its classification considerations to issue of harm, offence and legality outside advertising rules. It does not consider certain legal and trading issues relevant only to advertising. It could do so but the relevant expertise presently lies

with the Copy Panel and we see no compelling reason to move where this expertise resides.

BBFC/CAA/CEA
July 2012

ANNEX 2 – SELECTION OF EXEMPT WORKS ABOUT WHICH THE BBFC HAS RECENTLY RECEIVED COMPLAINTS

Title	Detail of Complaint
Ultimate Fighting Championship DVDs	DVD series contains images of strong, bloody sporting violence
His Name is Jason	Documentary about horror film series. Contains scenes from the films, including strong language, violence, explicit sexual references and breast nudity
Flaming Lips – Christmas on Mars	Strong language, close-ups of female genitalia, sight of a baby being crushed underfoot
Lady Gaga – Born this Way	Music video. Nudity, demeaning portrayal of women
Living and Growing	Channel 4 sex education work, contains animated clips of sexual activity
The Prisoner TV series box set	Box set rated 'PG' but contains exempt documentary with strong language
The World at War	World War II documentary contains scenes of suffering and death
The Wrecker	Footage of real train crashes with sight of casualties and corpses
Pussycat Dolls Workout	Exercise video. Contains sexually provocative poses and movements
Russell Brand on the Record	Stand-up comedy. Contains explicit sexual references and strong language.
Mondo Cane / Mondo Cane 2	'Reality' nature documentaries. Features real footage of animals being killed
Beyonce – Live at Roseland	Concert recording. Beyonce dances suggestively in underwear
Girls Aloud music videos	Content is sexually provocative
Professor Green - Jungle	Music video. Accused of 'normalising' violence.
River Academy – Early Season Trout Fishing	Angling documentary. Contains strong language.
Lady Gaga - Paparazzi	Music video included on a POP PRINCESSES video compilation with CD. Contains sexually provocative material and revenge / murder theme.
The Persuaders TV series box set	Box set rated 'PG' but contains exempt documentary with very strong language.
Summer Holiday Dance Craze	Music video compilation. Bikini-clad female models dance in sexually provocative manner.
Liberty X – Everybody Cries	Music video. Pop group seen walking along railway tracks. Dangerous imitable behaviour.
Pop Junior DVD	Music video compilation accompanying CD. Contains inappropriate content for children.

ANNEX 3

Representative selection of videos on sale claiming exemption and of concern for child protection reasons

<u>Title</u>	<u>Issues</u>	<u>Genre</u>
Ali - In His Own Words	Sporting violence	Boxing compilation
American Wrestling Classics: Volume 1	Sporting violence	Wrestling compilation
Behind The Mafia	Violence	Documentary
Beyonce 4: Live At Roseland	Sex references	Music
Bitch Of Buchenwald, The	Violence; genocide	Documentary
Black Dahlia Murder – Majesty	Drug use; imitable behaviour	Documentary
Blur - No Distance Left To Run	Very strong language	Music / documentary
Born To Kill? (3 DVD box set)	Violence	Documentary
Boxing [The Ultimate Collection]	Sporting violence	Boxing compilation
Boxing Tips & Techniques: Volume 1	Sporting violence	Boxing instruction
Boxing Tips & Techniques: Volume 2	Sporting violence	Boxing instruction
Boxing Tips & Techniques: Volume 3	Sporting violence	Boxing instruction
Boxing's Greatest Fights	Sporting violence	Boxing compilation
Britain's Bloodiest Serial Killers	Violence; gore	Documentary
Cage Rage #23	Sporting violence	MMA compilation
Cage Rage #24	Sporting violence	MMA compilation
Cage Rage #25	Sporting violence	MMA compilation
Cage Rage #26	Sporting violence	MMA compilation
Cage Wars Championship: Validation	Sporting violence	MMA compilation
Cannibal Corpse: Centuries Of Torment	Language; gore	Music
Cannibal Corpse: Live Cannibalism	Language; gore	Music
Christina Aguilera Back To Basics Live Down Under	Sex references	Music
Christmas On Mars	Nudity; gore; language	Music / Film
Cold Case Files: The Zodiac Killer	Violence	Documentary
Commando Combat Knife Assault Juan Hombre	Violence; imitable behaviour	Self defence instruction
Commando Krav Maga Street Survival	Violence; imitable behaviour	Self defence instruction
Cradle Of Filth: Evermore Darkly	Violence; sexualised nudity	Music
Crimes That Shook Britain	Violence	Documentary
Defence Against Knives	Violence; imitable behaviour	Self defence instruction
Documentaries That Changed The World	Violence; injury detail	Documentary
Executioners, The	Real life execution footage	Documentary
Fear No Man! Vol.3 Combat Knife Fighting	Violence; imitable behaviour	Self defence instruction
Female MMA Revolution – These Girls Can Fight	Sporting violence	MMA compilation
Fight Quest	Violence	Documentary
Filipino Martial Arts: Knife defence	Imitable violence	Self defence instruction
Final 24 - John Belushi	Drugs	Documentary
Frankie - Greatest Hits	Sex references	Music
Fright Night (8-disc box set)	Horror	Documentary
Gaea Girls / Shinjuku Boys	Sporting violence; sex refs	Documentary
Gangland - Complete Season 1 & 2	Drug references; criminal activity	Documentary
Gangland - Season 3	Drug references; criminal activity	Documentary
Ghost Hunters – Back From The Dead	Horror	Documentary
Ghost Hunters - Stories From The Other Side	Horror	Documentary
Ghosts Of Essex	Horror	Documentary
Ghosts Of Gloucestershire	Horror	Documentary
Ghosts Of The North West: Box Set	Horror	Documentary
Gorgoroth - Ad Majorem Sathanas Gloriam	Sexualised nudity; gore	Music
Gorgoroth – Black Mass Krakow 2004	Gore	Music
Graphic Sexual Horror: Special Edition	Fetish sex	Documentary
Hammer Horror	Violence	Documentary
Haunting In Connecticut	Horror; violence	Documentary
Haunting, A: 8 DVD Box Set	Horror	Documentary
Hidden Weapons by Thierry Delhief	Imitable violence	Self defence instruction

His Name Was Jason	Language; gore	Documentary
ICE T Players Toast	Sexualised nudity; language	Music event
Infamous Serial Killers Of Our Time	Gore	Documentary
Irving Klaw Classics - Bettie Page & Dancing Films	Sexual content	Strip tease
Irving Klaw Classics – Wrestling/Fetish	Sexual content	Strip tease
Islam Rising: Radical Islam's Vision...	Real-life killing; racial hatred	Documentary
Jack The Ripper Conspiracies	Gore	Documentary
Jessie J - Who You Are (Special Edition)	Sex references; language	Music
Jim Wagner - Air Gun training	Imitable violence	Self defence instruction
Jim Wagner - Police And Military Knife Defence	Imitable violence	Self defence instruction
Jim Wagner – Reality Based Defensive Tactics	Imitable violence	Self defence instruction
Jim Wagner - Ultimate Knife Training	Imitable violence	Self defence instruction
Jonestown – The Life & Death Of Peoples Temple	Injury detail; language	Documentary
K-1 Dynamite 2007	Sporting violence	MMA compilation
Kanye West - Storytellers / VH1	Sex references	Music
Kasabian Live! – Live at the O2	Language	Music
Keith Moon - His Final Hours	Drugs	Documentary
Kill The Record Labels	Sex references	Documentary
Krav Maga Self Defence – Street Fighting	Imitable violence	Self defence instruction
Lady Ga Ga: The Monster Ball Tour	Sex references; language	Music
Lily Allen - It's Not Me It's You	Language; sex/drug references	Music / documentary
Lockdown 2007	Sporting violence	Wrestling compilation
London Gangsters	Language; violence	Documentary
London Urban Collective – Inferno	Language	Music
Lynch (One)	Strong language	Documentary
Macintyre: World's Toughest Towns	Street violence	Documentary
Madonna – Celebration	Sex refs; sexualised nudity	Music
Madonna - Out On The Floor	Language; sex references	Music / documentary
Madonna - Sticky & Sweet Tour	Language; sex references	Music
Marilyn Manson - Australia '99	Language	Music
Mayhem - Pure Fucking Mayhem	Language	Music / documentary
Mondo Cane	Violence, injury detail	Documentary
Mondo Cane 2	Real life killing; animal cruelty	Documentary
Motley Crue - Greatest Hits	Sexualised nudity	Music
Motley Crue - Spirit Of Buenos Aries	Sex and nudity	Music
Muhammad Ali	Sporting violence	Boxing compilation
Muhammad And Larry	Sporting violence	Boxing compilation
My Chemical Romance - Black Parade	Strong language	Music
My Kidnapper	Very strong language, threat	Documentary
Nazi Hate Rock	Racism	Documentary
Never Sleep Again: The Elm St. Legacy	Violence; gore	Documentary
No Impact Man	Strong language	Documentary
Notorious Killers	Violence; sex references	Documentary
Obsession: Radical Islam's War Against The West	Injury detail	Documentary
Pink - Greatest Hits DVD	Sex references; language	Music
Pink - Live From Wembley	Language; sex references	Music
Pop Princesses 2010	Sex references	Music
Pride - Shockwave 2006	Sporting violence	MMA compilation
Pride 31 – Unbreakable	Sporting violence	MMA compilation
Pride 32 - The Real Deal	Sporting violence	MMA compilation
Pussycat Dolls Workout	Sexualised dancing	Fitness video
Robbie Williams - In & Out Of Consciousness	Nudity; drugs; language; gore	Music
Rob Zombie – Hellbilly Deluxe	Nudity; language; horror	Music
S.O.G. – Close Combat – D.A.S. Techniques	Imitable violence	Self defence instruction
SAS in Action, The	Violence	Documentary
SEAL Program Knife Combat	Imitable violence	Self defence instruction
Self Defence Against Knives 2	Imitable violence	Self defence instruction
Serial Killers – The Evil Inside	Violence	Documentary

Serial Killers: Bob Berdella	Violence; gore	Documentary
Serial Killers: Deadly Dentist	Violence; gore	Documentary
Shaolin Warrior: Fighting Punches & Kicks: Vol 2	Martial arts violence	Martial arts instruction
Shaolin Warrior: Shaolin Bootcamp: Vol 1	Martial arts violence	Martial arts instruction
Shaolin Warrior: Shaolin Qigong for Lower Body	Martial arts violence	Martial arts instruction
Shaolin Warrior: Shaolin Qigong for Upper Body	Martial arts violence	Martial arts instruction
Slipknot - (sic)nesses	Language; bloody images	Music / documentary
Slipknot - All Hope Is Gone	Language; imitable behaviour	Music / documentary
Slipknot - From Here To Eternity	Language; gore	Music / documentary
Slipknot - Keep The Face	Language; gore	Music
Slipknot - Slipknot 10th Anniversary	Language; self-harm	Music / documentary
Street Defence Stick, Street Cane, Makeshift Means	Violence; imitable behaviour	Self defence instruction
SWAT International Weapon Retention	Imitable violence	Self defence instruction
Tattoos - A Scarred History	Imitable / dangerous behaviour	Documentary
The 10 Greatest Heavyweights Of All Time	Sporting violence	Boxing compilation
The Last American Freak Show	Nudity; language; drugs	Documentary
The Prodigy: World On Fire	Strong language	Music
The Street Fighter's Toolbox by Joe Hubbard	Imitable violence	Self defence instruction
The Trials Of Darryl Hunt	Injury detail	Documentary
Third Jihad, The	Real-life killing; injury detail	Documentary
UFC Ultimate 100 Greatest Fight Moments	Sporting violence	MMA compilation
UFC Ultimate Fighting Championship 82	Sporting violence	MMA compilation
UFC Ultimate Fighting Championship 85	Sporting violence	MMA compilation
UFC: 100 - Making History	Sporting violence	MMA compilation
UFC: 107 - Penn vs. Sanchez	Sporting violence	MMA compilation
UFC: 118 - Edgar vs. Penn	Sporting violence	MMA compilation
UFC: 119 - Mir vs. Cro Cop	Sporting violence	MMA compilation
UFC: 120 - Bisping vs. Akiyama	Sporting violence	MMA compilation
UFC: 121 - Lesnar vs. Velasquez	Sporting violence	MMA compilation
UFC: 122 - Marquardt vs. Okami	Sporting violence	MMA compilation
UFC: 123 - Rampage vs. Machida	Sporting violence	MMA compilation
UFC: 124 - St-Pierre vs. Koscheck 2	Sporting violence	MMA compilation
UFC: 125 - Resolution	Sporting violence	MMA compilation
UFC: 126 - Silva vs. Belfort	Sporting violence	MMA compilation
UFC: 127 - Penn vs. Fitch	Sporting violence	MMA compilation
UFC: 128 - Shogun vs. Jones	Sporting violence	MMA compilation
UFC: 129 - St. Pierre vs. Shields	Sporting violence	MMA compilation
UFC: 130 - Rampage vs. Hamill	Sporting violence	MMA compilation
UFC: 131 - Dos Santos vs. Carwin	Sporting violence	MMA compilation
UFC: 132 - Cruz vs. Faber	Sporting violence	MMA compilation
UFC: 133 - Evans vs. Ortiz	Sporting violence	MMA compilation
UFC: 83 - Serra vs. St-Pierre 2	Sporting violence	MMA compilation
UFC: 88 - Breakthrough	Sporting violence	MMA compilation
UFC: 89 - Bisping vs. Leben	Sporting violence	MMA compilation
UFC: 90 - Silva vs. Cote	Sporting violence	MMA compilation
UFC: 91 - Couture vs. Lesnar	Sporting violence	MMA compilation
UFC: 93 - Franklin vs. Henderson	Sporting violence	MMA compilation
UFC: 94 - St Pierre vs. Penn 2	Sporting violence	MMA compilation
UFC: 97 - Redemption	Sporting violence	MMA compilation
UFC: 99 - The Comeback	Sporting violence	MMA compilation
UFC: Bad Blood	Sporting violence	MMA compilation
UFC: Best of 2010	Sporting violence	MMA compilation
UFC: The Best of 2008	Sporting violence	MMA compilation
UFC: The Best of 2009	Sporting violence	MMA compilation
UFC: Ultimate Knockouts 8	Sporting violence	MMA compilation
UFC: Ultimate Knockouts 9	Sporting violence	MMA compilation
UFC: Ultimate Matt Hughes	Sporting violence	MMA compilation
UFC: Ultimate Royce Gracie	Sporting violence	MMA compilation

Ultimate Fighting Championship UFC Best of 2007	Sporting violence	MMA compilation
Ultimate Knockouts 7	Sporting violence	MMA compilation
Urban Krav Maga – The Real Deal	Imitable violence	Self defence instruction
Vampire Secrets Box Set	Horror	Documentary
Vampires – Complete Guide To World Of Undead	Horror	Documentary
War You Don't See, The	Real life killing; language	Documentary
Warfile - The Viet Cong	Injury detail	Documentary
When You're Strange	Drug references; language	Music / documentary
Whirlwind Nunchakus - 18 Preliminary Stances	Martial arts violence	Martial arts instruction
Whirlwind Nunchakus - 19 Stances	Martial arts violence	Martial arts instruction
Whirlwind Nunchakus - Intermediate Course	Martial arts violence	Martial arts instruction
Who Killed Nancy	Language, sex / drug references	Music / documentary
Wrecker, The	Real life killing	Documentary

ANNEX 4 – representative selection of videos released as exempt, or without BBFC classification, that arguably should have BBFC classification under the current VRA

All these works were on sale during June 2012.

1. The first batch of titles are fictional narrative films which are claiming because they are concerned primarily with religion. The exemption claim is debatable.

Another Perfect Stranger

Feature film based on a novel by Christian novelist David Gregory.

Behind The Sun

Drama about a young Muslim man who converts to Christianity.

Deadly Choice

Abortion-themed drama.

Final Solution

Fictional apartheid drama.

Forgiven

Western about a wrongly accused ex-convict on the hunt for some missing gold.

In The Blink of an Eye

A fictional "apocalyptic suspense thriller".

Jerusalem Countdown

Drama about nuclear confrontation in the Middle East.

Sarah's Choice

Abortion themed drama.

Unidentified

UFO drama.

The Moment After Two: The Awakening

Thriller about a former FBI agent.

The Secrets of Jonathan Sperry

Three boys are befriended by an old man in the summer of 1970.

2. The following titles are a selection of naturist DVDs that have not been classified by the BBFC and are being sold on UK websites. These DVDs feature sight of human genitalia and consequently arguably not exempt.

Please note that following action by the BBFC and TSOs, Health & Efficiency appears to be no longer selling naturist DVDs featuring children and which arguably contained indecent images of children. The titles which the BBFC brought to the attention of TSOs and the police included *Merry Pool*, *On The Lake* and *Family visit*. As of June 2012, they appear to be no longer on sale.

Bare Necessities – Nude Cruising

A collection of three films featuring cruises from Central America, the Mediterranean and the South Pacific.

Britain's Bare Beaches

A look at fifteen of the country's most popular naturist beaches.

Clothes Free TV (DVD series in 12 volumes)

A compilation of naturist news, sport and other events from around the world.

Florida Naturally / Mediterranean France Naturally / Palm Springs Naturally / The Algarve Naturally

Naturist DVDs set at different resorts/locations.

Maslin Beach

1997 Australian nudist romantic drama.

3. The following titles are a representative sample of DVDs on sale with no BBFC category symbols or register numbers. The grounds on which the works appears to be claiming exemption are shaky at best.

Adua and her Friends

Italian drama about a group of prostitutes who open a restaurant when their brothel closes.

Circle of Deceit

1981 war drama.

Five Cartridges

Spanish Civil War drama.

Moscow Does Not Believe in Tears

1980 Russian drama.

The Railroad Man

Italian family/political drama.

The Second Track

Political thriller.

She (Merian C. Cooper version – Kino DVD)

1935 version of the classic H. Rider Haggard adventure story.

Stilles Land (Silent Country)

1992 drama about life in East Germany after the fall of the Berlin Wall.



BRITISH VIDEO ASSOCIATION



ANNEX 5: JOINT PROPOSAL BY BBFC, BVA, BPI, VSC AND ERA

A joint BBFC, BVA, BPI, VSC and ERA proposal that any works being distributed in future in exempt genres containing the content described below should be classified under the Video Recordings Act and an age-appropriate classification decision given, along with bespoke consumer advice to empower consumers and protect children from potentially harmful content.

Strong violence

Strong violence means a focus on the depiction of realistic violence, whether real or simulated, including an emphasis on injury or blood. Of particular concern are depictions of strong violence which feature an enhanced focus on violence through for example slo-mo replays of violent moves and any potentially dangerous combat techniques which may be copied. It includes depiction of the aftermath of violence, including self-mutilation, scarification, DIY surgery and self-harm. It includes depictions of violent acts in which the "victim" is consenting to those acts. It also includes material which may stimulate or encourage strong violence, including verbal references which may promote or glamorise violence or present violence as a normal solution to problems. It includes depictions of strong violence involving animals where a human agent is involved (eg arranged animal fights). It includes any portrayal of sexualised or sexual violence.

Explicitly sexualised behaviour, including nudity

This includes images which involve genital, buttock or breast nudity which are designed to titillate and arouse. It includes topless dancing, including lap and pole dancing. It includes strong images of simulated human sexual activity.

It includes strong, explicit verbal descriptions of human sexual activity.

It does not include natural breast or buttock nudity in a non sexual context.

Racist, homophobic or other discriminatory behaviour or language

Racist language includes derogatory terms and dialogue relating to race which criticise an individual or a group of individuals on the grounds of, or by making reference to, race. Homophobic language includes derogatory terms and dialogue relating to sexual orientation which criticise an individual or a group of individuals on the grounds of, or by making reference to, sexual orientation. Other discriminatory language includes derogatory terms and dialogue relating to issues such as gender or disability which criticise an individual or a group of individuals on the grounds of, or by making reference to, these matters.

Imitable dangerous behaviour, including drug and other substance misuse

This includes content featuring drug and alcohol misuse. Of particular concern are verbal or visual depictions which glamorise, normalise or otherwise promote such misuse, especially if the misuse is carried out by a figure with significant appeal to

children or young people. Depictions of drug misuse which offer instructive detail are also of particular concern.

It also includes verbal or visual depictions of tobacco use which glamorise or otherwise promote tobacco use, particularly where tobacco is being used by a character or characters with significant appeal to children or young people. Also of concern are depictions of tobacco use which suggest its use is normal for children or young people.

This content also includes potentially dangerous behaviour which is presented as safe or fun or attractive and can be relatively easily imitated by children or young people.

Repeated use of strong language

Strong language means: fuck and its variants, motherfucker, cocksucker and cunt.

It does not include infrequent (ie fewer than five uses in a feature length work) use of strong language.

BBFC/BVA/BPI/VSC/ERA

July 2012