



Australian Government

Classification Review Board

5 November 2008
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: The Hon Trevor Griffin (Acting Convenor)
Ms Irina Kolodizner
Mr Brook Hely

APPLICANT Sony Pictures Home Entertainment

INTERESTED PARTIES Young Media Australia

BUSINESS To review the Classification Board's decision to classify the film *Open Season 2* PG with the consumer advice 'Mild violence and coarse language'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified the film 'PG', with the consumer advice 'Mild animated violence'.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. Section 9 provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Relevantly, the Code in paragraph 5 of the Table under the heading 'Films' provides that:

Films (except RC films, X 18+ films, R 18+ films, MA 15+ films and M films) that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians are to be classified 'PG'.

The Code also sets out various principles to which classification decisions should give effect, as far as possible.

Section 11 of the Act requires that the matters to be taken into account in making a decision on the classification of a film include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) the literary, artistic or educational merit (if any) of the film; and
- (c) the general character of the film, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

Three essential principles underlie the use of the *Guidelines for the Classification of Films and Computer Games 2005* (the Guidelines), determined under s 12 of the Act:

- the importance of context
- the assessment of impact, and
- the six classifiable elements – themes, violence, sex, language, drug use and nudity.

3. Procedure

The Review Board convened on 5 November 2008 to consider an application for review received from Sony Pictures Home Entertainment on 29 October 2008.

Three members of the Review Board viewed the film on 5 November 2008.

The Review Board heard oral submissions from Ms Gail Grant, Mr Dario Falzon, Ms Jackie Cooper and Ms Claire Summers representing the applicant. These submissions were in addition to written submissions provided prior to the hearing and a summary of key points distributed to the Review Board at the hearing.

The Review Board also received a written submission from Young Media Australia, as an interested party.

The Review Board then considered the matter.

4. Evidence and other material taken into account

In reaching its decision the Review Board had regard to the following:

- (i) Sony Pictures Home Entertainment's application for review
- (ii) Sony Pictures Home Entertainment's written and oral submissions
- (iii) Young Media Australia's written submission
- (iv) the film, *Open Season 2*
- (v) the relevant provisions of the Act, the Code and the Guidelines, and

(vi) the Classification Board's report

5. Synopsis

The film is an animated feature about the efforts of a dachshund, Mr Weenie, to escape his owner and join his freewheeling friends in the wild. The film centres on the adventures of Mr Weenie and his friends, including a bear 'Boog', a deer 'Elliot', a female deer 'Giselle' and others in their efforts to secure Weenie's place in the wild. The film is a sequel to the film Open Season.

6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under various classifiable elements:

(a) Themes – themes of fun, adventure and challenge, as well as of friendship and camaraderie, could be discerned in the film.

(b) Violence – There are a number of instances of violence throughout the film, including the following:-

At 5 to 7 minutes there is an extended sequence where live rabbits are thrown at other animals or objects in volleys, as if the rabbits are ammunition, hitting animals or other objects;

At 11 minutes Elliot, the deer, holds a live rabbit with hands around its neck as though throttling it, and slaps the rabbit;

At 19 minutes Fifi, the poodle, threatens to tear apart a live rabbit which has its back to a large rubbish bin;

At 31 minutes Bob, the husband of Mr Weenie's owner, experiences an electric shock;

At 35 minutes, Mr Weenie is interrogated harshly by Fifi and her cohorts, in which Mr Weenie looks frightened and vulnerable.

At 38 minutes Fifi is almost electrocuted as she rushes through an electrified perimeter fence. Fifi is momentarily replaced by an image of her skeleton. Then smoke is seen rising from her head and she appears temporarily to have been seriously injured. When next seen, she shows physical signs of a burn injury to the head.

At 56 minutes Fifi ties up Giselle, the female deer, and McSquizzy, the squirrel, threatening them and ordering that they be fitted with electric collars, implying that they will be electrocuted – the scene is shot in low light and has a sinister character;

At 59 minutes Fifi has tied up Elliot with Giselle and is threatening to electrocute the pair at the end of a 60 second count down;

At 62 minutes a gas station explodes in a large explosion, with the gas station attendant blackened in a comical manner.

At 63 to 65 minutes several snipers appear suddenly, aiming and subsequently firing their guns (containing what appear to be tranquiliser darts) at Boog and Elliot. The sequence is extended and involves many near misses and darts being fired into bystanders, walls etc.

At 64 minutes Fifi receives an electric shock from the collars she had attempted to use on Elliot and Giselle, and then collapses.

(c) Language – there is one occasion where McSquizzy, the squirrel, uses the word ‘crap’, referring to a statement regarded by the squirrel as untrue. In the Review Board’s view the word is not easily discernible and could easily be missed.

7. Reasons for the decision

The submission of the Applicant was that the PG classification and the consumer advice determined by the Classification Board were too severe. The Applicant submitted that the consumer advice ‘coarse language’ was unwarranted in light of the fact that any strong language used is justified by context, is ‘comedic in nature and tone’ and ‘is used within the context of a “character trait’’. The Applicant further submitted that the violence in the film is mild and comedic in nature and context, and that its animated nature substantially mitigates any on-screen impact. It also submitted that the consumer advice ‘mild violence’ may give the misleading impression that the film contains actual (i.e., non-animated) violence and, accordingly, any such consumer advice should at least refer to ‘animated violence’.

Young Media Australia did not view the film and based its submission on the Classification Board report and its general experience in relation to the impact on children and young people of violence in films. It submitted that the Classification Board report indicated that the depictions of violence and other scenes in the film were not very mild and consequently did not justify a lower classification. It also submitted that

- Animated films are just as real to young children (under 7-8 years) as those featuring real people and animals.
- A comic context does not lessen the effect of many scary scenes and violence for young children.
- Young children are often confused by, or unable to follow, a plot and thus focus on worrying scenes without appreciating that things turn out OK in the end.
- Children can be particularly upset by danger and harm to animals.

The Review Board concluded:

- (i) In relation to themes - the treatment of themes in the film has a very low sense of threat or menace, is justified by context and could be accommodated in a lower classification.
- (ii) In relation to violence - all acts of violence in the film occur in an animated setting and where acts or threats of violence occur, in most instances, there is quick diffusion of such violence and the violence is often comic in nature. However, due to several instances of prolonged and potentially impactful depictions of danger, threat or application of actual violence (particularly in relation to the interrogation of Weenie at 35 minutes, the threatened electrocution of Elliot and Giselle at 59 minutes and several scenes of live rabbit throwing), the Review Board felt that despite the animated nature of the film, some scenes could disturb young children if unsupervised. The Review Board concluded that the violence in the film was mild and infrequent and justified by context, particularly in light of its animated nature, but more substantial than having a ‘low sense of threat or menace’. It concluded that a PG classification was appropriate.

It considered that the consumer advice should be 'mild animated violence' to more accurately convey the nature of the violence depicted.

- (iii) In relation to language – coarse language in the film, as exemplified by use of the word 'crap' on one occasion, is confined to a single character, McSquizzy, and is justified by context. The coarse language in the film was considered by the Review Board to be very mild and infrequent and justified by context and as such could be accommodated in a lower classification. The Review Board also considered that no consumer advice was warranted in relation to language.

8. Summary

The Review Board concluded that the film, Open Season 2 should be classified PG and is so classified with the consumer advice 'Mild animated violence'.