



Australian Government
Classification Review Board

15 November 2004

23-33 MARY STREET
SURRY HILLS, NSW

- MEMBERS:** Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Dr Robin Harvey
- APPLICANT:** 20th Century Fox Film Distributors Pty Ltd (20th Century Fox)
Represented by: Mr John Dickie, John Dickie Consultants and
Mr Chris Smith, National Print Controller, 20th Century Fox.
- BUSINESS:** To review the Classification Board's decision to classify the film *Sideways* (the film) MA15+ with the consumer advice 'Medium level sex scenes, sexual references, medium level coarse language'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) in the majority classified the film M with the consumer advice 'Frequent coarse language, sex scenes, sexual references, alcohol and depression themes'.

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 of the Act provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Three essential principles underlie the use of the *2003 Guidelines for the Classification of Films and Computer Games* (the Guidelines), determined under s.12 of the Act:

- The importance of context

- Assessing impact
- Six classifiable elements – themes, violence, sex, language, drug use and nudity.

3. Procedure

Having earlier received a valid written application for review, three members of the Review Board viewed the film *Sideways* at the Board's meeting on 15 November 2004.

The Review Board then received an oral submission from Mr John Dickie representing the Applicant, which was provided in addition to a written submission. Mr Chris Smith also attended on behalf of the Applicant during Mr Dickie's oral submission.

The Board then met in camera to consider the matter.

4. Evidence and other material taken into account

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

- (i) 20th Century Fox's application for review;
- (ii) 20th Century Fox's written and oral submissions;
- (iii) The film;
- (iv) The relevant provisions in the Act;
- (v) The relevant provisions in the Code, as amended in accordance with s.6 of the Act
- (vi) The Classification Board's report; and
- (vii) The *Guidelines for the Classification of Films and Computer Games 2003*.

5 Synopsis

Husband-to-be Jack and his best man Miles set out on a road trip encompassing a wine-tasting tour to celebrate Jack's last days as a single man. The pair is determined to enjoy each other's company and the local wines however Jack has additional ambitions to participate in sexual activity leading to a number of comic and dramatic events.

6 Findings on material questions of fact

The Review Board found that the film contains aspects or scenes important to mention under various classifiable elements:

- (a) **Themes** – The theme of irresponsible alcohol consumption combined with depressive illness had a moderate impact in the film given the context of the two men

participating in a wine tasting tour, and its filmic treatment. In the film the character Miles is depicted as having a depressive personality that he controls with medication. At 92 minutes his compulsive consumption of alcohol combined with his depression and concurrent use of medication has a moderate impact.

(b) **Sex** – There are two sex scenes in the film, one discreetly implied and one implied. At 67 minutes a discreetly implied sex scene is shown. The scene is brief with little detail. The bare buttocks of Jack are shown briefly.

At 107 minutes is a 60 second implied sex scene. The scene's comedic treatment mitigates the impact of the scene. Miles has broken into a house to recover Jack's wallet that he left after having sex (not shown) with a waitress. The buxom waitress and her husband are having implied sex. The waitress says "I've been a bad girl, I pulled him and I fucked him". The focus of the scene is on Miles and whether he will get caught. The sexual activity is taking place in the background. The film invites the audience to laugh both at the couple – who are both overweight people – and Miles through lighting, the accompanying dialogue and the anguished look on Miles' face. The light tone and lack of detail mitigate the impact of the scene.

There are also several verbal sexual references in the film.

(c) **Language** – The film contains frequent coarse language mainly used conversationally in a mild tone of voice, as in "Teaching English to fucking eighth graders" or "What the fuck were you doing?". Aggressive coarse language is used infrequently.

(d) **Violence** – There is one scene of violence at approximately 94 minutes when Stephanie (with whom Jack has been having a sexual relationship) implicitly hits Jack in the face with a bike helmet. Her arm with the helmet in her hand is shown heading towards Jack. He is then off camera and she is shown hitting him on the ground. Later Jack is shown with his nose covered with a sticking plaster.

(e) **Nudity** – There is one scene of full nudity in the film and two of partial nudity. When Jack is discovered by the husband he returns to the motel naked whilst covering his penis completely with his hands. The sex scene of the waitress and her husband shows them fully naked but genitalia cannot be seen. As Miles escapes with Jack's wallet he is pursued by the waitress's husband. The husband is shown running nude after him. Again the comedic treatment of the scene mitigates its impact. The husband is a comic figure and the scene of him running naked makes him appear only more comic. Again the focus in this scene is on Miles making his escape. The overall tone and treatment ensures that the impact of the scene is moderate, there is little menace or threat involved.

(f) **Drug use** – At 81 minutes a character is depicted implicitly smoking a joint. The excessive consumption of alcohol by Miles is a theme throughout the film. However, his behaviour is not condoned or glamorised. He is shown to bear the consequences of his actions and he does not experience "success" with the woman he is interested in until his drinking is under control.

7 Reasons for the decision

The Review Board based its decision to classify the film *Sideways* 'M' with the consumer advice 'Frequent coarse language, sex scenes, sexual references, alcohol and depression themes' on the content of the film as set out in 5 and 6 above.

The film contains a number of classifiable elements but their impact is no more than moderate. The Review Board found that the treatment of the moderate themes was justified by context, as were the coarse language, sex scenes and sexual references.

The Review Board in the majority concluded that whilst the impact of the classifiable elements was only moderate the subject matter was such that would not be recommended for those under 15.

By providing extensive and detailed consumer advice the Review Board was signalling to parents that while the film had only a moderate classification it was not a film recommended for minors. Generally, if a film warrants extensive consumer advice, the Review Board would consider that a higher classification may be appropriate. However, the Review Board found in the majority that a more restrictive classification was not warranted given the moderate impact – both individually and cumulatively – of the classifiable elements.

It was the view of the minority that the cumulative impact of the classifiable elements was such that the film warranted the more restrictive classification of 'MA15+'.

This is a slow paced film that is likely to only appeal to adults, most likely to the ageing baby boomers similar to those that it depicts. It does contain several classifiable elements of moderate impact, however, the Review Board concluded in the majority that a higher classification was not warranted given their treatment.

8 Summary

While the classifiable elements and the impact in the overall context of the film *Sideways* did not justify a 'MA15+' classification, they did result in the film being not recommended for persons under 15 years of age and warranted specific consumer advice relating to the frequent use of coarse language, sex scenes, sexual references, and the themes of excessive alcohol consumption and depression.