

The Minutes of the 185th BBFC Board of Classification Meeting

Monday, 10 October 2016

Present:

Patrick Swaffer	President
Alison Hastings	Vice President
Gerard Lemos	Vice President
David Austin	Chief Executive
Alexandra Evans (minutes)	Policy Director

Minutes of the previous meeting

1. The minutes were agreed.

Matters Arising

2. There were no matters arising.

Recent Classification Decisions

3. The Board considered three recent works submitted for classification.
4. *Planet Earth* is a BBC natural history series narrated by David Attenborough. The Board viewed a sequence in which a pride of lionesses attack a lone buffalo. The scene features blood and injury detail including shots of a deep, bloody wound to the buffalo's hind quarters.
5. The Board considered that, despite the educational and documentary context, the length and sustained intensity of the scene combined with the gory nature of the buffalo's injury meant that the episode could not be contained at U and was better placed at PG.
6. In *Chevalier* six men enjoy a weekend away on a luxury boat. Whilst away, they jostle for bragging rights as they compete for the 'chevalier' – a ring awarded to the most 'alpha male' member of the group. The Board viewed a scene in which a man stimulates himself to erection and then walks naked along the corridors of the boat inviting the others to admire and 'score' his erect penis. Whilst the man's penis is clearly visible, the scene has no sexual element and is a sympathetic depiction of a troubled individual acting erratically. The man's behaviour leads another member of the party to intervene; he wraps a dressing gown around his friend's shoulders and leads him gently back to his room.
7. The Board considered the scene and agreed that it sat on the border between 15 and 18. On balance, the Board considered that an 18 rating was reasonable and defensible, though there was a case for 15.
8. *Shelley*, is a Danish horror film about a couple who are unable to have children and ask their maid to act as a surrogate. The Board viewed a scene in which the husband uses his fist to penetrate his wife. The scene depicts a

consensual sex act within a dramatic work. It is darkly lit and the fisting is achieved using special effects.

9. The Board considered the distinction between sex works whose primary purpose is to sexually arouse and works which contain strong sex scenes as part of a wider narrative. Shelley is an example of the latter and the Board considered that in this context, fisting would not be considered contrary to the Obscene Publications Act and therefore an 18 uncut rating was appropriate.
10. *Lady Gypsy*, is a spoof music video starring Ricky Gervais. It appeared in cinemas as a trailer for the film *David Brent Life on the Road*. True to the irreverent tone of the film, the trailer is a comedic and absurd portrayal of a fleeting love affair between David Brent and a woman he meets in the woods. The lyrics to the song sung by Brent include discriminatory references to gypsies which are intended to amuse rather than offend and also references to sexual acts.
11. Given the comedic tone of the piece and the moderate nature of the verbal sex references, the Board agreed with a 12A classification.

Digital Economy Bill

12. David Austin reported to the Board that the BBFC has now exchanged formal Letters of Understanding with the Department for Culture, Media and Sport confirming HMG's intention to appoint the BBFC as the regulator with responsibility for carrying out Stages 1-3 of the regulatory function for Part Three of the Digital Economy Bill.
13. In this role, the BBFC will develop a proportionality test to determine which adult content providers to target. It will then assess whether robust age verification procedures are in place on targeted sites and Apps and also whether they contain "prohibited material". If not, the BBFC will issue notices of non-compliance to adult content providers and, if necessary, ancillary service providers and payment providers.
14. Whilst the Bill continues its passage through both Houses of Parliament, the BBFC will continue to work with DCMS to develop the regulatory framework. The BBFC will also consult key stakeholders including the adult industry, payment providers, advertisers and other service providers who enable or facilitate the making available of pornographic material on the internet.
Action: David Austin and Alexandra Evans

Future of Compliance

15. Chief Operating Officer, Dave Barrett attended the meeting. The Board considered ELT's joint paper on the future of compliance.

AOB

16. There was no AOB.

Date of next meeting: Thursday, 17 November 2016