

The Minutes of the 186th BBFC Board of Classification Meeting

Thursday, 17 November 2016

Present:

Patrick Swaffer	President
Alison Hastings	Vice President
Gerard Lemos (by telephone)	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. *Beautiful Something* (15) is a feature film that tells the intertwining stories of the sexual and romantic encounters of four gay men over the course of one evening.
5. The Board considered two fairly lengthy sex scenes both featured a significant degree of intensity and strong sexual language. However, both were discretely shot and lacked sexual detail. The Board was asked to consider whether the scenes were more appropriately classified at 15 or 18. The Board unanimously agreed the 15 rating.
6. *Transparent* (18), is an Amazon Original series about a patriarchal figure who decides that he wants to live as a woman. The Board viewed clips from an episode from the third series in which one of the main characters, Sarah, accepts an offer to participate in a BDSM scenario while attending a women-only retreat.
7. The scenes feature brief but frequent BDSM acts. The story is one of sexual curiosity, exploration and liberation. The Board was asked to consider whether sexual violence in a consensual BDSM scenario could be classified 15. While the Board noted the mitigating contextual factors, the scenes were not sufficiently discreet and were therefore most appropriately classified at 18.
8. Senior Examiners, Craig Lapper and Murray Perkins, attended the meeting to present an extended scene from John Walters' 1970 arthouse comedy, *Multiple Maniacs* (18) which is to be released theatrically in the UK for the first time. The film was originally submitted to the Board on video in 1990 when four minutes and 53 seconds of compulsory cuts to a single scene were made to obtain an 18 classification, in advance of a cinema release.

9. The scene cut in 1990 takes place in a church and features two women masturbating. Shots of their encounter are interspersed with a recreation of the Stations of the Cross narrated by the women as they masturbate. It is implied that one woman uses a set of rosary beads to anally penetrate the other. The scene ends with a brief shot of a man injecting himself with an unspecified drug while sitting on the altar steps.
10. When the film was submitted in 1990, the common law in England and Wales offences of blasphemy and blasphemous libel (which applied only to Christianity) were still in force and so the BBFC was required to request cuts. In 2008, these laws were abolished nor has there been a prosecution for blasphemy in either Scotland or Northern Ireland since 2008, or for many years prior to that date.
11. The Board was asked to consider whether, in the absence of any breach of UK law, the cuts were still required. The Board agreed that they were not.

Public Feedback

12. Senior Operations Officer, Debbie Wright, attended the meeting to update the Board of Classification on feedback received from the public since July.
13. The BBFC continues to receive a small number of complaints about *Deadpool* (15) with concerns raised about the strength of the violence and sex.
14. The BBFC has received complaints about *Suicide Squad* (15) a significant proportion of which were from children and young people who were disappointed that they were unable to see the film. Complaints from those who had seen the film argued that the violence did not warrant the 15 classification. Conversely, another complainant felt that it should have been rated 18.
15. Concerns have also been raised about both *Jack Reacher – Never Go Back* (12A) and *Jason Bourne* (12A). David Austin and Alexandra Evans recently attended the International Classification Conference in Dublin at which the issue of violence at 12A (or other country's equivalent rating) was discussed.
16. The question posed at the conference was whether audience expectations about 'known quantity' franchises had led to an increase in levels of violence considered acceptable at this classification category. The conference concluded on balance that there had not been such an increase, while noting that for example, that the climactic fight scene in *Jason Bourne* sat at the very upper end of the 12A/equivalent classification. *Sausage Party* (15), has also received complaints. The film is an irreverent animated comedy about a sausage who discovers the horrific fate that awaits food once it is taken home from the supermarket. He returns to the supermarket to warn his friends.
17. Complainants objected to the frequent uses of very strong language; a protracted sex scene featuring multiple supermarket products; and racist stereotyping of some of the characters. BBFC Guidelines allow very strong language at 15 depending on context and frequency. The Board considered that the three uses of very strong language in the film were sufficiently infrequent and in keeping with its irreverent comic tone to be permissible at 15. The long-form BBFC insight for the film had noted the racist stereotyping

which was allowable at 15 because it was satirical and not malicious. In its response to the complaints about the sex scene, the BBFC highlighted the comic tone of the piece and the wholly unrealistic, animated scenarios as strong mitigating factors for allowing a 15 classification.

18. Complaints were received about the trailer for *Miss Peregrine's Home for Peculiar Children* (U-12A) and for the film itself (12A). Those complaining about the trailer felt that it contained horror elements that were too strong to be shown before U films. The BBFC rated several trailers for this film and the various versions achieved ratings ranging from U to 12A.
19. The fact that the trailers were shown before U films may also have contributed to the complaints received about the feature itself as parents reported that it was younger children, significantly under the age of 12, who found the film too scary. David Austin noted that often trailers are submitted for classification far in advance of the feature film itself and that it was not possible, or indeed appropriate, to consider the likely classification of the film itself when rating a trailer. Trailers are therefore assessed on their content alone which means that it is possible to have a U trailer for a film with a higher classification.
20. In its response to these complaints, the BBFC stressed that whilst children who are younger than 12 are permitted to watch 12A films in the cinema provided that they are accompanied by an adult, the 12A classification indicates that the film is suitable for children who are 12 or over and that an adult who plans to take a younger child should consider whether it is likely to upset or trouble that child. To help adults decide, the BBFC provides BBFCinsight which gives a detailed breakdown of potential issues contained within the film.

Digital Economy Bill

21. David Austin updated the Board on the progress of the Bill. The House of Commons Bill Committee has now concluded its review of the Bill and the Report and Third Reading Debate are set for 28 November.
22. Part Three proposes a new civil offence that would make it unlawful to make pornographic content available online in the UK without ensuring that children can't access it. The proposal continues to enjoy widespread cross-party support with criticism focused on effectiveness – currently, the regulator cannot require internet service providers to block non-compliant sites. An amendment which proposes compulsory ISP blocking has been introduced by Claire Perry MP and will be debated at Third Reading.
23. David Austin explained that some ISPs were broadly supportive of a requirement to block as it would give them the legal certainty that they have been calling for. Child protection bodies and some in the adult industry were also calling for compulsory ISP blocking against websites operating in contravention of the proposed new law.
24. MPs have also raised concerns about the privacy and data security of the age verification techniques used by adult sites and Apps. The BBFC is alive to these issues and is consulting widely with stakeholders on solutions.

25. The Board discussed the timetable for designation. If the Bill achieves Royal Assent, the BBFC would most likely be designated soon after. Ministers have committed to the law coming into force within a year of Royal Assent.
26. While 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 continue to consult stakeholders across the full range of issues raised by the Bill
Action: David Austin and Alexandra Evans

YouRateIt

27. Alexandra Evans updated the Board on the YouRateIt project.
28. The BBFC and Dutch regulator, NICAM, developed YouRateIt (YouRI) at the request of the Brussels-based CEO Coalition. YouRI is a tool that provides bespoke, national age ratings for user-generated content (UGC). The tool is a simple questionnaire, designed to be completed by those uploading videos onto a site, or by the crowd, or both.
29. It is a low cost means of capturing the enormous, and rapidly expanding, amount of UGC content that is not currently being rated, and is not susceptible to being rated, under other models operated by ratings bodies around the world. The tool can also be linked to parental controls.
30. The Board reviewed the BBFC and NICAM's joint report on a pilot project with the Italian media company Mediaset on the UGC platform, www.16mm.it. The pilot was a great success. It confirmed that the tool is easy to use and produces reliable ratings. Enthusiasm for the questionnaire was high among users.
31. Alexandra will travel to Luxembourg next week to co-present the tool to the Commission with NICAM and Mediaset. The next step is to identify other platform partners willing to work with us to enable further testing of the tool.

House of Lords Communications Committee: Children & the Internet Inquiry

32. David Austin reported to the Board on his recent appearance before the House of Lords Communications Committee. The committee has launched an inquiry on the advantages and challenges of the internet for British children. The BBFC responded to the committee's call for written evidence and David Austin was invited to attend in person.
33. The evidence session went well and a wide range of topics were covered including: the BBFC's proposed regulatory role under Part Three of the Digital Economy Bill; the BBFC's concerns about the European Commission's proposal to amend the Audiovisual Media Services Directive which threaten to diminish child protection standards in the UK; the BBFC's role as the regulator of content standards for all UK mobile network operators; and the disparity in levels of child protection between MNO internet filters, and public wi-fi.

AOB

34. David Austin updated the Board on his recent visit to Bern to present to the Swiss classification body on developments in classification in the UK.
35. David Austin reported his meeting with the Prison Film Club project partners BFI and Picturehouse. The project is on schedule and the pilot will launch as planned early in 2017. The BBFC will develop a Communications strategy to coincide with the launch.

Action: AE to brief Catherine Anderson on project

Date of next meeting: Wednesday, 18 January 2016 at 10:30am