

DEPARTMENT OF COMMUNICATIONS

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FILM AND PUBLICATION BOARD

CLASSIFICATION GUIDELINES FOR THE CLASSIFICATION OF FILMS, INTERACTIVE COMPUTER GAMES AND CERTAIN PUBLICATIONS

Approved by the Council of the Film and Publication Board in consultation with the Minister of Communications in terms of Section 4A(1)(a) read with section 31(3) of the Films and Publications Act, Act No. 65 of 1996.

GUIDELINES TO BE REFERRED TO IN THE CLASSIFICATION OF FILMS, INTERACTIVE COMPUTER GAMES AND CERTAIN PUBLICATIONS

1. INTRODUCTION AND APPLICATION OF GUIDELINES

The Films and Publications Act, Act No. 65 of 1996 (“the Act”) requires certain films, games, publications and online content (“classifiable content”) to be classified by the Film and Publication Board (“FPB”). Once classified, the distribution is subject to the conditions imposed by the FPB. ‘Distribution’ includes screening in public, selling, hiring out, offering or keeping for sale or hire, handing, or exhibiting such content to a person under the age of 18 years in certain circumstances, and the failure to take reasonable steps to regulate access to films, games or certain publications.

The FPB Act makes it a criminal offence to possess and distribute child pornography.

Sexually explicit content that is classified X18 cannot be distributed to persons under the age of 18. However, if sexually explicit content, in the assessment of the Board, amounts to a bona fide documentary, is of scientific, literary or artistic merit, or is on a matter of public interest (hereafter referred to ‘the proviso’ from the Act)¹, then the Board may determine an appropriate classification.

The purpose of classification is to provide consumer advice to enable individuals to make informed viewing, reading and gaming choices for themselves and for children in their care; and to protect children from exposure to disturbing, and harmful contents and from premature exposure to adult experiences.

All legitimate content that meets the criteria of a film, game, publication or online content as defined in the Act falls within the jurisdiction of the FPB. This includes films exhibited at cinemas, DVDs, Blu Rays, videos on demand, mobile content (in so far as it does not amount to broadcast content) and the internet.

All publications that are bona fide newspapers or magazines published by a member of a body either recognised by the Press Ombudsman or another recognised self-regulatory authority, and that subscribe and adhere to a code of conduct, do not fall within the jurisdiction of the FPB.

All publications other than those referred to in the preceding paragraph fall within the jurisdiction of the FPB.

¹ This proviso appears for the first time in Section 16(4)(b) of the Act, as amended, and is repeated in Section 18(3)(a).

2. DEFINITIONS

Words or expressions used in these Guidelines have the same meaning assigned to them in the Act, unless the context indicates otherwise.

‘actual’ means a real act that does not merely exist potentially;

‘action’ means a film genre in which characters are thrust into a series of challenges that typically include violence, extended fighting, physical feats, and frantic chases;

‘affection’ means kissing or embracing in non-sexual contexts;

‘abuse’ means to treat in a wrong, harmful or improper way or to misuse;

‘bestiality’ means a person who commits an act which causes penetration to any extent whatsoever by the genital organs of, into or beyond the mouth, genital organs or anus of an animal, or an animal into or beyond the mouth, genital organs or anus of, or of masturbation of an animal, or of masturbation with an animal, unless such act is committed for scientific reasons or breeding purposes;

‘child pornography’ includes any image, however created, or any description of a person real or simulated, who is, or who is depicted, made to appear, look like, represented or described as being under the age of 18 years –

- (a) Engaged in sexual conduct;
- (b) Participating in, or assisting another person to participate in, sexual conduct; or
- (c) Showing or describing the body, or parts of the body, of such a person in a manner or in circumstances which, within context, amount to sexual exploitation, or in such a manner that it is capable of being used for the purposes of sexual exploitation;

‘classifiable element’ means a specific consideration, as set out in these Guidelines, which may influence the age restriction or other classification of content if it is present, based on the impact it has within a specific context;

‘competitive intensity’ means the degree to which a player gets personally involved, and the level of excitement created in the player, as he or she engages with the various game levels in order to gain incentives and rewards (this includes the compulsive nature of gaming that could lead to addiction).

‘context’ means the circumstances or background of content that should be viewed as a whole to understand the full meaning; in specific cases, it is the circumstances or background that come before and/or after a particular incident that contribute to understanding its full meaning;

‘cumulative impact’ means the increase in quantity, degree, or force by successive additions of classifiable elements;

‘domestic violence’ means depictions or descriptions of –

- (a) Physical abuse;
- (b) Sexual abuse; or
- (c) Emotional, verbal and psychological abuse;

Between persons in a domestic relationship that includes spouses, partners, children, blood relatives, or any other intimate partnerships;

‘educational’ means the act or process of imparting or acquiring knowledge, developing the powers of reasoning and judgement, and or generally preparing for mature life;

‘explicit’ means –

- (a) Fully and clearly expressed or demonstrated, forthright and unreserved in expression, leaving nothing merely implied; or
- (b) In realistic detail;

‘explicit sexual conduct’ means graphic and detailed visual presentation or descriptions of any conduct contemplated in the definition of ‘sexual conduct’;

‘exploitative’ means making use of someone or something for selfish or improper reasons;

‘extreme’ means to the greatest or utmost degree, extending significantly beyond the norm;

‘extreme violence’ means exceptionally intense, graphic or prolonged scenes of violence;

‘first-person game play’ means the player is the main character, and viewing is through the player’s eyes; it may mean the player is not seen in action but can view surroundings as in real life, and will be regarded as such even if views from other perspectives are also possible;

‘flicker vertigo’ means an imbalance in brain-cell activity cause by exposure to low-frequency flickering (or flashing) of a relatively bright light;

‘FPB Act’ means the Films and Publications Act, Act No. 65 of 1996 as amended;

‘Gazette’ means the relevant *Government Gazettes* applicable at the time;

‘game’ means a computer game, video game or other interactive computer software for interactive game playing, where the result achieved at various stages of the games are determined in response to the decisions, inputs and direct involvements of the game plater or players;

‘gratuitous’ means contextually unwarranted, uncalled for, or included without justification;

‘harmful paraphilia’ is a condition in which a person’s sexual arousal and gratification depend on fantasising about and engaging in sexual behaviour that is atypical and extreme. It may cause distress or serious problems for the paraphiliacs or persons associated with them;

‘horror’ means the use of frightening elements to scare or unsettle the audience;

‘identifiable group characteristic’ means group identification by race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth or nationality;

‘impact’ means the potential effect of a single classifiable element or the cumulative effect of a number of classifiable elements;

‘implied’ means to involve or indicate by inference, association, or necessary consequence rather than by direct statement;

‘incitement to violence / incites imminent violence / incitement to cause harm’ means unconstitutional content that has a clear intention to provoke, encourage or propagate violence in terms of propaganda for war; inciting imminent violence or advocating hatred based on any identifiable group characteristics and constitutes incitement to cause harm;

‘incest’ means a person within the following degrees of consanguinity (blood relationship), namely, ascendants and descendants in the direct line, or collaterals, if either of them is related to their common ancestor in the first degree of descent, or the prohibited degrees of affinity are relations by marriage in the ascending and descending line, or an adoptive relationship, who unlawfully and intentionally engages in an act of sexual penetration with another, despite their mutual consent to engage in such act.

‘intensity’ means the strength of the treatment of, or engagement with, the classifiable elements in classifiable content;

‘interactivity’ means the ability of a user to participate and control user action, data input and commands so as to influence outcomes that may affect what options are available for subsequent interaction;

‘mature’ refers to relative cognitive, moral and emotional maturity;

‘matters of public interest’ means discussions, debates or opinions on matter pertaining to the common well-being or general welfare of the public or serving the interests of the public, and includes discussions, debates and opinions on matters pertaining to religion, belief or conscience;

‘menace’ means an intention to inflict psychological harm, a source of danger or threat, and the act of threatening and arousing fear; ‘menacing’ has the same meaning;

‘moral harm’ means desensitising to the effects of violence, diminished 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, retarding social and moral development in children, distorting a child’s sense of right and wrong, and limiting a child’s capacity to compassion;

‘nudity’ means the state or fact of being naked;

‘parental guidance’ means that the content may contain classifiable elements that may be disturbing or harmful for young viewers, and that parents or caregivers are in the best position to decide whether or not a child in their care may access content classified as ‘PG’ subject to the specified rating applicable to such content;

‘pornography’ means explicit description or exhibition of sexual subjects or activity in publications, films and computer games, in a manner, judged contextually, that is intended to stimulate erotic rather than aesthetic feelings in a reasonable person;

‘prejudice’ means a pre-conceived judgement, or an adverse opinion or inclination, formed without just or rational grounds or before sufficient knowledge is gained, or that is based on group (such as race, ethnicity, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language; birth or other identifiable group characteristics) stereotypes, and that is degrading of human dignity;

‘realistic’ means representing things in a way that is accurate and true to life;

‘sexual conduct’ includes –

- (i) Male genitals in a state of arousal or stimulation;
- (ii) The undue display of genitals or of the anal region;
- (iii) Masturbation;
- (iv) Bestiality;
- (v) Sexual intercourse, whether real or simulated, including anal intercourse;
- (vi) Sexual contact involving the direct or indirect fondling or touching of the intimate parts of a body, including the breasts, with or without any object;
- (vii) The penetration of a vagina or anus with any object;
- (viii) Oral genital contact; or
- (ix) Oral anal contact;

‘sexual violence’ means conduct or acts contemplated in the definitions of ‘sexually related activity’, ‘sexual conduct’ and ‘explicit sexual conduct’ that are accompanied by force or coercion, actual or threatened, or that induce fear or psychological trauma in a victim;

‘simulated’ in the context of **‘sexual intercourse’** means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the said conduct exhibits any uncovered portion of the breasts, genitals, or buttocks;

‘stereotype’ means a set of inaccurate, simplistic generalisations about a group that allow others to categorise them and treat them accordingly;

‘strong language’ means crude words, threats, abuse, profanity or language that amounts to prejudice;

‘stylised’ means using artistic forms and conventions to create effects that are unrealistic or not spontaneous;

‘substance’ means chemical, psychoactive substances that are prone to be abused, including tobacco, alcohol, over-the-counter drugs, prescription drugs and substances defined in the Drug and Drug Trafficking Act (No. 140 of 1992) as amended, or proscribed by the Minister of Health after consultation with the Medicines Control Council;

‘substance abuse’ means the sustained or sporadic excessive use of substances, any use of illicit substances and the unlawful use of substances;

‘theme’ means the message or idea that is conveyed by the classifiable content;

‘third person game play’ means the player is seen as a visible character on the screen, and the surrounding environment can be viewed; but the game will, however, only be regarded as such if there is no option for first-person game play;

‘threat’ means an indication of impending physical or psychological harm;

‘visual presentation’ means –

- (a) A drawing, picture, illustration, painting, photograph or image; or
- (b) A drawing, picture, illustration, painting, photograph or image or any combinations thereof, produced through or by means of computer software on a screen or a computer printout;

‘violence’ means any physical harm, or psychological, emotional or verbal abuse, whether self-inflicted, interpersonal or collective, including gender-based violence.

2.1 Classifiable Elements

- (1) A classification decision may include consumer advice, including information about the content of a film. Classifiable elements are indicated by alphabetic symbols or words and alert the public to particular elements that are significant and may be potentially disturbing, harmful or inappropriate for children below a specified age.
- (2) Consumer advice should be indicated together with classification information on the outside of all content as applicable.
- (3) The following classifiable elements and mandatory consumer advice must be considered:
 - (a) **Competitive Intensity ‘CI’**
 - (i) The level of competitive intensity in a game, to the extent that it is linked to in-game violence, must be treated as a classifiable element to determine age restrictions;
 - (ii) Higher levels of competitiveness in games involving violence may result in much higher aggression levels than in less competitive games involving violence, and are therefore a factor that must be considered in the determination of an age restriction; and
 - (iii) Competitive intensity is heightened by the degree of interactivity of a game.

(b) **Criminal Techniques ‘CT’**

- (i) Criminal techniques and instructional details of illegal or dangerous acts that may be life-threatening and detailed enough to be re-enacted or self-instructional must be treated as a classifiable element to determine age restrictions. This may require a higher age restriction.

(c) **Substance Abuse ‘D’** alerts to the sustained or sporadic excessive use of substances, any use of illicit substances and the unlawful use of substances;

- (i) Any occurrences of substance abuse must be considered in the allocation of an appropriate restriction; and
- (ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of substance abuse of a mild, moderate, strong or very strong impact.

(d) **Imitative Acts and techniques ‘IAT’**

- (i) Imitative acts and techniques’ is a classifiable element that determines age restrictions where there is a reasonable likelihood that such acts or techniques may be copied or imitated, especially by children.

(e) **Horror ‘H’** alerts that there are occurrences of horror;

- (i) Any occurrences of horror of a mild, moderate, strong or very strong nature must be considered in the allocation of an appropriate age restriction.

(f) **Language ‘L’** alerts that there is use of strong language;

- (i) The use of strong language must be considered in the allocation of an appropriate age restriction; and
- (ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of strong language of a mild, moderate, strong or very strong impact.

(g) **Nudity ‘N’** warns that there are occurrences of nudity;

- (i) Nudity in natural non-sexual contexts, such as breast-feeding or bona fide cultural traditions, is not considered in the allocation of age-restrictions;
- (ii) The undue exposure of intimate parts must be considered in the allocation of an appropriate age restriction, based on the context and impact; and
- (iii) Regardless of the level of age restriction, the public must be alerted to the occurrence of nudity, sexual or nonsexual, of a mild, moderate, strong or very strong impact.

- (h) **Prejudice ‘P’** warns of occurrences or language that are biased or prejudiced with regard to race, ethnicity, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language; birth or other identifiable group characteristics;
 - (i) Any occurrences or language of prejudice must be considered in the allocation of an appropriate age restriction; and
 - (ii) The advocacy of hatred constituting incitement to cause harm, based on an identifiable group characteristic, must be refused classification.
- (i) **Sexually-related Activity ‘S’** indicates occurrences involving sexually-related activity;
 - (i) Any mild, moderate, strong or very strong impact occurrences of sexually-related activity, including consensual sexually-related activity, must be considered in the allocation of an appropriate age-restriction or distribution restriction; and
 - (ii) Any occurrences of consensual explicit sexual conduct must be regarded as having a very strong or extreme impact, and must be classified appropriately.
- (j) **Sexual Violence ‘SV’** indicates occurrences involving sexual violence;
 - (i) Any occurrence of sexual violence must be considered in the allocation of an appropriate age restriction; and
 - (ii) Any occurrences involving sexual violence, actual or implied, must be regarded as having a moderate, strong or every strong impact, and must be classified appropriately.
- (k) **Violence ‘V’** warns of violent occurrences;
 - (i) Regardless of the level of age restriction, the public must be alerted to the occurrence of violence of a mild, moderate, strong or very strong impact; and
 - (ii) Any occurrences of extreme violence must be regarded as having a strong or very strong impact, and must be classified appropriately.

3. PURPOSE OF GUIDELINES

To provide guidelines that allow for the classification of a film, game or publication in accordance with, amongst others, the following rights:

- (1) Right to freedom of expression;
- (2) Right of access to information;
- (3) Right of children to be protected against maltreatment, neglect, abuse or degradation;
- (4) Right to freedom of security, which includes being protected from unsolicited exposure;

(5) Right to equality; and

(6) Right to human dignity.

To recognise that no right is absolute, and that it may be limited in terms of the law of general application when it is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking relevant factors, including the nature of the right, the importance of the purpose of the limitation, the nature and extent of the limitation, the relation between the limitation and its purpose, and any other less restrictive means to achieve the purpose, into account.

Classifiers therefore must proceed from the least restrictive to more restrictive classifications in an endeavour to balance the various rights and freedoms in contention.

To provide general guidelines to ensure:

- (1) The consistent classification of content;
- (2) That no content that is prohibited in terms of this Act is classified;
- (3) That content created through the commission of a criminal offence is appropriately channelled to the relevant authorities by the Film and Publication Board;
- (4) That classification of content reflects public opinion; and
- (5) That content does not cause any moral harm in the category in which it was classified.

To protect children from exposure to potentially disturbing or harmful contents and from premature exposure to adult experiences, as well as to provide such information as will allow adult South Africans to make informed viewing, gaming and reading choices, both for themselves and for children in their care.

In making their decisions, classification committees, consistent with the principle that in all matters concerning children, the best interests of children are paramount, must aim to strike a reasonable balance between competing interests and the protection of children from potentially disturbing, harmful and age-inappropriate content.

The guidelines provided for the consideration of artistic, dramatic or scientific merit are but one of the considerations in making a classification decision. Accordingly, it should not be elevated above other factors to be considered in making a classification decision.

When interpreting and applying these guidelines, cognisance shall be taken of the country's diversity, and effect shall be given thereto.

When applying and interpreting these guidelines, classifiers must also take cognisance that classification guidelines cannot be comprehensive in identifying all potential disturbing and harmful content. In addition, there may be content or content that may not be disturbing or harmful, but that may be age inappropriate and unacceptable to the community in general.

3.1 Application of the guidelines

- (1) These guidelines, to the extent indicated herein, apply to:
 - (a) The Industry – including without limitation, creators, distributors, publishers, importers, broadcasters, sellers, resellers, exhibitors, stockists and transmitters of certain films, games, publications and online content, as the content may dictate, within the Republic save for Broadcasters exempted through the application of section 54 (3) of the Electronic Communications Act, Act No. 36 of 2005, as may be amended;
 - (b) The General Public; and
 - (c) The Classification Committees of the Film and Publication Board.

PART A – FILMS AND TRAILERS

This portion of the Classification Guidelines will provide the applicable provisions which must be applied to give age ratings and content advice to films.

4. GUIDING PRINCIPLES

- (1) All classification decisions must consider the context, impact and release format of the content.
- (2) When considering context, the following factors should be taken into account:
 - (a) The expectations of the public in general and the target market of the content;
 - (b) The theme of the content;
 - (c) The manner in which an issue is presented;
 - (d) The literary, artistic, dramatic or educational merit of the film; and
 - (e) The apparent intention of the filmmaker, as reflected in its effect.
- (3) When considering the impact of classifiable elements regard should be had to:
 - (a) Those which may increase in intensity according to frequency of occurrence, realism, detail, techniques used, and nature of theme, bona fide status, verbal references or visual presentation; and
 - (b) Determining an appropriate classification so as to assign appropriate consumer advice if required.
- (4) The release format of the content, including online content, must be considered based on its impact, and with regard to the following:
 - (a) The ability to replay scenes;

- (b) The likelihood that certain scene will be viewed out of context;
 - (c) The clarity of images;
 - (d) Interactivity with an unknown third person; and
 - (e) The impact of technology such as 3D, 4D, DBox, IMAX and any technological advances which may be applicable.
- (5) Should the film contain 'Photo or pattern sensitivity, motion sickness and reactions to low frequency sound' (PPS) then provision should be provided. In doing so regard should be had to the following:
- (a) The exact nature of the stimuli that may trigger seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect. It is therefore treated, not as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided on a voluntary basis. This advisory may need to be provided even in instances of low impact if the stimuli may trigger seizures;
 - (b) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) that flash more than three times a second;
 - (c) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but little or no motion is sensed by the vestibular system (e.g. bounding-camera movies). Similar to motion sickness is simulation (or simulator) sickness; but this is caused by playing computer/ simulation/ video games (i.e. first-person-perspective games and virtual reality setups). It is recognised that it may be identified subjectively, and is not treated as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided on a voluntary basis;
 - (d) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 Hz. A low-frequency signal can go from being barely audible to being disturbing with a relatively small change in pressure level, and it may be identified subjectively. It is not treated as a classifiable elements determining age restrictions, but as a matter for appropriate voluntary consumer advice; and
 - (e) Photo or pattern sensitivity, motion sickness, and reactions to low frequency sound may justify voluntary consumer advice.
- (6) Classifiers must have regard to the classifiable elements in determining an appropriate classification and must also assign appropriate consumer advise if required.

5. CLASSIFICATION CATEGORIES OF FILMS

- (1) Films are classified into categories on the basis of:
 - (a) Context;
 - (b) Impact of the classifiable elements; and
 - (c) Release format.
- (2) All three requirements must be considered and content that is rated in any category should fulfil all stated requirements. Should it not, classifiers should consider the higher or lower category, depending on the merits.
- (3) **No (A)**
 - (a) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children. It has a low sense of threat or menace;
 - (b) There are no classifiable elements in the film that justify a restrictive age classification; and
 - (c) The release format has no impact.
- (4) **Low (PG)**
 - (a) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children. It has a low sense of threat or menace;
 - (b) The content is not threatening, disturbing or harmful;
 - (c) The theme causes no moral harm;
 - (d) No impactful single or cumulative occurrences of classifiable elements;
 - (e) Classifiable elements are not realistic;
 - (f) The content contains classifiable elements that have a low impact, as set out below:
 - (i) Criminal Techniques 'CT' – content may not contain any scenes of criminal techniques;
 - (ii) Substance abuse 'D' – content may not contain any scenes of substance abuse, direct or implied;
 - (iii) Horror 'H' – content only contains low impact scenes of horror;

- (iv) Imitative Acts and Techniques 'IAT' – content may contain scenes of low impact imitative acts and techniques;
 - (v) Language 'L' – content may only contain scenes with low impact language;
 - (vi) Nudity 'N' – content may only contain scenes of low impact nudity in non-sexual contexts;
 - (vii) Prejudice 'P' – content may not contain scenes or language of prejudice;
 - (viii) Sexual conduct 'S' – content may not contain any scenes of actual, simulated or implied sexual conduct, but may contain scenes of affection;
 - (ix) Sexual violence 'SV' – content may not contain any scenes of actual or implied sexual violence;
 - (x) Violence 'V' – content may contain only low impact violence, and may not contain any scenes of domestic violence; and
- (g) Limited accentuation techniques such as lighting, perspective and resolution.

(5) Mild (7-9PG)

- (a) The content must be particularly entertaining and/or of educational value, to enable parents or caregivers to decide whether it is appropriate for children in their care from ages 7 to 9 to see it. Children from the ages of 7 to 9 years are not allowed to watch a film classified '7-9PG' unless and only when accompanied by an adult.
- (b) The content is not threatening, disturbing or harmful;
- (c) The theme causes no moral harm;
- (d) The content may contain complex and mature themes that may require parental guidance to mitigate potential harm;
- (e) Limited occurrences of significant classifiable elements;
- (f) Classifiable elements may be realistic;
- (g) The content contains classifiable elements that have a low or mild impact as set out below:
 - (i) Criminal Techniques 'CT' – content may not contain any scenes of criminal techniques;
 - (ii) Substance abuse 'D' – content may only contain low impact scenes of substance abuse if they are justified by the context or carry a suitable anti-substance abuse message;

- (iii) Horror 'H' – content may contain scenes of low impact horror. Fantasy setting may, when appropriate, be regarded as reducing impact;
 - (iv) Imitative Acts and Techniques 'IAT' – content may contain scenes of low impact imitative acts and techniques;
 - (v) Language 'L' – content may only contain scenes with low to mild impact language;
 - (vi) Nudity 'N' – content may contain scenes of low to mild impact nudity in non-sexual contexts;
 - (vii) Prejudice 'P' – content may contain scenes or language of prejudice of low impact, if it is clearly disapproved and used in an educational, dramatic or historical context;
 - (viii) Sexual conduct 'S' – content may not contain any scenes of actual, simulated or implied sexual conduct, but may contain scenes of affection;
 - (ix) Sexual violence 'SV' – content may not contain any scenes of actual or implied sexual violence;
 - (x) Violence 'V' – content may contain only low to mild impact violence. If there are scenes of domestic violence, they must be justified within context, and the content must convey a strong message against it; and
- (h) Limited accentuation techniques such as lighting, perspective and resolution.

(6) Moderate (10-12PG)

- (a) The content must be particularly entertaining and/or of educational value, to enable parents or caregivers to decide whether it is appropriate for children in their care from ages 10 to 12 to see it. Children from the ages of 10 to 12 years are not allowed to watch a film classified '10-12PG' unless and only when accompanied by an adult.
- (b) The content may be threatening, disturbing or harmful to children aged 10 and younger;
- (c) The theme causes no moral harm to children aged 10 and older;
- (d) The content may contain complex and mature themes that may require parental guidance to mitigate potential harm;
- (e) If the content has a pro-social element, even if assessed as a moderate impact it may be viewed by children 10 to 12-year-old in the presence of an adult;
- (f) Classifiable elements form part of a bona fide story line;

- (g) Single or cumulative occurrences of classifiable elements;
- (h) Occurrences of significant classifiable elements may be realistic;
- (i) The content either contains no classifiable elements or has a low to mild impact, with some elements having a moderate impact, as illustrated below:
 - (i) Criminal Techniques 'CT' – content may not contain any instances of criminal techniques;
 - (ii) Substance abuse 'D' – content may only contain low to mild impact occurrences of substance abuse. Any instances of moderate impact substance abuse must, contextually, carry a suitable anti-substance abuse message;
 - (iii) Horror 'H' – content may contain scenes of mild to moderate impact horror;
 - (iv) Imitative Acts and Techniques 'IAT' – content may contain instances of mild impact imitative acts and techniques;
 - (v) Language 'L' – content may only contain instances of mild impact language;
 - (vi) Nudity 'N' – content may contain scenes of low impact nudity;
 - (vii) Prejudice 'P' – content may contain scenes or language of prejudice of low impact, if it is clearly disapproved and used in an educational, dramatic or historical context;
 - (viii) Sexual conduct 'S' – content may contain scenes of low impact scenes of sexual conduct, but no scene of explicit sexual conduct. Verbal reference, but no visual presentation of sexual conduct with no noticeable effect;
 - (ix) Sexual violence 'SV' – content may not contain any scenes of actual or implied sexual violence;
 - (x) Violence 'V' – content may contain only mild to moderate impact violence. Verbal reference, but no visual presentation, of violence with no noticeable effect. If there are scenes of domestic violence, they must be justified within context, and the content must convey a strong message against it; and
- (j) May contain accentuation techniques such as lighting, perspective and resolution.

(7) Moderate (13)

- (a) The content may be threatening, disturbing or harmful to children younger than 13;
- (b) The theme causes no moral harm to children aged 13 and older;
- (c) Single or cumulative occurrences of classifiable elements;
- (d) Occurrences of significant classifiable elements may be realistic;
- (e) Classifiable elements form part of a bona fide story line;
- (f) The content may contain low to mild impact classifiable elements, with some elements having a moderate impact, as set out below:
 - (i) Criminal Techniques 'CT' – content may not contain any instances of criminal techniques;
 - (ii) Substance abuse 'D' – content may only contain mild to moderate impact scenes of substance abuse. Any instances of moderate impact substance abuse must carry a suitable anti-substance abuse message;
 - (iii) Horror 'H' – content may contain any scenes of moderate impact horror;
 - (iv) Imitative Acts and Techniques 'IAT' – content may contain instances of mild impact imitative acts and techniques;
 - (v) Language 'L' – content may only contain instances of moderate impact language;
 - (vi) Nudity 'N' – content may contain scenes of mild impact nudity;
 - (vii) Prejudice 'P' – content may contain scenes or language of prejudice of mild impact, if it is clearly disapproved and used in an educational, dramatic or historical context;
 - (viii) Sexual conduct 'S' – content may contain scenes of mild to moderate impact sexual conduct, whether actual, simulated or implied, but no scenes of explicit sexual conduct. Verbal reference, but no visual presentation, of sexual conduct with no noticeable effect;
 - (ix) Sexual violence 'SV' – content may contain scenes of low impact, implied sexual violence;
 - (x) Violence 'V' – content may contain moderate impact violence. Verbal reference, but no visual presentation, of violence with no noticeable effect. If there are scenes of domestic violence, they must be justified within context, and the content must convey a strong message against it; and

- (g) May contain accentuation techniques such as lighting, perspective and resolution.

(8) Strong (16)

- (a) The content may be threatening, disturbing or harmful to children younger than 16;
- (b) The theme may not cause moral harm to children of 16 and older;
- (c) Single or cumulative occurrences of significant classifiable elements;
- (d) Occurrences of classifiable elements may be realistic;
- (e) Classifiable elements form part of a bona fide story line;
- (f) The content contains classifiable elements that have a moderate impact, with some elements having a strong impact, as set out below:
 - (i) Criminal Techniques 'CT' – content may contain moderate impact criminal techniques;
 - (ii) Substance abuse 'D' – content may contain moderate instances of substance abuse. Any instances of strong impact substance abuse must, contextually, carry a suitable anti-substance abuse message;
 - (iii) Horror 'H' – content may contain scenes of strong impact horror;
 - (iv) Imitative Acts and Techniques 'IAT' – content may contain instances of strong impact imitative acts and techniques;
 - (v) Language 'L' – content may contain instances of strong impact language;
 - (vi) Nudity 'N' – content may contain scenes of moderate impact nudity;
 - (vii) Prejudice 'P' – content may contain scenes or language of prejudice of moderate impact, if it is clearly disapproved and used in an educational, dramatic or historical context;
 - (viii) Sexual conduct 'S' – content may contain scenes of moderate impact or occasional strong impact sexual conduct, but no explicit sexual conduct. May contain brief details, close-ups or slow motion of sexual conduct. Verbal reference or visual presentation of sexual conduct may appear in the content which may have an impact;
 - (ix) Sexual violence 'SV' – content may contain any scenes of actual sexual violence, but moderate sexual violence may be implied;

- (x) Violence 'V' – content may contain strong violence. May contain details, close-ups or slow motion of violence. Verbal reference or visual presentation of violence may appear in the content which may have an impact; and
- (g) May contain accentuation techniques such as lighting, perspective and resolution of sexually-related activity, sexual conduct or violence.

(9) Very Strong (18)

- (a) The content may be threatening, disturbing or harmful to children;
- (b) The theme may cause moral harm to children;
- (c) Single or cumulative occurrences of classifiable elements;
- (d) Occurrences of classifiable elements may be realistic;
- (e) May contain graphic details, close-ups or slow motion of sexually-related activity, sexual conduct or violence;
- (f) Verbal reference or visual presentation of certain classifiable elements such as sexually-related activity, sexual conduct or violence, but not explicit sexual violence;
- (g) Classifiable elements do not necessarily form part of a bona fide story line;
- (h) The content contains classifiable elements that have a strong to very strong impact, as set out below:
 - (i) Criminal Techniques 'CT' – content may contain scenes of strong impact criminal techniques;
 - (ii) Substance abuse 'D' – content may contain strong impact scenes of substance abuse;
 - (iii) Horror 'H' – content may contain scenes of strong impact horror;
 - (iv) Imitative Acts and Techniques 'IAT' – content may contain instances of very strong impact imitative acts and techniques;
 - (v) Language 'L' – content may contain instances of very strong language;
 - (vi) Nudity 'N' – content may contain scenes of strong impact nudity;
 - (vii) Prejudice 'P' – content may contain scenes or language of prejudice of strong impact;
 - (viii) Sexual conduct 'S' – content may contain occurrences of strong or very strong sexual conduct, but no explicit sexual conduct. Verbal reference or visual presentation of sexual conduct;

- (ix) Sexual violence 'SV' – content may contain occurrences of actual moderate to strong sexual violence if justified by context but no explicit sexual violence;
 - (x) Violence 'V' – content may contain strong to very strong violence. Verbal reference or visual presentation of violence; and
- (i) May use accentuation techniques such as lighting, perspective and resolution.

(10) Refused Classification

- (a) Any content that contains propaganda for war or incitement of imminent violence, or that advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm, must be refused classification and be reported to the Chief Executive Officer to be published the Gazette.
- (b) However, if judged within context, the content is a bona fide documentary or is a publication of scientific, literary or artistic merit, or is on a matter of public interest, it must be classified accordingly.
- (c) Any content that constitutes child pornography must be immediately reported to the South African Police Services by the Chief Executive Officer. There are no exceptions or exemptions for the possession, distribution, sale or hire of child pornography, which is illegal under all circumstances.

(11) Restricted Distribution Content – XX

- (a) Films must be classified 'XX' if they depict the following, as set out in section 18 of the Act.
- (b) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
 - (i) Bestiality, incest, rape conduct or an act which is degrading of human beings;
 - (ii) Conduct or an act which constitutes incitement of, encourages or promotes, harmful behaviour;
 - (iii) Explicit infliction of sexual or domestic violence; or
 - (iv) Explicit visual presentations of extreme violence;

Unless judged within context, the film is a bona fide documentary or is of scientific, dramatic or artistic merit, or is on a matter of public interest, in which case the content shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate content.

- (c) The interpretation of 5(11)(b)(i)-(v) above includes instances of:
- (i) Detailed instruction or promotion of matters of crime or violence;
 - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia;
 - (iii) Any content, including scenes or dialogue, likely to encourage an interest in harmful paraphilia and sexual violence;
 - (iv) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or that are excessively frequency, prolonged or detailed, including cruelty to either humans or animals, or real scenes of violence that are very detailed and that have an extreme impact;
 - (v) Detailed instruction in the use of proscribed drugs, and content promoting, or encouraging proscribed drug use;
 - (vi) Apparent lack of consent for any party who participates in sexually-related activity, sexual conduct or explicit sexual conduct and who appears to be *non compos mentis* ('not of sound mind'- e.g. in a drug or alcohol-induced state, or mentally ill).
- (d) Any content that has been classified as 'XX' must be reported to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

(12) Restricted Distribution Content – X18

- (a) Any content that contains explicit sexual conduct between consenting adults must be classified as 'X18' unless, judged within context, it is a bona fide documentary or is of scientific, dramatic or artistic merit, or on a matter of public interest, in which case it must be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate contents.
- (b) Any content that, in addition to explicit sexual conduct, contains any content referred to in section 8(2) above and has an extreme impact, may be classified as 'XX';
- (c) Any content that is classified as 'X18' must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

6. GENERAL CONSIDERATION FOR THE CLASSIFICATION OF TRAILERS

- (1) As with the classification of films, trailers must be classified, based on the same requirements of content and impact, and having regard to the applicable classifiable elements. However, release format need not be considered.

- (2) The classification of trailers must be equal to or lower than the films they advertise, regardless of release format.

7. GENERAL CONSIDERATIONS FOR FILMS OF EDUCATIONAL VALUE

- (1) Any film that contains content of educational value may be indicated by the use of the consumer advisory 'ED'.
- (2) Upon application to the FPB by a school or further education and training institution as defined in the South African Schools Act, 1996 (Act no. 84 of 1996 as amended) or Further Education and Training Act 1998 (Act No. 98 of 1998), the age restriction category may be reduced by the FPB, and certain viewing conditions may be imposed. Viewing conditions must be determined by the FPB and may include, but are not restricted to:
 - (a) A minimum number of suitably-qualified educators to supervise the viewing of the film;
 - (b) A mandatory briefing by suitably-qualified educators prior to the viewing of the film to prepare the learners for what to expect, and to provide an opportunity for sensitive learners to leave without viewing the content; and
 - (c) A mandatory debriefing by suitably-qualified educators, after the viewing of the film, to provide further context for the content, if necessary to reassure learners who may be adversely affected, and to allow them to ask questions and share experiences of the content.

PART B – GAMES

This portion of the Classification Guidelines will provide the applicable provisions which must be applied to give age ratings and content advice to games.

8. GUIDING PRINCIPLES

- (1) All classification decisions must consider the context, impact and release format of the content.
- (2) When considering context, the following factors should be taken into account:
 - (a) The expectations of the public in general and the target market of the content in particular;
 - (b) The theme of the content;
 - (c) The manner in which an issue is presented;
 - (d) The literary, artistic, dramatic or educational merit of the game; and
 - (e) The apparent intention of the game creator, as reflected in its effect.

- (3) The degree of interactivity of the game (such as first-person as opposed to third-person game play), the use of incentives and rewards, technical features and competitive intensity, has to be considered in determining the intensity of impact.
- (4) The impact of classifiable elements may increase intensity according to frequency of occurrence, realism, detail techniques used, and the nature of the theme, bona fide status, verbal references or visual presentation.
- (5) Should the game contain 'Photo or pattern sensitivity, motion sickness and reactions to low frequency sound' (PPS) then provision should be provided. In doing so regard should be had to the following:
 - (a) The exact nature of the stimuli that may trigger seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect. It is therefore treated, not as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided on a voluntary basis. This advisory may need to be provided even in instances of low impact if the stimuli may trigger seizures;
 - (b) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) that flash more than three times a second;
 - (c) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but little or no motion is sensed by the vestibular system (e.g. bounding-camera movies). Similar to motion sickness is simulation (or simulator) sickness; but this is caused by playing computer/ simulation/ video games (i.e. first-person-perspective games and virtual reality setups). It is recognised that it may be identified subjectively, and is not treated as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided on a voluntary basis;
 - (d) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 Hz. A low-frequency signal can go from being barely audible to being disturbing with a relatively small change in pressure level, and it may be identified subjectively. It is not treated as a classifiable elements determining age restrictions, but as a matter for appropriate voluntary consumer advice; and
 - (e) Photo or pattern sensitivity, motion sickness, and reactions to low frequency sound may justify voluntary consumer advice.

9. CLASSIFICATION CATEGORIES OF GAMES

- (1) Games are classified into categories on the basis of:
 - (a) Context,
 - (b) Impact of the classifiable elements, and
 - (c) Release format.

(2) All three requirements must be considered and content that is rated in any category should fulfil all stated requirements. Should it not, classifiers should consider the higher or lower category, depending on the merits.

(3) No (PG)

- (a) There are no classifiable elements in the game that justify a restrictive age classification.
- (b) The content contains classifiable elements that have low impact, as set out below:
 - (i) Competitive Intensity 'CI' – competitive intensity may have a low impact, provided that there is low impact in-game violence in third-person game play and no impact in-game violence in first-person game play;
 - (ii) Criminal Techniques 'CT' – content may not contain any scenes of criminal techniques;
 - (iii) Substance Abuse 'D' – content may not contain any occurrences of substance abuse, actual or implied;
 - (iv) Horror 'H' – content only contains low impact occurrences of horror;
 - (v) Imitative Acts and Techniques 'IAT' – content may contain occurrences of low impact imitative acts and techniques;
 - (vi) Language 'L' – content may only contain occurrences of low impact language;
 - (vii) Nudity 'N' – content may not contain any occurrences of nudity;
 - (viii) Prejudice 'P' – content may not contain occurrences or language of prejudice;
 - (ix) Sexual conduct 'S' – content may not contain any occurrences of actual or implied sexual conduct, but may contain occurrences of affection;
 - (x) Sexual violence 'SV' – content may not contain any occurrences of actual or implied sexual violence; and
 - (xi) Violence 'V' – content may contain only low impact violence, and may not contain any occurrences of domestic violence.

(4) Low (7-9PG)

- (a) Material classified as '7-9PG' is not appropriate for children under the age of 7. If the content is particularly entertaining or of educational value, parents or caregivers may decide whether it is appropriate for children in their care from ages 7 to 9 to play it. Children from the ages of 7 to 9 years are not allowed to play a game classified '7-9PG' unless supervised by an adult;

- (b) no significant single or cumulative occurrences of classifiable elements;
- (c) classifiable elements are not realistic;
- (d) limited accentuation techniques such as lighting, perspective and resolution;
- (e) the content is not threatening, disturbing or harmful;
- (f) the theme causes no moral harm;
- (g) occurrences of classifiable elements may be very strongly stylised and not realistic;
- (h) no use of incentives or rewards for classifiable elements;
- (i) The content may not contain themes that may be harmful or inappropriate for children under 7. The themes may be complex and mature, as long as children aged 7-9 do not find them confusing, distressing or upsetting.
- (j) The material contains classifiable elements that have a low to mild impact as set out below:
 - (i) Competitive Intensity 'CI' – competitive intensity may have a mild impact, provided that there is low impact first-person game play violence and mild impact third-person game play violence. Limited occurrences of competitive intensity involving violence occur in third-person game play;
 - (ii) Criminal Techniques 'CT' – content may not contain any occurrences of criminal techniques;
 - (iii) Substance abuse 'D' – content may not contain occurrences of substance abuse;
 - (iv) Horror 'H' – content only contains low impact occurrences of horror. Fantasy settings may, when appropriate, be regarded as reducing the impact;
 - (v) Imitative Acts and Techniques 'ITN' – content may contain instances of low impact imitative acts and techniques;
 - (vi) Language 'L' – content may only contain occurrences with low to mild impact language;
 - (vii) Nudity 'N' – content may not contain any occurrences of nudity;
 - (viii) Prejudice 'P' – content may not contain any occurrences or language of prejudice;
 - (ix) Sexual conduct 'S' – content may not contain any occurrences of actual, simulated or implied sexual conduct, but may contain occurrences of

affection. No details, close-ups or slow motion of sexual conduct. No verbal reference or visual presentation of sexual conduct.

- (x) Sexual violence 'SV' – content may not contain any occurrences of actual or implied sexual violence. No verbal reference or visual presentation of sexual violence; and
- (xi) Violence 'V' – content may contain only low impact violence in first-person game play or mild impact violence in third-person game play, and no occurrences of domestic violence. No details, close-ups or slow motion of violence. No verbal reference or visual presentation of violence.

(5) Mild (10-12PG)

- (a) The content is not threatening, disturbing or harmful;
- (b) The theme causes no moral harm;
- (c) Limited occurrences of significant classifiable elements;
- (d) Occurrences of classifiable elements are not realistic;
- (e) No use of incentives or rewards for classifiable elements;
- (f) The content contains classifiable elements that have a mild impact as set out below:
 - (i) Competitive Intensity 'CI' – competitive intensity may have a moderate impact, provided that there is mild impact first-person game play violence and moderate impact third-person game play violence;
 - (ii) Criminal Techniques 'CT' – content may not contain any scenes of criminal techniques;
 - (iii) Substance Abuse 'D' – content may not contain any occurrences of substance abuse;
 - (iv) Horror 'H' – content may contain instances of mild to moderate impact horror. Fantasy or comedic horror may reduce the impact;
 - (v) Imitative Acts and Techniques 'IAT' – content may contain instances of mild impact imitative acts and techniques;
 - (vi) Language 'L' – content may only contain instances of mild to moderate impact language;
 - (vii) Nudity 'N' – content may not contain any occurrences of nudity;
 - (viii) Prejudice 'P' – content may not contain any occurrences or language of prejudice;

- (ix) Sexual conduct 'S' – content may not contain any occurrences of sexual conduct, actual, simulated or implied. No details, close-ups or slow motion of sexual conduct. No verbal reference or visual presentation of sexual conduct;
 - (x) Sexual violence 'SV' – content may not contain any occurrences of actual or implied sexual violence. No verbal reference or visual presentation of sexual violence;
 - (xi) Violence 'V' – content may contain only mild impact violence in first-person game play and moderate impact violence in third-person game play. If there are scenes of domestic violence, they must be justified within context, and the content must convey a strong message against it. No details, close-ups or slow motion of violence. No verbal reference or visual presentation of violence; and
- (g) Limited accentuation techniques such as lighting, perspective and resolution.

(6) Moderate (13)

- (a) The theme may be threatening, disturbing or harmful to children younger than 13 and may not be consumed by children under the age of 13;
- (b) The theme causes no moral harm to children aged 13 and older;
- (c) Single or cumulative occurrences of classifiable elements;
- (d) Occurrences of classifiable elements are not realistic;
- (e) Some use of incentives or rewards for classifiable elements;
- (f) Verbal reference to rather than visual presentation of certain classifiable elements, with no noticeable effect;
- (g) Classifiable elements form part of a bona fide story line.
- (h) The content contains classifiable elements that have a mild impact as set out below:
 - (i) Competitive Intensity 'CI' – competitive intensity may have a moderate impact, provided that there is mild impact first-person game play violence and moderate impact third-person game play violence;
 - (ii) Criminal Techniques 'CT' – content may not contain any scenes of criminal techniques;
 - (iii) Substance Abuse 'D' – content may only contain low to mild impact occurrences of substance abuse. Any instances of moderate impact substance abuse must carry a suitable anti-substance abuse message;
 - (iv) Horror 'H' – content may contain instances of low, mild or moderate impact horror. Fantasy or comedic horror may reduce the impact;

- (v) Imitative Acts and Techniques 'IAT' – content may contain instances of mild impact imitative acts and techniques;
- (vi) Language 'L' – content may contain instances of moderate impact strong language;
- (vii) Nudity 'N' – content may contain occurrences of low impact nudity. No details, close-ups or slow motion of nudity. Some use of incentives or rewards for classifiable elements, but not for nudity;
- (viii) Prejudice 'P' – content may not contain any occurrences or language of prejudice;
- (ix) Sexual conduct 'S' – content may contain occurrences of low to mild sexually-related activity, whether actual or implied, but no occurrences of sexual conduct. No details, close-ups or slow motion of sexual conduct. Some use of incentives or rewards for classifiable elements, but not for sexual conduct;
- (x) Sexual violence 'SV' – content may contain scenes of low impact, implied sexual violence;
- (xi) Violence 'V' – content may contain only mild impact violence in first-person game play and moderate impact violence in third-person game play. If there are scenes of domestic violence, they must be justified within context, and the content must convey a strong message against it. No details, close-ups or slow motion of violence; and
 - (i) May contain accentuation techniques such as lighting, perspective and resolution.

(7) Strong (16)

- (a) The theme may be threatening, disturbing or harmful to children younger than 16 and may not be consumed by children under the age of 16;
- (b) The theme may not cause moral harm to children of 16 and older;
- (c) Single or cumulative occurrences of significant classifiable elements;
- (d) Occurrences of classifiable elements may be realistic;
- (e) Some use of incentives or rewards for classifiable elements;
- (f) The content contains classifiable elements that have a mild to moderate impact, with some elements having a strong impact, as set out below:
 - (i) Competitive Intensity 'CI' – competitive intensity may have a moderate to strong impact, provided that there is moderate impact first-person game play violence and strong impact third-person game play violence. Occurrences of competitive intensity may involve realistic but not

- extreme violence (provided that it does not fall within the 'XX' category), and may be in first-person game play;
- (ii) Criminal Techniques 'CT' – content may contain instances of mild to moderate impact criminal techniques;
 - (iii) Substance Abuse 'D' – content may contain moderate instances of substance abuse. Any instances of strong impact substance abuse must carry a suitable anti-substance abuse message;
 - (iv) Horror 'H' – content may contain instances of strong impact horror;
 - (v) Imitative Acts and Techniques 'IAT' – content may contain instances of moderate impact imitative acts and techniques;
 - (vi) Language 'L' – content may contain instances strong language;
 - (vii) Nudity 'N' – content may contain occurrences of moderate impact nudity. No use of incentives for nudity;
 - (viii) Prejudice 'P' – content may contain any occurrences or language of prejudice of moderate impact, provided that it is clearly disapproved of or justified within context, or if it is used in an education, dramatic or historical context;
 - (ix) Sexual conduct 'S' – content may contain occurrences of implied moderate simulated sexual conduct, but no explicit sexual conduct. May contain details, close-ups or slow motion of sexual conduct. No use of incentives or rewards for sexual conduct;
 - (x) Sexual violence 'SV' – content may contain any scenes of actual sexual violence, but moderate sexual violence may be implied. May contain details, close-ups or slow motion of sexual violence;
 - (xi) Violence 'V' – content may contain only moderate impact violence in first-person game play, strong impact violence in third-person game play; and
- (g) May contain accentuation techniques such as lighting, perspective and resolution;

(8) Very Strong (18)

- (a) The theme may be threatening, disturbing or harmful to children;
- (b) The theme may cause moral harm to children;
- (c) Single or cumulative occurrences of classifiable elements;
- (d) Occurrences of classifiable elements may be realistic;
- (e) Some use of incentives or rewards for classifiable elements;

- (f) The content contains classifiable elements that have a moderate impact, with some elements having a strong to very strong impact, as set out below:
- (i) Competitive Intensity 'CI' – competitive intensity may have a very strong impact, provided that there is strong to very strong impact first-person game play violence and very strong impact third-person game play violence. Occurrences of competitive intensity may involve realistic and extreme violence (provided that it does not fall within the 'XX' category) and may be in first-person game play;
 - (ii) Criminal Techniques 'CT' – content may contain occurrences of moderate to strong impact criminal techniques;
 - (iii) Substance Abuse 'D' – content may contain moderate to strong impact occurrences of substance abuse;
 - (iv) Horror 'H' – may contain occurrences of very strong impact horror;
 - (v) Imitative Acts and Techniques 'IAT' – content may contain occurrences of moderate to strong imitative acts and techniques;
 - (vi) Language 'L' – content may contain instances very strong language;
 - (vii) Nudity 'N' – content may contain occurrences of moderate to strong impact nudity, provided that it is not related to incentives or rewards;
 - (viii) Prejudice 'P' – content may contain occurrences or language of prejudice of strong to very strong impact;
 - (ix) Sexual conduct 'S' – content may contain occurrences of sexual conduct, actual or implied, provide that it is not related to incentives or rewards. May contain details, close-ups or slow motion of sexual conduct;
 - (x) Sexual violence 'SV' – content may contain occurrences of actual moderate to strong sexual violence. May contain details, close-ups or slow motion of sexual violence;
 - (xi) Violence 'V' – content may contain strong to very strong impact violence in first-person game play, very strong impact violence in third-person game play; and
- (g) May use accentuation techniques such as lighting, perspective and resolution.

(8) Refused Classification

- (a) Any content that contains propaganda for war or incitement of imminent violence, or that advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm, must be refused classification and be reported to the Chief Executive Officer to be published the Gazette.

- (b) However, if judged within context, the content has scientific, literary or artistic merit, or is on a matter of public interest, it must be classified accordingly.
- (c) Any content that constitutes child pornography must be immediately reported to the South African Police Services by the Chief Executive Officer. There are no exceptions or exemptions for the possession, distribution, sale or hire of child pornography, which is illegal under all circumstances.

(9) Restricted Distribution Content – XX

- (a) Games must be classified ‘XX’ if they depict the following, as set out in section 18 of the Act:
 - (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
 - (ii) Bestiality, incest, rape, conduct or an act which is degrading of human beings;
 - (iii) Conduct or an act which constitutes incitement of, encourages or promotes, harmful behaviour;
 - (iv) Explicit infliction of sexual or domestic violence, or
 - (v) Explicit visual presentations of extreme violence;

Unless judged within context, the film is a bona fide documentary or is of scientific, dramatic or artistic merit, or in on a matter of public interest, in which case the content shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate content.

- (b) The interpretation of 9(9)(a)(i)-(v) above includes instances of:
 - (i) Detailed instruction or promotion of matters of crime or violence;
 - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia and sexual violence;
 - (iii) Any content, including occurrences or dialogue, likely to encourage an interest in harmful paraphilia and sexual violence;
 - (iv) Any sexual violence or sexual conduct related to incentives or rewards;
 - (v) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or that are excessively frequent, prolonged or detailed, including cruelty to either humans or animals, or real occurrences of violence, that are very detailed and that have an extreme impact;

- (vi) Detailed instruction in the use of proscribed drugs, and content promoting or encouraging proscribed drug or substance abuse related to incentives or rewards;
 - (vii) Apparent lack of consent for any party who participates in sexually-related activity, sexual conduct or explicit sexual conduct and who appears to be *non compos mentis* ('not of sound mind' – e.g. in a drug- or alcohol-induced state, or mentally ill).
- (c) Any content that has been classified as 'XX' must be reported to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

(10) Restricted Distribution Content – X18

- (a) Any content that contains explicit sexual conduct between consenting adults must be classified as 'X18' unless, judged within context, it has scientific, dramatic or artistic merit, or is on a matter of public interest, in which case it must be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age-inappropriate contents.
- (b) Any content that, in addition to explicit sexual conduct, contains any content referred to in section 25(2) above and has an extreme impact, may be classified as 'XX'.
- (c) Any content that is classified as 'X18' must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.
- (d) Any content that, in addition to explicit sexual conduct, contains any classifiable element that has an impact as set out below, must be classified as X18:
 - (i) Very strong competitive intensity in games combined with very strong or extreme level of first-person and third-person game play violence;
 - (ii) Any nudity or sexually-related activity related to incentives or rewards;
 - (iii) Extreme impact third-person game play violence and very strong impact first-person game play;
 - (iv) Any very strong impact criminal techniques; and
 - (v) Any very strong impact initiative behaviour (where appropriate)
- (e) Any content that is classified as X18 must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

PART C – PUBLICATIONS

This portion of the Classification Guidelines will provide the applicable provisions which must be applied to give age ratings and content advice to publications.

10. GUIDING PRINCIPLES

- (1) The Film and Publications Act No. 65 of 1996 recognises three categories of publications:
 - (a) Publications that are bona fide newspapers or magazines published by a member of a body either recognised by the Press Ombudsman or another recognised self-regulatory authority, and that subscribe and adhere to a code of conduct. These do not fall within the jurisdiction of the FPB; and
 - (b) Publications, other than those contemplated in subsection (1)(a) above, that contain content that advocates propaganda for war, incites violence, advocates hatred based on an identifiable group characteristic, and that constitutes incitement to cause harm, must be submitted by publishers before publication; and
 - (c) Publications about which requests for classification are received by the FPB.
- (2) The classification of publications other than those referred to in sub-section (3) of these guidelines is voluntary; but any publication must be classified upon the request of any interested person.
- (3) Any person, except the publisher of a newspaper or magazine contemplated in subsection (1) above, who, for distribution or exhibition in the Republic creates, produces, publishes or advertises any publication that -
 - (a) Advocates propaganda for war;
 - (b) Incites violence; or
 - (c) Advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm;Shall submit, in the prescribed manner, such publication for examination and classification to the Board before such publication is distributed, exhibited, offered or advertised for distribution or exhibition.
- (4) Compliance with the classification guidelines is mandatory for all relevant publications.
- (5) All classification decisions must consider the context and impact of content.
- (6) When considering context, the following factors may be taken into account:
 - (a) The expectations of the public in general and the target market of the content;
 - (b) The theme of the content;
 - (c) The manner in which an issue is presented;
 - (d) The literary, artistic, documentary or scientific merit of the publication, or its relevance to matters of public interest;

- (e) The apparent intention of the creator, producer or publisher of a publication as reflected in its effect.

11. CLASSIFICATION CATEGORIES OF PUBLICATIONS

- (1) Games are classified into categories on the basis of:

- (a) Context; and
- (b) Impact of classifiable elements.

- (2) Both requirements must be considered and content that is rated in any category should fulfil all stated requirements. Should it not, classifiers should consider the higher or lower category, depending on the merits.

(3) **Low to mild**

- (a) Themes of an adult nature should be treated discreetly, not be exploitative, and cause no moral harm; and
- (b) No significant single or cumulative occurrences of classifiable elements.

(4) **Moderate (13)**

- (a) Themes of an adult nature should be treated discreetly, not be exploitative, and cause no moral harm.
- (b) Single or cumulative occurrences of classifiable elements;
- (c) Any textual reference to sexual violence must be treated discreetly;
- (d) No detailed descriptions of nudity, sexually-related activity, or violence;
- (e) The content contains no classifiable elements, or it has a low to mild impact language as set below:
 - (i) Language – content may only contain instances of low to mild impact language;
 - (ii) Nudity – content may only contain instances of low to mild impact nudity in non-sexual contexts;
 - (iii) Language that is prejudiced – content may not contain any language of prejudice unless clearly disapproved of;
 - (iv) Prejudice – content may contain language of prejudice of low to mild impact if it is clearly disapproved of, in which case the ‘P’ advisory should be used;

- (v) Sexual conduct – content may not contain any depictions or language of actual or implied sexual conduct but may contain depictions of affection. Textual description, but no visual presentation, of sexual conduct;
- (vi) Sexual violence – content may not contain any depictions or language of actual or implied sexual conduct or sexually-related activity, but may contain depictions of affection;
- (vii) Violence – content may contain language or depictions of low to mild impact violence. Textual description, but no visual presentation, of violence;
- (viii) Criminal Techniques – content may not contain any depictions or explanations of criminal techniques.

(5) Strong (16)

- (a) Themes of an adult nature should not be exploitative or cause moral harm;
- (b) Single or cumulative occurrences of classifiable elements;
- (c) May have textual description and visual presentation of certain classifiable elements such as nudity, sexually-related activity, sexual conduct, or violence;
- (d) However, any textual description of sexual violence must be treated discreetly, and may not contain any visual presentation of sexual violence;
- (e) No details or close-ups of nudity, sexually related activity, sexual conduct or violence;
- (f) Classifiable elements are not exploitative and gratuitous;
- (g) The content contains classifiable elements that have a moderate impact, with some elements having a strong impact, as set out below:
 - (i) Language – content may only contain instances of moderate impact language;
 - (ii) Nudity – content may contain instances of moderate impact nudity;
 - (iii) Prejudice – content may contain language of prejudice of moderate impact if it is clearly disapproved of, in which case the ‘P’ advisory should be used;
 - (iv) Sexual conduct – content may contain moderate descriptions of sexual conduct, but no visual presentations of sexual conduct;
 - (v) Sexual violence – content may not contain any depictions or language of actual or implied sexual violence, unless it is of educational value and clearly contextually disapproved of;

- (vi) Violence – content may contain moderate impact depictions and strong impact language related to violence; and
- (vii) Criminal Techniques – content may contain limited depictions or explanations of criminal techniques.

(6) Very Strong (18)

- (a) May contain details and close-ups of classifiable elements;
- (b) Textual description or visual presentation of certain classifiable elements such as sexually-related activity, sexual conduct or violence;
- (c) Any textual description or visual presentation of sexual violence that does not contain explicit sexual violence which violates or disrespects the right to human dignity;
- (d) Publications with an age restriction of 18 must be distributed in an opaque wrapper that must clearly indicate the age restriction;
- (e) The content contains classifiable elements that have a moderate impact, with some elements having a strong or very strong impact, as set out below:
 - (i) Language – content may contain instances of strong to very strong language;
 - (ii) Nudity – content may contain instances of nudity in sexual contexts;
 - (iii) Prejudice – content may contain language of prejudice of strong impact;
 - (iv) Sexual conduct – content may contain language and depictions of strong impact sexual conduct;
 - (v) Sexual violence – content may not contain depictions or descriptions of explicit sexual violence, unless it is a bona fide documentary, or is of scientific, dramatic or artistic merit, or is on a matter of public interest;
 - (vi) Violence – content may contain strong to very strong language or depictions of violence; and
 - (vii) Criminal Techniques – content may contain limited depictions or explanations of criminal techniques.

(7) Refused Classification

- (a) Any publication that contains propaganda for war or incitement of imminent violence, or that advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm, must be refused classification unless, judged within context, the publication is a bona fide documentary, or is a publication of scientific, literary or artistic merit, or is on a matter of public interest.

If the publication is refused classification, it must be reported to the Chief Executive Officer for publication in the Government Gazette.

- (b) Any content that is deemed to constitute child pornography must be reported to the South African Police Services by Chief Executive Officer immediately. There are no exceptions to the possession, distribution, sale or hire of child pornography, which regarded as illegal under all circumstances.

(8) Presumptively Harmful Content – XX

- (a) Publications must be classified as ‘XX’ if they depict the following, as set out in section 16 of the Films and Publications Act:
- (i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity;
 - (ii) Bestiality, incest, rape (sexual violence), or conduct or an act which is degrading of human beings;
 - (iii) Conduct or an act which constitutes incitement of, encourages or promotes harmful behaviour;
 - (iv) Explicit infliction of sexual or domestic violence, or explicit visual presentations of extreme violence;

Unless, judged within context, the publication is a bona fide documentary, or is of scientific, dramatic or artistic merit, or is on a matter of public interest, in which case a publication that contains explicit sexual conduct which violates or shows disrespect for the right to human dignity shall be classified ‘X18’, and other publications classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate content, except with respect to child pornography.

- (b) The interpretation of (8)(a)(i)-(iv) above includes instances of:
- (i) Detailed instruction in or promotion of matters of crime or violence;
 - (ii) Gratuitous, exploitative or offensive depictions of sexual conduct, including harmful paraphilias;
 - (iii) Any content including depictions or dialogue likely to encourage an interest in harmful paraphilias or sexual violence;
 - (iv) Gratuitous, exploitative or offensive depictions of violence that are presumptively harmful, or that are excessively frequent or detailed, or that depict cruelty to humans and animals, or occurrences of real violence that are presumptively harmful;
 - (v) Detailed instruction in the use of proscribed drugs and content promoting or encouraging their use;

- (vi) Instances where participants are legally incapable of consenting to participate in sexually-related activity, sexual conduct or explicit sexual conduct and who appear to be *non compos mentis* (not of sound mind – i.e. in a drug- or alcohol-induced state, or mentally ill, and the like)
- (c) Any content that has been classified as xx must be reported to the Chief Executive Officer for publication in the Gazette, together with the reasons for the decision.

(9) Restricted Distribution Content – X18

- (a) Any content that contains explicit sexual conduct between consenting adults must be classified as X18 (pornography), unless it is judged within context to be a bona fide documentary, or is of scientific, dramatic or artistic merit, or on a matter of public interest, in which case it must be classified from exposure to disturbing, harmful or age-inappropriate contents, except with respect to child pornography.
- (b) Publications classified as X18 contain one or more classifiable elements of strong or very strong impact.
- (c) Any content that is classified as X18 must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with reasons for the decision.

12. EFFECTIVE DATE

These Guidelines shall become effective three (3) months after the date of publication in the Gazette.

13. REPEALED GUIDELINES

These Guidelines repeal the Guidelines published in terms of the Act as ‘Guidelines to be used in the classification of Films, Interactive Computer Games and Certain Publications’ dated 3 October 2014 in Gazette notice 38051.

DEPARTMENT OF EDUCATION

NO. 540

05 APRIL 2019

**GENERAL AND FURTHER EDUCATION AND TRAINING ACT, 2001 (ACT NO. 57 OF 2001)
AND
NATIONAL QUALIFICATIONS ACT, 2008 (ACT NO 67 OF 2008)**

**REPEAL OF POLICY AND TRANSITIONAL ARRANGEMENTS FOR THE NATIONAL SENIOR
CERTIFICATE (COLLEGES) PROGRAMMES – NATED 190/191**

In terms of Section 27(k) of the National Qualifications Framework Act, Act No 67 of 2008, Umalusi Council hereby notifies the public of its intent to phase out the National Senior Certificate (Colleges) (*Nated Report 191, Part 1*) as from 1 January 2021.

The National Senior Certificate (Colleges) (*Nated Report 191, Part 1*) has remained as an option for candidates who, having passed the National Certificate N3: Engineering, were entitled to receive the qualification on condition that they had offered and passed the two N3 Business Languages offered at the colleges.

An analysis undertaken for Umalusi Council in 2016 indicated that very few candidates elect to be certified for the qualification, and further that the NSC (Colleges) qualification does not articulate meaningfully with other qualifications on the National Qualifications Framework. Given the importance attached to the need for articulation in the NQF environment, and given the new qualifications developed to offer more meaningful second chances, Umalusi Council has determined that the qualification in its current format no longer serves a meaningful function in the education and training system.

For both the reasons cited above, Umalusi Council, as the Quality Council for General and Further Education and Training has determined the cessation of the NSC (Colleges) programme as recorded in *Nated Report 191, Part 1*.

With the repeal of the Policy for the NSC (Colleges) Programmes (*Nated Report 191*), the certification of the National Technical Certificate N3 subjects in combination with Senior Certificate subjects for the issuing of a Senior Certificate, awarded in terms of *A résumé of instructional programmes in schools, Report 550 (2005/09)*, will also cease.

The last date of examination for students requiring the two N3 Business Languages to qualify for the NSC (Colleges) qualification and for the National Technical Certificate N3 subjects to qualify for the Senior Certificate will be November 2020. No further registrations will be allowed from 1 January 2021.



Prof J Volmink
CHAIRPERSON: UMALUSI COUNCIL