



Annual Report 2008





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President's introduction

The impact of new media in general and the internet in particular, continues to dominate the thoughts of those involved in the regulation of audio-visual material. Last year, I identified a series of key questions, including whether regulation is required in the new media age, what social purposes such regulation might be designed to achieve, and how far regulation might depend on the nature of the material or the nature of the service providing access to it.

For many years, the dominant public policy position was that creating statutory arrangements for the regulation of new, internet based, audio-visual services was both impossible, in part because the internet broke down the distinction between producer and consumer, and enabled the supply of content to take place in private and across national boundaries, and undesirable, because such regulation would stifle freedom of expression, innovation and growth in an important emerging economic sector in which the UK had a significant competitive advantage. It is indeed important that any regulatory intervention should be designed to minimise any risk to these features, and should accordingly be sensitive, proportionate and such as to command public confidence.

In so far as some oversight of harmful content might be required, it could be provided by a combination of voluntary regulatory arrangements, media education and the criminal law. The BBFC has played a full part in all three:

- working with the industry to launch the voluntary BBFC.online scheme for the regulation of video content supplied by digital means, discussed in detail in the

Director's Report;

- stepping up its educational programme by launching successful, dedicated websites for young children, students and parents, and holding face to face seminars with many thousands of students;
- contributing constructively to the development of new criminal offences designed to deal with possession of the most egregious content.

While such an approach could do much good, its effectiveness should not be exaggerated. The material which poses the greatest risk of harm is usually published on websites which sit outside UK jurisdiction by people who have no commercial interest in complying with any voluntary restriction on the nature of the content or the ease with which it can be accessed. It is accessed by people who are not predisposed to the idea that they might need protecting from such content (or that society might need protecting from the effects that such content might have on their beliefs, attitudes or behaviour), or by children whose parents lack the technological sophistication or inclination to make effective use of the tools available.

To take just one type of potentially harmful content, we know that many children are coming across pornographic or obscene material online. With the recent development of 'You Tube' style pornographic sites such exposure can only increase. These sites offer instant and free access to a vast catalogue of explicit pornographic videos uploaded by users of the sites. Many of the videos contain violent, abusive or obscene content. Like 'You Tube', they have no gatekeeping in place. Many lack even a warning page because each additional 'mouse click' on the way to such content is thought to drive users

to rival sites. At time of writing, three such sites are in the top 50 most used sites in the UK, with the highest sitting between www.guardian.co.uk and www.aol.co.uk, and ahead of www.twitter.com, in terms of traffic.

Of course, the debate has moved on in the past few years. Targeted statutory intervention has become part of the response in the free world and is no longer restricted to states which sit outside the western liberal tradition. This year, across the EU, governments will be introducing statutory arrangements for the regulation of 'TV like' (the somewhat imprecise term used) video on demand services based in the EU, in order to comply with the requirements of the Audio Visual Media Services Directive (AVMS). In the UK this will involve giving powers to Ofcom, with the intention that those powers will be delegated to a co-regulator set up by the industry. The BBFC welcomes these arrangements provided that, as is anticipated by both Ofcom and Government officials, they complement and build upon the protection to consumers offered by the BBFC.online scheme.

In addition to implementation of the AVMS Directive, the creation of the offence of possession of extreme pornography (defined as a subset of obscene content) in the UK, and a whole range of national statutory initiatives across the developed world (whether aimed at harmful content or copyright infringement), are evidence that the process of attempting to provide some regulatory oversight of audio-visual content provision on the internet has begun. How that process develops will depend upon how much faith the public has in the ways in which providers of online content regulate themselves, either individually or by joining voluntary schemes such as BBFC.online.

This Report gives a full account of the Board's activities, achievements and plans, including the important work, detailed in the Director's report, on revising our Guidelines. I should like to record my gratitude to the many people who have over the last year helped our efforts, including those in the industry who have worked with us, and those members of the public who have helpfully taken the trouble to register their views with us, whether on particular classification decisions or on general matters such as the Guidelines revision.

In particular I should like to thank Graham Lee and Steve Jaggs, Chairman and Vice Chairman respectively, and our other colleagues on the Council of Management, the members of the Consultative Council, David Simpson who ably chairs the Advisory Panel on Children's Viewing and the other members.

As foreshadowed in last year's Report John Taylor and Janet Lewis-Jones, the two outgoing Vice Presidents, left the Board in October after 10 years. I repeat my heartfelt appreciation for their service. I welcome the two new Vice Presidents, Alison Hastings and Gerard Lemos, appointed after an open competition. Each has a record of achievement and a wide range of relevant experience.

As ever, I am very grateful to the Director David Cooke for his efficient and enthusiastic leadership of the Board's work and to all his colleagues for their able support.



Quentin Thomas June 2009





The modern BBFC looks to the future. Our vision statement commits us to regulating moving image content 'in a manner which maintains the support and confidence of the industry and the public' and we understand that this involves responding to changes in public attitudes, and adapting to technological developments. We are acutely aware that the creative industries we regulate play an important role in the lives of both children and adults, and a significant role in the economy. We believe that robust and independent regulation, which meets the needs of the public in general, and parents in particular, is in the long term interests of both the industry and society.

That is why, for the third time in 10 years, we have once again conducted a major public consultation exercise to ensure that the criteria we use to classify material is in line with the expectations of the UK public. This consultation has resulted in the new Classification Guidelines which are being published in conjunction with this report. These take effect immediately and will govern every classification decision we make over the next few years.

The detail of the consultation is set out later in this Annual Report (under 'Research') and in the full research report published separately. The headlines are that over 8,500 people took part in the exercise, run by independent researchers using a variety of methodologies, both qualitative and quantitative. Respondents were asked to comment on the classification of works they had seen recently and to identify areas in which they thought adjustments to the classification criteria needed to be made. Key findings include:

- A demographically balanced sample of 1,100 adults were asked whether they agreed or disagreed with the classification of each recently released film or DVD they had seen in the previous four weeks. On average each respondent had seen between three and four new films or DVDs in this period and in 99 per cent of cases, the classification awarded by the BBFC was agreed with by the respondent.
- A self-selecting sample of over 4,500 respondents who completed the questionnaire online tended to be more frequent viewers and were much more likely to be young males. This sample was only slightly less supportive of BBFC classifications of recently released films and DVDs they had viewed in the past four weeks, with agreement in 91 per cent of cases.
- With regard to individual films and DVDs, respondents who disagreed with a classification of a film or DVD they had seen recently were always in the minority. This minority was usually very small (10 per cent or less in most cases) and even the classification which attracted the most criticism (the '12A' / '12' awarded to **The Dark Knight** on film / video) was actually supported by 69 per cent of those who had seen the work (30 per cent thought it too low, one per cent too high).

The qualitative research in particular underlined the extent to which representations of bigoted attitudes have become a key classification issue for the public, though there is very clear recognition of the importance of context in relation to such material. The BBFC has always taken such issues into account, but the new Guidelines acknowledge the level of public

concern by placing 'discrimination' issues, such as racism and homophobia, alongside 'sex' and 'violence' as a major factor at each category. Similarly, respondents suggested that the importance of context, and of the tone and impact of the work, already key considerations for the BBFC, should be given even more emphasis in the new Guidelines.

Other changes are more subtle, reflecting the very high levels of public support for current practice and a clear message that, where change is required, it is a minor change of emphasis that is desired, rather than a clear change of direction. Among the more notable changes are:

- Dropping the 'Uc' category, which has been little used in recent years. In future, if a work is particularly suitable for pre-school children, it will be classified 'U' and its suitability for the very young will be indicated by the Consumer Advice that appears alongside the classification on the DVD.
- Greater clarity over the meaning of '12A'.
- A slight tightening of the horror and violence criteria at '12A'/12'.
- A slight tightening of the drugs criteria at '15'.
- A slight tightening of the language criteria at '15'.
- A slight tightening of the horror and violence criteria at '15'.
- Much greater clarity over when and how the BBFC may intervene (eg through cuts or by rejecting a work outright).

Another key project during 2008 was the development of BBFC.online, a voluntary scheme which allows BBFC symbols and cinema style 'black cards' to be used in relation to content which has been brought into the scheme and which is supplied to the public via download, streaming or similar means. Use of the symbols for such forms of distribution is only granted to members of the scheme, and membership involves signing up to strict rules on the display of the symbols and on the use of effective gatekeeping measures to prevent age restricted content being supplied to those under age. The scheme is self-funding and monitoring of compliance with the rules is carried out by the BBFC. In place many months before the Digital Britain report, the BBFC.online scheme anticipated the recommendation that 'There should be a clear role for trusted brands that provide a guarantee of the nature of the content'.

BBFC.online was launched in May 2008, with support from DCMS Minister Margaret Hodge and the British Video Association, and with a founding membership which included Walt Disney Studios Home Entertainment, Warner Bros, and 20th Century Fox. Since then leading e tailers, including Tesco Digital and Lovefilm have joined the scheme, along with many other leading content providers, including Paramount Pictures. At time of writing, well over 4,000 online certificates have been issued and we expect to be able to announce shortly that other well known content providers, e tailers and other aggregators of content have joined the scheme. We look forward to strong growth in this area during 2009.

Back in the 'physical' world, submissions continued to decline from their peak in 2005 but were still the sixth highest in the BBFC's long

history. It remains to be seen what effect the current economic circumstances will have on the numbers of film and DVD titles released in the UK. In the past, cinema and home entertainment have tended to prosper during downturns as consumers seek relatively low cost forms of entertainment, but the proliferation of alternatives in the modern world (especially multi-channel TV and the internet) make it impossible to predict the impact this time around. On the plus side, the success of Blu-ray as a format has given the home entertainment industry a welcome boost, and digital projection in cinemas has opened up a whole new range of possibilities for cinemas, including the exhibition of live and 'as live' stage events, such as operas and pop concerts, and the re-emergence of 3D films in much improved form. My warmest thanks are due, once again, to the Presidential Team, The Council of Management, The Advisory Panel on Childrens' Viewing and The Consultative Council. And, as ever, the staff of the BBFC have been a delight to work with.

A handwritten signature in black ink that reads "David Cooke". The signature is written in a cursive, slightly slanted style.

David Cooke June 2009





The BBFC is accountable to the public, the film industry and Parliament and this Annual Report is a key part of our fulfilment of that requirement.

It provides a review of the work of the Board during 2008 as well as information about our financial position. This report can also be found on the Board's main website, and is placed in the libraries of both Houses of Parliament.

Consumer Advice and Extended Classification Information

The BBFC provides Consumer Advice for all classified works which enables the public to make informed choices about the films, DVDs and interactive works available to them.

Consumer Advice is a brief description of the content which determined the classification of a film, DVD or video game. As well as noting particular issues such as violence, sex, language, drugs or any other matters likely to be of concern, it can also highlight themes, such as suicide, or contexts, such as comedy or fantasy, which can influence the classification of the work. At the junior categories Consumer Advice can also warn of behaviour which may be potentially harmful if copied, or highlight content, such as characters in dangerous situations, which might frighten or upset younger viewers.

Consumer Advice also indicates the strength and frequency of individual issues by using the terms 'mild', 'moderate', 'strong' and 'very strong', across the categories. For example, language at 'U' and 'PG' is likely to be 'mild' while at '15' and '18' language can be 'strong' and 'very strong'.

With the co-operation of the film and video industry, Consumer Advice is routinely displayed on both film advertising, including posters, on print media and television, and on packaging for DVDs and video games. Consumer Advice is also available on the BBFC's websites.

Since 2007 the BBFC has also provided an extended version of Consumer Advice, known as Extended Classification Information (ECI), for every feature film and video game classified. ECI provides a more detailed explanation of the classification issues that defined the work's category. It also notes any additional content which did not determine the classification but may be of interest to the likely audience. As with Consumer Advice, the ECI is available on the BBFC's main website. The Parents BBFC website (www.pbbfc.co.uk) also provides detailed content information tailored specifically for parents and guardians. It is designed for adults who want a more detailed understanding of the issues they are likely to find in a film, DVD or video game before they allow a child to see or play it.

Letters from the public

2008 appeared to be the year of public complaining. However, compared to other UK media regulators, the BBFC receives relatively few complaints from the public.

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We received 853 emails and letters from the public concerning our classification decisions in 2008. As with recent years, there was one stand-out decision which generated the most number of complaints. Our decision to rate ***The Dark Knight*** '12A' caused considerable media and public interest. Indeed, the two appeared to be very much entwined. We received 364 complaints about the rating for ***The Dark Knight***, representing 42 per cent of all complaints received.

The Dark Knight continued the trend for darker and grittier superhero movies, and dealt with themes such as vigilantism, summary justice and the compromise of civil liberties within its 'comic book' conventions. A number of viewers found this darker tone in sharp contrast to their previous experiences of the ***Batman*** franchise. However, the critical issue for many was that the weapon of choice for The Joker was the knife. Teenage knife crime was very much headline news throughout the year, and remains a strong public concern. The worry expressed by many of the complaints was that the '12A' allowed very young children to watch this film, as long as they were accompanied by an adult. A few believed the film should have been an '18'; one or two wanted the film banned. The BBFC is always sensitive to concerns surrounding knife crime and youth violence, but it was clear that ***The Dark Knight*** did not condone or was likely to encourage violence or knife crime. In addition, many seem to have forgotten that '12A' indicates that a film is suitable for those aged 12 and over. Parents or supervising adults minded to take under 12s to see ***The Dark Knight*** were directed to our robust Consumer Advice and Extended Classification Information for the



film before doing so. The coverage of this decision gave considerable publicity for our content advice services.

A later analysis of the public response to ***The Dark Knight*** revealed that less than 10 per cent of those who complained about the film's unsuitability for children actually accompanied children to screenings of the film. It was also clear from a number of letters and emails that the complainants were responding to press coverage of the decision and had not seen the film themselves. It may not be coincidental that most of the complaints were received in the same week that *The Daily Mail* ran their three day 'campaign' against the decision. Once media interest ceased, the complaints significantly declined although the film continued to be screened nationwide.





The question of suitability of a theme in a '12A' film was also debated in relation to *The Kite Runner* and *The Boy in the Striped Pyjamas*



'Gross out comedies', in particular ***Disaster Movie*** and Adam Sandler's ***You Don't Mess With The Zohan*** (both '12A'), also attracted significant numbers of complaints. Both were released during the summer school holidays, and attended by families. The latter resulted in 23 complaints, primarily about its comic violence and sexual humour; parents were uncomfortable with the idea of Sandler's Mossad assassin-turned-hairdresser servicing his elderly female clientele, even though no sexual activity was seen but only implied (for example, noises behind a cupboard door). One mother was concerned that the film would give her 12 year old son unsuitable ideas when he next went to get his hair cut. ***Disaster Movie*** generated 20 complaints from parents who believed they were taking their children to see a film based on Disney characters as indicated by trailers for the film. Our Consumer Advice for the film – 'contains hard drugs references, strong bleeped language and sex references' – indicated quite the opposite! ***Disaster Movie*** is the latest in a line of US film spoof comedies which trade on 'gross out' humour. However, the genre appears to have outstayed its welcome.

The confounding of public expectations caused by the marketing of the film resulted in 14 people complaining about ***The Duchess***, starring Keira Knightley, and rated '12A'. Believing they were going to see a period costume romance, they were confronted instead with an occasionally uncomfortable examination of the role and status of aristocratic women in eighteenth-century England. The issues of sexual double standards and marital rape were considered unsuitable themes for a '12A' film, despite their careful and discreet handling and narrative justification in the film and the flagging up in our content advice.

The question of suitability of a theme in a '12A' film was also debated in relation to ***The Kite Runner*** and ***The Boy in the Striped Pyjamas***. Both were adaptations of well-known books and featured children as the main characters, dealing with a developing friendship in the unlikeliest of the circumstances. The handling of sexual assault on a child in ***The Kite Runner*** received eight complaints about its inappropriateness, and many viewers – unfamiliar with the book – were shocked and distressed by the film's content, not withstanding the sensitive and discreet treatment. The background and tragic ending of ***The Boy in the Striped Pyjamas*** upset four cinema goers. The film concerns the friendship of two lonely boys, one a prisoner in a concentration camp in WW2, the other the son of the camp's commandant. Some believed that the Holocaust was not a suitable topic for 12 years olds, even though the book is currently part of the national curriculum for Year 7. One individual believed the film would encourage racism and anti-Semitism despite the film's very strong and clear anti-prejudice position. Another was outraged that the 'pyjamas' (the prison uniforms) were too clean and 'ironed' in the film, and this was a sanitising of

the Holocaust and an insult to its survivors. Both films treated their difficult subjects with sensitivity and humanity, and were careful to avoid being overly graphic or distressing. Both films also had detailed content advice which was available on our website for parents.

The issue of knife crime was raised in films across the categories. ***The Spiderwick Chronicles*** ('PG'), ***Jumper***, ***Hancock*** (both '12A') and ***The Strangers*** ('15') all received complaints that the presence of knives in these films was encouraging knife crime. The BBFC has to classify proportionately, and cannot simply remove all images of knives from films. In each case, it was judged that the treatment in the work concerned provided insufficient grounds for intervention. There were seven calls for the '18' rated ***Eden Lake*** to be banned as it was believed that this film glorified knife crime and teenage gangs, and would incite teenagers to violence and anti-social behaviour. One individual thought ***Eden Lake*** was the most offensive film he had ever seen, while the female companion of another viewer fainted during the screening. Another was convinced we had classified a 'snuff movie'. We considered that ***Eden Lake*** examined, rather than exploited, these issues within its horror narrative, and could be accommodated at the adult-only category.

On the other hand, nine people emailed their support for our refusal to classify the violent sex work ***The Texas Vibrator Massacre***.

The year's most successful film, ***Mamma Mia!***, attracted four complaints. The film drew audiences who – by their own admission – hadn't been inside a cinema for decades. The fact that terms such as 'slut' and 'bollocks' are now broadly



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considered as mild or moderate 'bad' language was considered shocking by a few viewers. One of the main characters in ***Mamma Mia!*** is gay (even though all he does is kiss his male partner, while everyone else is kissing, at the end of the film) but this was also strongly objected to in a 'PG' film. The BBFC applies its guidelines equally whether the activity is heterosexual or homosexual. To do otherwise, would be discriminatory and illegal.





In contrast to the response to our classification of **Casino Royale** in 2006, the follow-up Bond film, **Quantum of Solace**, also rated '12A', generated only six complaints. (**Casino Royale** received over 80.) Only one of these was concerned with the film's violence. Two mistook the shadow on a woman's thigh as a fleeting glimpse of her genitalia. The remainder were upset by the film's language. This may be attributed to the 'Judi Dench factor'. This beloved actress plays M, Bond's tough-talking boss. However, it was her tough talking which upset the viewers. Even

though 'bastard' is comfortably placed at '12A', it seems that she should not use such language. Almost every time Dame Judi swears in a film, regardless of its category, we can expect a number of complaints.

It is encouraging that our Consumer Advice (CA) and Extended Classification Information is now becoming so much a part of the cinema going experience. Part of this growing awareness has resulted in comments from the public about it. One disgruntled individual believed we should not waste our time providing advice for '18' rated films as adults should make up their own minds. Another wanted our advice to contain warnings about how bad a film was. This sentiment was echoed in a number of complaints in relation to **Disaster Movie**. Towards the end of the year, the CA for the '15' rated **The Reader** – 'Contains strong sex' – was challenged by two people, especially in the light of the UK age of consent being 16. Neither person had seen the film. On the whole though, response to our advice has been overwhelmingly positive.

The BBFC receives correspondence on issues and subjects which are outside our remit and beyond our control. Young children running up and down the aisles of cinemas and babies crying during screenings were again brought to our attention. Complaints about cinemas charging 16 and 17 year olds 'adult' admission prices, but not allowing them to see 'adult' films (ie those rated '18') were raised. A 14 year old blamed us for a sales assistant refusing to sell him a '15' rated DVD. An angry historian requested that we penalise films which were historically inaccurate by awarding a higher category. An amateur pornographer sought legal, practical and casting advice.



The BBFC education team's major project for 2008 was to produce BBFC – Behind the Scenes, a DVD resource aimed at secondary school and college teachers



Media education

In 2008 the BBFC's education team responded to an unprecedented number of requests for examiner seminars and visits to schools, colleges and universities, reaching almost 14,000 students and teachers across the UK. Highlights included UK film festivals and events targeted at Key Stage 2 students, with the BBFC returning to 'Cinemagic' (Belfast) and 'Showcomotion' (Sheffield), as well as taking part in a BFI programme of primary school events. Older students were also catered for in workshops in schools, colleges and at independent film festivals, covering the classification of challenging and diverse films including *Don't Look Now*, *Half Nelson*, and *Cloverfield*.

The BBFC's in-house educational seminars continued to be a popular choice for both teachers and students, with demand increasing throughout the academic year. 2008 also saw the Board's continuing relationship with NST – the UK's leading educational travel company for primary schools, secondary schools and colleges – flourish. These events allowed the education

team to extend their reach to audiences from all over the UK and beyond, with university students from Texas and Miami hearing about the work of the BBFC. The demand for educational seminars has been so overwhelming that in December 2008 www.sbbfc.co.uk launched an online version of the seminar designed to be used as a handy classroom resource.

2008 saw the BBFC education team's continued involvement with Film Education's National Schools Film Week. During the two weeks of events, examiners hosted 31 'master classes' in film classification and spoke to over 5,000 students across England, Scotland, Wales and Northern Ireland. Seven of the events were designed specifically for primary school children using *The Spiderwick Chronicles* as an opportunity to introduce the work of the Board to young children. Secondary events introduced students to a range of films, including *Redacted*, *Paranoia Park* and *Adulthood*.





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Pbbfc – the Board’s website aimed at parents of young children – gained over six million hits over a 12 month period

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The year also demonstrated the BBFC education team’s continued support of teacher only education events; including presentations at the opening nights of the inaugural Media Education Association’s conference and an in-house classification workshop designed for PGCE Media teachers from the Central School of Speech and Drama.

However, the BBFC education team’s major project for 2008 was collaborating with Film Education and the Perfect Picture Company to produce *BBFC – Behind the Scenes*, a DVD resource aimed at secondary school and college teachers. The resource was launched in December 2008 and features interactive classroom activities, interviews, documentaries and clips from major films, and trailers for films and video games. The resource is designed to help film and media students understand the processes of film classification by allowing them to explore issues that affect classification of films for the cinema, for home entertainment and video games. Classification issues, including violence, sex and sexual references, language, horror and drugs are considered in relation to specific film texts and the resource is designed to relate the work of the BBFC to the relevant curriculum areas.



The resource includes a documentary on the work of the BBFC produced in conjunction with Teachers TV, in which two examiners provide an insight into how classification decisions are reached. The programme was first aired on Teachers TV in July 2008 and has been broadcast several times during the year.

Online education

The success of the BBFC's educational websites has continued in 2008, with all three sites – Children's BBFC, Students' BBFC and Parents BBFC – attracting millions of hits throughout the year.

Cbbfc.co.uk has continued to provide teachers and younger pupils with a fun introduction to film classification, with the added introduction of an interactive video games room opening up new areas for exploration. During 2008 Cbbfc attracted over 3000 unique visitors per month, with Sbbfc.co.uk proving to be equally popular,



The Board's research programme in 2008 was dominated by the large scale public consultation exercise which will lead to the publication of new Classification Guidelines in 2009



garnering almost three million unique visitors spread across the year. One of the reasons for the success of these sites is the constant updating of their content, case studies – written by examiners – and timelines are just a few of the features that have been built upon during the year.

In response to the findings of Doctor Tanya Byron's review for the Department for Culture, Media and Sport (Safer Children in a Digital World), Sbbfc also improved its coverage of video games, providing visitors with insights into the processes and issues surrounding games classification, including case studies on high profile games. 2009 will see the launch of a new look Sbbfc with improved navigational facilities as well as the introduction of a multimedia area.

Pbbfc – the Board's website aimed at parents of young children that was launched in 2007 – gained media attention and publicity over the year which resulted in over six million hits to the site over a 12 month period. All feature films and DVDs classified 'U' to '12A'/'12' and all video games classified by the Board are featured on the site which provides detailed information about what issues parents will find in the work. In 2008 the functionality of the site was improved with an upgraded search facility and a more user-friendly information section, plus a guide to video game classification for non-game playing parents.

Research

The Board's research programme in 2008 was dominated by the large scale public consultation exercise which is at the heart of the review which will lead to the publication of new Classification Guidelines in 2009. This public consultation ensures that the criteria used to classify films, DVDs and video games reflect current UK notions of what is appropriate or inappropriate for different age groups and allows the Guidelines to adapt to changing social attitudes. Although funded by the Board, the public consultation is carried out by independent researchers using a variety of methodologies.

Separate qualitative studies were used, first to identify the issues of key concern to the UK public, and then to explore those issues in detail. In addition to the usual 'sex and violence' concerns, the former highlighted particular sensitivity around the '12A'/'12' category, not least because 12 was seen as the age at which parents start to give children far more freedom over their own leisure activities. It was also clear that representations of bigoted attitudes, such as racism or homophobia, were considered

increasingly important by the public as classification issues. By contrast, and despite some pressure group campaigns on the subject, respondents did not regard the issue of smoking in films as particularly significant.

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The new Guidelines say goodbye to the little used 'Uc' category

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Focus groups were then asked to consider particular issues and particular borderlines between categories, and care was taken to deal with a particular methodological problem. Previous studies have shown that responses to written criteria are often substantially modified when respondents are prompted to consider real examples of how such criteria have been applied, or might apply, in practice. For example some respondents who initially expressed support for a policy of restricting to the '18' category all films containing very strong language, regardless of context, change that view when reminded that the film *Atonement* contains several uses of such language. Respondents were therefore provided with up to six hours of relevant DVD and video game material to consider before attending the group, to ensure that their recommendations reflected the outcomes they wanted to achieve.

In parallel with the qualitative research, quantitative studies were commissioned using a variety of different methodologies: a 'film viewers' survey used in-home interviews with a demographically balanced sample of 1000 people over the age of 16 who had watched a recently released film or DVD in the previous four weeks; an omnibus survey gathered views from a demographically balanced sample of 3000 people aged 16+ (regardless of whether they had recently viewed a film or DVD); and an online questionnaire, accessed via the main BBFC website, the Parents BBFC website and the Students BBFC website, allowed a self selecting sample to express their views. These three samples were augmented by a separate online survey of the views of children, recruited through the BBFC educational activities in schools.

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The BBFC has worked closely with the home entertainment industry to develop a voluntary regulatory scheme that will bring the benefits of the DVD classification system to the world of downloads and the internet

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The clear message of the research was that although some 'fine tuning' was desired, no dramatic changes of direction were required. The most significant changes are an even greater emphasis on tone and context, the highlighting of discriminatory language and behaviour as a major classification issue, and a slight tightening up of certain criteria at the '12A'/'12' categories. The research also revealed a clear public view that it was unnecessary to have a separate category for material which was particularly suitable for pre-school children to view alone. The new Guidelines therefore say goodbye to the little used 'Uc' category: works which are suitable for pre-school children will in future be indicated by appropriate Consumer Advice next to the 'U' symbol. A full report on the research underpinning the revisions to the Classification Guidelines, and the new Classification Guidelines themselves, are published separately.

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The scheme attaches the BBFC's famous 'black card', category symbols and Consumer Advice to a wide range of 'new media' content

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As the Byron Report placed classification of video games centre stage as a significant public policy issue, the Board commissioned a number of independent studies aimed at identifying the needs of parents in relation to the regulation of such content. In January 2008, a qualitative study of parents with children who played video games concluded that the BBFC's strong link with film and DVD classification was a clear advantage.

The BBFC was also felt to be a credible brand and an organisation with heritage and authority. Importantly, it was perceived to be an independent voice, representing and protecting the sensibilities of the player. Given that many respondents felt lost in the maze of new technology and games, and did not feel empowered to review games for themselves, this role was appreciated.

Whilst the study showed widespread recognition of the PEGI age ratings, there was no awareness of PEGI as an organisation. When this was probed in the groups, respondents felt that the organisation lacked the heritage of the BBFC and more cynical respondents questioned its impartiality and its funding by the computer games industry. PEGI 'pictograms' were generally disliked. Firstly, the

concept of pictograms was felt to be too simplistic and very much at odds with parents' need for more detailed information. The references, when understood, led to more questions than answers: What type of violence? Is it fantastic? Is it gory? and so on. The pictogram executions compounded this problem and were often ridiculed in the groups.

By contrast, the BBFC Consumer Advice was described as being 'spot on'. Respondents preferred the more detailed approach, using clear and accessible language. The familiar style, reminiscent of film Consumer Advice, also worked well and the benefits of this were two fold; it reinforced the content message and added credibility to the overall communication and branding.



Finally, respondents were asked which system they would adopt if they were responsible for the decision. Every group reached the same conclusion – that the BBFC system most effectively communicated the nature of the content through the classification and accompanying Consumer Advice, and did so in a straightforward, accessible and familiar way.

This qualitative study was followed by quantitative research in October 2008. Researchers GfK NOP showed 2000 adults BBFC symbols and content advice side by side with PEGI symbols and pictograms and asked which they preferred (a) in relation to all games and (b) in relation to online games. The results were clear and consistent – for both questions, respondents preferred the BBFC system by a margin of three to one. And the preference was even stronger among adults who are most concerned about online gaming.

BBFC.online

The BBFC has worked closely with the home entertainment industry to develop a voluntary regulatory scheme that will bring the benefits of the DVD classification system to the world of downloads and the internet. This followed independent research that indicates that 63 per cent of adults (74 per cent of parents) are concerned about downloading video material which does not come with independent content advice and labelling. In addition, 84 per cent of adults (91 per cent of parents) want to see BBFC film and DVD classifications on downloadable/streaming films and other digital audiovisual content.

BBFC.online was officially launched in June 2008 with launch partners Walt Disney Studios Home Entertainment Europe, Warner Bros. and



20th Century Fox. At launch, Culture Minister Margaret Hodge said: "The introduction of the BBFC system for online film downloads will provide some welcome clarity for consumers, to help them gain greater confidence that their purchases are appropriate before they commit themselves. I hope to see more studios sign up to the scheme."

The scheme attaches the BBFC's famous 'black card', category symbols and Consumer Advice to a wide range of new media content, including video-on-demand and streamed video which is offered to the public through websites, set-top boxes and portable media devices.

At launch, a full-time business manager was appointed to develop and promote the scheme. The scheme had been carefully designed to tie into the BBFC's existing technology and processes. This has enabled the Board to keep down the costs of the scheme, whilst developing new opportunities and skills for existing staff in this growing field of work.



The scheme has now grown to more than 20 members, including most of the major studios and suppliers of video content. At the end of 2008, there were more than 2,750 online classifications, and this number is growing by around 500 per month. At the end of the calendar year, we were on target to hit our first annual target of 5,500 online classifications.

In November 2008, the scheme went 'live' on Tesco digital.com, the UK's largest retailer's new digital content site. Further digital retailers will start offering the service throughout 2009. Work also began with the education sector, expanding the scheme to cover age-restricted broadband access products and portals.

As a voluntary scheme, BBFC.online has had to pay close attention to the needs of its existing and new customers, and much time is spent working closely with all parts of the digital supply chain – not only are we advising content providers, but we

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We are now providing high quality film 'black cards' electronically, replacing the last significant manual step in the classification process

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are assisting in the development of whole delivery systems. This has meant forming new relationships with age verification services, hardware providers and digital video supply and management companies, allowing us to share information with our members on the most effective ways of implementing BBFC.online.

Having BBFC symbols and Consumer Advice appear on digital sites can involve dealing with up to six different stakeholders for one online store – all the way from the producer/distributor through the 'back-office' technical services, the web designers and age verification services, to auditing members' output and public complaints.

It is not just a case of allowing the use of the BBFC symbols. It is also necessary to ensure that they are used correctly and within the rules of the scheme. BBFC staff will audit members' online stores and catalogues to ensure their content is correctly labelled and its sale is controlled with effective age restriction. We also work to protect our intellectual property in the online environment through asserting that only BBFC.online members may use the BBFC brand, symbols and Consumer Advice when marketing digitally-delivered works.





Before long, the BBFC may be using the traditional method of receiving and projecting multiple reels of film, which is as old as the film industry itself, alongside the hi-tech world where films only exist as a computer file



The scheme has been praised by members for its flexibility and its commitment to transferring BBFC values and brand recognition into the digital environment. The first seven months of the scheme demonstrated to existing and potential customers the seriousness with which the Board views the future of digital delivery, and the commitment we are making to satisfy the needs of consumers and the developing industry.

As consumers grow more comfortable with using video-on-demand, and the delivery of content becomes a more streamlined experience, we expect to see the amount of content, and the type of 'platform' available to consumers increase substantially. This in turn will lead to opportunities for growth for BBFC.online in 2009.

BBFC.online members

Content Providers

Walt Disney Studios Home Entertainment Europe
 20th Century Fox
 Warner Bros.
 Paramount Pictures
 2Entertain
 BFI Video
 Contender Home Entertainment
 Momentum Pictures
 Revolver
 Network (Sound & Media)
 2K Games
 Darker Enterprises
 Harmony Video

Aggregators/E-tailers and Back-Office Solution Providers

Tesco
 LoveFilm
 I-Loaded
 VODAlmighty
 Strictly Broadband/Netcollex
 Tibboh Internet Services
 Technicolor
 Global Digital Broadcast TV

Accredited Age Verification Services

GB Security
 NetIDMe
 192.com
 Experian

Information technology

The BBFC is the custodian of a statutory archive of some 160,000 hours of material stored on VHS tape. Faced with the inevitable decline in quality of the material and the impossibility of obtaining suitable players, the BBFC made a commitment to preserve this content in digital form.

This project is likely to run for five years, during which all the content will be converted to standard digital formats. This will provide continued support of the BBFC's operations, including the work in support of law enforcement. The BBFC opened this new facility in Bracknell in August as planned.

The data centre houses the tape libraries, disc arrays and the computing resources needed to support the ingest operation. This room is protected with physical security, CCTV, alarms and fire suppression systems to a high standard. Systems within this room operate 365x24, with planned system downtime of less than one hour per year. The overall data storage available is in excess of half a PetaByte of which 50 TeraBytes is on disc for immediate access.

There are three 'operators' working at any time ingesting, or 'feeding' the video tapes into the system to be converted to digital files, and one supervisor. Each operator handles four concurrent streams of ingest aiming to ensure that three streams are always active and the fourth is running for much of the remaining time. The operators monitor the 'ingests' for quality during the processing to minimise quality control failures. The supervisor manages the flow of material through the process and ensures that quality requirements are met.

The ingest area is kept scrupulously clear with all tapes moved methodically from stage to stage and secured whenever the office is left unattended.

Ingest operation requires continuous attention and operators need frequent breaks and a change of activity. The work is organised to give operators different tasks but a key design objective in the

office was to ensure that the 'break out' area is completely separate from the ingest area. This area is as informal as possible and the staff are positively encouraged to do something completely different for a few minutes per hour.

Staff work fixed shifts with two shifts operating since November, when the facility moved into full production. The throughput has reached an average of 650 tapes per week. This is in excess of the target throughput at this stage and is sometimes approaching the theoretical maximum of 720 tapes in a week.







It is physically easier and cheaper to transport a computer hard drive in a case, rather than multiple reels of conventional film



The operation in Bracknell is now a reference site for Sun Microsystems and the BBFC has been pleased to host a number of reference visits from other regulators around Europe.

The new digital archive has been put in place within the structure of the existing BBFC systems. As the availability of reference material increases so new ways of using the material in support of our regulatory role will be developed.

The existing systems within the BBFC continue to support BBFC.online, the customer extranet and the various back office functions required to operate a modern business.

The IT systems continue to provide an excellent level of performance and availability to both BBFC staff and our external customers.

The BBFC's main website has steadily increased in popularity. We now handle 80 million hits per year. The site has continued to evolve with even greater emphasis on consumer information as extended classification information is now provided for feature films.

The BBFC Extranet handles traffic from over 400 of our customers with typical response times under a second and 99.9 per cent availability.

There have been a number of key developments intended to improve service to our corporate customers. The BBFC is now able to accept payment online, addressing the needs of some of our smaller customers. We are now providing high quality film 'black cards' electronically, replacing the last significant manual step in the classification process and ensuring a consistently high quality product is available to cinema audiences.

We are in the process of consolidating and rationalising our server stock. This will reduce our support costs and environmental impact while providing additional capacity to address future requirements.

Digital cinema

Since the installation of the BBFC's Digital Projector and server (with 3D capability) in the latter part of 2008, we have classified a number of features and trailers using this equipment.



Digital projection has increased the range of film subjects that have been submitted for classification. These have included filmed operas and ballets from some of the world's leading venues such as La Scala, Milan; Covent Garden's Royal Opera House and Glyndebourne.

Some smaller budget films have been submitted using digital projection as it is much cheaper to produce digital copies, and, of course, the transport costs are less.

The BBFC receives feature length works on DCP (Digital Cinema Package) hard drives, using the JPEG 2000 file type. These are downloaded onto our server, ready for projection. Shorter works, including trailers, are usually submitted on USB memory stick or CD style disc. These are then downloaded on to our server and projected.

These are the same methods used to transport films and trailers to the UK's cinemas. The advantage of these delivery methods is cost and practicality. It is physically easier and cheaper to transport a computer hard drive in a case, rather than multiple reels of conventional film. Also the 'copies' are cheaper to produce.

The security aspect of feature length works is taken care of by the use of a security KDM, (key delivery message) or key. This encrypted file is delivered separately via the internet. Both the hard drive and the 'security key' are needed to project a film.

The 'keys' are specific to the BBFC's equipment and indeed our location, and are useless anywhere else. The 'keys' are also time sensitive and can allow the work to be played only at a specific time.

In line with our 'centre of excellence' ethos and our desire to help the industry we serve, the BBFC has begun trials of downloading trailers from a secure film industry website. The distributor supplies us with the necessary secure passwords to enable downloading. The quality of the material downloaded using this method appears to be indistinguishable from the physically supplied media mentioned above. Some cinemas are also trying this out and it looks to be the future method of media transportation. Depending on the volume of such downloads we may carry out the physical downloading process over night to avoid any possible compromise in the speed of the BBFC's IT systems.

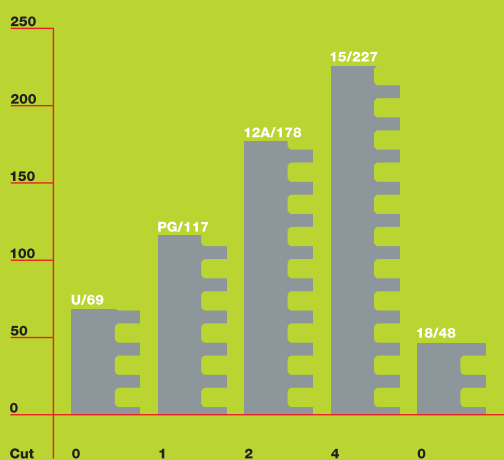
So, before long, the BBFC may be using the traditional method of receiving and projecting multiple reels of film, which is as old as the film industry itself, alongside the hi-tech world where films only exist as a computer file.

Enforcement

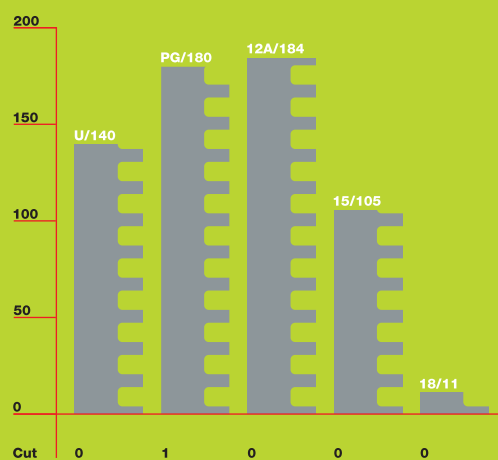
Under the terms of the Video Recordings Act 1984 it is illegal to supply an unclassified work on DVD, Blu-ray or any other video format in the UK unless it is exempt from classification. In 2008 the Board continued to provide support to police and Trading Standards officers by issuing Certificates of Evidence in respect of seized works. A total of 328 cases (4,391 titles) were dealt with by the Board, of which 119 cases (624 titles) were seized media and 209 cases (3,767 titles) were title-only enquiries. The Board's turnaround times in 2008 for provision of evidence were 15.9 days for seized media cases and 10.2 days for title-only enquiries, and represent an efficient and easy-to-use service to law enforcement agencies in their investigation of possible VRA infringements.



Film total - 639



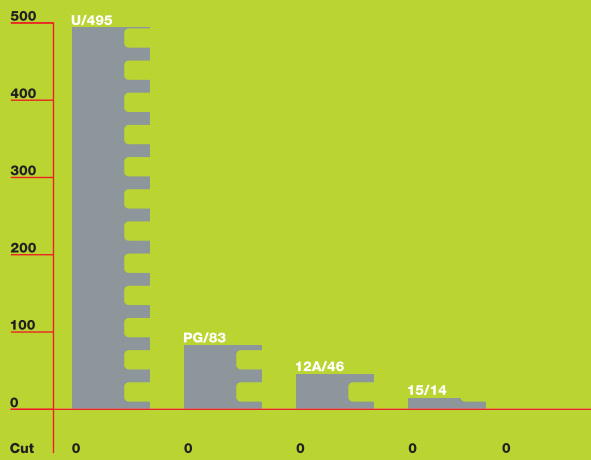
Film trailers - 620



Film statistics 1998 - 2008

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
U	56	65	61	43	71	61	41	43	53	36	69
PG	109	121	112	121	142	132	102	100	92	104	117
12	40	72	88	107	48						
12A					74	152	148	153	160	159	178
15	174	192	174	174	201	188	222	219	198	222	227
18	69	73	85	59	48	56	49	54	52	53	48
R18						1		1			

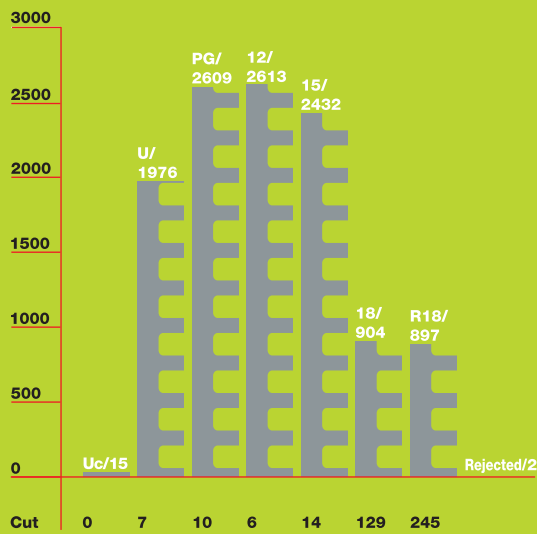
Cinema advertisements - 638



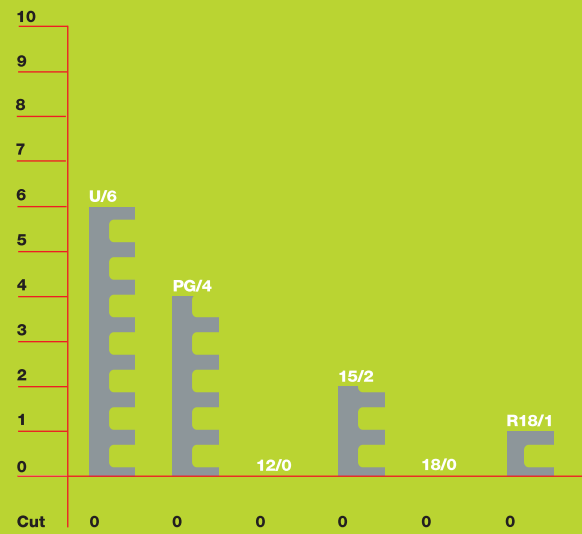
Film submissions 1998 - 2008



DVD total - 11,439



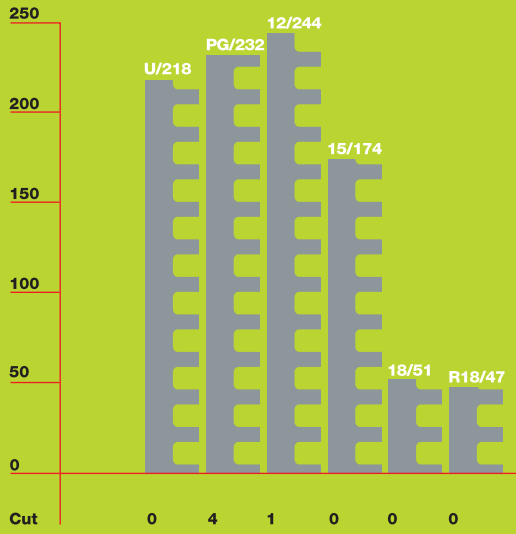
DVD advertisements - 13



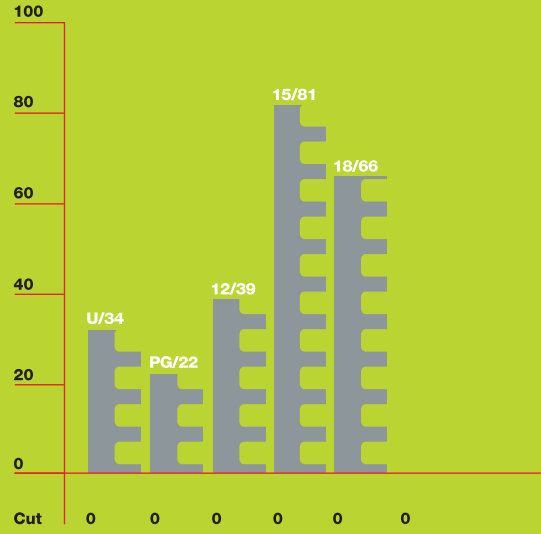
Video/DVD statistics 1998 - 2008

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Uc	111	150	125	152	121	152	119	65	66	12	15
U	900	975	1354	1471	1807	2084	2534	3104	3009	2480	1967
PG	1090	1091	1590	1826	2014	2280	2485	3380	4101	2721	2609
12	415	457	813	859	1155	1685	1677	2273	2808	2562	2613
15	656	899	1244	1322	1721	2244	2113	2669	2889	2344	2432
18	1090	1067	986	1059	1008	980	870	1133	1031	950	904
R18	42	29	212	651	1061	1405	1387	1237	1217	1159	897
Rejected	4	9	4	1	2	3	2	7	1	1	2

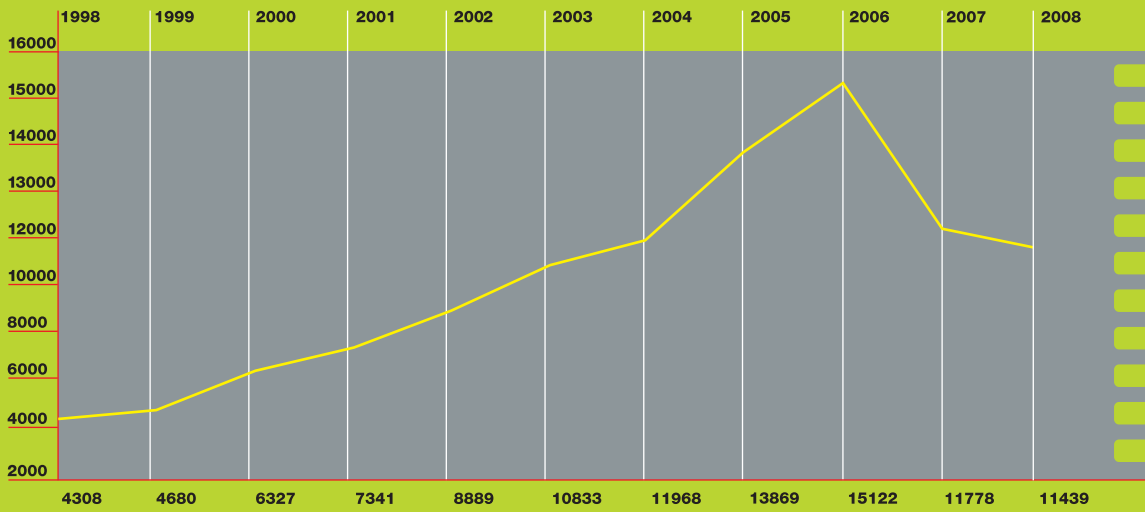
DVD trailers - 966

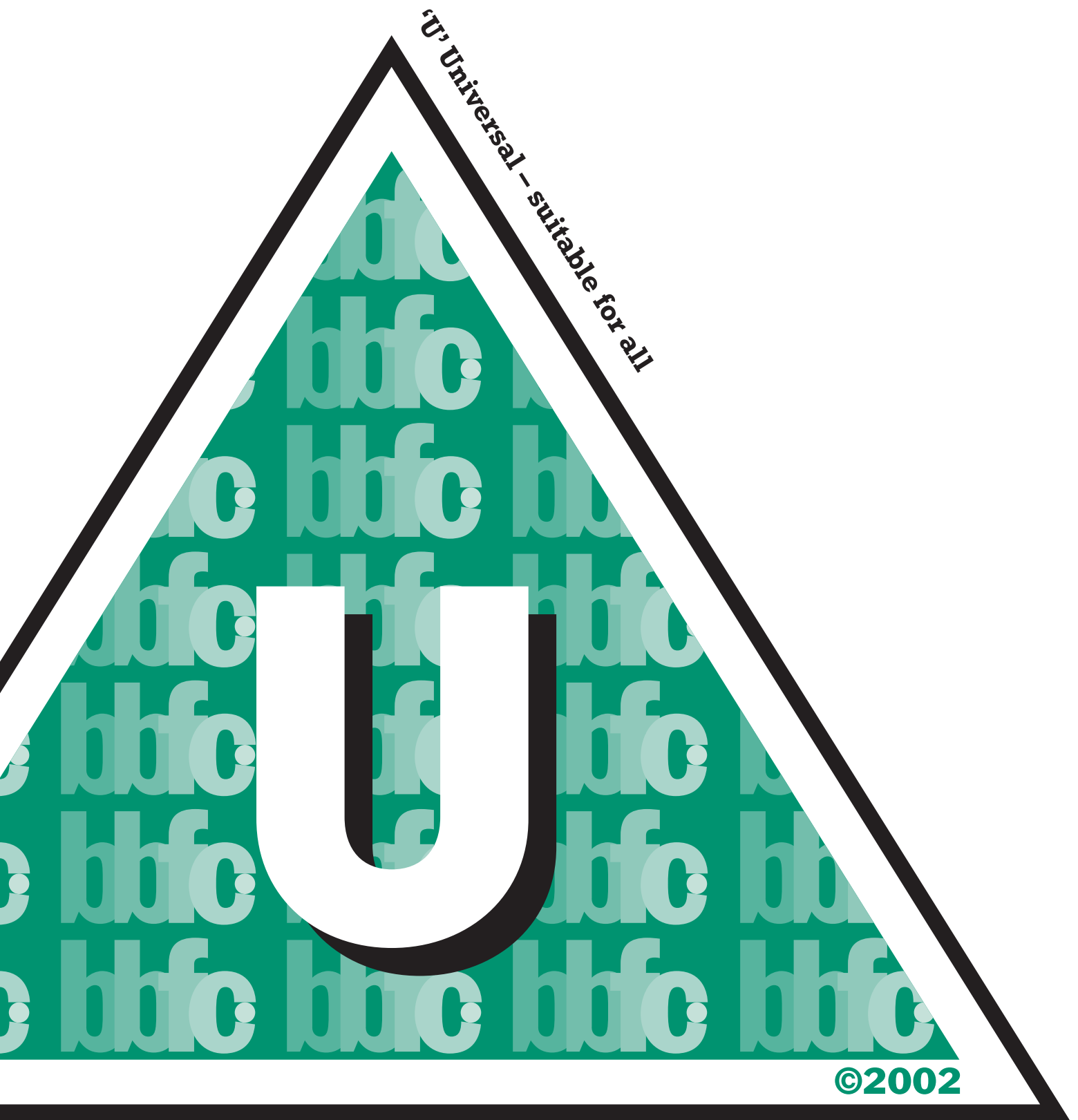


Games and other interactive - 242



Video/DVD submissions 1998 - 2008





'U' Universal - suitable for all

©2002

This year the 'U' category covered a huge variety of material, ranging from the Punjabi melodrama ***Mera Pind My Home***, to financial meltdown documentary ***I.O.U.S.A.***, to the re-released Hitchcock classic ***Notorious***. These examples demonstrate the breadth of the 'U' category and illustrate that it is not just a category for children's fare.

However, family-friendly material does make up a significant proportion of the works passed at 'U' and is by far the largest genre at this category in terms of Box Office and audience figures. Two of the year's top ten films were awarded 'U' certificates. The Oscar-nominated animation about a lonely garbage-collecting robot, ***WALL-E***, and the latest instalment in Disney's successful franchise, ***High School Musical 3***, take up seventh and eighth place respectively in the year's UK Box Office Chart.

Both these films were judged to be straightforward works, with 'U' very easily determined as the appropriate category. ***WALL-E*** contains just some 'mild violence and threat' when the robot lead is involved in a chase sequence and frightened by some falling rocks. ***High School Musical 3*** obtained the classic 'U' Consumer Advice – 'Contains no material likely to offend or harm'. The film is a wholesome all-singing all-dancing comedy, clearly aimed at children and with absolutely no issues of note.

One family film, ***Mister Magorium's Wonder Emporium***, did cause some debate about whether it should be a 'U'. This is a fantasy film about a magical toy shop and is very clearly

aimed at young children. However, the film contains one use of the word 'crap', a term that is usually only acceptable at 'PG'. The word is spoken by a rocket as it counts itself down to lift-off but ends up crashing back into the shop floor, its automated voice exclaiming "Aah, crap". The scene is clearly intended to be comic and examiners felt that the use of the word in this context would be very unlikely to cause any offence to anyone. The Consumer Advice for the film refers to 'mild language' and the nature of the language and its context are clearly explained to parents in the Extended Consumer Advice available on the BBFC's website for parents – pbbfc.co.uk.

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Two of the year's top ten films were awarded 'U' certificates

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This year, quite a few films that were not specifically aimed at a family audience were classified 'U'. ***Blessed***, an independent British feature dealing with the themes of bereavement and healing, was felt to present a restrained and discreet treatment of a difficult subject. The film sees a man become a lighthouse keeper on a remote Scottish island in the wake of the deaths of his wife and daughters and can either be taken at face value or seen as a metaphor on the subject of loss. The protagonist befriends a lively young girl, who helps him to learn that the handling of grief need not be a lonely experience, and he finds that he can help her with her own loss. The handling of the theme of bereavement is sensitive, with nothing to startle or to really upset young children.

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Consumer Advice refers to ‘mild language’ and the nature of the language and its context are clearly explained to parents on the BBFC’s website for parents – pbbfc.co.uk

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Examiners felt strongly that the work fits within the requirements of BBFC Guidelines at ‘U’ that the ‘treatment of problematic themes must be sensitive and appropriate for a younger audience’. Whether young children would engage with this rather slow-paced work is questionable, but this is no reason to preclude passing such works at the lowest category.

A similar argument was also used in the decision to pass the film *Dean Spanley* at ‘U’. This film, an engaging period drama about the ageing process and the possibility of reincarnation, was felt to approach its subject matter with sufficient sensitivity, restraint and good humour to allow it to be passed at the lowest category. The film’s key classification issue is language, with one use each of ‘bloody’ and ‘bugger’ – words which are marked as ‘questionable’ at the ‘U’ category. However, both words are said by a harrumphing old man and are not directed at anyone. It was felt that the tone and delivery of the language were such as to allow it to be exceptionally justified at the ‘U’ category, given the overall context of the work. As with *Blessed*, though *Dean Spanley* was not specifically a film aimed at young children, there was no reason not to pass it at ‘U’.

The comprehensive Extended Consumer Advice for these works explains clearly that, although passing such works at ‘U’ indicates that a film is ‘suitable for all’, there are more adult themes and issues contained within them and it provides parents with a full explanation of these issues and why we felt the film could be passed at ‘U’.

Many classic films were resubmitted for a modern classification this year, with a Bette Davis season at the BFI resulting in ‘U’ certificates being





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Another notable increase this year was in the number of filmed live performances submitted for classification

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awarded to the likes of *Now, Voyager*, *The Old Maid* and *Mr. Skeffington*. The latter film raised some issues when it was submitted on video in 2005, owing to the presence of some anti-Semitic language and a child's 'samba doll'. The references and the doll were not present in the cinema version submitted this year and the film had no problems securing a 'U' certificate.

The BFI also dedicated a season to the works of innovative black filmmaker Charles Burnett and two of his short films, *When It Rains* and *Quiet As Kept* were submitted to the Board for the first time ever and obtained 'U' certificates. 2008 was a strong year for short films and over a quarter of the 'U' certificates issued to cinema works went to films under fifteen minutes in length.

Another notable increase this year was in the number of filmed live performances submitted for classification. Given the lack of issues these works generally contain, the most common category awarded was 'U'. Among other productions, we have classified the ballets *The Sleeping Beauty* and *Romeo and Juliet* and the operas *Aida* and *La Cenerentola*. The Board's new 3D projector has allowed us to examine and pass at 'U' the pop and rock concerts *Hannah Montana and Miley Cyrus – Best of Both Worlds* and *U23D*.

No films were cut at 'U' during 2008, but intervention was required in a handful of video works. Two of these, *Livin' it Up! With the Bratz* and *Mermaid Discovery Vanity Game*, a DVD add-on for a release of Disney's *The Little Mermaid*, required cuts to uses of the word 'spastic' and its derivatives. In the *Bratz* work, the word was removed from a line of dialogue, "If I was wearing the most kickin' outfit but my shoes made me look like a spaz, you'd tell me, right?". *The Little Mermaid* game contained the line, "I look like a spastic piece of kelp". Though the word is not used as an insult in either work, it is still widely understood as a derogatory and offensive term and inappropriate in the 'U' category. The distributors were offered an uncut '12' in both instances but made the required cuts.

Compulsory cuts were required to remove dangerous and potentially imitable activity in two further video works. In *Bernard*, an animated family work, a bear character touched the bare ends of two live cables together to create a spark and start a machine working. This risky playing with electricity, made to look like something safe and practical, was removed so the company could have the 'U' they required. Similarly, an episode of *Timothy Goes to School*, another show aimed at very young children, had a scene where a child character placed metal implements into a toaster removed to secure a 'U'.

Several video games were passed at the 'U' category in 2008. The vast majority of these were uncomplicated puzzle games, often tied in to recent film releases. One game that gave examiners pause for thought was *Lego Indiana Jones*, an action puzzle game based on the famous film franchise. The game is part of series

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Many classic films were resubmitted for a modern classification this year

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that has seen Lego versions of the *Star Wars* films passed at 'PG'. Though the Lego player-characters can attack enemies with various weapons including a whip, sword and gun, the injuries and 'deaths' are represented simply by the Lego blocks, that make each character's body, coming apart. Much of the focus of the game is on puzzle-solving and examiners felt that the lack of detail and the affectionate humour that runs through the game allowed it to pass at the lowest category.





Irving Berlin's White Christmas 'U'
Lego Star Wars 'PG'

'PG' Parental Guidance – general viewing, but some scenes may be unsuitable for young children

PG

©2002

The 'PG' category covers works that appeal to most children of eight years and over, and that contain material which departs from the safe, non-threatening world presented to children in films and DVDs at the 'U' category. But the category sometimes presents examples of themes, language or manners that might be problematical for parents. Some works which have no obvious appeal to a younger audience, but where themes are handled in a sufficiently discreet and sensitive manner, also find a place at 'PG'.

2008 saw the release of several much anticipated films for the junior audience. **Madagascar – Escape 2 Africa** was the sequel to the successful 2005 animated feature. Whilst retaining the exuberant comedy and positive messages about friendship of the original film (passed at 'U'), it contained a derogatory use of the term 'pansies' and moments of personalised violence – albeit in a comic context. In addition, a character being threatened with a flick-knife was considered to give the kind of 'emphasis to realistic or easily accessible weapons' that should be avoided at the 'U' category. Add to that the use of an aerosol spray to stoke up a campfire – representing 'potentially dangerous behaviour which young children are likely to copy' – and the work required a 'PG' rather than a 'U'. The film came with the Consumer Advice 'Contains mild comic violence and threat', and the Extended Classification Information available on the main BBFC and Parents BBFC websites highlighted these issues, providing parents with full information about why the follow-up had a higher category than the original. The BBFC sees the provision of such information, particularly at the

junior categories, as an important aspect of its regulatory role.

Another popular sequel was **Chronicles of Narnia – Prince Caspian** in which the Pevensie children continue their adventures in the kingdom of Narnia. Passed 'PG' for the kind of 'moderate battle violence and threat' that characterised the original film, the sequel saw some slightly more intense and scary scenes, but these were mitigated by the overall fantasy context and the work's emphasis on the resourcefulness and compassion of its young heroes.

Elements of fantasy, as well as comedy, were also key factors in the consideration of the action-adventure film **Speed Racer**. There were some concerns that the stylized martial arts violence employed by the young heroes in the film might look 'cool' and exciting, and therefore more susceptible to imitation. But the world presented by the computer-generated effects was felt to be sufficiently distanced from reality to allow the 'fantasy violence and martial arts sequences' to be passed at 'PG' in both the standard and IMAX versions in which the film was released.

The issue of 3D and IMAX versions of films intended for a junior audience is one that has been increasingly addressed in 2008. The 'mild martial arts violence' in the standard 2D version of the animated film **Kung Fu Panda** was felt to be eminently containable at 'PG' because of the good-natured comedy of the story and its cartoon representation. But, although the IMAX version of the film undoubtedly gave the violence more of an impact, there was still a lack of sustained intensity or undue detail (especially of realistic injuries) to avoid the possibility of a higher category.

The 'intense adventure action and some scary scenes' contained in the modern remake of ***Journey to the Centre of the Earth***, with the threat of dinosaur attacks reminiscent of the ***Jurassic Park*** films, was literally given an extra dimension in its 3D presentation, with monsters seeming to come right out at the audience. However, within the fantastical setting and rollercoaster action this was felt to be more of a source of delight than terror for most children of eight years and older which, along with strategically-placed periods of comic respite, allowed the film to be passed at 'PG'. The sense of being thrilled and scared by seeing characters extricating themselves from precarious situations is recognized as being a legitimate part of a child's cinema going experience, and the responsible handling of these issues meant other big-budget, fantasy-adventure films such as ***Inkheart*** and ***City of Ember*** could also passed at 'PG'.



Sex references and mature themes required consideration when classifying ***Mamma Mia!***, the film version of the popular stage musical based on the songs of Abba. The story of a woman who cannot identify the true father of her daughter might have raised issues at the advisory category, but the material was felt to have been handled in a sufficiently restrained manner to meet the allowance of 'mild sex references and innuendo' in the Guidelines at 'PG'.

Bad or derogatory language and sex references and nudity have the potential to cause significant offence at the 'PG' category and are always carefully considered. Terms that mock disability featured in two films released on DVD in 2008. In the first, ***Color Me Perfect***, the use of 'retard', directed at a woman with a mental disability, was considered (exceptionally) to be acceptable at 'PG' as the characters who deliver the insult are painted in a wholly negative light and the film itself had little natural appeal to children. However, in ***Open Season 2***, a direct to DVD sequel of a popular animated feature aimed squarely at children, the term 'spaz out' was cut in order for the work to achieve the 'PG' category. An audio commentary for ***Doctor Who – The Five Doctors***, a special episode of the series from 1983 which had previously been passed at 'U', contained several uses of 'bloody' and 'bugger' which saw the newly-submitted episode raised to 'PG'.

Racist language in works that were otherwise solidly-placed at 'PG' featured in ***The Express: The Ernie Davies Story***, a film about the first African-American to win one of the top honours in American football. His story illustrates accurately race relations in America during the 1950s and



1960s, and the film contains terms such as 'nigger' and 'spook'. The BBFC Guidelines at 'PG' state that serious issues such as racist abuse should not be condoned, and the lead character's triumph over prejudice offered a sufficient counterbalance to, and condemnation of, the offensive language used, allowing the film to be passed at 'PG'. This was also the case in an episode of the popular American comedy series **Happy Days (Fonzie's New Friend)** in which an anti-racism message was clearly conveyed over the course of the work. It is, however, interesting to note that an episode from **Mork & Mindy (The Night They Raided Mind-Skis)**, a comedy series from the same era, featured Robin Williams' more child-friendly lead character innocently uttering a stream of derogatory racist terms without realizing the implications of his actions, thus causing the episode to be classified at '12'. Although the episode came down just as firmly on the side of racial tolerance and respect, the concern was that the value of the message did not quite mitigate the frequency and appeal of the comic delivery of the language which younger children might latch on to and copy. In all these cases, the issue of racism as a theme or the language itself was highlighted in the Consumer Advice.

Sex and sex references at 'PG' were not prominent during 2008 with a romantic lovemaking scene in the film **Nights in Rodanthe** considered sufficiently discreet to be passed at that category. Although two 'PG' rated cinema trailers for **Juno** and **27 Dresses** did attract some complaints about a comic sex reference, allusions to teenage pregnancy and an offensive finger gesture. Trailers are recognized as having the potential to cause greater offence because

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Trailers are recognized as having the potential to cause greater offence because audiences have no warning about what to expect

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audiences have no warning about what to expect. Acknowledging the offence caused, the BBFC decided to raise the category for the **Juno** trailer to '12' for the DVD release in line with the category at which the film was passed. The 'PG' category does allow for 'natural nudity, with no sexual context', which meant that artistic images of nudes in **A Letter To True**, a documentary about the celebrated photographer Bruce Weber, could be contained at that category.





The Guidelines at 'PG' state that there should be 'no detail of potentially dangerous behaviour which young children are likely to copy'. Potentially dangerous activities in film and DVD works at the junior categories which appear harmless are of great concern. In an episode from the television series ***Sabrina the Teenage Witch (Dummy for Love)*** a scene in which an adult character sprays an aerosol breath freshener into someone's face was presented without any indication of the potential dangers. The show has considerable appeal to young children and most episodes have been passed at 'U', but this issue raised the category to 'PG' because it was felt that older children would be more aware of the inherent dangers. A sequence from ***Those Glory Glory Days***, a 1983 television drama about a young girl growing up in the London of the 1960s, featured the lead character, somewhat comically, imagining her suicide by throwing herself from an upper storey window of her house. Although there was some potential for imitation, this was balanced by the work's lack of natural appeal to a young audience; and with mild language and sex references being the only other issues, it was passed at 'PG', with the Consumer Advice mentioning a 'suicide fantasy scene'.

The fact that not all 'PG' works are aimed at children was evident in 2008 with an increasing number of works intended for the cinema being released in digital formats, including filmed opera performances of ***La Traviata***, ***George Bizet's Carmen*** and ***La Boheme***. Whilst containing elements of language, sex and violence, these issues came across as relatively mild and in settings that would not register with children, allowing these works to be passed at 'PG' and sometimes at 'U'.





'12A' cinema '12' video – suitable for 12 years and over

12A

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12

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Films placed at '12A' are considered by the BBFC to be suitable for children over the age of 12. Parents and guardians, however, have the right to take younger children to see these films in cinemas if they consider them appropriate for their child. In order to assist parents in making this decision, the BBFC provides information about the content of every film it classifies, in the form of both the Consumer Advice statement and the more detailed Extended Consumer Information, all available on the BBFC's websites.

In 2008, some of the year's biggest blockbusters were classified '12A'. The latest Bond outing, **Quantum of Solace**, featured plenty of fast and furious action sequences, where the violence, although frequent, did not focus on bloodletting or injury detail and emphasised instead Bond's larger-than-life skills. Another movie hero returned in the adventure **Indiana Jones and the Kingdom of the Crystal Skull**, a film which contained two scary sequences felt to be too prolonged and intense for a 'PG' certificate; one where a soldier is attacked by a swarm of giant ants and one where a woman is consumed by flames which start in her eye sockets and spread over her whole body. These scenes fitted the '12A' Guidelines that 'sustained moderate threat and violence' should be placed at the higher category.

The classification of **The Dark Knight** was one of the BBFC's most difficult decisions in 2008. Focussing on superhero Batman's personal battle with the psychotic Joker, it had a darker tone than the blockbusters mentioned above. However, in keeping with the '12A' Guidelines, the violence did not dwell on detail and there was 'no

emphasis on injuries or blood'. The superhero story had a strong fantasy element, as did the lack of realistic injuries, and it was felt that these factors made '12A' the most appropriate category. The Extended Consumer Information for this film, which was widely read, informed parents who were considering taking under 12s to see it that some sequences did contain 'a significant degree of menace', including people being threatened with a knife, and that there was some special effects make-up which 'had the potential to be moderately frightening'.

When passing films at '12A', the BBFC has in mind the understanding and emotional maturity of 12 year olds and young teenagers, which means that, even though parents can take younger children, this category can be challenging for very young viewers. This was the case in several films passed at '12A' in 2008 such as the child's perspective of the Holocaust in **The Boy in the Striped Pyjamas**; the use of real-life news footage of the



When passing films at '12A', the BBFC has in mind the understanding and emotional maturity of 12 year olds and young teenagers, which means that this category can be challenging for very young viewers



aftermath of violent events in ***Where In the World Is Osama Bin Laden?*** and the inclusion of archive documentary footage of corpses in Nazi concentration camps in ***Tovarisch – I Am Not Dead***. In the latter two films, some use of strong language was also passed at '12A' as these films were considered to have some educational value for adolescent viewers. In the case of ***Tovarisch – I Am Not Dead*** this decision was reached after a second viewing.

Sex and sex references is one area where we seek to strike a balance between what the average 12 year old is likely to know and what the adults accompanying them are likely to be comfortable with. In 2008 there were a number of 'gross out' comedies passed at '12A', which contained frequent moderate sex references and crude humour. In the case of ***Disaster Movie***, ***Meet The Spartans***, ***Superhero Movie***, ***Don't Mess With The Zohan*** and ***The Love Guru***, these sex references were often mitigated by the humorous context and a lack of aggression, detail or visuals accompanying the references. In these films, the level of sex references met the '12A' requirement that they 'should not go beyond what is suitable' for adolescents, and many specific details of what to expect were given in the Extended Consumer Information, so that parents and guardians could establish whether they felt the sex references were suitable for their own children.

Sex scenes were the category-defining issues in two costume dramas classified at '12A' this year. In ***The Other Boleyn Girl***, two sisters compete for the attention of King Henry VIII. There are brief and discreet sex scenes between Henry and Mary Boleyn, filmed without nudity or strong

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Some films in 2008 received cuts at the distributor's request in order to gain a '12A' certificate, rather than be released uncut at '15'



detail. There is also a scene in which Henry, frustrated by Anne Boleyn's refusal to submit to him, forces himself upon her. The focus is on Anne's pained expression with what is happening to her briefly and discreetly indicated, in line with the '12A' Guidelines on the portrayal of sexual violence. A scene of sexual violence was also the key factor in the classification of 18th Century period drama, **The Duchess**. The scene in question is of implied marital rape involving the Duchess Georgiana and her tyrannical husband. We see him push her down onto the bed after angrily chasing her through the house, then the camera cuts away and we hear Georgiana's screams of protest from outside the bedroom door. In contrast, an episode of the BBC's recent adaptation of **Tess of the D'Urbervilles** also featured a rape scene, but in this case there was sight of the man briefly thrusting between the woman's legs (though no nudity was visible) and as a result the episode was passed at '15' rather than '12'.

Some films in 2008 received cuts at the distributor's request in order to gain a '12A' certificate, rather than be released uncut at '15'. These included **The Rocker**, a comedy about a

failed heavy metal drummer, where one use of strong language was removed. **The Spirit**, a superhero comic book adaptation, had some elements of the violence, which dwelt on detail and emphasised injuries and blood, removed for the '12A' classification, including the sight of a severed finger flying towards the camera and part of a man's rib-cage embedded in the ground.

Sometimes a distributor chooses to release different cinema and DVD versions of the same film. This happened with the story of a washed-up superhero, **Hancock**, which was released on film in a '12A' version and on DVD at '15'. The DVD version contained more uses of strong language and a crude sex scene where the hero's superpowers include an explosive ejaculation. While there is little detail of the actual sex, the sight of the ejaculation was beyond what is considered suitable at the '12' category.

Among the older works resubmitted to the BBFC for a modern classification this year was Mel Brooks' classic comedy, **Blazing Saddles**. Originally passed 'AA' on film in 1974, and subsequently '15' on video in 1987 and 1998, it was passed at '12' on DVD this year. The work includes a number of uses of racist terms such as 'nigger' and 'chink', but the film is recognised as a broad comic satire that sends up racist attitudes. The BBFC is aware that such language has the potential to cause offence, but it is used in this film to underline the ignorance of the bigoted characters. The treatment of the topic is handled in such a way that an adolescent audience could be expected to understand that the work does not endorse racism or racial stereotyping in any way.

'15' – suitable for 15 years and over



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Once again in 2008, more cinema films were classified at '15' than at any other category and the '15' category was second only to the '12' category for DVD works. The '15' category can span a broad range of issues and themes and, as well as the usual issues, included the challenging depiction and treatment of such themes as paedophilia and suicide.

The BBFC's Guidelines on sex and sex references state that 'Nudity may be allowed in a sexual context but without strong detail. Sexual activity may be portrayed but without strong detail. There may be strong verbal references to sexual behaviour'. One of the more high profile film releases of the year was ***Sex and The City***, a big screen follow up to the popular US TV series. The film contained numerous sex scenes showing thrusting bodies but without any strong genital detail. Along with some strong sex references these were in line with the '15' Guidelines and passed accordingly. The Japanese period drama ***Sakuran*** included a few scenes featuring relatively brief sight of thrusting, but again without the kind of strong detail that might require restriction to an '18' classification.



**Once again in 2008,
more cinema films were
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any other category**



The BBFC is required to consider if any images of children in a sexual context fall foul of the Protection of Children Act 1978. A subtitled French drama about sexual awakening, ***Naissance des Pieuvres – Water Lilies***, which depicted characters aged 15 and 16 exploring their sexuality, was considered in relation to this legislation. However, an under-the-covers masturbation scene was no more than implied, with vague hand movements. The purpose of the legislation is to protect child performers from being exploited by participating in indecent acts. However, these and other brief images of nudity were not considered sufficiently sexualised or 'lewd' to render them illegal under the 1978 legislation. The film was therefore passed '15' without cuts.

The BBFC's Guidelines on violence and horror state that 'Violence may be strong but may not dwell on the infliction of pain or injury [....] Strong threat and menace are permitted. The strongest gory images are unlikely to be acceptable'. When violence takes the form of torture, it can be a fine line between the '15' and '18' categories, the distinction between the categories being based not only on the level of detail shown, but also on the extent to which the audience is invited to participate in the sadism depicted. This was the consideration in the case of ***Taken***, a thriller about a father seeking revenge on the villains who kidnap his daughter. The cinema release was classified '15' as the implied torture scenes lacked any focus on detail or on the infliction of pain and injury. By contrast, the DVD release contained additional material, including graphic sight of a spike embedded in a man's thigh attached to wires used to electrocute him to death. Accordingly this longer version was reclassified up to an '18' certificate.

The gritty subtitled Italian drama, **Gomorra**, was set against a backdrop of organised crime in Italy and contained brutal killings with some emphasis on bloody injury. Despite this, there was no attempt to dwell on the victims' suffering and the film was classified '15'. Occasionally humour can help to dilute the impact of violence. A prime example of this was **Botched**, a comedy crime/horror film which contained much strong and bloody violence, some of which, it could be argued, dwelt on the infliction of injury. However, the bloody violence was clearly unreal and intended to be comic in effect, with exaggerated theatrical detail. The intention of the effects was to make the audience laugh in disbelief rather than wallow in sadism. This enabled it to be passed at '15'.



Gomorra '15'
Burn After Reading '15'

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The BBFC has always taken a strict stance on the issue of sexual violence at all categories

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Changeling, a dramatised account of a child kidnapped in the 1940s, contained two particularly strong scenes of violence both requiring a '15', though both lacking any sadistic edge. A hanging scene showed the character's body twitching as he dies; and a disturbing but impressionistic child murder, conveyed by an axe falling in shadow followed by the brief but clear shot of a bloody limb flying through the air, indicated the brutal manner of death. The lack of detail mitigated what could otherwise have been quite gruesome. **Changeling** was classified '15' without cuts.

A very different kind of violence was the defining factor in the George Bush biopic, **W**, receiving a '15'. Although the film had been classified at the 'PG-13' level in the US, some disturbing documentary images of war casualties in Iraq carried sufficient strength and impact to push the film into the '15' category in the UK. But the brevity and documentary nature of the images, and the clear contextual justification for the scenes meant that an '18' was not required.

At the opposite end of the scale, the thriller **Lakeview Terrace** was much closer to a '12A' overall, but contained one scene that delivered a heavy focus on blood and a sequence of climactic



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The BBFC is required to consider if any images of children in a sexual context fall foul of the Protection of Children Act 1978

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violence marked by a sustained sense of personalised threat to a woman in a domestic setting. Once again, the film had already been classified at the 'PG-13' level in the US, presumably on the basis that there was little in the way of strong detail on screen. However, the BBFC takes the view that the impact of a scene is just as important as the detail shown and the sustained threat and tension pushed it beyond the level of 'sustained moderate threat' permitted at '12A'. Tone and threat were also a defining consideration when it came to classifying the sci-fi film **Cloverfield** at '15'. As with **I Am Legend**, the sustained sense of strong threat was far more important in the decision to classify the film at '15' than any individual detail of violence.

The BBFC has always taken a strict stance on the issue of sexual violence at all categories. At '15', the BBFC's Guidelines state that 'scenes of sexual violence must be discreet and brief'. Two '15' level films contained powerful rape scenes during 2008. **Trade**, a drama about the kidnap of women and children to be used as sex slaves, contained a powerful rape scene. However, the scene was discreetly shot, without nudity, focusing predominantly on reaction shots and on the character's pain. Equally powerful was the rape



scene in **Redacted**, a fictionalised account of the real rape and murder of a 15 year old by American soldiers in the Iraq war. The specific moment of assault was brief and lacking in detail with just the suggestion of thrusting. More focus is given to the sense of confusion and chaos in the aftermath than the rape itself. Both sequences fell within what is acceptable under the Guidelines at '15'.

Turning to the issue of horror, **The Happening** contained a sense of sustained threat from an invisible and uncontrollable force that compels people to commit suicide. Although a disturbing idea, the film steered away from strong gory detail, instead focussing on the lead characters' attempts to survive and work out the cause of the mysterious force. Given its relative visual discretion and its focus on tension and the fight for survival, it was considered acceptable at '15' where the Guidelines state that 'strong threat and menace are permitted. The strongest gory



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In 2008, a number of older films were reclassified down from '18' to '15', including, *The Good The Bad and The Ugly*, *Dirty Harry* and *Bonnie and Clyde*

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images are unlikely to be acceptable'. Horror and violence of a more naturalistic kind featured in ***Hunger***, a challenging dramatisation of actual events in the Maze prison in Northern Ireland in the 70s, in which the physical consequences of prolonged hunger strike and the strong sense of personalised violence required restriction to '15'.

The theme of a film can be a determining factor at '15'. ***Doubt***, one of the last films of the year to be classified, was passed '15' for its powerful treatment of implied child sexual abuse. Although very restrained in terms of visuals and language, the complex and unresolved treatment of a difficult theme was felt to be more suitable at '15' where 'no theme is prohibited, provided the treatment is appropriate to 15 year olds'. Another film classified '15' largely on account of its theme was ***Ben X***, a subtitled Belgian/Flemish drama about a teenager who considers, but ultimately rejects, the idea of suicide as a way of dealing with bullying. Although suicide is a difficult subject at the mid teen level – and the Board is always very careful to remove any novel ideas or techniques that may assist would-be suicides – ***Ben X*** offered no novel detail and its ultimately anti-suicide message was considered suitable and appropriate at that level.

When it comes to strong language the Guidelines at '15' state that 'There may be frequent use of strong language (eg 'fuck'). But the strongest terms (eg 'cunt') will be acceptable only where justified by the context. Continued aggressive use of the strongest language is unlikely to be acceptable'. Teen comedy ***My Best Friend's Girl*** was cut to remove some instances of very strong language and two very crude sex references, including a joke about paedophilia, in order to

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The theme of a film can be a determining factor at '15'

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achieve the '15' requested by its distributor. By contrast, Noel Clarke's uncompromising drama, ***Adulthood***, also contained two uses of very strong language, but neither was aggressively directed and one was almost playful in tone. In view of this it was felt to be acceptable at the '15' level.

The key issue for consideration in the case of ***Pineapple Express*** was drugs. The film certainly straddled the '15'/'18' border in its depiction and treatment of soft drug use. At '15', the Guidelines state that 'Drug taking may be shown but the film as a whole must not promote or encourage drug use'. Although the film, taken as a whole, did not promote or encourage drug use, it originally contained a sequence in which the central characters sell some marijuana to schoolchildren in order to raise funds and the subsequent sight of drugs actually being used – and apparently enjoyed – was considered unsuitable for a mid teen audience. The distributor chose to cut this sequence for cinema release in order to make it acceptable at '15', although the uncut version was later released on DVD with an '18' classification.

Several '15' rated films required cuts to remove sight of real cruelty to animals in accordance with the Cinematograph Films (Animals) Act 1937. ***The Good, The Bad and The Weird*** showed potentially lethal horse falls in which the animals



are tripped to fall forward. An historical epic, ***The Warlords***, featured horses falling forward onto their necks or having their front legs pulled by trip wires. Both films were cut to remove these sequences.

Often the BBFC has to consider older films when they are resubmitted for cinema re-release or for release on DVD or Blu-ray. Sometimes it is clear that the classification previously awarded is no longer appropriate according to current standards. In 2008, a number of older films were reclassified down from '18' to '15', including Sergio Leone's seminal 1966 Western, ***The Good The Bad and The Ugly***, which features strong violence, moderate gore and hanging scenes. Similarly the violence in ***Dirty Harry*** and in Terence Malick's ***Badlands***, both originally passed 'X' on film and later '18' on video, although bloody at times, was not felt to focus on 'the infliction of pain and injury' to a degree that warranted restriction to adults only. These, along with ***Bonnie and Clyde***, were therefore reclassified from '18' to '15'.

'18' Suitable only for adults

18

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When concerns arise about the content of a work at the lower categories they can usually be dealt with by giving the work a higher classification. But at '18' the only option may be to cut or even reject the work. Guidelines for the '18' category therefore reflect a desire to balance concerns about protecting the rights to freedom of expression with the need to protect vulnerable individuals, and wider society, from the possible harmful effects of some film and video material. This position corresponds with the legal framework within which we operate; taking into account the Human Rights Act 1998, the Video Recordings Act 1984 (VRA), the Obscene Publications Act 1959 (OPA), and other legislation (see Legal issues). Research carried out by the Board has indicated strong public support for allowing adults to decide for themselves what to watch. The Board endeavours to keep exceptions to this principle to a minimum.

Since its amendment in 1994, the VRA has placed a duty on the Board to have 'special regard (among other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the [video] work deals with: criminal behaviour; illegal drugs; violent behaviour or incidents; horrific behaviour or incidents; or human sexual activity'. During 2008, the Board has continued to give 'special regard' to harm issues using classification at '18' where appropriate and cutting or rejecting material where necessary.

The Board operates on the assumption that adults are far less likely to copy dangerous behaviour than children but recognises that the potential for

harm through imitation does not necessarily disappear completely with age. Guidelines at '18' allow for intervention where there is any detailed portrayal of violent or dangerous acts which are likely to promote the activities.

At the adult category the Board is much less concerned about behaviour which is clearly potentially harmful or difficult to replicate. But the concern remains where the activity is less obviously dangerous or when it is presented in a manner which suggests it is easily copied. Concern is further increased when the activity appears to be fun or when, regardless of the certificate, there is clear underage appeal. In such cases the BBFC may require the addition of warning captions or, in extreme cases, cuts.

The number of extreme reality works submitted to the Board has dropped off significantly over the last couple of years, but 2008 saw a few works that proved less controversial. **Jackass 2.5** was a short work which consisted largely of material excised from the previous film and released here as a compilation of previously unavailable material. As with previous **Jackass** works the '18' certificate was given for the scenes of defecation.

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The number of extreme reality works submitted to the Board has dropped off significantly over the last couple of years

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Zoo was a partially dramatised documentary work focusing on a group of American bestiality enthusiasts. The film included some grainy and indistinct footage of what may have been actual bestiality taking place. This did not fall foul of UK law, however, as the act took place in the United States, was not a pornographic work, and was not considered likely to be judged obscene under the terms of the OPA. It was, accordingly, passed '18' without cuts.

Ultimate Fighter 5 focused heavily on the training regimes of a group of men preparing to take part in the Ultimate Fighter series. While much of the work was unremarkable, a sequence showing two men having a real fight in the garden of a house, and inflicting injuries upon each other, required restriction to the '18' category. The scene showed quite strong and dangerous violence being taken out of the ring and, to some extent, glorified and celebrated. It was presented in a largely uncritical and exploitative fashion and was, therefore, unsuitable for mid-teens.

The BBFC Guideline relating to dangerous behaviour at '18' includes illegal drug use. Any detailed portrayal of illegal drug use which is likely to promote or glamorise the activity may be cut, even at '18'. However the Board recognises that filmmakers may seek to credibly represent illegal drug use, reflecting the existence of illegal drugs in the real world. But the Board remains conscious that illegal drug use is a serious social concern, and uses the higher classification category or cuts as appropriate. The Board will not censor material for adult audiences which merely depicts widely known drug taking procedures, provided such depictions are not promoting the activity. Current policy in this area

reflects up to date expert advice and the current level of knowledge about drugs.

The BBFC did not cut any portrayals of drug use at '18' in 2008. But use of illegal drugs was a classification issue on film in **Harold and Kumar Escape from Guantanamo Bay**, a US comedy film where drugs misuse was occasionally comically endorsed. Although this contravened BBFC drugs Guidelines at '15', which state that the film as a whole must not promote or encourage drug misuse, there was no detailed portrayal of illegal drug use and the onscreen characters were also divorced from recognizable real world situations, so intervention was not required at '18'.



On DVD, a UK drama, ***Dolphins***, set against the backdrop of the 'boy racer' scene in Brighton, would have been allowable at '15' except for scenes of solvent abuse featuring young men inhaling lighter fuel. This is a dangerous activity involving an easily obtainable substance. Although the film as a whole did not promote or encourage drug misuse as the characters concerned were negatively presented and the consequences of solvent abuse were tragic rather than positive, these scenes were only allowable at '18'.

Super High Me, was a comic documentary about a US stand-up comedian – a frequent soft drug user – who undergoes 30 days of 'cold turkey' to clear his system before embarking on 30 days of smoking marijuana. He chronicles the effects as well as commenting on the seemingly contradictory stance of US national and Californian drug legislation. It was classified '18' on the basis of its drug theme and frequent soft drug use. The treatment of the work raised ambivalent issues about the possible promotion of drug use in a manner that exceeded the '15' drugs Guideline, but the presentation was not an unmitigated glamorisation or promotion of drug misuse and none of the drug-taking techniques were so little known as to require intervention at '18', so the work was classified uncut.

Scenes or narratives which depict sexual violence in conjunction with or as a sexually arousing pleasure for the viewer, or which suggest that the subjects enjoy or deserve the sexual assault may well require intervention, even at the '18' category. This is because the BBFC, taking into account the balance of expert guidance in this area, considers that the evidence supporting the case for possible harm is sufficiently robust to support our strategy and policy for intervention.



The BBFC operates on the precautionary presumption that particular violent scenes, with the potential to cause sexual arousal, may encourage a harmful association between violence and sexual gratification. In taking a strong position on this issue, the BBFC is in step with public opinion as documented in the 2002 research report *Where Do You Draw the Line?* (Dr Guy Cumberbatch - available on www.bbfc.co.uk). Only one third of regular video viewers and renters felt that adults had a 'right to view' graphic portrayals of sexual violence (compared with two thirds endorsing the 'right to view' graphic sex and three quarters graphic violence). The study suggests that the acceptability of an individual scene of sexual violence is heavily dependant on the nature, narrative and context of the work.

The BBFC assesses each portrayal of sexual violence very carefully, taking these factors into account. As most filmmakers portray this issue with discretion, intervention, other than that provided by the progressive classification system, is rare. While no films for cinema release were cut for sexual violence at the adult category, several films of historic interest were submitted or resubmitted for classification on DVD.

Wes Craven's *Last House on the Left* (1972) rejected in 2000, then passed with cuts in 2002, was passed in 2008 in its uncut form. The uncut version was submitted by a new distributor and in 2008 the Board reviewed the work. On the basis of the authoritative interpretation of the harm test as directed in the High Court in the *Manhunt 2* case, the Board considered that the dated nature of the work had reduced much of the impact of the sexual violence previously cut. The Board's sexual violence policy tests had been applied afresh since the previous submission, and the Board did not now believe that the work posed a realistic possibility of harm, so it was classified '18' uncut.

Night Train Murders was also rejected on initial submission in 1976. The development of media awareness and public knowledge of film styles were felt to have reduced the impact and potential for harm of the scenes of sexual assault in the film, which seem particularly dated now. This was also the case for former 'video nasty' *El Canibal* (1980), submitted to the BBFC in 2008 for the first time. Cut material was also restored to a soft core erotic drama, *The Naughty Stewardesses* (1974). Less exploitative works, *The Concrete Jungle* (1983), and *Solider Blue* (1970) had dated cuts to rape scenes waived.

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Sexual violence in conjunction with or as a sexually arousing pleasure for the viewer, or which suggest that the subjects enjoy or deserve the sexual assault may well require intervention, even at the '18' category

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However the passage of time had not altered the perception or impact of other works submitted during the year. Among the DVDs requiring cuts to obtain the '18' classification were, ***Emanuelle's Sweet Revenge***, submitted and cut on film in 1980. It was cut again this year to remove exploitative and sexual scenes, including sexual violence, with a child character. The Protection of Children Act 1978 was also a concern with this DVD. Comedy erotic thriller the ***Erotic Adventures of Zorro***, was also cut to remove a titillatory rape scene. Italian psychological serial killer thriller, ***Blackout***, required cuts to a scene of breast mutilation followed by a rape.

The Baader Meinhof Complex '18'
Caligula '18'
Scar 3D '18'

The 'media effects' argument relating to harm is much less convincing in the case of violence that is not linked to sex and this is reflected in the BBFC's treatment of non-sexual violence at '18'. The Board remains confident that the differentiation in its treatment between sexual and non-sexual violence is justified by the available evidence. Moreover, research undertaken to inform the BBFC Guidelines shows that the general public supports this position.

In accordance with BBFC Guidelines, therefore, cuts to non-sexual violence, while never ruled out, are likely only when the violence portrayed is very detailed and likely to encourage the activity. As was the case in 2007 no works were cut purely on the grounds of violence, although the violence in several works, mostly of the horror genre, was very strong and approached the limits of what is allowed at the adult category. However, after careful deliberation in all cases an '18' classification was deemed sufficient and proportionate to safeguard against any potential harm.

Dard Divorce, a straight to DVD work by Olaf Ittenbach, contained graphic scenes of violence and torture in the context of a highly derivative 'drug deal gone wrong' plot. The violence in question, however, was judged to be over-the-top and excessive rather than convincingly sadistic or disturbing and this neutralised concerns about the likely audience being harmed. The work was therefore passed uncut '18'.

Rambo, the fourth film in the series, sees Vietnam veteran, John Rambo, return to the screen to rescue a group of missionaries who have been kidnapped by Burmese soldiers. There is a strong and detailed focus on the infliction of pain and injury in a number of scenes and the battle





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The Board does ensure the young and vulnerable are protected, meaning works featuring strong sadistic or sexual elements that dwell on the infliction of pain or injury are likely to be classified '18'

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Eden Lake '18'

sequences feature blood spurts, gory injury detail and limbs being detached. The film was passed uncut for adults, but with Consumer Advice flagging up its very strong bloody violence.

Another work containing frequent, strong bloody violence was ***The Baader Meinhof Complex***, a drama about the German terrorist organisation that achieved notoriety in the 1980s. The film includes depictions of bombings and brutal shootings and a scene in which a dying hunger striker is force fed.

Pathology was a thriller that centres on a group of young hospital pathologists who compete with each other to carry out imaginative and undetectable murders. The strong violence and gore, including realistic-looking autopsies and eviscerations, required the restriction to an adult audience.

The Chaser was a subtitled Korean film about a disgraced ex-policeman who runs a prostitution ring. He finds himself in a race against time when one of his women goes missing. The work contains strong bloody violence depicted in a realistic manner. Although much of the violence could have been passed under Guidelines at '15', a scene in which a female character is attacked with a hammer and chisel and subjected to strong terrorisation took the work to '18'.

Another Korean work that was passed '18' for strong bloody violence was ***A Bloody Aria***. When a music teacher and his female student encounter four men on a remote beach, the various fights between the men result in bloody facial injuries and in one particularly sadistic assault a male character is repeatedly beaten about the head with a crash helmet.

The Board does not intervene in horror films merely because of the possibility that these films might alarm or shock as the likely audience chooses to watch such films because they enjoy being frightened. However, the Board does ensure the young and vulnerable are protected, meaning works featuring strong sadistic or sexual elements that dwell on the infliction of pain or injury are likely to be classified '18'.

At '18', horror works will probably contain the strongest gory images that are unacceptable at '15'. Other '18' indicators may also include a greater likelihood of being rooted in the real world rather than a fantastical universe, horror played straight with little or no irony, or the sexual terrorisation of women.

Although the majority of horror films classified '18' in 2008 came from the US, there were also some notable British features. ***Eden Lake*** featured a young couple engaged in violent confrontations after they cross paths with a gang of delinquent local youths bent on revenge following a seemingly trivial dispute. Strong bloody violence, including a scene of torture involving the use of knives and prolonged terrorisation rooted in a realistic and credible contemporary setting, meant that this was only permissible at '18'.

Mum & Dad also included strong bloody violence, torture and terrorisation in its tale of a Polish migrant worker at Heathrow who is tricked by her young female work colleague into accompanying her home. She is subsequently imprisoned and tortured by the young woman's parents who wish to make her part of their extended family. As with ***Eden Lake***, the treatment was credible and realistic and the setting contemporary and the film's theme and treatment

required the restriction to an adult audience. In both films, the audience's sympathies remained with the victims, rather than the often grotesque and monstrous characters who assaulted and terrorised them.

The Cottage was a tonally different British film about a pair of ineffectual kidnappers and their female hostage who all fall foul of a local serial killer in a remote rural setting. Although much of the film was played for humour and irony, there was some strong bloody violence and a murder scene that included the strongest type of gory images that were not acceptable at '15'. These factors, together with a more frequent use of very strong language than would be allowable at '15' meant that the film was only permissible under Guidelines at '18'.

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There were fewer torture themed horror films classified '18' in 2008

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US horror films still predominated at '18', and *Scar* and *My Bloody Valentine* literally added another dimension as they were presented in 3D requiring viewers to wear special glasses to view the effect. *My Bloody Valentine* was also submitted and classified in the more familiar two-dimensional format. Both of these films featured strong or very strong scenes of bloody violence and horror with the former being a torture-themed film and the latter a remake of an early 1980s 'stalk and slash' film about the murderous activities of a serial killer.

Another US horror film remake, *Quarantine*, featured a reality TV host and her cameraman trapped in an apartment block with an attending fire crew as a virus turns the occupants and their rescuers into murderous killers. It was a remake of a Spanish film, *[REC]*, which was also classified '18' earlier in 2008. Although both films lacked the

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A small number of works were passed '18' in the last year purely on the grounds of very strong language

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strongest gory images and did not dwell on the infliction of pain or injury, both dwelt on gory images of graphic, bloody wounds of the dead and dying and used hand-held camerawork throughout to convey a sense of immediacy and realism that resulted in potentially terrifying and intense viewing experiences.

There were fewer torture themed horror films classified '18' in 2008, although *Saw V*, the latest film in a series that began in 2004, included the





familiar strong bloody violence that was likely to be a known quantity to the majority of self-selecting viewers who chose to see it.

The majority of horror films classified at '18' are played straight with little or no irony. Where humour is a feature, the work may be classified at '15' due to its potential to defuse strong violence or gore. However, a fantastical black comedy horror film **Teeth**, in which a young woman discovers she has a toothed vagina that attacks men when she becomes the object of their violence, contained some very strong sexualised gore that was not mitigated by the intentional comedic tone.



Saw V '18'

On DVD a number of horror films were submitted for classification and received an '18'. Once again, some of these submissions were films made in the 1970s and 1980s which were considered to have cult appeal. **Schizo** and **Bloody Moon** had previously required cuts for '18' but their power to shock or appall had diminished to the extent that they were now permissible at '18' uncut.

Mirrors concerned a security guard who discovers that the mirrors in the old building he is guarding reflect past events or an alternate reality and begin to affect events in the real world. It had been viewed for advice on film where some of the strongest gory images had been removed prior to the film's formal submission in order to obtain the '15' category which the company wanted. On DVD these scenes were restored and the feature was passed at '18'.

Seed, which concerned the murderous rampage of a reanimated serial killer, contained a lengthy scene where a woman is brutally killed in real time although this lacked a sexual dimension. Even though it was passed at '18', the decision to allow the scene uncut is not a signal that the Board will never intervene against scenes of violence that lack a sexual dimension. One correspondent subsequently told us that he would have welcomed a warning about the footage of animal cruelty at the beginning of the work.

During the past year only two South Asian language films were passed '18', one in Tamil and one in the Telugu language. The Tamil film **Sivaji – The Boss**, was cut for a '12A' release when it came in for a theatrical classification. A scene involving a lead character setting off fireworks from his mouth was deemed to be very dangerous and imitable and would only have

passed at '18' uncut for film release. The feature was subsequently released at '18' in its uncut version on DVD.

For cinema release, the Telugu language film **Jalsa**, a traditional romantic thriller, was passed '18' for scenes of strong bloody violence. This film presented a glamorised and personalised portrayal of strong violence, indulged in by both the villains and the hero of the film. The use of violence as a means of resolving disputes by a heroic figure was a treatment that confirmed the need for the adult category.

The Board's policy on explicit images of real sex is that they should be confined to the 'R18' category unless they can be exceptionally justified by the context. The exceptional contextual justification is available only if the primary purpose of the work is not sexual arousal or stimulation (ie not a sex work). The Board's position is informed by both research and public reaction to classification decisions.

As in previous years the policy in this area was tested in only a few cases. The uncensored cut of **Caligula**, the 1980 film directed by Tinto Brass, was passed '18' without cuts. This particular version of the work contains explicit images of real sex, some of which are not dissimilar to those found in hard core sex works. However, **Caligula** is not a sex work and the Board concluded that there was sufficient contextual justification to allow these scenes at '18', and that there were no grounds for depriving adults of the opportunity to choose to view the work.

Import Export, a subtitled feature by the Austrian director Ulrich Seidl, is another film that contains images of strong real sex. In this case the scenes in question are devoid of eroticism and designed to confront the audience with the grimness of the life of a sex worker.

Puffball, a film by Nicolas Roeg, also contains images of strong real sex, although in this work the majority of the images have been filmed from inside a woman's vaginal canal using specialist medical equipment. These images, which are not dissimilar to those that might be observed in a documentary or scientific feature, together with other more conventional depictions of real sex are brief, support the narrative and are not intended to arouse the audience.

The French film, **J'ai Reve Sous L'eau – I Dreamt Underwater**, also contains explicit images of real sex. However, the non-pornographic nature of the work and the similarity of the sexual content to that in other works that have been passed at '18' enabled it to be passed uncut for adults.

Waltz With Bashir is an animated Hebrew language film about the Israeli occupation of Lebanon in the 1980s. It was passed '18' for one scene of strong animated sex. The brief explicit images of penetrative sex, albeit animated, could not be passed under Guidelines at '15' and, although the film was recognised to have exceptional merit, it had to be passed '18'.

Every year a number of sex works, those works whose primary purpose is sexual arousal or stimulation, are submitted to the BBFC with a request for an '18' classification. To secure that





'18', the sex works may only show simulated sexual activity. If the work contains clear images of real sex, then the distributors are offered the option of taking an 'R18', the category reserved for works featuring images of real sex and which are restricted to licensed sex shops, or cutting the sexual detail to secure an '18'. In 2008, as in previous years, the majority of cuts to '18' sex works were to remove explicit detail on these grounds.

While stronger examples of sexual fetish material are restricted to the 'R18' category, some mild fetish material, such as mild sadomasochist role-play, may be passed at '18'. The 'R18' classification is also likely to be required where fetish material has the potential to encourage harmful imitation among the uninitiated or possible underage viewers. However, at either category cuts are likely to be required if there is the potential for harm. The feature **Foot Domination** contained mostly mild foot fetish scenarios which was suitable for an '18' classification. Some material in the work, which focussed on potentially harmful breath restriction, did however need to be cut before it could be passed at '18' and would also have required the same cuts at 'R18'.

Occasional moments of explicit imagery may be passed at '18' in 'sex education' works, but only the minimum necessary to illustrate the educational or instructional points being made, and only if the work genuinely and manifestly seeks to inform and educate.

A small number of works were passed '18' in the last year purely on the grounds of very strong language. The multiple or aggressive use of the

word 'cunt' continues to be carefully considered and several works were passed '18' only as a result of the very strong language. This policy is based on public expectations, and in all cases, the presence of very strong language was included in the film or DVD's Consumer Advice.

The gritty British hooligan drama **Cass** was passed '18' for cinema for around forty uses of very strong language. On DVD, the documentary **Heckler**, about comedians who deal with heckling audiences, was passed '18' for three uses of very strong language. At least one of the uses in this film was in an aggressive context. Similarly, an episode of the American TV prison drama **Oz** was passed '18' for eight uses of very strong language. In the case of this work, most uses were in a sexualised context.



'R18' – to be supplied only in licensed sex shops



to adults of not less than 18 years

The 'R18' category is a special and legally restricted classification primarily for explicit works of consenting sex between adults. Films may only be shown in specially licensed cinemas, and DVDs may only be supplied in licensed sex shops which are open only to adults over 18. 'R18' videos may not be supplied by mail order.

The number of explicit pornographic works submitted to the Board dropped in 2008 to the lowest level since 2001. The year-on-year drop of 22.6 per cent was the largest ever. However, the proportion of these works subject to cuts (27.3 per cent) was the highest since 1999 and remains the highest of any category. This reflects the Board's strict policies on material which combines sexual detail with activity which is illegal, harmful, abusive, or involves a lack of consent or the infliction of pain or injury.

Cut material in 2008 once again commonly consisted of abusive and potentially harmful activity. The most common cuts for these activities were to remove scenes of choking and gagging during deep throat fellatio and instances of breath restriction during sexual activity. Cuts were also made to underage sex references in line with research mentioned in the 2006 Annual Report.

The BBFC continues to cut material in accordance with current interpretation of the Obscene Publications Acts 1959 and 1964, which includes urolagnia (urination combined with sexual activity, the smearing of urine on the body or urination onto others), and penetration with the entire hand

or with extremely large dildos. The number of works requiring cuts for urolagnia exceeded all other categories of cut for adult sex works. Aside from OPA considerations, the BBFC does not allow penetration with objects likely to cause actual harm, or objects associated with violence at 'R18'. In making these decisions the Board continues to draw upon expert advice and research. The results of such research can be found on the Board's website.

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The Board classified 242 video games and associated media in 2008, a slight drop on the 2007 figures. Video games only have to come to the BBFC for classification under the terms of the Video Recordings Act either because they contain certain material including strong violence, sex, or useful criminal techniques, or linear material – that is video footage.

No titles were rejected or cut this year. Although there has been a sea-change in the number of games submitted to the BBFC from the days when we used to receive fewer than 30 games a year, none of the titles received this year proved to be particularly contentious or challenging in terms of the BBFC games policy or Guidelines. The game *Manhunt 2*, rejected in its original form in 2007 and successfully appealed in a less explicit form by the publisher, was finally released in the autumn, but the stronger version remains rejected.

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None of the titles received this year proved to be particularly contentious or challenging in terms of the BBFC games policy or Guidelines

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A short, interactive 'demo' of the game **Madworld**, was submitted and received an '18' uncut. This is a combat-heavy game in which the central protagonist, 'Jack', finds himself in a TV game show format having to battle innumerable, armour-clad goons in order to gain points and move on to the next level. The game is presented in black and white, graphic novel style animation, and the environment is littered with objects that can be used to despatch opponents. Inventiveness in the way enemies are despatched is central to the player's success in gaining a good score.

Opponents can be dismembered and impaled resulting in excessive and quite ludicrous levels of blood, with organs being visible. Nonetheless, this volume of bloody violence, albeit within a satirical context, is clearly inappropriate for young players. The game was submitted in early 2009 and was passed '18' uncut for the same reasons.

Away from the direct business of classifying video games, the video game examiners have also been active participants in various external events including representation at the Game Developer's Conference in Leipzig, the Virtual World Project forum in London and presentations to schools and colleges throughout the UK.



Films, DVDs, or digital media which contain unlawful or potentially harmful material will, where possible, be cut. If this is not possible because, for instance, the cuts are so extensive that a viable release cannot be salvaged from the remaining material, or if the distributor refuses to make the required cuts, then a work may be refused a classification altogether. In 2008 the Board rejected two video works.

Murder Set Pieces is a feature with a single-minded focus on the activities of a psychopathic sexual serial killer, who, throughout the film, is seen raping, torturing and murdering his victims. Young children are among those terrorised and killed, and their inclusion in this abusive context was an added concern. In relation to the adult victims, there is a clear focus on sex or sexual behaviour accompanied by non-consensual pain, injury and humiliation. After careful consideration the Board determined that to issue a certificate to this work, even if confined to adults, would be inconsistent with the Guidelines, would risk potential harm within the terms of the VRA, and would be unacceptable to the public. Given that the unacceptable material ran throughout, cuts were not a viable option. ***Murder Set Pieces*** also raised potential legal questions, for instance in relation to the Protection of Children Act 1978, and possible breaches of other legislation, such as on obscenity.

The only other work rejected by the Board in 2008 was ***The Texas Vibrator Massacre***, a sex work based loosely upon the notorious 1974 horror film ***The Texas Chain Saw Massacre***. In the majority of its scenes the work eroticises sexual and

sexualised violence to a highly significant degree and, although self-consciously excessive in nature, the conflation throughout of sexually arousing material with credible violence, forced sex and sadistic sexual threat gave rise to a serious breach of the Board's policy on sexual violence. The Board's Guidelines, under the heading of 'Rejects', note that 'graphic rape or torture', 'sadistic violence or terrorisation' and 'sex accompanied by non-consensual pain, injury or humiliation' are of particular concern. The explicit nature of the sexual depictions in this work further added to these concerns. In addition, scenes of simulated incest between brother and sister were in clear breach of the Board's Guidelines for sex works, which prohibit 'material (including dialogue) likely to encourage an interest in sexually abusive activity (eg, paedophilia, incest, rape)'. Given the pervasive theme of sexual violence and sexual threat, cuts were not viable and ***The Texas Vibrator Massacre*** had to be rejected.

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In 2008 the Board rejected two video works *Murder Set Pieces* and *The Texas Vibrator Massacre*

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The Board has to have regard to several pieces of legislation that sometimes affect the classification of works submitted to it. The Human Rights Act of 1998 (HRA) requires the Board to consider, among other things, the requirement that a filmmaker's freedom of expression is not infringed by its classification decisions. That requirement is modified where something has been 'prescribed by law' or where it is 'necessary in a democratic society' or for the 'protection of health and morals' or the 'prevention of crime and disorder'. If the BBFC does intervene in a work the intervention must be 'proportionate' to the breach concerned. Whilst no specific issues with the HRA arose this year, its application is something that remains at the forefront of the Board's thinking when classifying material.

The Video Recordings Act of 1984 (VRA) requires the Board to pay special regard to material that could be said to cause 'harm' to its potential audience. The specific subjects that the VRA requires the Board to consider are criminal, violent or horrific behaviour, illegal drugs and human sexual activity.



The Board has to have regard to several pieces of legislation that sometimes affect the classification of works submitted to it



Application of the Obscene Publications Acts (OPA) of 1959 and 1964 is generally limited to the Board's work with pornography. If a work is deemed to be obscene under current interpretation of the OPA, the Board must intervene. A work will be considered to be obscene if it has a tendency to 'deprave and corrupt' a significant proportion of the audience likely to see it. Again, many works required cuts to remove material that is defined as obscene under the current interpretation of the Act as noted in the 'R18' section of this report.

The Protection of Children Act 1978 (POCA) makes it a criminal offence to exploit children by making indecent photographs of them, and penalises the distribution, showing and advertisement of those items. POCA considers that anyone under the age of 18 is a child. The BBFC has always refused to classify works that contain indecent images of children, although it is often a difficult decision to reach, especially since the definition of the term 'indecent' is open to interpretation. The Board has sought legal advice on the meaning of this term and returns to lawyers where necessary on a case by case basis. In ***Emmanuelle's Sweet Revenge***, cuts were required to remove scenes in which a young actress (possibly 13 or 14 at the time of filming) was shown in several sexually salacious scenes, including one where she is raped. In ***Exponerad – Exposed***, sight of a magazine cover in which a young boy is seen performing fellatio was removed on the same grounds. The Board always asks for confirmation of a performer's age when there is any doubt, a common occurrence for sex works at both '18' and 'R18', and makes similar cuts when assurances are unsatisfactory or not forthcoming.



The Cinematograph Films (Animals) Act 1937 prohibits the exhibition of a film if any scene within it has been 'organised or directed' in such a way as to involve the cruel infliction of pain or terror on any animal. The word 'animal' is defined as any domestic animal (tame or sufficiently tamed to serve some purpose for the use of man) or any vertebrate which is in captivity or confinement. It is the Board's policy to apply the Act equally to films and DVD submissions. **The Adventures of Rin Tin Tin** was cut to remove sight of two horses fighting in a scene that the Board believed had been organised by the filmmaker. Evidence was sought from the distributor of the work that might satisfactorily explain how the scene was staged in order to avoid animal cruelty, but none was available; accordingly, cuts were inevitable. Similarly, the Chinese film **The Warlords** was cut to remove scenes showing horses being deliberately tripped during a chase, as was the Korean feature **The Good, the Bad and the Weird** and the 1933 John Wayne feature, **The Three Musketeers**.

Finally, the recently passed Criminal Justice and Immigration Act 2008 has become relevant to the Board's work. A key feature of this legislation is the introduction of a stand-alone offence of the possession of extreme pornography, and the Act includes a duty on the Board to have regard to this. Extreme pornographic material is intended to refer to a subset of obscene material, although unlike with the OPA, material classified by the BBFC under the VRA is excluded. In order for a work to be in breach of this legislation it must be pornographic – ie having been produced solely or principally for the purpose of sexual arousal – be obscene and, in an explicit and realistic way, portray either an act which threatens a person's

life; an act which results, or is likely to result, in serious injury to a person's anus, breasts or genitals; an act which involves sexual interference with a human corpse; or a person performing an act of intercourse or oral sex with an animal (whether dead or alive). Cartoon images are not caught by the Act.

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The Board always asks for confirmation of a performer's age when there is any doubt

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During 2008 there were no appeals to the Video Appeals Committee (VAC). The VAC is an independent body constituted under Section 4(3) of the Video Recordings Act 1984 to hear appeals from submitting companies against any BBFC decisions they consider stricter than warranted.

At the end of 2008 the full membership of the VAC was as follows:

President

John Wood CB

Solicitor; former Director of the Serious Fraud Office; former Director of Public Prosecutions in Hong Kong; former Special Counsel to Morgan Lewis Bokus

Members

Nina Bawden

CBE, MA, FRSL, JP, novelist; President, Society of Women Writers and Journalists

Biddy Baxter

MBE, DLitt, FRSA, FRTS, FTCL, Advisory Board Member, Victim Support; Chair, The John Hosier Music Trust; former editor Blue Peter, BBC Television and consultant to the Director General of the BBC; author and broadcaster

Barry Davies

BA, MPhil, DMA, DMS, RSW, MBASW
Former Deputy Director of Social Services and Chair of Area Child Protection Committee; child protection trainer; independent investigator of complaints made by or on behalf of children and young people known to social services; Chair of Independent Complaints Review Panels, Chair of All Wales Primary Care Child Protection Trainers

Group; Associate Consultant for Children in Wales; professional adviser to the Ombudsman on matters relating to safeguarding children

Pauline Gray

District Chairman of the Tribunals Service; member of the Gender Recognition Panel

Professor John Last

CBE, DLitt, Lay Member Bar Standards Board 2008 –; Chair Bute Communications 2003-8; Chair Dernier Group 2003 –; Visiting Professor City University 1998-2006; Federal Vice President UK Liberal Democrat Party 2009 –

Dr Sara Levene

MA, MRCP, FRCPCH, paediatric safety consultant; medical qualified panel member of the Appeals Service; former medical advisor to the Foundation for the Study of Infant Deaths and to the Child Accident Prevention Trust

Haydon Luke

Former secondary headteacher and inspector; now education consultant and trainer, working in the fields of secondary education and education in and through museums and galleries

Dr Neville March Hunnings

Lawyer; former member of the Lord Chancellor's Advisory Committee on Legal Education and Conduct; editor of the Encyclopaedia of European Union Law; author of Film Censors and the Law

Robert Moore

BSc (Econ), Dip.App.Soc.St., CQSW; independent consultant in social care; former Director of Social Services and one-time Children's Officer; Chairman of the Northern Ireland Children in Need Appeals Advisory Committee

Claire Rayner

OBE, author; broadcaster; health campaigner

Peter Rees

Cert.Ed, Dip.Ed, Dip.Psych MA, MCMI, retired primary headteacher; independent education management consultant; associate lecturer at the University of Winchester; Chair of Holloway School Governing Body; Chair, Carroll Children's Centre Partnership Board; Member, Islington BSF Strategic Partnership Board; Marital and Relationship therapist; Personal Counsellor and Life Coach in private practice

Dr Mike Slade

Consultant clinical psychologist; Reader at Institute of Psychiatry, King's College London; Associate Fellow of the British Psychological Society

Professor Fay Weldon

CBE, MA, DLitt, FRSL; novelist; playwright; broadcaster







The Consultative Council has been advising the Board for over 20 years. The Council meets three times a year and the membership is made up of representatives from the video, broadcasting, record and leisure software industries, local government and persons of individual distinction, as well as observers from the Department for Culture, Media and Sport (DCMS), the Metropolitan Police and Ofcom.

Director's reports and discussions

At each meeting the Director provides a written report which provides information about work levels, which affect the timeliness with which works are classified, policy issues and controversial classification decisions. Attendees at the February meeting were informed about the end of year figures for works classified; the latest on Julian Brazier's Private Member's Bill to impose greater controls on the BBFC, due for second reading at the end the month; the outcome of the Video Appeals Committee on the video game **Manhunt 2** as well as the latest information about BBFC.online. The meeting was informed about the success of the BBFC's website for parents at the end of its first year and were brought up to date on the progress of the digitisation of the video archive.

At the June meeting the meeting heard about the outcome of Dr Tanya Byron's review of child internet safety and the regulation of video games as well as updates on existing issues.

The October meeting was told about the appointment of two new Vice Presidents, the Culture, Media and Sport Select Committee's report which recommended that the BBFC should have a greater role in video games classification –

in line with the Byron Report findings – and the implications of the recently passed Criminal Justice and Immigration Act for the work of the Board. They were also informed about the upcoming consultation on the classification Guidelines.

Film screenings and discussions

Each meeting is preceded by the screening of a recently classified film which raised particular classification issues. The films viewed by the Consultative Council in 2008 were **Sweeney Todd – the Demon Barber of Fleet Street, [Rec]** and **Waltz With Bashir**. **Sweeney Todd** had been rated '18' by the Board and the meeting attendees were, by a small majority, in agreement with the rating. The meeting attendees were in complete agreement with the '18' rating for **[Rec]**.

There was considerable debate about **Waltz With Bashir**. It had been rated '18' because of one particular scene involving sexual activity and the meeting felt that the merits of the film were such that it would have been preferable to have been able to rate it '15' to give the film a wider audience whilst recognising the constraints of the Guidelines.

Membership of the Consultative Council in 2008

Phil Archer,

Family Online Safety Institute (FOSI)

Kim Bayley,

Entertainment Retailers Association (ERA)

Lavinia Carey,

British Video Association (BVA)

Jeff Ford,

Channel 4 Television

Laurie Hall,

Video Standards Council (VSC)

Cllr Jim Hunter,

Convention of Scottish Local Authorities (COSLA)

Steve Jenkins,

BBC

Cllr Peter Kent,

Local Government Association (LGA)

Sir William Lawrence,

Local Government Association (LGA)

Cllr Maurice T Mills,

Northern Ireland Local Government

Association (NILGA)

Cllr Goronwy O Parry MBE,

Welsh Local Government Association (WLGA)

Mike Rawlinson,

European Leisure Software Publishers Association
(ELSPA)

David Simpson,

Chair, Advisory Panel on Children's Viewing
(ex officio)

John Woodward,

UK Film Council

Independent members

Professor Anthony Beech

Professor David Buckingham

Professor Colin Munro

Colin Webb

Observers

Inspector Andrew Shortland,

Metropolitan Police

Scottish Government

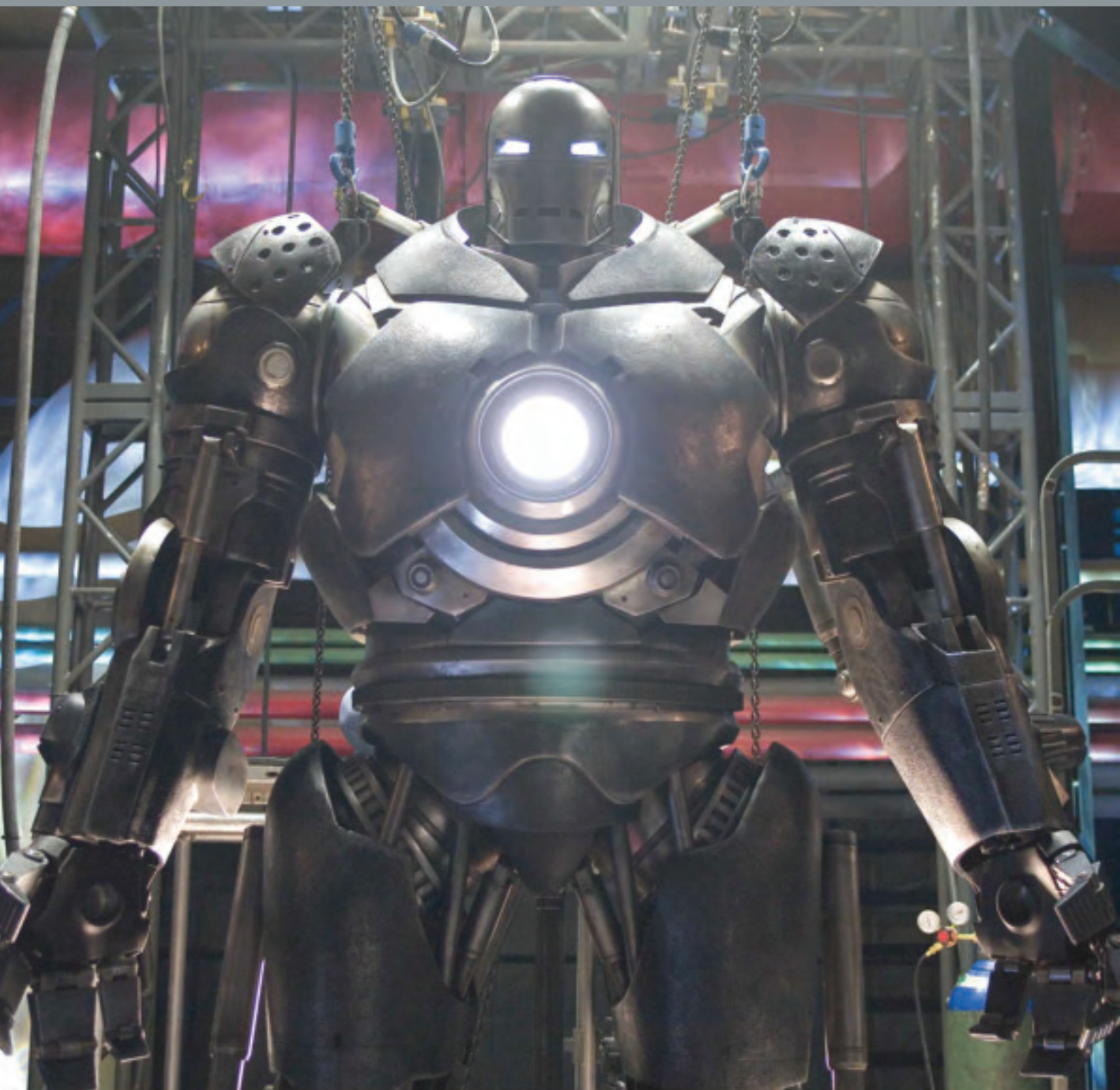
Eleanor Hodge,

Department for Culture, Media and Sport

Wendy Parker,

Department for Culture, Media and Sport
Ofcom





The APCV provides the Board with access to a wide range of skills and expertise connected with children. As the bulk of the Board's work involves classifying material for everyone under the age of 18 this is a very valuable resource. Like the Consultative Council, the APCV meets three times a year, but David Simpson, in his capacity as Chairman of the APCV, also sits on the Consultative Council.

The March meeting took place after the second reading of the Julian Brazier Private Members Bill which proposed increasing parliamentary control over the BBFC and its decisions, and the meeting heard that the Bill had been 'talked out' and would therefore proceed no further. The meeting was also updated on the progress of Dr Tanya Byron's review of child internet safety and video games classification, as well as the success of the BBFC's website for parents and progress on the online classification system, BBFC.online.

At the July meeting the judicial review of the VAC decision on **Manhunt 2** was of particular interest to the APCV as it dealt with the question of whether the Board was required to prove harm. This was particularly helpful, even though the VAC, which was required by the judicial review to revisit its decision, had still come out in favour of the revised version of the game being classified.

The President and Vice Presidents usually attend the APCV meetings and the November meeting was the first meeting for the new Vice Presidents, Alison Hastings and Gerard Lemos and the farewell meeting for the retiring Vice Presidents, Janet Lewis-Jones and Lord Taylor of Warwick. The meeting was given an update on the progress of

the classification Guidelines review and the latest on the Board's educational activities.

Film screenings and discussions

It is particularly helpful for the Board to be able to have such a wide range of expertise relating to children and young teenagers available in one place and this is very much the case when considering particular film classification decisions.

Will Smith's horror film, **I Am Legend**, was seen before the March meeting. It had been rated 'PG-13' in the US, but was felt to be borderline '15' by the Board. It had been seen by the Director who had confirmed the '15' rating. The distributor had been very keen for the film to receive a '12A' rating. The meeting discussed the sustained 'threat and menace' which was a constant motif in the film and whether, in their professional opinions, the film would be appropriate for a younger audience. The unanimous decision was that the '15' rating was the appropriate one.

Attendees at the July meeting again saw a '15' rated film with the question being, in their professional opinion, could a younger audience have understood and dealt with the complex issues explored. **Ben X** had also gone to a second viewing with the Director who had confirmed the '15' rating. The film's central character had Asperger's syndrome and was bullied and had considered suicide as a way out. The whole question of how suicide was handled in films and what treatment was appropriate at the younger categories was discussed with differing views amongst the Panel. However, all agreed that the film would not have been appropriate at '12A'.

The film shown before the November meeting was ***The Dark Knight***. The film had opened in July, and had been the subject of a – for the BBFC – high level of complaints and media attention for the '12A' rating. The Board felt that it would be helpful to have the professional opinions of the APCV members about whether the rating was correct. The panel considered the film to be a long way from its comic strip origins and some concerns were expressed about its dark and violent content. There was considerable discussion with a range of views being expressed about whether the film should have been a '12A' or a '15', with the meeting remaining split in its view.

Membership of the APCV at the end of 2008

David Simpson,

Youth Court District Judge (Chair)

William Atkinson,

Head Teacher

Professor Vince Egan,

Chartered Clinical and Forensic Psychologist

Joe Godwin,

Head of Children's Entertainment, BBC

Dr Sue Krasner,

Chartered Clinical Psychologist

Frances Lennox,

Senior Crown Prosecutor

Naomi Rich,

Executive Producer, Illumina Digital

Professor Jack Sanger,

Visiting Professor, University of East Anglia and Innsbruck University

Dr Bill Young,

Consultant Child and Adolescent Psychiatrist





The Principal Officers of the BBFC in 2008

President

Sir Quentin Thomas, CB

Vice Presidents To October 2008

Janet Lewis-Jones

Lord Taylor of Warwick

From November 2008

Alison Hastings

Gerard Lemos

Council of Management

Chairman

Graham Lee

Vice Chairman

Steve Jaggs

Treasurer

John Millard

Members

Michael Cox

John Holton

William McMahon MBE

Ewart Needham

Patrick Swaffer

John Wilson OBE

Director

David Cooke

Head of Operations

Dave Barrett

Head of Communications

Sue Clark

Head of Technology

Dave Harding

Head of Policy and Business Development

Peter Johnson

Head of Finance and Personnel

Imtiaz Osman

Principal activities

The company, which is limited by guarantee, is responsible for the classification of cinema films and, in accordance with the terms of the Video Recordings Act 1984, for the classification of video works. Its revenue is derived principally from fees charged to distributors for the classification of their product.

Business review

Submissions of digital works continued to decline during the year, as had been expected, mainly due to the completion of the mining of back catalogues by distributors. This has resulted in a net reduction of six per cent in fee income. The effect of the current economic recession is likely to add further pressure on fees. The Board will continue to monitor submission levels and assess resource requirements.

The Board is pleased to confirm the implementation of the Digital Archive project from a facility in Bracknell. The operation is currently running smoothly and throughput is above target.

In May 2008, the Board launched its 'BBFC.online' scheme for the voluntary classification of material being supplied online via download or streaming. Members of the scheme pay an annual membership fee plus a fee for each catalogue work awarded a classification certificate. Revenue from the scheme picked up sharply towards the end of the year from a low base and is expected to continue on an upward trend.

Directors

The Directors of the company are the Members of the Council of Management together with the President. Mrs. S.M. Sheridan, OBE resigned on 11 June 2008.

Directors' responsibilities

Company law requires the Directors to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing those financial statements, the Directors are required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The Directors are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the company and which enable them to ensure that the financial statements comply with the Companies Act 1985. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Corporate Governance

The Directors continue to give careful consideration to, and have adopted the main principles of, corporate governance as set out in the Code of Best Practice of the Committee of the Financial Aspects of Corporate Governance (the Cadbury Report). However it is the opinion of the

Directors that not all the provisions of the Cadbury Report are appropriate for a company of the size and structure of the British Board of Film Classification.

Financial instruments

The company's financial instruments at the balance sheet date comprised bank loans, investments, cash and liquid resources. The company has various other financial instruments such as trade debtors and trade creditors that arise directly from its operations.

It is, and has been throughout the period under review, the company's policy that no trading in financial instruments shall be undertaken.

Interest rate risk

The company has no interest rate exposure as all the long term debt is at fixed rate.

Liquidity risk

The company had significant net cash balances as at the balance sheet date.

Foreign currency risk

The company's risk to foreign exchange transactions does not arise as all the company's financial instruments are denominated in Sterling.

Financial assets

The company has no financial assets other than investments, short-term debtors and cash at bank.

Borrowing facilities

As at 31 December 2008, the company had undrawn committed borrowing facilities of £536,000 (2007- £176,000).

Environment, Health and Safety

The company is firmly committed to managing its activities so as to provide the highest level of protection to the environment and to safeguard the health and safety of its employees, customers and the community.

The company's Environment, Health and Safety (EHS) policies provide the guiding principles that ensure high standards are achieved and afford a means of promoting continuous improvement based on careful risk assessment and comprehensive EHS management systems. These policies are reviewed at regular intervals. This work has given greater emphasis to formal management systems, which bring a systematic improvement in performance.

Transfers to reserves

The retained surplus for the year of £93,225 has been transferred to reserves.

Fixed assets

Information relating to changes in the tangible fixed assets is given in note 8 to the financial statements.

Donations

During the year the company made charitable donations totalling £100,000 (2007 - £151,200).

Statement as to disclosure of information to auditors

So far as the directors are aware, there is no relevant audit information (as defined by Section 234ZA of the Companies Act 1985) of which the company's auditors are unaware, and each director has taken all the steps that he or she ought to have taken as a director in order to make

himself or herself aware of any relevant audit information and to establish that the company's auditors are aware of that information.

By order of the Board

DAL Cooke

Secretary

3 Soho Square,
London, W1D 3HD.

18th March 2009

119 **Independent Auditors' Report to the Members of British Board of Film Classification**

We have audited the financial statements of British Board of Film Classification for the year ended 31st December 2008 which comprise the Income and Expenditure Account, the Balance Sheet, the Cash Flow Statement and the Related Notes numbered 1 to 18. These financial statements have been prepared under the accounting policies set out therein.

This report is made solely to the company's members as a body in accordance with Section 235 of the Companies Act 1985. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body for our audit work for this report or for the opinions we have formed.

Respective responsibilities of the Directors and Auditors

As described in the statement of Directors' responsibilities the company's Directors are responsible for the preparation of the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice). Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Companies Act 1985. We also report to you if, in

our opinion, the Directors' Report is consistent with the financial statements.

In addition, we report to you if, in our opinion, the company has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by law regarding Directors' remuneration and other transactions with the company is not disclosed.

We read the Directors' Report and consider the implications for our report if we become aware of any apparent misstatements within it.

Basis of audit opinion

We conducted our audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Directors in the preparation of the financial statements, and of whether the accounting policies are appropriate to the company's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In our opinion:

- the financial statements give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice, of the state of the Company's affairs as at 31st December 2008 and of its surplus for the year then ended;
- the financial statements have been properly prepared in accordance with the Companies Act 1985; and
- the information given in the Directors Report is consistent with the financial statements.

Wilkins Kennedy

Chartered Accountants and Registered Auditor,
Bridge House,
London Bridge,
London SE1 9QR

18th March 2009

**121 Income and Expenditure Account
for the year end 31st December 2008**

	Note	2008	2007
Turnover	(2)	6,839,149	7,299,570
Operating costs		(6,464,081)	(6,328,513)
Operating surplus	(6)	375,068	971,057
Interest receivable and similar income	(3)	249,281	295,131
Interest payable and similar charges	(4)	(127,218)	(136,114)
Surplus/(deficit) on current asset investments:			
- realised		70,600	85,729
- (increase) in provision for unrealised losses		(353,878)	(34,410)
Surplus on ordinary activities before taxation		213,853	1,181,393
Tax on surplus on ordinary activities	(7)	(120,628)	(361,476)
Retained surplus for year	(14)	93,225	819,917
Retained surplus at beginning of year		8,193,427	7,373,510
Retained surplus at end of year		£8,286,652	£8,193,427

Continuing operations

None of the company's activities were acquired or discontinued during the above two financial years.

Total recognised surpluses and deficits

The company has no recognised surpluses or deficits other than the surplus or deficit for the above two financial years.

The accompanying notes are an integral part of these financial statements.

Balance sheet
31st December 2008

	Note	2008	2007
Fixed assets			
Tangible assets	(8)	<u>6,676,315</u>	<u>5,125,060</u>
Current assets			
Deferred tax asset - due after more than one year	(9)	3,538	73,460
Debtors	(10)	918,434	826,590
Investments	(11)	1,438,498	1,742,952
Cash at bank and in hand		<u>2,711,261</u>	<u>4,532,322</u>
		5,071,731	7,175,324
Creditors: amounts falling due within one year	(12)	<u>(1,457,526)</u>	<u>(1,920,666)</u>
Net current assets		<u>3,614,205</u>	<u>5,254,658</u>
Total assets less current liabilities		10,290,520	10,379,718
Creditors: amounts falling due after more than one year	(13)	<u>(2,003,868)</u>	<u>(2,186,291)</u>
Net assets		<u>£8,286,652</u>	<u>£8,193,427</u>
Capital and reserves			
Income and expenditure account		<u>8,286,652</u>	<u>8,193,427</u>
Accumulated funds	(14)	<u>£8,286,652</u>	<u>£8,193,427</u>

Approved by the Board of Directors on 18th March 2009

KG Lee - Chairman

JR Millard - Treasurer

The accompanying notes are an integral part of these financial statements.

123 Cash flow statement
for the year ended 31st December 2008

Reconciliation of operating surplus			
to net cash flow from operating activities	Note	2008	2007
Operating surplus		375,068	971,057
Depreciation charges		312,488	230,489
(Surplus)/deficit on sale of tangible fixed assets		(1,813)	36,386
(Increase) in debtors		(91,844)	(100,999)
(Decrease)/increase in creditors		(155,816)	150,531
		<hr/>	<hr/>
Net cash inflow from operating activities		£438,083	£1,287,464
		<hr/> <hr/>	<hr/> <hr/>
Cash flow statement			
		2008	2007
Net cash inflow from operating activities		438,083	1,287,464
Return on investments and servicing of finance	(15a)	122,063	159,017
Taxation		(368,013)	(295,887)
Capital expenditure	(15b)	(1,861,930)	(140,159)
		<hr/>	<hr/>
		(1,669,797)	1,010,435
Management of liquid resources	(15c)	21,176	(41,729)
		<hr/>	<hr/>
(Decrease)/increase in cash		£(1,648,621)	£968,706
		<hr/> <hr/>	<hr/> <hr/>
Reconciliation of net cash flow			
to movement in liquid funds	(15d)	2008	2007
(Decrease)/increase in cash in the year		(1,648,621)	968,706
Increase/(decrease) in current asset investments		(304,454)	93,048
		<hr/>	<hr/>
Change in net liquid funds		(1,953,075)	1,061,754
Net liquid funds at beginning of year		3,916,543	2,854,789
		<hr/>	<hr/>
Net liquid funds at end of year		£1,963,468	£3,916,543
		<hr/> <hr/>	<hr/> <hr/>

The accompanying notes are an integral part of these financial statements.

1. Accounting policies

The principal accounting policies, which have been consistently applied are:-

a Basis of accounting

The financial statements are prepared under the historical cost convention and in accordance with applicable accounting standards.

b Tangible fixed assets

Tangible fixed assets are stated at original cost. Depreciation is provided at rates calculated to write-off the cost less estimated residual value of each asset on a straight line basis over its estimated useful life as follows:-

Movable furniture and equipment	25% per annum
Computer equipment	33.33% per annum

Long leasehold property is amortised on a straight line basis over the duration of the lease.

Expenditure on leasehold property and immovable furniture and equipment is fully depreciated in the year of acquisition.

c Current asset investments

Current asset investments are stated at the lower of cost and net realisable value.

d Taxation

The charge for taxation is based on the surplus for the year and takes into account taxation deferred because of timing differences between the treatment of certain items for accounting and taxation purposes.

Provision is made at current rates for tax deferred in respect of all material timing differences.

Deferred tax assets are only recognised to the extent that they are regarded as recoverable.

The company has not adopted a policy of discounting deferred tax assets and liabilities.

e Turnover

Turnover comprises the value (excluding VAT) of services supplied in the normal course of business.

f Leased assets

Rentals applicable to operating leases are recognised in the income and expenditure account as incurred.

g Pensions

The company operates a defined contribution pension scheme to provide retirement benefits for its staff. The amount charged to income and expenditure account in respect of pension costs is the contributions payable and provided in the year.

125 Notes to the financial statements
for the year ended 31st December 2008 (continued)

2. Turnover

The turnover and operating surplus are attributable to the principal activity of the company.
The entire turnover in both periods is attributable to geographical areas within the United Kingdom.

3. Interest receivable and similar income

	2008	2007
Bank deposit interest	195,268	228,444
Income from current asset investments	54,013	66,687
	<u>£249,281</u>	<u>£295,131</u>

4. Interest payable and similar charges

	2008	2007
Interest on loan repayable after more than 5 years	127,218	£136,114
	<u>127,218</u>	<u>£136,114</u>

5. Employees

	2008	2007
Average monthly number of people employed by the company during the year:		
Non-executive Directors	9	10
Presidential Team	3	3
Management	6	6
Administration	12	12
Examination	36	34
Technical	24	24
	<u>90</u>	<u>89</u>

Costs in respect of these employees including Directors:

Salaries	3,743,930	3,889,790
Social security costs	387,671	396,013
Pensions	227,459	255,553
Life assurances	10,140	10,995
	<u>£4,369,200</u>	<u>£4,552,351</u>

Directors' remuneration

The remuneration of the Directors during the year was:

Emoluments	255,403	263,075
Pension contributions in respect of 2 (2007-2) Directors	34,189	33,414
	<u>£289,592</u>	<u>£296,489</u>

Highest paid Director

The above amount for remuneration includes the following in respect of the highest paid Director	<u>£168,253</u>	<u>£170,620</u>
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6. Operating Surplus	2008	2007
	£	£
The operating surplus is stated after charging:		
Directors' remuneration (including benefits)	289,592	296,489
Depreciation and amounts written off fixed assets	312,488	230,489
Rental of equipment	39,750	21,685
Auditors' remuneration:		
- audit	28,000	21,000
- non audit	9,515	3,740
	<hr/> <hr/>	<hr/> <hr/>
7. Tax on surplus on ordinary activities	2008	2007
Reconciliation of tax charge to surplus:		
Surplus on ordinary activities multiplied by standard rate of corporation tax in the UK of 21% (2007 - 30%)	(44,909)	(354,418)
Effects of:		
Expenses not deductible for tax purposes	(1,510)	(13,247)
Investment (losses)/gains not taxable	(59,488)	15,396
Depreciation in excess of capital allowances	-	(37,001)
Capital allowances in excess of depreciation	45,905	-
Franked investment income not taxable	8,690	16,439
Other adjustments	606	-
Marginal relief	-	4,967
	<hr/>	<hr/>
	(50,706)	(367,864)
Deferred tax arising from the interaction of depreciation and capital allowances	(69,922)	6,388
	<hr/>	<hr/>
Tax on surplus on ordinary activities	£(120,628)	£(361,476)
	<hr/> <hr/>	<hr/> <hr/>

127 Notes to the financial statements
for the year ended 31st December 2008 (continued)

8. Tangible fixed assets

	Long leasehold property	Long leasehold property expenditure	Furniture and equipment	Total
Cost				
At beginning of year	5,180,700	94,154	1,933,443	7,208,297
Additions	-	-	1,863,884	1,863,884
Disposals and deletions	-	-	(56,651)	(56,651)
	<u>5,180,700</u>	<u>94,154</u>	<u>3,740,676</u>	<u>9,015,530</u>
Depreciation				
At beginning of year	193,414	94,154	1,795,669	2,083,237
Charge for the year	41,445	-	271,043	312,488
Disposals and deletions	-	-	(56,510)	(56,510)
	<u>234,859</u>	<u>94,154</u>	<u>2,010,202</u>	<u>2,339,215</u>
Net book value				
At end of year	<u>£4,945,841</u>	<u>£-</u>	<u>£1,730,474</u>	<u>£6,676,315</u>
At beginning of year	<u>£4,987,286</u>	<u>£-</u>	<u>£137,774</u>	<u>£5,125,060</u>

9. Deferred tax asset

	2008	2007
At beginning of year	73,460	67,072
Credited/(charged) to profit and loss account arising from the interaction of depreciation and capital allowances	(69,922)	6,388
At end of year	<u>£3,538</u>	<u>£73,460</u>

The deferred tax asset arising on capital deficits carried forward of £63,559 (2007 - £87,324) has not been recognised as the Directors are uncertain that sufficient suitable capital surpluses will exist in the future. Should such surpluses arise, the asset will be recovered.

10. Debtors

	2008	2007
Trade debtors	371,685	444,211
Others	317,070	248,145
Prepayments and accrued income	229,679	134,234
	<u>£918,434</u>	<u>£826,590</u>

11. Current asset investments - listed in UK	2008	2007
Cost		
At beginning of year	1,830,876	1,703,418
Additions	655,211	444,190
Disposals	(605,787)	(316,732)
	<hr/>	<hr/>
At end of year	1,880,300	1,830,876
	<hr/>	<hr/>
Provision for unrealised deficit		
At beginning of year	(87,924)	(53,514)
(Increase)/decrease in provision	(353,878)	(34,410)
	<hr/>	<hr/>
At end of year	(441,802)	(87,924)
	<hr/>	<hr/>
Cost less provision at end of year	£1,438,498	£1,742,952
	<hr/>	<hr/>
Market value of listed investments at end of year	£1,566,678	£2,274,092
	<hr/>	<hr/>
12. Creditors: amounts falling due within one year	2008	2007
Bank loan (secured - see note 13)	182,423	172,440
Trade creditors	318,719	324,025
Corporation tax	48,179	365,486
VAT	170,673	213,287
Other taxation and social security costs	211,191	294,395
Other creditors	408,452	365,693
Accruals and deferred income	117,889	185,340
	<hr/>	<hr/>
	£1,457,526	£1,920,666
	<hr/>	<hr/>

129 Notes to the financial statements
for the year ended 31st December 2008 (continued)

13. Creditors: amounts falling due after more than one year	2008	2007
Bank loan (secured)	<u>£2,003,868</u>	<u>£2,186,291</u>
Due within 1-2 years	193,301	182,770
Due within 2-5 years	644,241	613,763
Due after more than 5 years	<u>1,166,326</u>	<u>1,389,758</u>
	<u>£2,003,868</u>	<u>£2,186,291</u>

The bank loan, which is secured by a fixed legal mortgage over the long leasehold property, bears an annual fixed rate of interest of 5.64% and is repayable in quarterly instalments. The final instalment is due for payment on 6th May 2018.

14. Reconciliation of movements on accumulated funds	2008	2007
Surplus for the financial year after taxation	93,225	819,917
Accumulated funds at beginning of year	<u>8,193,427</u>	<u>7,373,510</u>
Accumulated funds at end of year	<u>£8,286,652</u>	<u>£8,193,427</u>

15. Cash flow statement	2008	2007
a Return on investments and servicing of finance		
Interest received	195,268	228,444
Income from current asset investments	54,013	66,687
Interest paid	<u>(127,218)</u>	<u>(136,114)</u>
	<u>£122,063</u>	<u>£159,017</u>
b Capital expenditure		
Payments to acquire tangible fixed assets	<u>(1,863,884)</u>	(140,564)
Receipt from sale of tangible fixed assets	1,954	405
	<u>£(1,861,930)</u>	<u>£(140,159)</u>
c Management of liquid resources		
Purchase of current asset investments	<u>(655,211)</u>	(444,190)
Sale proceeds of current asset investments	676,387	402,461
	<u>£21,176</u>	<u>£(41,729)</u>

d Analysis of change in net funds	At beginning of year	Cash flows	Other non-cash changes	At end of year
Cash at bank and in hand	4,532,322	(1,821,061)	-	2,711,261
Bank loan repayable within one year	(172,440)	(9,983)	-	(182,423)
Bank loan repayable after more than one year	(2,186,291)	182,423	-	(2,003,868)
Current asset investments	1,742,952	(21,176)	(283,278)	1,438,498
	<u>£3,916,543</u>	<u>£(1,669,797)</u>	<u>£(283,278)</u>	<u>£1,963,468</u>

16. Guarantees and other financial commitments

Pension arrangements

- i The company operates a defined contribution scheme to provide retirement benefits for staff.
- ii The total pension charge for the year was £227,459 (2007 - £255,553).

Operating lease commitments

The following operating lease payments are committed to be paid within one year:

	2008 Property	2008 Equipment	2007 Property	2007 Equipment
Expiring				
Between one and five years	27,812	21,084	27,812	30,008
After more than 5 years	37,500	-	37,500	-
	<u>£65,312</u>	<u>£21,084</u>	<u>£65,312</u>	<u>£30,008</u>

Capital commitments

Capital commitments which are contracted for but not provided in these financial statements

	2008	2007
	<u>£-</u>	<u>£1,800,845</u>

17. Company status

The company is limited by guarantee and is under the control of its members.
The liability of the members is limited to £1 each, in the event of the company being wound up.

18. Related party transactions

During the year Goodman Derrick LLP, a firm of solicitors in which PLJ Swaffer is a partner, charged £185,002 (2007 - £119,136) for professional services at normal commercial rates.

What is the BBFC?

A highly expert and experienced regulator of the moving image (especially film, video/DVD and video games), and also a service provider for new and developing media.

Why do we do what we do?

The BBFC regulates not just as a statutory designated authority but also because we serve a socially useful function.

Through the efficient classification of the moving image into advisory and age-related categories, the provision of consumer advice and the maintenance of our archive:

- we give the public information that empowers them to make appropriate viewing decisions for themselves and those in their care. We help to protect vulnerable viewers and society from the effects of viewing potentially harmful or unsuitable content while respecting adult freedom of choice.
- we provide media industries with the security and confidence of cost-effective, publicly trusted regulation and help to protect providers of moving image content from inadvertent breaches of UK law.
- we are able to assist Trading Standards officers in their enforcement role

How do we operate?

We are open and accountable. As an independent, self-financing regulator, we are mindful of our unique position and proud of the trust that our expertise and integrity have built with the industry and public.

We are passionate about the moving image and balance our duty to protect with a respect for the right to freedom of expression.

We acknowledge and reflect the cultural diversity of the UK, and anticipate and embrace change.

Throughout the BBFC, we value and respect the needs of stakeholders, promoting team work and long term commitment for all staff in an atmosphere of support and co-operation.

What do we intend to do over the next 5 years?

Through investment in the BBFC's physical and human resources, especially the experience and expertise of staff, we will:

- continue to regulate film, video/DVD and video games in a manner which maintains the support and confidence of the industry and the public
- embrace technological change and opportunities in new media
- respond to changing social attitudes
- enhance our standing as a centre of excellence in regulation
- actively promote the BBFC as a valuable social resource
- lead and innovate in media education and research
- develop new partnerships

This will ensure that the BBFC approaches its 2012 centenary as an independent and trusted resource; a high profile key brand that instils confidence across a range of media; a healthy cultural presence; and an enjoyable, inclusive and dynamic place to work.



