## ANNUAL REPORT OF THE DIRECTOR OF FILM CLASSIFICATION 2008



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## END OF AN ERA



IFCO, July 22nd 2008: Dermot Ahern TD, Minister for Justice, Equality and Law Reform, visits IFCO at 16 Harcourt Terrace, Dublin 2, to announce the official change of name from the Film Censor's Office to the Irish Film Classification Office.

## **FOREWORD**

Letter to: Dermot Ahern, TD Minister for Justice, Equality and Law Reform

### Dear Minister,

In presenting you with the Annual Report of the Director of Film Classification for 2008, as required under Section 29 of the 1989 Video Recordings Act, I am pleased to report on several positive developments following the enactment in July of the Civil Law (Miscellaneous Provisions) Act, 2008, which amended the existing legislation relating to film and DVD certification in a number of important respects.

The most significant of these, eighty five years on from the Censorship of Films Act 1923, saw the terms Official Censor and Office of the Film Censor replaced by Director of Film Classification and Irish Film Classification Office. These new designations more accurately reflect IFCO's modernized remit as a public service consumer agency and, as you said at our official renaming ceremony in July, they mark the end of an era.

Another significant change is that specific reference is now made to children in film classification legislation for the very first time. The moral guardians of the newly independent state, who were not slow in marking the Censor's cards on obscenity, blasphemy, indecency and on matters contrary to public morality, omitted to make any mention of children or of their welfare and interests. I am very pleased therefore that (at my request) the amending legislation now includes the phrase 'likely to cause harm to children' as part of the classification criteria.

I welcome the increased penalties for breaches of the 1923 and 1989 Acts and also that another longstanding omission in the 1989 Video Recordings Act has finally been rectified, namely, that it is now an offence - it was not previously for a retailer to supply a DVD to a child below the age certified by IFCO on the DVD. I also welcome, as has the industry, the introduction of a reduced IFCO fee structure for 'special interest' DVDs, a scheme similar in principle to the successful limited release initiative introduced for cinema films in 2004.

The rapid pace of change in what is a transitional period for the global film distribution and home entertainment markets continues to have relevance for IFCO. In my 2006 Annual Report, I referred to some of the potential threats posed to IFCO's remit by technological and market changes (e.g. internet, video on demand) and queried whether the government could empower IFCO to continue to provide a consumer information service for parents in the digital age. This is an area where early discussions to review all options would be most welcome

Next year will be another historic year for IFCO as we leave Harcourt Terrace in Dublin 2, where (what was formerly known as) the Office of the Film Censor has been based since 1945. In the second quarter of 2009, IFCO will move to new premises in Smithfield where the Light House Cinema will be used for our certification screenings.

I would like to express here my appreciation of the contribution made during 2008 by Ger Connolly, the Deputy Director of Film Classification, together with his team of Assistant Classifiers (as they are now more appropriately designated), our Office Manager, Ann O'Kelly, who retired in December, and my civil service colleagues at IFCO and in the Corporate Services Division of the Department of Justice, Equality and Law Reform.

John Kelleher

Yours sincerely,

John Kelleher Director of Film Classification

"The Film Censor's Office was renamed as the Irish Film Classification Office".

"The term 'likely to cause harm to children' was given statutory recognition for the first time".

"Provision was made to enable the introduction of a reduced fee scheme for 'special interest' DVD/video works, a scheme similar in principle to the 'limited release' initiative introduced in 2004 for cinema films".

## **LEGISLATIVE AMENDMENTS**

The Censorship of Films Act 1923 and the Video Recordings Act 1989 were amended in part by the Civil Law (Miscellaneous Provisions) Act, 2008.

Among the main changes, which came into effect on 20th July, were the following:

- The Film Censor's Office was renamed as the Irish Film Classification Office
- The post of Film Censor became that of the Director of Film Classification.
- The Censorship of Films Appeal Board became the Classification of Films Appeal Board.
- The term 'likely to cause harm to children' was given statutory recognition for the first time (the 1923 and 1989 Acts took no specific account of harm to children).
- It became a statutory offence, which it had not been previously, for a retailer to supply a DVD to a child who is under the designated IFCO certification age.
- Penalties for various breaches of the 1923 and 1989 Acts were significantly increased (there had been no increases since either Act was enacted).
- Provision was made to enable the introduction of a reduced fee scheme for 'special interest' DVD/video works, a scheme similar in principle to the 'limited release' initiative introduced in 2004 for cinema films.

## **OPERATIONAL ACTIVITY**

The total number of cinema feature films certified in 2008 was 297, an increase of 4.5% on the total number for 2007.

The total number of DVDs certified was 7,959, a decrease of 0.92% on the total number for 2007.

#### **CINEMA FILM CERTIFICATES**

While the total number of cinema films certified General, PG and 12A in 2008 remained broadly the same as in 2007, the number certified 15A decreased by 21% and the number certified 16 and 18 increased by 16%.

A breakdown of the categories and classification ratings of cinema films is given at page 15

In May, the 12A certification given by the Film Censor to *The Chronicles of Narnia: Prince Caspian* was appealed by the distributor (Disney). The Censorship of Films Appeal Board upheld the appeal and the film was certified PG.

In May, the 12A certification given by the Film Censor to *Inkheart* was appealed by the distributor (Entertainment Film Distributors). The Censorship of Films Appeal Board upheld the decision of the Film Censor.

#### LIMITED RELEASE CINEMA FILMS

The number of limited release cinema films certified in 2008 was 113, as compared to 86 in 2007. This figure represents an increase of 50.6% on the number released in 2005, the first full year since the limited release cinema films initiative was introduced.



"Budgetary restrictions have also further delayed the second phase of our public awareness campaign".

"The website, which currently provides parents and the public with consumer advice on cinema films, will also provide information on DVDs in 2009".



Consumer advice on the IFCO website

A limited release cinema film is one distributed on six prints or less. Distributors pay IFCO a certification fee based on the running time of the film. The fee for certifying a mainstream title is €12 per minute, whereas since 2004 the fee for certifying a limited release title is €3 per minute. This makes it commercially feasible for a distributor to release an art movie outside the club circuit.

Last year, for example, while the certification cost of *Iron Man* was €1512, *Mamma Mia!*, €1296, *Sex and the City*, €1740 and *Slumdog Millionaire*, €1440, limited release films like *La Boheme*, 32A, *Der Baader Meinhof Komplex* and many others cost on average €300 each.

#### **DVD CERTIFICATES**

While the total combined number of DVDs rated General, PG and 12 in 2008 remained broadly the same as in 2007, there was a 6% increase in the number of DVDs rated 15 and a 12% increase in the number of DVDs rated 18 (It should be noted that, in the context of this increase, 18-rated DVDs accounted for only 6.5% of total DVD submissions).

At present, the age classifications for DVDs and for cinema releases are the same (G, PG, 12, 15, 18), except for the 16 cinema classification, which has no DVD equivalent. DVD classifications are determined by legislation, whereas cinema classifications are at the discretion of the Director of Film Classification, an arrangement that is more flexible and, perhaps, more appropriate.

A breakdown of the categories and classification ratings of films and DVDs classified, as well as licences issued and other information, is given at pages 15, 17 and 18 of this Report.

## LIMITED RELEASE DVDs

A reduced fee scale for minority interest DVDs/video works, similar in principle to that applying to 'limited release' cinema films, was introduced in July on foot of an amendment to the Video Recordings Act, 1989. In practice, although it is still too early to gauge the effect of this initiative, it has been warmly welcomed by video distributors.

#### RESEARCH

Budgetary restrictions in place during the year resulted in IFCO being unable to commission research on classification issues as in previous years.

## **PUBLIC AWARENESS CAMPAIGN**

Budgetary restrictions have also further delayed the second phase of our public awareness campaign, aimed at promoting greater awareness of the IFCO website. This is unfortunate in the light of last year's MRBI Phonebus survey, which indicated that a disappointing proportion of the public were aware of the website.

## IFCO WEBSITE www.ifco.ie

Visitors to the IFCO website increased by 16.23% on 2007 (total of 363,581 page loads in 2008). The website, which currently provides parents and the public with consumer advice on cinema films, will also provide information on DVDs in 2009. Public response to the site, which currently provides parents with consumer advice on films, and which will also do so for DVDs in 2009, has been positive.

## "Contains some brief exuberant sex references and innuendo."

(Consumer advice for Mamma Mia on IFCO's website)

Mamma Mia
Directed by Phyllida Lloyd





"A series of focus group screenings enabled IFCO to engage with and explore the opinions of parents, young persons, second and third level students, educators, psychologists, etc.

"All retail premises are periodically visited by the IFCO Inspectorate and checked for compliance with the provisions of the Video Recordings Act, 1989".



A focus group discussion at IFCO.

#### INSPECTOR POST

All retail premises are periodically visited by the IFCO Inspectorate and checked for compliance with the provisions of the Video Recordings Act, 1989. While most are found to be compliant, appropriate action is initiated against those in breach of requirements. IFCO continues to liaise with the Gardaí, with some prosecutions taking place during the year and others making their way through the legal system.

### FOCUS GROUP SCREENINGS/DISCUSSIONS

As in recent years, a series of focus group screenings enabled IFCO to engage with and explore the opinions of parents, young persons, second and third level students, educators, psychologists, etc. The responsibility for coordinating IFCO's focus group screenings/discussions is undertaken by one of our team of Assistant Classifiers. Mark Brennan.

Among films screened at focus group screening/ discussions during 2008 were Walk Hard: the Dewey Cox Story; Lars and the Real Girl; In Bruges; The Other Boleyn Girl; One Missed Call (in conjunction with the Dublin International Film Festival): Street Kinas: Love in the Time of Cholera (in conjunction with Dr. Kevin Rockett and TCD Film Studies students); Caramel; The Kite Runner and City of Men (both in conjunction with the IFI's transition year moving image module); Speed Racer (in conjunction with the IFI's Lights Out Festival); Nim's Island and Get Smart (both in conjunction with the Cinemagic Festival); Gonzo: the Life and Work of Dr. Hunter S. Thompson; Smart People (in conjunction with Bord Scannán na hÉireann); Der Baader Meinhof Komplex; Changeling; and Frost/Nixon

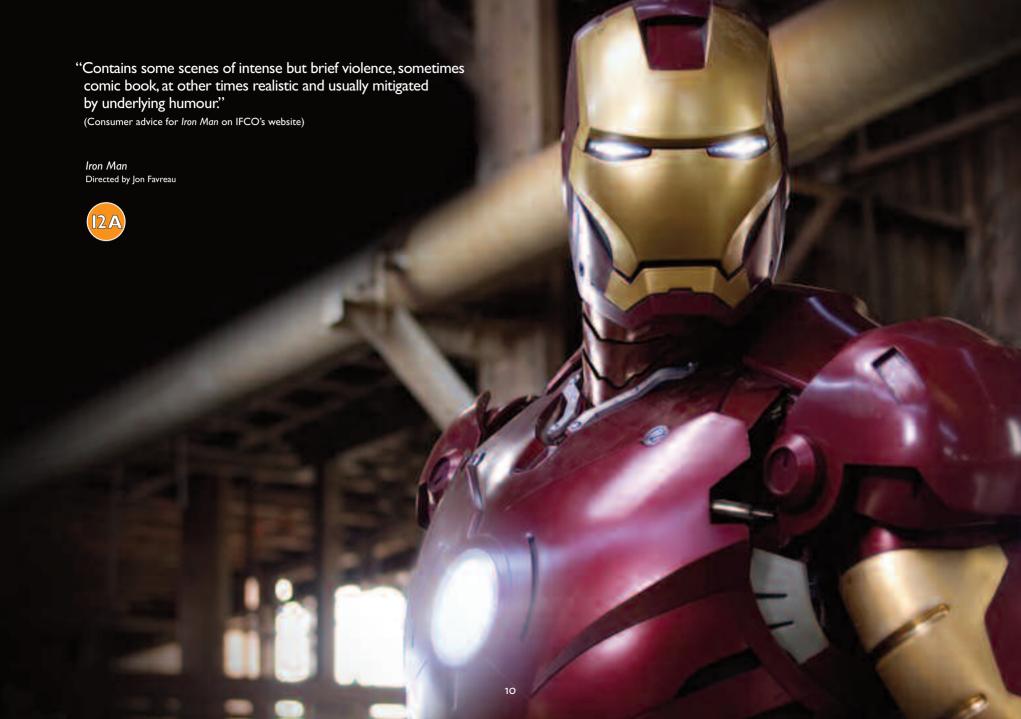
(in conjunction with Professor Richard Aldous and UCD International Relations students).

Among agencies, representative bodies and others taking part in focus group screenings and discussions during the year were the Arts Council, Aware, Barnardo's, Console, Headline, the Hospice Foundation, the Irish Film Board, the Irish Film Institute, the Office of the Ombudsman, the Office of the Ombudsman for Children, the National Parents Council, the National Youth Council, Pieta House (Centre for the Prevention of Self-Harm or Suicide). St. Declan's Special Needs School and Schizophrenia Ireland. Other participants included many second level students and their teachers as well as students and educators from DCU. IADT, TCD, UCC and UCD. A number of screenings and discussions also took place with parents and their young children.

The Director of Film Classification, John Kelleher, the Deputy Director, Ger Connolly and Assistant Classifier, David Power made a number of presentations and spoke about IFCO's role around the country at venues in Clare, Cork, Dublin, Galway, Kilkenny, Limerick, Sligo and Tralee.

## TRANSITION YEAR MODULE FOR MOVING IMAGE EDUCATION

The initiative established in 2005 with the IFI (Irish Film Institute) and the Department of Education, whereby second level students are provided with a platform of screenings and workshops, and engage in discussing classification and censorship issues with IFCO, continued during 2008. Feedback from teachers and students is positive and the IFI regards the initiative as a useful and educational part of this module.



"IFCO continues to support the PEGI system as a successful initiative which provides a significant aid to parents in determining content suitability for young persons of various ages".

"IFCO is also a founder member of WMReF (World Media Regulators' e-Forum), an international electronic forum to facilitate communication within a secure environment between media regulatory bodies across the globe".

## EU AND INTERNATIONAL CLASSIFIER COOPERATION

In October, the Director of Film Classification, who is a member of the European Classifiers' Steering Group, gave an audiovisual presentation on developments in Ireland at the 2008 European Classifiers Conference in Lisbon, which had as its theme, 'The Role of Age Rating in the Protection of Minors'.

IFCO is a founder member of WMReF (World Media Regulators' e-Forum), an international electronic forum to facilitate communication within a secure environment between media regulatory bodies across the globe. The main services the WMReF site provides are a confidential forum, a news desk, a research archive and links to media regulators' official websites and other sites of interest. Jointly owned by its member organisations, membership of WMReF is restricted to media regulators working in the area of film, video and digital media throughout the world. Its membership includes regulators in Australia, Austria, Belgium, Cyprus, Finland, France, Germany, Hungary, Iceland, Liechtenstein, Lithuania, the Netherlands, New Zealand, Norway, Poland, Portugal, Singapore, Slovenia, South Africa, Sweden, the UK and the USA.

### **VIDEO GAMES**

Video games are exempt from classification under the Video Recordings Act 1989, although they may be prohibited on grounds specified under Section 3 of that Act. Ireland is a founder member of PEGI (Pan-European Games Information system). The Deputy Director of Film Classification, Ger Connolly, is a member of the PEGI Advisory Board.

The PEGI age rating system was established in 2003 to help European parents make informed decisions on buying interactive games. Since then, over ten thousand video games have been rated by PEGI.

Designed to ensure that minors are not exposed to games unsuitable for their particular age group, the system is supported by the major console manufacturers, including PlayStation, Xbox and Nintendo, as well as by publishers and developers of interactive games throughout Europe.

The PEGI system rates video games under the following age categories: 3+, 7+, 12+, 16+ and 18+. Games rated 18+ are regularly examined by IFCO prior to release.

IFCO continues to support the PEGI system as a successful initiative which provides a significant aid to parents in determining content suitability for young persons of various ages.

Together with Ireland, PEGI's other founder members were Austria, Belgium, Denmark, Finland, France, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom. PEGI is now also used by Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic and Slovenia.

The PEGI website is www.pegi.info



"Strong weapons and physical violence, brutal but not graphically depicted. Strong air of menace throughout. Some references to physical violence and cruelty may disturb some younger viewers."

(Consumer advice for The Dark Knight on IFCO's website)

The Dark Knight
Directed by Christopher Nolan





"As regards IFCO's business customers, access will enable them to make classification applications online, which as well as being more efficient will eliminate significant volumes of paper from the current system".

"This IT project will make IFCO's service at least commensurate with any equivalent worldwide".

## IT DEVELOPMENTS

The second stage of the IFCO integrated IT system upgrade, which commenced in October 2007, was completed and fully tested in December. It will come into operation in tandem with IFCO's move to Smithfield in the second quarter of 2009.

This project, which relates to the DVD side of IFCO's service and business, will provide considerable improvements and enhancements.

IFCO's website will be upgraded to provide classification and consumer information on all DVD releases, thereby providing parents and guardians with the same information and consumer advice as is already provided for cinema films.

As regards IFCO's business customers, access will enable them to make classification applications online, which, as well as being more efficient, will eliminate significant volumes of paper from the current system. Business clients, who currently receive formal notification of certification decisions by surface mail, will receive immediate electronic notification, and will also have constant access to current financial information, which will assist in more efficient management of their accounts.

This IT project will make IFCO's service at least commensurate with any equivalent worldwide. In an age where time windows between production and release dates are ever narrowing, as a result of security and piracy concerns, the significant time savings this will afford to IFCO's business customers will be welcome.

## HIGH COURT JUDICIAL REVIEW PROCEEDINGS

A hearing date is still awaited in respect of the Appeal to the Supreme Court by Jacqueline Byrne against the judgment of Mr. Justice Kevin O'Higgins, which was delivered in the High Court on 21st December 2007, and which was referred to in last year's Annual Report.

"Grisly slash 'n' slice sado-gorefest, not for the squeamish of any age. In the context of the 'Saw' franchise, this is more narrative driven and less blood-soaked than its predecessors (excluding flashbacks)."

(Consumer advice for Saw V on IFCO's website)

Saw V
Directed by David Hackl

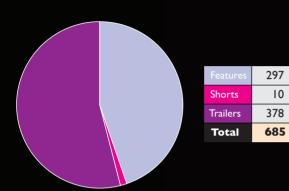




## **CERTIFICATION OF CINEMA FILMS**

## **CINEMA FILMS CERTIFIED 2008**

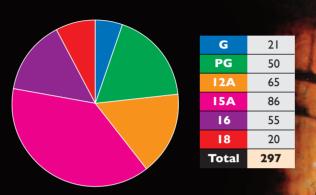
Total duration of cinema films certified: 536 hours, 30 mins.



# CINEMA FILMS CERTIFIED 2004 - 2008

	2004	2005	2006	2007	2008
Features	249	252	265	284	297
Shorts	23	5	6	4	10
Trailers	338	292	366	343	378
Total	610	549	637	631	685

## **CINEMA FILMS CERTIFIED BY CATEGORY 2008**



# CINEMA FILMS CERTIFIED BY CATEGORY 2004 - 2008

					1000
	2004	2005	2006	2007	2008
G	10	14	18	15	21
PG	31	39	36	51	50
I2A	61	55	53	46	65
I5A	90	71	94	109	86
16	7	43	42	41	55
18	50	30	22	22	20
Total	249	252	265	284	297

# STALLONE ALLONE

"Relentless gore and killings in military/mercenary setting."

(Consumer advice for Rambo on IFCO's website)

Rambo
Directed by Sylvester Stallone

(18

## **CERTIFICATION OF CINEMA FILMS**

## COUNTRY OF ORIGIN OF FEATURE FILMS CERTIFIED IN 2008

## **MULTIPLE COUNTRY OF ORIGIN** (i.e. co-productions)

ARGENTINA/FRANCE/SPAIN AUSTRALIA/USA AUSTRIA/GERMANY CANADA/BRAZIL/JAPAN FRANCE/LEBANON GERMANY/KAZAKHSTAN/RUSSIA/MONGOLIA GERMANY/AUSTRIA/SWITZERLAND GERMANY/CANADA/USA GERMANY/FRANCE/CZECH REPUBLIC GERMANY/USA/UK HONG KONG/CHINA HONG KONG/CHINA/FRANCE ICELAND/GERMANY INDIA/AUSTRALIA INDIA/USA IRELAND/FINLAND/DENMARK/GERMANY IRELAND/FRANCE/BELGIUM IRELAND/GERMANY
IRELAND/GERMANY/UK/USA
IRELAND/SWEDEN
IRELAND/UK ISRAEL/FRANCE/USA ISRAEL/GERMANY ISRAEL/GERMANY/FRANCE ITALY/FRANCE MEXICO/SPAIN NEW ZEALAND/UK SPAIN/FRANCE/USA SPAIN/USA UK/BELGIUM UK/FRANCE UK/HUNGARY/FRANCE UK/LUXEMBURG UK/USA/FRANCE URUGUAY/BRAZIL USA/CANADA USA/FRANCE USA/GERMANY USA/MEXICO USA/NEW ZEALAND USA/ROMANIA USA/SINGAPORE USA/UK USA/UK/FRANCE

## SINGLE COUNTRY OF ORIGIN

BRAZIL
CANADA
FRANCE
GERMANY
INDIA
IRAN
IRELAND
ITALY
MEXICO
POLAND
SOUTH KOREA
UK
2
USA
15

OTAL 227

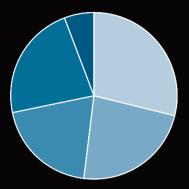


TOTAL

70

## CERTIFICATION OF DVDs / VIDEOS

# DVD/VIDEO WORKS CERTIFIED BY CATEGORY 2008



G	1977
PG	1891
12	1659
15	1915
18	517
Total	7959

## DVD/VIDEO WORKS CERTIFIED BY CATEGORY 2004 - 2008

	2004	2005	2006	2007	2008
G	2523	2916	3042	2317	1977
PG	1686	2522	2625	1855	1891
12	1270	1733	1872	1592	1659
15	1480	1869	1955	1806	1915
18	574	592	432	463	517
Total	7533	9632	9926	8033	7959

# LICENCES ISSUED 2008





## **FINANCIAL**

The fees charged by the Office for the certification of cinema films and DVD/videos and for the issuing of licences in 2008 were as follows:

Fees charged for DVD/video certification Fees charged for wholesale and retail licences	€208,542 €2,488,901 €392,017
Total income received in 2008 on behalf of the Accountant, Department of Justice, Equality & Law Reform	€3,149,460

## **CERTIFICATION FOR COURT PROCEEDINGS**

Complaints regarding breaches of the provisions of the Censorship of Films Act, 1923, and the Video Recordings Act, 1989, are referred by the Office to the Garda Siochána for investigation.

Under Section 23 of the Video Recordings Act, 1989, the Office may issue certificates to provide certain information which is admissible as evidence in court proceedings.

The total number of Certificates issued in 2008 indicating that Supply Certificates were not in force under Sec. 14 (3) (b) in respect of certain works was 261.



Eden Directed by Declan Recks - 15A



Kisses Directed by Lance Daly - 15A



The Secret of Kells Directed by Tom Moore - PG

# "Their primary responsibility is the classification of the thousands of DVDs certified by the Office annually."

A team of part-time Assistant Classifiers assist the Director of Film Classification in carrying out the duties of the Office. Their primary responsibility is the classification of more than nine thousand video works that the Office certifies annually.



The Office Manager is Ann O'Kelly, a Higher Executive Officer, who supervises a team of eight civil servants, including two Executive Officers and five Clerical Officers (two work-sharing) as well as two Projectionists.

She has worked for a number of years in the Prisons Division of the Department of Justice, Equality and Law Reform. She previously worked in the Department of Foreign Affairs and the Department of Defence.





OLGA BENNETT Lives in Dublin Former Public Representative 1 Child Appointed 1993



MARK BRENNAN Lives in Dublin Journalist and TV Producer 2 Children Appointed 2004 Re-appointed 2007



ELIZABETH DAVIDSON Lives in Dublin Educationalist 4 Children Appointed 2008



JOHN KEITH Lives in Nenagh Former Public Servant 3 Children Appointed 1993



TOM FITZGERALD Lives in Dingle Former Public Representative 3 Children Appointed 2002



MAIREAD MARRON Lives in Swords Counsellor/ Psychotherapist 6 Children Appointed 1995



DAVID POWER Lives in Dublin Business Executive Appointed 2006



P. J. SHERIDAN Lives in Clane, Co. Kildare Former Public Servant 3 Children Appointed 2004 Re-appointed 2007



MARIAN MCGENNIS Lives in Ballybrittas, Co. Laois Former Public Representative 3 Children Appointed December 2007



TONY STAPLETON Lives in Navan Former Sales Director 5 Children Appointed 1993

## DIRECTOR OF FILM CLASSIFICATION

## JOHN KELLEHER

John Kelleher was appointed Film Censor (as it was then called) in April 2003 following a publicly advertised competition process.

Born in Dublin, he graduated with a BCL degree from UCD and a Masters Degree in Drama from the University of Kentucky. He was called to the Bar in 1971. As a producer/director in RTE, he produced many award winning programmes, including Strumpet City and Even the Olives Were Bleeding. He was appointed Controller of Television Programmes in 1980 and established the Today Tonight programme in the same year. He left RTE in 1983 to become Managing Director of The Sunday Tribune.

For over twenty years, he was one of Ireland's leading independent film and television producers. He has produced six cinema films, including *Eat the Peach*, which he co-wrote, as well as six television drama series, numerous documentaries and four series of TV3's current affairs flagship, *Agenda*. His daughter Roisín is a senior producer with BBC Belfast and his son Macdara is a Dublin-based film and television producer.

## DEPUTY DIRECTOR OF FILM CLASSIFICATION

## **GER CONNOLLY**

Ger Connolly was appointed Deputy Censor (as it was then called) in August 2003.

He was born and lives in Kildare town. He graduated from UCD with a B. Comm. Degree. He studied accountancy with Deloitte, Haskins & Sells, and worked in that capacity in the advertising and manufacturing industries.

He was appointed a part-time assistant film censor in November 1993. He served as Deputy Film Censor and was one of three Irish delegates to the Conference of European Film Classifiers in Dublin in 2001. He represents Ireland on the board of PEGI, the Pan-European Games Information system, and sits on both its Advisory Board and Complaints Board. He is married with two sons and a daughter.

# visit our website www.ifco.ie











