

## **Before the Film and Publication Appeal Tribunal**

In the matter between:

**United Pictures**

and

**The Film and Publication Board**

**5/2011**

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### **Award**

In re: Appeal against the classification of the film: Footloose

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Professor K. Govender

Chairperson

#### **A brief description of the film:**

A small southern town, Bomont, is blighted by tragedy when five teenage residents are killed in an accident after leaving a party. The accident is caused when the driver leans across to kiss his girlfriend, veers in the path of oncoming vehicles and collides head-on with a truck. The town responds to the devastating loss by blaming the decadent activities of teenagers and sets in place a slew of restrictive measures aimed at prohibiting 'inappropriate activities'. This include restrictions on the amplification of sound, the prevention of dancing in public places, restricting the consumption of alcohol in public and strict curfews after which teenagers are not permitted to be outside.

A brooding Ren McCormack relocates to Bomont to live with his uncle after the death of his mother through cancer. He, like the town, has had to deal with tragedy. He struggles with the stifling restrictions and starts a process of reversing course and reaffirming an appropriate balance between individual

liberties and social responsibilities and obligations. This brings him into conflict with the town council who feel that they have to take a more active role in directing the teenagers in the town so as to avoid similar tragedies in the future. The film ends on a positive note. The film starts and ends with an uplifting, scintillating and fabulously choreographed dance routine set to the theme song.

### **The Classification Process.**

A three person classification committee assigned the film a restrictive age classification of 13 with consumer advisories for language and violence. It appears from the brief reasons of the Chief Examiner that the committee were concerned about the use of swear words, the one scene involving the beating up of Ariel and some of sexual references and innuendo. It appeared that they were also of the view that the theme of the film was complex as it dealt with issues of youth discipline, freedom of expression and conservative ordinances. The report of the Chief Examiner needed to be much more comprehensive and detailed.

It may be necessary, especially when very limited reasons are provided in the original reports, for the Chief Examiner to amplify the reasons provided when an appeal is lodged. Regrettably this was not done in this appeal. In order to get a clearer picture of the thinking of the classification committee regard had to be had to the more detailed report submitted by one of the classifiers. In a thoughtful report, Ms Gosher recognized that the film explores the tensions between the freedom of expression and conservative restrictions. She took the view that while the themes are mature, the film with its high entertainment value will appeal to teenagers. She also recognizes that the central character, Ren, is portrayed as a person of strength who stands up for his beliefs. The language is classified as moderate, there are scenes of implied sex and the violence is restricted to two scenes of concern, the scene in which Ariel is beaten up and when she is slapped by her father. In an attempt to balance the entertainment appeal of the film and some of the strong positive messages on the one hand and scenes of violence, scenes of implied sex and the language used, the classification committee considered a 13M but finally elected for a 13.

### **Submissions by the Appellant.**

The Appeal Tribunal viewed the film on the 15<sup>th</sup> of October 2011 and heard arguments from Mr Mark Rosin on behalf of the appellant. Basing his analysis on the Chief Examiner's report, he submitted that very little regard had been given to the merits of the film and disputed that the themes were mature, but suggested that it would also have an appeal to teenage viewers. He argued that the film portrays the central characters dealing with tragedy in different ways. Ren expresses himself in dance while Ariel engages in risqué conduct and behavior.

He emphasized the very strong moral sensibilities of the film and argued that there was nothing in the film that could upset the sense of security of children. The scene in the garage did not more than imply that sexual activity had occurred, the crash scene conveyed strong messages about drinking and driving, the scene of rage in the warehouse had a comfortable and positive ending. In his analysis of the scene in which Chuck slaps Ariel, he points out that the incident was precipitated by Ariel and while we witness Chuck lashing out at Ariel, it is not protracted and there is no gore or blood. He argued that the scene of the father slapping his daughter was important in the context in re-defining their relationship. He pointed out that there was a paucity of information in the Chief Examiner's report to justify the classification of 13. He concluded by submitting that the classification of 13 was unduly restrictive and suggested a 10M would be more appropriate.

### **Our Assessment of the film.**

This is a most enjoyable and well made film which serves to uplift the spirit. It explores a number of themes that are important both to parents and to children. It demonstrates that the best of motives do not justify disproportionate and excessive actions. The total prohibition on public dancing is defied by some of the teenagers as it is patently unreasonable. Ren is portrayed as a young man with attitude who is also grieving as is the town. He seeks to change things, not by acting unlawfully, but by doing the difficult things such as making his case at a town meeting. When he is unsuccessful, he plans to hold the dance in a way that accords with the law.

The film encourages individual and independent thinking but demonstrates how misguided laws and norms can be changed by using the structures and processes laid down as opposed to simply acting unlawfully. This is a most positive message and pre-teenage audiences will benefit from it. Ren's relationship with Ariel is characterized by respect and he resists taking

advantage of her vulnerability and allows their relationship to progress. Despite the antagonistic relationship with Ariel's father, he explains how the dance is going to be held and ask whether he can take her to the dance. His relationship with his peers is also characteristic by respect as he quickly establishes himself as the leader. These reassuring and positive messages and themes lean more in the direction of the film being made more accessible to a wider age range of viewers. As pointed out earlier, this is a most engaging and entertaining film with scintillating dance routines which audiences of most ages would find pleasurable and enjoyable.

Weighed against this were a number of scenes that caused us some concern. The task before us was to appraise these scenes and the laudable and positive messages outlined above and determine an appropriate classification.

- The scene involving the accident was realistic and jarring. The full impact of the accident is communicated, together with its tragic aftermath. We do not share Mr Rosin's view that this scene was similar to the Drive Alive Campaign because in our view it probably journeyed beyond that which is portrayed in these campaigns. However as jarring as it was, it conveys the full horror of car accidents and the need be responsible and vigilant when driving.
- The scene when Ariel is transfixed by the approaching train is accentuated by the sound effects and may be considered disturbing to younger viewers. However there is a positive ending as Ren hauls her out of harm's way.
- The scene in the garage between Chuck and Ariel alludes strongly to a sexual encounter occurring. We accept that there is strong reference to sex, but there is no nudity and no depiction of sexual activity.
- The scene of rage in the warehouse has a tinge of menace but it conveys how Ren seeks to deal with frustration and injustice and ultimately develops into a dance routine.
- The scenes of violence were of particular concern. We considered, at length, the scene between Chuck and Ariel when she informs him that she is breaking up with him and things spiral out of control culminating in him first shoving her and then slapping her. We subsequently see a bruised Ariel. The scene is disturbing, but the violence depicted in the

scene is neither prolonged nor drawn out. Ariel initiates the assault and Chuck responds disproportionately and in an unacceptably aggressive manner. Clearly the intent throughout the film was to portray characters like Chuck in an unsavoury light. Initially there is the attraction of him as being the racing track star and then we witness some substance taking and generally aggressive, boorish and abusive behavior on his part. It was almost as if a warning was being issued that despite the superficial attraction of people like Chuck, there could be serious consequences later. She lies to her parents and meets him on the racing track, behaves dangerously and irresponsibly when encouraged to do so, tries to counsel him unsuccessfully when his substance abuse becomes apparent and then is assaulted during an argument when she breaks up with him.

- The scene when Ariel is slapped by her father also needs to be considered. He responds to her statement that she is no longer a virgin by impulsively slapping her. He realizes what he has done immediately and recoils in dismay. His attitude causes him to reappraise some of his dogmatic beliefs and actions and starts a process of reflection which results in him ultimately adopting a much more conciliatory stance which benefits everyone.
- The last fight scene did not cause us much concern as it was clearly a choreographed mock-up of a fight with some dance routines thrown in for good measure. It was unrealistic and exaggerated fight sequence that will be perceived as such.

The main purpose of the guidelines is to protect children from exposure to potentially disturbing and harmful material and from premature exposure to adult experience. In assessing the various classifiable elements identified, regard must be had to the impact of the classifiable element in the context of the film.

The scene involving Chuck and Ariel is a single scene which was not particularly violent. The classification guidelines require a 10 classification if the scenes involving violence are of mild impact while a 13 classification if the impact of the violence can be described as moderate. However Chuck striking her with his hand, Ariel falling to the ground and subsequently her face bearing the effects of the slap is probably beyond what can be described as mild. The issue is whether this would justify the more restrictive age classification of 13.

We were of the view that it would be inappropriate to assign a very entertaining film bearing positive messages for young people, a restrictive age classification of 13 because of isolated scenes that may be beyond mild, but were certainly by no means violent. In addition this particular scene may also convey important lessons and we are of the view that it and the other scenes that we considered would not be disturbing and harmful to children. We are of the view that the positive features of the film was such that it justified us assigning a less restrictive classification. The guidelines list a number of classifiable elements and it is apparent that the cumulative impact of the various scenes should be considered in determining the appropriate classification of the film. The test is whether the intensity and frequency of the classifiable element is such that it could be disturbing or harmful to children of a particular age group or prematurely expose them to adult experiences. Importantly this assessment must be a contextual one having regard to the positive or redeeming features of the film.

The individual classifiable elements must not be deemed to be in the nature of a veto. By this I mean that if one of the classifiable elements is deemed to stray beyond the 10 age classification, the film automatically cannot be classified as 10. Such an approach would be contrary to the guidelines. Obviously a single scene or a single classifiable element may be of such concern in terms of its impact and intensity that it may on its own justify a more restrictive classification. However this assessment must be made in the context of the film and with regard to all the other classifiable elements. Classifiers must be aware that some classifiable elements will point in the direction of a more restrictive classification while others may favour a less restrictive classification. These various considerations must be assessed cumulatively in the context of the film when the ultimate classification decision is made. It is obviously that Ms Goshier attempted to do this in her report.

The assault scene while concerning did not, in our opinion, justify the restrictive age restriction of 13 given the otherwise overwhelmingly positive features of the film. We were also of a similar view in respect of the other scenes for the reasons provided above.

In the circumstances we were of the opinion that given the scenes that caused us a measure of concern, some of the language used and the nature of the

themes, that it would be appropriate to assign the film a restrictive age classification of 10.

**Conclusion.**

**The film *Footloose* is assigned a restrictive age classification of 10.**

**Dated: 26<sup>th</sup> of October 2011**

**Concurred by:**

Adv. D. Bensusan

Prof. A. Magwaza

Mrs P. Marek

Ms K. Moodaliyar

Ms D. Terblanche