DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

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FILM AND PUBLICATION BOARD

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

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

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

1. INTRODUCTION AND APPLICATION OF GUIDELINES

The Films and Publications Act, 1996 (Act No. 65 of 1996), as amended (Act), provides for the establishment of the Film and Publication Board (FPB) that is responsible for the classification of films, games and certain publications and no film or game may be distributed or exhibited in public unless it has been classified by the FPB.

The Legislature may and has, consistently with the Constitution of the Republic of South Africa, 1996 (Constitution), promulgated the Act to regulate the creation, production, possession and distribution of films, games, certain publications and the internet by way of classification to:

(a) provide consumer advice to enable adults to make informed viewing, reading and gaming choices, both for themselves and for children in their care;

(b) protect children from exposure to disturbing and harmful materials and from premature exposure to adult experiences;

(c) make use of children in and the exposure of children to pornography punishable;

(d) criminalise the possession, production and distribution of child pornography; and

(e) create offences for non-compliance with the Act.

The FPB classification regime is premised on the formulation of Classification Guidelines (Guidelines) which is informed by empirical evidence on what can be deemed harmful for adults and children. The formulation of the Guidelines entails extensive public consultations, ensuring the standards representative of societal norms, values and standards in the Guidelines. This means the Guidelines formulation process is evidence based, transparent and has accountability mechanisms, with all these essential in regulatory policy formulation of a democratic state.

Such a process is undertaken however within the framework of the Bill of Rights so as to ensure compliance with section 8(1) and (3) of the Constitution which provides with regards to the former that the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state and with regards to the latter that in giving effect to the Bill of Rights one must apply or if necessary develop the common law to the extent that legislation does not give effect to any right and develop rules of the common law to limit any right provided that the limitation is in accordance with section 36 (1) of the Constitution.

The FPB classifies films, games and certain publications through the provision of age-ratings and consumer advisories. This ensures that consumers of content, and particularly parents and guardians, by being informed of what may be contained therein are able to ensure that children are not prematurely exposed to harmful content that may have a socio-psychological impact on their development.

All films, games and certain publications that are distributed within the Republic of South Africa are required to be submitted to the FPB for classification. Importantly, this requirement does not extend to broadcast material and publications that fall within the realm of responsibility of the Press Council. The FPB only classifies publications (such as books, paintings, magazines and so on) once a public complaint is received and therefore, these are not required for submission and pre-distribution classification.

It is important to note that the possession and distribution of child pornography, and the distribution of sexually explicit content that is classified as 'X18' to children are criminal offences.

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2. DEFINITIONS AND CLASSIFIABLE ELEMENTS

2.1 Definitions

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

'actual' means an occurrence or event that can be visibly seen as it is carried out in real time and is not imagined or verbally referenced;

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

'affection' means display of fond or caring emotions in non-sexual contexts and may be demonstrated in a physical manner such as kissing or embracing;

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

'artistic' means conforming to the standards of art and satisfying aesthetic requirements;

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

'child' means a person under the age of 18 years;

'child pornography' means child pornography as defined in section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);

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

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

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

'cumulative impact' means the increase in quantity, degree, or force by successive additions of classifiable elements, the increase in the degree, intensity or force of a single classifiable element (sum of the effect of a single classifiable element having reached its highest intensity) or the impact of themes;

'domestic violence' means any depictions or descriptions of –

(a) physical abuse;
(b) sexual abuse; or
(c) emotional, verbal and psychological abuse,

and includes any other abusive behaviour involving persons who are or have been in an intimate relationship or who are family members, regardless of gender or sexual orientation;

'dramatic' means the serious presentations or stories with settings or life situations that portray realistic characters in conflict with either themselves, others, or forces of nature;

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

'explicit' means –

(a) Fully and clearly expressed or demonstrated, forthright and unreserved in expression,

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leaving nothing merely implied; or

(b) In realistic detail;

'explicit sexual conduct' means graphic and detailed visual presentations or descriptions of any conduct contemplated in the definition of "sexual conduct" in the Act;

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

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

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

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

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

'FP Act' means the Films and Publications Act, 1996 (Act No. 65 of 1996) as amended;

'FPB' means the Film and Publication Board;

'Gazette' means the relevant *Government Gazettes* applicable at the time;

'game' means a computer game, video game or other interactive computer software for interactive game playing, including games accessed or played using the internet, where the result achieved at various stages of the games are determined in response to the decisions, inputs and direct involvements of the game player or players;

'gender-based violence' means violence associated gender, which includes physical, sexual, verbal, emotional, economic, educational or psychological abuse or threats of such acts of abuse in public or private life;

[Definition of "gender-based violence" inserted]

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

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

"hate speech" includes any speech, gesture, conduct, writing, display or publication, made using the internet, which is prohibited in terms of section 16(2) of the Constitution of the Republic of South Africa, 1996, which propagates, advocates or communicates words against any person or identifiable group, which words could reasonably be construed to demonstrate a clear intention to be harmful, to incite harm and promote or propagate hatred against the said person or identifiable group;

[Definition of "hate speech" inserted]

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

'identifiable group characteristic' means a characteristic that identifies an individual as a member of a group identified by race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth and nationality;

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

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

'incitement to violence / incites imminent violence / incitement to cause harm' means

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

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

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

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

'mature' refers to relative cognitive (systematic, logical and abstract thought), moral (fairness, justice and, sense of right and wrong) and emotional maturity (able to regulate emotions);

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

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

'moral harm' means desensitising to the effects of violence, diminished empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility, retarding social and moral development in children, distorting a child's sense of right and wrong, and limiting a child's capacity to compassion;

'nudity' means the state or fact of being naked;

'parental guidance' means that the content may contain classifiable elements that may be disturbing or harmful for young viewers, and that parents or caregivers are in the best position to decide whether or not a child in their care may access content classified as 'PG' subject to the specified rating applicable to such content and will be present when that content is consumed by a child in their care to mitigate against any harm that may result;

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

'prohibited content' means content which amounts to propaganda for war, incitement of imminent violence, advocacy of hatred that is based on an identifiable group characteristic, and that constitutes incitement to cause harm, or is prohibited in sections 16(2), 16(4) and 18(3) of the Act;

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

'scientific' means content based on or characterized by the methods and principles of science;

'sexual conduct' includes:

(a) genitals in a state of arousal or stimulation, real or simulated;

(b) undue display of genitals or anal region;

(c) rape;

(d) masturbation;

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(e) bestiality;

(f) sexual intercourse with a person or a human corpse, including anal or oral sexual intercourse;

(g) sexual contact involving the direct or indirect fondling or touching of the intimate parts of a body, including the breasts, anus, vagina, testicles or penis, with or without any object;

(h) the penetration of a vagina or anus with any object;

(i) Oral genital contact; or

(j) Oral anal contact;

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

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

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

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

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

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

'substance abuse' means the real or simulated:

(a) sustained or sporadic (irregular intervals, scattered or isolated) excessive use of substances;

(b) any use or possession of illicit substances; and

(c) the unlawful use of substances;

(d) any involuntary ingestion of substances or illicit substances, or involuntary unlawful use, injection or inhalation of substances, or

(e) detailed instruction in the use of proscribed drugs, and content promoting, or encouraging proscribed drug use;

'theme' means the message or central idea that is conveyed through the narrative, genre, character development, cumulative effect of the classifiable elements, directing and cinematic techniques and which convey universal ideas or moral lessons;

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

'threat' means an indication of impending physical or psychological harm;

'visual presentation' means –

(a) A drawing, picture, illustration, painting, photograph or image; or

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

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'violence' means any physical harm, or psychological, emotional or verbal abuse, whether self-inflicted, interpersonal or collective, including gender-based violence and threats of violence.

2.2 Classifiable Elements

(1) A classification decision may include consumer advice, including information about the content of a film. Classifiable elements are indicated by alphabetic symbols or words and alert the public to particular elements that are significant and may be potentially disturbing, harmful or inappropriate for children below a specified age.

(2) Consumer advice should be indicated together with classification information on the outside of all content as applicable.

(3) The following classifiable elements and mandatory consumer advice must be considered:

(a) **Competitive Intensity 'CI'**

(i) The level of competitive intensity in a game, as a classifiable element in itself further taking into consideration rewards and incentives which are present in game play and/or the extent that it is linked to in-game violence, must be treated as a classifiable element to determine age restrictions;

(ii) Higher levels of competitiveness in games which includes incentives and rewards and involves violence may result in much higher aggression levels than in less competitive games with incentives and rewards and involving violence, and are therefore a factor that must be considered in the determination of an age restriction; and

(iii) Competitive intensity may not include specific rewards and may be heightened by the degree to which a player gets personally involved in a game which may contribute to the compulsive nature of the game based on the vested interest of the player in achieving the game objectives.

(b) **Criminal Techniques 'CT'**

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

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

(i) Any occurrences of substance abuse must be considered in the allocation of an appropriate restriction; and

(ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of substance abuse of a mild, moderate, strong or very strong impact.

(d) **Imitative Acts and techniques 'IAT'**

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

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

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

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

(i) The use of strong language must be considered in the allocation of an appropriate age restriction; and

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(ii) Regardless of the level of age restriction, the public must be alerted to the occurrence of strong language of a mild, moderate, strong or very strong impact.

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

(i) Nudity in natural non-sexual contexts, such as breast-feeding or *bona fide* cultural traditions, is not considered in the allocation of age-restrictions;

(ii) The undue exposure of intimate parts must be considered in the allocation of an appropriate age restriction, based on the context and impact; and

(iii) Regardless of the level of age restriction, the public must be alerted to the occurrence of nudity, sexual or nonsexual, of a mild, moderate, strong or very strong impact.

(h) **Prejudice 'P'** warns of occurrences or language that are biased or prejudiced with regard to race, ethnicity, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language; birth or other identifiable group characteristics; stereotypes, and that is degrading to human dignity;

(a) Any occurrences or language of prejudice must be considered in the allocation of an appropriate age restriction; and

(b) The advocacy of hatred constituting incitement to cause harm, based on an identifiable group characteristic, must be refused classification.

(i) **Sexual Conduct 'S'** indicates occurrences involving sexual conduct;

(i) Any mild, moderate, strong or very strong impact occurrences of sexual conduct, must be considered in the allocation of an appropriate age-restriction or distribution restriction; and

(ii) Any occurrences of consensual explicit sexual conduct must be regarded as having a very strong or extreme impact, and must be classified appropriately.

(j) **Sexual Violence 'SV'** indicates occurrences involving sexual violence;

(i) Any occurrence of sexual violence must be considered in the allocation of an appropriate age restriction; and

(ii) Any occurrences involving sexual violence, actual or implied, must be regarded as having a moderate, strong or very strong impact, and must be classified appropriately.

(k) **Violence 'v'** warns of violent occurrences;

(i) Regardless of the level of age restriction, the public must be alerted to the occurrence of violence of a mild, moderate, strong or very strong impact;

(ii) Any occurrences of extreme violence must be regarded as having a strong or very strong impact, and must be classified appropriately.

(L) **Gender-based Violence 'GBV'** indicates occurrences of violence involving gender;

(i) Any occurrence of gender-based violence must be considered on the allocation of an appropriate age restrictions; and

(ii) Any occurrence involving gender-based violence, actual or implied, must be regarded as having a moderate,

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strong or very strong impact, and must be classified appropriately.

3. PURPOSE AND APPLICATION OF THE GUIDELINES

3.1 Purpose of the Guidelines

(1) The purpose of the Guidelines is to provide general rules to ensure:

(a) That information is provided that will allow adults to make informed viewing, gaming and reading choices, both for themselves and for children in their care;

(b) That will protect children from exposure to potentially disturbing or harmful contents and from premature exposure to adult experiences;

(c) That the use of children in and the exposure of children to pornography punishable; and

(d) The possession, production and distribution of child pornography is criminalised.

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

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

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

(5) Classifiers must also take cognisance that Guidelines cannot be comprehensive in identifying all potentially disturbing and harmful content. In addition, there may be content or content that may not be disturbing or harmful, but that may be age inappropriate and unacceptable to the community in general.

3.2 Application of the Guidelines

(1) These Guidelines, to the extent of content which falls within the legislative scope of the Act, apply to:

(a) Distributors who in terms of the definitions provided in section 1 of the Act conduct the business of selling, hiring out, or exhibition of such content and distributing by selling, hiring out or offering or keeping for sale or hire such content; and

(b) Classification committees constituted by the FPB to the extent that same have been directed to classify the content which has been submitted to for such purposes.

(2) The definitions of the words distributor and distribute are broad enough to encompass the streaming of content through the internet, social media or other electronic mediums.

PART A – FILMS AND TRAILERS

4. FILMS AND TRAILERS

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

4.1 Guiding Principles

(1) All classification decisions must consider the context, impact and release format of the content.

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(2) When considering context, the following factors should be taken into account:

(a) The expectations of the public in general and the target market of the content;

(b) The theme of the content;

(c) The manner in which an issue is presented;

(d) The literary, artistic, dramatic or educational merit of the film; and

(e) The apparent intention of the filmmaker, as reflected in its effect.

(3) When considering the impact of classifiable elements regard should be had to:

(a) Those which may increase in intensity according to the frequency of occurrence, realism, detail, techniques used, and nature of the theme, *bona fide* status, verbal references or visual presentation; and

(b) Determining an appropriate classification so as to assign appropriate consumer advice if required.

(4) The release format of the content, including online content, must be considered based on its impact, and with regard to the following:

(a) The ability to replay scenes;

(b) The likelihood that certain scene will be viewed out of context;

(c) The clarity of images;

(d) Interactivity with an unknown third person; and

(e) The impact of technology such as 3D, 4D, DBox, IMAX and any technological advances which may be applicable.

(5) Should the film contain any form of 'Photo or pattern sensitivity, motion sickness and reactions to low-frequency sound' (PPS) or any form of 'Low-frequency noise' (LFN) then consumer advice must be provided. In doing so regard should be had to the following:

(a) The exact nature of the stimuli that may trigger seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect. It is therefore treated, not as a classifiable element determining age restriction, but as a matter for appropriate consumer advice. This advisory must be provided even in instances of low impact if the stimuli may trigger seizures;

(b) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) that flash more than three times a second;

(c) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but little or no motion is sensed by the vestibular system (e.g. bounding-camera movies). Similar to motion sickness is simulation (or simulator) sickness; but this is caused by playing computer/ simulation/ video games (i.e. first-person-perspective games and virtual reality setups). It is recognised that it may be identified subjectively, and is not treated as a classifiable element determining age restriction, but as a matter of appropriate consumer advice;

(d) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 Hz. A low-frequency signal can go from being barely audible to being disturbing with a relatively small change in pressure level, and it may be identified subjectively. It is not treated as a classifiable elements determining age restrictions, but as a matter for appropriate consumer advice. This advisory must be provided even in instances of low-impact; and

(e) Photo or pattern sensitivity, motion sickness, and reactions to low frequency sound

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may justify consumer advice.

(6) Classifiers must have regard to the classifiable elements in determining an appropriate classification and must also assign appropriate consumer advice if required.

4.2 Classification Categories of Films

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

(a) Context;

(b) Impact of the classifiable elements; and

(c) Release format.

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

(3) No (A)

(a) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children. It has a low sense of threat or menace;

(b) There are no classifiable elements in the film that justify a restrictive age classification; and

(c) The release format has no impact.

(4) Low (PG)

(a) The content does not contain any themes that may be disturbing, harmful, upsetting or inappropriate for any children. It has a low sense of threat or menace;

(b) The content is not threatening, disturbing or harmful;

(c) The theme causes no moral harm;

(d) No impactful single or cumulative occurrences of classifiable elements;

(e) Classifiable elements are not realistic;

(f) The content contains classifiable elements that have a low impact, as set out below:

(i) Criminal Techniques 'CT' – content may not contain any scenes of implied, verbal or actual criminal techniques;

(ii) Substance abuse 'D' – content may not contain any scenes of implied, verbal or actual substance abuse;

(iii) Horror 'H' – content may contain only scenes of implied, verbal or actual low-impact horror;

(iv) Imitative Acts and Techniques 'IAT' – content may contain only scenes of implied, verbal or actual low-impact imitative acts and techniques;

(v) Language 'L' – content may contain only scenes of implied, verbal or actual low-impact language;

(vi) Nudity 'N' – content may contain only scenes of implied or actual low- impact nudity in non-sexual contexts;

(vii) Prejudice 'P' – content may not contain any scenes of implied, verbal or actual prejudice;

(viii) Sexual conduct 'S' – content may not contain any scenes of implied, verbal or

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actual sexual conduct, but may contain scenes of affection;

(ix) Sexual violence 'SV' – content may not contain any scenes of implied, verbal or actual sexual violence;

(x) Violence 'V' – content may contain only scenes of implied, verbal or actual low-impact violence, and may not contain any scenes of implied, verbal or actual domestic violence; and

(xi) Gender-based Violence 'GBV' – content may not contain any scenes of implied, verbal or actual gender-based violence;

(g) Limited accentuation techniques such as lighting, perspective and resolution.

(5) Mild (7-9PG)

(a) The content must be particularly entertaining and/or of educational value, to enable parents or caregivers to decide whether it is appropriate for children in their care from ages 7 to 9 to see it. Children from the ages of 7 to 9 years are not allowed to watch a film classified '7-9PG' unless and only when accompanied by an adult.

(b) The content is not threatening, disturbing or harmful to children aged 7 and older;

(c) The theme causes no moral harm to children aged 7 and older;

(d) The content may contain complex and mature themes that may require parental guidance to mitigate potential harm;

(e) Limited occurrences of significant classifiable elements;

(f) Classifiable elements may be realistic;

(g) The content contains classifiable elements that have a low to mild impact as set out below:

(i) Criminal Techniques 'CT' – content may not contain any scenes of implied, verbal or actual criminal techniques;

(ii) Substance abuse 'D' – content may contain only scenes of implied, verbal or actual low-impact substance abuse if they are justified by the context and carry a suitable anti-substance abuse message;

(iii) Horror 'H' – content may contain only scenes of implied, verbal or actual low impact horror. A fantasy setting may, when appropriate, be regarded as reducing impact;

(iv) Imitative Acts and Techniques 'IAT' – content may contain only scenes of implied, verbal or actual low impact imitative acts and techniques;

(v) Language 'L' – content may contain only scenes of implied, verbal or actual low to mild impact language;

(vi) Nudity 'N' – content may contain only scenes of implied or actual low to mild impact nudity in non-sexual contexts;

(vii) Prejudice 'P' – content may contain only scenes of implied, verbal or actual low impact prejudice, if it is clearly disapproved and used in an educational, dramatic or historical context;

(viii) Sexual conduct 'S' – content may not contain any scenes of implied, verbal or actual sexual conduct, but may contain scenes of affection;

(ix) Sexual violence 'SV' – content may not contain any scenes of implied, verbal or actual sexual violence;

(x) Violence 'V' – content may contain only scenes of implied, verbal or actual low to mild impact violence. If there are scenes of implied, verbal or actual low to

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mild impact domestic violence, they must be justified within context, and the content must convey a strong message against it; and

(xi) Gender-based Violence 'GBV' – content may not contain any scenes of implied, verbal or actual gender-based violence;

(h) Limited accentuation techniques such as lighting, perspective and resolution.

(6) Moderate (10-12PG)

(a) The content must be particularly entertaining and/or of educational value, to enable parents or caregivers to decide whether it is appropriate for children in their care from ages 10 to 12 to see it. Children from the ages of 10 to 12 years are not allowed to watch a film classified '10-12PG' unless and only when accompanied by an adult.

(b) The content may not be threatening, disturbing or harmful to children aged 10 and older;

(c) The theme causes no moral harm to children aged 10 and older;

(d) The content may contain complex and mature themes that may require parental guidance to mitigate potential harm;

(e) If the content has a pro-social element, even if assessed as a moderate impact it may be viewed by children 10 to 12-year-old in the presence of an adult;

(f) Classifiable elements form part of a *bona fide* story line;

(g) Single or cumulative occurrences of classifiable elements;

(h) Occurrences of significant classifiable elements may be realistic;

(i) The content either contains no classifiable elements or has a low to mild impact, with some elements having a moderate impact, as illustrated below:

(i) Criminal Techniques 'CT' – content may not contain any scenes of implied, verbal or actual criminal techniques;

(ii) Substance abuse 'D' – content may contain only scenes of implied, verbal or actual low to mild impact occurrences of substance abuse. Content may contain scenes of implied, verbal or actual instances of moderate impact substance abuse only if, contextually, it carries a suitable anti-substance abuse message;

(iii) Horror 'H' – content may contain only scenes of implied, verbal or actual mild to moderate impact horror;

(iv) Imitative Acts and Techniques 'IAT' – content may contain only scenes of implied, verbal or actual mild impact imitative acts and techniques;

(v) Language 'L' – content may contain only scenes of implied, verbal or actual mild impact language;

(vi) Nudity 'N' – content may contain only scenes of implied or actual low impact nudity in sexual contexts;

(vii) Prejudice 'P' – content may contain only scenes of implied, verbal or actual low impact prejudice, if it is clearly disapproved and used in an educational, dramatic or historical context;

(viii) Sexual conduct 'S' – content may contain only scenes of implied or verbal low impact sexual conduct, but no scene of actual sexual conduct;

(ix) Sexual violence 'SV' – content may not contain any scenes of implied, verbal or actual sexual violence;

(x) Violence 'V' – content may contain only scenes of implied or verbal mild to

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moderate impact violence but may not contain scenes of actual mild to moderate impact violence. If there are scenes of implied or verbal mild to moderate impact domestic violence, they must be justified within context, and the content must convey a strong message against it; and

(xi) Gender-based Violence 'GBV' – content may not contain any scenes of implied, verbal or actual gender-based violence;

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

(7) Moderate (13)

(a) The content may not be threatening, disturbing or harmful to children older than 13;

(b) The theme causes no moral harm to children aged 13 and older;

(c) Single or cumulative occurrences of classifiable elements;

(d) Occurrences of significant classifiable elements may be realistic;

(e) Classifiable elements form part of a *bona fide* story line;

(f) The content may contain low to mild impact classifiable elements, with some elements having a moderate impact, as set out below:

(i) Criminal Techniques 'CT' – content may not contain any scenes of implied, verbal or actual criminal techniques;

(ii) Substance abuse 'D' – content may contain only scenes of implied, verbal or actual mild to moderate impact substance abuse. Content may contain scenes of implied, verbal or actual instances of moderate impact substance abuse only if, contextually, it carries a suitable anti-substance abuse message;

(iii) Horror 'H' – content may contain only scenes of implied, verbal or actual moderate impact horror;

(iv) Imitative Acts and Techniques 'IAT' – content may contain only scenes of implied, verbal or actual moderate impact imitative acts and techniques;

(v) Language 'L' – content may contain only scenes of implied, verbal or actual moderate impact language;

(vi) Nudity 'N' – content may contain only scenes of implied or actual mild impact nudity in sexual contexts;

(vii) Prejudice 'P' – content may contain only scenes of implied, verbal or actual mild impact prejudice, if it is clearly disapproved and used in an educational, dramatic or historical context;

(viii) Sexual Conduct 'S' – content may contain only scenes of implied or verbal mild to moderate impact sexual conduct, but no scenes of actual sexual conduct;

(ix) Sexual violence 'SV' – content may contain only scenes of implied or verbal low impact sexual violence, with no noticeable effects, but no scenes of actual sexual violence;

(x) Violence 'V' – content may contain only scenes of implied or verbal moderate impact violence but may not contain scenes of actual moderate impact violence. If there are scenes of implied or verbal moderate impact domestic violence, they must be justified within context, and the content must convey a strong message against it; and

(xi) Gender-based Violence 'GBV' – content may contain only scenes of implied or verbal low impact gender-based violence, with no noticeable effects, but no scenes of actual gender-based violence;

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

(8) Strong (16)

(a) The content may not be threatening, disturbing or harmful to children older than 16;

(b) The theme may not cause moral harm to children of 16 and older;

(c) Single or cumulative occurrences of significant classifiable elements;

(d) Occurrences of classifiable elements may be realistic;

(e) Classifiable elements form part of a *bona fide* story line;

(f) The content contains classifiable elements that have a moderate impact, with some elements having a strong impact, as set out below:

(i) Criminal Techniques 'CT' – content may contain only scenes of implied, verbal or actual moderate impact criminal techniques;

(ii) Substance abuse 'D' – content may contain only scenes of implied, verbal or actual moderate impact substance abuse. Content may contain scenes of implied, verbal or actual instances of strong impact substance abuse only if, contextually, it carries a suitable anti-substance abuse message;

(iii) Horror 'H' – content may contain only scenes of implied, verbal or actual strong impact horror;

(iv) Imitative Acts and Techniques 'IAT' – content may contain only scenes of implied, verbal or actual strong impact imitative acts and techniques;

(v) Language 'L' – content may contain only scenes of implied, verbal or actual strong impact language;

(vi) Nudity 'N' – content may contain only scenes of implied or actual moderate impact nudity in sexual contexts;

(vii) Prejudice 'P' – content may contain only scenes of implied, verbal or actual moderate impact prejudice, if it is clearly disapproved and used in an educational, dramatic or historical context;

(viii) Sexual conduct 'S' – content may contain only scenes of implied, verbal or actual moderate impact sexual conduct, or occasional scenes of implied, verbal or actual strong impact sexual conduct;

(ix) Sexual violence 'SV' – content may contain only scenes of implied or verbal moderate impact sexual violence, but no scenes of actual moderate impact sexual violence;

(x) Violence 'V' – content may contain only scenes of implied, verbal or actual strong impact violence. Content may contain scenes of detail, close-ups or slow motion of violence. If there are scenes of implied, verbal or actual strong impact Domestic Violence, they must be justified within context, and the content must convey a strong message against it; and

[(x) Gender-based Violence 'GBV' – content may contain only scenes of implied or verbal moderate impact gender-based violence, but no scenes of actual moderate impact gender-based violence;

(g) May contain accentuation techniques such as lighting, perspective and resolution of sexually-related activity, sexual conduct or violence.

(9) Very Strong (18)

(a) The content may not be threatening, disturbing or harmful to adults;

(b) The theme may not cause moral harm to adults;

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(c) Single or cumulative occurrences of classifiable elements;

(d) Occurrences of classifiable elements may be realistic;

(e) May contain graphic details, close-ups or slow motion of sexually-related activity, sexual conduct or violence;

(f) Verbal reference or visual presentation of certain classifiable elements such as sexually-related activity, sexual conduct or violence, but not explicit sexual violence;

(g) Classifiable elements do not necessarily form part of a *bona fide* story line;

(h) The content contains classifiable elements that have a strong to very strong impact, as set out below:

(i) Criminal Techniques 'CT' – content may contain only scenes of verbal or actual strong impact criminal techniques;

(ii) Substance abuse 'D' – content may contain only scenes of implied, verbal or actual strong impact substance abuse;

(iii) Horror 'H' – content may contain only scenes of implied, verbal or actual very strong impact horror;

(iv) Imitative Acts and Techniques 'IAT' – content may only contain scenes of implied, verbal or actual very strong impact imitative acts and techniques;

(v) Language 'L' – content may contain only scenes of implied, verbal or actual very strong impact language;

(vi) Nudity 'N' – content may contain only scenes of implied or actual strongimpact nudity in sexual contexts;

(vii) Prejudice 'P' – content may contain only scenes of implied, verbal or actual strong impact prejudice;

(viii) Sexual conduct 'S' – content may contain only scenes of verbal or actual strong to very strong impact sexual conduct, but may not contain scenes of implied, verbal or actual explicit sexual conduct;

(ix) Sexual violence 'SV' – content may contain only scenes of implied, verbal or actual strong impact sexual violence but may not contain scenes of implied, verbal or actual explicit sexual violence;

(x) Violence 'V' – content may contain only scenes of implied, verbal or actual strong to very strong impact violence. Content may contain scenes of detail, close-ups or slow-motion violence; and

(xi) Gender-based Violence 'GBV' – content may contain only scenes of implied, verbal or actual strong impact gender-based violence but may not contain scenes of implied, verbal or actual explicit gender-based violence;

(i) May use accentuation techniques such as lighting, perspective and resolution.

(10) Refused Classification

(a) Any content that –

(i) Contains child pornography, propaganda for war or incites imminent violence; or

(ii) advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm,

must be refused classification and be reported to the Chief Executive Officer to be

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published the Gazette unless, judged within context, the film is a *bona fide* documentary, is of scientific, dramatic or artistic merit or is on a matter of public interest, in which event the film shall be classified with reference to the guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate materials.

(b) Where a film has been classified as a "refused classification", the Chief Executive Officer shall cause that classification decision to be published by notice in the Gazette, together with the reasons for the decision.

(c) Where a film submitted to the FPB in terms of this section contains child pornography, the Chief Executive Officer shall refer that film to a police official of the South African Police Service for investigation and prosecution.

(11) Restricted Distribution Content – 'XX'

(a) Films must be classified 'XX' if it contains –

(i) explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;

(ii) bestiality, incest, rape, conduct or an act which is degrading of human beings;

(iii) explicit infliction of domestic violence;

(iv) explicit infliction of gender-based violence; or

(v) explicit visual presentations of extreme violence,

unless, in respect of the film, judged within context, is a *bona fide* documentary or is of scientific, dramatic or artistic merit, in which event the film shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate materials.

(b) The interpretation of subsection (11)(a)(i)-(iv) above includes instances of:

(i) Detailed instruction or promotion of matters of crime or violence;

(ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia;

(iii) Any content, including scenes or dialogue, likely to encourage an interest in harmful paraphilia and sexual violence;

(iv) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or that are excessively frequency, prolonged or detailed, including cruelty to either humans or animals, or real scenes of violence that are very detailed and that have an extreme impact;

(v) Detailed instruction in the use of proscribed drugs, and content promoting, or encouraging proscribed drug use;

(vi) Apparent lack of consent for any party who participates in sexual conduct or explicit sexual conduct and who appears to be *non compos mentis* ('not of sound mind'- e.g. in a drug or alcohol-induced state, or mentally ill).

(c) Any content that has been classified as 'XX' must be reported to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

(12) Restricted Distribution Content – 'X18'

(a) Films must be classified as 'X18' if it contains explicit sexual conduct, unless, judged within context , the film is a *bona fide* documentary or is of scientific, dramatic or artistic merit, in which event the film shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful

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or age inappropriate materials.

(b) Any content that, in addition to explicit sexual conduct, contains any content referred to in subsection (11)(a)(i) above and has an extreme impact, may be classified as 'XX';

(c) Where a film has been classified as 'X18', the Chief Executive Officer shall cause that classification decision to be published by notice in the Gazette, together with the reasons for the decision.

4.3 General Consideration for the Classification of Trailers

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

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

4.4 General Considerations for films of Educational Value

(1) Any film that contains content of educational value may be indicated by the use of the consumer advisory **'ED'.**

(2) Upon application to the FPB by a school or further education and training institution as defined in the South African Schools Act, 1996 (Act no. 84 of 1996) or Further Education and Training Act, 1998 (Act No. 98 of 1998), the age restriction category may be reduced by the FPB, and certain viewing conditions may be imposed. Viewing conditions must be determined by the FPB and may include, but are not restricted to:

(a) A minimum number of suitably-qualified educators to supervise the viewing of the film;

(b) A mandatory briefing by suitably-qualified educators prior to the viewing of the film to prepare the learners for what to expect, and to provide an opportunity for sensitive learners to leave without viewing the content; and

(c) A mandatory debriefing by suitably-qualified educators, after the viewing of the film, to provide further context for the content, if necessary to reassure learners who may be adversely affected, and to allow them to ask questions and share experiences of the content.

PART B – GAMES

5. GAMES

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

5.1 Guiding Principles

(1) All classification decisions must consider the context, impact, release format and online interactivity of the content.

(2) When considering context, the following factors should be taken into account:

(a) The expectations of the public in general and the target market of the content in particular;

(b) The theme of the content;

(c) The manner in which an issue is presented;

(d) The literary, artistic, dramatic or educational merit of the game; and

(e) The apparent intention of the game creator, as reflected in its effect.

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(3) The degree of interactivity of the game (such as first-person as opposed to third-person game play), the use of incentives and rewards, technical features and competitive intensity, has to be considered in determining the intensity of impact.

(4) The impact of classifiable elements may increase intensity according to frequency of occurrence, realism, detail techniques used, and the nature of the theme, *bona fide* status, verbal references or visual presentation.

(5) Should the game contain any form of 'Photo or pattern sensitivity, motion sickness and reactions to low frequency sound' (PPS) then consumer advice must be provided. In doing so regard should be had to the following:

(a) The exact nature of the stimuli that may trigger seizures of flicker vertigo for photo or pattern sensitivity varies from one person to another, as does the nature of the effect. It is therefore treated, not as a classifiable element determining age restriction, but as a matter for appropriate consumer advice. This advisory must be provided even in instances of low impact if the stimuli may trigger seizures;

(b) As a general guide, the patterns are usually very high in luminance contrast (bright flashes of light alternating with darkness, or white bars against a black background) that flash more than three times a second;

(c) Motion sickness occurs when motion is detected by the visual system and hence the motion is seen, but little or no motion is sensed by the vestibular system (e.g. bounding-camera movies). Similar to motion sickness is simulation (or simulator)

sickness; but this is caused by playing computer/ simulation/ video games (i.e. first-person-perspective games and virtual reality setups). It is recognised that it may be identified subjectively, and is not treated as a classifiable element determining age restriction, but as a matter for appropriate consumer advice provided;

(d) Low frequency noise (LFN) is generally taken to mean noise below a frequency of about 100 to 150 Hz. A low-frequency signal can go from being barely audible to being disturbing with a relatively small change in pressure level, and it may be identified subjectively. It is not treated as a classifiable elements determining age restrictions, but as a matter for appropriate consumer advice. This advisory must be provided; and

(e) Photo or pattern sensitivity, motion sickness, and reactions to low frequency sound may justify consumer advice.

5.2 Classification Categories of Games

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

(a) Context,

(b) Impact of the classifiable elements, and

(c) Release format.

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

(3) There is no 'All ages' age rating for games.

(4) No (PG)

(a) Children are not allowed to play a game classified 'PG' unless and only when supervised by an adult noting that such a game may contain classifiable elements that may be disturbing or harmful for children;

(b) No significant single or cumulative occurrences of classifiable elements;

(c) Limited accentuation techniques such as lighting, perspective and resolution;

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(d) The content is not threatening, disturbing or harmful;

(e) The theme causes no moral harm;

(f) Occurrences of classifiable elements may be very strongly stylised and not realistic;

(g) No use of incentives or rewards for classifiable elements;

(h) The content contains classifiable elements that have low impact, as set out below:

(i) Competitive Intensity 'CI' – content may contain only occurrences of low impact competitive intensity. If content contains occurrences of low impact competitive intensity that is associated to violence, then it may not occur if there is any in-game violence in first-person game play but may occur if there is low impact in-game violence in third-person game play;

(ii) Criminal Techniques 'CT' – content may not contain any occurrences of implied, verbal or actual criminal techniques;

(iii) Substance Abuse 'D' – content may not contain any occurrences of implied, verbal or actual substance abuse;

(iv) Horror 'H' – content may contain only occurrences of implied, verbal or actual low impact horror. A fantasy setting may, when appropriate, be regarded as reducing impact;

(v) Imitative Acts and Techniques 'IAT' – content may contain only occurrences of implied, verbal or actual low impact imitative acts and techniques;

(vi) Language 'L' – content may contain only occurrences of implied, verbal or actual low impact language;

(vii) Nudity 'N' – content may not contain any occurrences of implied or actual nudity;

(viii) Prejudice 'P' – content may not contain any occurrences of implied, verbal or actual prejudice;

(ix) Sexual conduct 'S' – content may not contain any occurrences of implied, verbal or actual sexual conduct, but may contain occurrences of affection;

(x) Sexual violence 'SV' – content may not contain any occurrences of implied, verbal or actual sexual violence; and

(xi) Violence 'V' – content may not contain any implied, verbal or actual in-game violence in first person game play but may contain any implied, verbal or actual low impact violence in third person game play. Content may not contain occurrences of implied, verbal or actual domestic violence.

(xii) Gender-based Violence 'GBV' – content may not contain any scenes of implied or verbal or actual gender-based violence;

(5) Low (7-9PG)

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

(b) no significant single or cumulative occurrences of classifiable elements;

(c) classifiable elements are not realistic;

(d) limited accentuation techniques such as lighting, perspective and resolution;

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(e) the content is not threatening, disturbing or harmful;

(f) the theme causes no moral harm;

(g) occurrences of classifiable elements may be very strongly stylised and not realistic;

(h) no use of incentives or rewards for classifiable elements;

(i) The content may not contain themes that may be harmful or inappropriate for children under 7. The themes may be complex and mature, as long as children aged 7-9 do not find them confusing, distressing or upsetting.

(j) The material contains classifiable elements that have a low to mild impact as set out below:

(i) Competitive Intensity 'CI' – content may contain only occurrences of mild impact competitive intensity. If the content contains occurrences of mild impact competitive intensity that is associated to violence, then it may only occur if there is low impact in-game violence in first-person game play and/or mild impact in-game violence in third-person game play;

(ii) Criminal Techniques 'CT' – content may not contain any occurrences of implied, verbal or actual criminal techniques;

(iii) Substance abuse 'D' – content may not contain occurrences of implied, verbal or actual substance abuse;

(iv) Horror 'H' – content contain only occurrences of implied, verbal or actual low to mild impact horror. A fantasy setting may, when appropriate, be regarded as reducing the impact;

(v) Imitative Acts and Techniques 'IAT' – content may contain only occurrences of implied, verbal or actual low impact imitative acts and techniques;

(vi) Language 'L' – content may contain only occurrences of implied, verbal or actual low to mild impact language;

(vii) Nudity 'N' – content may contain only occurrences of implied or actual low impact nudity in non-sexual contexts;

(viii) Prejudice 'P' – content may not contain any occurrences of implied, verbal or actual prejudice;

(ix) Sexual conduct 'S' – content may not contain any occurrences of implied, verbal or actual sexual conduct, but may contain occurrences of affection**;**

(x) Sexual violence 'SV' – content may not contain any occurrences of implied, verbal or actual sexual violence; and

(xi) Violence 'V' – content may contain implied, verbal or actual in-game low impact violence in first-person game play and/or may contain implied, verbal or actual mild impact violence in third-person game play. Content may not contain occurrences of implied, verbal or actual domestic violence. No details, close-ups or slow motion of violence.

(xii) Gender-based Violence 'GBV' – content may not contain any scenes of implied or verbal or actual gender-based violence;

(6) **Mild (10-12PG)**

(a) The content is not threatening, disturbing or harmful to children aged 10 and older;

(b) The theme causes no moral harm to children aged 10 and older;

(c) Limited occurrences of significant classifiable elements;

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(d) Occurrences of classifiable elements are not realistic;

(e) No use of incentives or rewards for classifiable elements;

(f) The content contains classifiable elements that have a mild impact as set out below:

(i) Competitive Intensity 'CI' – content may contain only occurrences of moderate impact competitive intensity. If the content contains occurrences of competitive intensity that is associated to violence, then it may occur if there is mild impact in-game violence in first-person game play and/or moderate impact in-game violence in third-person game play;

(ii) Criminal Techniques 'CT' – content may not contain any occurrences of implied, verbal or actual criminal techniques;

(iii) Substance Abuse 'D' – content may not contain any occurrences of implied, verbal or actual substance abuse;

(iv) Horror 'H' – content may contain occurrences of implied, verbal or actual mild impact horror. A fantasy or comedic setting, when appropriate, be regarded as reducing the impact;

(v) Imitative Acts and Techniques 'IAT' – content may contain only occurrences of implied, verbal or actual mild impact imitative acts and techniques;

(vi) Language 'L' – content may contain only occurrences of implied, verbal or actual mild to moderate impact language;

(vii) Nudity 'N' – content may contain only occurrences of implied or actual low to mild impact nudity in non-sexual contexts. No details, close-ups or slow motion of nudity in non-sexual contexts;

(viii) Prejudice 'P' – content may not contain any occurrences of implied, verbal or actual prejudice;

(ix) Sexual conduct 'S' – content may not contain any occurrences of implied, verbal or actual sexual conduct, but may contain occurrences of affection;

(x) Sexual violence 'SV' – content may not contain any occurrences of implied, verbal or actual [or implied] sexual violence;

(xi) Violence 'V' – content may contain only mild impact violence in first-person game play and moderate impact violence in third-person game play. Content may contain only implied, verbal or actual mild impact domestic violence, if it is justified within context, and the content conveys a strong message against it. No details, close-ups or slow motion of violence;

(xii) Gender-based Violence 'GBV' – content may not contain any scenes of implied or verbal or actual gender-based violence; and

(g) Limited accentuation techniques such as lighting, perspective and resolution.

(7) Moderate (13)

(a) The theme may be threatening, disturbing or harmful to children younger than 13 and may not be consumed by children under the age of 13;

(b) The theme causes no moral harm to children aged 13 and older;

(c) Single or cumulative occurrences of classifiable elements;

(d) Occurrences of classifiable elements are not realistic;

(e) Some use of incentives or rewards for classifiable elements;

(f) Verbal reference to rather than visual presentation of certain classifiable elements, with no noticeable effect;

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(g) Classifiable elements form part of a *bona fide* story line.

(h) The content contains classifiable elements that have a mild impact as set out below:

(i) Competitive Intensity 'CI' – content may contain only occurrence of moderate impact competitive intensity. If the content contains occurrences of competitive intensity that is associated to violence, then it may only occur if there is mild impact in-game violence in first-person game play and/or moderate impact in-game violence in third-person game play;

(ii) Criminal Techniques 'CT' – content may not contain any occurrences of implied, verbal or actual criminal techniques;

(iii) Substance Abuse 'D' – content may contain only occurrences of implied, verbal or actual low to mild impact substance abuse. Content with occurrences of implied, verbal or actual moderate impact substance abuse must carry a suitable anti-substance abuse message;

(iv) Horror 'H' – content may contain only occurrences of implied, verbal or actual moderate impact horror. A fantasy or comedic setting, when appropriate, be regarded as reducing the impact;

(v) Imitative Acts and Techniques 'IAT' – content may contain only occurrences of implied, verbal or actual mild to moderate impact imitative acts and techniques;

(vi) Language 'L' – content may contain only occurrences of implied, verbal or actual moderate impact language;

(vii) Nudity 'N' – content may contain only occurrences of implied actual low impact nudity in sexual contexts. No details, close-ups or slow motion of nudity. No use of incentives or rewards for nudity;

(viii) Prejudice 'P' – content may not contain any occurrences of implied, verbal or actual prejudice;

(ix) Sexual conduct 'S' – content may contain only occurrences of implied, verbal or actual low to mild impact sexual conduct;

(x) Sexual violence 'SV' – content may contain only occurrences of implied, verbal or actual low impact sexual violence;

(xi) Violence 'V' – content may contain only mild impact violence in first-person game play and moderate impact violence in third-person game play. Content may contain only implied, verbal or actual mild impact domestic violence, if it is justified within context, and the content conveys a strong message against it. No details, close-ups or slow motion of violence;

(xii) Gender-based Violence 'GBV' – content may contain only scenes of implied or verbal low impact gender-based violence, with no noticeable effects, but no scenes of actual gender-based violence; and

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

(8) Strong (16)

(a) The theme may not be threatening, disturbing or harmful to children older than 16 and may not be consumed by children under the age of 16;

(b) The theme may not cause moral harm to children of 16 and older;

(c) Single or cumulative occurrences of significant classifiable elements;

(d) Occurrences of classifiable elements may be realistic;

(e) Some use of incentives or rewards for classifiable elements;

(f) The content contains classifiable elements that have a mild to moderate impact, with

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some elements having a strong impact, as set out below:

(i) Competitive Intensity 'CI' – content may contain only occurrences of moderate to strong impact competitive intensity. If the content contains occurrences of competitive intensity that is associated to violence, then it may occur if there is moderate impact in-game violence in first-person game play and/or strong impact in-game violence in third-person game play. Occurrences of competitive intensity may involve realistic but not extreme violence (provided that it does not fall within the 'XX' category), and may be in first-person game play;

(ii) Criminal Techniques 'CT' – content may contain only occurrences of implied, verbal or actual mild to moderate impact criminal techniques;

(iii) Substance Abuse 'D' – content may contain only occurrences of implied, verbal or actual moderate instances of substance abuse. Content with occurrences of implied, verbal or actual strong impact substance abuse must carry a suitable anti-substance abuse message;

(iv) Horror 'H' – content may contain only occurrences of implied, verbal or actual strong impact horror;

(v) Imitative Acts and Techniques 'IAT' – content may contain only occurrences of implied, verbal or actual moderate impact imitative acts and techniques;

(vi) Language 'L' – content may contain only occurrences of implied, verbal or actual strong impact language;

(vii) Nudity 'N' – content may contain occurrences of implied or actual mild to moderate impact nudity in sexual contexts. No use of incentives for nudity;

(viii) Prejudice 'P' – content may contain only occurrences of implied, verbal of actual moderate impact prejudice if it is clearly disapproved and used in an education, dramatic or historical context;

(ix) Sexual conduct 'S' – content may contain only occurrences of implied, verbal or actual moderate impact sexual conduct. May contain details, close-ups or slow motion of sexual conduct. No use of incentives or rewards for sexual conduct;

(x) Sexual violence 'SV' – content may contain only occurrences of implied, verbal or actual moderate impact sexual violence. The actual occurrences of moderate impact sexual violence may not contain details, close-ups or slow motion of sexual violence;

(xi) Violence 'V' – content may contain only moderate impact violence in first-person game play and strong impact violence in third-person game play;

(xii) Gender-based Violence 'GBV' – content may contain only scenes of implied or verbal moderate impact gender-based violence, but no scenes of actual moderate impact gender-based violence; and

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

(9) Very Strong (18)

(a) The theme may not be threatening, disturbing or harmful to adults;

(b) The theme may not cause moral harm to adults;

(c) Single or cumulative occurrences of classifiable elements;

(d) Occurrences of classifiable elements may be realistic;

(e) Some use of incentives or rewards for classifiable elements;

(f) The content contains classifiable elements that have a moderate impact, with some elements having a strong to very strong impact, as set out below:

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(i) Competitive Intensity 'CI' – content may contain only occurrences of very strong impact competitive intensity. If the content contains occurrences of competitive intensity that is associated to violence, then it may only occur if there is strong to very strong impact in-game violence in first-person game play and/or very strong impact in-game violence in third-person game play. Occurrences of competitive intensity may involve realistic and extreme violence (provided that it does not fall within the 'XX' category) and may be in first-person game play;

(ii) Criminal Techniques 'CT' – content may contain only occurrences of implied, verbal or actual moderate to strong impact criminal techniques;

(iii) Substance Abuse 'D' – content may contain only occurrences of implied, verbal or actual moderate to strong impact substance abuse;

(iv) Horror 'H' – may contain only occurrences of implied, verbal or actual very strong impact horror;

(v) Imitative Acts and Techniques 'IAT' – content may contain only occurrences of implied, verbal or actual moderate to strong impact imitative acts and techniques;

(vi) Language 'L' – content may contain only occurrences of implied, verbal or actual very strong impact language;

(vii) Nudity 'N' – content may contain only occurrences of implied or actual moderate to strong impact nudity in sexual contexts. No use of incentives or rewards for nudity;

(viii) Prejudice 'P' – content may contain only occurrences of implied, verbal or actual strong to very strong impact prejudice;

(ix) Sexual conduct 'S' – content may contain only occurrences of implied, verbal or actual strong impact sexual conduct. No use of incentives or rewards for sexual conduct. May contain details, close-ups or slow motion of sexual conduct;

(x) Sexual violence 'SV' – content may contain only occurrences of implied, verbal or actual moderate to strong impact sexual violence. May contain details, close-ups or slow motion of sexual violence;

(xi) Violence 'V' – content may contain only strong to very strong impact violence in first-person game play and/or very strong impact violence in third-person game play;

(xii) Gender-based Violence 'GBV' – content may contain only scenes of implied, verbal or actual strong impact gender-based violence but may not contain scenes of implied, verbal or actual explicit gender-based violence; and

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

(10) Refused Classification

(a) Any content that –

(i) Contains child pornography, propaganda for war or incites imminent violence; or

(ii) advocates hatred based on any identifiable group characteristic, and that constitutes incitement to cause harm,

must be refused classification and be reported to the Chief Executive Officer to be published the Gazette unless, judged within context, the game is of scientific, dramatic or artistic merit or is on a matter of public interest, in which event the game shall be classified with reference to the Guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate materials.

(b) Where a game has been classified as a "refused classification", the Chief Executive

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Officer shall cause that classification decision to be published by notice in the Gazette, together with the reasons for the decision.

(c) Where a game submitted to the FPB in terms of this section contains child pornography, the Chief Executive Officer shall refer that game to a police official of the South African Police Service for investigation and prosecution.

(11) Restricted Distribution Content – 'XX'

(a) Games must be classified 'XX' if it contains –

(i) explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;

(ii) bestiality, incest, rape, conduct or an act which is degrading of human beings;

(iii) explicit infliction of domestic violence;

(iv) explicit infliction of gender-based violence; or

(v) explicit visual presentations of extreme violence,

unless, in respect of the game, judged within context, is of scientific, dramatic or artistic merit, in which event the game shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate materials.

(b) The interpretation of subsection (11)(a)(i)-(iv) above includes instances of:

(i) Detailed instruction or promotion of matters of crime or violence;

(ii) Gratuitous, exploitative or offensive depictions of sexual conduct as well as harmful paraphilia and sexual violence;

(iii) Any content, including occurrences or dialogue, likely to encourage an interest in harmful paraphilia and sexual violence;

(iv) Any sexual violence or sexual conduct related to incentives or rewards;

(v) Gratuitous, exploitative or offensive depictions of violence with an extreme impact or that are excessively frequent, prolonged or detailed, including cruelty to either humans or animals, or real occurrences of violence, that are very detailed and that have an extreme impact;

(vi) Detailed instruction in the use of proscribed drugs, and content promoting or encouraging proscribed drug or substance abuse related to incentives or rewards;

(vii) Apparent lack of consent for any party who participates in sexual conduct or explicit sexual conduct and who appears to be *non compos mentis* ('not of sound mind' – e.g. in a drug- or alcohol-induced state, or mentally ill).

(c) Any content that has been classified as 'XX' must be reported to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

(12) Restricted Distribution Content – 'X18'

(a) Games must be classified as 'X18' if it contains explicit sexual conduct, unless, judged within context , the game is of scientific, dramatic or artistic merit, in which event the game shall be classified with reference to the relevant guidelines relating to the protection of children from exposure to disturbing, harmful or age inappropriate materials.

(b) Any content that, in addition to explicit sexual conduct, contains any content referred to in subsection (9)(a)(i) above and has an extreme impact, may be classified as 'XX';

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(c) Where a game has been classified as 'X18', the Chief Executive Officer shall cause that classification decision to be published by notice in the Gazette, together with the reasons for the decision.

(d) Any content that, in addition to explicit sexual conduct, contains any classifiable element that has an impact as et out below, must be classified as 'X18':

(i) Very strong competitive intensity in games combined with very strong or extreme level of first-person and third-person game play violence;

(ii) Any nudity or sexual conduct related to incentives or rewards;

(iii) Extreme impact third-person game play violence and very strong impact first-person game play;

(iv) Any very strong impact criminal techniques; and

(v) Any very strong impact initiative behaviour (where appropriate).

(e) Any content that is classified as X18 must be notified to the Chief Executive Officer to be published by notice in the Gazette, together with the reasons for the decision.

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PART C – PUBLICATIONS

6. PUBLICATIONS

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

6.1 Guiding Principles

(1) The Act recognises three categories of publications:

(a) Those that are published by a member of the Press Council of South Africa or that are an advertisement that falls under the jurisdiction of the Advertising Regulatory Board of South Africa, which is being distributed in the Republic. These do not fall within the jurisdiction of the FPB;

(b) Publications, other than those contemplated in subsection (1)(a) above, that contain content that amounts to propaganda for war, incites imminent violence, or advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm and imminent violence must be submitted by publishers before publication; and

(c) Publications about which requests for classification are received by the FPB.

(2) The classification of publications other than those referred to in sub-section (3) below of these guidelines is voluntary; but any publication must be classified upon the request of any interested person.

(3) Any person, except the publisher of a newspaper or magazine contemplated in subsection (1) above, who, for distribution or exhibition in the Republic creates, produces, publishes or advertises any publication that:

(a) Advocates propaganda for war;

(b) Incites violence; or

(c) Advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm;

Shall submit, in the prescribed manner, such publication for examination and classification to the FPB before such publication is distributed, exhibited, offered or advertised for distribution or exhibition.

(4) Compliance with the classification guidelines is mandatory for all relevant publications.

(5) All classification decisions must consider the context and impact of content.

(6) When considering context, the following factors may be taken into account:

(a) The expectations of the public in general and the target market of the content;

(b) The theme of the content;

(c) The manner in which an issue is presented;

(d) The literary, artistic, documentary or scientific merit of the publication, or its relevance to matters of public interest;

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

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6.2 Classification Categories of Publications

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

(a) Context; and

(b) Impact of classifiable elements.

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

(3) Low to mild

(a) Themes of an adult nature should be treated discreetly, not be exploitative, and cause no moral harm; and

(b) No significant single or cumulative occurrences of classifiable elements.

(4) Moderate (13)

(a) Themes of an adult nature should be treated discreetly, not be exploitative, and cause no moral harm.

(b) Single or cumulative occurrences of classifiable elements;

(c) Any textual reference to sexual violence must be treated discreetly;

(d) No detailed descriptions of nudity, sexually-related activity, or violence;

(e) The content contains no classifiable elements, or it has a low to mild impact language as set below:

(i) Language 'L' – content may contain only occurrences of low to mild impact language;

(ii) Nudity 'N' – content may contain only occurrences of low to mild impact nudity in non-sexual contexts;

(iii) Prejudice 'P' – content may contain only occurrences of low to mild impact prejudice if it is clearly disapproved;

(iv) Sexual conduct 'S' – content may not contain any occurrences of implied, verbal or actual sexual conduct but may contain occurrences of affection;

(v) Sexual violence 'SV'– content may not contain any occurrences of implied, verbal or actual sexual conduct;

(vi) Violence 'V' – content may contain occurrences of implied, verbal or actual low to mild impact violence;

(vii) [Gender- based Violence 'GBV' – content may contain only scenes of implied or verbal low impact gender-based violence, with no noticeable effects, but no scenes of actual gender-based violence;] and

(viii) Criminal Techniques 'CT'– content may not contain any occurrences of implied, verbal or actual criminal techniques.

(5) Strong (16)

(a) Themes of an adult nature should not be exploitative or cause moral harm;

(b) Single or cumulative occurrences of classifiable elements;

(c) May have textual description and visual presentation of certain classifiable elements such as nudity, sexual conduct, or violence;

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(d) However, any textual description of sexual violence must be treated discreetly, and may not contain any visual presentation of sexual violence;

(e) No details or close-ups of nudity, sexual conduct or violence;

(f) Classifiable elements are not exploitative and gratuitous;

(g) The content contains classifiable elements that have a moderate impact, with some elements having a strong impact, as set out below:

(i) Language 'L' – content may contain only occurrences of implied, verbal or actual moderate impact language;

(ii) Nudity 'N' – content may contain only occurrences of implied, verbal or actual moderate impact nudity;

(iii) Prejudice 'P' – content may contain only occurrences of implied, verbal or actual moderate impact prejudice if it is clearly disapproved;

(iv) Sexual conduct 'S' – content may contain only occurrences of implied, verbal or actual moderate impact sexual conduct;

(v) Sexual violence 'SV' – content may not contain any occurrences of implied, verbal or actual sexual violence;

(vi) Violence 'V' – content may contain only occurrences of implied, verbal or actual moderate impact violence;

(vii) Gender-based Violence 'GBV' – content may contain only scenes of implied or verbal moderate impact gender-based violence, but no scenes of actual moderate impact gender-based violence; and

(viii) Criminal Techniques 'CT' – content may contain only limited occurrences of implied, verbal or actual criminal techniques.

(6) Very Strong (18)

(a) May contain details and close-ups of classifiable elements;

(b) Textual description or visual presentation of certain classifiable elements such as sexual conduct or violence;

(c) Any textual description or visual presentation of sexual violence that does not contain explicit sexual violence which violates or disrespects the right to human dignity;

(d) Publications with an age restriction of 18 must distrusted in an opaque wrapper that must clearly indicate the age restriction;

(e) The content contains classifiable elements that have a moderate impact, with some elements having a strong or very strong impact, as set out below:

(i) Language 'L' – content may contain only occurrences of implied, verbal or actual strong to very strong impact language;

(ii) Nudity 'N' – content may contain only occurrences of implied, verbal or actual strong impact nudity in sexual contexts;

(iii) Prejudice 'P' – content may contain only occurrences of implied, verbal or actual strong impact prejudice;

(iv) Sexual conduct 'S' – content may contain only occurrences of implied, verbal or actual strong impact sexual conduct;

(v) Sexual violence 'SV' – content may contain only occurrences of implied, verbal or actual strong impact sexual violence;

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(vi) Violence 'V' – content may contain only occurrences of implied, verbal or actual strong to very strong impact violence; and

(vii) Gender- based Violence 'GBV' – content may contain only scenes of implied, verbal or actual strong impact gender-based violence but may not contain scenes of implied, verbal or actual explicit gender-based violence; and

(viii) Criminal Techniques 'CT' – content may contain only limited occurrences of implied, verbal or actual criminal techniques.

(7) Refused Classification

(a) Publications must be classified as a "refused classification" if the publication contains –

(i) child pornography, propaganda for war or incitement of imminent violence; or

(ii) the advocacy of hatred based on any identifiable group characteristic and that constitutes incitement to cause harm, unless, judged within context, the publication is a *bona fide* documentary or is a publication of scientific, literary or artistic merit or is on a matter of public interest in which event the publication shall be classified with reference to the guidelines relating to the protection of children from exposure to disturbing harmful or age inappropriate materials.

(b) Where a publication has been classified as a "'refused classification", the chief executive officer shall cause that classification decision to be published by notice in the Gazette, together with the reasons for the decision.

(c) Where a publication submitted to the FPB in terms of this section contains child pornography, the chief executive officer shall refer that publication to a police official of the South African Police Service for investigation and prosecution.

(8) Presumptively Harmful Content – 'XX'

(a) Publications must be classified as 'XX' if they depict the following, as set out in section 16 of the Act:

(i) Explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;

(ii) Bestiality, incest, rape or conduct or an act which is degrading of human beings;

(iii) Explicit infliction of domestic violence;

(iv) explicit infliction of gender-based violence; or

(v) Explicit visual presentations of extreme violence;

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

(b) The interpretation of subsection (8)(a)(i)-(iv) above includes instances of:

(i) Detailed instruction in or promotion of matters of crime or violence;

(ii) Gratuitous, exploitative or offensive depictions of sexual conduct, including harmful paraphilias;

(iii) Any content including depictions or dialogue likely to encourage an interest in harmful paraphilias or sexual violence;

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(iv) Gratuitous, exploitative or offensive depictions of violence that are presumptively harmful, or that are excessively frequent or detailed, or that depict cruelty to humans and animals, or occurrences of real violence that are presumptively harmful;

(v) Detailed instruction in the use of proscribed drugs and content promoting or encouraging their use;

(vi) Instances where participants are legally incapable of consenting to participate in sexual conduct or explicit sexual conduct and who appear to be *non compos mentis* (not of sound mind – i.e. in a drug- or alcohol-induced state, or mentally ill, and the like).

(c) Any content that has been classified as 'XX' must be reported to the Chief Executive Officer for publication in the Gazette, together with the reasons for the decision.

(9) Restricted Distribution Content – 'X18'

(a) Publications must be classified as 'X18' if it contains explicit sexual conduct, unless, judged within context, the publication is a *bona fide* documentary or is a publication of scientific, literary or artistic merit or is on a matter of public interest, in which event the publication shall be classified with reference to the guidelines relating to the protection of children from exposure to disturbing, harmful and age inappropriate materials.

(b) Publications classified as 'X18' contain one or more classifiable elements of strong or very strong impact.

(c) Any publication which has been classified as 'X18' the Chief Executive Officer shall cause that classification decision to be published by notice in the Gazette, together with the reasons for the decision.

7. EFFECTIVE DATE

These Guidelines shall become effective one (1) month after the date of publication in the Government Gazette.

8. AMENDED GUIDELINES

These Guidelines amend the Guidelines published in terms of the Act as 'Classification Guidelines for the Classification of Films, Interactive Computer Games and Certain Publications' dated 1 July 2022 in Gazette notice 46649.

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