

Decision of the Films Censorship Board of Review

IN the matter of the Cinematograph Films Act 1976, and in the matter of an application by Everard Films Ltd., for a review of the film "Immoral Tales".

THE FILMS CENSORSHIP BOARD OF REVIEW

Messrs A. B. Beatson, S.M. (chairman), W. Colgan, R. Tanner, Dr R. A. Sharp, Mrs M. T. Cole, Mrs V. Forbes (Professor E. M. Dalziel, o.B.E., was absent on 23 March 1978).

Review: 2 December 1977; adjourned to 23 March 1978.

DECISION

EVERARD FILMS LTD., the distributor of the film "Immoral Tales", sought a review of the Chief Censor's decision refusing to approve the film for exhibition. The applicant's case was presented in writing and was primarily based on the submission that because of the film's overwhelming artistic merit, regardless of theme, it should have been approved for exhibition and that it should be viewed as the director intended, i.e., that although each of the four episodes was inherently unpleasant, Borowczyk the director was doing so to see by just how much the unpleasantness could be overwhelmed by the beauty in which it was cloaked. The Chief Censor was asked to reply to the submissions of the applicant and did so in writing dealing with each episode in turn. He contended that the film was likely to be injurious to the public good, in particular because of the manner in which it treated anti-social behaviour, cruelty, sex, horror, presented offensive behaviour, and in particular the extent and degree to which the film denigrated the religious beliefs of a significant number of the community, i.e., those of the Roman Catholic faith.

The film was made up of four separate and virtually unrelated stories, the first of which included a lengthy fellatio scene, the second of which dwelt on female masturbation, the third of which included in addition to one horrific episode where the heroine bathed in the blood of the massacred maidens, a lengthy lesbian scene, and the fourth episode depicted in graphic detail some of the sexual excesses of Lucretia Borgia and in particular multiple sex scenes with blood relatives and desecration of the Cross.

In approaching its task of reviewing the film and if necessary substituting its opinion for that of the Chief Censor the board initially dealt with each of the episodes individually and then reviewed the film *in toto*. In so far as episodes one and two were concerned the majority of the board considered that these would be marginally suitable for general exhibition with a restricted certificate. As far as episode three was concerned the board was concerned when applying the criteria laid down under section 26 (2) (c) with the extent and degree to which the film depicted anti-social behaviour, horror, sex, and cruelty and no unanimous view was reached as to whether or not, taken on its own, this episode could be considered fit for general exhibition. As far as the fourth episode was concerned it was the unanimous view of the board that the scenes involving desecration of the Cross, incest, multiple sex, and blasphemy were such that when applying the criteria laid down in section 26 (2) (c) and (d) episode four in itself would be injurious to the general public good.

The film was then reviewed as a whole and it was unanimously the opinion of the board that although "Immoral Tales" had undoubted artistic merit the film was likely to be injurious to the general public good when applying the criteria laid down in section 26 (2) (c) and (d). In particular it was felt that the anti-clerical sentiments expressed in the fourth episode and the gratuitous debauching of Lucretia Borgia on a replica of the Cross went far beyond the degree which would be acceptable to the general public in its denigration of religious beliefs and in particular those of the Roman Catholic faith. Accordingly in accordance with its authority under the Cinematograph Films Act 1976, section 84 (5), and the regulations promulgated thereunder the Films Censorship Board of Review declined to approve the film for exhibition and upheld the censor's ruling.

However the board was of the view that because of the film's artistic merit and the importance of its director consideration should be given to a limited approval of the film for exhibition at certain film festivals only. Accordingly the hearing was adjourned to enable the applicant to make further submissions and apply if it saw fit for approval of the film for exhibition at the Wellington and Auckland film festivals. When the matter came on for hearing again on 23 March 1978 the applicant indicated by letter that it would seek the board's indulgence to have the film approved with a restricted certificate to play the full festival circuit of six cities. It was agreed by that board that its original decision should be reviewed and accordingly the board approved the

film "Immoral Tales" for exhibition at the Wellington, Auckland, Christchurch, Dunedin, Hamilton, and Palmerston North film festivals (as defined under section 2 of the Act) for showing with a RFF R20 certificate.

All members of the board were present at its first sitting and Mrs Cole dissented from the decision in so far as it related to the restrictive approval for showing of the film at film festivals only. At the second sitting of the board when the matter was finally considered Professor Dalziel was absent and Mrs Cole maintained her dissent in so far as film festival showing was concerned.

Dated this 20th day of April 1978.

A. B. BEATSON, Chairman.

(I.A./Cul. 2/17/2)

Decision of the Films Censorship Board of Review

IN the matter of the Cinematograph Films Act 1976, and in the matter of an application by Twentieth Century Fox Film Corporation (N.Z.) Ltd., for a review of the feature film "Born Losers".

THE FILMS CENSORSHIP BOARD OF REVIEW

Messrs A. B. Beatson, S.M. (chairman), W. Colgan, R. Tanner, Dr R. A. Sharp, Mrs M. T. Cole, Mrs V. Forbes (Professor E. M. Dalziel, o.B.E., was absent).

Review: 23 March 1978.

DECISION

HAVING conducted a review of the film, "Born Losers", on 23 March 1978, and in accordance with its authority under the Cinematograph Films Act 1976, section 84 (5), and the Cinematograph Films Regulations 1977, reg. 11 (2) (e), the Films Censorship Board of Review decided to approve the film for exhibition, to classify it as approved for exhibition to those aged 18 years and over and to direct the Chief Censor to enter the board's decision in the Register of Films. In view of the fact that the distributor proposes to exhibit a print (or prints) different from the one that the board viewed, the board, in accordance with its powers under the Act (section 84 (6)), directs the Chief Censor of Films to excise such material from the new print (or prints) as to bring it (or them) into consonance with the print that the board viewed.

In reaching its decision as to whether or not the film "Born Losers", was likely to be injurious to the public good (section 21 (1)) the board took into account the matters specified in section 26 (2) and (6). The board took the view that the likely effect of the film on audiences aged 18 years and over would not be injurious to the public good. It was agreed, in considering section 26 (2) (b), that the film had little or no artistic merit, and that its value was no greater—though no less—than that of a run-of-the-mill escapist action movie. Moreover, the board did consider that there was *prima facie* cause for concern on matters arising under section 26 (2) (c), in particular the anti-social behaviour of the bikie gang on the one hand, especially where they attempted to pervert the course of justice by intimidating witnesses to their crimes, and on the other hand, the vigilante tactics of the hero, Billy Jack, where he took the law into his own hands. The board considered, however, that the word "likely" occurring in the criteria of judgment of section 26 (1), had to be interpreted strictly, and that a suggested interpretation, viz. "possible" had to be rejected. It was agreed that the film did depict anti-social behaviour, but then so did many films depicting crimes, sins, and immoralities, and the question properly to be decided was to be whether an audience viewing these actions was likely to be influenced in such a way that would be injurious to the public good. It was felt it would not be, in view of the fact that the New Zealand public have shown themselves capable of satisfactorily containing the problem of intimidation of witnesses—though no doubt they wish there were no problem and that they were better equipped with money and manpower to eradicate it. The board also felt that, given the problem—and it seems an established fact of life—few people would learn anything new from the film, and that it would be extremely unlikely that any hitherto ignorant movie-goer viewing the film would be persuaded of the desirability of such a course of action, not least because of the bad end the villains came to. The board felt that vigilantism was not, nor was it likely to become a problem in New Zealand; and if it were to, it would be unlikely to do so in the context of bikie gangs (except insofar as they exercise it on one another) or as a consequence of audiences viewing "The Born Losers". As to the cruelty, violence, crime, and sex present in the film, and necessary to be considered under section 26 (2) (c), these seemed to the board to be no more remarkable than in