

addressed matters which it is required to take into consideration pursuant to section 21 of the Act and concluded:

(a) The dominant effect of the video is the depiction of crime and violence.

(b) The video has no artistic, social or cultural merit. The story is implausible and unbelievable, difficult to follow and the acting extremely bad.

(c) The video is likely to be viewed predominantly by teenagers.

(d) An extensive amount of anti-social behaviour is depicted. At best twenty slayings by cruel and violent means are shown. Many are filmed in close-up and are protracted. There is a total lack of remorse and a casual reaction to the violence and endless slayings. Drug dealing, drug taking, power and corruption are also incorporated into the video but these anti-social activities do not dominate the video.

(e) No particular class of the general public are denigrated.

(f) The video is intended for home viewing by a predominantly teenage audience.

(g) The dialogue is simplistic, predictable and badly written. It was not excessively offensive.

5. The board considers that the manner in which the anti-social activity is portrayed with the total lack of remorse, the taking of the law into the principal characters own hands and the casual response to the violence would be injurious to the young audience to whom the video is principally directed. The majority of members consider however that an older age group would see it as an implausible trite story with the antisocial activity not having the injurious effect and impact that it may have on a younger audience.

By a majority of 3 to 1 the board has determined that the video *Fresh Kill* be classified as indecent in the hands of persons under the age of 18 years with the description CONTENT MAY DISTURB. One member of the board is of the view that it be classified as indecent.

B. CUTRESS, Chairperson.  
go197

5

### Decision of the Video Recordings Board of Review

1. A review of the video *Cousins* was sought by the Society for Promotion of Community Standards (the applicant) pursuant to section 36 of the Video Recordings Act 1987 (the Act).

2. The Video Recordings Board of Review (the Board) re-examined the video in accordance with section 38 of the Act and reached its decision without having to consult the Video Recordings Authority or the applicant.

3. The video comprises a series of unrelated scenes each of approximately 15–20 minutes and each depicting a range of explicit homosexual sexual activities.

After a brief introductory family scene, which is the only time women are seen in the video, two cousins meet after a long absence. They are later seen sharing the same bedroom which provides the setting for the first depiction of the homosexual activities which dominate the rest of the video. In the series of unrelated scenes which follow two or three and, in one scene, four young males are shown performing a wide range of explicit and multiple sexual activities which includes masturbation, ejaculation, fellatio, anal exploration and intercourse. Many of the scenes are shot at very close range.

The majority of the scenes involves young males who are friends but in one scene two young males are paid to perform sexual acts with another male.

4. The Board considered the matters that it is required to address pursuant to section 21 of the Act and concluded that:

(a) The dominant effect of the video is the depiction of homosexual activities for viewing predominantly by male homosexuals.

(b) The video has no artistic, social or cultural merit. It has no storyline and is repititious. Variety is obtained only by varying the setting in which the sexual activities take place and the number of young males in each scene.

(c) The video would be viewed predominantly by adult homosexual males.

(d) No cruelty, violence, intimidation, sadism is shown in the video. All the sexual activities are participated in by willing, consenting males. Little sensitivity is portrayed in the relationships and the overall impression is one of casual relationships purely for sexual gratification.

(e) No denigration of any class of people is depicted.

(f) The video would be used for home viewing principally by a male homosexual audience. It would have little relevance or interest to a heterosexual audience.

(g) The soundtrack was not an integral part of the video. Coarse dialogue, comprising short trite sentences and which was frequently difficult to hear contributed nothing to the video. There were long silences and at times a repititious musical background accompanied the sexual acts which, like the dialogue, did not enhance the video.

5. The Board is concerned at the manner in which the homosexual activities are depicted. They could give the impression that such activities are the norm for all young males because of the matter of fact manner in which they are portrayed. Young immature males could gain a wrong impression from the video.

It is most regrettable that no warning accompanies the video that it portrays unsafe sexual activities or that the use of condoms is recommended when such activities are practised. The Board recognises however that it only has power to require deletions, not additions, to a video. It regards this as a serious omission in the Act.

6. The Board unanimously agrees that for the reasons outlined above, the video be classified as indecent in the hands of persons under the age of 18 years with the description CONTAINS EXPLICIT SEXUAL MATERIAL.

B. CUTRESS, Chairperson.  
go193

5

## Justice

### Broadcasting Act 1976

Decision No. 46/88

Reference No.: COM 22/87

#### Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Lewis Charles Baker** of Dunedin:

*Warrant Holder:* Broadcasting Corporation of New Zealand, Television New Zealand:

*Chairman:* B. H. Slane.

*Members:* Ann E. Wilson and Robert Boyd-Bell.

*Co-opted Members:* Brian W. Stevenson and Maurice J. Sheehan.

#### Decision

Dated the 23rd day of December 1988.

On 2 October 1987, Mr Baker referred his complaint to the Tribunal when the Broadcasting Corporation of New Zealand failed to uphold it.

#### The Complaint:

His complaint concerned Steinlager sponsored promotional advertisements for World Cup Rugby which featured All