

IN THE MATTER OF

The Films, Videos, and
Publications Classification
Act 1993

AND

IN THE MATTER OF

an application for review
by United International
Pictures (NZ) of a 35mm
film entitled:

8 Mile

SUBMISSION OF THE OFFICE OF FILM AND LITERATURE CLASSIFICATION

1. Tena koutou, tena koutou, tena tatou katoa. Kia piki te ora i roto i nga whakataou o te ra.
2. The Office of Film and Literature Classification (the Classification Office) has read the submission of the applicant UIP received on 7 February 2003 in which it argues that the film *8 Mile* should be classified R13 in light of its Australian M rating and the fact that it is essentially a "good news" story of talent and strength of character overcoming adversity.
3. The Classification Office classified *8 Mile* R16 with the note "contains violence, offensive language, drug use and sex scenes". As there would appear to be agreement that the film gets through the s3(1) sex, violence and crime gateways and that it contains nothing falling within s3(2), the issue presented to the Board is essentially whether the Office's classification of R16 should be reduced to R13. The Board here will have to draw upon its knowledge of the differences between how 13 and 16 year olds are likely to read this film in order to assess the extent of any injury to the public good that could be caused by *8 Mile* being made available to a younger group. Of course it is open to the Board to come to a classification other than R13 or R16 after consideration of the criteria in s3(1), (3) and (4).
4. Section 3(1) requires the Board to assess whether the film describes, depicts or otherwise deals with matters such as, in this case, sex, crime, and violence. It must also assess whether the manner in which these things are

depicted is likely to injure the public good. Of particular relevance to these criteria are the following scenes:

Sex:

- (a) Rabbit comes home to find his mother having sex on the couch by bouncing up and down on her boyfriend;
- (b) Alex somewhat provocatively licks her hand and places it between her legs for lubrication when she and Rabbit have sex in the factory;
- (c) Rabbit's mother complains to him that her boyfriend doesn't "go down" on her any more;

Violence:

- (d) Rabbit fights with Greg after he insults and then begins to beat Rabbit's mother, who begs Rabbit to stop and Greg to stay with her, in front of Rabbit's increasingly distressed little sister who hides under the table;
- (e) Rabbit is beaten and kicked by a rival rap gang while his little sister watches, increasingly distressed, through the trailer window;

Crime:

- (f) reasonably pervasive and casual drug use throughout the film

5. Section 3(3) requires the Board to assess the extent and degree to which, and the manner in which, the film portrays any of the matters listed therein. Although the scenes above do not easily fit most of the criteria, it could be argued that the film depicts physical conduct of a degrading nature with respect to Kim Basinger's character. The context in which the depictions occur are important, however, as her character ultimately redeems herself to some extent, (with the assistance of a lucky bingo win).
6. Turning to s3(4), the Classification Office agrees with the applicant that the film has artistic merit and social importance as a story of talent transcending adversity. It is *A Star is Born*, but with Eminem playing the Barbra Streisand role. The film is also significant for recording a shift in rap discourse away from issues of race and towards issues of socio-economic class. It has received and been nominated for a number of awards, including an Oscar nomination this year for best song ("Lose Yourself"), and a Chicago Film Critics Award nomination of Eminem as most promising performer.
7. *8 Mile* has received the following classifications in other jurisdictions known to the Office:
 - Ireland: 18
 - British Columbia: 18A
 - Alberta: 18A

Hong Kong: IIB (not suitable for under 18)

USA: R

Singapore: 16

UK: 15

Norway: 15

Finland: 15

Ontario: 14A

Quebec: 13

Portugal: 12

Germany: 12

Netherlands: 12

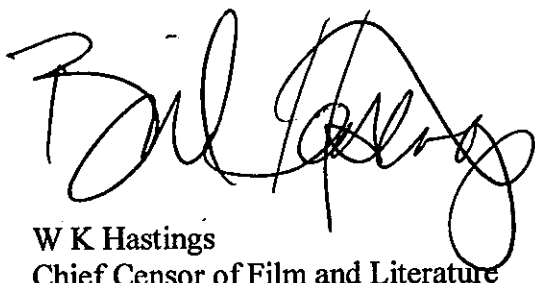
Switzerland: 12

Sweden: 11

Australia: M

8. The Classification Office submits that a restriction to teenagers 16 years of age and over is sufficient to prevent any injury to the public good that could be caused if the film were to be made available to 13, 14 and 15 year olds less able to distance themselves from the reasonably strong, and to them disturbing, scenes of domestic violence witnessed by Rabbit's little sister. Teenagers under the age of consent may well be having sex, but they are also less likely to be able to contextualise the film's sex scenes. The portrayal of cannabis use as an accepted part of the characters' lifestyle would tend to legitimise antisocial and illegal behaviour in the minds of younger viewers, which again is likely to cause injury to the public good.
9. An R16 classification is a remedy that is sufficient to remove the injury likely to remain with a lower restriction, and is also therefore a reasonable limitation on the freedom of expression that can be demonstrably justified in a free and democratic society.
10. Na reira kati ake mo tenei wa. Tena ano koutou e whakarongo mai nei ki nga take e pa ngakau ana ki a matou. Tena koutou, tena koutou, tena tatou katoa.

DATED at Wellington this 20th day of February 2003.



W K Hastings
Chief Censor of Film and Literature