

IN THE MATTER OF The Films, Videos, and
Publications Classification
Act 1993

AND

IN THE MATTER OF an application under s47 by
the Society for the Promotion
of Community Standards for
a review of a computer game
distributed by Monaco
Corporation entitled:

Playboy: The Mansion

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 whakatau o te ra.
2. The Office of Film and Literature Classification (the Office) received the written submissions of the applicant, the Society for the Promotion of Community Standards (the Society) dated 27 May 2005 and of the game's New Zealand distributor, Monaco Corporation, dated 26 May 2005, on 27 May 2005.
3. Section 52(2) requires every review to be by way of "re-examination of the publication ... without regard to the decision of the Classification Office." It is not the function of the Board, therefore, to review the decision of the Classification Office. This proceeding is instead a fresh look at the film by another classification body with the purpose of producing an independent classification.
4. *Playboy: The Mansion* was classified R16 with the note "Contains sex scenes" by the Classification Office on 7 February 2005. It has received the following classifications in other jurisdictions:

UK	18
USA	M17+ (Entertainment Software Ratings Board)
Austria	16
Belgium	16
Switzerland	16
Denmark	16
Spain	16

France	16
Greece	16
Ireland	16
Italy	16
Luxembourg	16
Netherlands	16
Norway	16
Sweden	16
Portugal	16
Germany	16
Iceland	16
Finland	15
Australia	MA15+

5. The Society submits in its appendix dated 27 May 2005 that “when the overall effect of the game and its impact on young persons is considered, it is more appropriate to classify it as R18”. In its letter dated 3 February 2005 to the Secretary for Internal Affairs, the Society states what it believes to be the game’s impact on young persons. The Society states that the game requires “an attitudinal shift that condones and takes pleasure from promiscuity”, its focus on sexual titillation will “adversely affect young people and adults alike” and it has the potential to “inure players to promiscuity, the pernicious and sick mindset of a pimp and pornographer who all exploit, demean, degrade and dehumanise women for sordid gain.”
6. In terms of s3(1), the game clearly deals with matters of sex. However, sex is merely one of six “drives” that a player must maintain in a state of health. In *Playboy: The Mansion*, “sex” includes talking to the opposite sex, flirting, hugging, kissing and occasionally what appears to be sexual intercourse. Although male and female breast nudity is shown, genitals never are, and sex takes place while the characters are clothed. The player can only invite a non-playable character to have sex; the invitation does not always result in sexual activity. Further, it is not possible to invite sex with a non-playable character before a great deal of time has been spent on non-sexual activity with her, such as chatting her up, having dinner, arranging an interview or buying her presents. The vast majority of the gameplay is slow-going and involves building up the Playboy business by publishing a magazine, organising a music festival, throwing parties and launching an internet presence. Much of the gameplay is drawn-out and seems rather far-fetched and silly. This is re-enforced by the low quality CGI (computer generated images) and the cartoonish appearance of the characters and settings.
7. As the “sex” takes up a relatively small part of the gameplay, is time-consuming to achieve and is presented with low-quality CGI, it is difficult to see how the game injures the public good by inuring players to, or encouraging them to take pleasure from, promiscuity.
8. The Society adds that if the Board “insists on retaining the R16 rating, then its [the game’s] use should be restricted limited to video games parlors where the age restriction can be closely policed”, presumably because the Society has greater faith in the ability of video parlour employees to enforce an age restriction than

parents in their homes. It is difficult to understand how imposing a higher classification will ensure greater enforcement of, or compliance with, that classification than would be the case with a lower classification.

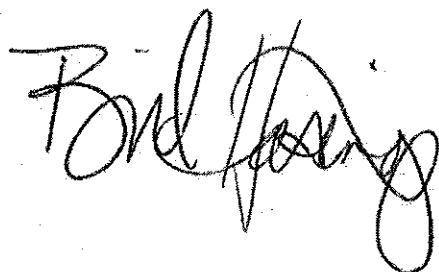
9. The Society is well aware that the Act does not provide for a classification that excludes age-restricted computer games from the home, or that limits such material to video parlours. Indeed, the Society successfully argued against such medium-based classifications in its appeal of the classification of *Baise-Moi* to the Court of Appeal¹:

[44] We also accept Mr McKenzie's submission that the Board was wrong to make two separate classifications. In our view s 26 is clear in its terms, and the Board is not permitted to classify a publication in film format differently from the same publication in video or DVD format. The Board made an error of law in doing so.

The Society cannot now resile from the consequences of the argument it put so persuasively in the Court of Appeal.

10. As the sexual content of the game is consistent with, or lower than, that appearing in *Playboy* magazines that have been classified R16, the Office submits that a similar classification of *Playboy: The Mansion* would be consistent with the magazine's classification and with the majority of the game's overseas classifications. Such a classification would prevent injury to the public good by preventing the exposure of more mature sexual content to impressionable young persons.
11. 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 2nd day of June 2005.



W K Hastings
Chief Censor of Film and Literature

¹ Re Baise-Moi, CA239/03, Court of Appeal, 9 December 2004.