

**“Pestilent literature is a poison which corrupts the heart and undermines virtue, but its dreadful havoc is outdistanced by the pernicious effects of the filthy picture screen.”**

(Fr. Paul, O.F.S.C., Dublin Vigilance Committee, 1915)



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To: **Dermot Ahern, TD**

*Minister for Justice, Equality and Law Reform*

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Dear Minister,

I am pleased to present the Annual Report of the Film Censor for 2007, as prescribed by Section 29 of the Video Recordings Act, 1989.

- Our main aim during the year was to promote IFCO's remit as a modern agency that provides consumer advice and information for parents and the public about cinema films, DVDs and video games.
- The total number of cinema films certified was virtually the same as in 2006, although the proportion of non-mainstream and specialty films increased dramatically. This welcome trend can be largely attributed to the lower fees IFCO now charges for certifying limited release films.
- The total number of DVDs certified was down 20%, which may relate to an increase in internet video downloading, although many distributors would attribute it to the absence of a reduced fee arrangement for minority interest DVD titles, similar to that which applies for limited release films. I understand that the Civil Law (Miscellaneous Provisions) Bill, as drafted, includes an amendment to the 1989 Video Recordings Act, which would give effect to such an arrangement.
- Our ongoing research into issues related to screen classification, a priority at this Office in recent years, sees us publishing two research surveys in conjunction with this report. The first, a scoping study of the challenges posed to film

and DVD classification resulting from rapid global technological change, was carried out by Dr. Jim Barratt, the UK film and media consultant. The second, an attitudinal research survey on a number of issues relating to classification, was carried out for IFCO by MRBI. The summary findings are referred to in the Key Developments section of this Report at page 7, and are published on our website **[www.ifco.ie](http://www.ifco.ie)**

- The number of visitors to the IFCO website, which provides parents and the public with user friendly consumer advice and information, was up 45% on last year. Unfortunately, however, this increase should be seen in the context of the response to a question in the MRBI survey, which came as a surprise, and indeed a disappointment, to us at IFCO: namely, that only 12% of respondents (1,000 persons, aged 15+) said they were aware of the IFCO website. Although awareness among the cinema going age group was higher, the overall figure clearly indicates that a large number of parents remain unaware of the consumer information our website provides. In that context, I am obliged to point out that the budget for our public awareness campaign, specifically aimed at promoting greater website awareness, was significantly cut back in 2007 to facilitate funding IT updates, with further cuts on the cards for 2008. As this is such a core element of what we do, I would earnestly urge you to review how this comparatively modest amount could be restored.

## “..a large number of parents remain unaware of the consumer information our website provides.”

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- The vast majority of classification decisions tend not to attract media attention or public controversy, with some exceptions: in recent years *The Passion of the Christ*, *Bad Santa* and *9 Songs* all attracted some attention for disparate reasons. Last year’s most controversial decision was our banning of the ultra-violent video game, *Manhunt 2*, which generated wide-spread media coverage. While we received numerous complaints from outraged gamers, it is interesting to note the MRBI survey showed eight out of ten persons approved of IFCO’s decision. (See page 7)
- In the area of moving image education, another priority for us at IFCO, we participated in an ongoing programme of screenings and discussions as part of the transition year module in moving image education. This worthwhile project is led by the Irish Film Institute in conjunction with the Department of Education, the Arts Council, the Irish Film Board and IFCO. Several other focus group screenings and discussions involving adults and young children also took place during the year.
- I am pleased to be able to report to you that Phase 2 of the planned upgrade to IFCO’s integrated IT system, previously postponed, commenced in October. This will enable IFCO’s website to furnish parents and the public with the same kind of consumer advice for DVDs as is currently provided for cinema films.
- The IFCO inspectorate, which monitors compliance with the provisions of the Video

Recordings Act, 1989, and liaises with the Gardaí, had an active year. As a result, a number of alleged breaches of the Act are currently being investigated by the Gardaí.

- In last year’s Report, I raised questions about a role for IFCO in the context of an international media environment which is rapidly changing as a result of digital distribution, video downloading and global media convergence. In February, I was invited to make a presentation, entitled ‘From Stop Sign to Signpost’, at an international conference of classifiers in Sydney, where these issues were discussed. I look forward in due course to the opportunity of briefing you on some of these issues in the context of their implications for the future of a statutory agency like IFCO.
- Finally, I would like to express my appreciation of the contribution made by my colleagues, Ger Connolly, the Deputy Censor, his team of Assistant Censors, our Office Manager, Ann O’Kelly, and my civil service colleagues at IFCO and in the Corporate Services division of the Department of Justice, Equality and Law Reform. I would also like to acknowledge the valuable contributions made by Dani McClafferty and Patricia Murphy, whose contracts as Assistant Censors expired in October.

Yours sincerely,



**John Kelleher**  
Film Censor

## FILM CENSOR

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**JOHN KELLEHER**

John Kelleher was appointed Film Censor in April 2003 following a publicly advertised competition process.

Born in Dublin, he graduated with a BCL degree from UCD and a Masters Degree in Drama from the University of Kentucky. He was called to the Bar in 1971. As a producer/director in RTE, he produced many award winning programmes, including *Strumpet City* and *Even the Olives Were Bleeding*. He was appointed Controller of Television Programmes in 1980 and established the *Today Tonight* programme in the same year. He left RTE in 1983 to become Managing Director of The Sunday Tribune.

For over twenty years, he was one of Ireland's leading independent film and television producers. He has produced six cinema films, including *Eat the Peach*, which he co-wrote, as well as six television drama series, numerous documentaries and four series of TV3's current affairs flagship, *Agenda*. His daughter Roisín is a senior producer with BBC Belfast and his son Maccara is a Dublin-based film and television producer.

## KEY DEVELOPMENTS

### “IFCO actively welcomes feedback from parents and the public..”

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#### OPERATIONAL ACTIVITY

While the total number of films certified in 2007 was broadly the same as in 2006, the total number of DVDs certified decreased by 20% for the reasons referred to at page 2.

A breakdown of the categories and classification ratings of films and DVDs classified, as well as licences issued and other information, is given at pages 20-22 of this Report.

#### CINEMA FILM CERTIFICATES

41 films were rated ‘16’ during the year and 18 were rated ‘18’, an outcome broadly similar to 2006, when 42 were rated ‘16’ and 22 were rated ‘18’.

The ‘16’ certificate, introduced three years ago, continues to meet with public and parental approval, slotting comfortably, as it does, between ‘15A’ and ‘18’.

There appears now to be a general awareness and acceptance that IFCO’s ‘18’ certificate denotes a film with content inappropriate for other than adult viewing, i.e., it is likely to contain very graphic, gory violence, (e.g. *Eastern Promises*), very explicit and/or violent sexual content, (e.g. *Lust, Caution*), or strong drugs content, especially where this may include a potentially instructional element, (e.g. *Shrooms*).

IFCO actively welcomes feedback from parents and the public about our classification decisions. Although violence and hard drugs remain the

primary concern of the majority of parents, it is interesting to note that most of the relatively few complaints we receive relate to romantic comedies (‘romcoms’), which are rated 12A or 15A, and which contain mild or moderate sexual references and situations.



Dani McClafferty, IFCO’s cinema liaison officer, visiting the Movies @ Dundrum multiplex.

Our qualitative research strongly suggests that the main problem here - for parents and adolescents alike - is not so much the content, which neither party feels is harmful in itself, but rather the embarrassment caused to each when watching it together.

#### LIMITED RELEASE CINEMA FILMS

It is encouraging to note that the number of limited release cinema films certified in 2007 was 121, as compared to 86 in 2006, and 75 in 2005.

A limited release cinema film is one distributed

## “80% agreed with the recent decision of the Film Censor to ban the video game *Manhunt 2*.”

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on six prints or less. Distributors pay IFCO a certification fee based on the running time of the film. The fee for certifying a mainstream title is €12 per minute, whereas, since 2004, the fee for certifying a limited release title is €3 per minute, which makes it commercially feasible for a distributor to release an art movie outside the club circuit.

So last year, for example, while the certification cost of *Spiderman 3* was €1700, *Pirates of the Caribbean: At World's End* was €2000, and *P.S.: I Love You* was €1500, limited release films like *Garage*, *Once*, *The Counterfeiters* and many others (including 20 'Bollywood' titles) cost on average €300 each.

### DVD CERTIFICATES

At present, the age classifications for DVDs and for cinema releases are the same (G, PG, 12, 15, 18), except for the 16 cinema classification, which has no DVD equivalent. DVD classifications are determined by legislation, whereas cinema classifications are at the discretion of the Film Censor, a more logical arrangement allowing appropriate flexibility. Also, the distinctive colour coding used for the cinema age ratings is not possible in the case of DVDs, where the existing labelling is governed by Statutory Instrument. As our website will soon be enhanced, to include consumer information on DVDs as well as on cinema films, it would be timely to review this situation so as to achieve colour coding harmony of certificate labelling.

### PROPOSAL FOR LIMITED RELEASE DVDs

As referred to in my three previous Annual Reports, and in this one at page 2, Irish and foreign DVD distributors continue to express concern at the costs of distributing minority interest DVD titles in Ireland. They have repeatedly urged that minority interest DVDs should be certified on a basis similar to the reduced fee scale that applies for limited release cinema films. I am advised by the Department of Justice, Equality and Law Reform that this will become possible when the Civil Law (Miscellaneous Provisions) Bill, currently before the Oireachtas, and which includes a provision in this regard, is enacted.

As regards piracy, IFCO is a member of the industry-wide working group which the Minister for Justice, Equality and Law Reform established in 2006 to coordinate a campaign targeting the eradication of intellectual property piracy, a crime which, it is believed, siphons some €300 million annually from the industry and the exchequer.

### RESEARCH

Two research surveys commissioned by IFCO were completed during 2007.

The first, a scoping study to examine the options for classifiers in a digital age, by Dr. Jim Barratt, the international film and media consultant, was mentioned in the Future Developments section of last year's Annual Report. Dr. Barratt's findings were discussed

## “72% of respondents would like to see IFCO’s age ratings appear before films shown on Irish TV channels.”

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at a conference of international classifiers in Sydney in February, as part of a presentation by John Kelleher (see page 13). They were subsequently published on the IFCO website during the year.

The second, conducted via MRBI’s telephone omnibus survey, PhoneBus, examined perceptions and attitudes towards selected classification issues. The fieldwork took place in the third week of November, and the respondent sample consisted of 1,000 persons, aged 15+, representative of the national population in terms of gender, age, social class and region.

The main findings, which are published in full on the IFCO website in conjunction with this Annual Report, were as follows:

- 72% of respondents would like to see IFCO’s age ratings appear before films shown on Irish TV channels (i.e. RTE, TV3, TG4 and Channel 6). 27% were not in favour, with 1% ‘Don’t Knows’.
  - 85% of respondents would like to see IFCO’s age ratings as advice or guidance on films downloaded over the internet, (even though respondents were advised video downloads are currently outside IFCO’s remit). 14% were not in favour, with 1% ‘Don’t Knows’.
  - Asked which types of media were seen to have the greatest potentially negative influence on children, 44% said the internet, 32% video games, 17% television, 4% DVD, and 2% cinema.
  - Asked which of the following is potentially the most harmful for a child in a film, 63% said violence, 21% drugs, 11% sex, and 4% bad language.
  - 80% agreed with the recent decision of the Film Censor to ban the video game *Manhunt 2* on the grounds that its level of ‘gross, unrelenting and gratuitous violence was unacceptable’. 16% disagreed, with 4% ‘Don’t Know’.
- As might be expected, the proportion of those disagreeing, although still in a clear minority, was higher among males, students and younger persons (males, 24%; students, 38%; 15-17’s, 42%; 18-24’s, 38%), and the proportion of females agreeing was higher (females, 87%; 35-64, 90%).
- As regards frequency of watching films, whether in the cinema, on DVD or on television, 23% said they watched a film more than once a week, 30% once a week, 29% once or twice a month, 11% less often than that, and 7% said they never watch films.
  - Asked whether films with an 18 classification should be subject to censorship, either by cutting or banning, 56% of respondents said they should, 40% said they should not, and ‘Don’t Knows’ were 3%.
- Note:** this response caused us considerable surprise at IFCO, because it appeared to run counter to the message emanating from our regular focus group discussions on classification

**“Very mild threat and animation fantasy action violence.”**

(Consumer advice for *Shrek the Third* on IFCO’s website)



*Shrek the Third*

Directed by Chris Miller, Raman Hui



## “Notwithstanding the disappointing findings of the MRBI Phonebus survey on website awareness, visitors to the IFCO website increased by 45%.”

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concerns with parents, adolescents and educators. As a result, we plan to explore this question in further research.

Also surprising, and frankly disappointing, was the limited extent to which respondents appeared to be aware of our website, with only 12% of respondents acknowledging they were aware of it. (However, this proportion is double in the 18-24 age group).

### PUBLIC AWARENESS CAMPAIGN

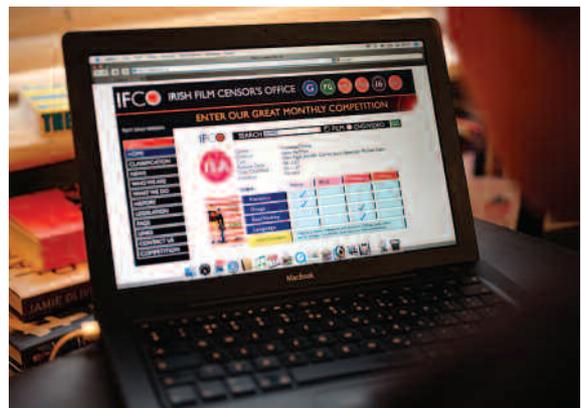
Budgetary restrictions during the year have delayed the second phase of IFCO's public awareness campaign which was aimed at promoting greater awareness of our website. A planned advertising campaign was cancelled and an intensive schedule of school visits and teacher meetings was curtailed. As referred to at page 2, because of the low level of awareness of our website, as pinpointed by the MRBI survey above, any further budgetary curbs to our efforts to promote public awareness of the website during 2008 would be most unfortunate.

### IFCO WEBSITE [www.ifco.ie](http://www.ifco.ie)

Visitors to the IFCO website increased by 45% on 2006, notwithstanding the disappointing findings of the MRBI Phonebus survey on website awareness (see page 2).

Public response to the site, which currently provides parents with consumer advice on

films, and which next year will do so for DVDs, has been positive. Our regular monthly website competitions, where winners attend movie premieres, or win movie-related merchandise, continue to attract interactive interest.



Consumer advice on the IFCO website

Among prizes featured in 2007 were tickets to movie premieres, including *Dreamgirls* (UIP), *The Bourne Ultimatum* (Universal), *Garage* (Element Pictures), *Transformers* (Paramount), *Sweeney Todd* (Warners) and movie related merchandise, such as t-shirts, DVDs, etc., courtesy of Sony, Eclipse, and Buena Vista International.

### IT PHASE 2

In October, work commenced on the second phase of IFCO's integrated IT system upgrade. This will enable IFCO to provide the public with the same kind of information and consumer advice on DVDs that we currently make available for cinema films. It will also facilitate online access for IFCO's business customers, enabling them to make applications for

**“Mild/very mild violence and language and one mild sexual situation.”**

(Consumer advice for *Ocean's Thirteen* on IFCO's website)

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*Ocean's Thirteen*  
Directed by Steven Soderbergh



## “A number of screenings and discussions also took place with the parents of very young children.”

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classification and receive results more speedily. In an era where time constraints and security are paramount, this is a significant and welcome innovation.

### INSPECTOR POST

2007 marked the third full year of operation since IFCO’s Inspectorate was reactivated in 2004.

All retail premises are periodically visited by the IFCO Inspectorate and checked for compliance with the provisions of the Video Recordings Act 1989. Most are found to be compliant, with appropriate action initiated against those in breach of requirements. IFCO continues to liaise with the Gardaí with some prosecutions taking place during the year and others making their way through the legal system.

### FOCUS GROUP SCREENINGS/ DISCUSSIONS

As in recent years, a series of focus group screenings enabled IFCO to engage with and explore the opinions of parents, young persons, second and third level students, educators, psychologists, etc. The responsibility for coordinating IFCO’s focus group screenings/discussions is undertaken by one of our team of Assistant Censors, Mark Brennan.

Among films screened at focus group screening/discussions during 2007 were *The Kite Runner*, *Lady Chatterley*, *Bobby*, *Notes on a Scandal*, *The Simpsons Movie*, *London to Brighton*,

*Half Nelson*, *1408*, *Garage*, *Sicko*, *The Illusionist*, *Zidane*, *Becoming Jane*, *La Vie en Rose*, *Mr. Brooks*, *Hallam Foe*, *Atonement*, *No Country for Old Men*, *Things We Lost in the Fire* and *Lust, Caution*.



A focus group discussion at IFCO.

Among agencies and representative bodies taking part in focus group screenings and discussions during the year were the Adelaide Hospital Society, the Arts Council, Aware, the Hospice Foundation, the Institute of Guidance Counsellors, the Irish Film Board, the Irish Film Institute, the Jesuit Centre for Faith and Justice, the National Parents Council, the Office of the Ombudsman for Children, the Royal Television Society and the National Youth Council. Other participants included many second level students and their teachers as well as students and educators from DCU, Griffith College, IADT, St. Patrick’s Teacher Training College, TCD and UCD. A number of screenings and discussions also took place with the parents of very young children who, in the case of some films, were accompanied by their children.

**“Scenes and images of moderate to strong hyper-realistic, visceral, stylized, fantasy animation violence (note: the effects are intensified in 3-D). Mild/moderate sexual content/references. Mild nudity.”**

(Consumer advice for *Beowulf* on IFCO’s website)

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*Beowulf*  
Directed by Robert Zemeckis



## **“IFCO endorses the PEGI system as a successful initiative which provides a significant aid to parents..”**

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The Film Censor and Deputy Censor also made presentations and spoke about IFCO’s new modernised role at various locations around the country, including Cork, Dublin, Dundalk, Galway, Kilkenny, Kinsale, Letterkenny, Limerick, Sligo and Tralee.

### **TRANSITION YEAR MODULE FOR MOVING IMAGE EDUCATION**

The initiative established in 2005 with the IFI (Irish Film Institute) and the Department of Education, whereby second level students are provided with a platform of screenings and workshops, and engage in discussing classification and censorship issues with IFCO, was further developed during 2007. The feedback from both teachers and students is very positive, with the IFI seeing it as a very useful and educational part of this module.

### **EU AND INTERNATIONAL CLASSIFIER COOPERATION**

In February, the Australian Office of Film and Literature Classification hosted an international classification conference in Sydney, entitled ‘Ratings in the 21st Century: Community Standards in a Borderless Marketplace’, where John Kelleher, was invited to make an audiovisual presentation entitled ‘From Stop-Sign to Signpost’. This showed how Ireland’s previously draconian censorship had changed, from a nanny state moral guardian role to a consumer friendly one with an emphasis on age-related classification.

In September, the Association of European Classifiers held its annual conference in Amsterdam and Hilversum in the Netherlands. At the conference, hosted by the Dutch national classification agency, NICAM, the Film Censor, John Kelleher, who is a member of the Association’s Steering Group, presented European colleagues with an update on recent developments at IFCO.

In October, IFCO hosted the board meetings of PEGI (the Pan-European Game Information system) and ISFE (the Interactive Software Federation of Europe) in Dublin. The Deputy Censor, Ger Connolly, is a member of the PEGI Advisory Board.

IFCO is also a founder member of WMReF (World Media Regulators’ e-Forum), an international electronic forum to facilitate communication within a secure environment between media regulatory bodies across the globe. The main services the WMReF site provides are a confidential forum, a news desk, a research archive and links to media regulators’ official websites and other sites of interest. Jointly owned by its member organisations, membership of WMReF is restricted to media regulators working in the area of film, video and digital media throughout the world. Its membership includes regulators in Australia, Austria, Belgium, Cyprus, Finland, France, Germany, Hungary, Iceland, Liechtenstein, Lithuania, the Netherlands, New Zealand, Norway, Poland, Portugal, Singapore, Slovenia, South Africa, Sweden, the UK and the USA.

**“Themes of obsession, greed and hatred, intensely depicted. Moderate violence and one scene of strong violence.”**

(Consumer advice for *There Will Be Blood* on IFCO's website)

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*There Will Be Blood*  
Directed by Paul Thomas Anderson



## “The IT project will make IFCO’s service at least commensurate with any equivalent worldwide.”

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### VIDEO GAMES

Video games are exempt from classification under the Video Recordings Act 1989, although they may be prohibited on grounds specified under Section 3 of that Act.

Ireland is a founder member of PEGI (Pan-European Games Information system). The Deputy Censor, Ger Connolly, is a member of the PEGI Advisory Board.

The PEGI age rating system was established in 2003 to help European parents make informed decisions on buying interactive games. Designed to ensure minors are not exposed to games unsuitable for their particular age group, the system is supported by the major console manufacturers, including PlayStation, Xbox and Nintendo, as well as by publishers and developers of interactive games throughout Europe.

The PEGI system rates video games under the following age categories: 3+, 7+, 12+, 16+ and 18+. IFCO endorses the PEGI system as a successful initiative which provides a significant aid to parents in determining content suitability for young persons of various ages. Games rated 18+ are regularly examined by IFCO prior to release. Together with Ireland, PEGI’s other founder members were Austria, Belgium, Denmark, Finland, France, Greece, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom. PEGI is now also used by Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic and Slovenia.

In October, IFCO hosted the joint and separate annual board meetings of PEGI and ISFE (the Interactive Software Federation of Europe). These meetings covered concepts and topics such as human dignity, violence levels at various ratings and proposals for smoother complaints and enforcement procedures.

The continued expansion of the PEGI system across Europe is testament to its success and general acceptance. As stated elsewhere in this report, the greatest urgency from IFCO’s point of view is the need to promote public awareness of the PEGI system.

The PEGI website is [www.pegi.info](http://www.pegi.info)

### IT DEVELOPMENTS

As stated at page 3, the implementation of the second stage of the IFCO integrated IT system upgrade commenced in October.

This project, which relates to the DVD side of IFCO’s service and business, will provide considerable improvements and enhancements. As regards the public, IFCO’s website will be upgraded to provide classification and consumer information on all DVD releases, thereby providing parents and guardians with the same information and consumer advice as is already provided for cinema films.

As regards IFCO’s business customers, access will enable them to make classification applications online, which, as well as being

**“Strong crude sexual dialogue throughout. Some nudity and sexual representations. Very strong language.”**

(Consumer advice for *Superbad* on IFCO’s website)

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*Superbad*  
Directed by Greg Mottola

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## “It was contended by the applicant that insufficient reasons for the failure to certify the video work were given..”

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more efficient, will eliminate significant volumes of paper from the current system. Business clients, who currently receive formal notification of certification decisions by surface mail, will receive immediate electronic notification and will also have constant access to current financial information, which will assist in more efficient management of their accounts.

The IT project will make IFCO's service at least commensurate with any equivalent worldwide. In an age where, due to security and piracy concerns, time windows between production and release are ever decreasing, the significant time savings that will be afforded to IFCO's business customers will be welcomed.

### HIGH COURT JUDICIAL REVIEW PROCEEDINGS

A case which came for hearing before Mr. Justice Kevin O'Higgins in the High Court in November was relevant to certain issues relating to censorship legislation. On 13th April 2004, in exercise of the powers conferred on him by Sec. 7 of the Video Recordings Act, 1989, the Film Censor, John Kelleher had issued a Prohibition Order in respect of a video work entitled *Anabolic Initiations #5*, which had been submitted for certification by Jacqueline Byrne of 144, Capel Street, Dublin 1, because in his opinion, in the words of Sec. 3 (1) (a) (iii) of the Act, 'the viewing of it would tend, by reason of the inclusion in it of obscene and indecent matter, to deprave or corrupt persons who might view it'. Notice of the Prohibition Order was published in Iris Oifigiúil on 16th April 2004

and the applicant was informed on 19th April 2004.

On 11th June 2004, the applicant gave notice of appeal against the Prohibition Order under Sec.10 of the Video Recordings Act, 1989.

In processing the appeal, which involved protracted correspondence with the applicant's legal advisers, the Censorship of Films Appeal Board agreed to two oral hearings and acceded to a request that additional time be made available to the applicant so that expert evidence could be sought and submitted.

On 11th July 2006, the Censorship of Films Appeal Board upheld the decision of the Film Censor.

On 24th July 2006, the applicant applied to the High Court for a Judicial Review seeking, inter alia, to set aside the decisions of the Film Censor and the Censorship of Films Appeal Board. At the hearing of the case before Mr. Justice O'Higgins, the issues netted down to whether or not sufficient reasons had been given to justify the decision and to comply with fair procedures. This issue concerned both the response of the Film Censor to the Board's request to him for a statement in writing of reasons and to the affirmation by the Board of the Film Censor's decision and, in particular, whether the reiteration of the grounds set out in Sec. 3 (1) (a) (iii) of the Video Recordings Act 1989 was sufficient. It was contended by the applicant that insufficient reasons for the failure

**“A catalogue of gross and extremely violent forms of bloody torture and killing. In the context of this franchise, *Saw IV* is more extreme than its predecessors.”** (Consumer advice for *Saw IV* on IFCO’s website)

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*Saw IV*  
Directed by Lynn Bousman

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**“..just because a statement of reasons follows the wording of a statute does not render an adequate reason into an inadequate one.”** - Mr. Justice Kevin O’Higgins

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to certify the video work were given, that this gave rise to a breach in fair procedures as she did not know why the work was refused and that this in turn limited her ability to challenge the decision - for example, on the basis of irrationality.

The constitutional challenge to the relevant sections of the 1989 Act was not pursued at the hearing. Mr. Justice O’Higgins delivered his judgment on 21st December 2007. He states in his judgment that, on reading Sec. 3 (1), it is apparent that the Film Censor can only refuse to grant a certificate declaring a video work fit for viewing if he is of the opinion that the work is unfit for viewing on very specific grounds set out in Sec. 3 (1) (a) or (b). Different grounds necessary for the formation of the Film Censor’s decision are set out in this Section, and the Section also circumscribes the basis on which the Film Censor is entitled to form those grounds.

The Court found that the reasons given in this case by the Film Censor informed the applicant of the specific grounds on which the decision was made and were sufficient. The Court stated that just because a statement of reasons follows the wording of a Statute does not render an adequate reason into an inadequate one. Accordingly, the Court found that sufficient information was conveyed to the applicant in relation to the decision to refuse to certify the work, such that she could form a view on whether or not to challenge the decision. Accordingly, the Court found that there was

no basis on which the Film Censor’s decision (affirmed on appeal) should be quashed.

A notice of appeal was served in late December 2007.

The judgment of Mr. Justice O’Higgins can be accessed or downloaded from the IFCO website [www.ifco.ie](http://www.ifco.ie)

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# CERTIFICATION OF CINEMA FILMS



**Once** Directed by John Carney - **15A**



**Garage** Directed by Lenny Abrahamson - **15A**



**Kings** Directed by Tom Collins - **15A**

## COUNTRY OF ORIGIN OF THE 284 FEATURE FILMS CERTIFIED IN 2007

### SINGLE COUNTRY OF ORIGIN

AUSTRALIA	5
FRANCE	9
GERMANY	1
HUNGARY	1
INDIA	21
IRELAND	6
JAPAN	1
NEW ZEALAND	2
NIGERIA	2
RUSSIA	1
SPAIN	1
UK	20
USA	155

**TOTAL 225**

### MULTIPLE COUNTRY OF ORIGIN (*i.e. co-productions*)

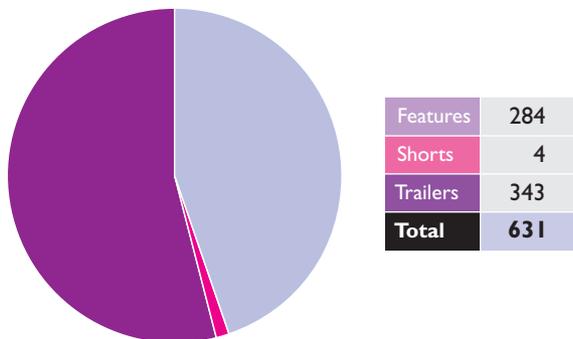
CANADA / FRANCE / ITALY / UK / JAPAN	1
CHINA / USA	1
CHINA / HONG KONG	2
CZECH REPUBLIC / USA	1
FRANCE / AUSTRALIA / GERMANY / UK / USA	1
FRANCE / BELGIUM	1
FRANCE / GERMANY / IRELAND / UK / DENMARK	1
FRANCE / ICELAND	1
FRANCE / ITALY	1
FRANCE / LIECHTENSTEIN	1
FRANCE / MOROCCO	1
FRANCE / UK / CZECH REPUBLIC	1
FRANCE / UK / USA	1
FRANCE / USA	3
GERMANY / BELGIUM / SOUTH AFRICA / UK / LUXEMBURG	1
GERMANY / FRANCE	1
IRELAND / UK	3
IRELAND / USA	1
IRELAND / UK / USA	1
ITALY / GERMANY / FRANCE	1
MEXICO / SPAIN	1
MEXICO / USA	1
NEW ZEALAND / USA	1
UK / AUSTRALIA	1
UK / CANADA	1
UK / CANADA / USA	1
UK / FRANCE	3
UK / GERMANY	4
UK / GERMANY / ROMANIA	1
UK / INDIA	1
UK / USA	11
UK / USA / ITALY / FRANCE	1
USA / SOUTH AFRICA	1
USA / CHINA / TAIWAN / HONG KONG	1
USA / GERMANY	1
USA / GERMANY / FRANCE / ROMANIA	1
USA / HUNGARY / GERMANY	1
USA / INDIA	1
USA / POLAND / FRANCE	1

**TOTAL 59**

“The 16 certificate, introduced three years ago, continues to meet with public and parental approval..”

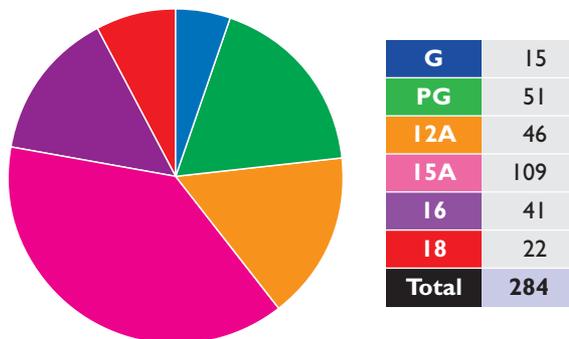
### CINEMA FILMS CERTIFIED

2007 Total duration of cinema films certified: 532 hours, 42 mins.



### CINEMA FILMS CERTIFIED BY CATEGORY

2007



### CINEMA FILMS CERTIFIED

2003 - 2007

	2003	2004	2005	2006	2007
Features	213	249	252	265	284
Shorts	15	23	5	6	4
Trailers	301	338	292	366	343
<b>Total</b>	<b>529</b>	<b>610</b>	<b>549</b>	<b>637</b>	<b>631</b>

### CINEMA FILMS CERTIFIED BY CATEGORY

2003 - 2007

	2003	2004	2005	2006	2007
<b>G</b>	11	10	14	18	15
<b>PG</b>	23	31	39	36	51
<b>12A</b>	40	61	55	53	46
<b>15A</b>	91	90	71	94	109
<b>16</b>	-	7	43	42	41
<b>18</b>	48	50	30	22	22
<b>Total</b>	<b>213</b>	<b>249</b>	<b>252</b>	<b>265</b>	<b>284</b>



**Shrooms - 18**  
Directed by Paddy Breathnach



**Small Engine Repair - 15A**  
Directed by Niall Heery



**Strength And Honour - 15A**  
Directed by Mark Mahon

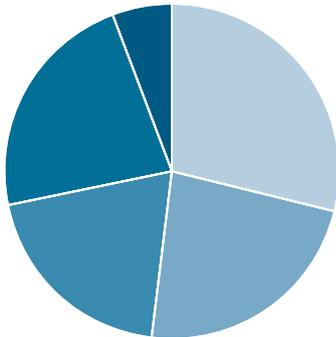


**How About You - 15A**  
Directed by Anthony Byrne

## CERTIFICATION OF DVD/VIDEO AND VIDEO GAMES

“..the level of gross, unrelenting and gratuitous violence is unacceptable.”

### DVD/VIDEO WORKS CERTIFIED BY CATEGORY 2007



<b>G</b>	2317
<b>PG</b>	1855
<b>I2</b>	1592
<b>I5</b>	1806
<b>I8</b>	463
<b>Total</b>	<b>8033</b>

### PROHIBITION ORDERS

The Film Censor, in exercise of the powers conferred on him under Section 7 of The Video Recordings Act, 1989, issued Prohibition Orders in respect of the following:

*Simon Wolf's Love At First Byte*  
*Wild Cards*  
*I Love To Fantasize*  
*From Dusk Till Porn*  
*Manhunt 2*

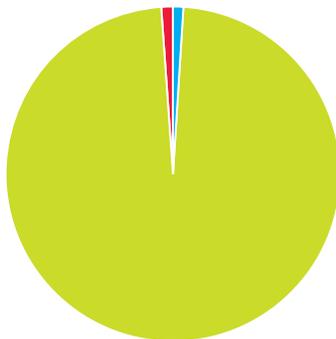
### DVD/VIDEO WORKS CERTIFIED BY CATEGORY 2003 - 2007

	2003	2004	2005	2006	2007
<b>G</b>	1986	2523	2916	3042	2317
<b>PG</b>	1474	1686	2522	2625	1855
<b>I2</b>	984	1270	1733	1872	1592
<b>I5</b>	1487	1480	1869	1955	1806
<b>I8</b>	573	574	592	432	463
<b>Total</b>	<b>6504</b>	<b>7533</b>	<b>9632</b>	<b>9926</b>	<b>8033</b>

All of the above, with the exception of the video game *Manhunt 2*, are video works (DVDs) and were prohibited on the grounds that "the viewing of them would tend, by reason of the inclusion in them of obscene or indecent matter, to deprave or corrupt persons who might view them."

*Manhunt 2* was prohibited under Sec 7 (1) (b) of the Video Recordings Act 1989 which refers to 'acts of gross violence or cruelty (including mutilation and torture)..'. In relation to this prohibition, the following statement was issued by the Film Censor:

### LICENSES ISSUED 2007



<b>WHOLESALE</b>	8
<b>VEHICLE RETAIL</b>	10
<b>RETAIL</b>	1554
<b>Total</b>	<b>1572</b>

'IFCO recognizes that in certain films, DVDs and video games, strong graphic violence may be a justifiable element within the overall context of the work. However, in the case of *Manhunt 2*, IFCO believes that there is no such context, and the level of gross, unrelenting and gratuitous violence is unacceptable'.

## CERTIFICATION FOR COURT PROCEEDINGS | FINANCE

**“The Film Censor’s Office may issue certificates to provide certain information which is admissible as evidence in court proceedings.”**

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### CERTIFICATION FOR COURT PROCEEDINGS

Complaints regarding breaches of the provisions of the Censorship of Films Act, 1923, and the Video Recordings Act, 1989, are referred by the Office to the Garda Síochána for investigation.

Under Section 23 of the Video Recordings Act, 1989, the Film Censor’s Office may issue

certificates to provide certain information which is admissible as evidence in court proceedings.

The total number of Certificates issued in 2007 indicating that Supply Certificates were not in force under Sec. 14 (3) (b) in respect of certain works was 280.

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### FINANCE

The fees charged by the Office for the certification of cinema films and DVD/videos and for the issuing of licences in 2007 were as follows:

Fees Charged for film certification	€247,282
Fees charged for DVD/video certification	€2,708,185
Fees charged for wholesale and retail licences	€357,582
<b>Total income received in 2007 on behalf of the Accountant, Department of Justice, Equality &amp; Law Reform.</b>	<b>€3,313,049</b>

A new fee scale for cinema films, implemented by Ministerial Order on 1st April 2004 (S.I. 114 of 2004), provided for a reduced rate of €3 per minute in the case of films released on six prints or less. The previous fee of €8 per minute was increased to €12 per minute for all other films, with the exception of films of an educational nature, for which no charge is made. A flat fee of €100 for trailers was also introduced.

A new fee scale for DVD/video works, implemented by Ministerial Order on 1st June 2004 (S.I. 113 of 2004), provided for DVD/video classification fees to be based on the duration of the work submitted rather than, as previously, where different rates applied for rental and sell-through. A flat fee of €50 per DVD/video extra/trailer/advert was also introduced.

## PART-TIME ASSISTANT CENSORS AND STAFF AT IFCO

“Their primary responsibility is the classification of the thousands of DVDs certified by the Office annually.”

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**OLGA BENNETT**  
Lives in Dublin  
Former Public  
Representative  
1 Child  
Appointed 1993



**MAIREAD MARRON**  
Lives in Swords  
Counsellor/  
Psychotherapist  
6 Children  
Appointed 1995



**TOM FITZGERALD**  
Lives in Dingle  
Former Public  
Representative  
3 Children  
Appointed 2002



**MARK BRENNAN**  
Lives in Dublin  
Journalist and  
TV Producer  
2 Children  
Appointed 2004  
Re-appointed 2007



**DANI MCCLAFFERTY**  
Lives in Dublin  
Student  
Appointed 2004  
Contract expired 2007



**DAVID POWER**  
Lives in Dublin  
Business Executive  
Appointed 2006



**PATRICIA MURPHY**  
Lives in Dublin  
3 Children  
Appointed 2004  
Contract expired 2007



**P. J. SHERIDAN**  
Lives in Clane,  
Co. Kildare  
Former Public Servant  
3 Children  
Appointed 2004  
Re-appointed 2007



**TONY STAPLETON**  
Lives in Navan  
Former Sales Director  
5 Children  
Appointed 1993



**JOHN KEITH**  
Lives in Nenagh  
Former Public Servant  
3 Children  
Appointed 1993



**MARIAN MCGENNIS**  
Lives in Ballybrittas,  
Co. Laois  
Former Public  
Representative  
3 Children  
Appointed December 2007

A team of part-time Assistant Censors assists the Film Censor in carrying out the duties of the Office. Their primary responsibility is the classification of the thousands of DVDs certified by the Office annually. The terms in office of Dani McClafferty and Pat Murphy, who were appointed as Assistant Censors in 2004, ended in October. Marian McGennis, a social science graduate of NUI Maynooth, and a former TD, was appointed in December by the Minister for Justice, Equality and Law Reform.



**ANN O'KELLY**  
The Office Manager is Ann O'Kelly, a Higher Executive Officer, who supervises a team of eight civil servants, including two Executive Officers and six Clerical Officers (two work-sharing) as well as a Projectionist. Ann worked for a number of years in the Prisons Division of the Department of Justice, Equality and Law Reform. She previously worked in the Department of Foreign Affairs and the Department of Defence.

## DEPUTY CENSOR

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### GER CONNOLLY

Ger Connolly was appointed Deputy Censor in August 2003.

He was born and lives in Kildare town. He graduated from UCD with a B. Comm. Degree. He studied accountancy with Deloitte, Haskins & Sells, and worked in that capacity in the advertising and manufacturing industries.

He was appointed a part-time assistant film censor in November 1993. He served as Deputy Film Censor and was one of three Irish delegates to the Conference of European Film Classifiers in Dublin in 2001. He represents Ireland on the board of PEGI, the Pan European Games classification system, and sits on both its Advisory Board and Complaints Board. He is married with two sons and a daughter.

## FUTURE DEVELOPMENTS

“The Irish Film Censor’s Office, first established in 1923, will become the Irish Film Classification Office.”



***“..likely to cause harm to children is included for the first time among such longstanding criteria as indecent, obscene or blasphemous..”***

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#### **CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL**

Following on representations from the Film Censor, the Civil Law (Miscellaneous Provisions) Bill, currently before the Oireachtas, includes a range of amendments to the Censorship of Films Act, 1923 and the Video Recordings Act, 1989.

In a significant development, which reflects how its historic role has changed in recent years, the Irish Film Censor's Office, first established in 1923, will become the Irish Film Classification Office, (it would still be branded as IFCO), and the Film Censor would become known as the Director of Film Classification.

The interests of children and young persons, to which no specific reference is made in either the 1923 Censorship of Films Act or the 1989 Video Recordings Act, would be given overdue statutory recognition when the term 'likely to cause harm to children' is included for the first time among such longstanding criteria as 'indecent, obscene or blasphemous' and 'contrary to public morality'.

Among other proposed amendments, it will become a statutory offence for a retailer to supply a DVD to a child who is under the age designated by the IFCO cert, (a situation, which, extraordinarily, was overlooked by the 1989 Video Recordings Act), and the penalties for various breaches of the legislation will be significantly increased.

#### **NEW IFCO OFFICES**

Current plans are that IFCO will move in the latter part of 2008 from its current office premises at 16 Harcourt Terrace, Dublin 2, where it has been located since 1945, and which has been sold to a developer under the Government's Affordable Housing Initiative, to a new office premises in central Dublin.

#### **PUBLIC AWARENESS CAMPAIGN**

It is hoped that funding will be put in place to enable us to proceed in 2008 with the postponed second phase of our national public awareness campaign, particularly in light of the findings of the MRBI Phonebus survey, as referred to at pages 2 and 7 of this Report.

#### **FOCUS GROUP SCREENINGS AND DISCUSSIONS**

IFCO will continue its programme of regular focus group discussions and screenings with organisations, parents and the public on relevant issues relating to classification. We look forward to participating in 2008 with two film festivals with a special focus for young persons: Cinemagic in April and the Irish Film Institute's 'Lights Out!' festival in July.

visit our website [www.ifco.ie](http://www.ifco.ie)

