

CONSIDERATION SHEET

OFLC ref: 1300878.000

Submission channel: s12(1)

Title of publication: Battlefield 4

Other known title: Bionic Fighter Faction

Medium: Console Game

Distributor: Electronic Arts


Country of origin: Sweden

Language: English

Applicant: Film & Video Labelling Body

Examination transcript No: 106 p 372

Examination date: 11 September 2013

Classification Officer(s): 

Other identifying information:

COMPONENTS OF FILM**Components of film originally examined:**

	Components	Running time
Game:	Battlefield 4	
Total running time:		

Components of film excised:

EXAMINATION

Section 23 Examination and classification –

...the Classification Office shall examine the publication to determine the classification of the publication.

Section 24 Soundtrack to be considered -

Where a film is intended to be viewed with an accompanying soundtrack (whether or not the soundtrack is an integral part of the film), an examination of the film under s23 of the Act shall also take into account the content of the soundtrack and its relationship to the film.

Description of Publication:

Battlefield 4 is a modern warfare, shooter game played from a first person perspective. The game has been formatted for play on PC, PlayStation 3 and Xbox 360. The Classification Office examined a beta version of the game on a debug PlayStation 3 console. The game contains an online multiplayer mode as well as a campaign-based single player mode.

The game takes place in 2020, with the player controlling Sergeant Daniel Recker, a member of a US special operations squad call-signed "Tombstone". The player is accompanied by teammates Dunn, Irish, and Pac. The storyline is fairly basic and involves American implication in the assassination of China's future leader and voice of peace, Jin Jié, and the threat of a third world war between the United States, China, and Russia. The player's mission is to fight the forces driving the conflict and prevent a third world war. The player's objectives are to battle for strategic control points across a variety of maps/terrain, and fight until the enemy is defeated. Along the way the player must activate electronic devices, destroy enemy posts and track down human targets that are of supreme importance to the United States military. Multiplayer mode tends to involve more goal-oriented tasks, such as capturing flags, destroying and defending crates, or point-based fighting. The player has at their disposal a range of vehicles, including tanks, jeeps, speed boats, ATVs and helicopters. In keeping with the game's real-time modern warfare setting combat focuses on stealth, tactics and team communication. The game includes cinematic quality graphics and a realistic sound track. All necessary information is provided in full motion video clips between levels or in the form onscreen text prompts.

Statutory Submissions

Section 20 – Synopsis of Written Submissions

Not Applicable	X
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Section 21 Other Assistance

None Requested	X
See Record of Assistance	

Other Relevant Information

None Considered	<input type="checkbox"/>
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In reaching a classification decision the Classification Office may consider a variety of information including **previous decisions** of the Classification Office or other **copyright bodies, research, books, articles, reviews,** and information obtained from the **Internet**. If you have used any of this information please record this below.

Previous decisions				
Classification Body	OFLC	<input checked="" type="checkbox"/>	VRA	<input type="checkbox"/>
	Chief Censor of Film	<input type="checkbox"/>	IPT	<input type="checkbox"/>
Title:				
Battlefield Bad Company 2				
<i>Used as a reference for this decisions given similarity of content and manner of presentation. Same series also.</i>				
Publication/Certificate/Decision No.				
1000190.000				

Other Sources (please specify and reference):
www.wikipedia.org

CLASSIFICATION

Section 3 Meaning of “objectionable”-

s3(1) ... a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

Subject Matter Gateway

The Court of Appeal's interpretation of the words "matters such as sex, horror, crime, cruelty or violence" in s3(1), as set out in *Living Word Distributors v Human Rights Action Group (Wellington)* [2000] 3 NZLR 570; (2000) 6 HRNZ 28, must also be taken in to account in the classification of any publication:

[27] The words "matters such as" in context are both expanding and limiting. They expand the qualifying content beyond a bare focus on one of the five categories specified. But the expression "such as" is narrower than "includes", which was the term used in defining "indecent" in the repealed Indecent Publications Act 1963. Given the similarity of the content description in the successive statutes, "such as" was a deliberate departure from the unrestricting "includes".

[28] The words used in s3 limit the qualifying publications to those that can fairly be described as dealing with matters of the kinds listed. In that regard, too, the collocation of words "sex, horror, crime, cruelty or violence", as the matters dealt with, tends to point to activity rather than to the expression of opinion or attitude.

[29] That, in our view, is the scope of the subject matter gateway.

The content of the publication must bring it within the "subject matter gateway". In classifying the publication therefore, the question is whether or not it deals with the following:

Matters such as sex

Included as a "matter such as sex" is any publication that in terms of s3(1A) –

- (a) *... is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and*
- (b) *those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature.*

N/A

Matters such as horror

N/A

Matters such as crime

N/A

Matters such as cruelty

Discussed in conjunction with matters of violence.

Matters such as violence

Violent action is the mainstay of the game with the player controlling a soldier in a variety of combat situations. The player has access to dozens of realistic weapons as well as taking control of various land and air vehicles such as tanks or helicopters that are capable of firing large weaponry. The extent and degree to which, and the manner in which, the game deals with the infliction of serious physical harm and significant cruelty is discussed under s3(3)(a)(i).

Or – The content of the publication does not bring it within any "subject matter gateway".

For publications that fall outside the "subject matter gateway" go to s3A and s3B

Section 3(2) Certain publications are deemed to be objectionable –

Under s3(2) of the FVPC Act, a publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, certain activities listed in that subsection.

In *Moonen v Film and Literature Board of Review (Moonen I)*, the Court of Appeal stated that the words "promotes or supports" must be given "such available meaning as impinges as little as possible on the freedom of expression"¹ in order to be consistent with the Bill of Rights. The Court then set out how a publication may come within a definition of "promotes or supports" in s3(2) that impinges as little as possible on the freedom of expression:

Description and depiction ... of a prohibited activity do not of themselves necessarily amount to promotion of or support for that activity. There must be something about the way the prohibited activity is described, depicted or otherwise dealt with, which can fairly be said to have the effect of promoting or supporting that activity.²

Mere depiction or description of any of the s3(2) matters will generally not be enough to deem a publication to be objectionable under s3(2). When used in conjunction with an activity, the Classification Office defines "promote" to mean the advancement or encouragement of that activity. The Classification Office interprets the word "support" to mean the upholding and strengthening of something so that it is more likely to endure. A publication must therefore advance, encourage, uphold or strengthen, rather than merely depict, describe or deal with, one of the matters listed in s3(2) for it to be deemed to be objectionable under that provision.

s3(2)(a) The exploitation of children, or young persons, or both, for sexual purposes.

In *Moonen v Film and Literature Board of Review (Moonen II)* [2002] 2 NZLR 754, the Court of Appeal stated that the absence of definitions of "young persons" and "children" in s3(2)(a) was deliberate.

¹ *Moonen v Film and Literature Board of Review* [2000] 2 NZLR 9 at para 27.

² Above n2 at para 29.

The provision does not require proof of the models' ages; it requires an assessment of whether or not the publication in which the models appear promotes or supports the exploitation of children or young persons for sexual purposes:

The legislation is concerned with the vulnerability of young people and with the corrosive injury to the public good of depicting persons perceived to be children or young people as subjects for exploitation. The Board properly assessed whether the publication of the photographs would tend to promote or support the exploitation of children or young persons, not limited to the impact on the particular persons photographed. The inquiry under s3 does not require the ascertainment of the precise age of the person photographed.³

It was Parliament's intention therefore that s3(2)(a) should apply to any publication as defined in the Act, that promotes, supports, or tends to promote or support, the exploitation of children or young persons for sexual purposes. As long as a publication at least tends to promote or support such exploitation, whether or not it depicts underage models, no underage models or no models at all is irrelevant to the proper application of s3(2)(a). The issue is whether, on the evidence presented by the publication itself, the publication at least tends to promote or support the exploitation of children or young persons for sexual purposes.

N/A

s3(2)(b) *The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct.*

N/A

s3(2)(c) *Sexual conduct with or upon the body of a dead person.*

N/A

s3(2)(d) *The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct.*

N/A

s3(2)(e) *Bestiality.*

N/A

s3(2)(f) *Acts of torture or the infliction of extreme violence or extreme cruelty.*

N/A

If the publication promotes and supports, or tends to promote and support, any of the 3(2) provisions above and is deemed objectionable go to the Bill of Rights section.

³ *Moonen v Film and Literature Board of Review* [2002] 2 NZLR 754 at para 40.

However, section 32 of the FVPC Act directs the Classification Office to consider whether it would classify the publication differently if the material falling under s3(2) were excised or altered. If an excision were made, the publication would no longer fall under 3(2) of the FVPC Act. If the publication contains material that falls under 3(2) which can be excised or altered, go the Excisions section and then return to s3(3) and 3(4) below.

Otherwise, if the publication does not fall under s3(2) consider the following matters:

Section 3(3) Matters to be given particular weight –

In determining, for the purposes of the Act, whether or not any publication (other than a publication to which subsection 3(2) of this section applies) is objectionable or should in accordance with section 23(2) be given a classification other than objectionable, the following matters shall also be considered:

...particular weight shall be given to the **extent and degree** to which, and the **manner** in which, the publication describes, depicts, or otherwise deals with...

s3(3)(a)(i) Acts of torture, the infliction of serious physical harm, or acts of significant cruelty.

The game depicts the infliction of serious physical harm to a high extent and a moderate degree, in the form of animated warfare including skirmishes, stealth espionage, assassinations, and interrogations involving torture. The player's main occupation is targeting and killing enemy soldiers to achieve an objective, such as securing a base. Gameplay consists of realistic gunfire, loud explosions, cries of pain, and sprays of blood coming out of injured characters during frenetic periods of intense combat. There are also close-up depictions of knife-stabbing accompanied by flesh-impact sounds, in the form of melee attacks. Opponents can be shot either from a distance (using telescopic sights) or up close in close quarter battles with handguns, automatic rifles and grenades. The number of shots required to kill an opponent will vary with player accuracy, though the effect when an enemy is killed is visually very similar despite differing weaponry. When an enemy is shot small blood bursts appear in mid-air around their body, and with an increase in firepower blood becomes more visible. Characters react by reeling backward or crumpling over when hit. Corpses remain in the environment once dead but no further bodily harm can be inflicted. Battle sequences are disorientating and claustrophobic, which tends draw the player's eye away from specific moments of harm. Violence experienced during the game's multiplayer modes is very similar to single-player mode.

Some of the strongest aspects of the game involve being able to aim particular weapons (such as a sniper rifle) at an enemy's head and view a close-up of their head reeling backwards from the impact of the shot. Larger ammunitions such as rocket propelled grenades or tank shells create huge plumes of dust and smoke, and are capable of collapsing a building on top of an opponent. One particular cut-scene shows the player and a teammate being tortured in a Chinese prison. The men are punched several times and electrocuted with a cattle prod. The imagery was very basic because of the game's beta status, but this will likely be one of the game's stronger scenes once the graphics are fully rendered. Another cut-scene depicts a man having his leg amputated with a large knife, after becoming trapped by falling debris. The amputation is not shown but the man's bloody leg stump is seen as he is dragged free from the rubble.

If the player's character is struck by enemy fire small spurts of blood accumulate on the screen. Health regenerates by avoiding fire for a sustained period of time. Because of this, the player must constantly seek cover to avoid death and can only advance via methodical and strategic combat.

The extensive violence is balanced by the game's focus on stealth, tactics and team communication. The game is fast paced and the player has no time to dwell on the dead, and in addition to this much of the gameplay is formulaic with little focus on pain or death. The limited variety of characters and the identical ways in which enemy opponents perish as well as other aspects of the game such as the constant acquisition of weapons, ammunition and other assorted objects, mitigate the focus on killing to some degree.

s3(3)(a)(ii) Sexual violence or sexual coercion, or violence or coercion in association with sexual conduct.

N/A

s3(3)(a)(iii) Other sexual or physical conduct of a degrading or dehumanising or demeaning nature.

N/A

s3(3)(a)(iv) Sexual conduct with or by children, or young persons, or both.

N/A

s3(3)(a)(v) Physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain.

N/A

...particular weight shall be given to the **extent** and **degree** to which, and the **manner** in which, the publication

s3(3)(b) Exploits the nudity of children or young persons, or both.

N/A

s3(3)(c) Degrades, dehumanises or demeans any person.

N/A

s3(3)(d) Promotes or encourages criminal acts or acts of terrorism.

N/A

s3(3)(e) Represents (whether directly or by implication) that members of any particular class of the public are inherently inferior to other members of the public by reason of any characteristic of members

of that class, being a characteristic that is a prohibited ground of discrimination specified in section 21(1) of the Human Rights Act 1993.⁴

N/A

3A Publication may be age-restricted if it contains highly offensive language likely to cause serious harm

3A(1) A publication to which subsection 3A(2) applies may be classified as a restricted publication under section 23(2)(c)(i).

3A(2) *This subsection applies to a publication that contains highly offensive language to such an extent or degree that the availability of the publication would be likely, if not restricted to persons who have attained a specified age, to cause serious harm to persons under that age.*

3A(3) *In this section, **highly offensive language** means language that is highly offensive to the public in general.*

The game includes a moderate amount of highly offensive language such as 'fuck' and 'motherfucker', mainly in the heat of battle. The language is in context with the onscreen action and does not seem unwarranted. Nonetheless, the language is likely to cause serious harm to children who are likely to perceive it a socially acceptable and without consequence.

3B Publication may be age-restricted if likely to be injurious to public good for specified reasons

3B(2) This subsection applies to a publication that contains material specified in subsection (3) to such an extent or degree that the availability of the publication would, if not restricted to persons who have attained a specified age, be likely to be injurious to the public good for any or all of the reasons specified in subsection (4).

3B(3) *The material referred to in subsection (2) is material that*

3B(3)(a) *describes, depicts, expresses, or otherwise deals with—*

3B(3)(a)(i) *Harm to a person's body whether it involves infliction of pain or not (for example, self-mutilation or similarly harmful body modification) or self-inflicted death.*

Discussed elsewhere.

3B(3)(a)(ii) *Conduct that, if imitated, would pose a real risk of serious harm to self or others or both.*

N/A

⁴ The grounds of discrimination prohibited by s21(1) of the Human Rights Act 1993 are sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status and sexual orientation.

3B(3)(a)(iii) *Physical conduct of a degrading or dehumanising or demeaning nature.*

N/A

3B(3)(b) *is or includes 1 or more visual images—*

3B(3)(b)(i) *of a person's body; and*

3B(3)(b)(ii) *that, alone, or together with any other contents of the publication, are of a degrading or dehumanising or demeaning nature.*

N/A

3B(4) The reasons referred to in subsection (2) are that the general levels of emotional and intellectual development and maturity of persons under the specified age mean that the availability of the publication to those persons would be likely to—

3B(4)(a) *Cause them to be greatly disturbed or shocked; or*

3B(4)(b) *Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both; or*

3B(4)(c) *Encourage them to treat or regard themselves, others, or both, as degraded or dehumanised or demeaned.*

See conclusion.

3C Procedure for classification under sections 3A and 3B

In determining whether to classify a publication as a restricted publication in accordance with section 3A or section 3B, the Classification Office must consider the matters specified in paragraphs (a) to (f) of section 3(4).

Section 3(4) Additional matters to be considered –

In determining, for the purposes of the Act, whether or not any publication (other than a publication to which subsection 3(2) of this section applies) is objectionable or should in accordance with section 23(2) be given a classification other than objectionable, the following matters shall also be considered:

s3(4)(a) *The dominant effect of the publication as a whole.*

The game's dominant effect is of a gritty, frenetic and realistic computer game based on modern and futuristic warfare techniques.

s3(4)(b) *The impact of the medium in which the publication is presented.*

The game allows for complex and sophisticated game-play with realistic graphics and sound effects contained within a semi-portable device or disc.

s3(4)(c) The character of the publication, including any merit, value or importance it has in relation to literary, artistic, social, cultural, educational, scientific or other matters.

The game is characterized by superior graphics and intense periods of focused gunplay. The publication has technological and artistic merit.

s3(4)(d) The persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available.

The game's strong violent content is intended for older teenagers and adults, and will appeal to fans of the series.

s3(4)(e) The purpose for which the publication is intended to be used.

The game is intended to be used as entertainment.

s3(4)(f) Any other relevant circumstances relating to the intended or likely use of the publication.

None.

BILL OF RIGHTS CONSIDERATIONS

New Zealand Bill of Rights Act 1990

Section 14 Freedom of expression -

Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

Section 5 Justified limitations -

Subject to section 4 of this Bill of Rights, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Section 6 Interpretation consistent with Bill of Rights to be preferred -

Wherever an enactment can be given a meaning consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning.

Discussion of Bill of Rights Considerations:

New Zealand Bill of Rights considerations are discussed in conjunction with the conclusion, below.

CONCLUSION

Injury

If s3(1) applies to the publication the question is whether or not it deals with the matters discussed in a manner that **the availability of the publication is likely to be injurious to the public good**. In discussing injury consider the nature and severity of that injury, the likelihood of it occurring and who would be injured by the publication's availability. The classification recommended must remedy the injury identified.

If s3B applies to the publication, **the injury to the public good** must be explained in terms of s3B(4) of the FVPC Act.

If s3A applies to the publication, explain the age restriction in terms of **how the language is likely to cause serious harm to persons under the age of the restriction**.

Classification:

R16.

The game is inherently violent. Children and younger teenagers will be shocked and disturbed by its violent content, particularly the more cruel and bloody parts of the game. Repeated exposure to the exciting and rewarding killing for entertainment's sake, in which the player is an active participant, is likely to play a part in inuring impressionable younger teenagers to media violence more generally, and may lead to a desensitisation in attitudes towards violent behaviour and its consequence in real life. Older teenagers and adults are considered more capable of recognising the game as a contrived experience that is distinctly separate from the real world, and are less likely to be affected by its content. The classification of R16 limits the freedom of expression as provided by the New Zealand Bill of Rights Act 1990. However, given the considerations above, the availability of *Battlefield 4* at a lower classification is likely to be injurious to the public good.

EXCISIONS/ ALTERATIONS

Section 32 - Excisions from and alterations to film –

In the case of a film submitted for classification under any part of the Act other than s29(1) and 41(3) (court referrals), if the Classification is of the opinion that it would classify the film differently according to whether any specified part or parts of the film are excised from or left in the film, it shall, before making a final determination in respect of the classification of the film, follow the procedure prescribed by section 33.

Section 33(1) directs the Classification Office to notify the authorised distributor of the film of the classification that would be given if part or parts of the film were excised or altered, and, the classification that would be given if the specified part or parts were not excised or altered.

Section 33(5) provides that, in deciding whether or not to propose excisions or alterations, the Classification Office may consider the effect that any such excision or alteration may have on the continuity of the film or on its overall effect.

EXCISIONS SUMMARY	
None (for non-moving image and s29(1) / 41(3) publications)	<input type="checkbox"/>
No excisions recommended (for all other moving image publications)	<input checked="" type="checkbox"/>
Excisions/alterations recommended	<input type="checkbox"/>
Number of Excisions/Alterations:	
Brief Description:	

PUBLIC DISPLAY CONDITIONS

Not Applicable	
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Section 27 Conditions relating to the display of restricted publications –

Where the Classification Office classifies any publication as restricted, the Office shall in every case consider whether or not to impose conditions on the public display of that publication, and may impose such conditions at the time of classifying the publication.

In determining whether or not conditions in respect of public display should be imposed, the Classification Office must have regard to:

s27(2)(a) The reasons for classifying the publication as a restricted publication.

The game is restricted primarily due to its treatment of violence.

s27(2)(b) The terms of the classification given to the publication.

R16.

s27(2)(c) The likelihood that the public display of the publication, if not subject to conditions or, as the case may be, any particular condition, would cause offence to reasonable members of the public.

The public display of the game is not likely to cause offence to reasonable members of the public.

Section 27(3) directs that where the Classification Office considers that the public display of the publication, if not subject to conditions under this section, would be likely to cause offence to reasonable members of the public, the Classification Office shall, at the time of classifying the publication, impose such conditions under this section in respect of the public display of that publication as it considers necessary to avoid the causing of such offence.

Date	11/09/2013	OFLC Ref.	1300878	VR	1	372
Applicant	FVUB					
Distributor	Electronic Arts					
Title	Battlefield 4					
Other known title(s)	Bionic Fighter Faction					
Director(s)	Not stated					
Producer(s)	Not stated					
Medium	Console Game					
Country(ies)	Sweden			English		
Disc Image?	Yes/No					

Classification	R16. Contains violence & highly offensive language.		
Cultural criteria	Is it?	Is it not?	Is it not clear?
Other classification	/		
Total running time	N/A		

BATTLEFIELD 4

- Multiplayer
- Campaign
- Premium
- "My Soldier" (custome)

1st person shooter, military simulation.

(L) "Don't you fucking do it!" - when stopped submerged vehicle.

(L) "Don't you fucking do it!"

Traverse building, war damaged. Old school.

Player = Redneck RECKER.

Player watches street, suddenly offer attacked
by dog "fuck off of me"

No family fri.

Anti

Load, realistic, recoil, smoke, flames.

Alarms go off - Car start.

KILL

Kill enemy soldiers from a distance. - blood
splatter, motivate. head sadament, collapse.

Colors

Screams.

HEALTH

Health depleter when hit, blood on screen.
Regenerate in cover.

BLOOD

On environment, ground etc.

NO POST MORTEM

injury to dead soldier's

Outdoors - follow team.

Contact in open building site.

Heavy gunfire, player uses explosive to
destroy vehicular device.

Run + gun, moved to cover + health.

Building collapses from gunfire.

ENCOUNTER

Support, massive gunfire. Kill numerous
enemies.

KNIFE

Player stabs enemy in throat for health heal.
no blood - blade seen going in + out.

Player in gun field. Heavy fire. Slow progression.

Push into factory.

Characters: Redden, Pac, Irish & Dunn.

NOTE Game 'buggy' + requires multiple restarts.

TORTURE Torture sequence. 2 levels 7 pods, pods.
Blood on floor. Soldier - prisoner,
was tasered in cattle prod.
- Player tasered.

*L
(2)
"I'm gonna cut your fucking arms off!"
Reider electrocuted again.

TORTURE Player given shiv by inmate, help
escape.
AttP breaks out.

Stealth attack in shiv. - stab in chest. Decal.
no blood. - animation incomplete.

Game crashes.

AMPUTATION Leg amputation - leg removed.
- Cut through leg (comes loose anyway)
- Body dragged. - bloody stump

NPC trapped & drowned - heard crying for help.

⊗