

SUMMARY OF REASONS FOR DECISION

Under the Films, Videos, and Publications Classification Act 1993 (FVPC Act)

HEADNOTE

Title of publication:	Dope
Other known title(s):	Not stated
OFLC ref:	1500352.000
Medium:	Film
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
Descriptive note:	Violence, offensive language, drug use and sexual material
Display conditions:	None

Dope is an independent US feature film from writer/director Rick Famuyiwa and featuring original music from Pharrell. It follows Malcolm and his two best friends, Diggy and Jib, in their final year of high school. The friends are high achievers, in a punk band, and obsessed with 90s hip hop culture. They are also repeatedly bullied by local thugs. Malcolm inadvertently befriends local thug Dom, acting as a messenger between Dom and local love interest Nakia. After a police raid at Dom's birthday party, Malcolm ends up with a backpack full of MDMA and hi-jinks ensue. Malcolm also has ambitions of going to Harvard, thwarted by the stigma of being a young black man from The Bottom and raised by a single mother. Requiring a sponsor, he meets entrepreneur Austin Jacoby, who turns out to be Dom's superior up the drug supply chain. Jacoby insists Malcolm move the drugs if he wants support for his Harvard application, forcing the three friends to come up with a scheme for doing so. More hi-jinks and tribulations follow but Malcolm overcomes the obstacles put to him; he is able to blackmail Jacoby, gets the girl (Nakia) and is accepted into Harvard. The film is coloured by a fresh hip hop soundtrack and is surprisingly upbeat and funny given the often dark subject matter the film deals with.

The film deals with matters of sex, crime, cruelty and violence of concern to s 3(1) of the FVPC Act. For instance, Malcolm is shown masturbating on two occasions. He is in a state of undress moving vigorously (implying the activity) whilst watching material on his cell phone. The mirroring of the scenes is intended to be comedic and both are brief. In an attempt to deliver the drugs for Dom, Malcolm ends up at the Jacoby estate, where Jacoby's flirtatious daughter Lily appears topless and propositions sex. Malcolm is eager but out of his depth and their interaction is stalled when Lily seizes upon the drug stash and gets high. There are also frequent sexual references throughout the film, often incorporated into juvenile banter about sex and relationships. The friends have a long conversation with their beatnik drug dealing friend William about sex. William insists he has never had "intercourse with a pussy" suggesting he has only had oral and anal sex. The discussion is, again, humorous and typical of teenage posturing concerning sex. The treatment of sex is very much in the vein typical of teen comedies, full of awkward gestures and voyeuristic adolescent ogling.

Much of the film focuses on crime. The Bottoms is a crime-ridden setting, with daily shootings, drug dealing and other criminal activities punctuating the friends' day to day lives. They become embroiled in the criminal lifestyle when they are forced to peddle Dom's MDMA. There are a number of scenes verging on instructive: they weigh, encapsulate and bag the MDMA and develop a system of distributing it online without it tracing back to them. There are also a handful of scenes of drug use. Lily is shown smoking a joint and snorting MDMA. She later vomits, drives erratically, and stages a farcical scene by urinating in a bush and becoming the laughing stock of the internet. William is shown smoking marijuana via an elaborate vaporiser and also takes pills. There is also a long montage scene showing a variety of YouTube clips where people are enjoying MDMA in party scenes. The drug use is both shown as enjoyable but also as having negative consequences, distorting users' perceptions and resulting in them humorously degrading themselves.

It would be unreasonable to say crime is promoted or supported. It is clear to the viewer that the friends do not want to engage in, and clearly understand the risks associated with, drug use and drug dealing, rather they are forced to by circumstances outside their control and they manage the best they can with the few options available to them. The setting is also not without criminal consequence. Dom's party is raided and he is arrested; during a prominent shooting police arrive immediately and chase and arrest the perpetrators; and Malcolm hastily avoids apprehension during a school drug raid. The overall treatment of crime is more reflective of the daily struggle of crime ridden neighbourhoods and the difficulties of navigating and avoiding criminality for young people implicated in such settings. That Malcolm avoids punishment for his criminal enterprise is intended to be reflective of his entrepreneurship and tenacity, not advocacy for drug dealing generally.

Cruelty and violence is dealt with as a by-product of the ghetto lifestyle the young characters are embroiled in. They are bullied at school, beaten up regularly, and face bullies out on the streets they live in. There are also scenes of shootings; one occurs at Dom's birthday party where the police raid the premises and shoot a number of people. Fleeting blood spray indicates people are shot. In another scene, a character postures and threatens another with a gun humorously shooting himself in the leg, leading to a shoot out in the takeaway joint where several people fall down shot. The viewer briefly sees the first gunshot wound but this is not lingered upon and does not have a lasting effect. Guns are also used threateningly by characters before situations are diffused and violence erupts; these are often scenes of high tension. A climatic moment occurs when Malcolm points a gun at his high school bully, shaking as he does so. The bully retreats and Malcolm's friends try to calm him. The incident is particularly unsettling and affecting for his character.

The publication features regular use of highly offensive language (of concern to s 3A). "Fuck" and its derivatives including "motherfucker" are used often by characters, either seamlessly included in casual dialogue, or at times in scenes of heightened tension and emotion. It is not used predominantly by the three main protagonists but by the thuggish characters around them. There is also an ongoing dialogue in the film about the use of the word "nigger". This is done subtly and intelligently. Younger viewers are likely to be inured in the least by the high extent of such language. Children, in particular, could see such use as normal and acceptable and take up the use of such language to their social detriment. The publication does not deal with material in such a way that is of concern to s 3(2) and s 3B.

Dope is a well-crafted independent coming-of-age teen comedy. It features an idiosyncratic saturation of 90s hip hop, modern tech referencing, a young black cast, and a variety of themes that will resonate with contemporary youth. The film's direction, stylisation and actors'

performances are all highly commendable. It intelligently deals with issues of race, class struggle, and sexuality. It has also been well received by critics and has received a variety of accolades on the festival circuit. The FVPC Act requires that if a publication's availability is likely to cause injury to the public good, it must be restricted. Although targeted at teenagers, the film's drug dealing focus which incorporates instructive elements, presents a skewed worldview likely to be inappropriately normalised by younger viewers who lack the maturity and experience to discern between reality and fiction. This combined with the sexual material, violence and other mature content reinforces the need for a restriction in order to avoid the harmful impact premature exposure to such depictions is likely have on them. The inspirational nature of the film as well as the positive messaging in respect of identity and identity politics makes it highly suitable for older teenagers, who have the cognitive faculties their younger peers lack. To restrict the publication from them would be an undue burden on the right to freedom of expression. The film is thus classified objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.


Note:

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CONSIDERATION SHEET

OFLC ref:	1500352.000
Submission channel:	s12(1)

Title of publication:	Dope
Other known title:	Not stated
Medium:	Film
Distributor:	The New Zealand Film Festival Trust
Director:	Rick Famuyiwa
Producer:	Nina Yang Bongiovi Forest Whitaker
Country of origin:	United States
Language:	English
Applicant:	Film & Video Labelling Body

Examination transcript No:	662
Examination date:	21 May 2015
Classification Officer(s):	
Other identifying information:	

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

	Components	Running time
Feature(s):	Dope	104:34
Total running time:		104:34

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:

The publication is an independent US feature film from writer/director Rick Famuyiwa and featuring original music from Pharrell. It follows Malcolm and his two best friends, Diggy and Jib, in their final year of high school. The friends are high achievers, in a punk band, and obsessed with 90s hip hop culture. They are also repeatedly bullied by local thugs. Malcolm inadvertently befriends local thug Dom, acting as a messenger between Dom and local love interest Nakia. After a police raid at Dom's birthday party, Malcolm ends up with a backpack full of MDMA and hijinks ensue. Malcolm also has ambitions of going to Harvard, thwarted by the stigma of being a young black man from The Bottom and raised by a single mother. Requiring a sponsor, he meets entrepreneur Austin Jacoby, who turns out to be Dom's superior a la drug lord. Jacoby insists Malcolm move the drugs if he wants support for his Harvard application, forcing the three friends to come up with a scheme for doing so. More hijinks and tribulations follow but Malcolm overcomes the obstacles put to him; he is able to blackmail Jacoby, gets the girl (Nakia) and is impliedly accepted into Harvard. The film is coloured by a fresh hip hop soundtrack and is surprisingly upbeat given the often dark subject matter the film deals with.

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 checked="" 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 **censorship 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 type="checkbox"/>	VRA	<input type="checkbox"/>
	Chief Censor of Film	<input type="checkbox"/>	IPT	<input type="checkbox"/>
Title:				
Publication/Certificate/Decision No.				

Other Sources (please specify and reference):

CLASSIFICATION

New Zealand Bill of Rights Act 1990:

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBORA) states that 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". Under s5 of the NZBORA, this freedom is subject "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". Section 6 of the NZBORA states that "Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning".

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.*

The film deals with matters of sex. Malcolm is shown masturbating on two occasions. He is in a state of undress moving vigorously (implying the activity) whilst watching material on his cell phone. The mirroring of the scenes is intended to be comedic and both are brief. In an attempt to deliver the drugs for Dom, Malcolm ends up at the Jacoby estate, where Jacoby's flirtatious daughter Lily appears topless and propositions sex. Malcolm is eager but out of his depth and their interaction is stalled when Lily seizes upon the drug stash and gets high. There are also slews of sexual references throughout the film, often incorporated into juvenile banter about sex and relationships. The friends have a long conversation with their beatnik drug dealing friend William about sex. William insists he has never had "intercourse with a pussy" suggesting he has only had oral and anal sex. The discussion is, again, humorous and typical of teenage posturing and puffery concerning sex. The treatment of sex is very much in the vein typical of teen comedies, full of awkward gestures and voyeuristic adolescent ogling.

Matters such as horror

NA

Matters such as crime

Much of the film focuses on crime. The Bottoms is a crime-ridden setting, with daily shootings, drug dealing and other criminal activities punctuating the friends' day to day lives. They become embroiled in the criminal lifestyle when they are forced to peddle Dom's MDMA. There are a number of scenes verging on instructive: they weigh, encapsulate and bag the MDMA and develop a system of distributing it online without it tracing back to them. There are also a handful of scenes of drug use. Lily is shown smoking a joint and snorting MDMA. She later vomits, drives erratically, and stages a farcical scene by urinating in a bush and becoming the laughing stock of the internet. William is shown smoking marijuana via an elaborate vaporiser and also pops pills. There is also a long montage scene showing a variety of YouTube clips where people are enjoying the MDMA in party scenes. The drug use is both shown as enjoyable but also as having negative consequences, distorting users' perceptions and resulting in them humorously degrading themselves.

It would be unreasonable to say crime is promoted or supported. It is clear to the viewer that the friends do not want to engage in, and clearly understand the risks associated with, drug use and drug dealing, rather they are forced to by circumstances outside their control and they manage the best they can with the few options available to them. The setting is also not without criminal consequence. Dom's party is raided and he is arrested; during a prominent shooting police arrive immediately and chase and arrest the perpetrators; and Malcolm hastily avoids apprehension during a school drug raid. The overall treatment of crime is more reflective of the daily struggle of crime ridden neighbourhoods and the difficulties of navigating and avoiding criminality for young people implicated in such settings. That Malcolm avoids punishment for his criminal enterprise is intended to be reflective of his entrepreneurship and tenacity not advocacy for drug dealing generally.

Matters such as cruelty

Cruelty is dealt with as a by-product of the ghetto lifestyle the young characters are embroiled in. They are bullied at school, beat up regularly and they face bullies out on the streets they live in. Some of this erupts in violence but often the friends avoid it by running away or putting up with it.

Matters such as violence

There are some scenes of shootings; one occurs at Dom's birthday party where the police raid the premises and shoot a number of people. Fleeting blood spray indicates the person is shot. In another scene, a character postures and threatens another with a gun humorously shooting himself in the leg, leading to a shoot out in the takeaway joint where several people fall down shot. The viewer briefly sees the gunshot wound but this is not lingered upon and does not have a lasting effect. Guns are

also used threateningly by characters before situations are diffused and violence erupts; these are often scenes of high tension. A climatic moment occurs when Malcolm points a gun at his high school bully, shaking as he does so. The bully retreats and Malcolm's friends try to calm him. The incident is particularly unsettling and affecting for his character.

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 NZBORA. 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. 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

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

² Above n2 at para 29.

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.

NA

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

NA

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

NA

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

NA

s3(2)(e) *Bestiality.*

NA

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

NA

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 Conclusion.

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.*

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

See above.

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

NA

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

NA

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

The publication deals with sexual conduct by young persons, as all the film's protagonists are older teenagers. This is all framed as normal and expected of young persons, coming into their sexuality.

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

NA

...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.*

NA

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

NA

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

See above.

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*

NA

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 publication features regular use of highly offensive language. "Fuck" and its derivatives including "motherfucker" are used often by characters, either seamlessly included in casual dialogue, or at times in scenes of heightened tension and emotion. It not used predominantly by the three main protagonists but by the thuggish characters around them. There is also an ongoing dialogue in the film about the use of the word "nigger". This is done subtly and intelligently. Younger viewers are likely to be inured in the least by the high extent of such language. Children, in particular, could see such use as normal and acceptable and take up the use of such language to their social detriment.

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 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.*
- NA
- 3B(3)(a)(ii) *Conduct that, if imitated, would pose a real risk of serious harm to self or others or both.*
- NA
- 3B(3)(a)(iii) *Physical conduct of a degrading or dehumanising or demeaning nature.*
- NA
- 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.*
- NA

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.*
- NA

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 publication is a well-crafted independent coming-of-age teen comedy. It features an idiosyncratic saturation of 90s hip hop, modern tech referencing, a young black cast, and a variety of platitudes that will resonate with contemporary youth.

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

The publication is going to be screened as part of the 2015 New Zealand International Film Festival. It is likely to be screened publicly on a large screen with a digital surround system. This delivery is likely to increase the impact of the depictions overall.

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 publication has high merit. The film's direction, stylisation and actors' performances are all highly commendable. It intelligently deals with issues of race, class struggle, and sexuality. It has also been well received by critics and has received a variety of accolades on the festival circuit.

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 publication is intended for teenagers and those with an interest in independent film.

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

The primary purpose of use will be entertainment.

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

None.

CONCLUSION (INCLUDING NZBORA CONSIDERATIONS)

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**.

Any classification that limits the right to freedom of expression affirmed by s14 of the NZBORA must be **reasonable** and **demonstrably justifiable**.

Classification:

R 16.

The FVPC Act requires that if a publication's availability is likely to cause injury to the public good, it must be restricted. Although targeted at teenagers, the film's drug dealing focus which incorporates instructive elements, presents a skewed worldview likely to be inappropriately normalised by younger viewers who lack the maturity and experience to discern between reality and fiction. This combined with the sexual material, violence and other mature content reinforces the need for a restriction in order to avoid the harmful impact premature exposure to such depictions is likely have on them. The inspirational nature of the film as well as the positive messaging in respect of identity and identity politics makes it highly suitable for older teenagers, who have the cognitive faculties their younger peers lack. To restrict the publication from them would be an undue burden on the right to freedom of expression. The film is thus classified objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.

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 publication's treatment of violence, sex, drug use and offensive language requires restriction.

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

R 16.

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 publication's title is unlikely to cause offence.

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	21/5/15	REF ID: A500352	Embassy
Agency	FLLB		
Location	NZIFF		
Subject	Dope		
Director	Rick Famuyina		
Cast	Nina Young Bengawi	Forest Whitaker	
Format	Film DCP		
Country (ISO)	US	English	
Doc Type?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

Classification	Descriptive notes		
R16	Violence, offensive language, drug use, and sexual material		
Parental Guidance	Some Material	Some	Some
For Information			
Total running time	Total running time		
104:34			

1 Rick Famuyina. Dope definite. City hip hop, kid gets dressed, Malcolm voice on Ants tape called Superfly. Voice on Bikers. Sees pretty girl. Aib + Dickie "Geeks" Obsessed w 90s culture. Dickie at church "punch away the gay" At school 3.00 "A little moist" Men come into burger joint shoot, blood. Tib goes to house. Billie d Funk band One. "fucking like" Perform Bullies. "Motherfucker" Go through clothes

- talks shoe. Run chase. Cut to security. Offends
Sends thru away. Sits in teacher personal essay.
"you fucking your life" "cliche" Annoyed.
- 8-45 Give him card. Rides home "Bloods for life"
Try to steal bills. "Bad & worse choices".
Surrounded aw. Discuss music. "Tell her that
Dom wants to talk to her" Goes up to girl.
"fucking man" sends her back & forward. Helps in
homenek. "I'll go if you go" In bedroom discuss
13-50 "Metaphorically shared your pussy." Friends agree.
Shot of masturbating. Go to door "I have one"
Shows bullets "Need some ID" makes fun. Dom
Spots. See music. Run inside in gear "fucking
your ass up" Starts arguing. M explains.
Punches. Beat up off camera.
- 18-06 "Nigga come on" Sees Dom. Shots. Do shells on
Dance. Vomits on floor. M spots her. "Ask me
to dance" Dance. Dom approaches. Sends her away.
Called away. Watch videos of drone "mother fucker"
Discuss drone warfare. Pull out case of drone
Men break in. Shot and. Shots. Blood spray.
Snat team. Cut outside. M drops M home.
- 24-26 Chat in car. "I'm going to college" "Tryna block
him" Asks her to prom "I don't think I'll have time"
Offers to help study. Masturbates to photo. "Feel
titties & finger berg" Cuts pinged at school.
Sees backpack, guns & drugs "No fucking che"
Dom put shit in my bag. Discuss.
- 30-07 Phone answered, knows who he is. Gives him
instructions. See car. Cut phone call from Dom.
Dom in prison "trust me" Run. Ride off. Followed.
Following GPS. On bus. PWH gun. Planted iPhone.
Ride to address. Woman answers door.
"Need to speak to AJ" Take clothes off. Persuaded.
- 38-42 Sharn aw. Sister in pool. Plays music.
Makes fun of him "fuck her" Tho read the
song. Gangsters get donuts. Cut address
Summer Marta to get fairy. Laughs. Sister
makes eyes. Smokes joint. Curly follows car.
- 42-50 Sister sceptical "Dared as fuck" play in me
"Mother may I?" Addresses breast nudity.
Walks aw. "Too many lies & bullshiters"
"I want you ready when I get back"

- 48 50 At center confronts "need my shit" Pulls out gun. Back pack missing. She licks coke off "try some". high vomits on his larynx. answers phone loses intercom. She says she'll take in. Police came vand. Lily falls asleep. Slaps.
- 49 51 Runs to bush pees. Police following but not. Smacks shoots SELF in leg. Shoot out. Arrested. M arrives at office. Sees photo of Don Childers. "Jacobus" Honest in his "Didn't have choice" Gives his speech about deking.
- 56 42 Insists he makes deking "make you man of Harvard Cuts a mums bus. Bus ride. News report of Lily winning. At school "not the fucking point" "find the white people" Dark web. Any pops puts Melt william at bond camp. "Suck dick"
- 62 47 Never had intercourse in a pussy. Crisis need Smokey. Erased grades. Ingests MDMA. Meet william, need to set up a store to sell. discuss politics of use of nard nigger. "help us" Need to do ghost. Agrees to help. Make pills.
- 68 15 Decide to set up at school. Party w/ discusses nigger, Lily & pills. M introduces band. M makes notification. Cut follows online. "Molly at party" Video montage. Breast audity. In science lab shelly hands. Montage of videos & memes. Montage of selling. White FBI agent suspects.
- 75 04 Don^{ick} at door "help" Friends mock. Study "East lemur". Chats about Don, cries. "Sent you here as a messenger". Right. Leaves. "fuck you" Sees cops sit SATS. Runs down hall Bumps into security. Cuts back sits test. "We got fucking caught" "Our weight to carry too"
- 81 38 Go to see william. He smokes. Takes MDMA "Set up exchange" meets fidel. Need to pass test. Make speech about bags. "motherfucker" Punches. Pulls out gun. Cuts door. Cries many. Cut beater up. Take bag. Pulls gun. "Please give me the bag". "Its OK"
- 88 26 Goes have shares Jacobus Bitcoin exchange account. Explains to him "Up grade your fire wall" Reveals he conned him. "Can you dig it" M makes a personal essay. Breaks 4th wall

93.41 Walk down hallway. Narrates. Mic; poetry
on street. Submits essay. Cuts hair
Prom invite to N. Grop wait in music room.
Outside walks back. Apologizes. "Your
complicated" Passed a60 Has 6 flags tickets.

98.33 Kiss Harvard letter "Dope"
Dances outside Credits. Produced by
Forest Whitaker.

104.34 End