

## SUMMARY OF REASONS FOR DECISION

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

### HEADNOTE

<b>Title of publication:</b>	Saints Row IV
<b>Other known title(s):</b>	Not stated
<b>OFLC ref:</b>	1300484.000
<b>Medium:</b>	Console Game
<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
<b>Descriptive note:</b>	Contains violence, sexual themes and offensive language.
<b>Display conditions:</b>	None

*Saints Row IV* is the fourth in a series of free-roaming sandbox games once modelled on the popular *Grand Theft Auto* series, but now striking out in a more fantastical and less realistic direction. The game utilises a third-person perspective, and offers a high degree of avatar customisation, both in terms of an avatar's physical attributes and their available wardrobe. As in previous titles in the series, the player controls the leader of the Third Street Saints, who has now become the President of the United States. The game returns to the same fictional city of Steelport from *Saints Row: The Third*, which has been redesigned as a retro-futuristic dystopia with elements of Washington, D.C. The game takes place a few years after *The Third*, focusing on the Saints fighting a larger threat than the typical street gangs: aliens.

The game submitted to the office for examination is incomplete and still in a 'build' stage. This significantly limited the Classification Office's ability to assess the game's final state and appearance. Additional footage and detailed script logs were supplied by the distributor to assist with the examination. According to the logs, the game contains around 23 main missions with submissions linked these throughout the game. The same information sheet specified examples of missions which include using vehicles to cause as much mayhem as possible, throwing the player's character into moving traffic to collect insurance money, and capturing or killing specified human or alien targets, to name a few. Successfully completing missions earns the player money, respect, and experience points that can be spent on upgrading the player character's attributes, such as physical strength, driving ability and firearm skills.

The game's treatment of sex, crime, cruelty and violence bring it within the s3(1) subject matter gateway. The game contains intermittent sexual references and sexual behaviour. A number of women characters are described as prostitutes, patrolling streets and occasionally calling out juvenile sexual innuendos while posing in a sexual manner. The player can view strippers dancing suggestively at nightclubs, but the women are scantily clad rather than nude. The inclusion of such characters is more part of the overall seedy, criminal environment. In the menu, the player is able to customise their (male or female) character's clothing, including being fully naked with pixelated genitals and breasts, dressing them in bondage gear, or having them in their scant

underwear. While in this menu the player is also able to practice 'taunts', some of which involve sexual gestures such as mimicking masturbation with hands or thrusting hips in a sexualised way. There is also a "gimp" character – a man in a gimp mask and leather thong, and a "dominatrix" character – a woman dressed in leather with buttocks visible. According to the distributor's logs, there is also an alien weapon that acts like an anal probe. This was not seen during the Office's examination.

The game's sexual dialogue includes phrases such as a man asking a woman, "Wanna fuck?", and when a man asks another man for casual sex he replies, "I'm not normally into that sort of thing but fuck it, I'm down". The same man later asks a woman for sex, she replies "I stay on top and you don't get to talk" In each instance the couples begin kissing and then images fade to black. Sexual activity was not seen.

The game includes a wide range of interactive criminal activities, violence, and elements of cruelty. These comprise the majority of the game's objectives or general game play. The extent and degree to which, and the manner in which, the publication depicts the infliction of serious physical harm and acts of significant cruelty, and promotes or encourages criminal acts, is discussed under s3(3)(a)(i) and s3(3)(d) below.

In terms of s3(2)(f), while the game includes elements of extreme violence, it does so in a completely ludicrous and overblown manner that significantly limits the degree of impact. Therefore the game does not promote or support acts of the infliction of extreme violence.

Turning to s3(3)(a)(i), the game is based around, and contains the facility for, repeated depictions of the infliction of serious physical harm. Outside of game missions, which are pitched against well-armed gang members, military/law enforcement agencies or alien soldiers, the player can freely attack random pedestrians. The pedestrians can be run down in cars, or physically attacked using an array of weapons or brutal hand-to-hand combat techniques. The hand-to-hand melee violence consists of set choreographed moves, such as a volley of punches to the face and body, or a leg kick followed by a head kick. One of the set moves involves knocking someone to the ground and stomping on their head. The set moves are easily deployed and occur automatically when the command is given.

When enemies are shot, punched or caught by an explosion a small blood spray appears, and blood pools under their body. Post-mortem damage, such as dismemberment, cannot be inflicted, and the bodies and blood quickly disappear from the environment. For the most part the effect of shooting opponents is the same each time. Bodies crumple or reel backwards, spurt blood, then fall to the ground dead. Larger weapons such as cannons or grenades hurl bodies high into the air. Some of the game's strongest content occurs when a character is lit on fire. The victim staggers about, arms flailing in the air, before collapsing to the ground. The level of cruelty is stronger because of the length of time it takes for the person to die. In-game cut sequences also feature a range of violence, such as people being shot in the head. These are shown in a very cinematic way, utilising camera angles and sound effects one would expect from a feature film.

The violence is balanced by a number of factors, such as the far-fetched and satirical nature of the game, and the lack of realism generally.

The game promotes and encourages criminal acts (s3(3)(d)) in so far as the game-play revolves around violent and criminal behaviour; the player can progress the game's storyline only by performing such activities. However, crime in the game is simply a means to an end, and the impact is lessened by the context of the game and the far-fetched, over-the-top manner in which

it is presented. The consequences of crime are rarely dealt with by law enforcement, and despite the surface familiarity of a city setting, this is a city in which entire buildings can be destroyed, aliens roam the streets, and the player (a former leader of a gang) is now President of the United States. Civilians, too, behave in unintelligent ways and are limited in character type (for instance, the same 'old lady' or 'crazy man' are seen frequently, and often in the same time and place). The ludicrous and overblown nature of the game limits the degree of impact from the criminal activity.

The characters in the game regularly use highly offensive language, such as 'fuck' or 'motherfucker', to threaten others or as a form of crass expression. Most language appears as pre-programmed reactions by spectators who witness crimes, or are affected by the player's actions. More often than not the language appears automated and out of context. Despite this, the offensive language could be used by impressionable younger persons to bully or intimidate others. Its casual use may negatively affect children and young persons and potentially encourage them to perceive the language as socially acceptable. The language is also likely to cause offence to people who inadvertently hear it during game-play.

The game's dominant effect as a whole is of a satirical and violent third-person console game. The game is self-referential and set in an overblown, ethics-free action world. The game allows potential for the player's character to commit gratuitous acts of violence upon unsuspecting members of the public and the police, as well as frequently commit extreme acts of anti-social and illegal behaviour. This kind of content is likely to be disturbing to children and teenagers viewers. The way many of the game's violent scenes are bathed in dark humour, is likely to lead to a desensitisation in attitudes towards violence and their consequences in real life for more impressionable teenagers. The nature of the game's many crude sexual references assumes that the player is familiar with aspects of sex and its associated language. Children are likely to be negatively influenced by this content. 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. Frequent highly offensive language adds impact to many of the scenes and supports to the need for restriction. The classification of R18 limits the freedom of expression as provided by the New Zealand Bill of Rights Act 1990. However, given the considerations above the availability of *Saints Row IV* at a lower classification is likely to be injurious to the public good.

**Note:**

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## CONSIDERATION SHEET

OFLC ref: 1300484.000

Submission channel: s12(1)

Title of publication: Saints Row IV

Other known title: Not stated

Medium: Console Game

Distributor: Koch Media GmbH


Country of origin: United States

Language: English

Applicant: Film & Video Labelling Body

Examination transcript No: 591 p 399

Examination date: 30 May 2013

Classification Officer(s): 

Other identifying  
information:

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

	<b>Components</b>	<b>Running time</b>
<b>Game:</b>	Saints Row IV	
<b>Total running time:</b>		

**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:

*Saints Row IV* is the fourth in a series of free-roaming sandbox games once modelled on the popular *Grand Theft Auto* series, but now striking off in a more fantastical and less realistic direction. The game utilises a third-person perspective, and offers a high degree of avatar customisation, both in terms of an avatar's physical attributes and their available wardrobe. As in previous titles in the series, the player controls the leader of the Third Street Saints, who has now become the president of the United States. The game returns to the same fictional city of Steelport from *Saints Row: The Third*, which has been redesigned as a retro-futuristic dystopia with elements of Washington, D.C. The game takes place a few years after *The Third*, focusing on the Saints fighting a larger threat than the typical street gangs: aliens.

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Statutory Submissions

**Section 20 – Synopsis of Written Submissions**

Not Applicable	<b>X</b>
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**Section 21 Other Assistance**

None Requested	<b>X</b>
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.

<b>Previous decisions</b>				
<b>Classification Body</b>	OFLC	<input checked="" type="checkbox"/>	VRA	<input type="checkbox"/>
	Chief Censor of Film	<input type="checkbox"/>	IPT	<input type="checkbox"/>
Title:				
<p><b>Saints Row: The Third</b>  <b>Grand Theft Auto IV: The Ballad Of Gay Tony</b>  <i>Used as a references for discussion on style of gameplay and manner or presentation of s3 matters.</i></p>				
Publication/Certificate/Decision No.				
<p><b>1100994.000</b>  <b>0901453.000</b></p>				

<p><b>Other Sources</b> (please specify and reference):</p> <p>The distributor supplied the Classification Office with two and a half hours of gameplay, with a detailed list of problematic content. This was used as an aid for this consideration. The information sheet is attached to the title file for reference.</p>
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## 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.*

The game contains intermittent sexual references and sexual behaviour. A number of women characters are described as prostitutes, patrolling streets and occasionally calling out juvenile sexual innuendos while posing in a sexual manner. The player can view strippers dancing suggestively at exotic nightclubs, but the women are scantily clad rather than nude. The inclusion of such characters is more part of the overall seedy, criminal environment. In the menu, the player is able to customise their character's clothing, including being fully naked with pixelated genitals and breasts, dressing them in bondage gear, or having them in their scant underwear. While in this menu the player is also able to practice 'taunts', some of which are sexual gestures such as the player's character mimicking masturbation or thrusting their hips in a sexualised way. There is also a "gimp" character – a man in a

gimp mask and leather thong, and similar woman character dressed like a dominatrix. There is also a purported alien weapon that acts like an anal probe according to the distributor. This was not seen during the Office's examination.

The game's sexual dialogue includes phrases such as a man asking a woman, "Wanna fuck?", and when a man asks another man for casual sex he replies, "I'm not normally into that sort of thing but fuck it, I'm down". The same man later asks a woman for sex, she replies "I stay on top and you don't get to talk" In each instance the couples begin kissing and then images fade to black. Sexual activity is not seen.

*Matters such as horror*

N/A

*Matters such as crime*

Discussed in conjunction with matters of violence.

*Matters such as cruelty*

Discussed in conjunction with matters of violence.

*Matters such as violence*

The game includes a wide range of interactive criminal activities, violence, and elements of cruelty. These comprise the majority of the game's objectives or general game play. The extent and degree to which, and the manner in which, the publication depicts the infliction of serious physical harm and acts of significant cruelty, and promotes or encourages criminal acts, is discussed under s3(3)(a)(i) and s3(3)(d)below.

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"<sup>1</sup> 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

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

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.<sup>2</sup>

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 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.<sup>3</sup>

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

<sup>2</sup> Above n2 at para 29.

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

*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.*

While the game includes elements of extreme violence, it does so in a completely ludicrous and overblown manner that significantly limits the degree of impact. Therefore the game does not promote or support acts of the infliction of extreme violence.

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.

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 is based around, and contains the facility for, repeated depictions of the infliction of serious physical harm. Outside of game missions, which are pitched against well-armed gang members, military/law enforcement agencies or alien soldiers, the player can freely attack random pedestrians. The pedestrians can be run down in cars, or physically attacked using an array of weapons or brutal hand-to-hand combat techniques. The hand-to-hand melee violence consists of set choreographed moves, such as a volley of punches to the face and body, or a leg kick followed by a head kick. One of the set moves involves knocking someone to the ground and stomping on their head. The set moves are easily deployed and occur automatically when the command is given.

When enemies are shot, punched or caught by an explosion a small blood spray appears, and blood pools under their body. Post-mortem damage, such as dismemberment, cannot be inflicted, and the bodies and blood quickly disappear from the environment. For the most part the effect of shooting opponents is the same each time. Bodies crumple or reel backwards, spurt blood, then fall to the ground dead. Larger weapons such as cannons or grenades hurl bodies high into the air. Some of the game's strongest content occurs when a character is lit on fire. The victim staggers about, arms flailing in the air, before collapsing to the ground. The level of cruelty is stronger because of the length of time it takes for the person to die. In-game cut sequences also feature a range of violence, such as people being shot in the head. These are shown in a very cinematic way, utilising camera angles and sound effects one would expect from a feature film.

The violence is balanced by a number of factors, such as the far-fetched and satirical nature of the game, and the lack of realism generally.

*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.*

The game promotes and encourages criminal acts in so far as the game-play revolves around violent and criminal behaviour; the player can progress the game's storyline only by performing such activities. However, crime in the game is simply a means to an end, and the impact is lessened by the context of the game and the far-fetched, over-the-top manner in which it is presented. The

consequences of crime are rarely dealt with by law enforcement, and despite the surface familiarity of a city setting, this is a city in which entire buildings can be destroyed, aliens roam the streets, and the player (a former leader of a gang) is now President of the United States. Civilians, too, behave in unintelligent ways and are limited in character type (for instance, the same "old lady" or "crazy man" are seen frequently, and often in the same time and place). The ludicrous and overblown nature of the game limits the degree of impact from the criminal activity.

*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.<sup>4</sup>*

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 characters in the game regularly use highly offensive language, such as "fuck" or "motherfucker", to threaten others or as a form of crass expression. Most language appears as pre-programmed reactions by spectators who witness crimes, or are affected by the player's actions. More often than not the language appears automated and out of context. Despite this, the offensive language could be used by impressionable younger persons to bully or intimidate others. Its casual use may negatively affect children and young persons and potentially encourage them to perceive the language as socially acceptable. The language is also likely to cause offence to people who inadvertently hear it during game-play.

### **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).

<sup>4</sup> 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) *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

- 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 as a whole is of a satirical and violent third-person console game. The game is self-referential and set in an overblown, ethics-free action world.

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

An Xbox 360 console game features high definition graphics and audio providing an immersive gaming experience.

*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 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 is probably intended for adults.

*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:**

R18.
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The game allows potential for the player's character to commit gratuitous acts of violence upon unsuspecting members of the public and the police, as well as frequently commit extreme acts of anti-social and illegal behaviour. This kind of content is likely to be disturbing to children and teenagers viewers. The way many of the game's violent scenes are bathed in dark humour, is likely to lead to a desensitisation in attitudes towards violent and their consequences in real life for more impressionable teenagers. Frequent highly offensive language adds impact to many of the scenes and supports to the need for restriction. The nature of the game's many crude sexual references assumes that the player is familiar with aspects of sex and its associated language. Children are likely to be negatively influenced by this content. 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 R18 limits the freedom of expression as provided by the New Zealand Bill of Rights Act 1990. However, given the considerations above the availability of *Saints Row IV* 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"/>
<b>Number of Excisions/Alterations:</b>	
<b>Brief Description:</b>	

**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 sex, crime, violence and highly offensive language.

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

R18.

*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.



(V) x Player loads + kills several enemy commandos.  
 Explosive barrels player sees. - Blood from shootings.  
 "What the fuck!"

Head to missile silo

Player kills more enemy. Blood splatter +  
 letting - fairly non-descriptive splatter.

Ray doll effects.

(V) ? Player in fist fight w/ evil man. He stabs  
 player in stomach. Then as player falls →  
 in molten metal, he is (crashes  
 nuclear missile

(V) Stop rocket exploding.

- Crash through ceiling into deck "Like a Boss"

- Mission complete -

Player now president of USSR for saving world  
 from Nuclear disaster.

- Game stalled - (Restart required)

Game starts from beginning.

Game reloads 3 times.

Game stalls again.

(V) x Mayor jumps over rail, defeated by cops  
 - Stashed in head (wearing helmet)

↳ Supplied footage from distributor

Missions include

- Alternate reloader - kill cops/escape

- Buy guns

- Escape alien invasion

- Battle alien King

- Destroy/repel alien attack (various parts of city)

Drive around city, run over people. No police presence.

(V)

Jump cloths on old women. Platter her. No progenies. Kill people on street. Some blood effects.

Quite cruel + w/out reason.

Highly customisable

(S)

Customisable f in lyric

- can do a 'sexy' dance "Silver Bullet"  
↳ Like pole dance.

- Number of sexual gestures imitating sexual acts.

(S)

"Slight Hook" - imitates f masturbation  
↳ hand gesture.

(S)

↳ Can see f character plus a small golden nipple tassels/covers.

↳ Can try different underparts/bra

(S)

- genital + breasts are blurred. but  
buttocks in g-string still clearly visible.

↳ Bodge outfit - optical.

Naked f + o7 in 'birth chambers' - a video -  
shot of them naked, blurred -

(S)

Robotic droid "pleasures" male character.

\*

Location by his notch - off camera, then  
man codes "pleasured" + "sexy music"  
plays

2 man leeds as player "romances" the crew.

"Hey Kinzie, wanna fuck?" - f slaps other f  
Man jumps on her.

'sexy' music then fade to  
black.

"Fuck it, I'm down" - Man asks other man for casual  
sex.

0402

(5)

"I stay on top & you don't get to fall"  
- if falls on sex ground rules.

Strip Club

Player enters sex club & strip club.  
Dances on stage stripping.

- Player performs strip dance - selection of key prompts, etc. CH Sutherland.

Rivalized  
Nudity

- Player runs naked through street  
"Get some fucking dollar bitch!"  
"I like what I see!"  
"That's nasty bitch!"

(L)

"You're gonna fucking love me you piece of shit!"

(X)

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