

## SUMMARY OF REASONS FOR DECISION

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

### HEADNOTE

<b>Title of publication:</b>	The Predator
<b>Other known title(s):</b>	Not stated
<b>OFLC ref:</b>	1800414.000
<b>Medium:</b>	Film
<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
<b>Descriptive note:</b>	Contains violence, sexual references and offensive language.
<b>Display conditions:</b>	None

*The Predator* is an American science fiction action film, the fourth instalment in the Predator film franchise. Captain McKenna, when on an army mission in Mexico, stumbles across an alien space ship. He finds that the creature from the ship has brutally murdered two of his team. As evidence, he sends a mask and piece of equipment from the vessel back home. Rory, McKenna's young son, accidentally triggers the tracking devices embedded in the equipment, unintentionally making him the alien's biggest target. The aliens are stronger, smarter and deadlier than ever before, after genetically upgrading themselves with DNA from other species. The Predators plan to take over the earth once climate change makes it unliveable for humans. They are fixated on eliminating humankind to the point of extinction, but need DNA from those humans who are deemed genetically superior before they do so – including Rory. Captain McKenna teams up with other disgraced military men and Dr. Casey Bracket to try and kill the Predator that is after his son.

The film deals with sex, horror and violence.

The publication deals with matters of sex through sexual references, typically between members of the newly formed army squad. Quips such as “You want to know if someone has fucked an alien?”, “how do you circumcise a homeless man?”, “Eat your pussy,” “Eat a dick” and so forth are frequent throughout the publication.

The publication deals with matters of horror by depicting the Predators, a group of aliens that hunt humans for fun. They are large, bug-like creatures who stand like humans but have masks covering monstrous faces. The creatures appear to have dreadlocks and have tusk-like horns in their mouths, horrific in appearance.

There are several depictions of horrific imagery that contain blood and gore. Some victims of the Predator are depicted hanging from the trees, and often there are scenes of bloody human debris tracing the Predator's deadly path. There are also frequent depictions of dead bodies which have been mutilated in some way.

The publication contains the infliction of serious physical harm and acts of significant cruelty. Most of the killings and fights are committed by the Predators, with some soldier to soldier combat. The following scenes carry the most impact:

- After the Predator has first attacked, one of McKenna's soldiers drops from a tree, mangled and cut in half. The body is bloody and gory, with various body parts decimated from the attack. The blood from the hanging body drips over the alien, who is lying underneath it.
- The Predator is initially kept in a lab, sedated by the lab technicians. After Rory accidentally triggers the device in the helmet, the Predator wakes up and goes on a rampage, biting off the hand of the closest technician, clawing through the others, decapitating and stabbing them. It then goes on to kill any person in its way. The lab is left covered in blood smeared over the walls and glass, with bodies lying everywhere from the attack.
- Rory goes trick or treating for Halloween dressed in the Predator's helmet and technological arm band. He knocks on the door of a neighbour who responds by throwing something at Rory. The mask fires off an explosion, throwing the neighbour into the air and blowing up his house.
- The biggest scene of violence between the Predator and the humans depict the humans banding together to take down the Predator. The Predator rips heads off, lights people on fire, and slashes through bodies with its claws. Coyle and Baxley, two of the army men, are some of the victims of the Predator. Coyle lies on the ground, his intestines falling out of his torso. Baxley is thrown against a tree, where a branch lances through his body. The two men look at each other, nod grimly, take their guns out and shoot each other through the head.
- Nettles jumps on the space ship with McKenna and Nebraska when a force field covers the ship. His legs are severed, and his torso flies off the ship, the remnants of his legs remaining in the force field. Nebraska realises he will be next, so instead he runs into the jet and dies immediately.

The depictions of violence are often sensationalised and contain horror and science fiction elements, making some of the depictions somewhat unrealistic. Although there is a high extent of choreographed and bloody violence, this limits the overall impact.

The publication contains a high extent of offensive language, such as "fuck" and its derivatives, "motherfucker", "shit" and "bitch". The language is used predominantly in an aggressive or threatening context, specifically when referring to the Predator. The high frequency of the offensive language is likely to cause harm to younger audiences who may become inured to the language, or distressed by the manner of its use.

The publication depicts a conversation about suicide. One of the soldiers, Nebraska, recounts how he became a disgraced soldier. He reveals that he shot himself. Nebraska shows McKenna the scar on the side of his head and describes how he had to walk himself to hospital after his attempt at suicide.

The brief discussion of suicide is unlikely to disturb or shock viewers, nor would it increase the risk of them killing or causing serious harm to themselves.

*The Predator* is a well-made, exhilarating production from a popular franchise, depicting battles against aliens. The high extent of gruesome violence is likely to be frightening to younger teens and children, who are also likely to be shocked and disturbed by it and the depictions of dead bodies. Older teenagers and adults will be able to place the material into a fictitious context contrived as entertainment. The level of offensive language and sexual references may be harmful to younger viewers, as the causal and repetitive use may have a normalising effect or encourage young viewers to emulate it.

Balancing these harms against the right to freedom of expression, as laid out in the New Zealand Bill of Rights Act, the publication is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.

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## CONSIDERATION SHEET

**OFLC ref:** 1800414.000

**Submission channel:** s12(1)

**Title of publication:** The Predator

**Other known title:** Not stated

**Medium:** Film

**Distributor:** 20th Century Fox Film Distribution

**Director:** Shane Black

**Producer:** John Davis

**Country of origin:** United States

**Language:** English

**Applicant:** Film & Video Labelling Body

**Examination transcript No:** 733 (322-328)

**Examination date:** 04 September 2018

**Other identifying information:**

## COMPONENTS OF FILM

Components of film originally examined:

	Components	Running time
Feature(s):	The Predator	106:46
Total running time:		106:46

Components of film excised:

**CONSIDERATION OF THE PUBLICATION UNDER THE FILMS,  
VIDEOS, AND PUBLICATIONS CLASSIFICATION ACT 1994 (FVPC ACT)**

<b>Description</b>
<i>The Predator</i> is an American science fiction action film, the fourth instalment in the Predator film series. Captain McKenna, when on an army mission in Mexico, stumbles across an alien ship and the creature in the ship who has brutally murdered two of his crew. As evidence, he sends a mask and piece of equipment from the ship back home. Rory, McKenna's son, accidentally triggers the equipment, making him the biggest target for the aliens. The aliens are stronger, smarter and deadlier than ever before, after genetically upgrading themselves with DNA from other species, and plan to take over the earth once climate change has killed off human life. Captain McKenna teams up with other disgraced military men and Dr. Casey Bracket to try and kill the Predator that is after his son.

<b>Section 3(1): the Subject Matter Gateway</b>	
Does the publication describe, depict, express, or otherwise deal with matters such as:	
✓	Sex <sup>1</sup>
The publication deals with matters of sex through sexual references, typically between members of the newly formed army team. Quips such as "You want to know if someone has fucked an alien?", "how do you circumcise a homeless man?", "Eat your pussy," "Eat a dick" and so forth are frequent throughout the publication.	
✓	Horror
The publication deals with matters of horror by depicting the Predators, a group of aliens that hunt humans for fun. They are large, bug-like creatures, standing like humans, with masks covering a monstrous face. The creatures appear to have dreadlocks and have tusk-like horns in their mouths.	
There are several depictions of horrific imagery that contain blood and gore. Some victims of the Predator are depicted hanging from the trees, and often there are scenes of bloody human debris tracing the Predator's path. There are also depictions of dead bodies which have been mutilated in some way.	
✓	Crime
See s 3(3)(a)(i).	

<sup>1</sup> Note that a publication can be found to deal with a matter such as sex if (a) the publication 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. (s 3(1A)).

**Section 3(1): the Subject Matter Gateway**

✓	Cruelty
See s 3(3)(a)(i)	
✓	Violence
See s 3(3)(a)(i).	
—	None of the above, <u>proceed to s 3A and s 3B</u>

**Section 3(2): Certain publications are "deemed to be objectionable"**

Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter.

—	s 3(2)(a) The exploitation of children or young persons for sexual purposes
—	s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct
—	s 3(2)(c) Sexual conduct with or upon the body of a dead person
—	s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
—	s 3(2)(e) Bestiality
—	s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty
✓	None of the above

### Section 3(2): Certain publications are "deemed to be objectionable"

If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content?

—	Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion.
—	No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u>

### Section 3(3): Matters to be given particular weight

If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:

✓	s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty
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The publication contains the infliction of serious physical harm and acts of significant cruelty. Most of the killings and depicted fights are committed by the Predators, with some soldier to soldier combat. The following scenes carry the most impact:

- After the Predator has first attacked, one of McKenna's soldiers drops from a tree, mangled and cut in half. The body is bloody and gory, with various body parts decimated from the attack. The blood from the hanging body drips over the alien, who is lying underneath the hanging body.
- The Predator has been kept in a lab, sedated by the lab technicians. After Rory accidentally triggers the helmet, the Predator wakes up and goes on a rampage, biting off the hand of the closet technician, clawing through the others, decapitating them and kills any person in its way. The lab is left covered in blood, smeared over the walls and glass.
- Rory goes trick or treating for Halloween dressed in the Predator's helmet and technology bracelet. He knocks on the door of a neighbour who responds by throwing something at Rory. The mask fires off an explosion, throwing the neighbour into the air and blowing up his house.
- The biggest scene of fighting between the Predator and the humans depict the humans banding together to take down the Predator. The Predator rips heads off, lights people on fire, and slashes through bodies with its claws. Coyle and Baxley, two of the army men, are some of the victims of the Predator. Coyle lies on the ground, his intestines falling out of his torso. Baxley is thrown against a tree, where a branch lances through his body. The two men look at each other, nod grimly, take their guns out and shoot each other through the head.
- Nettles jumps on the space ship with McKenna and Nebraska when a force field covers the ship. His legs are decapitated, and his torso flies off the ship, the remnants of his legs remaining in the force field. Nebraska realises he will be next, so instead he runs into the jet and dies immediately.



### Section 3(3): Matters to be given particular weight

The depictions of violence are often sensationalised and contain horror and supernatural elements, making some of the depictions somewhat unrealistic. Although there is a high extent of choreographed and bloody violence, this limits the overall impact of the violence.

—	s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct
—	s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature
—	s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons
—	s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain
—	s 3(3)(b) Exploits the nudity of children or young persons
—	s 3(3)(c) Degrades or dehumanises or demeans any person
—	s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism
—	s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993
—	The publication doesn't deal with any s 3(3) criteria

**Section 3A:**

Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age?  Yes  No

Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers):

The publication contains a high extent of offensive language, such as "fuck" and its derivatives, "motherfucker", "shit" and "bitch". The language is used predominantly in an aggressive or threatening context, specifically when referring to the Predator. The high frequency of the offensive language is likely to cause harm to younger audiences who may become inured to the language.

**Section 3B:**

Does the publication contain any of the following material?

✓

Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria).

The publication depicts a conversation about suicide. One of the soldiers, Nebraska, recounts how he became a disgraced soldier. He reveals he shot a C.O – himself. Nebraska shows McKenna the scar on the side of his head and describes how he had to walk himself to hospital after his attempt at suicide.

—

Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria).

—

Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).

—

Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).

—

None of the above

**Section 3B:**

Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?

- Cause them to be greatly disturbed or shocked
- Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both
- Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned.

Discuss likely harm/s or why the content is unlikely to cause these harms:

The discussion of suicide is unlikely to disturb or shock viewers, nor would it increase the risk of them killing or causing serious harm to themselves. The conversation is not instructional and is placed in the context of a plot narrative. It is not the focus of the film.

**Submissions & consultations (if applicable)**

—	Consultation or enquiries required under s 21
—	Submissions received from interested parties under s 20

**Any other information to be taken into account (if relevant)**

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

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## Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

*The Predator* is a well-made, exhilarating production from a popular franchise, depicting battles against aliens. The high extent of gruesome violence is likely to be frightening to younger viewers and children, who are also likely to be shocked and disturbed by the bloody violence and depictions of dead bodies. Older teenagers and adults will be able to place the material into a fictitious context contrived as entertainment. The level of offensive language and sexual references may be harmful to younger viewers, as the causal and repetitive use may normalise or encourage young viewers to emulate it.

Balancing these harms against the freedom of expression found in NZBORA, the publication is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.

## Classification

R16

**Descriptive note to cover:** Violence, offensive language and sexual reference.

## Excisions (if applicable)

## Display conditions (restricted publications only)

Are display conditions necessary?	<input type="checkbox"/>	Yes
	<input checked="" type="checkbox"/>	No

Reason for any display conditions:

Date 3.09.2018

OFLC Ref 1800414

Title The Predator

Other Known title(s)

Medium Film

Director (s) Shane Black

Producer (s) John Davis

Country (ies) United States

Language (s) English.

0.31 Space ships fly in  
↳ Massive spaceship.

"The Predator"

1.36 Creature is controlling the ship.

2.25 Army man  
↳ "You got eyes on the hostages?"  
↳ "You nervous making bets?"

3.10 Shots / snipers a man. (✓)

3.55 Army guy falls  
↳ space ship is found.

4.42 reveals the gun  
↳ Finds a mark.

5.20 "Comms not fucking working"  
↳ "What is that crap?"  
↳ "How are we being pay-guard."

6.26 Body drops from tree. → mangled, dissipated. (✓)

7.13 Blood drips from the cut in half body  
↳ Hanging  
↳ Pans over them  
↳ They open eyes. (V) (H)

8.08 "Fucking you up is these ideas of terrorism"

9.15 Swallows the evidence.

10.47 "I'm hungry for an a) burger."  
↳ kid puts mess & presses back.

12.05 Arrives at a house  
↳ "He kills people, so you can be a next man."

13.10 Tells Hopkins.  
↳ "They've been here before. '87, '97."

14.30 "Rowy"  
↳ "They'll still be able to see. That it's me."

15.13 "I'm a sniper. Isn't posing a threat the kind of fucking point?" (a)

16.32 Rowy finds the waste/helmet/dum band.

17.47 "Slave me again and I'll break you all 6."

18.34 Person has farmettes  
↳ Fice per x 3 (a)  
Squal.

19.41 Introduces all the people. (SP): "I also stand at attention before / whistle"  
↳ Fice clla (a)

20.32 "I put a bullet in a seal. He was an asshole."

21.07 "Every fucking time" (a)

21-30 "Oh my god, Holy shit."

22-16 "Dad - would you like to meet the predator?"

23-09 Alien is lying down  
↳ Face yellow  
↳ Motherfucker.

24-08 "You want to know if someone's fucked an alien." (X) (C)

25-15 "How do you circumcise a homeless man?" (X)  
↳ MF  
↳ Fuck  
↳ Shit the pole up (C) x 4

26-04 "I made contact w an alien."  
↳ Shit the pole up.

26-16 "Sensor's engaged. Scanning for target."

28-11 "Oh shit."  
↳ Predator is awake.  
↳ Bites someone.  
↳ Thru's mother  
↳ Blood claws, rains blood. (V) \*  
↳ Decapitated head.

30-25 predator ignores Dr.

31-25 "If fight there's been a breach." (V)  
↳ Blood over the army  
↳ "Did you not fucking see that?" (C)  
↳ Rele.

32-53 "If you mom's vagina -"  
↳ Kick  
↳ Punch (V)  
↳ Hit  
↳ urands protect at full way

32-32 "You want to kill a fucking alien." (C)



1525

35.20 Mireen is shot at  
↳ She shoots herself in foot.

36.41 Woman is put onto motorcycle.

37.32 Predator kills men, amputates arm, holds it for thumbs up. (V)  
↳ Blood splatters.

38.28 S. King around + "They never fucking -"  
↳ The C.O. did he live?  
↳ The guy shot himself in the head. (V)

40.17 "Morning sunshine."  
↳ Kills trigger  
↳ "Eat your pussy." (JK)  
↳ Feeling insane (a)  
↳ Kick.

42.17 "They're like away from me."  
↳ Kick. (a)

43.24 "I took it's gear - so I have evidence."

44.34 Remy acts as a masochist.  
↳ "The whole fucking reason -"

45.38 "Loomer - Emily."  
↳ "It's like an  
↳ "I'm happily with every single fucking  
one of you."

47.32 "He might be a cowboy husband but he is a good soldier."  
↳ He called me pussy.  
↳ pussy x 3

48.50 Casey - you're in me.

50.05 "Trick or treat"  
↳ carry in blame up.  
↳ Blood, horse. (V)

51-09 Dog appears on field.  
↳ fresh dogs  
↳ shot at

53-31 Dogs are blown up.  
↳ fresh / freshing + 5. (a)

54-22 Predator arrives  
↳ shoots, blows strip up

55-37 "Let's get the field out of here."

56-25 Bigger predator arrives  
↳ "tell me where it is."

57-40 Take free predator's head off.  
↳ "Trauper eliminated. Tracking stolen cargo"

59-05 "You guys fucked with the wrong family."  
↳ I want that belong ship.  
↳ it fresh at.  
↳ N + me. (a)

59-55 "Are you fucking retarded?"  
↳ "Yes" son's retarded.

1-01-07 "Lum says you're a likee."  
↳ Father / Son moment.

1-02-29 "They take survival - making / hybrid -"  
↳ Evolution  
↳ "No one shoots my fucking dog" (a)

1-04-45 Kicked him to the ground.

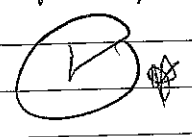
1-05-34 "Shut the fuck up." (a)  
↳ fresh.  
↳ fresh (v)  
↳ "for mother's ass"

1-07-13 Blood → clawed, spews.  
↳ Two men killed (v)

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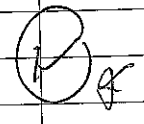
- 1-09-07 Amy + bombs detonates (V)
- 1-10-32 "Can I interest you in getting the hell out of here." (Q)
- 1-11-18 Helicopter arrives.  
Li Fude (Q)
- 1-12-08 "We got bullets in our head and walk to the Geely hospital." (Q)
- 1-17-36 "Nice reverse psychology. I can do that too.  
Don't go sell yourself." (Q)  
Li MF - (Q)
- 1-14-03 Roney opens the ship  
Li "He's gotta - in F."  
4 shoots a guy through the eye. (V)  
Li sits throat.
- 1-16-17 "I don't give a shit."  
4 Man's arm blown off. (V)  
Li shoot out.  
4 Amy is electrocuted.  
4 heads at 09. (V)
- 1-19-01 Sniper a guy.  
Li "I have sniper watching you both each other." (Q)
- 1-20-35 "Fat a dick." (SR)
- 1-21-06 Joann escapes.  
4 followed by the predator.  
4 predator rips head off  
4 other guy shoots someone in arm  
4 then in head. (V)
- 1-23-47 Amy held silence notes.  
4 "okay" "fck this."  
4 "It's a chance for you to survive."

1-25-09 Guy explodes  
↳ Predator life on fire  
↳ Throws a guy and a spear / the  
gears through him  
↳ Shoot calculator  
↳ Wnts hanging at.



1-28-09 takes Roney  
↳ "The next step in the  
evolution chain."

1-29-37 Climbs on board, force field wts off  
guy's legs, other guy jumps into engine.



1-32-76 Space ship falls into water.

1-33-91 Predator called  
↳ "Put me back up."

- ↳ Nev. Mes
- ↳ Coil
- ↳ Lynx
- ↳ Bawley
- ↳ Nebraska.

1-36-18 Walks in Military uniform

1-38-05 "The Predator Killer."  
↳ shoots  
↳ "That's my new sith."

D: Shave Black  
P: John Daw's

Running time:  
# 1:43:42