

SUMMARY OF REASONS FOR DECISION

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

HEADNOTE

Title of publication:	Deadpool
Other known title(s):	Not stated
OFLC ref:	1600044.000
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:	Graphic violence, sex scenes and offensive language
Display conditions:	None

Deadpool is an American revenge action comedy based on the Marvel Comics character of the same name. It is directed by Tim Miller and has a running time of 107 min 21 sec.

The film centres on Wade Wilson, an ex-military soldier now working as a mercenary who is diagnosed with cancer. Wade is given the opportunity to cure his cancer by participating in a rogue experiment. Having just started a new relationship with Vanessa, Wade agrees to participate in the experiment in the hope of living longer to enjoy his life with his new girlfriend. The regenerative mutation treatment, conducted by mutants Ajax and Angel Dust, sees Wade tortured using, among other things, radical oxygen deprivation with the end result of a mutation that gives accelerated healing but leaves him disfigured. Although now mutated, Ajax seizes the opportunity to inflict more suffering on Wade by continuing his torture for his own pleasure. Wade escapes and with a new identity as antihero Deadpool, Wade hunts down Ajax for disfiguring him and subjecting him to torture. The essence of the film is a parody on other Marvel films. It breaks the fourth wall by having Deadpool talk directly to the audience on occasion.

The publication deals with matters of sex, horror, crime, cruelty and violence under s3(1) of the FVPC Act. It contains a series of sex scenes, sexualised nudity, and extensive use of sexual references. When Wade and Vanessa first meet, they engage in a range of sexual activity presented through a montage. One of the strongest scenes occurs when Wade is depicted on his hands and knees on a bed with Vanessa positioned behind him. She is seen tying the straps of a strap-on dildo. It is implied at this point that Vanessa uses the strap-on dildo on Wade, with the camera focusing briefly on his facial expressions. Other sex acts include a scene of cunnilingus when Wade's head pops out from under the blankets between Vanessa's legs. As well as the sex scenes, the film includes a brief scene of sexualised nudity at a strip club. The female dancers are depicted naked with their breasts clearly visible.

An animated sequence during the final credits depicts Deadpool riding a unicorn. He starts rubbing the unicorn's horn to a point where the unicorn's tail starts moving and it shoots out a

rainbow from its horn and monetary notes out of its bottom. The act of masturbation is light-hearted and in line with the film's quirky humour.

The film is saturated with sexual references and innuendo. The sexual references occur during conversation and even in the midst of violence. One of Deadpool's friends describes how horrific his facial injuries look, "You look like Freddie Kruger face-fucked a topographical map of Utah". When Deadpool cuts off his own hand to escape being restrained with handcuffs, a large amount of blood spurts out of his wrist and hits his mutant friend Colossus in the face. Deadpool shouts out, "Oh, there's the money shot". Near the end of the film, Deadpool takes off his mask to reveal his facial injuries to Vanessa. She comments that after a few drinks "It's a face I'd be happy to sit on". One of the stronger sexual references alludes to sexual violence when a character uses a humorous metaphor of two avocados engaging in "hate sex". Overall, the sexual references are unashamedly crude and targeted at a mature audience.

The film deals with matters of horror and cruelty in regard to the traumatic transformation Wade endures to cure his cancer. The torture endured by Wade during the rogue experiment will be discussed under s3(3)(a)(i).

The fictional narrative frequently deals with crime in regard to numerous depictions of assault and murder, predominantly carried out by Wade, firstly as a mercenary and then in his antihero role as Deadpool. The strongest instances of assault and murder will be discussed in conjunction with matters of violence under s3(3)(a)(i). The film contains fleeting references to drug use when Wade jokes with his blind elderly roommate. He makes a passing reference to a large quantity of cocaine hidden in the house that would cure her blindness once and for all. The humour and brevity of the drug references mitigates their impact overall.

Violence occurs frequently throughout the film. The extent and degree to which, and the manner in which, it describes, depicts, or otherwise deals with the infliction of serious physical harm and acts of significant cruelty will be discussed under s3(3)(a)(i). The film does not contain any elements that require discussion in terms of s3(2).

The film contains graphic depictions of violence involving the infliction of serious physical harm and acts of significant cruelty. The action has a frenetic and exciting tone, often switching between frenzied fighting scenes to slow-motion sequences using stylish special effects. The gory violence includes stabbings, shootings, decapitations, and limbs being severed. One of the strongest slow-motion sequences follows the trajectory of a bullet as Deadpool executes three men at close range. As the bullet passes through each man's head, blood spectacularly spurts out into the air as the heads explode. During another slow-motion sequence, Deadpool impales a man with two large swords through his stomach and out of his back, holding him victoriously in the air with the blades. One of the cruellest displays of harm occurs when Deadpool grabs a man from behind, burns the man's forehead with a car cigarette lighter and then forces the lighter down the man's throat. Deadpool holds his hand over the man's mouth, forcing him to swallow the lighter. Other instances of violence include Ajax and Deadpool fighting each other after Ajax subjects Deadpool to a series of torture techniques. Ajax gains the advantage, impaling Deadpool through the body with a steel rod that lodges into the wooden floor boards. The viewer sees blood dripping from Deadpool's mouth due to the internal injuries sustained.

Significant acts of cruelty occur when Deadpool endures the traumatic transformation to cure his cancer. The viewer sees him subjected to extreme oxygen deprivation and a series of other tortures, including waterboarding and being held under ice water for long periods of time. He is shown struggling to breathe whilst his body convulses and his skin changes. Ajax revels in the

pain and suffering Wade is experiencing, unnecessarily torturing him by extending the duration of the experiment. These depictions of cruelty and torture may shock some viewers.

Although the film is laden with gory violence, it is set against a backdrop of the Marvel universe, allowing Deadpool and other mutants' extraordinary superpowers. Deadpool is able to absorb bullets with ease, and survives multiple stabbings by regenerating himself, further reducing the realism of the violence. Near the start of the film Deadpool is shot through the forearm. He lifts his arm and looks through the bullet hole at the mutant coming towards him. The inclusion of these humorous sequences of violence mitigate to a certain extent the impact of these scenes. However, the humour is also likely to trivialise the stronger violent elements.

The film is abundant with black humour. One of the strongest examples occurs during a candid conversation between Wade and Vanessa when they exchange their own personal stories of childhood sexual abuse (s3(3)(a)(ii) and s3(3)(a)(iv)) as a game of one-upmanship. Although the friendly banter is humorous and contextualised between two adults flirting with one another in a bar, candid dialogue surrounding sexual conduct with children may trigger or re-traumatise those viewers who have experienced sexual abuse in their past.

Under s3A the film frequently uses highly offensive language in the form of "fuck" (and its derivatives) and, to a lesser extent, "bitch". It is predominantly used in an aggressive or threatening context when he engages with enemy characters. Other times it is used humorously in conjunction with outrageous sexual references. A typical example occurs when Deadpool threatens to kill one of Ajax's men if he does not comply with his demands, "Tell me where your fucking boss is or you're going to die in five minutes". The language is likely to be considered highly offensive by the public in general, as intended by the film-makers.

A far-fetched depiction of self-harm is dealt with during one scene in the film (3B(3)(a)(i)). Deadpool cuts off one of his hands in order to escape being held in handcuffs. The graphic depiction sees him use a knife to hack at his hand. When it is cut, blood spurts out of the stump and hits Colossus in the face. With his superpower healing properties, his hand regenerates over a period of time. Although gory and shocking, this act of self-harm is over-the-top and clearly fantastical within the Marvel universe.

The dominant effect of *Deadpool* is an over-the-top superhero parody laden with crude humour and graphic violence. A restriction on the film's availability is necessary due to its treatment of sex, horror, crime, cruelty and violence. The graphic depictions of assault and murder, as well as a strong sequence of torture, are likely to shock and disturb children and younger teenagers, or otherwise have an adverse impact on them. The film is also saturated with highly offensive language, crude sexual references, and a scene of one-upmanship in which childhood sexual abuse is discussed. Younger audiences are not likely to have the life experience or maturity to understand the black humour permeating through these scenes. Older teenagers and adults are likely to put these graphic scenes of violence and sexual material into the context of a fantastical, over-the-top narrative. The comic nature of the violence, and the film's self-awareness through frequent interaction with the audience by breaking down the fourth wall, mitigates to a certain extent the impact of the stronger scenes. Balancing these harms against the right to freedom of expression as set out in the New Zealand Bill of Rights Act 1990, a restriction on the availability of *Deadpool* to older teenagers and adults is the lowest reasonable restriction which can be applied in order to prevent injury to the public good.


Note:

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CONSIDERATION SHEET

OFLC ref:	1600044.000
Submission channel:	s12(1)

Title of publication:	Deadpool
Other known title:	Not stated
Medium:	Film
Distributor:	20th Century Fox Film Distribution
Director:	Tim Miller
Producer:	Simon Kinberg Ryan Reynolds Lauren Shuler
Country of origin:	Canada, United States
Language:	English
Applicant:	Film & Video Labelling Body

Examination transcript No:	673
Examination date:	03 February 2016
Classification Officer(s):	
Other identifying information:	

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

	Components	Running time
Feature(s):	Deadpool	107:21
Total running time:		107:21

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:

Deadpool is an American revenge action comedy based on the Marvel Comics character of the same name. It is directed by Tim Miller and has a running time of 107 min 21 sec.

The film centres on Wade Wilson, an ex-military soldier now working as a mercenary who is diagnosed with cancer. Wade is given the opportunity to cure his cancer by participating in a rogue experiment. Having just started a new relationship with Vanessa, Wade agrees to participate in the experiment in the hope of living longer to enjoy his life with his new girlfriend. The regenerative mutation treatment, conducted by mutants Ajax and Angel Dust, sees Wade undergoes radical oxygen chamber therapy with the end result of accelerated healing. While Wade is tied down and unable to move, Ajax ceases the opportunity to inflict more suffering on Wade by continuing the treatment beyond what was necessary - leaving him with disfigured skin. With a new identity as antihero Deadpool, Wade hunts down Ajax for disfiguring him and subjecting him to unnecessary torture. The essence of the film is a parody on other Marvel films and breaks down the fourth wall by Deadpool talking directly to the audience on occasion.

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	
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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.				

<p>Other Sources (please specify and reference):</p> <p>Reviews and information: http://www.ew.com/article/2015/07/11/ryan-reynolds-deadpool-corrects-mistakes-x-men-origins-wolverine http://www.ew.com/article/2015/07/02/deadpool-ryan-reynolds-comic-con</p> <p>Australian classification: MA 15+ (Strong bloody violence and sex scene) http://www.classification.gov.au/Pages/View.aspx?sid=eHge%2bzIMJMHLDpYXeuMPjA%253d%253d&ncdctx=xVqSwJs5TwxTJ5r0dSPvbznLgfd6qDPHDpYNysUNQcxPpPyHqNY%2bZBWMRiUx5z24</p> <p>BBFC classification: 15 (strong bloody violence, strong language, sex references) http://www.bbfc.co.uk/releases/deadpool-2016</p>
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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 in regard to a series of sex scenes, sexualised nudity, and extensive use of sexual references. When Wade and Vanessa first meet, they engage in a series of sexual activity presented through a montage of sex acts. One of the strongest scenes occurs when Wade is depicted on his hands and knees on a bed with Vanessa positioned behind him. She is seen tying the straps of a strap-on dildo. It is implied at this point that Vanessa uses the strap-on dildo on Wade, with the camera focusing briefly on his facial expressions. Other sex acts include an implied scene of cunnilingus when Wade's head pops out from under the blankets between Vanessa's legs. As well as the sex scenes, the film includes a brief scene of sexualised nudity at a strip club. The female dancers are naked with their breasts clearly visible.

An animated sequence during the final credits depicts Deadpool riding a unicorn. He starts rubbing the unicorn's horn to a point where the unicorn's tail starts moving and it shoots out a rainbow from its horn and monetary notes out of its bottom. The simulated act of masturbation is light-hearted and in line with the film's quirky humour.

The film is saturated with sexual references and innuendo. The sexual references occur during normal dialogue and even in the midst of violence. One of Deadpool's friends describes how horrific his facial injuries look, "You look like Freddie Kruger face-fucked a topographical map of Utah". When Deadpool cuts off his own wrist to escape being restrained with handcuffs, a large amount of blood spurts out of his wrist and hits his mutant friend Colossus in the face. Deadpool shouts out, "Oh, there's the money shot". Near the end of the film, Deadpool takes off his mask to reveal his facial injuries to Vanessa. She comments that after a few drinks of alcohol "It's a face I'd be happy to sit on". One of the stronger sexual references alludes to sexual violence when a character uses a metaphor of two avocados engaging in "hate sex". Overall, the sexual references are unashamedly crude and targeted at a mature audience.

Matters such as horror

The film deals with matters of horror and cruelty in regard to the traumatic transformation Wade undertakes to cure his cancer. The viewer sees him subjected to extreme oxygen deprivation and a series of other techniques, including waterboarding and being held under ice water for long periods of time. He is shown struggling to breathe whilst his body convulses and his skin changes. Ajax revels in the pain and suffering Wade is experiencing, unnecessarily torturing him by extending the duration of the experiment. These depictions of cruelty and torture may momentarily shock some viewers.

Matters such as crime

The fictional narrative frequently deals with crime in regard to numerous depictions of assault and murder, predominantly carried out by Wade, firstly as a renegade mercenary and then in his antihero role as Deadpool. The strongest instances of assault and murder will be discussed in conjunction with matters of violence under s3(3)(a)(i). The film contains fleeting references to drug use when Wade jokes with his blind elderly roommate. He makes a passing reference to a large quantity of cocaine hidden in the house that would cure her blindness once and for all. The brevity of the drug references mitigates their impact overall.

Matters such as cruelty

See matters of horror for discussion, above.

Matters such as violence

See s3(3)(a)(i) for discussion.

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 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

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

² Above n2 at para 29.

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

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

N/A

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

N/A

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

N/A

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

N/A

s3(2)(e) *Bestiality.*

N/A

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

N/A

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

The film contains graphic depictions of violence involving the infliction of serious physical harm and acts of significant cruelty. The action has a frenetic and exciting tone, often switching between frenzied fighting scenes to slow-motion sequences using stylish special effects. The gory violence includes stabbings, shootings, decapitations, and limbs being severed. One of the strongest slow-

motion sequences follows the trajectory of a bullet as Deadpool executes three men at close range. As the bullet passes through each man's head, blood spectacularly spurts out into the air as the heads explode. During another slow-motion sequence, Deadpool impales a man with two large swords through his stomach and out of his back, holding him victoriously in the air with the blades. One of the cruellest displays of harm occurs when Deadpool grabs a man from behind, burns the man's forehead with a car cigarette lighter and then forces the lighter down the man's throat. Deadpool holds his hand over the man's mouth, forcing him to swallow the lighter. Other instances of violence include Ajax and Deadpool fighting each other after Ajax subjects Deadpool to a series of torture techniques. Ajax gains the advantage, impaling Deadpool through the body with a steel beam that lodges into the wooden floor boards. The viewer sees blood dripping from Deadpool's mouth due to the internal injuries sustained.

Although the film is laden with gory violence, it is set against a backdrop of the Marvel universe, allowing Deadpool and other mutants' extraordinary superpowers. Deadpool is able to evade bullets with ease, and survives multiple stabbings by regenerating himself, further reducing the realism of the violence. Near the start of the film Deadpool is shot through the forearm. He lifts his arm and looks through the bullet hole at the mutant coming towards him. The inclusion of these humorous sequences of violence mitigate to a certain extent the impact of these scenes. However, the humour is also likely to trivialise the stronger violent elements.

s3(3)(a)(ii) *Sexual violence or sexual coercion, or violence or coercion in association with sexual conduct.*
See matters of sex for discussion.

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.*
The film is abundant with black humour. One of the strongest examples occurs during a candid conversation between Wade and Vanessa when they exchange their own personal stories of childhood sexual abuse (*s3(3)(a)(iv)*) as a game of one-upmanship. Although the friendly banter is humorous and contextualised between two adults flirting with one another in a bar, candid dialogue surrounding sexual conduct with children may trigger or re-traumatise those viewers who have experienced sexual abuse in their past.

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

N/A

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

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

N/A

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

N/A

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

N/A

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

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

N/A

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

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

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

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

Under s3A Wade/Deadpool frequently uses highly offensive language in the form of “fuck” (and its derivatives) and, to a lesser extent, “bitch”. It is predominantly used in an aggressive or threatening context when he engages with enemy characters. Other times it is used in conjunction with sexual references. One of the strongest instances occurs when Deadpool threatens to kill one of Ajax’s men if he does not comply with his demands, “Tell me where your fucking boss is or you’re going to die in five minutes”. The high frequency of the highly offensive language is likely to cause serious harm to younger audiences.

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.*

One scene in the film contains a far-fetched depiction of self-harm (3B(3)(a)(i)). Deadpool cuts off one of his wrists in order to escape being held in handcuffs. The graphic depiction sees him use a knife to hack at his hand. When it is cut, blood spurts out of the stump and hits Colossus in the face. With his superpower healing properties, his hand regenerates over a short period of time. Although gory and shocking, this act of self-harm is over-the-top and clearly fantastical within the Marvel universe.

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

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.

Discussed elsewhere.

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 for discussion.

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 dominant effect of *Deadpool* is an over-the-top superhero parody laden with crude humour and graphic violence.

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

The publication is intended to be shown in a public cinema. In this medium, the publication is likely to be seen on a large screen with a high-tech digital sound system.

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 artistic merit in regard to its production and special effects.

Classification

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 film is targeted at a mature audience, particularly fans of Marvel Comics.

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

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:

R16

A restriction on the film's availability is necessary due to its treatment of sex, horror, crime, cruelty and violence. The graphic depictions of assault and murder, as well as a strong sequence of torture, are likely to shock and disturb children and younger teenagers, or otherwise have an adverse impact on them. The film is also saturated with highly offensive language, crude sexual references, and a scene of one-upmanship in which childhood sexual abuse is discussed. Younger audiences are not likely to have the life experience or maturity to understand the black humour permeating through these scenes. Older teenagers and adults are likely to put these graphic scenes of violence and sexual material into the context of a fantastical, over-the-top narrative. The comic nature of the violence, and the film's self-awareness through frequent interaction with the audience by breaking down the fourth wall, mitigates to a certain extent the impact of the stronger scenes. Balancing these harms against the right to freedom of expression as set out in the New Zealand Bill of Rights Act 1990, a restriction on the availability of *Deadpool* to older teenagers and adults is the lowest reasonable restriction which can be applied in order to prevent injury to the public good.

EXCISIONS/ ALTERATIONS

Section 32 - Excisions from and alterations to film –

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

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

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

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

PUBLIC DISPLAY CONDITIONS

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

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

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

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

Due to the publication’s treatment of sex, horror, crime, cruelty and violence, and the inclusion of highly offensive language.

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

R16

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

The title of the publication is not likely to cause offence to reasonable members of the public.

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

Date 3/2/16 1600044

VR Reading

FVLR

20th Century Fox

Deadpool

Dir: Tim Miller

Prod: Simon Kinberg / Ryan Reynolds / Lauren Shuler

Film

United States

English

R16

Graphic violence, sex scenes and offensive language

107:21

0:00 20th Century Fox notice

1:47 Camera pans scene of character in car crash "Deadpool"

3:06 Superhero moves to front of cab - Deadpool says "Who the fuck is fucking in a piss." Deadpool has facial injuries. He is after man.

5:22 Man held in car with hand - violently breaking. "Fucking mutant" "Get off my car" "Fuck it, I got this" - Deadpool is annoyed he can't get his gun bag. "Whose balls did I have to fuck"

No kicks and punches as Deadpool
 jumps into highway and attacks
 man. Motorcycle shoots at
 highway. High speed
 "Live news shot but, but doft
 synchro" lighter and to forward
 and then started with motor-
 Head decaying, fatal - multi-car
 collision

No 1046
 No
 off by
 Machine gun fired as deadpool
 on highway crash. Slow motion -
 bullets hit man in head.

"motherfucker" - Deadpool
 shot through arm - see through
 man executed with bullet to
 his head. Man shot when he
 was out of bullets. Car explosion.

No
 Humor / comedy as Deadpool
 fires shot - hits tree trunk. explode
 "in the touching myself tonight"
 "fucking ka-bow" - scene plays
 then have two swords into
 opponent.

1501
 off by
 2 years earlier - Wade Wilson
 holds gun to man - pizza delivery
 "I will shoot your fucking cat!"

1634
 No
 off by
 Was a hold pizza delivery man
 against the wall - threatened him.
 "Hey, think you could fuck up
 my testicles?"

"I'd love a blowjob. No drink"
 - bar drink

No
 Man punches into a bar - smashes
 glass shot. Victim has blood on
 he is hit.

2123
 "Uncles, they took them."
 - Wade and woman exchanging
 stories of being abused as children.
 "It's time to put bakes in holes"
 Wade and woman have sex against
 wall as bed - different jewelry

Sex
 ref
 2320
 Sex

Job

Commencement. Chase New year
- weekend day - woman four born
- Shari on the face - Annunymed.
"Will you fish it out my..."

25.4

Wade proposes to Woman/Vivian
"Just ride a bicycle back!"

27:21

Dr. tells Wade he has late stage
Cancer. Flambour to sword in hand
- park train opens - blood

No

No

offlay

Kicks man in head several
times - Francis - "Wade
fucking Wilson" - stab his

off lay

my chest with sword.
"Your life is otherwise way fucked
up than mine" There has to be Wade

32:21

off lay
ref.

"You look like you need a blowjob
and a change" woman to Wade

34:03

Woman offers Wade to opportunity
to cure his cancer - a super hero.

36:47

serv
ref

Bugs and fish - Colossus
and Neogenic teenage WH head.
"Big chrome cock go bled!"

offlay

Deal pool to Colossus.
"waterfucker" "Dr. says to
kick out of you"

40:47

serv
ref

Oh there the man that
'buggy' - Deadpool Name the
Lust - blood pours out in
with Colossus over the face.

42:41

offlay

"Shut the fuck up" woman
tells Wade at experiment workshop
treatment - Angel dust - Wade
is injected with toxin. Ajax.

44:46

No
wily

Series of pain journals - Wade
drowning ice bath. Torture.
Oxygen suffocation chamber

47:38

offlay

"What the fuck is my wife you?"
- Wade to Ajax

49:36

and

Oxygen turned down - see Wade
Lombard - see skin transforming
- no ham/lett. Mutation 02 - cells
can heal anything.

82:11

In chamber once more suffering

- 60:22
 No. match cannot maintain explosion at workshop. Max and Wade fight each other
 Wade sets paranoid - sees Vanessa "hate fuckin' - araccador"
 "You look like Kiedie Cruz"
 "fuck the brain hole" - Wade to burner.
- 71:08
 Sex
 Strip club - breakfast shown - Wade and burner in club looking for Vanessa
- 73:35
 No
 After Agnes takes Vanessa - she is struck by Angel dust. "Kidnaped"
 "fuckin' fuckin' fuckin' hate fuckin'"
 Wade is very angry about the situation - fuckin' hell.
- 77:17
 After Agnes talks with Vanessa.
 "Only nigger you know - agnes?"
 - said to her as Wade enters property.
- 77:19
 Sex
 ref Wade throws knife into man's hand.
 "where the fuck is Francis?"
 - Wade/deal pool
 "tell me where your fuckin' boss is or your gonna die if he shows up" - see man with blood on ice - ice rink trash following. Hear suited man hurt off-camera.
 "You mean my big nigger masturbating nigger" - Cross
 "today had as much fun as a school paper jido" - Wade
- 80:16
 Sex
 ref to elderly roommate
 "I bet it feels huge in this hand" - Wade tells lady to theme the room.

sex ref

"I pity the dude who presends her who brown sex" Wade counsell about Megasorex's papers.

80:25

Deadpool (Duke) on Cuts man under sword as he battles

NO

88:08 sex ref

"Ten bag" - Deadpool sits on Soldier's Home as he goes past mi. Escapadine about the

NO 87:55 end

to fight female fish out. Sworn as are fighting between Ajax and Deadpool. Angel wraps rope around Colossus' throat. Ajax starts

89:42

Deadpool is the hero - hits my head there.

90:06

Platform collapses - Vanessa

93:39

is pulled out of the rubble. He looks free of Ajax after minutes. "Fucking idiot" - Ajax to Deadpool.

NO off key

"What's my name?" Who fucking cares - Eye to Ajax's head. Deadpool kills Ajax w/ bow. blood spurts out.

NO 98:21

Vanessa sees Wade's face without mask on. "It's a face I'd be happy to sit on" "Super penis" "Only thing that's killing out tonight"

sex ref sex ref

Two muther - Dwi
Cmon Krberg - Rod - et al

sex

Cartoon Deadpool rmb various head - hair lifts up - rambous snort out of eye - mimicking masturbation and ejaculate

100:17

Dog - sexual reference "You're your honey" I hit the vein for the hell of it.

107:21

End