

SUMMARY OF REASONS FOR DECISION

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

HEADNOTE

Title of publication:	Warface
Other known title(s):	Not stated
OFLC ref:	1400084.000
Medium:	Computer Game
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
Descriptive note:	Contains violence.
Display conditions:	None

Warface is a multiplayer first person shooter developed by the Ukrainian branch of Crytek. Using a modern military setting, players join either the Warface or Blackwood side in a battle for supremacy. The game uses a free-to-play business model, with weapons and assorted military gear slowly unlocking with successful gameplay. The built in storefront allows players to purchase these items outright as well as modifiers such as 'booster' packs which increases the rate of unlocks. Weapons include an assortment of pistols, machine guns and shotguns as well as explosives like grenades and flash bangs. Players are able to choose between four classes; rifleman, medic, engineer and sniper. They are differentiated with specific weapon types as well as abilities like the medic's healing pack or the rifleman's ammunition refill.

The gameplay modes are split into Co-op and Versus. Co-op allows teams of up to five players to battle through a series of linear environments. A brief voice over introduces the general scenario, such as stopping the black market sale of weapons in the Balkans. The players then fight through a large number of computer-controlled enemy soldiers and complete minor objectives before their extraction via helicopter. Versus mode eschews these narrative trappings and pits players against each other in the traditional modes of team deathmatch, point capture, bomb planting and free-for-all. *Warface* was examined on a personal computer but will also be available on the Xbox 360 console.

Under s3(1) the publication deals with matters of violence. The manner, extent and degree to which this is presented is considered under s3(3)(a)(i). The publication does not require discussion under any of the s3(2) criteria.

In terms of s3(3)(a)(i), *Warface* depicts the infliction of serious physical harm to a high extent but moderate degree. Players use gun violence to shoot and kill enemies in a repetitive manner. Bullet impact results in a large blood plume and the enemy physically recoils from the force. This blood does not spray onto the environment and quickly disappears. However the use of rapid-fire weapons such as machine guns increases the amount of blood shown with each impact. Combat occurs in close quarters and at range but the level of detail remains the same. On death,

bodies simply fall to the ground with no apparent injury. Post-mortem injury cannot be inflicted and the corpses disappear after a short time. Use of melee weapons results in the same blood spray as other weapons. While the use of explosives hurls enemy bodies in a realistic manner, there is no injury presented.

Warface is a first person shooter which focuses on competitive and co-operative play. The fast-pace of the game allows for repetitive depictions of bloody violence, which is likely to shock and disturb younger audiences. Furthermore, the singular focus on military-themed violence is likely to inure impressionable audiences towards depictions of violence in general. The above harms are weighed against the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. Restricting the availability of the publication to older teenagers and adults would be the lowest reasonable restriction which could be applied in order to prevent injury to the public good. Therefore *Warface* is classified as objectionable unless the availability of the publication is restricted to persons aged 16 years and over.

Note:

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CONSIDERATION SHEET

OFLC ref: 1400084.000

Submission channel: s12(1)

Title of publication: Warface

Other known title: Not stated

Medium: Computer Game

Distributor: Microsoft New Zealand Limited


Country of origin: Ukraine

Language: English

Applicant: Film & Video Labelling Body

Examination transcript No: 616, p157

Examination date: 18 February 2014

Classification Officer(s): 

Other identifying information:

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

	Components	Running time
Game:	Warface	
Total running time:		

Components of film excised:

EXAMINATION

Section 23 Examination and classification –

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

Section 24 Soundtrack to be considered -

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

Description of Publication:

Warface is a multiplayer first person shooter developed by the Ukrainian branch of Crytek. Using a modern military setting, players join either the Warface or Blackwood side in a battle for supremacy. The game uses a free-to-play business model, with weapons and assorted military gear slowly unlocking with successful gameplay. The built in storefront allows players to purchase these items outright as well as modifiers such as 'booster' packs which increases the rate of unlocks. Weapons include an assortment of pistols, machine guns and shotguns as well as explosives like grenades and flash bangs. Players are able to choose between four classes; rifleman, medic, engineer and sniper. They are differentiated with specific weapon types as well as abilities like the medic's healing pack or the rifleman's ammunition refill.

Gameplay modes are split into Co-Op and Versus. Co-Op allows teams of five players to battle through a series of linear environments. A brief voice over introduces the general scenario, such as stopping the black market sale of weapons in the Balkans. The players then fight through a large number of computer-controlled enemy soldiers, completing minor objectives before their extraction via helicopter. Versus mode eschews these narrative trappings and pits players against each other in the traditional modes of team deathmatch, point capture, bomb planting and free-for-all.

Warface was examined on a personal computer but will also be available on the Xbox 360 console.

Statutory Submissions

Section 20 – Synopsis of Written Submissions

Not Applicable	X
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Section 21 Other Assistance

None Requested	X
See Record of Assistance	

Other Relevant Information

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

Previous decisions				
Classification Body	OFLC	<input type="checkbox"/>	VRA	<input type="checkbox"/>
	Chief Censor of Film	<input type="checkbox"/>	IPT	<input type="checkbox"/>
Title:				
Publication/Certificate/Decision No.				

Other Sources (please specify and reference):

CLASSIFICATION

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.

Not applicable.

Matters such as horror

Not applicable.

Matters such as crime

Not applicable.

Matters such as cruelty

Not applicable.

Matters such as violence

The publication deals with matters of violence. The manner, extent and degree to which this is presented is discussed under s3(3)(a)(i) 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"¹ in order to be consistent with the Bill of Rights. The Court then set out how a publication may come within a definition of "promotes or supports" in s3(2) that impinges as little as possible on the freedom of expression:

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

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

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

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

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

² Above n2 at para 29.

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

s3(2)(e) *Bestiality.*

Not applicable.

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

Not applicable.

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

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

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.

Warface depicts the infliction of serious physical harm to a high extent but moderate degree. Players use gun violence to shoot and kill enemies in a repetitive manner. Bullet impact results in a large blood plume and the enemy physically recoils from the force. This blood does not spray onto the environment and quickly disappears. However the use of rapid-fire weapons such as machine guns increases the amount of blood shown with each impact. Combat occurs in close quarters and at range but the level of detail remains the same. On death, bodies simply fall to the ground with no apparent injury. Post-mortem injury cannot be inflicted and the corpses disappear after a short time. Use of melee weapons results in the same blood spray as other weapons. While the use of explosives hurls enemy bodies in a realistic manner, there is no injury presented.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

...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.*

Not applicable.

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

Not applicable.

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

Not applicable.

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*

Not applicable.

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

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

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

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

The publication does not contain the use of highly offensive language.

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*

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

3B(3)(a) *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.*

Not applicable.

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

Not applicable.

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.*

Not applicable.

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.*

Please 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.

Warface is a repetitively violent first person shooter which focuses on competitive and co-operative play.

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

Available on Xbox 360 and computers, *Warface* can be played on computer monitors and televisions with a high level of visual and audio fidelity. As an online only game, there is an element of social interaction and competition.

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 contains some artistic merit and is rendered with the technically advanced *CryEngine*.

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.

Warface is likely to appeal to teenagers and adults who enjoy fast paced military shooters.

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

The game is intended for entertainment and competition.

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

The built in clan system and ladder rankings are likely to support a competitive scene.

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:

Please see conclusion.

CONCLUSION

Injury

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

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

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

Classification:

R16

Warface is a first person shooter which focuses on competitive and co-operative play. The repetitive depiction of bloody violence is likely to shock and disturb younger audiences. Furthermore, the singular focus on military-themed violence is likely to inure impressionable audiences towards depictions of violence in general. The above harms are weighed against the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. Restricting the availability of the publication to older teenagers and adults would be the lowest reasonable restriction which could be applied in order to prevent injury to the public good. Therefore *Warface* is classified as objectionable unless the availability of the publication is restricted to persons aged 16 years and over.

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 way it deals with matters of violence.

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

R16

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

The display of the publication is unlikely 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 17 th February 2014		OFLC Ref. 1400084		VR 3	
Applicant FVLB					
Distributor Microsoft					
Title Warface					
Other known title(s)					
Director(s)					
Producer(s)					
Medium PC Game			Language(s)		
Country(ies) Germany Ukraine			English		
Disc Image? Yes/No (No)					
Classification		Descriptive note			
R16		Violence			
Content criteria	No. of excisions	Excisions made?	Time excisions removed		
/	/	/	/		
Other information					
Available on X360 and PC (tested) F2P.					
Total running time			Total running time after excisions		
/			/		

MENU: Co-Op.
Versus
Shop
Inventory
Class.

(PvE)
(PvP)

— Free to play game. purchase booster packs to increase rewards eg xp, health & Money.

boxes for random loot
Custom/weapon variants or new weapons
appearance & stats eg rate of fire, accuracy etc.
gear - protect vs headshots, increase clip size, styleskins etc.

- Primary - Assault rifles, Machine gun, sniper rifles
- Secondary - pistols
- Melee - knives, army shovel, axe.
- Special - _____?
- Pockets - grenades, ~~claymores~~ ^{claymore/mines} smoke & flashbangs.
- Consumables - grenade variants, buy in shop.
- Gear - helmets, vests, gloves & boots.

• Two teams & Four classes (Rifleman, Medic, Engineer, Sniper).

• Statistics track kill/death ratio, win/loss, headshots, melee, killstreaks, playtime etc.

• Challenges ("Contracts")
give challenges to win, give damage etc.

Do X in Y gameplay variant.

eg 5 melee in GFA mode. ^{easy hard insane} entry fee 1000 reward 1000

• CLANS - clan system with leaderboards for competition.

• Safe House - drop into from menu. Large warehouse with resting areas, shooting range, gym area, couches etc. Military weapons, charging rooms. Not very interactive.

• Co-op.

4 team mates complete missions around world - Multiple locations specific goals. Missions are time limited but vary.

WARFACE vs BLACKWOOD.

o Free For All - kill everyone in dusty town.

Blood sprays on impact. Fast pace. No apparent injury.
Modern military setting. Respawn shoot etc.

end game - show scoreboard, top players standing & any unbeds.

o Basic Training.

v/o tells of training. us "Blackwood" assault & sniper.

leave helicopter, learn to move, sprint, mantle, crouch & shoot
grenades, classes

→ + 1000\$ given rocket launcher to take out vehicle
& a Karkom assault rifle.
& kevlar gloves. - faster reload & + melee pa
pop up wooden targets

o Medics training. (+ 1500, Shotgun & Pistol.)
use defib on ko ally. medpack on ally. & self.
Can shoot ally, big burst of blood but no injury.
(cannot kill)

Maps: Widesheet - FFA

Isul
Farm } TDM

Hanger
Yard

Blackgold

- Plant the Bomb.

- Storm.

(3 point capture).

ATB one life per round unless respawned by medic
then spec team in third person

Co-op v/o & tent. Balkans. BGI sending blackmarket out

navigate through linear path. shoot AI enemies.
same blood bursts.

⊗