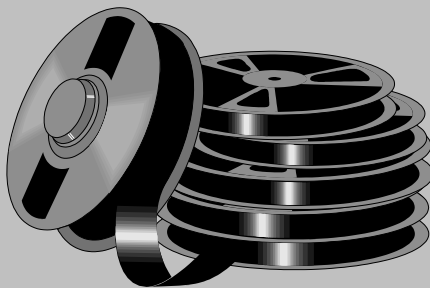


Ontario Film Review Board

Annual Report

2002/2003



www.ofrb.gov.on.ca

January 2004

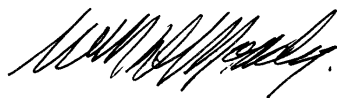
The Honourable Jim Watson
Minister of Consumer and Business Services
35th Floor
250 Yonge Street
Toronto ON M5B 2N5

Dear Minister Watson:

I am pleased to present the Annual Report of the Ontario Film Review Board for the fiscal year ending March 31, 2003.

The report outlines the duties and responsibilities of the Ontario Film Review Board under the mandate of the *Theatres Act* and the operating results for the fiscal year.

Yours sincerely,



Bill Moody, Chair

Ontario Film Review Board

1075 Millwood Road, Toronto ON M4G 1X6

Telephone: (416) 314-3626

Fax:

(416) 314-3632

Web site: www.ofrb.gov.on.ca

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Report from the Chair

The 2002/2003 fiscal year was another busy period for the Ontario Film Review Board (OFRB). The Board classified 4,042 units in film, video & DVD formats, reviewing a total of 400,909 minutes of product. The Board also received 186 “Classification by Documentation” requests.

In keeping with the OFRB’s “open door” policy, 480 individuals in 30 groups participated in public screening evenings where they watched a movie with an official panel and learned about how the Board classifies product. In addition, numerous information packages were sent to individuals, students, interest groups, schools, MPP constituency offices and media.

We continue to refine our classification guidelines for both mainstream and adult sex product so that these guidelines are clear, reasonable, rooted in common sense, reflective of prevailing community standards and able to withstand logical challenge and argument.

Changes in technology, namely DVDs, have put increasing pressure on the OFRB. A system of “Undertakings” was put into place, allowing distributors to request partial screenings of extra DVD footage for titles that had previously been screened in video format. This accounts for the large jump in Adult Sex Undertakings, from zero in 1999/2000 to 2,314 in 2002/2003. The Board reviews the additional footage and also spot-checks the remainder to ensure that the DVD is properly approvable.

Over the last fiscal year, there were significant improvements to the OFRB web site at www.ofrb.gov.on.ca to bring it in line with other Government of Ontario web sites and guidelines.

The new *Frequently Asked Questions* (FAQs) area deals with questions such as “Why is it necessary to have a classification board?” and “Why does this board need to have the power to turn down product?” Also, sections about *Video Games* and the *American Classification System* were added in response to public and media requests. The search mechanism has been further refined to enable quicker, more accurate searches.

Visitors to the OFRB Website may also link to other related sites, other Province of Ontario sites and also make enquiries of the Board. This facility has resulted in an increase in email questions and complaints, which have been dealt with as expeditiously as possible.

Over the past year, the OFRB had to deal with an ongoing Appeal of a constitutional challenge against the powers of the Board to review product (the *Glad Day* case), and a resolution of the high profile non-approval of the film *Fat Girl*, where underage females were shown nude or semi-nude in sexually suggestive situations.

The Board spent considerable time this year developing new policy and guidelines around **“General Character and Integrity of the Film”**, with particular emphasis on artistic merit. The Board approved the Policy on 17 January 2003. The policy is as follows:

“General Character and Integrity of the Film” Considerations for Non-approval of a Film

Section 14 of Regulation 1031 of the Theatres Act, outlines the criteria for refusing to approve a film for exhibition or distribution in Ontario.

Subsection (1) of section 14 states that:

“In exercising its authority under Section 3 and 33 under the Act, the Board shall consider the film in its entirety and take into account the general character and integrity of the film.” (is this indentation intentional?)

Subsection (2) of section 14 outlines the criteria where the Board may refuse to approve a film. In situations where elements of the film potentially contravene the areas in subsection (2) and thought is being given to withhold approval for the film, the following considerations must be addressed before making a final decision as to whether or not the film is approved. These considerations must be documented, regardless of whether or not approval is ultimately granted, keeping in mind that such documentation may need to stand up to court challenge.

1. General Character of the Film

Is the film prurient¹? Can it be considered to be artistic², educational, historical, political or scientific?

Is the film exploitive³? Does it pander⁴ to the desires and weaknesses of a particular segment of the population?

Does the film advocate behaviour or activities that are illegal, dangerous, or counter to prevailing community standards?

Does the film, as a whole, have merit⁵?

2. Integrity in Terms of Content

Is there a plot and story line? Are concepts and themes developed? Are issues portrayed? Is there character development? Are these aspects the main reasons for the film's development, or are they largely ignored?

Are there production values (such as pace, atmosphere, tone, intensity, visual effect, aural effects) in the film? Was there some creative skill evident in the portrayal and assembly of the elements of the film that suggest artistic merit?

Are there elements in the film that offend prevailing community standards? Are these elements required for the serious treatment of theme, issues or character development? Are they undue⁶ and intolerable, even considering the importance of the right freedom of expression? Are these elements portrayed, or are they advocated? Are there mitigating factors that offset these questionable elements? Are the questionable elements necessary to, or justified by, the thematic or narrative content of the film or are they gratuitous⁷?

¹ Prurient: marked by, or arousing an immoderate or unwholesome interest or desire, especially sexual

² Artistic: the conscious use of skill and creative imagination in the production of aesthetic objects and works that can be shared with others; showing imaginative skill in arrangement or execution

³ Exploit: utilize or take advantage of for one's own end; take advantage of the weakness of others; pandering to an interest or curiosity in a given subject, especially sex and violence

⁴ Pander: to gratify or indulge in a person's desires or weakness; to cater to, or exploit the weakness of others

⁵ Merit: excellence, intrinsic worth, significance

⁶ Undue: excessive, disproportionate, unwarranted; inappropriate, improper, unjust

⁷ Gratuitous: treatment of a scene or situation that, under the circumstances, is more than acceptable, expected, or reasonable.

3. External Viewpoints

Do the participants and developers (actors, directors, writers, producers, etc.) of the film have bodies of work that are recognized by the industry (peers, critics, etc.) as being significant and that are considered to be artistic, educational, historical, political or scientific?

Does the distributor of the film normally handle bodies of work that are recognized by the industry (peers, critics, etc.) as being significant and that are considered to be artistic, educational, historical, political or scientific?

4. Precedents

Are there other films that have previously been approved by the Board that contain similar elements to the film being considered for non-approval? Has this type of element previously been approved or not?

Is there concern that the film being considered for non-approval will set a new precedent for the portrayal of activities or behaviour that are either dangerous, illegal, or clearly contrary to prevailing community standards as understood by the Board?

5. Other Jurisdictions

Has the film been reviewed by other jurisdictions? Was it approved or turned down? What reasons were given by other jurisdictions for the approval or non-approval?

Looking to the future

We will be:

- listening for suggestions to improve the usefulness of our web site;
- working with the industry to have classification and warning labels stickered on videos and DVDs;
- working with the industry to more prominently display movie classifications and content advisories in media advertising, on theatre web sites, and at the theatre box office;
- working with other government ministries to develop media awareness programs to make parents aware of the Board as an information source, and also to make them aware of the effects of media images on their children;
- working with other classification boards in Canada to harmonize guidelines and develop a standard classification system across the country; and
- increasing communication with boards in the United States, Europe, Australia and New Zealand to adopt “best practices” from these jurisdictions.

The Board and its Operations

Our Mission

The Ontario Film Review Board (OFRB) receives its mandate from the Ontario government through the *Theatres Act* and operates as an arms-length agency reporting to the Minister of Consumer and Business Services.

Subject to a few specific exceptions, if a film (feature/trailer/advertising) or video is to be distributed or exhibited in Ontario, it must first be approved and classified by the OFRB.

The Board's objective is to classify films and videos/DVDs and thereby provide the viewing public with sufficient information to make informed viewing choices for themselves and for their children.

Who We Are

The OFRB is a community Board, and its members represent a cross-section of the many diverse communities across Ontario. The Board's members vary in age, gender, vocation, cultural background and sexual orientation.

On the recommendation of the Minister of Consumer and Business Services and the Provincial Cabinet, members are appointed for a two-year renewable term by the Lieutenant Governor through Orders-in-Council.

Members work an eight-hour day, usually three to four times per month, and are paid on a per diem basis.

Types of Panels

There are three types of screening panels and a vice-chair oversees each panel. Each type of panel serves a different purpose as follows:

Normal: This panel consists of three members. Although the members endeavour to agree on the classification, occasionally one may disagree strongly with the classification, and that member may request a cumulative panel.

Cumulative: Four other Board members screen the film or video. The results of both the Normal and Cumulative Panels are tallied, and the majority rules. Since this process is initiated by a member, there is no cost to the distributor.

Appeal: This panel is requested and paid for by a distributor who is dissatisfied with the Board's decision. It consists of five members who have not yet seen the film in question. This panel's decision is final. However, the distributor may petition the Provincial Courts to overturn the OFRB decision.

By the time a film or video has gone through three panels, 12 different Board Members have viewed the product. Therefore, appeals through the Courts are rare.

How We Classify

The Board members take into account the general character and integrity of each film in its entirety and use the *Theatres Act* and sets of guidelines to determine the film's classification. These guidelines, which are continually reviewed and updated, allow the Board to be objective yet flexible. In this way, the Board is not only able to maintain the integrity of community standards, but also to appreciate and accommodate the film's artistic merit, or social and documentary significance.

While viewing the film, each panel member makes extensive notes on all elements that contribute to the classification. These elements include coarse language, nudity, violence, sexual activity and psychological impact. Following the screening, panel members use these detailed notes in their discussion and ultimate classification of the film or video.

Each element is weighed on the basis of content and treatment and the cumulative effect of those factors on the audience. Members consider style, tone, duration, frequency and the amount of visual and/or verbal detail. How the elements relate to the narrative also contributes to the Board's decision.

Besides the classification, the Board may choose to include information pieces, such as *Nudity*, *Coarse Language* or *Brutal Violence*. These warnings, along with the classification, must

appear on all advertising to help the viewer make informed choices.

Why We Classify

A film classification board helps consumers make informed choices about the films and videos they see. Throughout the developed world, movie viewers have asked for industry-independent information about age-suitability (the classification) and content (advisories such as Coarse Language, Violence, Nudity, etc.) of films. This information assists them in deciding whether a particular movie is appropriate for their children, or for themselves.

Most developed countries, including the United States, Great Britain, Australia, New Zealand, South Africa, France, Germany, Spain, Portugal, Greece, Norway, Denmark, and Sweden have film classification boards.

The OFRB's focus is classification, not censorship. The Board is a valued source of information about movies and videos that help viewers make the right entertainment decisions for themselves and for their children.

Our Community

Community standards are at the forefront whenever the OFRB revises its guidelines. The Board uses many avenues to gauge the needs of the community it serves.

The OFRB is structured specifically to address community standards issues. The public Board consists of ordinary people, from all over the province, who work part-time for the Board. Members are all ages, with diverse work histories, ethnic backgrounds and sexual orientations. There is a nearly equal male-female split in the Board and all classification panels include both male and female members. The OFRB is structured this way so that its decisions will reflect Ontario's diverse communities.

The full Board meets three times a year to discuss any changes in policy, procedure or guidelines. All changes are discussed, debated and voted on by the full Board before any changes are made. The OFRB hears from a wide variety of speakers including child psychologists, members of public interest groups concerned about areas such as media violence and representatives from the movie industry.

We test our perception of community standards in twice-monthly evening screenings where public groups view a movie with the official panel and compare their opinions about how the movie should be classified against the official panel's decision.

We also hear directly from the media, from public interest groups, and from members of the general public via letter, telephone, fax, e-mail and our web site.

Our responsibility is to understand and reflect the community standards of Ontario.

Refusal to Approve

The OFRB is one of many film boards that have the ability to refuse to approve film. Other countries, including Britain, Australia, New Zealand, Denmark, France and Germany, also have this authority. At the federal level, Canada Customs may seize films and videos that contravene guidelines that are very similar to those in place in Ontario.

Most societies have value systems that are created to allow their members to live in relative peace and security. The checks and balances that prevent seriously harmful activities from becoming prevalent and undermining these value systems are usually enshrined in the laws of the land. The ability to limit public exposure to extremely brutal or violent images is one of the safeguards that helps to prevent seriously harmful activities from becoming the normative values of society.

Therefore, the OFRB, through the *Theatres Act*, continues to limit access to films in those areas where there is a potential for harm to society, particularly to those who are most vulnerable.

Financial & Operational Information 2002-2003

Financial Information 2002/2003

Revenue:	Film and Video Classification Fees **	\$2,728,500
	Total Revenue	\$2,728,500
Expenditures***:	Per Diems.....	\$336,500
	Direct Operating Expenses	\$114,400
	Administrative & Overhead Expenses	\$358,800
	Total Expenditures **	\$809,700

** For classification of films and videos, distributors pay \$4.20 per minute, foreign language films (except French) pay a flat fee of \$78.75 per item, and there is no fee for Canadian films and videos. There are also fees for classifying trailers, advertisements, and for classifying features by documentation.

*** Note: This excludes indirect costs related to activities such as enforcement, legal, policy, etc.

Mainstream Films by Classification

	2002/2003	2001/2002	2000/2001
Family.....	17.0%	15.6%	16.7%
Parental Guidance	30.4%	29.9%	30.5%
Adult Accompaniment	41.6%	39.3%	36.8%
Restricted	11.0%	15.0%	16.0%

Financial and Operational Information

	2002/2003	2001/2002	2000/2001	1999/2000
Financial:				
Revenue	2,728,500	\$2,405,000	\$2,233,900	\$2,160,800
Expenditures	809,700	\$856,100	\$811,100	\$769,900
Operational:				
Titles Processed:				
Mainstream	1,625	1,348	1,272	1,192
Foreign	191	248	257	277
Adult Sex	2,226	2,386	2,328	2,344
Total Titles:	4,042	3,982	3,857	3,813
Minutes Viewed:				
Mainstream	150,191	122,902	113,868	105,121
Foreign	21,336	29,064	27,978	31,402
Adult Sex	229,382	235,080	240,116	227,965
Total Minutes:	400,909	387,046	381,962	364,488
Panels:				
Number of Panels	653	510	551	541
Average Panel Minutes	613	729	684	659
Number of:				
Trailers	422	439	634	797
Appeals – changed	16	16	14	8
Appeals – no change	9	14	8	15
Non-approvals	89	95	112	143
Advertising Pieces	547	1,627	2,752	3,753
Permits – Film Festivals	370	226	174	293
Permits – Individuals	29	80	106	122
Classifications by Doc'n	186	223	136	128
Undertakings – Mainstream	422	360	300	231
Undertakings – Adult Sex	1892	1,091	543	0

Chair (retired Nov 15, 2002)

Robert Warren

Robert Warren, a graduate of the University of Windsor (BSc) and York University (MBA), worked for Ontario Hydro for almost 30 years in various areas of information technology. He currently works as a computer systems consultant specializing in computer applications and databases for non-profit organizations. As a volunteer, he was active on the boards of, and provided computer assistance to, several community, arts, and religious organizations in Mississauga and Oakville. Warren is married with two children and lives in Mississauga. Appointed to the Board in April 1996, he assumed responsibilities as Chair in August 1997.

Chair (appointed Nov 16, 2002)

Bill Moody

Bill Moody, a graduate of Waterloo Lutheran University (BA) was Head Of Guidance at the Secondary Level with the Wellington County Board of Education. He also served as the Executive Director of Lions-Quest Canada, a charitable foundation that creates curriculum in life skills education and trains teachers in its use. Moody spent some time as Senior Vice President of Quest International, with special responsibility for International Division, where he worked with the 27 Countries involved in Lions-Quest Programs.

Moody has been active in Lions Clubs International, having served on the International Board of Directors for 2 years, representing Canada on the Board. One of his active projects is Canine Vision Canada, a dog guide school for the sight handicapped in Oakville, where he served as Charter Chair.

Members of The Ontario Film Review Board:

Jamil Chahbar London.

Sue Dosso Keswick

Grace Isgro Orillia

Eleanor Kingstone Gananoque

Dr Sam Lau Toronto.

Micki Moore Toronto

Monica Munn Toronto

Janet Robinson Toronto

Marlene Sklar Thornhill

Shauna Stein Toronto

Trudie Villeneuve Toronto

Sara Waxman Toronto

Roger Currie Kenora

Trevor Ellis Toronto

Geoffrey Grossmith Etobicoke

Eva Knies Mississauga

Wade Lynch East York

Allan Mugford Markham

Takis Pappas Pickering.

Marlene Sachter Toronto

Lloyd Staley Hamilton (deceased)

John Thompson Toronto

Peter Watts Burlington

Bob Whitley Burlington