

IN THE MATTER OF The Films, Videos, and  
Publications Classification  
Act 1993

AND

IN THE MATTER OF an application under s 47  
by 20th Century Fox Film  
Distribution for a review of  
the publication entitled  
127 HOURS

**DECISION OF THE FILM AND LITERATURE  
BOARD OF REVIEW**

**The Board**

1 The Members of the Board who presided over the Review were:

- Dr Don Mathieson (President)
- Andrew Caisley (Deputy President)
- Kate Davenport
- Judith Fyfe
- Guy Royal

**2 Submissions**

The Board received written submissions from:

- (a) The Applicant – 20<sup>th</sup> Century Fox; and
- (b) The Office of Film and Literature Classification

**3 Appearances**

There were no appearances by either the Applicant or the Office of Film and Literature Classification.

**4 Background**

The Applicant seeks an overturning of the R 16 rating given to the feature film 127 Hours by the Office of Film and Literature Classification. It seeks instead an RP 13 or an RP 16 rating.

The film is based on a true story. An outdoors sportsman, Aron Ralston, visits canyon country without telling anyone where he is going. His right arm is trapped by a boulder. In a 3 minute scene, when, some days after being trapped and it is plain that help is not coming from anywhere, he amputates his arm and manages to extricate himself, finally obtaining help and being helicoptered out for professional treatment.

5 There is also a limited amount of offensive language and some depiction of an intimate sexual relationship in several flashbacks to earlier episodes in Aron's life and elsewhere

in the film.

## Decision

- 6 The Board's decision is that the appropriate rating for the film is RP 16. That will allow persons under the age of 16 to see the film only if accompanied by a parent or guardian.
- 7 Pursuant to s 27 of the Act the Board considers that an advisory note is required with any public notice of the classification rating of the film. The note is to be: "Graphic content may disturb". The Board noted that the Applicant in its submission supported a "strong consumer advisory in the rating".
- 8 The Board accepts the Applicant's submission that the film would be entitled to an M rating if all or most of the amputation scene were removed.
- 9 The Board considered and rejected the option of excising all or most of the amputation scene. It concluded that would remove the shocking climax of the story and destroy its integrity and much of its impact. Further it was noted that neither the Applicant nor the Office supported or even discussed the appropriateness of an excision.
- 10 Section 3(2) of the Act plainly has no application to this film.  
  
In determining whether the film is "objectionable" as defined by s 3(1), the Board is required under s 3(3) to give "particular weight" to the extent and degree to which the film depicts "the infliction of serious physical harm" (s 3(3)(a)(i)). The amputation scene is a "matter of violence" within the meaning of the Act, and cutting off part of one's arm involves "serious physical harm". It is the Board's view that this phrase does not exclude self-inflicted harm.
- 11 A great deal of blood flows and excruciating pain is depicted, but the scene is of short duration and there is no obvious alternative for Aron: he must amputate his arm or die. The Board attaches weight to the point that the violence has plainly not been included simply to shock viewers without context or connection to the storyline or theme of the film.
- 12 The Board has considered all the matters that s 3(4) requires it to consider.
- 13 In the Board's view the "dominant effect of the publication as a whole" is that humans have the ability and can find the courage necessary to survive in a harsh natural environment. As the Applicant has submitted, the film carries a strong message that those adventuring in a wild natural place must be properly prepared, and must prudently advise others in advance about where they are going. It is in the public interest that the message should be widely and graphically disseminated. That its basis is a true story (and one already quite well known through the author's biography *Between A Rock And A Hard Place*) counts in its favour. The Board has no doubt that the makers of the film have genuinely desired to benefit the public by conveying this message: it is not a mere afterthought or a convenient rationalisation.
- 14 The film will clearly make a large impact through its high quality and the long-drawn out and very explicit depiction of the main character's terrible situation and the choice he is compelled to make by his circumstances.

15 In terms of s 3(4)(c), the Board regards the film's message, and its focus on Aron's thoughts and actions when his arm is trapped, as a praiseworthy part of the "character of the publication". The Board also holds that the film has high artistic, social and cultural merit.

16 Pursuant to s 3(4)(d), the Board must consider the persons to whom the film is to be made available. In the Board's judgment, the amputation scene is necessary to tell the story but is so explicit that it could highly disturb some viewers aged 15 or less. The Board does consider that some viewers aged 15 or less are likely to be no more disturbed or in any way psychologically injured than an average adult. The choice as to which young persons should see the film should be made by a parent or guardian.

The Board also noted that the duration of the objectionable scene is only 3 minutes which ought to be considered in the context of a total running time of 93 minutes as a relevant consideration under s 34(4)(f).

17 The Board holds that its decision is the least restrictive available to it in terms of the New Zealand Bill of Rights Act 1990 while upholding the functions of the Board.

18 The Board should not be taken to be necessarily in agreement with all the submissions presented to it by the Applicant. It has summarised above the submissions that it does find persuasive and acceptable.

19 The Board hereby issues a direction to the Office of Film and Literature Classification in terms of s 55(1)(c) of the Act to:

- (a) Provide the Applicant with a copy of this Decision:  
Enter the Board's decision on the register; and
- (b) Publish this decision in the next list produced in accordance with s 40 of the Act, after the end of the month in which this decision is given.



President  
Dr Don Mathieson

Dated: 4 February 2011

