

1 September 2022

By email: [REDACTED]

Tēnā koe [REDACTED],

### Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) about classification decisions for arcade games, which we received on 24 August 2022.

You said:

Please provide copies of all Classification decisions for games specifically designed to ordinarily be used in Arcades (i.e. Live Wire, Timeout etc) made since 2012. Specific examples of games would include Tomb Raider and the Walking Dead.

In responding to your request, I have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

### Response to your request

Te Mana Whakaatu—the Classification Office has not classified any games since 2012 which have been specifically designed to ordinarily be used in arcades.

In case it is of interest, I have attached a classification decision for the arcade game *Area 51*, which we classified in 1998 (OFLC 9700768). This is the only arcade game that the Office has classified to date.

### Publication of response

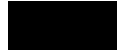
This response may be published on the Classification Office's [website](#). If it is published there, your personal information will be redacted.

### Right of review

You have the right to make a complaint and seek a review by the Ombudsman of this response under [section 28\(3\) of the OIA](#). Information about this process is available at [ombudsman.parliament.nz](#) or freephone 0800 802 602.

Thank you for your interest in our mahi.

Ngā mihi nui,



Kaitohutohu Matua—Senior Advisor  
Te Mana Whakaatu—Classification Office

**NOTICE OF DECISION  
UNDER SECTION 38(1)**

TO: Stephen Bell  
[Redacted]  
[Redacted]  
[Redacted]



Title of Publication: Area 51  
Other Known Titles: Not Stated  
Director: Not Stated  
Producer: Not Stated  
Format: Video Arcade Game  
Country of Origin: USA  
Language: English



**Decision:**

**Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.**

This classification relates to all copies or versions of the publication that are identical in content with it, even if they are in a format other than a video arcade game.

**Display Conditions:**

When the publication is in its inactive state:

Nil.

When the publication is in its active state:

The publication must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

...Please turn over

**Descriptive Note:**

Contains violence.

Direction to issue a label has been given.



## **REASONS FOR DECISION**

### **Submission Procedure:**

This video arcade game was submitted to the Office of Film and Literature Classification (Classification Office) under s13(1)(c) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) for classification.

Under s23(1) of the FVPC Act, the Classification Office is required to examine and classify the video arcade game.

Under s23(2) of the FVPC Act, the Classification Office must determine whether the video arcade game is to be classified as unrestricted, objectionable or objectionable except in certain circumstances.

The Chief Censor granted leave for *Area 51* to be submitted to the Classification Office on 7 July 1997. The Secretary for Internal Affairs was informed of his right to make a written submission regarding *Area 51* on 18 July 1997, and reminded of this right on 21 August 1997. The Secretary did not respond. The owner was notified, as an interested party, of their right to make a written submission on 30 July 1997. A written submission was received from them on 4 September 1997. The owner's solicitor also made a written submission on 24 September 1997. The submitter of the publication had a right of reply to the written submissions received by the Classification Office. This right was exercised and a written submission was received on 29 September 1997.

### **Examination process:**

In accordance with s2 of the FVPC Act, the video arcade game is considered to be a film due to the moving images it contains.

The video arcade game is a self contained electronically powered publication. Once the game is plugged into a power source a switch on the back of the game's cabinet facilitates access to the game itself. The game has one and two player options, however, the game was played in one player mode. The 'one player' button was pushed and the game began. The game is a coin operated machine, however, the game was examined in 'free play' mode. If the player lost the game (by running out of lives) it could be restarted from where it ended by pushing the 'one player' button. The player holds an imitation pistol that is connected to the game's cabinet. The pistol is pointed at the targets on screen and the trigger pulled to effect 'kills'.

The Classification Office sought information about *Area 51* from a variety of sources on the Internet. One source gave information about secret rooms and how to enter them. The basic

idea is to shoot a series of inanimate objects at certain points of the game to achieve entry. Entry to these rooms is not obvious to someone who is playing the game. To achieve entry to any of the rooms, without prior knowledge, could take a long time to ascertain and execute. Given that the game is coin operated it would also prove financially restrictive. The player can also play the game with the predetermined rank of a Kronn Warrior. To achieve this the first three S.T.A.A.R. team members (of which the player(s) of the game are part) that appear on screen are shot, but nothing else, and the game begins again. The basic game play is the same, however, the screen colours are psychedelic which makes it more difficult to play as targets are harder to distinguish from the background.

### **Description of the Publication:**

Before the game is begun information appears on screen in a continuous manner. This information involves the following: demonstrations of various stages of the game; a warning about the violent content of the game; information and photographic images of the people who created the game; biographical information on the S.T.A.A.R. team members, a paramilitary group; a mission summary, including directives and photographic images of the mission location; and a Time Warner Interactive logo. Most of what appears on screen during the game itself is computer generated, however, S.T.A.A.R. team members present as being videotaped humans which have been combined with the computer generated aliens and military base.

The objective of the game is for the player to shoot aliens, and humans infected by aliens, who have taken over a military base to regain control of the base. The aliens take an exaggerated and grizzled humanoid form. The infected humans have grizzled faces which distinguishes them from other humans as does the fact that S.T.A.A.R. team members are not computer generated. The player as a member of the S.T.A.A.R. team is entrusted with making the base safe again. The presence of other S.T.A.A.R. team members gives the impression of a military style offensive on the base. The player progresses through several areas of the base encountering and killing aliens and infected humans. The final stage involves attempting to prevent the departure of an alien spaceship. On occasions the aliens throw such things as explosive barrels and hand grenades which have to be shot by the player to avoid injury. If the player is shot the screen appears as though a bullet has passed through it, that is, it appears cracked with a hole in it. When aliens and infected humans are shot by the player they explode into a puff of white smoke and skeletal bones. They also groan when shot. If other S.T.A.A.R. members are accidentally shot a red circle with a line through it appears across them. The circle presents as bleeding. As the game progresses the player receives 'powerup' bonuses (which appear on screen in written form) which when shot give the player a more powerful weapon. Each weapon has a limited amount of ammunition. When the ammunition runs out the player must reload by either aiming the pistol off screen, or covering the muzzle, and pulling the trigger. A 'reload' symbol appears on screen and a voice also says "reload." Other voices that are heard during the game include those of other S.T.A.A.R. team members giving instructions and advice on how to proceed or warnings of danger. As well as the sounds of special effects, e.g. explosions, there is constant loud background upbeat music. At the end of each stage the title appears on screen in the form of a steel door along with statistics for accuracy, the number of kills effected, the player's score, and, at the end of the game, the player's military rank.

The game itself is housed in a wooden formica covered cabinet. The approximate dimensions of the cabinet are 180cm high by 60cm wide by 90cm deep. The front of the cabinet has an illustrated and illuminated title up the top. The illustration includes an alien form, barbed wire, and an explosion. The screen is approximately 60cm wide by 45cm high. Just below the screen is information on what to shoot during the game. Two plastic pistols are attached to a piece of the console that juts out from the front; a length of cable runs from each gun's butt to the cabinet. Two start buttons, for one or two player options, and a coin slot are on the very front of the cabinet.

### **The meaning of “objectionable”:**

Section 3(1) of the FVPC Act sets out the meaning of the word “objectionable”. The section states that 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.*

In classifying this video arcade game the main question is whether it deals with matters of violence in such a manner that the availability of the publication is likely to be injurious to the public good.

### **Certain publications are deemed to be objectionable:**

Pursuant to 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. None of the activities listed in s3(2) of the FVPC Act are promoted or supported by *Area 51*.

### **Matters to be given particular weight:**

Section 3(3) of the FVPC Act deals with the matters which the Classification Office must give particular weight to in determining whether or not a publication (other than a publication deemed to be objectionable under s3(2)) is objectionable, or should be given a classification other than objectionable.

The Classification Office has considered all the matters in s3(3). The only matters which it considers relevant to *Area 51* are those set out in s3(3)(a)(i) namely:

*...the extent and degree to which, and the manner in which, the publication describes, depicts or otherwise deals with acts of torture, the infliction of serious physical harm, or acts of significant cruelty.*

The depiction of the infliction of serious physical harm is presented extensively throughout the game. Indeed the infliction of serious physical harm is the means employed to achieve the goal of the game, that being to regain control of a military base from aliens. The player proceeds through various stages of the game shooting aliens who are shooting at the player, humans who have been infected by aliens, and items such as hand grenades thrown by aliens. The player can obtain more powerful weapons by shooting ‘powerups’, however, these

weapons do not necessarily make the player's task any easier or cause more significant injury than the original weapon. When aliens and infected humans die they explode into puffs of white smoke and skeletal bones which are on screen only briefly. They also groan when shot. Other members of the S.T.A.A.R. team can be accidentally shot during the game. This results in a red circle with a line through it appearing over the victim which presents as bleeding. The S.T.A.A.R. team members do not die but move off screen. Thus the degree of each depiction is low because they are largely unrealistic. The manner of presentation of the infliction of serious physical harm is fast paced and unrelenting, apart from the gap between stages.

**Additional matters to be considered:**

Under s3(4) of the FVPC Act, the Classification Office must also consider the following additional matters:

*The dominant effect of the publication as a whole:*

The dominant effect of the video arcade game is fast paced interactive action with extensive depictions of the infliction of serious physical harm. An integral part of the interactive action is the player's use of a hand held replica pistol.

*The impact of the medium in which the publication is presented:*

The impact of the game is potentially high. It derives mainly from the interactive nature of the game and the depictions of the infliction of serious physical harm. The player is responsible for regaining control of a military base from violent aliens. Injury and death must be avoided with the player's reaction times being constantly tested. The player is responsible for eliminating the aliens by shooting them with a hand held pistol. These characteristics lend proceedings a certain intensity.

*The character of the publication, including any merit, value, or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific, or other matters:*

The game is a well made interactive moving image production. It combines computer animation and video footage to present a military assault style offensive on the aliens. The player is led through the various stages of the game and must be accurate in shooting and have quick reactions to achieve the desired end. The action is presented from the point of view of the player which demands the player's constant attention. The animation is of a high quality but is at times a little stilted in its movement.

*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 game is likely to appeal to a wide age range but particularly to persons aged in their teens and twenties.

*The purpose for which the publication is intended to be used:*

The purpose of the game is entertainment.

### **The New Zealand Bill of Rights Act 1990:**

Before a final determination is made consideration is given to the applicability of the New Zealand Bill of Rights Act 1990.

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBR Act) states that everyone has *the freedom to seek, receive and impart information and opinions of any kind in any form*. Under s5 of the NZBR Act, 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 NZBR Act states that *Wherever an enactment can be given a meaning that is consistent with the rights and freedoms in this Bill of Rights, that meaning shall be preferred to any other meaning*.

Consideration of all the relevant factors set out in s3 of the FVPC Act as they relate to this publication are viewed in the light of s5, s6 and s14 of the NZBR Act.

### **Conclusion:**

The video arcade game entitled *Area 51* is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years. This is due to the extensive depictions of the infliction of serious physical harm and the integral part the player of the game has in said depictions. However, the impact of the depictions of the infliction of serious physical harm is mitigated to a certain extent because the degree of each depiction is low. It is the goal of the player to regain control of a military base by shooting aliens, and humans infected by aliens, using a hand held pistol. The depictions themselves involve the aliens and infected humans exploding into a puff of white smoke and skeletal bones when shot. Each victim also makes a groaning noise when shot. In the heat of battle it is also possible to accidentally shoot fellow S.T.A.A.R. team members. A red circle with a line through it appears over the S.T.A.A.R. member and presents as bleeding. However, the victim does not die but rather moves off screen.

The extensiveness of the depictions of the infliction of serious physical harm creates the dominant effect of the publication. Added to this is the intensity of the player's integral interaction with the game. The player has to be constantly alert to attacks and accurate at shooting to avoid injury and death in order to complete the mission.



The extensive depictions of the infliction of serious physical harm warrants giving the publication a restrictive classification. The low degree of these depictions and the involvement by the player in those depictions makes a low level restriction appropriate. Accordingly, *Area 51* is classified as:

**Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.**

### **Display Conditions:**

Where the Classification Office classifies any publication as a restricted publication, it is required under s27(1) of the FVPC Act to consider whether or not conditions in respect of the public display of the particular publication should be imposed.

In considering the issue of public display, the Classification Office must have regard to the matters set out in s27(2) of the FVPC Act, namely:

- (a) *The reasons for classifying the publication as a restricted publication;*
- (b) *The terms of the classification given to the publication; and*
- (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.*

*Area 51* is classified as a restricted publication because it contains depictions of the infliction of serious physical harm and the integral part the player has in creating these depictions.

In determining the appropriate display conditions, the Classification Office has taken into account that the publication contains moving images and is therefore considered to be a film under s2 of the FVPC Act. The Classification Office has also considered the various ways in which the publication is marketed to the public and the various formats it is available in.

Under s26 of the FVPC Act the classification given to the publication shall apply to every copy that is identical in content with it. The Classification Office realises that the publication may be marketed or available to the public in a variety of formats. The likelihood is that the content of publication in each format will be identical. Given this, the Classification Office considers that any particular display condition can be applied to the named publication in each format in which it is available to the public.

If the publication is on public display in its inactive state, that is, available for supply but not in demonstration or game play mode, then no conditions are imposed on its public display. The title of the publication is not indicative of its contents and is not likely to cause offence to reasonable members of the public. However, if the publication is publicly displayed in its active state, that is, in demonstration or game play mode, so that the contents are visible to the public, it is considered that the public display of the publication is likely to cause offence to reasonable members of the public. This is because of its violent content. Therefore, when the publication is in its active state it is required to be publicly displayed only in premises or a part of premises set aside for the public display of restricted publications.

The Classification Office notes that while the publication is publicly displayed in its active state, the premises or a part of premises in which the publication is displayed, must be restricted to those persons who have attained the age specified in the classification of the publication. Further, restricting the public display of the publication, when in its active state, to premises or a part of premises, reduces the likelihood of offence to members of the public of or over the age specified in the classification, but who may be inadvertently exposed to the content of the publication.

Accordingly, the following display conditions are imposed pursuant to s27(5) of the FVPC Act:

When the publication is in its inactive state:

Nil.

When the publication is in its active state:

The publication must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

Date: 16 March 1998

For the Classification Office (signed):

.....

**Note:**

You have a right of review of the decision of the Classification Office under section 47 of the Films, Videos, and Publications Classification Act 1993, if you are dissatisfied with the Classification Office's decision.

OFLC Ref: 9700768