

11 December 2023

By email: [REDACTED]

Tēnā koe [REDACTED],

## Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) about *All the Beauty and the Bloodshed*, *May December*, and *Flux Gourmet*, which we received on 20 November 2023.

You said:

I'd like to receive some insight into the decisions of three films rated M in the past few years that have surprisingly strong content for an unrestricted classification in my opinion: *All the Beauty and the Bloodshed*, *May December* and *Flux Gourmet*. The M rating I understand most is the one for the former, as the R18+ it received in Australia and the 18 it received in the UK are incredibly draconian decisions, though it is not common that sexual imagery of the sort depicted here is allowed at unrestricted categories.

*May December* is a film I found to handle its themes of child sexual abuse in an incredibly disquieting manner that I think young audiences would find very difficult to process, especially the sense that one of the protagonists seems to take pleasure in method-acting as the abuser who is the film's other protagonist to the point where she has sex with the woman's victim, who is depicted as childlike and naive due to being trapped in the abusive relationship he has been in since he was thirteen. While I don't believe the film handled the subject matter in a gratuitous or offensive manner, I feel like its M rating not mentioning "sexual abuse themes" is slightly irresponsible, and I'd personally give it an R16.

*Flux Gourmet*'s orgy scenes aren't as explicit as they could be by any means, but I think some of the other sexual references in it are quite surprising at an unrestricted M, particularly those pertaining to fetishistic sexual practices such as a performance piece where a woman describes using a man as "a human toilet" while rubbing a substance that the viewer believes at the time is feces on herself.

In responding to your request, we 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

### *All the Beauty and the Bloodshed*

The Classification Office classified *All the Beauty and the Bloodshed* as M, with a warning for “Nudity, strong sexual imagery & content that may disturb”.

We noted that:

- The strongest classifiable material in the film is the sexual imagery, which is very briefly flashed on-screen. The presence of this historical material within the context of a documentary film significantly limits its impact.
- Most classifiable content is verbally referenced and is not detailed.
- The film will most likely appeal to mature viewers who have some knowledge of Nan Goldin and therefore the documentary is less likely to be actively sought out by most audiences, especially young people.

You can find our complete assessment of the film in the attached consideration sheet. This document includes more details about the film and its classification.

### *Flux Gourmet*

The Classification Office classified *Flux Gourmet* as M, with a warning for “Sex scenes, nudity and content that may disturb”.

We noted that:

- The film deals with matters of sex and contains brief depictions of nudity that younger viewers may find momentarily confronting or confusing. It is unlikely to leave a lasting impression.
- The film will most likely appeal to mature viewers whereas younger viewers are less likely to seek the film out.

You can find our complete assessment of the film in the attached consideration sheet. This document includes more details about the film and its classification.

### *Further information about film classification generally*

When the Classification Office classifies films, games, and shows, we are required by law to apply the lowest reasonable restriction to prevent injury to the public good. We are obliged to consider the potential appeal of the material and the most likely audience, and take into account the right to freedom of expression. These additional elements in our legislation can sometimes make our

classifications different from those in Australia and the United Kingdom, who have their own classification laws.

An M classification indicates that the film contains mature topics and themes and is recommended for viewers aged 16 years or older. This recommendation and the accompanying descriptive notes, which highlight the content that most viewers are likely to be concerned about, mitigate potential for harm whilst allowing us to apply the least restrictive classification possible as required by the law.

### *May December*

In June 2023, the [Film & Video Labelling Body](#) (FVLB) rated the film *May December*, which is [rated](#) M with a warning for “sex scenes, offensive language, nudity & drug use”.

The FVLB can examine and rate titles which have not, or not yet, been restricted in Australia or the United Kingdom, if they do not think the title needs an age restriction in New Zealand. The United Kingdom classified this film on 20 October 2023, and Australia classified it on 20 November 2023, which was after the FVLB rated this film in New Zealand.

If you would like more information about how this title was rated, you can reach the FVLB via their website, email [enquiries@fvlb.org.nz](mailto:enquiries@fvlb.org.nz), or phone 09 300 4861.

If you believe *May December* should have a different age rating and/or warnings, you can apply for leave to have the film classified by filling out the attached application form and sending it to [submissions@classificationoffice.govt.nz](mailto:submissions@classificationoffice.govt.nz). There is a fee of **\$25.50** to make an application. Payment details are included on the form.

### 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](http://ombudsman.parliament.nz) or freephone 0800 802 602.

Thank you for your interest in our mahi.

Ngā mihi nui,  
Te Mana Whakaatu—Classification Office

### Consideration Sheet

OFLC ref:	2200226.000
Submission channel:	s12(1)

Title of publication:	Flux Gourmet
Other known title:	Not stated
Medium:	Film (online)
Distributor:	The New Zealand Film Festival Trust
Director:	Peter Strickland
Country of origin:	United Kingdom, United Kingdom
Language:	English, Greek
Applicant:	Film & Video Labelling Body

Examination transcript No:	773
Examination date:	10 June 2022
Other identifying information:	

Components Of Film

Components of film originally examined:

	Components	Running time
Feature(s):	Flux Gourmet	111:19
Total running time:		111:19

Components of film excised:

Released under the Official Information Act 1982

## Consideration of the Publication under the Films, Videos, and Publications Classification Act 1994 (FVPC Act)

<b>Description</b>
<p><i>Flux Gourmet</i> is set in an alternate reality where sonic caterers (individuals who make ‘music’ out of the noise of food being cooked and digested) are feted for their creativity. A collective of sonic caterers (Elle Di Elle, Billy Rubin and Lamina Propria) win a prestigious three-week residence at an institute devoted to culinary and alimentary performance. Here, the group finds themselves at odds with each other and Jan Stevens, the director of the institute. The film is narrated by the institute’s documentarian, Stones, who finds himself increasingly involved in the collective’s performances due to his digestive ailments.</p> <p>The voiceover dialogue by Stones is in Greek with English subtitles.</p>

<b>Section 3(1): the Subject Matter Gateway</b>	
Does the publication describe, depict, express, or otherwise deal with matters such as:	
✓	Sex <sup>1</sup>
<p>The film contains three brief orgy scenes that take place after the collective performs. This activity involves the audience and is described as an “audience tribute”. The scenes depict close-ups of naked body parts, including breasts and buttocks, writhing sensually against each other under soft flashing lights.</p> <p>Billy states he is aroused by the smell of a woman’s vagina during an interview with Stones. Later, Jan seduces Billy on two occasions by placing her fingers next to his nose after she appears to rub them against her crotch.</p> <p>Other matters of sex include several low-level comments that reference sexual activity such as masturbation – for example Billy says, “I’d fiddle with myself a bit”.</p> <p>Although not a specific matter of sex, breast nudity is briefly depicted when Elle performs in the nude. She is covered in pasta sauce and writhes around on the floor as Billy and Lamina create music out of items they are cooking behind her. Stones is also depicted naked on stage undergoing a colonoscopy. He covers his genitalia with his hands as he lies on his side facing the audience.</p>	
–	Horror

<sup>1</sup> Note that a publication can be found to deal with a matter such as sex if (a) the publication 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. (s 3(1A)).

Section 3(1): the Subject Matter Gateway	
–	Crime
✓	Cruelty
A trio of performers who missed out on the residence at the institute target Jan for revenge. They fire a terrapin into a bowl of soup and later leave a dead terrapin in a blender after trashing the collective's equipment. Jan says the trio were rejected due to the way they used the terrapins. The animals are clearly props and the depictions are unlikely to have a serious impact on young or sensitive viewers.	
–	Violence
–	None of the above, <u>proceed to s 3A and s 3B</u>

Section 3(2): Certain publications are "deemed to be objectionable"	
Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter.	
–	s 3(2)(a) The exploitation of children or young persons for sexual purposes
–	s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct
–	s 3(2)(c) Sexual conduct with or upon the body of a dead person
✓	s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
One of the collective's performances involves a slightly hesitant Elle smearing faeces on her face. Although the performance is accompanied by a deadpan voiceover that describes an	



**Section 3(2): Certain publications are "deemed to be objectionable"**

undetailed coprophilic encounter involving a sex worker, the scene cannot be described as degrading, dehumanising or titillating. Any adverse impact the scene has on the viewer is mitigated by the revelation that the faeces was, in fact, chocolate mousse.

-	s 3(2)(e) Bestiality
-	s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty
-	None of the above
If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content?	
-	Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion.
-	No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u>

**Section 3(3): Matters to be given particular weight**

If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:

-	s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty
-	s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct
-	s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature

Section 3(3): Matters to be given particular weight	
-	s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons
-	s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain
-	s 3(3)(b) Exploits the nudity of children or young persons
-	s 3(3)(c) Degrades or dehumanises or demeans any person
-	s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism
-	s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993
-	The publication doesn't deal with any s 3(3) criteria

Section 3A:	
Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers):	
The film doesn't contain offensive language	

**Section 3B:**

Does the publication contain any of the following material?

-	Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria).
-	Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria).
-	Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
-	Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
✓	None of the above

Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?

- Cause them to be greatly disturbed or shocked
- Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both
- Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned.

Discuss likely harm/s or why the content is unlikely to cause these harms:

### Submissions & consultations (if applicable)

-	Consultation or enquiries required under s 21
-	Submissions received from interested parties under s 20

### Any other information to be taken into account (if relevant)

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

Aus: Not classified/rated 16.6.22

UK: Not classified/rated 16.6.22

### Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

*Flux Gourmet* is an absurdist satire about the peculiar relationships that artists have with those who fund and encourage their creativity.

The film deals with matters of sex and contains brief depictions of nudity that younger viewers may find momentarily confronting or confusing. This material is more suitable for a mature audience but younger viewers are unlikely to be interested in this film, nor are they likely to seek it out. They are also unlikely to be seriously harmed by the material if they come across it inadvertently as it is brief and does not leave a lasting impression on the viewer.

In light of these considerations, it would be unreasonable to restrict the film. A content warning that highlights the presence of sex scenes, nudity and content that may disturb will be sufficient to mitigate any potential harm.

*Flux Gourmet* is, therefore, classified as unrestricted but more suitable for viewers aged 16 or older. This classification does not place a restriction on the right to freedom of expression.

Conclusion

Classification
Unrestricted M
Descriptive note to cover: Sex scenes, nudity and content that may disturb

Excisions (if applicable)

Display conditions (restricted publications only)	
Are display conditions necessary?	<input type="checkbox"/> Yes
	<input type="checkbox"/> No
Reason for any display conditions:	

Released under the Official Information Act 1982

### Consideration Sheet

OFLC ref:	2300109.000
Submission channel:	s12(1)

Title of publication:	All the Beauty and the Bloodshed
Other known title:	Not stated
Medium:	Film (online)
Distributor:	Art Dept
Director:	Laura Poitras
Country of origin:	United States
Language:	English
Applicant:	Film & Video Labelling Body

Examination transcript No:	N/A
Examination date:	28 April 2023
Other identifying information:	

Component of Film

Components of film originally examined:

	Components	Running time
Feature(s):	All the Beauty and the Bloodshed	121:59
Total running time:		121:59

Components of film excised:

Released under the Official Information Act 1982

## Consideration of the Publication under the Films, Videos, and Publications Classification Act 1994 (FVPC Act)

<b>Description</b>
<i>All the Beauty and the Bloodshed</i> is a documentary about US photographer and activist Nan Goldin. Nan looks back on her life and her artwork, and the film follows her as she attempts to hold the Sackler family accountable for the devastating opioid crisis in the US.

<b>Section 3(1): the Subject Matter Gateway</b>	
Does the publication describe, depict, express, or otherwise deal with matters such as:	
✓	Sex <sup>1</sup>
<p>The film contains a few artful still images that deal with matters of sex. There are also occasionally frank, but brief and non-detailed, comments about sexuality, sex acts, and sex work as Nan and others discuss their lives and artwork.</p> <p>The still images depict people during sexual activity. The imagery is artful rather than titillating or pornographic. There are also several naturalistic images of nude or partially nude men and women. Genital and breast nudity are depicted in many of these images. The images flash briefly on screen as examples of Nan’s work as she discusses various aspects of life.</p>	
–	Horror
✓	Crime
A significant portion of the film deals with Nan’s activism against the Sackler family and their pharmaceutical company – Purdue Pharma. Nan and others attempt to hold the Sackler family criminally liable for the prescription opioid crisis in the US, which has directly contributed to the deaths of hundreds of thousands of people.	
✓	Cruelty
The film contains brief, non-detailed descriptions that deal with historical parental neglect and, possibly, abuse. Nan’s teenage sister was institutionalised and labelled as being	

<sup>1</sup> Note that a publication can be found to deal with a matter such as sex if (a) the publication 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. (s 3(1A)).



**Section 3(1): the Subject Matter Gateway**

mentally ill when the reality was more likely that her mother and father were simply unable to deal with a rebellious teenager.

There are brief, non-detailed comments about the stigma faced by those who are suffering from mental illness and drug addiction.

✓	Violence
Nan briefly describes being assaulted by a jealous former partner, who punched her repeatedly in the face. There is a picture of Nan in the hospital with a bandage over her left eye and follow-up pictures of her face with black eyes.	
–	None of the above, <u>proceed to s 3A and s 3B</u>

**Section 3(2): Certain publications are "deemed to be objectionable"**

Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter.

–	s 3(2)(a) The exploitation of children or young persons for sexual purposes
–	s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct
–	s 3(2)(c) Sexual conduct with or upon the body of a dead person
–	s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
–	s 3(2)(e) Bestiality
–	s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty

**Section 3(2): Certain publications are "deemed to be objectionable"**

✓	None of the above
If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content?	
–	Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion.
–	No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u>

**Section 3(3): Matters to be given particular weight**

If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:

–	s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty
✓	s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct
Nan mentions that her mother was sexually abused by a family member. No details are provided.	
–	s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature
–	s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons
–	s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain

Section 3(3): Matters to be given particular weight	
-	s 3(3)(b) Exploits the nudity of children or young persons
-	s 3(3)(c) Degrades or dehumanises or demeans any person
-	s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism
✓	s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993
The film contains brief discussions and archival footage that deals with the discrimination gay men experienced during the early years of the HIV/AIDs epidemic. This discrimination is not condoned.	
-	The publication doesn't deal with any s 3(3) criteria

Section 3A:	
Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers):</p> <p>The film contains infrequent use of highly offensive and sexualised language. This language does not leave a lasting impression on the viewer and is unlikely to cause serious harm to young viewers.</p>	

Section 3B:
Does the publication contain any of the following material?

**Section 3B:**

-	Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria).
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✓	Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria).
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The film contains brief, non-detailed discussions about prescription drug abuse and drug addiction that focus on the harms. There are testimonies about drug overdoses and deaths related to drug addiction. Drug use is not depicted.

Nan mentions that her teenage sister suicided, but no details are provided. A video art installation contains an audio report about a fictional suicide.

-	Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
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-	Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria).
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-	None of the above
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Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?

- Cause them to be greatly disturbed or shocked
- Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both
- Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned.

Discuss likely harm/s or why the content is unlikely to cause these harms:

See above.

### Submissions & consultations (if applicable)

-	Consultation or enquiries required under s 21
-	Submissions received from interested parties under s 20

### Any other information to be taken into account (if relevant)

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

Aus: 18 High impact sexualised imagery  
UK: 18 Strong sexual images

### Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

The dominant effect of *All the Beauty and the Bloodshed* is a dialogue-driven documentary that sheds light on an inspirational artist and activist. The film has significant social, cultural, and artistic merit and is most likely to appeal to mature viewers who have some knowledge of Nan Goldin.

The strongest classifiable material in the film is the sexual imagery, which is very briefly flashed on-screen. The presence of this historical material within the context of a documentary film significantly limits its impact. Younger viewers are also unlikely to be interested in this film, nor are they likely to seek it out. Those who come across this film inadvertently are likely to find the material momentarily confronting and confusing, but they are unlikely to be seriously harmed due to its limited extent.

The other classifiable content is restricted to verbal references that are not detailed. This material is unlikely to leave a lasting impact on younger viewers.

## Conclusion

In light of these considerations, it would be unreasonable to restrict the film. A content warning that highlights the presence of nudity and strong sexual imagery should be sufficient to mitigate any potential harm.

*All the Beauty and the Bloodshed* is therefore classified unrestricted but recommended as more suitable for audiences aged 16 years or older. This classification places no limitation on the right to freedom of expression.

## Classification

Unrestricted M

**Descriptive note to cover:** Nudity, strong sexual imagery, and content that may disturb.

## Excisions (if applicable)

## Display conditions (restricted publications only)

Are display conditions necessary?	–	Yes
	✓	No

Reason for any display conditions: