CLASSIFICATION OFFICE DECISION

Title of publication: Miss Svenson's Classroom Detention

Other known title(s): Energy Drink

OFLC ref: 1101242.000

Medium: Drink Can

Distributor: Mad Drinks Factory

Country of origin: New Zealand

Language: English

Applicant: Rebecca Anne Randerson

Classification: Unrestricted.

Descriptive note: None

Display conditions: None

Date of entry in Register: 09 February 2012

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The energy drink can, "Miss Svenson’s Classroom Detention", is classified as unrestricted.

It was submitted by a member of the public, with leave from the Chief Censor, due to her concerns about the marketing graphics and text on the surface of the can being offensive, and potentially harmful to children.

The Classification Office concurs with the submitter that the drink can is offensive. The dominant effect is of a drink can with simple, cartoon graphics and text, using sexual innuendo as a marketing ploy with hackneyed, sexualised caricatures of a disciplinarian, Swedish schoolmistress. The coarse humour is disrespectful. It is somewhat degrading to teachers, to Swedish people and to women generally.

However, the question as outlined by the Films, Videos, and Publications Classification Act 1993 (FVPC Act) is not one of offence, but of injury. The references made by the graphics and text on the can are intended to be entirely jocular, and are a marketing ploy. Most consumers will appreciate this. The drink can does not promote or support, nor tend to promote or support, the exploitation of children for sexual purposes. The sexual references are ambiguous, and lack any explicit detail. The Classification Office acknowledges that the presentation of the female
character is sexualised, and that there are veiled, mild sexual allusions in both image and text. The female character has a revealing costume, and her pose is provocative. This is of limited degree; there is no genital or breast nudity shown, nor sexual activity presented in any graphic detail, nor any detailed or graphic activity described. The material is therefore unlikely to provide younger viewers or consumers with a premature introduction to the mechanics of sexual activity. The depictions on the can are not outside the bounds of what children might occasionally be exposed to in a public place, or through publicly available visual media.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 (NZBR Act) on the application of all the classification criteria. In this case, the drink can does not deal with the discussed matters in a manner that makes its unrestricted availability likely to be injurious to the public good to a degree that justifies a limitation on the freedom of expression under the NZBR Act. As such the rights and freedoms in section 14 can be read consistently with the FVPC Act and are not impeded in any way.