

Manitoba Film Classification Board (MFCB)

Historic Overview of the MFCB

1911

Manitoba has regulated film since 1911. Today all Canadian provinces regulate public exhibition of film and some provinces like Manitoba also license and regulate rental and sales of video/DVD's and video games for home entertainment. Currently, all provinces except Quebec as well as the Canadian Home Video Rating System (CHVRS) use the same 5 tier classification system used by the Manitoba Film Classification Board (MFCB). Quebec uses a 4 tier classification system.

Manitoba like all other jurisdiction in North America established a film censor board following the birth of the cinema. To quote James M. Skinner, Department of History, Brandon University and deputy presiding member of the MFCB from 1981 to 1987:

“The proliferation of film censor boards in Canada in the quarter century following the birth of the cinema mirrored, to a degree, the situation in the United States where, from 1907 onwards, state and city bodies sought to control the content of motion pictures. Each Canadian province had its own jurisdiction by the 1930s.”

Film censorship started in Manitoba in 1911 when “An Act to Regulate Moving Picture Exhibitions” was passed and since Winnipeg was the only centre showing film, film censorship was delegated to the City of Winnipeg.

1916

The Manitoba Censor Board was established in 1916 when other centres started to show film. The board was established by the "*Public Amusements Act*" which was assented to on March 10, 1916. From 1916 to 1934 the Manitoba Censor Board, regulated by the Public Amusements Act and later the Amusements Act, fell under the Treasury Department. The Censor Board formed part of the section devoted to collecting the amusement taxes. Criticism developed due to the fact that the film taxing body also had the responsibility for the censorship of film.

In the early years of the board only two classifications, General and Adult, were used. All audiences could attend all films. There was no restriction on attendance because if what the board thought undesirable could not be removed by editing, the film was banned. By 1933, "permissiveness on the screen had reached a peak with the phenomenal popularity of Mae West, whose dialogue was peppered with innuendo and double entendres". The reaction of the Manitoba board was to suggest to the government that the Amusements Act be amended to exclude all juveniles from pictures rated Adult. However, no action was taken by government.

1935

In 1935, as a result of the criticism that the board was both the taxing body and was responsible for the censorship of film, the Manitoba Censor Board was moved to the Department of the Municipal Commissioner. At this time, the person who was appointed Civil Service Commissioner was also appointed to the chairmanship of the Manitoba Censor Board on a part time basis. In 1948 when the Department of Public Utilities was created, the Manitoba Censor Board was transferred to that Department. The board was composed of the chair, two censors, an inspector, one or two

projectionists and a secretary. Staffing and *modus operandi* remained unchanged in their essentials from 1916 until 1972 when the board became a classification board, the Manitoba Film Classification Board (MFCB) with no powers to censor but only classify.

1959

In 1959, the internationally acclaimed film "Laronde" was presented to the Manitoba Censor Board and rejected. Board members thought the film had merit, but that it was unsuitable for public exposure because its theme was adultery and editing would not change it. The resulting controversy caused a new film classification to be developed. From that time on, the "Restricted" classification was applied to films deemed suitable for strictly adult audiences and any one under age 17 was not allowed to attend.

1972

In 1972 the board's power to censor was the subject of several court cases. Defendants in a number of these cases successfully argued that if a government board had approved a film for public exhibition, another arm of government, in this case the Department of Justice should not charge them with the exhibition of that film. As a result, the Government of Manitoba changed *The Amusements Act* to revoke the board's authority to edit or ban films. Since 1972 the MFCB only classifies film. At that time, Manitoba was the only province which did not provide its board with the authority to censor.

Since 1972, the MFCB has classified film and videos for public exhibition, licenced distributors of these films and regulated their public exhibition, i.e., ensured compliance with age-restrictions and provided guidelines for the advertising of publicly exhibited films.

Between 1985 and 1988, the growing popularity of video rentals and sales as sources of home entertainment prompted several undertakings by the province and the board to develop and introduce a home-use video classification system. Of particular concern was the availability of film for home-use without the benefit of the classifications and age-restrictions applied to publicly exhibited film. Strong industry opposition largely circumvented the earlier efforts to regulate the home market. However, added impetus was given to the most recent and successful effort when in 1988-89 three events occurred: a change of government; the appointment of a new board; and the proliferation of Adult Only retail video outlets in the province, together with the appearance of Adult Only titles on the shelves of retailers carrying mainstream film.

1991

The Government of Manitoba responded to concerns expressed by both community interest groups and ordinary citizens and in some cases video retailers themselves by committing to the development and implementation of a Home-Use Video Classification Program. As a result of this commitment Manitoba's Home-Use Video Classification Program came into effect on January 28th, 1991. Amendments to the Film Classification and Licencing Regulation extend to the Manitoba Film Classification Board the authority to classify film appearing in video format for home-use, and to licence and regulate the home-use video industry. The board's Statute authority had been in place since 1986, at which time the necessary amendments were made to *The Amusements Act (A70)*.

2003

As of February 1, 2003 the MFCB classifications were modified. The existing mainstream film 4-tier classification system was replaced by the current 5-tier classification system (G, PG, 14A, 18A, R). This 5-tier system uses the same symbols as the Canadian Home Video Rating System (CHVRS) as well as the boards of BC, Alberta, Saskatchewan, Ontario and the Maritimes. The name for adult video/DVD product for home use was changed from 18+ to Adult and it was required that all Adult products rented and sold in Manitoba must display the Manitoba barcode.

2005

On June 1, 2005 further regulations under *The Amusements Amendment Act* came into force to regulate video and computer games. Under these regulations video and computer games classified by the voluntary industry operated Entertainment Software Rating Board (ESRB) were adopted and some age restrictions are now enforced in Manitoba.

As of June 1, 2005 the Manitoba Film Classification Board has enforced the age restrictions of the M (Mature) 17+ and AO (Adult Only) 18+ ratings of the ESRB video game classifications. As a result it is now an offence to sell or rent video and computer games classified as M (Mature) 17+ to persons under the age of 17 years or AO (Adults Only) 18+ to persons under the age of 18 years.

These changes support the ESRB's voluntary, industry based system and assist in creating a safe and informed marketplace for Manitoba video and computer game consumers. It creates a framework for video games that is consistent with the standards currently in place for other types of film, including home-use video/DVDs.

The Amusements Act A70 has been revised a number of times since 1916 and currently the Manitoba Film Classification Board is composed of "no fewer than 16 members to be appointed by the Lieutenant Governor in Council" including a "presiding member of the board and another member as the deputy presiding member." The board members that serve on the MFCB are a cross section of Manitoba men and women from the community, most of whom are parents. Presently the MFCB is part of Culture, Heritage and Tourism and the presiding member of the MFCB reports directly to the Minister.