[FR] Conseil d’État confirms “12” rating for film “Sausage Party”

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In 2016, the Minister of Culture awarded a “12” rating without a separate warning for the original subtitled version of the animated film “Sausage Party”. The “Juristes pour l’enfance” association asked the Paris Administrative Court to suspend this decision on the grounds of misuse of power, arguing that the film should have carried a “16” rating. The court refused this request, as did the relevant administrative appeal court. The association then appealed to the Conseil d’État (Council of State).

In a judgment of 4 March 2019, the Conseil d’État stated that, under the terms of Article L. 211-1 of the French Film and Animated Images Code, the granting of a film classification licence may be subject to conditions related to the protection of children and young people or respect for human dignity. Furthermore, in cases involving the alleged misuse of power, it is up to the judge concerned to decide whether a measure taken is proportionate in view of the objectives pursued by the law. In particular, taking into account the age of the children, he must weigh up whether the film, taken as a whole, is likely to corrupt young viewers and therefore undermine the objectives of protecting children and young people and respect for human dignity.

Firstly, the Conseil d’État upheld the appeal court’s decision which, when considering whether the film in question could be regarded as likely to corrupt viewers aged over 12, had noted the absence of non-simulated sex scenes and extreme violence. The court had also taken into account the fact that, since the characters in the animation were not fully human, the scenes complained about by “Juristes pour l’enfance” were unrealistic and did not incite inappropriate behaviour.

The Conseil d’État also concluded that the court had correctly noted that, although the animated film in question depicted characters using coarse and sometimes vulgar language and contained several scenes in which foodstuffs represented in human form consumed alcohol and drugs and engaged in sexual activity, these scenes were not meant to be realistic, but humorous. They fitted coherently into the overall tone of the film, which was designed to subversively criticise consumerism and to promote hedonism. In view of these considerations, the administrative appeal court had correctly upheld the Minister of Culture’s

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decision to grant a “12” rating for the original subtitled version of the film in question.

Since “Juristes pour l’enfance” was not entitled to contest the appeal decision, the “12” rating was confirmed.

Conseil d'État (10e et 9e ch. réunies), 4 mars 2019, Association Juristes pour l’enfance

https://www.legifrance.gouv.fr/affichJuriAdmin.do;jsessionid=A1801A627781CEA34531BE5BBCB5EE99.tplgfr29s_3?oldAction=rechJuriAdmin&idTexte=CETATEXT000038196992&fastReqId=1301933009&fastPos=8

Council of State (9th and 10th chambers combined), 4 March 2019, ‘Juristes pour l’enfance’

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