

Decisions of the Indecent Publications Tribunal

No. 160-165

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Murdoch Riley, of Wellington, company director, as agent for the publishers, for decisions in respect of the following books:

The Daughter of Fanny Hill.
The Male Homosexual.
Mexico after Dark.
Hong Kong after Dark.
America's Teenage Sex Cult.
The Maladjusted Female.

DECISIONS OF THE TRIBUNAL

LEAVE to submit the above books to the Tribunal was granted by the Minister of Justice. Mr Downey appeared at the hearing as Counsel for the applicant and made submissions.

In respect of each book the Tribunal decides as follows:

The Daughter of Fanny Hill.

This paper-back novel by an anonymous author is published by Brandon House, North Hollywood, California. Another edition is also published, in what Mr Downey terms the "English" edition, by K. and G. Publications (Herts.) Ltd., England.

Volume I of this English edition only is before us. We make no decision on the "American" edition, to adopt Mr Downey's terminology, as it is not before us and we have not seen it. Nor do we make any decision on Volume II or any other volume.

The novel consists of a number of letters allegedly written by "Miss Hill" setting forth some of her adventures. Despite an appropriate misprint in the preface, the style is laboured and the whole work is something of a museum piece. The language is restrained and indeed is hardly suggestive.

We rule it is not indecent.

The Male Homosexual, a paperback by Kenneth Marlow; published as a "Medco" book by Ben's Books Ltd., London.

This book is written by a self-acknowledged homosexual. The author attempts to describe some of the problems, physical but largely psychological, which such people are obliged to face. The language is moderate and matter-of-fact.

The book necessarily deals with deviant sexual practices. Descriptions of these, as detailed by the author, could be harmful to young persons who may not as yet realise the existence of this problem, much less its implications. The price of \$1.40 does not place it beyond the purse of young folk.

For these reasons, pursuant to sections 10 and 11 of the Act, we declare that the book is indecent in the hands of persons under the age of 18 years.

Mexico after Dark, by William Hopson and Lois O'Connor; published by Macfadden-Bartell Corporation, New York, and K. and G. Publications (Herts.) Ltd., England.

This paper-back book purports to be something of a "Guide Book" for foot-loose and fancy free male tourists in Mexico.

Although some of the narrative is slightly suggestive—the most objectionable being possibly a description of a "voo doo" ceremony—we rule, on considering the book as a whole, that it is not indecent.

Hong Kong after Dark, by William Fitzpatrick; published by Macfadden-Bartell Corporation, New York, and K. and G. Publications (Herts.) Ltd., England.

This paper-back book also purports to be a "Guide Book" of the type already referred to in the Tribunal's decision on *Mexico after Dark*.

It is even less objectionable. We rule it is not indecent.

America's Teenage Sex Cult, by E. R. Linton; published as a "Medco" book by K. and G. Publications (Herts.) Ltd., England.

To those concerned for the welfare of teenagers at the present time this work might be interesting and informative. It deals not only with the sexual behaviour of a section of young folk, including those of more affluent society in the United States, but also with their involvement in other types of delinquency, car conversion, robbery, etc. The language is matter-of-fact; the tables of statistics have a certain value. In all, we feel it is a candid approach to an unfortunate state of affairs.

We rule it to be not indecent.

The Maladjusted Female, by Dr A. Joseph Burstein; published by K. and G. Publications (Herts.) Ltd., England.

This book, which retails at \$1.40, deals with the psychological and other problems that face female homosexuals. Although the approach is objective, this book is popular rather than scientific. It deals with the sexual practices of lesbians, knowledge of which in this form could be harmful to immature persons.

For this reason, in pursuance of sections 10 and 11 of the Act, we rule that the book is indecent in the hands of persons under the age of 18 years.

F. MCCARTHY, Deputy Chairman.

28 October 1969.

Decision of the Indecent Publications Tribunal

No. 166

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision regarding the book *The World is Full of Married Men*, by Jackie Collins; published by The New English Library Ltd., Barnard's Inn, London.

DECISION OF THE TRIBUNAL

WE are obliged to Mr Greig, who appeared as Counsel for the importer, for his assistance.

This paper-back novel tells the story of a would-be film star and her sexual encounters with potential promoters. The theme is well-worn and the treatment of it undistinguished, but there is a plot and some attempt at characterisation; the language is pedestrian and no exception can be taken to it. Were it not for the almost complete preoccupation with sex and the detailed description of one particularly ruthless piece of victimisation, the book would not be classifiable as indecent. But granted these elements, it could be harmful to young persons, and the price (quoted as 75c in New Zealand) puts it well within their reach.

We therefore declare the book to be indecent in terms of section 10 (b) of the Act in the hands of persons under the age of 18 years.

F. MCCARTHY, Deputy Chairman.

28 October 1969.

Decision of the Indecent Publications Tribunal

No. 167

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the book *Juliette*, a translation by Austryn Wainhouse of a book by the Marquis de Sade.

DECISION OF THE TRIBUNAL

THE book is a hard-cover edition and is published by Grove Press, New York, 1968. Its price in New Zealand is unknown to us.

A translation of a companion work, *Justine*, by the same author was considered by the Tribunal in 1965 (see *New Zealand Gazette*, 4 March 1965, at page 290). In those proceedings the Tribunal had the benefit of the assistance of counsel and of the evidence of the importer. No submissions were made before us in the present proceedings.

The narrative of the sexual excesses of *Juliette* and other characters in the work, their debauchery and resort to violent crime, although interlarded with long (and often indecent) semiphilosophical discussions on wrong doing and evil, clearly bring the work within the connotation of "indecent" in section 2 of the Act.

However, for reasons outlined in the earlier judgment on *Justine*—primarily the literary, historical, and psychological interest of de Sade's work—we feel that *Juliette* should likewise be available to mature bona fide students for the purpose of research and study, as provided under section 11 (1) (b) of the Act.

We therefore hold that the book is indecent, except in the hands of bona fide students over the age of 20 years engaged in work or research in sociological and related fields.

F. MCCARTHY, Deputy Chairman.

28 October 1969.