

Decision of the Indecent Publications Tribunal

No. 202

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for decisions in respect of the magazines *Girls of the World*, Vol. 1, No. 5, 8, 9, 10, and 12, and Vol. 2, No. 1, published by Top Sellers Ltd., London.

DECISIONS OF THE TRIBUNAL

UPON the hearing, Mr Middleton, of counsel, appeared for the applicant.

These are a series of "girlie" magazines. Mr Middleton submitted that the magazines were not indecent but conceded that an age classification would be appropriate to restrict their distribution. We have given careful consideration to his submissions, but find no reason to depart from the decisions we made with reference to *Girls of the World*, Vol. 1, No. 7, published in *New Zealand Gazette* and dated 28 October 1969. In that decision we referred to our earlier decision, published on 18 September 1969 (*New Zealand Gazette*, p. 1798).

We again apply the criteria set forth in that decision and, accordingly, come to the decision that each of the above magazines is indecent.

L. G. H. SINCLAIR, Chairman.

16 April 1970.

Decision of the Indecent Publications Tribunal

No. 199

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for a decision in respect of the book *The Age of Perversion*, by Jason Douglas, published by Canova Press Ltd., 50 Alexander Road, London.

DECISION OF THE TRIBUNAL

THIS paper-back book is described on its front cover as "A close-up view of Sexuality in our Permissive Society", the scientific-sociological tone of which seems at odds with the melodramatic title. A similar prevarication as to the intention, scope, and approach of the book is found on the back cover, where the book is claimed to be both an "investigation" and "a whistle-stop journey through the world of perversions, commercial sex, teenage and post-teenage promiscuity". The dominant impression of this cover material is that the book is aimed at being excitingly inclusive in its account of sexual experience rather than concerned to explore in any sustained way the complex of issues—moral, psychological, social—that sexuality involves along with physical relationships. It is "an investigation of the scores of different varieties of contemporary sexual behaviour and their enthusiastic followers".

In certain other books of comparable format and presentation the Tribunal has found that the cover material misrepresented the tone and method of the book itself, and a redeeming seriousness of treatment was identified. In the present case this is not so. There is no argument to justify the judgment that the title makes on contemporary society, and the terms "perversion", "permissiveness", and "sexual freedom" are used indiscriminately, and even interchangeably, in the confused discussion of the sexual experiences and practices which are reported from "case-histories", "confessions", and other writings.

The author is an advocate of "sexual freedom" and this advocacy proceeds without any coherent recognition of the cruel, sadistic, and debasing aspects of some of the behaviour he surveys, as in the chapters "Variety is the Spice of Life" and "Anything Goes". The practices he reports on are all candidates, it seems, for liberation from the "retrogressive opinion" that forbids them. Each person's sexual taste should have an accepted place in society. Accordingly, we find incest discussed in the following way "The great prohibition against incestuous relations is, of course, the possibility of abnormal children resulting from such a union. With reliable contraception, this problem has been removed and the most forceful argument against toleration of these liaisons is unpersuasive." The absence of any dimension other than the physically sexual in this passage is characteristic of the book's treatment of personal relationships as a whole; and, together with the prurient appeal to curiosity in the use made of "confessions", etc., compels the view that it deals with sex in a manner that is trivial and injurious. We therefore classify it as indecent.

L. G. H. SINCLAIR, Chairman.

16 April 1970.

Decision of the Indecent Publications Tribunal

No. 200

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for a decision in respect of the book *Sexual Techniques*, by Mogens Toft, published by Souvenir Press Ltd., 95 Mortimer Street, London.

DECISION OF THE TRIBUNAL

THIS book is not an easy one to classify. It is a publication of Souvenir Press, consisting of an explanatory text on the techniques of sexual love illustrated by 42 photographs. These are naturally disturbing because of the intimacy of the subject but they all show restraint and delicacy in the photographing and they all express a tenderness and repose that suggest love in more than its physical aspects. Production and format are dignified and of good quality.

We are required by the Act to consider what groups of persons could be harmed or helped by the book under consideration.

Some would argue that this book could be overstimulating, even inciting, to young persons; but the knowledge is given straightforwardly, and its general tone could counteract in a salutary way the cheap incitements to casual sex seen every day in advertisements and magazines and on screens. Moreover, we recognise that any good thing can be put to improper use.

On the other hand, and more positively, there are people who perhaps because of a lack of imagination, an inhibiting upbringing, or plain ignorance, have found that their sexual experience in an otherwise good marriage has become mere routine. Such couples could well find help here, and for them too the photographs are justified, not only because of their honesty and grace but because so many people find the printed word much harder to follow than the visual image.

There is nothing indecent in nudity or in the sexual act, unless put in the wrong context or treated salaciously. Neither applies here.

We should not wish to see a flood of such books on the market, nor any of a standard inferior to this, but we think there is a place and a use for this one.

We consider the book is not indecent in the hands of mature readers; but, because of its nature we think some restriction on its availability should be made. We decide that it is indecent in the hands of persons under the age of 16 years, unless such persons are being instructed by parents or professional advisers.

L. G. H. SINCLAIR, Chairman.

16 April 1970.

Decision of the Indecent Publications Tribunal

No. 203

IN the matter of the Indecent Publications Act 1963, and in the matter of a reference to the Tribunal, under section 12 (1) of the said Act, by the Magistrate's Court at Wellington for a decision and report in terms of the said section in respect of the July issue of the magazine *Cock*, published by C. R. Wheeler, of Wellington.

DECISION AND REPORT

IN this matter the Tribunal has had the benefit of submissions from Mr R. C. Savage, of the Crown Law Office, for the Police Department; Mr C. R. Wheeler, described as the editor, publisher, and printer of the journal, appeared on his own account. Mr Wheeler trades under the name of the Cockerel Press.

The circulation of the journal is some 3,000 and the price is 20c. Distribution is principally in the grounds of universities, in hotels, through a few socialist bookshops, and by subscription.

The journal came before the Tribunal by way of reference from the Magistrate's Court, Wellington: the charge there was that of printing an indecent document.

At the hearing, attention was directed particularly to a satirical two-page centre-spread, a cartoon entitled "Phonus Balonus", and to a cartoon inside the back cover. Both were unpleasant: each had an element of satire. Other less extensive features, minimal in size, came within the matters proper to be considered by the Tribunal.

We are concerned only with indecency of the kinds contemplated by the Act, *vide* our decision No. 178 in the matter of *Masskerade* 1969, delivered 28 October 1969 and gazetted 6 November 1969, pp. 2217-8. In this decision we cited and followed, on this point, the decision of the majority of the Full Court in *Robson v. Hicks Smith and Sons Ltd.*, [1964], N.Z.L.R. 1113, pp. 1119 and 1122.