

Decision of the Indecent Publications Tribunal

No. 220

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 *Oh! Calcutta!*, by Kenneth Tynan, published by Grove Press Incorporated, New York.

DECISION OF THE TRIBUNAL

THERE was no appearance on behalf of the Comptroller of Customs nor of the publisher's representative in New Zealand. Accordingly no submissions were made to the Tribunal.

Oh! Calcutta! is introduced as an entertainment with music, devised by Kenneth Tynan, directed by Jacques Levy. The document before the Tribunal is the third printing of an edition copyright in 1969 by Grove Press Inc. It is stated that the premiere of *Oh! Calcutta!* was at the Eden Theatre in New York City on June 17 1969, after 39 preview performances. The edition before us is illustrated with photographs by Friedman-Abeles from the New York production. On the front cover a painting by Clovis Trouille is reproduced.

Briefly, the book is the libretto of the series of dramatic sketches which make up the stage performance known as *Oh! Calcutta!* which has achieved considerable notoriety as one of the first modern dramatic performances featuring complete nudity of the actors.

We are agreed that the work is a minor one of no particular intrinsic merit. It is amusing and shocking rather than unhealthy, but we have had to consider whether its light-hearted treatment is a manifestation of simple natural exuberance or of a disposition to debase and "trivialise" sex. In arriving at our respective conclusions we have been able to accept accounts of the performance which suggest that in the stage context, with skilful lighting and appropriate music, and played rapidly, the impact of this work could well be quite different from that made by this illustrated printed script. We are, however, neither required nor empowered to make any classification of the performance as a whole, nor do we believe that our judgment in the matter of the particular script before us is, in fact, a prejudgment of any production of the review.

In its final decision the Tribunal finds itself divided. The majority, consisting of the Deputy Chairman, Mrs Cochran, and Mr Johnston is of the opinion that this book is indecent within the meaning of the Act. They consider that contemporary New Zealand standards would not authorise the publication of this particular script combined with the particular illustrations of stage nudity which, as still pictures, make up a reasonably large part of the book: publication, they feel, would not be in the public interest.

The Deputy Chairman, Mrs Cochran, and Mr Johnston are of the view that both text and illustrations contribute to the effect the work as a whole gives of being pruriently self-conscious about its sexual explicitness. This is most apparent in the final sketch of the revue as staged. This sketch is described as "a reflection of the attitudes the actors had about auditioning for *Oh! Calcutta!*; about the rumors which were everywhere about what was going to be done in the show; and, in a capsule version, what the process of working on the show was like." Whatever the effect of this particular sketch on the stage, the text is, in places, offensively crude, and, because the revue has become its own subject, devoid of any sufficiently justifying context. The illustrations taken together seem partly to be intended to give the book its own notoriety as the record of a notorious theatrical occasion. Some of the sketches have satiric and humorous qualities, but there are no reasons of artistic or literary merit to make its circulation justified under section 11 (2) of the Act. The majority notes that the opening sequence of *Oh! Calcutta!*, the one page *Breath* by Samuel Beckett, which can properly be regarded as an important addition to this author's work, has already appeared in a well-known theatre journal.

The Tribunal has stated on several occasions that it must have regard to what is currently acceptable in the community. It has also noted that the over-riding consideration in making its classifications must be the public good.

The minority, Messrs Schroder and Perry, are equally strongly of opinion that the phenomenon of this form of stage presentation is very much a matter of public interest, which has been widely served by the news media; that members of the New Zealand community who wish to inform themselves about it from an authoritative and illustrated script ought to be in a position to do so; and that the fact that the work may be performed in New Zealand at any time should only strengthen their contention that members of the public should not be denied the opportunity of exercising their own judgments. As their view does not prevail they find it unnecessary to proceed further and decide whether or not they consider an age restriction should be imposed.

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The majority decision prevails and accordingly this edition of *Oh! Calcutta!* is classified as indecent within the meaning of the Act.

F. McCARTHY, Deputy Chairman.

3 November 1970.

Decision of the Indecent Publications Tribunal

No. 221

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 *The Sensuous Woman* by J, published by Lyle Stuart Incorporated, New York.

DECISION OF THE TRIBUNAL

THERE was no appearance on behalf of the Comptroller of Customs nor of the publisher's representative in New Zealand. Accordingly no submissions were made.

The Sensuous Woman offers a programme for transforming any female into a sensuous woman. Some of it is witty enough to suggest that an original satiric intention has been taken over commercially. Where it takes itself seriously the book's views of sexual behaviour may seem to many to be quite offensive. Although the dust jacket describes the experiences as those of "a woman who has completed the long trip from poor to great sex and love" there is little to indicate that the more complex intimacy of love is involved in sensual experience.

The chapter entitled "How to Drive a Man to Ecstasy" seeks to glamourise practices which are still usually regarded as perversions and, together with other material in the book, make it unsuitable reading for younger people who cannot weigh the attitudes conveyed. It is accordingly classified as indecent in the hands of persons under 18 years of age.

F. McCARTHY, Deputy Chairman.

3 November 1970.

Decision of the Indecent Publications Tribunal

No. 238

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 magazine *Girls of the World* Volume 2, No. 2.

DECISION AND REPORT

THIS magazine was referred to the Tribunal by the Magistrate's Court sitting at Wellington pursuant to section 12 (1) of the Act.

We refer to the Tribunal's decisions No. 177, published in the *New Zealand Gazette*, 6 November 1969, No. 72, at page 2217 and 202, published in the *New Zealand Gazette*, 21 May 1970, No. 29, at page 895, and we adopt the criteria laid down in those decisions and declare this magazine to be indecent within the meaning of the Act.

F. McCARTHY, Deputy Chairman.

3 November 1970.

Decision of the Indecent Publications Tribunal

No. 239

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Secretary for Justice for a decision in respect of the magazine *Swingle*, Volume 16, No. 1, November 1969, published by Magnum-Royal Publications, New York.

DECISION OF THE TRIBUNAL

THIS magazine—which we note is "for adults only"—is composed entirely of photographs of more or less nude females in distorted sexual attitudes, crude sexually suggestive line drawings and "hotted up" jokes of doubtful vintage but of undoubted obscenity.

The Tribunal refers to the criteria set forth in its decisions on magazines of this type published in the *New Zealand Gazette* of 18 September 1969 and 28 October 1969 and classifies the magazine as indecent.

F. McCARTHY, Deputy Chairman.

3 November 1970.