

entirely overshadowed by the striking photographs. These are frankly erotic but avoid suggestiveness. The book will offend some who come across it, but it cannot be said to be indecent in terms of the Act. It can be allowed to find its normal limited market without restriction.

The Tribunal classifies this book as not indecent.

R. S. V. SIMPSON, Chairman.

13 March 1972.

No. 432-5

*Decision of the Indecent Publications Tribunal*

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 book *Sexual Harmony* by Louisa Rowett, published by Fitzwilliam Publishing Co., and in the matter of applications by the Comptroller of Customs for decisions in respect of the following books: *Ways of Loving* (fourth reprint) anonymous, *Love Love Love In Action* by W. F. Robie, M.D., both published by Gadoline Ltd., Surrey, *Intercourse* (tenth printing), anonymous, published by Gold Star Publications (Australia) Pty Ltd.

There was no appearance of the applicants nor of the publisher's representative in New Zealand of *Sexual Harmony*. Mr MacNeill, solicitor, appeared on behalf of the intended importer of *Ways of Loving* and *Love Love Love In Action* and made submissions. Mr Downey, solicitor, appeared on behalf of the publisher's representative in New Zealand of *Intercourse* and made submissions.

DECISION OF THE TRIBUNAL

THE Tribunal has now considered 10 publications which consist of photographs of sexual intercourse with a varying amount of text. Although in principle this form of information has been judged acceptable, there are distinctions to be drawn and it may be useful to attempt a statement of these.

So far the books fall into 3 categories:

- (a) Those which—(1) Are serious in intention;
- (2) Are natural and restrained in presentation;
- (3) Are accompanied by straightforward text;
- (4) Deal with the basic variations of normal intercourse; and
- (5) Carry an assumption explicit, or implied, of the more complex relationship of love.

These are classified as indecent in the hands of persons under 16 years unless being instructed by parent or other proper adviser (decisions 85, 200, 367, and 368).

(b) Those similar to ones in group (a) but including more advanced techniques (e.g. oral sex).

These are classified as indecent in the hands of persons under 18 years (decisions 305 and 382).

- (c) Those which—(1) Are suspect in intention;
- (2) Are exaggerated, tasteless, or insensitive in presentation;
- (3) Deal with perverted or illegal forms of sexual activity;
- (4) Include a text which is irrelevant to the photographs or debasing in tone; and
- (5) Make no allowance for any elements in the relationship other than the acrobatics.

These are classified as indecent (decisions 222 and 223).

Applying the principles enunciated above, the Tribunal classifies the magazines which are the subject of this application as follows:

*Ways of Loving* as (a), namely: indecent in the hands of persons under 16 years unless being instructed by parents or other proper adviser.

*Sexual Harmony* as (b), namely: indecent in the hands of persons under 18 years.

*Intercourse* as (b), namely: indecent in the hands of persons under 18 years.

*Love Love Love In Action* as (c), namely: indecent.

R. S. V. SIMPSON, Chairman.

13 March 1972.

No. 436-7

*Decision of the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Marketing Services Ltd. for decisions in respect of the magazines *Penthouse*, Vol. 6, No. 3, published by Penthouse Publications Ltd, and *Exclusive Man*, Vol. 3, No. 9, published by New English Library, London.

Mr Downey, solicitor, appeared on behalf of the applicant and made submissions.

DECISION OF THE TRIBUNAL

*Penthouse* is a well-established international magazine for men. Earlier numbers were considered by the Tribunal in decisions No. 38 and 157. Decision No. 38 dealt with numbers 3, 4, and 5 and decision No. 157 dealt with Volume 4, No. 3, and in all cases the magazines were classified as indecent.

In decision No. 38 the Tribunal stated that the magazines aimed at no more than an appeal to sex to assist the sale of the publication. This cannot be said of the number we are now considering. This issue contains serious and informative articles some of which deal with subjects on sex and there are also articles and illustrations in lighter vein. Taking the issue as a whole and in spite of some features which some may consider offensive or in poor taste, the Tribunal has decided to classify it as not indecent.

*Exclusive Man*, on the other hand, is not in the same class as the *Penthouse* magazine. The articles and the stories deal with sex in a manner that cause us to classify it as indecent in the hands of persons under the age of 18 years.

R. S. V. SIMPSON, Chairman.

13 March 1972.

No. 438-9

*Decision of the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for decisions in respect of the books *Nest of Vixens* by Marcus Van Heller and *Big Man in the Saddle* by Mullin Garr, both published by Ophelia Press Inc., New York.

There was no appearance of the applicant nor of the publisher's representative in New Zealand. Accordingly no submissions were made.

DECISION OF THE TRIBUNAL

THE stories related in these 2 paperback books are purely vehicles for the description of crude, vulgar, perverted, sexual activities. They are indecent and do not merit description.

The Tribunal classifies them both as indecent.

R. S. V. SIMPSON, Chairman.

13 March 1972.

No. 440

*Decision of the Indecent Publications Tribunal*

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 Sexual Side of Life* by Don James, published by Gold Star Publications (Australia) Pty Ltd.

There was no appearance of the applicant. Mr Downey, solicitor, appeared on behalf of the publisher's representative in New Zealand and made submissions.

DECISION OF THE TRIBUNAL

THIS paperback book describes and discusses a series of composite case histories dealing mainly with sexual deviations. The author does not lay claim to any special qualifications and it is questionable whether the book can be regarded as a serious study. The main part of the book dwells in considerable detail on the case histories of the abnormalities.

Taking into consideration section 11 of the Act, the Tribunal is of the view that it is neither necessary nor desirable that this particular material should be available to younger people.

The Tribunal classifies this book as indecent in the hands of persons under the age of 18 years.

R. S. V. SIMPSON, Chairman.

13 March 1972.