

No. 441

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 Hidden Pleasures of Love* by W. F. Robie, M.D., 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 rather long paperback book claims to be the complete and unexpurgated edition of the book originally titled *Sex Histories*. It is a series of case histories and of letters of advice written by Dr Robie to his patients and dealing with almost every conceivable problem associated with sex. It becomes tedious.

In the opinion of the Tribunal the book is not indecent but because of the frankness of the writing the Tribunal feels that the book should not be readily available to young persons.

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.

No. 442-5

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for decisions in respect of the following books: *Lust be a Lady Tonight* by Rod Gray, *Lay Me Odds* by Rod Gray, *The 69 Pleasures* by Rod Gray, *5 Beds to Mecca* by Rod Gray, all published by Belmont Books, New York.

There was no appearance of the applicant. Mr Downey, solicitor, appeared on behalf of the publishers and made submissions.

DECISION OF THE TRIBUNAL

THE Indecent Publications Act provides that "indecent" includes describing, depicting, expressing, or otherwise dealing with matters of sex, horror, crime, cruelty, or violence in a manner that is injurious to the public good.

These 4 international spy ring stories feature Eve Drum—the sexiest spy in the world—an expert in everything—karate, lock-picking, blunt instruments, sharp knives, ballistics, bloody mayhem, shooting, strangling, killing and last but not least, sex. These stories glamorise cruelty, violence and sexual exploitation.

The Tribunal classifies these books as indecent.

R. S. V. SIMPSON, Chairman.

13 March 1972.

No. 446-8

Decision of the Indecent Publications Tribunal

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 Palmerston North for a decision and report in terms of the said section in respect of the magazines *Girlie Fun*, No. 12 and 14 and under section 18 (2) of *Girlie Fun*, No. 13.

DECISION AND REPORT OF THE TRIBUNAL

THE police at Palmerston North laid an information against Wilfred J. Lynch Ltd. for the possession of indecent documents in its bookshop, namely the magazines *Girlie Fun*, No. 12 and 14. At the hearing in the Magistrate's Court at Palmerston North on 15 November 1971, His Worship, the presiding magistrate, referred the magazines to the Tribunal for a decision under section 12 (1) and also the magazine *Girlie Fun*, No. 13 for a decision under section 18 (2).

At the hearing before the Tribunal, Wilfred J. Lynch Ltd. was represented by Mr H. Williams and the police by Mr P. Neazor.

The magazine *Girlie Fun*, No. 13 had been the subject of a composite decision of the Tribunal on 24 March 1971, *New Zealand Gazette* 15 April 1971, No. 27, p. 669, decisions numbered 265 to 280. The Tribunal classified this magazine as indecent.

We will deal with No. 12 and 14. Mr Williams submitted that these magazines were not indecent in the sense described in section 2 of the Act in that they do not depict or deal with matters of sex in a manner which is injurious to the public good and that the "unrelieved sexuality of the magazines is boring rather than indecent". On the other hand, Mr Neazor referred the Tribunal to the decisions No. 93 to 103, generally known as the Waverley decisions, and the principles enumerated therein and stressed that in considering these magazines the Tribunal should have regard to contemporary community standards, which standards, he suggested, were to a considerable degree established by the decisions of the Tribunal. He submitted that the magazines should be classified as indecent as they offended against community standards.

The Tribunal does not agree with the submission of Mr Williams. The magazines do not have any literary or artistic merit and are orientated towards sexual matters. This treatment of sex is suggestive enough to require that they should not be freely available and displayed to young persons.

The Tribunal classifies the magazines *Girlie Fun*, No. 12 and 14 as indecent in the hands of persons under 16 years of age.

Girlie Fun No. 13 was referred back to the Tribunal under section 18 (2) which provides that where any person is charged with an offence against the Indecent Publications Act or any other Act, he may challenge any decision upon any book made in any proceedings to which he was not a party, and in such event the Court shall refer the decision to the Tribunal for reconsideration. Wilfred J. Lynch Ltd. was not a party to the decision of the Tribunal in respect of *Girlie Fun*, No. 13 and we agreed with the submission that the decision of the Tribunal on this magazine (being a book within the meaning of the Act) having been challenged, must be reconsidered by the Tribunal.

In our decision on *Girlie Fun*, No. 13 a group of magazines was dealt with and placed in categories based on the criteria established in the decisions known as the Waverley decisions (No. 93-103). It was placed in the third category the description of which was "of photographs, often very skilfully produced by celebrated photographers, which appear to be deliberately unnatural or artificial, and occasionally ugly, grotesque, or contrived". It can be seen that this description does not fit the contents of *Girlie Fun*, No. 13, which is an entirely different type of publication from those generally dealt with in the Waverley decisions. The Tribunal is of the opinion it was wrong to try and fit *Girlie Fun*, No. 13 into the straitjacket of the Waverley decisions. It is not in any material way different from No. 12 and 14.

The Tribunal classifies the magazine *Girlie Fun*, No. 13 as indecent in the hands of persons under 16 years of age.

R. S. V. SIMPSON, Chairman.

13 March 1972.

No. 449

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 Lure of Incest* by Lana Preston, published by Bilife Publications Inc., Delaware.

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

THIS paperback book is a study on the subject of incest. It traces the history of incest through the ages and then briefly describes the laws relating to incest and prohibited marriages in the various states of the U.S.A. Case histories are given as well as excerpts of the proceedings in the Courts. The author does not claim any special qualifications in the subject although Dr W. R. Lamb who wrote an introduction describes her as an earnest, enlightened, and conscientious writer on many sociological and sexual themes.

Features of the book such as the cover with its emphasis on the more lurid contents, the imbalance between the sensational case histories and the historical aspect of the subject, and the long introduction which deliberately describes the sexual side of sordid case histories in unnecessary detail, lead us to restrict the book.

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.