

Nos. 745-747

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 magazines *OUI*, Vol. 2, Nos. 5, 6, and 7, May, June, and July, published by Playboy Publications Inc., U.S.A.

Mr Howley appeared on behalf of the applicant and made submissions. Mr Heron, solicitor, appeared on behalf of the New Zealand distributors and made submissions.

DECISION OF THE TRIBUNAL

This comparatively new magazine has close commercial links with *Playboy* and comparison with both *Playboy* and *Penthouse* is an obvious approach in assessing these issues. In considering several issues of those well-known international magazines for men the Tribunal has had to weigh the purpose and effect of a variety of material and judge each issue as a whole. The same considerations apply with *OUI*.

In these three issues, aggressive treatment of sexual matters is accompanied by articles and features on other subjects. These go some way—but not very far—towards justifying the claim in the publisher's statement supplied to the Tribunal that *OUI* appeals to the new generation of college-educated young American man "intensely interested in the world around him". The interest in contemporary affairs shown in the magazine is very limited and lightweight. The dominant concern, in the cartoons, the text (including some of the letters and the snippets about bizarre sexual phenomena), and the illustrations, is with presenting sex for entertainment and amusement. The explicitness of some of this material, and the indulgent tone with which extreme and perverted manifestations of sexual interest are allowed for, make these issues clearly unsuitable for younger readers and marginal for adults.

The May and June issues, taken as a whole in each case, may be allowed to circulate among adult readers. The July issue, however, has an 11-page section in which sexual perversions are presented and opportunities for their practice publicised. This material is so blatant in its glamorising of this behaviour that the issue as a whole is carried beyond what we judge to be acceptable in this community.

The Tribunal classifies the May 1973 and June 1973 issues of *OUI* as indecent in the hands of persons under the age of 18 years.

The Tribunal classifies the July 1973 issue of *OUI* as indecent.

25 October 1973.

R. S. V. SIMPSON, Chairman.

No. 748

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 *Sultan Savagery*, Anonymous, published by Kanon Publishing, Australia.

Mr Bathgate appeared on behalf of the applicant and made submissions. Mr Henderson, solicitor, appeared on behalf of the New Zealand distributors and made submissions.

DECISION OF THE TRIBUNAL

This book consists entirely of full-page photographs of what the cover describes as the life of a sultan and his seraglio. In the hands of most readers the book would provoke only ridicule of the tawdriness of its attempt to exploit sex. Because there may be readers, especially younger ones, for whom the artificiality and banality of the scenes might not displace any prurient effect, an age restriction is called for.

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

25 October 1973.

R. S. V. SIMPSON, Chairman.

No. 749

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by D. S. G. Deacon, Esq., for a decision in respect of the sound recording *The "R" Certificate Song Book*, produced by Brendon Hanley.

Mr Deacon the applicant appeared and made submissions.

DECISION OF THE TRIBUNAL

This recording was described by Dr L. Cleveland, senior lecturer at Victoria University of Wellington and a member of New Zealand Folk-lore Society, who gave evidence for the applicant, as containing much well-known material from the repertoire of bawdy ballads chiefly associated with the revelries of sporting and service groups. His view was that the comic gusto of the presentation of sex in the songs was not likely to be injurious the vigorous but sophisticated style of the songs being coupled with a toning down of the language, and some changes in the musical arrangements from the versions most familiar to those for whom this oral literature has been part of life.

The emphasis placed by Mr Deacon in his submissions on the appeal of the recording to older people, particularly those with a nostalgic or objective interest in the material, might have led the Tribunal to allow the recording to circulate without restriction and so find its natural audience. The title and the warning about sale on the jacket, however, draw attention to the songs in a way that can only appeal to younger listeners to seek in them occasion for suggestive self-expression. The Tribunal has had to reckon with this emphasis as well as that argued by Mr Deacon and has concluded that an age restriction is the appropriate classification.

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

25 October 1973.

R. S. V. SIMPSON, Chairman.

Nos. 750-755

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 Auckland for a decision and report in terms of the said section in respect of the following books: *Adultery in America Today*, by Linda Norton; *Early Sex Experiences*, Anonymous; *The Seductive Female*, by David A. Tembley, all published by Cameo Library Inc., California; *The City, The Family and the Sexual Web*, by Andrew MacInnes; *Marriage and the Sexual Kiss*, by Adrian Y. Meadows, both published by Brandon Books, California; and *Women and Their Boys*, by Sue Felton, published by Copley Square Press, California.

Mr Neazor, solicitor, appeared on behalf of the Commissioner of Police and made submissions. There was no appearance on behalf of the defendant in the Court proceedings.

DECISION AND REPORT

*Adultery In America Today**Early Sex Experiences**The Seductive Female*

In decisions Nos. 596-8 the Tribunal classified as indecent three other books published in the Cameo Sex Reality and Sex Behaviour series to which these three now before the Tribunal belong. The analysis made in those decisions of the offensive character of those casebooks applies with equal force to these further examples of the two series. They show no honesty of purpose. The books are simply compilations of sexual experiences offered for titillation, with a superficial claim to be studying the material that in no way offsets the emphasis on the material reported.

The Tribunal classifies these three books as indecent.

*The City, The Family and the Sexual Web**Marriage and the Sexual Kiss*

These books are case histories of sexual experiences to which the remarks made in decisions Nos. 514-6 on closely comparable works from the same publisher can be applied.