

DECISION OF THE TRIBUNAL

It was stated for the Customs Department that this book had been submitted to the Tribunal to get a ruling on the question of an age limitation, which had been the subject of disagreement between the Department and the New Zealand distributors. We were informed that several shipments of the book had already entered New Zealand and been on sale in some shops.

The book is basically a collection of photographs of the birth of a child, with a linking descriptive text. The photographs are very clear and explicit, but we do not find this treatment of natural childbirth as a human rite of celebration, to be in any way serving a salacious purpose. Lucidity, naturalness, and honesty are its hallmarks; and this realistic portrayal of childbirth should be freely available in New Zealand. We do not consider that an age restriction would serve any useful purpose.

The Tribunal classifies this book as not indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 647

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 (N.Z.) Ltd. for a decision in respect of the book *Zodiac Sex Secrets*, published by Anchor Press, Australia.

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

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This book consists of a number of photographs of naked and recumbent women whose sleeping positions are said to reveal their zodiac signs. Accompanying notes purport to interpret what these positions mean in terms of the human personality, especially its sexuality. All this interpretation seems to be no more than a spurious trimming to gain currency for a set of photographs aimed at a much less cerebral response. For instance, there is an index of the Zodiac signs listing the appropriate page numbers in the book, but the pages which follow have no numbers at all. Some of the poses portrayed are worse than others but the effect of them all is to pander to prurient absorption in sexual matters.

The Tribunal classifies this book as indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 648

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 publication *Fapto*, No. 9, published by Fapto, England.

Mr Fligg appeared on behalf of the applicant and made submissions. Mr Taylor, the importer, appeared and made submissions.

DECISION OF THE TRIBUNAL

We have only a single issue of *Fapto* to consider and are therefore unable to judge whether this is fairly representative of its normal contents. In contrast to *Oz*, this issue of *Fapto* indicates that it has a rather greater and more overt concentration on sex than on general socio-political comment.

It is another representative of the group of publications frequently described as the alternative press, and we would not wish to see it totally restricted.

However, because of the explicitness of some of the sexual side of its contents, we consider an age restriction is required.

The Tribunal classifies *Fapto*, No. 9 as indecent in the hands of persons under the age of 16 years.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 649

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 magazine *William and John*, Vol. 1, No. 3, published by W. J. Publishing Co., Australia.

Mr Bathgate appeared on behalf of the applicant.

Mr Quirke, solicitor, appeared on behalf of the publisher's representative in New Zealand and made submissions.

DECISION OF THE TRIBUNAL

This is the third issue of a new monthly magazine published in Australia. There is no indication in the issue before us as to when it commenced publication.

It is quite frankly homosexual in character. Its editorial policy is the subject of an article in this issue. It states that the "straight societies" [sic] attitude towards the homosexual is a great injustice. As their attitude is ignorance and lack of understanding the only way to change it is to show them the true character of the Australian homosexual. . . . We want *William and John* to be . . . a publication that, whilst not forgetting that homosexuals relate better to their own sex, treats them as the normal people that they are by providing interesting and informative articles."

Including soft covers, it comprises a total of 60 pages. Twelve of these are devoted to nude photographs of males which out of the context in which they are placed, we would not necessarily judge to be indecent. There is also advertising on twelve pages and some of this offends. Some of the classified advertisements have a homosexual implication, and books which have been classified by the Tribunal as indecent are displayed in one advertisement. The remaining 32 pages comprise stories, articles, cartoons, and reviews, and a little less than half of this space is devoted to homosexuality.

The treatment of this subject appears to go beyond accepting the practice as a fact of life to be sympathetically understood or compassionately condoned. There appears in places a conscious effort to show the homosexual life as attractive and glamorous, and this we feel could have in the wrong hands a corrupting influence and hinder the development of healthy patterns of behaviour, particularly in the immature. We cannot accept that glamourising the homosexual life is not socially harmful. To allow this publication unrestricted circulation would be contrary to the intention of the Indecent Publications Act.

Mr Quirke, in making submissions to the Tribunal, said that it was not the intention of the publishers that the magazine should be freely displayed and on sale on book-stalls, but it would be for subscribers only. The Tribunal accepts that a restriction of this kind would be helpful in meeting the objections we have to free circulation and the display and advertising for sales. The magazine *Evergreen* was, in decision No. 190 of 16 December 1969, restricted in this way.

The Tribunal therefore classifies this number of the magazine *William and John* as indecent except in the hands of those persons who have current annual subscriptions.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 650

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 Wellington for a decision and report in terms of the said section in respect of the magazine *Girl Illustrated*, Vol. 5, No. 15, published by Plant News, London.

Mr Rabone and Mr Trendle, solicitors, appeared on behalf of the Police and made submissions. Mr Heron, solicitor, appeared on behalf of the publisher's representative in New Zealand and made submissions.

DECISION AND REPORT

Mr Rabone submitted that the issue of the magazine before the Tribunal was substantially the same in content, presentation, and object as Vol. 5, No. 17, which the Tribunal classified as indecent in decision 568 (*New Zealand Gazette*, 31 October 1972) delivered on 10 October 1972. He also