

In the 120-odd pages of illustrations and writings there are scenes of sexuality and violence which out of context could be regarded as objectionable and perhaps harmful to young persons. However, considering the book as a whole we do not think those parts sufficiently indecent within the meaning of the Act to justify a classification of indecency.

The Tribunal classifies this book as not indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 657-658

*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 publications, *David's No. 1 Duels* and a book of photographs bearing no title or indication of the name of the publisher. Both publications are described in Information No. C.R. 1452/73 filed in the Magistrate's Court at Wellington.

There was no appearance of any party to the Court proceedings nor of the publisher's representatives in New Zealand. Accordingly no submissions were made.

DECISION AND REPORT

These two publications consist largely of photographs of naked males which, either by the poses presented or the detailed closeups, invite, in the most blatant way, prurient dwelling on their content.

The Tribunal classifies these books as indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 659

*Decision of the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Waverley Publishing Co. for a decision in respect of the book *The Woman Lover* by Daye Ravish, published by Pinnacle Books, New York.

Mr Campbell appeared on behalf of the applicant and made submissions.

DECISION OF THE TRIBUNAL

Although this novel is much better written than many which the Tribunal has considered, its portrayal of its sex-ridden hero cannot be said to be using the very explicit sexual scenes for the sustaining of some larger literary purpose. Its treatment of the characters beyond their sexual activities is perfunctory, and the book's comedy is calculated to emphasise the hero's sexual opportunism rather than place it in any context of values or feelings.

The Tribunal classifies this book as indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 660

*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 *Seduction* by Dr Gerda Mundinger, published by Grove Press Inc., New York.

Mr Fligg appeared on behalf of the applicant and made submissions. Mr Campbell appeared on behalf of the publisher's representative in New Zealand and made submissions.

DECISION OF THE TRIBUNAL

Everything about this book—its contents, its format, and its cover material—make its purpose unmistakable: to exploit prurient interest in "case history" recitals of sexual behaviour. It is simply another crude example of a genre with which the Tribunal has become all too familiar.

The Tribunal classifies this book as indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.

No. 661-697

*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 following comic books: *Air Pirates Funnies* (decision No. 661), *Bent* (decision 662), *Bum Wad* (decision 663), *Captain Guts* (decision 664), *Captain Guts*, No. 2 (decision 665), *Captain Guts*, No. 3 (decision 666), *Color* (decision 667), *Dan O'Neill's Comics*, Vol. 1, No. 3 (decision 668), *Coochy Gooty*, No. 1 (decision 669), *Demented Pervert* (decision 670), *Despair* (decision 671), *Heavy Fragi Comics* (decision 672), *Illuminations* (decision 673), *Insect Fear* No. 2 (decision 674), *Mean Bitch Thrills* (decision 675), *Mr Natural*, No. 2 (decision 676), *Real Pulp*, No. 1 (decision 677), *Rubber Duck* (decision 678), *San Francisco*, No. 2 (decision 679), *San Francisco*, No. 3 (decision 680), *Tales from the Ozone* (decision 681), *Tales of Sex and Death*, No. 1 (decision 682), *Tales of Toad*, No. 2 (decision 683), *Uncle Sham* (decision 684), *Uneeda* (decision 685), *Young Lust*, No. 2 (decision 686), *Yellow Dog*, Vol. 2, No. 13 (decision 687), *Yellow Dog*, Vol. 2, No. 17 (decision 688), *Yellow Dog*, No. 18 (decision 689), *Yellow Dog*, No. 19 (decision 690), *Yellow Dog*, No. 20 (decision 691), *Yellow Dog*, No. 20 (decision 692), *Zap Comix*, No. 0 (decision 693), *Zap Comix*, No. 2 (decision 694), *Zap Comix*, No. 3 (decision 695), *Zap Comix*, No. 4 (decision 696), and a comic book having no title (decision 697), all published by Print Mint, California.

Mr Drury, solicitor, appeared on behalf of the Comptroller of Customs and made submissions. Mr Rosenberg, a party to the Court proceedings, appeared and made submissions.

DECISION AND REPORT

In his submissions to the Tribunal, Mr Rosenberg said that these 37 comic books were imported in small numbers, for the purpose of reprinting select portions for distribution in New Zealand. The delay since their seizure had, he said, prevented this, and he asked that they be judged on the basis of being potentially for sale in New Zealand.

Comic strips and comic books have developed into a genre of entertainment regarded as predominantly catering for and affecting children and the semi-literate. They have, as well, been used for various informative and satirical purposes. Mr Rosenberg argued that the comics before the Tribunal were to be distinguished from the popular commercial product and that they were, indeed, directly satirical of the conventions and values of that product. He said that these 37 comics were not written for, nor would they be appreciated by, those who currently read the commercial comics. They were published for people who remember the influence commercial comics had on them and are now prepared to laugh at them. He submitted that they should be read as a social phenomenon and maintained that each comic should be looked at as a whole, so that the satirical exposure of "straight" society became apparent.

In considering these submissions the Tribunal must have regard to section 11 (3) of the Indecent Publications Act 1963. This section says that "When the Tribunal decides that any picture-story book likely to be read by children is indecent in the hands of children under a specified age that picture-story book shall be deemed to be indecent in the hands of all persons." The legislature apparently recognised the practical difficulties involved in placing an age restriction on an art form which made a particular appeal to children.

Quite apart from this consideration, however, it is the Tribunal's view that the content of these comics cannot be regarded as controlled by, or as serving any such sophisticated social or artistic purpose as Mr Rosenberg contends. Their treatment of sex, horror, crime, cruelty, and violence is so gross and extreme as to negate any such purpose; they simply use the comic book form to convey images of degrading behaviour in a crude and sensational manner. This and their standards of morality, art, and literacy nullify any satire or humour some pages may contain, and when it is found that in every one of the comic books there are frames or episodes depicting indecency and violence, and obscene words are freely used, the public good would not be served by permitting their free circulation.

The Tribunal classifies these 37 comic books as indecent.

15 June 1973.

R. S. V. SIMPSON, Chairman.