

Mr Bathgate 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

MR Bathgate advised that complaints had been received regarding the contents of this particular issue. The department was aware that the Tribunal in earlier decisions had declared *Health and Efficiency* issues not indecent and pointed out that the magazine had a long history as a naturist publication catering for those interested in nudist clubs. He submitted that issue No. 18 featured a number of poses and studies that were not straight-forward and natural.

The Tribunal agrees that some of the photographs are contrived and perhaps the honesty of purpose of this magazine is becoming suspect. However, considering the issue as a whole, the Tribunal is not inclined to impose any restriction.

The Tribunal classifies this issue as not indecent.

25 September 1973.

R. S. V. SIMPSON, Chairman.

No. 729-730

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of application by the Comptroller of Customs for decisions in respect of the books *One for the Gods* by Gordon Merrick and *The Lord Won't Mind* by Gordon Merrick, published by Avon Books, New York.

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

DECISION OF THE TRIBUNAL

THESE two novels, the second the sequel to the first, are claimed to be a widely read American saga of the love of two homosexuals and their relationships with the world around them.

Mr Bathgate, appearing on behalf of the Comptroller of Customs, referred the Tribunal to the homosexual content and the low moral tone of the novels, and submitted that they glamorised a practice which was a criminal offence in New Zealand. There was no appearance on behalf of the importers.

The Lord Won't Mind opens with a detailed account of the seduction of a supposedly inexperienced youth of 19 by a more sophisticated young man, 3 or 4 years his senior. They form an enduring liaison, and the temporary and intermittent interruptions it suffers by unstable and unsatisfying attachments, both male and female, which both experience form the theme of the remainder of the book. The sequel, set in Greece and the Greek islands, continues, with obscene detail, the story of their psychical fidelity and physical infidelities.

These two books are not badly written. But, in our judgment, any literary merit some critics may claim for them is out weighed by their obsession with sex, and with detailed description of deviant and unwholesome sexual behaviour. These lead us to question the honesty of purpose of the two books. It is our considered view that they could have a corrupting influence, particularly on younger readers.

The Tribunal classifies these two books as indecent.

25 September 1973.

R. S. V. SIMPSON, Chairman.

No. 731-741

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of application by the Comptroller of Customs for decisions in respect of the following comic books: *Anomoly 4*, published by Bud Plant, California; *Little Green Dinosaur*, published by Johnny Chambers and Last Gasp, California; *Dr Atomic*, No. 1, published by Last Gasp - Eco Funnies Inc., California; *Fantagor*, 1, 2, 3, and 4, published by Last Gasp - Eco Funnies Inc., California; *Laugh in the Dark*, No. 1, published by Last Gasp - Eco Funnies Inc., California; *Monolith*, published by Last Gasp, California; *The Mountain*, No. 1, published by Last Gasp - Eco Funnies Inc., California; *Inner City Romance Comix 2*, published by Last Gasp - Eco Funnies Inc., California.

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

DECISION OF THE TRIBUNAL

THESE 11 comic books have at least one characteristic in common—they depict scenes of violence and horror in a way that is injurious to the public good. Four of them contain frames which are sexually obscene.

In classifying these books, the Tribunal is required to have regard to subsection (3) of section 11 of the Act. Picture story books have a particular appeal to children, and if allowed free circulation these would be likely to fall into their hands. While most of the stories might be beyond the comprehension of younger children, the violence, cruelty, and horror come through so clearly and consistently that the effect of a sustained diet of them could be very harmful. The behavioural patterns which are held out for the education of the young reader are degrading and debasing.

The Tribunal classifies these books as indecent.

25 September 1973.

R. S. V. SIMPSON, Chairman.

Price Order No. 2244 (Ecuadorian Bananas)

PURSUANT to the Control of Prices Act 1947, I, Clifford Ernest Beard, pursuant to a delegation from the Secretary of Trade and Industry acting under a delegation from the Price Tribunal, hereby make the following price order:

1. This Order may be cited as Price Order No. 2244 and shall come into force on the 8th day of October 1973.

2. (1) Price Order No. 2184* is hereby revoked.

(2) The revocation of the said order shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this order.

3. References in this order to metropolitan areas are references to the metropolitan areas described in the Schedule hereto.

APPLICATION OF THIS ORDER

4. This order applies with respect to all Ecuadorian bananas sold by way of retail in New Zealand.

MAXIMUM RETAIL PRICES OF ECUADORIAN BANANAS

5. (1) The maximum price that may be charged or received by any retailer for any Ecuadorian bananas to which this order applies shall be:

(a) When sold by a retailer carrying on business in any of the metropolitan areas of Auckland, Wellington, Christchurch, or Dunedin, or in any of the Cities of Boroughs of Whangarei, Takapuna, Hamilton, Tauranga, Rotorua, Gisborne, New Plymouth, Stratford, Hawera, Wanganui, Palmerston North, Napier, Hastings, Masterton, Blenheim, Nelson, Greymouth, Timaru, Westport, Oamaru, Balclutha, Gore, or Invercargill—

17 cents per lb.

(b) When sold by a retailer carrying on business elsewhere—

1 lb, 18 cents;
2 lb, 35 cents;
3 lb, 53 cents;
4 lb, 70 cents;
5 lb, 88 cents;
6 lb, \$1.05.

Fractions of a pound shall be calculated at the rate of 18 cents per lb. Quantities in excess of 6 lb shall be calculated at the rate of 17½ cents per lb.

(2) If in respect of any lot of bananas the price calculated in accordance with the foregoing provisions of this clause is not an exact number of cents, the maximum price of the lot shall be computed to the nearest whole cent.

PROVISIONS FOR SPECIAL PRICES

6. Notwithstanding anything to the contrary in the foregoing provisions of this order, and subject to such conditions, if any, as it thinks fit, the Tribunal, on application by any retailer, may authorise special maximum prices in respect of any Ecuadorian bananas to which this order applies where special circumstances exist, or for any reason extraordinary charges (freight or otherwise) are incurred by the retailer. Any authority given by the Tribunal under this clause may apply with respect to a specified lot or consignment of bananas, or may relate generally to all Ecuadorian bananas to which this order applies sold by the retailer while the approval remains in force.

DUTY IMPOSED ON RETAILERS

7. Every retailer who offers or exposes for sale in any shop any Ecuadorian bananas to which this order applies shall keep in a prominent position, in such proximity to the bananas to