

In considering the effect and impact of *Itch No. 2* the Tribunal notes the information given to it that the 6,500 copies have been distributed principally through direct sales by children to other children.

The purpose of the publication is stated on the inside of the front cover thus:

"Education should help people understand their position or role in society and help them to learn how they can change this role. It should also teach them the nature of that society and give them some kind of insight into what they can do to change it.

The present education system in New Zealand does none of these things for the majority of students. Fortunately it has alienated some of us enough to make it worth our while to teach ourselves some of these things.

However, we are privileged in that we were born white and upper middle class and thus learnt to read and discern in an education system that is designed for, and to perpetuate, the class that we came from. We are also lucky in that we have access to a large amount of information and publications.

Itch is attempting to fill these deliberate gaps in our society. *Itch* is also hoping to give young people the chance to express themselves without fear of censorship or recrimination."

The presentation and discussion of sexual experience in two of the articles has been the principal matter in respect of which the question of possible indecency has arisen. This material is clearly related to the latter of the two aims identified in the last of the paragraphs quoted above, although the more substantial article is not original to this publication, but derived from an Australian publication. The relationship of this sexual material to the first of the stated aims is more elusive, the chief concern of the articles being personal pleasure rather than social activism. In the submissions by the publishers, including the evidence called on their behalf and the statements by Dr Margaret Sparrow and the Rev. Robert Scott handed to the Tribunal, the informative purpose of the sexual material was put before the Tribunal as the basis for the submission that no restriction was justified. This contention is now examined.

The Tribunal has considered numerous publications for which an educative purpose has been claimed and has a clear view of what is acceptable, and what is not acceptable, within the Act. For instance, in respect of illustrated sex instruction books it stated the lines of its approach in decisions No. 432-5. The Tribunal has drawn a distinction in other decisions between publications which genuinely inform and those which seek to "get at" people. A principal test which the Tribunal has applied to publications in this field is that of objectivity. Sex information imparted in a straightforward, natural manner, and in a tone appropriate to the complexity of human sexual experience and to the privacy normally accorded it, meets that test. Decisions of the Tribunal make clear that in its view frankness and fullness in the instruction given are served by, and not prevented by, the maintaining of such standards of objectivity. On the other hand, discussions of sexual experience which betray by their furtiveness or their prurience a desire to exploit rather than to inform have not been accepted.

The two articles in question in this issue of *Itch* lack such objectivity and sensitivity. The tone of the article giving a teacher's account of her discussions with her class has an emphasis on the pleasures of the teacher's own sexual experience and the excitement of her daring to divulge it that allows no place for educating children about sex in a positive responsible way. In the second article the satisfying of curiosity and the offering of advice at a crudely physical level is the chief concern. The pursuit of sexual gratification for its own sake dominates, children being told not to be afraid "to explore the possibilities of all sorts of relationships whatever society says". The relationships envisaged have been outlined in the crude language that pervades the article.

In another article and its accompanying illustration the primacy of aggressive sexual explicitness in creating and sustaining magazines of this kind is emphasised, and the informative purpose claimed for the sexual material is thereby further rendered suspect. The cover contributes in a minor way to this view also. When other matters are considered—particularly the age group amongst whom the magazine is intended to be sold and the method of distribution—the offensiveness of the publication and its capacity to harm clearly go beyond the mere affronting of propriety and good taste. This publication diminishes human sexuality to an impulse to be followed wherever it leads and pushes that

view upon children. The public good requires that such blatant irresponsibility be restrained. Nothing in the rest of the publication offsets the dominant emphasis of this injurious treatment of sex.

The Tribunal classifies this issue of this magazine as indecent.

R. S. V. SIMPSON, Chairman.

14 December 1973.

No. 767-786

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: *Binky Brown Meets the Holy Virgin Mary*, published by Last Gasp Eco Funnies, California, *Armageddon*, published by Barney Steel and Last Gasp Inc., California, *Dopin Dan*, published by Last Gasp Eco Funnies, California, *Big Ass*, published by Rip Off Press, California, *Greaser*, published by Half Ass Press, California, *If the Shoe fits No. 2*, published by Fits Collective, California, *Slow Death No. 2*, published by Last Gasp Eco Funnies, California, *Slow Death No. 3*, published by Last Gasp Eco Funnies, California, *The Tortoise and the Hare*, published by Last Gasp Eco Funnies, California, *Up from the Deep*, published by Rip Off Press, California, *Legion of Charlies*, published by Last Gasp Eco Funnies, California, *Skull Vol. 1 No. 2*, published by Last Gasp Eco Funnies, California, *Skull No. 3*, published by Last Gasp Eco Funnies, California, *Motor City* published by R. Crumb Productions, *Thrilling Murder*, *Young Lust No. 1*, published by Last Gasp, California, *Young Lust No. 3*, published by Last Gasp, California, *Mother's Oats*, published by Rip Off Press, California, *Merton of the Movement*, published by Last Gasp Eco Funnies, California, *Tales of the Armorkins*, published by CO and Sons Publishing Co., California.

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

DECISION AND REPORT

20 comic books

Each of these comics is, in the Tribunal's view, likely to have a damaging and corrupting influence upon children. Some of the books could also be harmful to other sections of the community for whom this form of literature has appeal, namely adolescents and the semi-literate sections of the adult population.

In a large number of these comics sex, violence, horror, and crime are depicted in gross and explicit detail, and although the number of objectionable frames varies greatly between the comics, the Tribunal considers that their explicitness, wherever they occur, makes all of the comics equally unsuitable for children. Some of the books express a strong political view, but even where the satirical purpose is most in evidence there is sufficient that is objectionable in the treatment and presentation of sex, violence, or crime to render these books unacceptable as possible reading for young children.

Some of the comics are deemed to be so offensive in their treatment of sex and violence as to render them indecent for all readers. Included in this group are *Thrilling Murders No. 1*, *Greaser No. 1*, *The Legion of Charlies*, *Young Lust*, No. 2 and 3, *Armageddon*, *Up from the Deep*, and *Big Ass Comic*, *Slow Death No. 3* and *Skull*, No. 2 and 3. In the first three comics mentioned, there is an overriding emphasis upon violence, horror, and cruelty. Sex is the main concern of the remainder. Although *The Legion of Charlies* and *Slow Death No. 3* are clearly satirical, this element is considered to be undermined by the undue emphasis upon violence and sex.

In the second group of comics of this set, the number of frames depicting violence and sex is much more limited and more related to the satirical purpose which in each book is clearly discernible. The comics belonging to this group are *Binky Brown Meets the Holy Virgin Mary*, *If the Shoe Fits*, *Motor City Comics*, *Slow Death No. 2* and *The Tortoise and the Hare*. The Tribunal is of the opinion, however, that children, adolescents, and the semi-literate are unlikely to grasp the meaning or purpose of the comics and are therefore likely merely to dwell upon the images