

DECISION OF THE TRIBUNAL

QQ is a magazine for homosexuals, the basic character of which is summed up in the caption—"For Gay Guys who have no hangups"—which appears in bold print on the cover.

Comprising a series of articles, book reviews, cartoon strips, photographs and advertisements, this magazine provides information and advice on a variety of matters of interest almost exclusively to the homosexual fraternity. Overtones of sexuality prevail throughout.

Two of the articles are no more than tour guides, dwelling upon and highlighting homosexual meeting places etc., and an article ostensibly about the theatre presents a highly glamourised description of the male ballet-dancer in tones which are overtly sexual. Certain well-known personalities are cited as belonging to the homosexual fraternity. In the context of this magazine, the photographs of nude and semi-nude males are designed to titillate the reader while a two page cartoon strip is similar in nature to the comics which the Tribunal declared indecent in decisions 767-786.

This magazine is without any literary or social merit, the dominant effect being the presentation of homosexuality in a manner injurious to the public good.

The Tribunal classifies this magazine as indecent.

R. S. V. SIMPSON, Chairman.

20 March 1974.

No. 791-793

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. Ltd. for decisions in respect of the publications *Rally Girl*, No. 1, 2, and 3, published by Reed Publishing Co. Ltd., California.

There was no appearance of the applicant nor of a representative in New Zealand of the publisher. Accordingly no submissions were made.

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THESE three issues of a "Girlie" type magazine endeavour to exploit to quite absurd lengths the association between the allure of the female form and the lines of sleek fast cars which has come to be a characteristic of the Earl's Court Motor Show in London. The photographs are of little (if any) artistic merit and the nude poses are contrived to a degree that becomes tedious.

The Tribunal has in a number of decisions drawn attention to the inherent difficulties in applying consistent standards of classification to publications devoted to the portrayal of the naked human form. The first major attempt at defining standards for classifying publications of this kind was made on 15 July 1968 in what has come to be known as the "Waverley decisions", since numbered 93-103.

In its decision on that occasion, the Tribunal said:

"Nude photographs may no doubt be used in an attempt to corrupt young people. But so may Old Masters or pictures of famous statuary or even Holy Writ. We question whether some of the photographs which have come under our notice provide the would be seducer with very much assistance. It is the spot lighting of the unfamiliar nude form that gives reproductions of photographs any special attraction they may have for the curious. If pleasant and un-retouched nude pictures were as common in the community as it appears they are in the nudist clubs, then it is likely that their production would be greeted with no more unseemly excitement than it is there."

That was said six years ago and since then the classifications into three categories depending on the degree of naturalness on the one hand or continued artificiality or provocativeness on the other, has been adopted in a number of decisions. Reference is made to examples in decisions No. 157, 158, 265-280, 373, 387-389, 397-405, 446-448, 568, 592, 639-641, and 728. A study of the publications covered by these decisions shows, it is submitted, that there is now fairly general agreement in our society that nakedness *per se* is not necessarily obscene. And there is evidence of a healthier and more wholesome attitude developing as the portrayal of the naked form becomes less subject to social taboos, and more acceptable.

In 1968, the three magazines, the subject of the present reference to the Tribunal, would probably have been classified in the second category of the Waverley decisions. Many of the photographs are posed, unnatural, and contrived. And in that category an age restriction would have been imposed.

But the question the Tribunal must try to find the answer to is whether, in 1974, the free circulation of these magazines will tend to corrupt. News stands throughout the country display magazines containing photographs that are as revealing as any of these. And there is no evidence that corrupting influences have any greater potency from this than they had in communities where women were kept in purdah or where female ankles had to be kept concealed in voluminous skirts.

The Tribunal classifies these three magazines as not indecent.

R. S. V. SIMPSON, Chairman.

20 March 1974.

No. 794-797

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 books *Health and Efficiency*, No. 895, 896, 897 and *Health and Efficiency, Winter Number 1973*, published by Plant News Ltd., London.

Mr Murray appeared on behalf of the Comptroller of Customs and made submissions. Mr Heron appeared on behalf of the importer and New Zealand distributor and made submissions.

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THESE four magazines are very similar in content to Vol. 2, No. 18 of the same magazine which was classified as not indecent by the Tribunal in decision No. 728 of 25 September 1973. The comments which the Tribunal has made on the three issues of *Rally Girl* in decisions No. 791-793 apply to these publications also and no grounds are seen for imposing an age restriction.

The Tribunal classifies these magazines as not indecent.

R. S. V. SIMPSON, Chairman.

20 March 1974.

No. 798

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Fisk Publishing Co. Ltd. for a decision in respect of the book *Mayfair Magazine*, Vol. 8, No. 10, published by Fisk Publishing Co. Ltd., London.

Mr Heron appeared on behalf of the applicant, Fisk Publishing Co. Ltd., and made submissions.

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IN October 1972, Vol. 7, No. 5 and 6 of this magazine were declared indecent in decisions No. 574-5. The Tribunal found sufficient difference, in the balance and tone of the contents and the photographic treatment, between those issues and the issues of other magazines it had allowed to circulate, to justify a classification of indecent.

Particular features of this issue which are objectionable are the interviews and letters retelling sexual experiences. These are clearly prurient in intention. Taking the issue as a whole the Tribunal considers it to be very similar to the earlier issues and to go beyond what is acceptable within the provisions and criteria of the Act.

The Tribunal classifies this issue of *Mayfair* as indecent.

R. S. V. SIMPSON, Chairman.

20 March 1974.

No. 799

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 *Oui*, Vol. 3 No. 2, published by Playboy Publications Inc., U.S.A.