

We have of course considered each magazine separately and have been guided by the prescriptions of the Act in our consideration. In the end we have made our decision on indecency in accordance with our view of the standards of contemporary society believing that in this case there is no ground to suggest that the magazines deal with sex in a manner that is "injurious to the public good". Indeed counsel for the Secretary did not, in his submissions, rely on that particular definition in section 2 of the Act.

Each of the magazines deals, almost exclusively, with sex in a manner which is explicit and with freedom of language and subject matter. We were told that *Forum* is dedicated to honesty about sex. There is a didactic purpose behind the magazine but a necessity to make it entertaining and thus commercial. There is an apparent conflict between these aims and purposes which permits the insertion of light-hearted and trivial material such as the "Molly Parkin" articles, which on their own are indecent, beside restrained simple articles in a popular style which could be informative and helpful. Some of the subjects and the manner in which they are presented have given the Tribunal cause for concern.

Again, as in 1972, we have had most difficulty with "The Forum" which republishes letters said to be sent from readers describing real or fantastic sexual experiences. We remain unconvinced that all these letters are "expression of genuine opinions, experiences, criticisms, or interests" as the magazine alleges. We were impressed however by the evidence of Dr Sparrow and Miss Colgan which indicated that even such fantasising can be helpful to those with sexual problems. We have no doubt that any reader of reasonable maturity would distinguish the genuine from the spurious and would not suffer harm in the process.

Some of the articles and "The Forum" in each issue are in themselves on the border line or on the indecent side of acceptability but taking account of the whole of each magazine in light of the matters in section 11 (1) and our view of present-day standards of the community we do not think that these magazines are indecent. We feel however that parts of each of them are unsuitable for reading by younger people who could easily buy this magazine and who might have only a prurient interest in the contents. We believe that a restriction to 18 is appropriate for these magazines.

We were requested to make a restriction order under section 15A of the Act. We refuse to do this on the basis of these 4 issues. We are entitled to make such a restriction order but we believe that this is inappropriate in this case. One of the reasons for making such an order is that a magazine has come under notice of the Tribunal on a number of occasions and perhaps because of a deteriorating standard or because it is undesirable to avoid repeated applications to the Tribunal a restriction order is suitable to provide a standard for the future. Such a reason does not apply here. Our reason for not making a restriction order is that the magazines should be kept under review by the appropriate authorities in case there is a decline in the standards of the magazine which could lead the Tribunal to reconsider the view it presently takes on these issues.

The Tribunal accordingly finds each of these issues of *Forum* to be indecent in the hands of persons under 18 years of age.

Dated this 15th day of December 1976.

LAURENCE M. GREIG, Chairman.

(Reference No. 19/2/26)

Decision No. 878

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Patrick Campbell, acting on behalf of Waverley Publishing Co. Ltd., for a decision in respect of the publication *Catalog of Sexual Consciousness* by Saul Braun published by Grove Press of New York.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, Mrs L. Edmond, and Miss W. M. Rolleston.

Hearing: 2 November 1976.

Appearances: No appearances but written submissions received from the applicant were considered.

DECISION

As is indicated in the title, this is a systematic list or collection of material or references to material relating in the main to sexual matters. It bears some similarity to the *History of Underground Comics* (Decision No. 872) in that it includes some reprinted matter which is on its own indecent.

Having regard to the whole of the publication and its general effect and intention we think it can be sold and distributed without harm subject to an age restriction.

The Tribunal finds this publication indecent in the hands of persons under 16 years of age.

Dated this 15th day of December 1976.

LAURENCE M. GREIG, Chairman.

(Reference No. 19/2/20)

Decision No. 879

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 following publications: *Gallery* No. 7 and 12 and *Manpower* No. 7 published by Colt Studios, New York, *Male Classics* No. 53 published by Male Classics Ltd., London and *The Best of Manpower* published by 'House One' of California.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, I. R. Cross, and Miss W. M. Rolleston.

Hearing: 22 November 1976.

Appearances: Mr P. E. Leloir for Comptroller of Customs.

DECISION

These publications consist almost entirely of photographs or drawings of the nude male figure presented in a way to emphasise the penis.

The publications are similar to those referred to in Decision 855 and the same principles apply.

The Tribunal finds each of these publications indecent.

Dated this 15th day of December 1976.

LAURENCE M. GREIG, Chairman.

(Reference No. 19/2/31)

Decision No. 880

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of a reference by the Magistrates Court, Christchurch, for a decision in respect of the following publications: *Picture Sex* No. 1, 3, 5, 7, 9, 10, and 14, distributed by Nordsex A.B., Halsingborg 12, *Samlet*, *Erotica* No. 6, and *Trio*, publisher anonymous, *Young Love* No. 3, *Sex Delight* No. 5, *Sucking Love*, *School Love*, *Honey Love*, and *Top Colour Sex* all Topsy Productions.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, I. R. Cross, and Miss W. M. Rolleston.

Hearing: 22 November 1976.

Appearances: Mr P. E. Leloir for Comptroller of Customs.

DECISION

All 16 books are similar in format and the Tribunal adopts the submissions of the Comptroller of Customs in saying that each of these is an example of hard core pornography without any redeeming feature.

The Tribunal finds each of these books indecent.

Dated this 15th day of December 1976.

LAURENCE M. GREIG, Chairman.

(Reference No. 19/2/30)

Decision No. 881

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 following publications: *Penthouse* magazine, U.S., Vol. 7, No. 6, and U.S., Vol. 7, No. 11, published by Penthouse International Ltd. of New York.