

consider that it should get into the field of programme editing and must look at the overall result. While it might have considered the programme to have been just as good without the shot of the couple walking through the bush towards the camera naked, the context in which the film clip appeared would not justify the Tribunal upholding the complaint.

The Tribunal does not consider that it is possible to dismiss all documentaries showing "primitive native people" naked as being acceptable because they are "primitive native people". (The use of this expression perhaps reveals more about Society than it realises.)

The Tribunal is concerned that the Society cannot understand that the circumstances of the film, the context in which it is shown, and the length or period of display all must be taken into account in considering the acceptability of the programme itself.

The Tribunal wishes to emphasise that although it has set out at length many arguments raised by the Society the prime influence on its decision must be its viewing of the programme.

The Tribunal rejects entirely the Society's suggestion that it necessarily follows that television commercials and all New Zealand made television programmes may follow some alleged relaxation of standards brought about by our "approving" this programme. That is not the situation and any statement made by the Society to that effect fails to understand this decision.

It is clear that programme makers have to use great care in deciding the occasions on which nudity would be permitted on television in New Zealand. We consider in this case that the Corporation through Television Two took considerable care in showing a programme on a subject in which some delicacy is required in ensuring that steps were taken to contain realism without offence.

While we, as a Tribunal, may have edited the programme slightly differently in respect of the final scene, we do not consider it our task to instruct broadcasters in such matters in which they rather than we have the technical and professional skills. It is considered the number of occasions in which similar sort of films will be shown will be very few and the Tribunal will have no difficulty in discerning the objectives of the programme maker by the production itself and the honesty of purpose or sensational prurient attention sought in presentation.

Finally, we consider it inappropriate to compare the film censor's task with that of the television producer. Even less relevant to television is the way in which such matters are determined for the press. We have noted but do not intend to set out in full a number of differences between the cases submitted to us regarding newspapers including those where there has been some decision of the Courts applying other statutes.

One such difference is that the newspaper reader may study for as long as he or she wishes any photograph displayed in a newspaper. A television producer can control the period during which the viewer sees possibly objectionable material; no such control is possible in newspaper production.

The Tribunal upholds the decision of the Corporation and declines to find the complaint of the Society justified.

Co-opted Members:

In accordance with section 61 (10) the Tribunal has co-opted Miss M. A. Ronnie and Mr L. R. Shelton as two persons whose qualifications or experience were likely, in the opinion of the Tribunal, to be of assistance to the Tribunal in dealing with the complaint. They have taken part in the deliberations of the Tribunal but the decision in accordance with the Act is that of the permanent members.

Dated this 16th day of August 1979.

For the Tribunal:

B. H. SLANE, Chairman.

Decision No. 929

Reference No.: IND. 14/79

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 in respect of the publications:

1. Title: *Playboy's Book of Limericks*.
Author: Clifford Crist.
Publisher: Castle Books Inc.
2. Title: *The World's Best Dirty Jokes*.
Author: Mr "P".
Publisher: Castle Books Inc.

3. Title: *Two Women in Love*.

Author: Roy Volkmann.

Publisher: Strawberry Hill Publishing Co. Inc.

4. Title: *25 Ways to Better Love Making*.

Author: Roxanne L. Gray.

Publisher: Marshall Cavendish Publications Ltd.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, Mrs H. B. Dick.

Hearing: 5 July 1979.

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

Decision

These four books were seized by the Customs Department on a commercial importation and come before us on disputed forfeiture.

The first two books are collections of limericks or jokes which are nearly all of the bawdy or sexual variety. There is no literary merit or social importance in either book and the overall effect on each of them is a trivial, tasteless, and exaggerated emphasis on matters of sex. Each of these books is indecent.

Two Women In Love is a collection of photographs which depicts sexual activity between two women. The dominant effect of the book is an appeal to prurience without any redeeming feature. This book is indecent.

25 Ways to Better Love Making comprises photographs and text and deals with sexual techniques. Its presentation is restrained and sensible and includes an explicit and implicit assumption that sexual relationships are not merely physical. As was noted in Decision No. 926 the Tribunal feels that in light of some change in the standards of community opinion since the Decisions numbered 432 to 435 in March 1972 a restriction to age 16 may be more appropriate in this type of publication.

The Tribunal classifies *Playboy's Book of Limericks*, *Two Women In Love*, and *The World's Best Dirty Jokes*, as indecent.

It classifies *25 Ways to Better Love Making* as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 22nd day of August 1979.

LAURENCE M. GREIG, Chairman.

Decision No. 930

Reference No.: IND. 15/79-16/79

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 in respect of the publications:

1. Title: *Big Juicy Jugs*, Volume 4, No. 4.
Publisher: American Art Enterprises Inc.
2. Title: *Block Busters*, Volume 8, No. 2.
Publisher: American Art Enterprises Inc.
3. Title: *Foxette*, Volume 1, No. 2.
Publisher: T. & T. Publications.
4. Title: *T. & T.*, Volume 1, No. 2.
Publisher: T. & T. Publications.
5. Title: *Sex Objects*.
Author: Eric Kroll.
Publisher: Addison House.
6. Title: "38-26-34", Volume 16, No. 1.
Publisher: American Art Enterprises Inc.
7. Title: *Busts*, Volume 1, No. 3.
Publisher: American Art Enterprises Inc.
8. Title: *Kingsize*, Volume 9, No. 4.
Publisher: American Art Enterprises Inc.
9. Title: *Foxette*, Volume 1, No. 5.
Publisher: T. & T. Publications.
10. Title: *Body Shop*, No. 7.
Publisher: Love Publishing Co.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, Mrs H. B. Dick.

Hearing: 5 July 1979.

Appearances: Mr P. E. Leloir for Comptroller of Customs, Mr P. H. Thorp for Waverley Publishing Co. Ltd., written submissions from the Society for the Promotion of Individual Responsibility (Inc.) authorised by Waverley Publications Co. Ltd., considered.