

It also should be noted that in Decision No. 904 (*New Zealand Gazette*, Thursday, 12 October 1978, No. 86 p. 2771), the Tribunal considered publications relating to the cultivation of psilocybin mushrooms. The Tribunal on that occasion declared the material dealing with psilocybin mushrooms as indecent.

For all the above reasons the Tribunal classifies *A Guide to British Psilocybin Mushrooms* as indecent.

#### Home Grown—

Book type and length: The document is a magazine, 42 pages long, with a number of different articles on drug related topics. The publication holds itself out to be "Europe's first dope magazine". The articles in this magazine are quite varied. The editors of the magazine seek the legalisation of the possession and use of cannabis; there is information to drug users relating to different types of drugs, among which are cocaine, psilocybin, and cannabis. There are also sundry other drug-related articles of historical or general interest, i.e. an historical narrative of the police involvement in the breaking of possibly the world's largest LSD manufacturer; a discussion of the C.I.A.'s involvement in drug experimentation; and a discussion of the use in America of the drug laetrile in the war against cancer.

The submissions made on behalf of the importer were to the effect that this publication had the intent "of developing an historical and cultural understanding of the cannabis plant, with particular reference to its place in modern society and the law". It was also submitted that there would be no harm to New Zealand society should the Tribunal classify the publication as not indecent in the hands of persons over the age of 21 years.

While the Tribunal would agree that there are articles of general or what might loosely be described as "historical" interest, the dominant purpose of the magazine is clearly to encourage the use of various kinds of drugs, such use in New Zealand being contrary to the provisions of the Misuse of Drugs Act 1975. Publications dealing with drugs have been dealt with by the Tribunal on numerous previous occasions—see Decision 904 (*New Zealand Gazette*, Thursday, 12 October 1978, No. 86, p. 2771); Decision 922 (*New Zealand Gazette*, 3 May 1979, No. 37, p. 1405); Decision 935 (*New Zealand Gazette*, 7 February 1980, No. 7) and Decision 942.

Almost all these drug related publications have been classified as indecent by the Tribunal.

The following extract from Decision 922, relating to three issues of the magazine *High Times* (which is a similar publication to the present magazine) is the rationale behind the Tribunal's classification of the publications as indecent:

The dominant effect of the magazines is the approval and encouragement of the use of all kinds of drugs with passing reference to methods and equipment to avoid detection. While not all that is contained in these magazines could be said to be indecent under the Act, the effect as a whole in each and every case is to describe, depict, or otherwise deal with matters of crime in New Zealand in a manner which the Tribunal considers is injurious to the public good.

Since the Tribunal is unable to agree with the submissions made on behalf of the importer, and since the provisions of the Misuse of Drugs Act 1975 apply to all persons over the age of 14 years, the Tribunal classifies this book as indecent.

Dated at Wellington this 30th day of May 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 952

Reference No. 52/79

#### Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of a reference by the District Court, Christchurch, pursuant to s. 12 of the Indecent Publications Act 1963, for a decision and report in respect of the publication—*Ram* 1979 edition, published by Lincoln College Students' Association Inc., Lincoln College, Canterbury.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (chairman).

Mesdames L. Edmond, H. B. Dick, and L. P. Nikera.

Hearing: 11 March 1980, and 22 April 1980.

Appearances: Mr D. C. Bate for Police, Mr McDonald for defendant.

#### Decision

This publication was referred to the Tribunal by the District Court (then the Magistrate's Court), Christchurch. Initially it was set down for hearing on 11 March 1980, but because of inclement weather Mr McDonald was unable to reach Wellington in time for the hearing. It was set down again for hearing on 22 April 1980.

On behalf of the Police it was submitted that the publication was "of such a nature in its entirety as to merit being classified as unconditionally indecent". A prosecution was commenced in July 1979 following complaints by several adult members of the community. Mr McDonald made submissions on behalf of the Students' Association and related that 51,000 copies out of 65,000 printed were sold. Out of the proceeds \$3,100 was donated to deserving charities. In the Tribunal's view the ends in this case do not justify the means. This however does not assist in determining classification.

The Tribunal says at once that the publication can by no means be called indecent "in its entirety". There is a significant proportion of the work to which no exception could be taken. As for the rest it has to be said that it is firmly in the students capping magazine tradition. It is taken up with jokes, spoofs, skits, cartoons. It is sometimes funny, usually vulgar, and always designed to startle and if possible to shock its readers. The Tribunal considers that while some members of the public may indeed be shocked there is no reason to suppose that *Ram* will have any effect which can be injurious to the public good.

Student magazines have been considered by the Tribunal on three earlier occasions. The first time in 1969 and the last time in November 1971. It is significant that the 1971 decision was in relation to *Pizzle Rot* also produced by the Lincoln College Students' Association. In the view of the Tribunal there has been a significant change in community standards since 1971 such as to render different considerations being applied to this publication. It bears in mind that in 1969 *Masskerade* was considered indecent in the hands of persons under 17. *Pizzle Rot* was similarly classified in November 1971 while *Capping Magazine Auckland 1969* was considered not indecent. Opportunity has been taken to look at *Masskerade 1969* and the *Auckland Capping Magazine of 1969*. Unfortunately a copy of *Pizzle Rot* is not available for perusal. It seems to the Tribunal that there is no significant difference between the publications of 1969 and 1970 from that of 1979. However, in view of the change in community standards since 1971 it seems clear that what was unacceptable in whole or in part in 1971 is now not viewed in the same light. On TV, in films and on the live stage there are now portrayed scenes which 10 years ago would not have been in contemplation, but which are now accepted, if not completely without comment then at least with only minor disapprobation. The Tribunal finds the publication not indecent.

Dated at Wellington this 9th day of June 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 956

Reference No. 6/80

#### Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the District Court, Christchurch, for a decision in respect of the following publications:

1. *Donkey Sex* No. 1, *Donkey Sex* No. 3; *Topsy Production*, and *Donkey Sex*—Printed in Australia. Publisher unknown.
2. *Mister SM* Nos. 22, 23, 24, and 25—Published by Revolt Press AB., Sweden.
3. *Colour Climax* Nos. 65, 67, 70, 83, and 85—Published by Jens and Peter Theander, Copenhagen.
4. *Lesbian Quartet* and *Lovely Lesbians*—Published by Jens and Peter Theander, Sweden.
5. *Lesbian Orgy* and *Lesbian Desire*—Published by Peter Theander, Sweden.
6. *First F . . .*—Printed in U.S.A. Publisher unknown.
7. *Coming In and Sharing the Fun*—Nova Productions, U.S.A.
8. *Slide Into Love*—Published by Revolt Press AB., Sweden.
9. *The Night Visitor* and *Sex Tool*—Printed in U.S.A. Publisher unknown.
10. *Black C . . .*—Publisher unknown. Printed in U.S.A.
11. *Cherries*—Publisher unknown. Printed in U.S.A.
12. *Wide Open Sheila*—Publisher unknown. Printed in U.S.A.