

However, quite a number of the stories, for example *The Girl in the Freudian Slip*, *In a Man's Apartment*, *... and if I'm Elected*, *The Executive Position*, *Innocent Bystander* and *The Wisest Man in the World* contain little or no material which could arouse a prurient interest. We are inclined to accept Mr Shirley's submission that in the majority of stories sex is treated in an adult rather than a prurient manner.

However, as we have already stated, we express concern at the sexual content of a number of the stories. They have no merit and deal with sex in a purely salacious way. In terms of the provisions of section 11 of the Indecent Publications Act 1963, we find that while the dominant effect of the publication as a whole is not to deal with sex in a manner that is injurious to the adult public good, nevertheless there is little artistic merit in the book and there are some stories that deal with matters of sex in a manner likely to corrupt young readers, and therefore we think it desirable that an age restriction should be placed upon the book.

Finally, we must note that we have had the opportunity of examining the publications referred to in decision No. 934, of 21 December 1979. The publications therein were four novels, all declared indecent by the Tribunal. However, none of the publications concerned short stories, and the Tribunal, with respect to Mr Leloir's argument, found them of little assistance in the approach adopted in the present case, namely a consideration of the balance of merit in the short stories in the publication.

For all the above reasons we declare the publication *Lady Chatterley's Second Lover* to be indecent in the hands of persons under the age of 18.

Dated at Wellington this 5th day of December 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 972

Reference No. Ind. 15/80

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publications: *Loving Today* Vol. 1, published by Western Colour Print Pty. Ltd., Sydney, Australia; and *Loving Interlude* Vol. 1, published by Western Colour Print Pty. Ltd., Sydney, Australia.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (chairman),
Mesdames L. Edmond, H. B. Dick, L. P. Nikera, and
Mr J. V. B. McLinden.

Hearing: 20 August 1980.

Decision: 15 December 1980.

Appearances: Mr LeLoir for Comptroller of Customs. No appearance on behalf of importer, Waverley Publishing Co. Ltd.

Decision

These publications were imported as samples and were seized at Auckland. Forfeiture has been disputed by the importer, Waverley Publishing Co. Ltd. On behalf of the Comptroller, it was submitted that both publications should be classified as indecent. They are reputed to be educational material on sexual matters and they are similar in format. There is text ranging in scope from ancient rules on marriage to sexual crimes and to various forms of deviate sex. The text is interspersed with pictures, many of which do not appear to relate to the text. They appear contrived. Because of the approval given to relationships other than normal, it is doubtful whether there is an honesty of purpose in the publications. Neither has any literary merit, nor are they saved by any other criterion. In the Tribunal's view they are both injurious to the public good. It is noted that in decision No. 945, two similar publications were classified indecent as are these.

Judge W. M. WILLIS, Chairman.

Decision No. 973

Reference No. Ind. 22/80

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in matter of an application by the Comptroller of Customs for a decision in respect of the following publication: *Generation of Blood* published by Manor Books Inc., New York, U.S.A.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (chairman),
Mesdames L. Edmond, H. B. Dick, L. P. Nikera, and
Mr J. V. B. McLinden.

Hearing: 20 August 1980.

Appearances: Mr P. E. F. M. Leloir for the Comptroller of Customs. Written submissions by D. W. Shirley on behalf of the importer, Shop Six.

Decision

Generation of Blood is a sample copy of a book imported commercially and seized at Auckland in June of this year. As the importer has disputed forfeiture the Customs Department has referred the publication to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The publication is a paper back novel, 188 pages long and appears to have been written (from the date of the author's copyright) in 1961.

The novel itself is split into two parts, Book I and Book II. Book I describes the enslavement and transportation of a Massai warrior called Karindu from his home in Africa to a cotton plantation in Georgia in the United States. Book I ends at page 130 with Karindu being killed.

Book II deals with subsequent developments at the plantation, which comes under the rule of a rather unpleasant character called Curtis. The book comes to a rather disjointed and abrupt ending with the destruction of the plantation by soldiers of the Union army.

Mr Leloir submitted that even although the novel was a story of slaves and slavery in the southern states of America at the time of the Civil War, the main theme of the author was to put together as much sex and violence as possible and to weave a story around the various episodes.

While Mr Shirley accepted that this another "slave" novel (implying as a matter of course, we think, a certain amount of sex and violence in its theme from the nature of the subject), he submitted that it was in the genre of many others which have not been declared unconditionally indecent. Mr Shirley asked the Tribunal to impose an age restriction of 18 on the publication, not because of its sexual content but because of its violence.

This novel is no work of art, and we feel that it could be well described as pulp fiction, exploiting, as have many others, a sorrowful and sordid aspect of American history.

However, we are unable to agree with Mr Leloir's submission that the novel is a mere vehicle for the explicit description of sexual and/or violent episodes. While there are descriptions of sexual acts in the book, they are not so frequent and explicit as to indicate the author merely wrote the book to provide padding for the detailed description of a number of sexual episodes. For these reasons we would not be prepared to declare the book indecent on the grounds of its sexual content.

The Tribunal has also considered the episodes of violence in the book. We must note once again that the book is an historical novel and is set in a violent and bloody time in American history. The novel, although fiction, reflects incidents that could well have taken place. We do not think there is in this novel, because of its historical setting, a risk of the episodes of violence being injurious to the community. As well, we are by no means certain that the descriptions of violence are unacceptable in themselves.

We are not bound to accept, nor do we accept in this case, an importer's request that a certain level of classification be placed upon a publication. The classification, if any, is a matter for the Tribunal itself to determine.

For all these reasons we declare *Generation of Blood* to be not indecent.

Dated at Wellington this 15th day of December 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 974

Reference No. Ind. 31/80

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publication: *The Best of Sierra Domino* No. 1, publishers and photographers, Sierra Domino, San Francisco.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (chairman),
Mesdames L. Edmond, H. B. Dick, L. P. Nikera, and
Mr J. V. B. McLinden.

Hearing: 4 November 1980.

Appearances: Mr P. E. F. M. LeLoir for the Comptroller of Customs. No appearance by importer Mr G. Fry.