

Decision

This is a single copy, privately imported and seized by Customs in Wellington last May. It has been referred to the Tribunal for classification by the Department.

This publication produced on thick glossy paper, contains 64 pages all depicting nude males. The photographs are posed in such a manner as to give maximum emphasis on penis displays. All the models are dark skinned, and the magazine in its foreword submits that the public has long needed a publication such as this; advertising what is available through the columns, and what is happening in the black gay world. Whether black, white, yellow or brown; it is still promoting homosexuality in pictures only.

The magazine has no articles, no text, other than a short descriptive paragraph about the model used. The photographs are not natural in pose and cannot be considered as "serious artistic studies of the male human figure" be it black or white. The presentation viewed as a whole, appears to have been submitted expressly for those persons leaning towards homosexuality.

Throughout the publication reference is made to other publications of the same content from the same publishing house. The costs are quite high in comparison with many similar magazines. The Tribunal considers that while there is little if any offensive text, the posed photographs certainly come into the category of "injurious to the public good" as set out in section 11, subsection (e) and (f) of the Indecent Publications Act.

The Tribunal classifies the book indecent.

Dated at Wellington this 15th day of December 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 975

Reference No. Ind. 33/80

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: *Playguy* Volume 2, No. 24, published by Playguy Magazine Inc. New York.

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 A. Louis.

Decision

In submitting this magazine, which is a single copy, privately imported, seized by the Wellington Customs in May this year, the Comptroller seeks classification by the Tribunal prior to the commencement of condemnation proceedings.

The publication consists of 46 pages of pictures, text, and advertisements. Some pictures are in colour, but in the main the magazine is presented in black and white photographs on good glossy paper.

The photographs throughout are entirely of naked, or near naked males, with considerable emphasis on displays of the penis. The stories and the pages of text entitled *Fantasies* are predominately homosexual, with frank and descriptive language (at times bordering on the offensive), characterising every episode.

The magazine contains no serious articles, or even light weight literary articles; to balance the sexual impact it presents. The magazine is produced obviously for homosexual readers and those they hope to recruit. Because of its presentation and makeup, and the frank advertisements oriented to homosexual practises the Tribunal is of the opinion that there is serious doubt as to the honesty of purpose of the publisher. In fact one is led to believe that the magazine is only produced to promote homosexuality. In his submission the Comptroller of Customs reminds us that such is a crime in this country. The Tribunal views the promotion of such practices per medium of magazines such as this, as certainly falling into section 11, subsection (e) and (f) of the Indecent Publications Act.

As the Tribunal feels that this magazine *Playguy* Volume 2, No. 24 has no literary merit and is injurious to the public good it therefore has no hesitation in classifying it as indecent.

Dated at Wellington this 15th day of December 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 976

Reference No. Ind. 28/80

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: *Players* Vol. 6, Nos. 7, 8, and 9, published by Players International Publications.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (Chairman),
Mrs H. B. Dick, and
Mr J. V. B. McLinden.

Hearing: 4 November 1980.

Decision: 15 December 1980.

Appearances: Mr P. E. LeLoir for Comptroller of Customs. No appearance of importer, Marketing Services (1974) Ltd.

Decision

These three publications are the December 1979, January and February 1980 issues of *Players*. They are submitted under section 14 (1) of the Act for a decision as to their classification.

The Tribunal last examined earlier issues of this magazine in August 1978 when in decision No. 897 it classified the three issues as indecent in the hands of persons under the age of 18 years. A 2-year restriction order was made in similar terms and that order expired on 25 August 1980.

For the Comptroller, Mr LeLoir drew the attention of the Tribunal to what he said was a noticeable change in the content of the photographs over the last 2 years. The three issues previously considered contained more sexual pictorial content as well as some highlighting of the female genitalia but the present issues certainly have less sexual pictorial content and there is little emphasis on genitalia. It was suggested that these issues lean more heavily to the serious non-sexual side. It was suggested that it was doubtful whether the issues were indecent in any way. In the Tribunal's view, despite the change since 1978 this magazine is still a magazine for the adult reader rather than for the younger person.

In the Tribunal's view, this magazine should again be classified as indecent in the hands of persons under the age of 18 years and that there should be a further 2-year restriction order placed upon it.

Judge W. M. WILLIS, Chairman.

Decision No. 977

Reference No. Ind. 30/80

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: *Dirty Jenny's Diary* by Jenny Noland and *The Orgy Society* by Gloria Jovian, each published by Orien Press, Adelaide, South Australia.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (Chairman),
Mrs H. B. Dick, and
Mr J. V. B. McLinden.

Hearing: 4 November 1980.

Decision: 3 December 1980.

Appearances: Mr L. E. LeLoir for Comptroller of Customs. No appearance for importer, J. G. A. Lynch.

Decision

These two books were seized following examination of a parcel packet. The addressee, Mr Lynch, has disputed forfeiture so that the books came before the Tribunal for classification.

Dirty Jenny's Diary is allegedly a true account of the sexual activities of the author during the course of the 12 months following her marriage. It is entirely lacking in artistic or literary merit, it is prurient in the extreme and is clearly calculated (despite its claim to be a true story), to appeal to the lewd aspects of sex.

The Orgy Society is a novel concerning the sexual activities of a man with various women. It also entirely lacks literary or artistic merit, is prurient in the extreme, and once again concentrates on the lewd aspects of sex.

Submissions were made on behalf of the Comptroller of Customs that the books were lightweight, with no literary or other merit to offset the concentration on the prurient