

and lewd aspects of sex. It was submitted that they lacked honesty of purpose and their likelihood of corruption, far outweighed any possible benefit. The Tribunal agrees with the submissions made by the Comptroller and classifies each of these books as indecent.

Dated at Wellington this 3rd day of December 1980.

Judge W. M. WILLIS, Chairman.

Decision No. 978

Reference No. Ind. 29/80

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: *Mayfair* Vol. 15, Nos. 6, 7, and 8, published by Fisk Publishing Co. Ltd., London, England.

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 P. E. LeLoir for Comptroller of Customs. Mr M. D. O'Brien for importer, Gordon and Gotch (N.Z.) Ltd.

Decision

These three issues of *Mayfair* are submitted pursuant to section 14 (1) of the Act for a decision as to their classification. The magazine has been considered by the Tribunal on three previous occasions in decisions No. 574-5 (1972), No. 798 (1974), and No. 908 (1978). In the two earlier editions the magazine was classified as indecent but in 1978 it was classified as indecent in the hands of persons under the age of 18 years. A 2-year restriction order was made and it is because this order expires on 30 November that the magazine has been submitted once more for classification.

In his submissions Mr LeLoir submitted that the magazine does not seem to have changed in the last 2 years but points out that the sexual material, although amounting from half to two-thirds of the magazine, is generally more restrained pictorially and so far as the text is concerned, than other magazines of a similar type, for example *Penthouse*. There is not the same emphasis on the female genitalia in the photographs although the non-sexual material is light-weight when compared with those in *Penthouse*. For those reasons Mr LeLoir suggested an age restriction was desirable but that a further 2-year restriction order should be made.

For the publishers, Mr O'Brien agreed that the standard of the magazine had not changed in the past 2 years and he mentioned that the editorial staff and basic philosophy have remained similar. He suggested however, that the standard of decency commonly accepted by the community in relation to sexual matters at least, has been the subject of subtle liberalisation. The publishers, he said, made no pretence of offering other than a sexually orientated magazine which was in the nature of light entertainment. There is a substantial content of non-sexual material including some articles of an informative nature and there are other articles which are said to be well read. There is a substantial volume of advertising for consumer products. The submission was made that the general tone of the magazine was neither obnoxious or patently offensive and it suggested that it might more be properly described as restrained. The pictures did not contain the same posed attitudes which are found in other magazines although there is "an obvious abundance of nakedness".

As earlier editions of this magazine have been held to be indecent, and as a 2-year restriction order was placed on the magazine in 1978, the Tribunal has felt it prudent to look at the earlier books which have been submitted. I think it could be said quite fairly that the issues submitted certainly are different from the earlier ones, although, there is no significant difference between the issues considered in 1978. In the intervening period, of course, between 1972 and 1980 there has been a marked change in the public attitude to matters of this nature, and I have no doubt that these issues would have been considered indecent in 1972.

It has been suggested that magazines of this type are responsible for the lowering in community standards. While it may be true that the magazines play some part in this process, it would be too much to suggest that they are solely responsible.

As was decided by the Tribunal in 1978, this Tribunal is of the view that allowing adults to read *Mayfair* will not be injurious to the public good, so that the three issues are classified as indecent in the hands of persons under the age of 18 years. In terms of section 15A (1) of the Act, a restriction order in similar terms is made for a period of 2 years.

Dated at Wellington this 3rd day of December 1980.

Judge W. M. WILLIS, Chairman.

*Industries Development Commission Notice No. 1981/2—
Inquiry Concerning the New Zealand Tobacco Industry*

(1) In a letter of 15 December 1980, the Minister of Trade and Industry requested the Commission:

(a) To inquire into and report on the duty applicable to imports under Tariff items 24.01.005, 24.02.011, 24.02.019 and 24.02.031 of the New Zealand Customs Tariff, taking into account the reorganisation of the domestic tobacco industry; and

(b) To recommend the appropriate timetable for the gradual removal of import licensing on manufactured tobacco products, excluding cigars, between 1 July 1983 and 30 June 1985.

(2) When making its inquiry and report the Commission may take evidence on and otherwise have regard to any other matter or product it considers relevant to the inquiry under reference, or exclude from its consideration any matter or product it considers not relevant.

(3) The Commission was requested to report on the above inquiry by 1 April 1981 but this has been extended to 30 April 1981.

(4) This reference followed decisions made by the Government on the reorganisation of the tobacco industry. A summary of these decisions is set out in the Schedule to this notice. Due to the significant flow-on effects that Tariff levels on imported and manufactured tobacco products can have on the demand for local leaf, the Government considered it desirable that all industry parties be aware of the full connotations of the industry package before its implementation.

(5) The Commission has received from officials copies of the detailed information provided by parties during the course of the inquiry leading to the reorganisation of the tobacco industry and will be contacting the various parties to obtain any further details required.

(6) The Commission will appraise the information received and early in March 1981 distribute a draft report setting out its views on the Tariff levels and import licensing requirements considered desirable, and, in accordance with its terms of reference.

(7) The Commission will release its draft report publicly and invite submissions on the content of the report from any interested party. 20 copies of public submissions will be required and these may be amplified, if necessary, by an accompanying confidential submission. Submissions must reach the Commission's office not later than 31 March 1981.

(8) As soon as possible after 31 March 1981 the Commission will circulate copies of all public submissions to those parties who have lodged submissions.

(9) A public hearing on the content of the draft report and the subsequent submissions will commence in the Commission's Hearing Room, Eighth Floor, Cumberland House, Upper Willis Street, Wellington, on Tuesday, 7 April 1981, at 10.30 a.m. Should the hearing extend beyond the first day, the commencement time on subsequent days will be 10 a.m.

(10) All submissions will be required to be attested to under oath and those who have so attested may cross-examine other parties.

Dated at Wellington this 19th day of February 1981.

J. R. JENNER,

Secretary, Industries Development Commission.

P.O. Box 27-046, Wellington.

SCHEDULE

REORGANISATION OF THE DOMESTIC TOBACCO INDUSTRY

Summary of the Government's Decisions

A 5-year transition period for the removal of legislative protection and special arrangements supporting the domestic tobacco industry should begin on 1 July 1981 and end on 31 August 1986.

The 30 percent mixing requirement be removed on 31 August 1981.

The requirement that manufacturers provide forward orders for domestic leaf cease with the confirmation of the 1985-86 crop and finally terminate on 31 August 1986.