

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

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

Hearing: 2 December 1980.

Appearances: Mr P. E. F. M. Leloir for the Comptroller of Customs. No submission by the importer, Waverley Publishing Co. Ltd.

Decision

Sample copies of *Nana* and *Casanova* were imported commercially by parcel post and seized at Auckland in September 1980. As the importer has disputed forfeiture the Customs Department has referred the publications to the Tribunal for classifications prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Mr Leloir has contended that both publications, i.e. *Nana* and *Casanova*, are cheap editions of the original classics. He states that in each book the pictures are mostly of a sexual nature, mainly related to the text. He submits that the two publications are indecent.

Casanova is a paperback, based on the original classic which was translated by Arthur Machen, and published in six volumes. Samples of the writings have been selected, to depict sexual activities, used in conjunction with a series of photographs, to give an impression that the paperback is an accurate precis of the original classic. In fact there appears to be little relationship between the text and the photographs, even though the photographer has dressed his models in period costume.

Nana is a similar publication. A paperback, based on the novel by Emile Zola, *Nana* is a series of selections from the original novel, to which photographs have been added. The photographs are mostly of a sexual nature, attempting to give the impression that the publication is accurately based on the original classic. In view of the nature of the publications, there is a distinct lack of honesty of purpose.

Accordingly, though both the original classics are not indecent, we classify these editions of *Nana* and *Casanova* as indecent.

Dated at Wellington this 18th day of March 1981.

DISTRICT COURT JUDGE WILLIS, Chairman.

Decision No. 983

Reference No. Ind. 44/80

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 Perfumed Garden*, published by Howard Publications Ltd., Australia.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

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

Hearing: 2 December 1980.

Appearances: Mr P. E. F. M. Leloir for the Comptroller of Customs. No submission by the importer, Waverley Publishing Co., Ltd.

Decision

A sample copy of *The Perfumed Garden* was imported commercially and seized at Auckland in September 1980. 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.

Mr Leloir has contended that the publication is a cheap version of the original classic, with the bulk of the photographs showing various positions of sexual intercourse, with little reference to the text. He submits that the publication is indecent.

The Perfumed Garden is a paperback publication, supposedly based on the original classic. Selections of the writings from the original translation have been included in the publication, and used in conjunction with a series of photographs which emphasise various positions for sexual intercourse, to give an impression that the paperback edition is

an accurate precis of the original classic. In fact there appears to be little relationship between the text and the photographs. In view of the nature of the publication, there is a distinct lack of honesty of purpose.

Accordingly, though the original classic is not indecent, we classify this edition of *The Perfumed Garden* as indecent.

Dated at Wellington this 18th day of March 1981.

DISTRICT COURT JUDGE WILLIS, Chairman.

Decision No. 981

Reference No. Ind. 2/81

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: *Desire*, by Christine Dunn and Eileen McMahon, published by Warner Books, New York.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

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

Hearing: 5 February 1981.

Appearances: Mr P. E. F. M. Leloir for the Comptroller of Customs. No submissions by the importer Gordon and Gotch (N.Z.) Ltd.

Decision

This publication is one of a shipment of 500 which was seized at Auckland by the Customs Department in October 1980. After the importer disputed forfeiture of the publication, the Customs Department referred the publication to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Desire is a paperback novel, 448 pages long. It is the story of a young successful entrepreneur who fulfils his ambition by opening what becomes New York's hottest discotheque, where the rich and famous soon congregate to dance the night away. The book deals with a behind the scenes account of the operation of the discotheque, which seems to bear some resemblance to the phenomenal Studio 54 which operated so successfully in New York in the late 1970s.

A twist to the story is added when it appears that the entrepreneur's father-in-law, who has invested a large amount of cash in the venture, has an ulterior motive in making the investment. The father-in-law is in reality a white collar racketeer, and he has seen the opportunity to use the discotheque as a clearing house for the sale and disposal of narcotics. After some time the son-in-law apprises himself of the situation, but in the end result is forcibly bought out of the nightclub by his father-in-law, and departs to England to try his hand at a night club venture there.

Mr Leloir in his short submission complained of the descriptions of sex, violence, and drug taking used in the book. We think he accepted that the novel had honesty of purpose, but submitted that there were some episodes that were on or over the borderline of tolerance.

We have read this book with care. Our assessment of the novel is that the plot and the characters and their interactions to one another have been thought out and developed carefully. We are not prepared to accept that the book has been written as a vehicle for the satisfaction of any interest that could be classified as indecent.

Certainly criticism could be directed at particular episodes in the book, but in view of our assessment of the book as a whole, we are not prepared to accept that the descriptions go beyond the borderline of tolerance and so we find ourselves unable to accept Mr Leloir's submission that there should be an age restriction in respect of this publication, and we declare the book to be not indecent.

Dated at Wellington this 2nd day of March 1981.

DISTRICT COURT JUDGE WILLIS, Chairman.