

Decision No. 980

Reference No. Ind. 36/80

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: *China Nights*, by Ralph Shaw, published by Zebra Books, New York, U.S.A.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Judge W. M. Willis (chairman),
Mrs H. B. Dick,
Messrs J. V. B. McLinden and I. W. Malcolm.

Hearing: 2 December 1980.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. No appearance or submissions on behalf of the importer Magman International Pty. Ltd.

Decision

China Nights was imported commercially and seized at Auckland in June 1980. As the importer has disputed forfeiture the Customs Department has referred the publication to the Tribunal for classification, with the recommendation that the book should not be freely available without restriction.

The publication is a paperback novel, 288 pages in length, and according to the imprint, was first published in 1973 under the title *Sweet and Sour*, and reissued as a paperback in 1974.

The novel has a ring of truth about it, based on the period prior to and during the Japanese attack on China in the 1930's, and in particular describing the city of Shanghai. The author gives a clear and seemingly authentic word-picture of those traumatic times, for he is portrayed as a western reporter or newsman closely associated with the war which eventually ravaged Shanghai, at a time when Europeans and Americans were tolerated by the Japanese, for this was prior to the attack on Pearl Harbour in 1941. The episodes of violence and explicit sexual description in the novel, and there are plenty of these, possibly illustrate and describe in detail life in China in the thirties. Looked at from a distance of nearly 50 years the material in the novel could be classified as crude and indecent, but taken in its context *China Nights* describes incidents and episodes which have indeed taken place. The story has an authenticity and a feeling of credibility about it.

For these reasons the Tribunal would not be prepared to declare the novel indecent, nor to place any restriction on its availability to the public.

We declare *China Nights* to be not indecent.

Dated at Wellington this 16th day of February 1981.

JUDGE W. M. WILLIS, Chairman.

Decision No. 982

Reference No. 27/80

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: *Forbidden Fruit Fantasies*, *Naughty Little Niece*, *Grandpa's Little Girls*, *Young Boys in Her Bed*, *Virgins in the Hayloft*, *The Girls Camp Doctor*, *Anal Female Fantasies*, *Incest Fantasies*, *Brother/Sister*, and *Mother Taught Him How*. All published by Surree Ltd. Inc., California.

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.

Decision: 4 March 1981.

Appearances: No appearance for importer, Mr D. L. Bevin. Mr P. E. Leloir for Comptroller of Customs.

Decision

All these publications were imported privately by parcel post and seized at Auckland in July 1980. The importer has disputed forfeiture so that the books have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. There was no appearance of the importer, Mr D. L. Bevin of Auckland, but the Customs Department made very short submissions.

Each book is a paperback and as the titles would seem to suggest they are of a pornographic nature. Mr Leloir for the Comptroller submitted that in most cases the episodes were concerned with crude sex in all its aspects and were couched in lewd language. Many described in explicit detail sexual practices which were illegal in this country. It was submitted that all were devoid of literary or special merit which could offset the crude appeal to prurience. It was further submitted that they were grossly indecent and pornographic. The Tribunal does not think it necessary to go any further than to say that it accepts without hesitation the submissions made by Mr Leloir. It is noted that in many, if not all the paperbacks in question, there are advertisements for other titles which would indicate that there are other books of a similar content. There is an attempt in some to suggest that these works are intended to be of a serious nature. If one word were to be chosen to describe them it could be "disgusting".

The Tribunal considers that the books can have an appeal only to the most prurient minded. There is, as submitted by the Comptroller, no literary or artistic merit in any of them and the majority of the public would find them grossly offensive. Indeed, the Tribunal would go so far as to say that this particular publishing house gives all appearances of dealing solely with works of the nature of those which have been considered, and would also go further to suggest that any publication from this particular house should be viewed with great suspicion. Each book is classified as indecent.

Dated at Wellington this 4th day of March 1981.

DISTRICT COURT JUDGE WILLIS, Chairman.

Decision No. 979

Reference No. Ind. 32/80

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 decisions in respect of the following publications:

1. *Kinky Kats*, No. 2; and
 2. *Kinky Kats*, No. 5;
- published by Ben's Books Ltd.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

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

Hearing: 4 November 1980.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. No appearance or submissions on behalf of the importer Mr G. L. Moir.

Decision

Kinky Kats editions Nos. 2 and 5, were seized by customs officials in June 1980. As the importer, Mr G. L. Moir, has disputed forfeiture, the Customs Department has referred the publications to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The books are soft covered publications measuring 12 cm by 17.5 cm in respect of edition No. 2, and 11 cm by 16.5 cm in respect of edition No. 5. Edition No. 2 contains approximately 200 pages and edition No. 5 contains approximately 150 pages. There is no significant text in either of the publications, which are concerned with the cheap, and in our view, tasteless, presentation of black and white photographs of females in various settings.

Mr Leloir submitted that the publications concerned females mostly in contrived and provocative poses with an underlying theme of bondage and violence. As well he further stated:

"It is noted that in some of the photographs, to offset the crude appeal to the salacious, the genital areas have been painted out by representations of underwear."

In considering our classification of these publications we must note at the outset that there are no photographs of full frontal nudity nor of exposed female genitalia. However we turn now to examine each publication.

Edition No. 2:

Many of the photographs in this publication concern two or more women in artificial settings and costumes designed, we think, to depict sadistic and deviant aspects of sex.

There is no artistic merit in the book, nor, as already stated, is there text of any significance.