

- (a) The cost to the wholesaler that would have been incurred had the wholesaler purchased the flour or wheatmeal from the New Zealand Wheat Board or its agents, less the 1½ percent early payment discount allowable by the New Zealand Wheat Board whether or not the discount is obtained.
- (b) The flour levy.
- (c) The cost (if applicable) of sacks.
- (d) Charges actually incurred in obtaining delivery to wholesale store.
- (e) An amount calculated as follows:
- (i) for flour and wheatmeal which is delivered to manufacturing or retail premises without charge for delivery—
8 percent of the sum of the foregoing items (a) to (d):
- (ii) for flour and wheatmeal which is sold "ex wholesaler's store"—
5 percent of the sum of the foregoing items (a) to (d) plus any amount for transport charges which are paid by the wholesaler on behalf of the buyer:
Provided also that if the maximum price calculated in accordance with this clause is not an exact number of cents, the maximum price shall be calculated to the nearest whole cent:
Provided further that an additional sum may be added to the total so calculated to provide for any discount which is customarily deducted for payment within a specified time.

7. RETAILERS' PRICES FOR FLOUR AND WHEATMEAL

Subject to the following provisions of this order, the maximum prices that may be charged or received by any retailer for any flour or wheatmeal to which this order applies shall not exceed—

- (i) In the case of flour or wheatmeal sold by a retailer in the package in which it was purchased, the sum of an amount not exceeding the into-store cost of the goods and a mark-up of 12½ percent applied to that cost.
- (ii) In the case of flour or wheatmeal sold by a retailer other than in the same package in which it was purchased, the sum of the into-store cost of these goods and a mark-up of 33½ percent applied to that cost.

8. SPECIAL PRICES

Notwithstanding anything in the foregoing provisions of this order, and subject to such conditions (if any) as he thinks fit, the Secretary on application by the New Zealand Wheat Board or by any agent, wholesaler or retailer, may authorise alterations in prices or percentage margins in respect of any flour or wheatmeal to which this order applies.

Any authority given by the Secretary under this clause may apply with respect to a specified lot, type, or consignment of flour or wheatmeal, or may relate generally to all flour or wheatmeal to which this order applies that is sold while the order remains in force.

Dated at Wellington this 8th day of July 1981.

D. J. GASSON,

Director, Stabilisation of Prices and Enforcement.

**New Zealand Gazette*, 29 January 1981, No. 7, p. 164. (T. and I.)

Decision No. 998

Reference No. Ind 25/80

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the New Zealand Police for a decision in respect of the following publication: *201 Girls*, published by Sun West, Los Angeles, California.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

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

Hearing: 1 May 1981.

Decision: 26 June 1981.

Appearances: Inspector D. L. Bates for the Legal Section, New Zealand Police. Venus Shop Ltd. was represented by Mr J. Billington.

DECISION

A single copy of the magazine *201 Girls*, volume 11, No. 4, 1973, was submitted to the Tribunal for a decision as to its classification by the New Zealand Police, pursuant to section 22 of the Indecent Publications Act 1963. The magazine came

before the Tribunal as a result of a complaint being made to the New Zealand Police by an adult member of the public, and it was noted by the Tribunal that other copies of *201 Girls* had been declared unconditionally indecent in earlier decisions, i.e. volume 12, No. 3 in Decision 874, and volume 12, No. 2 in Decision 888.

Inspector D. L. Bates of the Legal Section of New Zealand Police, in his submission, stated that:

This present edition consists almost entirely of photographs of nude females in a variety of poses. Maximum emphasis is given to the breasts and genitalia. Textual content is minimal and does nothing to promote the publication as a serious work. The Police adopt the Tribunal's comments from Decision 874, and believe they are apt in the present case.

In its submission to the Tribunal the Venus Shop Ltd. made a general statement which indicated that:

It is important to note that the shop at which these items are purchased is a shop that caters for the adult population and entry is restricted to those of 18 years or over.

This was followed by a specific comment on *201 Girls*:

... it is submitted that notwithstanding earlier considerations this volume compares with other well known publications save for the absence of journalistic padding.

The following comment was made by the Tribunal in Decision 874, referred to by the New Zealand Police:

201 Girls . . . presents its subjects with undue and sometimes degrading emphasis on their sexual characteristics with a spurious claim that it is a 'scientific, educational, sociological publication'.

Decision 874 was made on 25 November 1976 and even allowing for any change of public opinion towards this type of "girlie" magazine in the five years since the decision was made, the Tribunal cannot see any reason for a change in its attitude towards the copy under consideration. To be consistent with the earlier decisions made, the Tribunal finds that *201 Girls*, volume 11, No. 4, is similar in content, with the photographs included placing undue emphasis on the breast and genitalia, and therefore classifies this publication as indecent.

DISTRICT COURT JUDGE W. M. WILLIS,
Chairman.

Decision No. 997a

Reference No. Ind 35/80

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs in respect of the following publications: *The Bitch Goddesses*, volume 8, No. 1; *The Bitch Goddesses*, volume 9, No. 4; both published by Jennifer Jordan Associates Ltd., Hollywood, California. *Aggressive Women*, volume 4, No. 4, published by House of Milan Corporation, Los Angeles, California.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

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

Hearing: 2 December 1980.

Appearances: No appearance or submissions by the importer, M. Rutherford.

DECISION

These 3 single publications were imported by parcel post in July 1980. They were seized by the Customs Department and as the importer disputed forfeiture the Department referred the magazines to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act.

We now turn to discuss the individual magazines.

The Bitch Goddesses, volume 8, No. 1—This publication is a magazine measuring approximately 215 mm × 280 mm and some 54 pages long. The publication is technically well produced and the content consists mainly of photographs (coloured and black and white), although there is one short story and an article on the psychology of the dominant female. This publication is devoted to the depiction of sadism and masochism in sex. The short story is extremely crude, and the photographs almost invariably show models performing some violent sexual act on another.

This type of publication was considered by the Tribunal in Decision No. 963, which concerned publications entitled *Tangled*, *Wrestling*, *Movie Review*, *Pinned* and another issue of *Battling Bitches*, volume 1, No. 1. These magazines were all classified as indecent, although none of them had the