

Mr Shirley submitted *Cupcakes* had an unexceptional text and again stated that while he conceded there was frontal nudity, it was not presented in a lewd, prurient, blatant manner. He submitted that the publication would be acceptable for an R18 classification.

The Comptroller's view was that *Cupcakes* was of more concern than *Frauleins*.

Mr Leloir submitted that many of the photographs were of females in contrived and provocative poses, with some emphasis on the genital area. Against that background he submitted that the publication should be classified as indecent.

We agree with Mr Leloir's submission and we find:

1. The dominant effect of the publication is to portray the female form in a manner to excite prurient interest, e.g., opening feature on "the small busted gang".
2. That the publication in text and photographs has no literary or social merit.
3. That although the element of corruption is not a real threat, the publication is unlikely to benefit its readers and overall its publication and sale in New Zealand would be injurious to the public good.

For all the above reasons we find *Cupcakes*, Vol. 1, No. 1, to be indecent.

W. M. WILLIS, D.J., Chairman.

0

Decision No. 1009.
Reference No. Ind. 34/80.

Before 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: *Bedtime Story*, by Laura Duchamp and *The Softest Skin*, by Ludwell Hughs; published by Free Associations Press Pty. Ltd., of New South Wales, Australia.

Chairman: Judge W. M. Willis.

Members: Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. M. Malcolm.

Hearing: 2 December 1980.

Decision: 24 December 1981.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. No appearance by importer.

DECISION

THIS book was commercially imported at Auckland in July 1981. The importer has disputed forfeiture so that it has been referred to the Tribunal for classification.

The book is divided into 2 stories. *Bedtime Story* by Laura Duchamp and *The Softest Skin* by Ludwell Hughs. Both stories describe the lesbian relationships of unhappily married women. There is little literary merit in either story and the Tribunal would agree with the Comptroller that the stories are merely vehicles for describing various sexual episodes. The book has insufficient weight to make a profound impression for good or ill but the sexual episodes inclines the Tribunal to impose an age restriction.

The Tribunal finds the book indecent in the hands of persons under the age of 18.

W. M. WILLIS, D.J., Chairman.

0

Decision No. 1010.
Reference No. Ind. 39/80.

Before 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 publication: *Beyond Sexual Harmony*, published by Bens' Books Ltd. London.

Chairman: Judge W. M. Willis.

Members: Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 2 December 1980.

Decision: 18 February 1981.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. Written submissions by Waverley Publishing Company Ltd., the importer.

DECISION

THIS is a soft covered publication measuring 240 mm × 170 mm and 74 pages in length. The book was apparently first published in Great Britain in 1973 and copyright (as with other sex manuals which we have considered at the same time and which are subject at Decision No. 1011) vested in Ben's Books Ltd. in that year.

We agree with the submissions of the Comptroller of Customs that the text is serious and informative, but the photographs are generally of poor quality with little relevance to the text.

We have expressed our misgivings about the use of photographs in the sex manuals published by Ben's Books Ltd. which are the subject of Decision No. 1011. The view we formed in respect of those publications is a similar one to the present. Although the text in the majority of the publications was unexceptionable, the accompanying photographs gave us concern. It appears to the Tribunal that in the present publication a "cut and paste" job has been done with the illustrations. From our examination of the manuals, we are able to say that numerous pictures in *Beyond Sexual Harmony* appear in *The Joy of Sexual Ecstasy* and *Sex in Marriage No. 12*. Mr Leloir submitted that the only purpose for having photographs was to arouse "salacious interest for commercial exploitation". We are inclined to agree with him.

Perhaps one clue that a "cut and paste" job has been done on the illustrations accompanying the original text of *Beyond Sexual Harmony* is to be found at page 55 where the text, referring to intercourse during pregnancy, states:

"We will go into greater detail in the text accompanying the illustrations of this book."

In fact, there is no such further text, nor any illustrations guiding persons as to sexual positions to use during the course of pregnancy. That leads us to suspect that the original illustrations may have been cut out of the book to be replaced by more lascivious and irrelevant material. We suspect that the publisher, having copyright of the publication, may have been in a position to change its pictorial content, and may well have done so. As we have stated in Decision No. 1011 where we have found a sex manual lacks honesty of purpose by a publisher sprinkling serious text with explicit photographs, we will not be inclined to reach a compromise by ruling that the text saves the photographs. Sex manuals are different from other types of publications in that they are meant to convey educative material to persons wishing to develop their sex lives. Where a publisher taints this type of publication in the manner we have described we are prepared to rule the entire publication injurious to the public good and indecent.

There are plenty of other sex manuals available on the market for those wishing to pursue this area of study, and as we have already said in Decision No. 1011, to allow magazines of this type and nature to compete with bona fide sex manuals is unfair to publishers and readers alike. For all the above reasons we declare *Beyond Sexual Harmony* to be indecent.

W. M. WILLIS, D.J., Chairman.

0

Decision No. 1011.
Reference No. Ind. 40/80.

Before 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: *Sex in Marriage No. 14*, (*Love Three Ways*), published by Ben's Books Ltd., London. *Sex in Marriage No. 12*, published by Ben's Books Ltd., London. *Woman's View of Sex in Marriage*, published by Ben's Books Ltd., London. *The Joy of Sexual Ecstasy*, published by Ben's Books Ltd., London.

Chairman: Judge W. M. Willis.

Members: Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. M. Malcolm.

Hearing: 2 December 1980.

Decision: 18 February 1982.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. Written submissions by Waverley Publishing Co. Ltd., the importer.