

tention. It is the opinion of the Tribunal that *Merry Muses* is a cheap imitation of the works of Burns, primarily concerned with the prurient and lewd aspects of sex, with a series of photographs which have no relationship to the text. Accordingly, the Tribunal classifies the publication as indecent.

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

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Decision No. 1013.
Reference No. Ind. 12/81.

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: *Forum Adviser*, Spring, 1980 edition; *The Best of Forum*, Winter, 1980 edition; *Forum Lifestyles*, Summer, 1980 edition; all published by Forum International Ltd., U.S.A.:

Chairman: Judge W. M. Willis.

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

Hearing: 3 December 1981.

Decision: 18 February 1982.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. Mr Christie for importer, Gordon & Gotch (N.Z.) Ltd.

DECISION

THESE 3 publications were commercially imported and seized at Auckland in May 1981. Forfeiture is disputed by the importer so that they are referred to the Tribunal for classification prior to the commencement of condemnation proceedings under the Customs Act. *Forum Adviser* consists of letters and replies giving advice on sexual problems from "A" to "Z". *Forum Lifestyles* and *The Best of Forum* consist of various articles including correspondence dealing with various aspects of sex. It was the submission of Mr Leloir that an age restriction should be imposed because the explicit sexual material makes it unsuitable for the younger reader. Mr Leloir referred to Decision No. 877 when the Tribunal had for consideration *Forum* (New Zealand Edition) Volume 3, Nos. 10, 11, and 12 and Volume 4, No. 10. It is evident from the decision that a considerable volume of evidence was heard from a number of qualified witnesses. The publication which the Tribunal now has to consider has articles and correspondence of a similar nature to those in the volumes considered in Decision No. 877. From time to time the Tribunal has had to consider other publications not dissimilar to those under consideration. On this occasion no evidence was called nor was it necessary because in the view of the Tribunal it has sufficient knowledge of publications of this type to be able to make a decision bearing in mind first of all the fact that an age restriction was imposed on *Forum* in 1977 and secondly the more liberal attitude adopted by society at large in the present day. This Tribunal is of the opinion that an age restriction should be imposed. Mr Christie who appeared for the importer accepted that an age restriction would be appropriate.

In the circumstances therefore, these 3 publications will be classified as indecent in the hands of persons under the age of 18.

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

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Decision No. 1014.
Reference No. Ind. 1/81.

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 publication: *Furniture Frolics*, published by Howard Productions Pty. Ltd.:

Chairman: Judge W. M. Willis.

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

Hearing: 5 February 1981.

Decision: 18 February 1982.

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

DECISION

A sample copy of the above publication was imported by Waverley Publishing Co. Ltd. and seized at Auckland in September 1980. As Waverley has disputed forfeiture of these books, the Customs Department referred the publications to the Indecent Publications Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Furniture Frolics is a soft covered publication measuring approximately 200 mm x 250 mm. There are some 10 pages of introductory text and some further 98 pages of black and white photographs featuring a man and woman in various sexual positions. As the title of the publication suggests, the sexual positions depicted make frequent use of furniture as props or aids.

The dominant effect of the publication—Mr Leloir, for the Comptroller, submitted that the bulk of the publication was given to photographs of sexual activities, predominantly concerned with the prurient aspects of sex. He submitted that there was negligible literary or other merit to offset the overwhelming sexual theme and that for those reasons the publication was injurious to the public good and indecent.

We understand that Mr Leloir was inviting us to find pursuant to section 11 (1) (f) that the books did not display an honest purpose because although a book purported to be a guide to couples in respect of positions of intercourse, it was really a publication designed to present lewd acts to those readers who had a prurient interest.

The Tribunal has had a close look at the publication to see if there are features of it that would support Mr Leloir's submissions.

Many of the positions depicted are highly contrived and impracticable. Because of this we gain the distinct impression that the book is directed to lewd and prurient readers without any serious attempt to assist persons wishing to vary their love making positions.

In this case we feel we must accept Mr Leloir's submission that the book should be classified as indecent.

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

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Decision No. 1015.
Reference No. Ind. 14/81.

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 publication: *The Girls of Playboy 4*, published by Playboy Press of Chicago:

Chairman: Judge W. M. Willis.

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

Hearing: 3 December 1981.

Decision: 18 February 1982.

Appearances: Mr P. E. F. M. Leloir for Comptroller of Customs. Mr Christie for importer, Gordon & Gotch (N.Z.) Ltd.

DECISION

THIS book was submitted in terms of section 14 of the Indecent Publications Act 1963 for classification. It is a well-produced series of coloured photographs said by the publishers to be "Playmates, bunnies, actresses, models, covergirls, as portrayed by some of the world's leading photographers". As stated by Mr Leloir the major portion consists of photographs of nude or partly-clad females with a small amount of text relating either to the photographers or to the models. Most of the photos highlight breasts and are otherwise comparatively restrained in presentation with only a few photographs highlighting the genitalia. It was submitted by Mr Leloir that the publication is not predominantly concerned with the prurient and lewd aspects of sex nor is the manner of presentation patently offensive. He suggests an age restriction.

The Tribunal gains the impression from the name that these are a series of photographs of models taken by photographers used by the Playboy Press and whose photographs have appeared in that