

publication. In view of the fact that *Playboy* is freely available the Tribunal would find it difficult to classify this publication as indecent.

Mr Christie who appeared for the importer accepted the submissions of Mr Leloir and suggested that an age restriction would be justified. The publication is therefore 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. 1022.  
Reference No. Ind. 18/81.

*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: *Adult Video Cassette Catalogue*, published anonymously:

*Chairman:* Judge W. M. Willis.

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

*Hearing:* 1 April 1982.

*Decision:* 1 June 1982.

*Appearances:* Mr P. E. F. M. Leloir for Comptroller of Customs. No submissions from importer.

#### DECISION

WE are informed by Mr Leloir on behalf of the Comptroller of Customs that the above publication was privately imported by Mr N. Park through the Auckland parcels post and was seized in January 1982. As Mr Park has disputed forfeiture of this publication, the Customs Department has referred it to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is a colour catalogue of what seem to be hard core pornographic video movies. The catalogue measures approximately 205 mm × 275 mm and is 11 pages long. It has a 4 page inset which brings the total length of the publication to 15 pages.

The Tribunal has no doubt that the dominant effect of the publication is to advertise video cassettes concerned with the deviant aspects of sex or the portrayal of hard core pornography.

The publication has no literary or artistic merit and it is likely to corrupt persons reading or seeing it. As the publication has accompanying explicit photographs, it is likely that it could affect persons of a tender age.

Mr Leloir submitted that the publication should be classified as indecent, and we accept his submission.

For all the above reasons we find the *Adult Video Cassette Catalogue* is injurious to the public good and is classified as indecent.

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

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Decision No. 1024.  
Reference No. Ind. 13/82.

*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 Love Habit*, by Anne Cumming, published by the Bobbs-Merrill Company Inc., Indianapolis/New York:

*Chairman:* Judge W. M. Willis.

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

*Hearing:* 25 May 1982.

*Decision:* 16 June 1982.

*Appearances:* Mr J. M. McNiece for Comptroller of Customs. No appearance of the Importer, London Bookshops Ltd.

#### DECISION

THIS book is part of a commercial shipment of 50 copies. The importer has disputed forfeiture so that the Tribunal has been asked to classify the book prior to the commencement of condemnation proceedings. It is a hard-back of 317 pages. It purports to be a true account of the love affairs of the author over a period of 10 years. In his submissions, counsel for the Comptroller remarked that although the author concentrated mainly on the physical aspects of her relationships with various men she also gave some insight into their characters and to a greater degree reveals her own character by relating her feeling and attitudes. The book was first published in 1977 and the Tribunal is aware that at least 1 book shop had a copy on its shelves for sale at a reduced price. The content of the book must be considered as light-weight but, as mentioned by the Comptroller, it is not without literary merit. The sexual narrative is not significant in content and in the main reasonably restrained. In the Tribunal's opinion this book is not indecent and it is so classified.

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

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Decision No. 1040.  
Reference No. Ind. 24/82.

*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: *Hunky No. 5*:

*Chairman:* Judge W. M. Willis.

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

*Hearing:* 15 September 1982.

*Decision:* 14 October 1982.

*Appearances:* Mr McNiece for Comptroller of Customs. Written submissions from importer, Mr D. R. Crosbie.

#### DECISION

THIS publication was privately imported on 14 June 1982 in Christchurch and seized on that date. Forfeiture has been disputed so that the publication comes before the Tribunal for classification.

*Hunky* is described on the title page as "the man's magazine". The contents comprise pictures and text. The pictures are largely of male nudes with genitals exposed in many cases. The text is a story of a homosexual relationship and the pictures appear to bear some relationship to the text. It was the Comptroller's submission that the publication should be classified as indecent. Mr Crosbie made the point that the magazine was purchased for his own consumption to cater for his own personal needs. He appeared to liken it to the contents of *Playboy* and suggested that "as a member of the illegal minority of homosexuals" any right he may have to enjoy the contents of magazines such as *Hunky No. 5* in the privacy of his own home is denied. Unfortunately, it is the Tribunal's function to classify these works with regard to the total population. It is not possible for it to classify a book as indecent in the hands of all except a particular importer. Homosexual relationships between men are still illegal in this country so that the Tribunal has little option but to classify the work as indecent. It is classified accordingly.

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

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