

notice is hereby given that the following draft amendment is being circulated.

Number and Title of Specification

DZ 4616/A Draft Amendment A to AS 1730: 1975 Washbasins. Gratis.

This amendment will place on record the declaration of AS 1730: 1975 as a New Zealand Standard and proposes New Zealand amendments to AS 1730: 1975.

Copies of AS 1730: 1975 are available for examination at the Standards Association of New Zealand or may be purchased from the sales section, price \$16.00 per copy.

All persons who may be affected by this publication and who desire to comment thereon may obtain copies from the Standards Association of New Zealand, Wellington Trade Centre, 15-23 Sturdee Street (or Private Bag), Wellington.

The closing date for receipt of comment is 28 October 1983.

Dated at Wellington this 5th day of July 1983.

DENYS R. M. PINFOLD,

Director, Standards Association of New Zealand.

(S.A. 114/2/8)

NIL

Decision No. 1071

Reference No. Ind. 31/82

*Before the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Controller of Customs for a decision in respect of the following publications: *Men Loving Themselves*, published by Down There Press, Burlingame, California:

Judge W. M. Willis (Chairman).

Mesdames H. B. Dick, L. P. Nikera:

Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 16 December 1982.

Decision: 5 July 1983.

Appearances: McNeice for Controller of Customs. No appearance of importer Mr A. J. Duke.

DECISION

A single copy of the above publication was seized at Auckland in July 1982 by the Customs Department. As the importer has disputed forfeiture the Department has referred the publication to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*Men Loving Themselves* is a soft back publication approximately 99 pages in length. Its dimensions are approximately 215 mm × 275 mm. The book is divided into 3 main sections. First of all it has an introduction which is followed by 12 portfolios of different male models. These photographs are accompanied in each case by text written by the model concerned. The text is in restrained language. Finally the book finishes with a written section on the psychology of male self sexuality.

The view taken by the Customs Department was ambivalent. While on the one hand it accepted that the publication purported to be a serious work, it submitted that the content of the publication might cause the Tribunal to rule the book indecent. Although those 2 views may be seen as inconsistent, we feel that the department was suggesting that because the publication had homosexual overtones the Tribunal might feel constrained to rule the publication indecent because of that aspect of the subject-matter. Unfortunately there was no submissions received from the importer to assist us in our consideration of the book.

We turn now to examine the various relevant matters under section 11 (1) of the Indecent Publications Act.

*The dominant purpose of the publication*

This is an unusual book in that it deals almost exclusively both in text and pictorially with the subject of masturbation. We hope the following extracts taken from the introduction to the book fairly disclose in the author's own words, the purpose of the book:

"The men who volunteered to be photographed for this book have relatively little in common; they are about as heterogeneous as any group of 12 adult American males can be. They range in age from the early twenties to the late fifties. They represent a broad spectrum of racial groups and cultural backgrounds. Education and income levels, political and religious beliefs, body types and, of course, personalities all vary considerably. Some are involved in monogamous sexual relationships; some have multiple partners; and some

have only casual encounters. Each has his own favourite sexual activities, and no 2 have the same preferences. Some are straight, some gay, some bisexual. Although each now feels comfortable with his sexuality, most have had to overcome the negative effects of misinformation and early messages about sex.

One of the few things these men do have in common is a positive attitude toward self-pleasuring and masturbation. . . .

At another time, each man made a personal statement, either in writing or in a taped interview. The statements, which appear with the photographs of each person, express some of their feelings toward self-sexuality and how it relates to their overall sexual expression. The men were asked to leave the gender of their sexual partners ambiguous (except in a few instances where this could not be done without distorting what they were trying to say). Sexual orientation is relevant to self-sexuality only insofar as it influences fantasy. Nonetheless, knowledge of the subjects' sexual orientations might lead to stereotyping and limit the ability of some people to identify with the photographs.

The statements and photographs give us a rare opportunity to observe an aspect of male sexuality which, for most people, has been shielded from view and largely absent from conversation (except jokes) . . . .

The final section of the book, entitled *The Psychology of Male Self-Sexuality*, provides a conceptual framework for understanding the uses of masturbation. The complex psychosocial dynamics which often inhibit self-pleasure are also explored. Practical suggestions for enhancing self-sexuality are included as well. Many men (women too) have found these useful in adding subtlety and depth to the sensual and sexual experiences they have with and for themselves."

There is a little doubt that the subject-matter of this publication concerns an important aspect of a man's sexual and emotional development. But in the past myths as to the results of the practice have abounded. In keeping with knowledge based on hearsay, old wives tales and little factual information, it is not unknown for guilt complex, frustrations, and sexual hang-ups to be magnified out of all proportion in the minds of those who cannot come to terms with their physical and sexual needs.

Mr Morin's text deals sensibly with what one might call a liberal view of the issues involved. Had it not been for the presence of the photographs we would have had no difficulty in classifying this publication as not indecent.

The pictures however give us cause to hesitate. We feel there is really no need for them to be in the publication. We think the pictures' presence goes merely beyond a simple matter of taste, to the stage where they are entirely inappropriate. Many of the photographs are explicit, and how the act of masturbation in full frontal view both before and after ejaculation. We have little hesitation in saying that we find the photographs likely to be corruptive to younger readers, and prurient interest to sections of the community who would otherwise not be attracted to the text.

We think it is fair to say that the author has himself acknowledged that the photographs may be offensive and injurious to the public good so far as certain sections of the community are concerned. He states, at page 99, that an alternative publication will be available without the photographs. We set out the author's remarks because they reflect our own concern:

"An expanded version of this material, integrated with a discussion of women's self-sexuality, will be available from Down There Press late in 1981. This book will contain no sexually explicit photographs. It will be particularly useful in education, therapeutic and other settings where explicit photographs may be considered inappropriate or too anxiety-provoking".

The photographic section of the book runs from page 5 to page 88 inclusive. It can be seen that this is the substantive part of its content. There are 2 points that follow from that observation. The first is that we find the dominant purpose of the book is to discuss sexual issues that arise out of male masturbation. However the dominant effect of the presentation of the material, is that by far the greatest part of the book is taken up with the photographic presentation of male persons depicted in the act of masturbation.

We think that the major segment of the book is therefore capable of corruption and of appealing to the prurient and salacious in the community. We very much doubt if the book would be bought for its text alone.

In its other respects we think the book is unimpeachable, and we are relatively sure that if the other publication (sans pictures) was brought before us, we would have little hesitation in ruling it not indecent. Nevertheless on a balance, because of the bulk of the content of this publication, we feel that it is capable of doing more damage than benefit to the community and so we rule it unconditionally indecent.

District Court Judge W. M. WILLIS, Chairman.