

Office Tricks,
Older Women's Plaything,
Oral Games,
The Oral Touch,
Orgy Games,
Pain Jane,
The Passion Players,
Passion Street,
Passionate Playground,
Passionate Possession,
Penny's Passions,
Play Doctor,
Plaything,
Pleasure And Pain,
Pleasure Cruise/Passion Lodge,
The Pleasure Pack,
Pleasure Planet,
Political Mistress,
The Precocious Niece,
The Princess Comes,
Prisoner Of Lust,
Prisoner of Pleasure/Savage
Lovers,
Punk Rock Groupie,
Queen Of The Quickies,
Quick Lips,
Runaway Women,
Ready For Sin,
Ripe And Juicy,
Raunchy Runaway,
Saucy Stew,
Saucy Stuff,
Savage Thirst,
School Girl Fantasies,
The Senator's Pet,
Sensuous Sis,
Sex Camp,
Sex Coach,
Sex Cruise,
Sex Factory,
Sex Hungry Coed,
Sex Slave,
Sex Mobile Summer,
The Sex Phantom,
Sex In The Saddle,
Sex Swap,
Sex Tease,
The Sex Therapist,
The Sexorcist,
Ship Of Desire,
Sin Park,
Sister Tricks,
Sizzling Sisters,
Slave Lover,
The Slave Parlor,
Slippery When Wet/Hot
Martha,
Snow Sex,
Soft Stroke,
Sorority House Mother,
Spicy Sorceress,
Street Sex,
Stepdaughter's Temptation,
Starship Stud,
Sticky,
Street Girl,
Stud On The Run,
Suburban Swappers,

Sucking Candy,
Sugar And Spice,
Sue's Sweet Sister,
Super Tongue,
The Swap Shop,
Swap-Time,
Sweet And Sour Revenge,
Sweet Madness,
Sweet Sister,
Sweet Theresa,
Taking Daddy's Place,
Tami's Pleasure,
Taste Of Love/Nectar Of Love,
Tasting Temptation/Starlet For
Hire,
Tasty Little Lady,
Teachers Favourite,
Teachers Toy,
Teen Throat,
Teen Tongue,
Ten Inches Of Terror,
Their Favourite Aunt,
Tight End,
Tight Family,
Tight 'N' White,
Tongue,
Tongue Action,
Tongue Of Flame,
Tongue Tricks,
Topless Showgirls,
Torchy Teacher,
Touch And Tangle,
Trisha's New Daddy/Father's
Little Lady,
Try My Wife,
The Turned On Teacher,
Two Way Pet,
Uncle Ernie's Hot Niece/Aunt
Susan's Nephew,
Under And Over,
The Under Graduate,
Unhappy Housewife,
Unholy Marriage,
Vibration,
Virgin Desires,
Virgin Lips,
Virgin Lover/Teachers Pet,
Virgin No More/Her First
Man,
The Virgin Ring,
The Virgin Teacher,
Ward Nurses,
Wet Dream,
Wet 'N' Wild,
Wet Woman,
White Fever,
Wicked Lady,
The Widowed Mistress,
The Wife Switchers,
Wicked Wives/Tasty,
Wild Cherry,
Willing Widow,
Witch Bitch/Dance Of Love,
The Woman's Pleasure,
The Woman Tamer,
Women In Sports,
X-Rated And Ready,
Young Lust,

are published by arrangement with Manor Books Inc., of the U.S.A. There have been a number of Manor Book publications referred to the Tribunal recently, see Decision 1006, in which both publications were held unconditionally indecent. The books are approximately 180 pages in length. In some cases the publisher has printed 2 books inside the 1 cover. These are referred to as "double books" and there are some 37 of these in the volumes we have to examine.

When referring to the general description of the publications Mr Leloir for the Comptroller of Customs said:

"On the whole the books have the appearance of being cheaply produced, many containing spelling and grammatical errors, poorly bound, poor quality paper, faded print, and in some cases missing their last pages. Some of the titles bear absolutely no relationship to the story inside . . .

Another indication of their cheapness comes from the fact that most of the books have been written anonymously under such euphemistic names as "Foxie", "Cherry Delight", "Big Rose" . . ."

The Tribunal accepts Mr Leloir's submission; further as a matter of record the Tribunal has set out in the Schedule annexed hereto marked "A" some of the miscellaneous inaccuracies we have noted in the books. It is plain that there are many defects in the texts.

We do not intend to deal with the publications individually in this decision (save for 3 to be referred to later).

We note that both Mr Leloir for the Comptroller of Customs and Mr Beech for the importer, took a global or omnibus approach in the submissions they made in respect of these publications. However we wish to say that all the books have been individually considered by each member of the Tribunal. There has been no collective consideration of the books as a whole and we have set out in the 2 Schedules annexed hereto some of the specific criticisms that could be directed at individual publications.

We wish to underline the extent of the Tribunal's consideration of the publications because it was apparent from an examination that they almost all had common qualities. It will therefore be convenient in this decision to refer to the publications collectively when considering the various factors we are required to take into account. However if we had not explained the position it might have been thought that we had dealt with the publications in a general way other than considering the individual merits.

We move now to consider the criteria we are required to consider by s. 11 of the Indecent Publications Act.

The Dominant Effect of the Publications—

There can be little doubt that these publications deal with sex in a form and with an intensity the Tribunal has rarely seen before. Virtually the whole gamut of sexual activity is covered in explicit and gross detail. Many of the publications are just numerous sexual encounters connected with the flimsiest of plots. We accept the Comptroller's submission that the books are vehicles depicting an orgy of sex in a patently offensive manner.

Literary, Artistic or Social Merit—

Mr Beech accepted Mr Leloir's submission that the vast majority of the books were devoid of any literary, artistic or social merit. The Tribunal agrees.

Likelihood of Corruption—

As the books are written in simple language and are so obviously tailored to cater to prurient taste we believe there is a high degree of likelihood that readers will be corrupted by them. In his submissions Mr Beech stated that these books would be unlikely to affect members of the population to the same degree as the more appealing pictorial material available (such as *Penthouse* magazine). Although this "market target" submission was not aimed solely at the issue of corruption we feel it is relevant to consider under this head. (The terminology was taken from the judgment of Jeffries J. in *Waverley Publishing Co. Ltd. v Comptroller of Customs* (1980) 1 NZLR 631 at 646. In his judgment Jeffries J. indicated that in appropriate circumstances the market target could be considered in determining the degree of likely injury to the public good.)

We think that submission has limited appeal in this case. We think that it is irrelevant that there is other material available on the market which might tend to deprave or corrupt some members of the community. It is clearly our job to prevent further material which we feel is injurious to the public good from coming on to the market.

We could refer to *DPP v Whyte* (1972) AC 849 in which a situation somewhat parallel to the present case was dealt with by the House of Lords. It was submitted for the appellants in that case that the material under consideration was likely to be read by persons who were already so depraved and corrupted that there would be little likelihood of any further deterioration. In rejecting that submission as being of any relevance, Lord Wilberforce said at page 862:

"The Act's purpose is to prevent the depraving and corrupting of men's minds by certain types of writing; it could never have been intended to except from the legislative protection a large body of citizens merely because, in different degrees, they had

Publisher: Pleasure Books, New York.

Chairman: District Court Judge Willis.

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

Hearing: on 16 August 1983.

Appearances—Mr J. Beech (written submissions) for importer N. H. Nicholas, Mr P. E. F. M. Leloir for Comptroller of Customs.

DECISION

ON 30 April 1980 the Collector of Customs at Auckland seized a total of 3215 paperback books, which we understand were part of a private importation of some 10 000 in total. There were many copies of the individual titles and so the 341 books we have to consider are a sample selection from the 3215 seized from the importation.

The books are all paperback novels published by Pleasure Books Inc., which appears to be a publishing company having its offices in New York, U.S.A. It should also be noted that a number of the books (e.g., *The Child Swappers*) refer to the fact that Pleasure Books