

Volume 17, Numbers 8, 9 and 10, published by Fisk Publishing Co. Ltd., London:

Judge: W. M. Willis (Chairman).

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

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

Hearing: 16 March 1983.

Decision: 7 April 1983.

Appearances: Mr Hillman for Comptroller of Customs, Mr Heron for Importers, Gordon & Gotch (N.Z.) Limited.

DECISION

THESE three issues of Mayfair have been submitted by the Comptroller of Customs for classification pursuant to section 14 (1).

This particular serial publication was last examined in November 1980 when by Decision 978 a 2-year restriction order was made pursuant to section 15A. It was then classified as indecent in the hands of persons under the age of 18. The issues now before us are not significantly different from those previously considered. As the Comptroller said, they feature nude and semi-nude females as well as written material sexually and non-sexually orientated. Mr Heron for the distributors accepted the submission of the Comptroller and then referred to section 11 (1) (f) which relates to publications which are thought to be honest in purpose. He pointed out that the best test that this magazine had not altered materially in content was the fact that no issue had been referred to the Tribunal for classification during the period of the restriction order. These three issues are classified as indecent in the hands of persons under the age of 18 and a restriction order is made pursuant to section 15A with a similar classification for a period of 2 years from the date of gazetting.

District Court Judge W. M. WILLIS, Chairman.

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Decision No. 1061

Reference No. Ind. 3/83

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 Beat*, published anonymously:

Judge: W. M. Willis (Chairman).

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

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

Hearing: 16 March 1983.

Decision: 7 April 1983.

Appearances: Mr Hillman for Comptroller, Mr M. J. Ready for Importer, A. Louis.

DECISION

THIS is a single copy of a private importation seized in Wellington in September 1982. Forfeiture has been disputed by the importer so that the matter has been referred to the Tribunal for classification.

The Beat is a catalogue complete with price list and order form for The Beat Book Shop defined as a "one stop gay shop". The publication consists of drawings and photographs with male genitals in many cases in restrained devices. Advertisements show males engaged in homosexual activity. It was suggested by Mr Ready, who appeared for the importer, that such devices were not illegal in New Zealand and could easily be manufactured and distributed here. Properly used they posed no danger. That may well be the case but the Tribunal is of the view that a catalogue showing such devices might lead some members of the community to obtain the devices and use them improperly with the risk of severe injury. There is quite clearly a homosexual flavour to the publication which, in our view, makes it indecent. We are not impressed with the argument that some novels or films have a basis of homosexuality. The treatment of homosexuality in a serious manner might well be classified as not indecent or with a restriction of some kind. We have in mind *The Naked Civil Servant*. There is no such serious treatment in this publication which is classified as indecent.

District Court Judge W. M. WILLIS, Chairman.

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Decision No. 1060

Reference No. Ind. 33/82

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 publications: *The Love of Two Women*, published by Eurasia Distributors, 1979. *100 years of Erotica*, published by Bell Publishing Co., New York, 1981:

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: 7 April 1983.

Appearances: Mr J. M. McNeice for Comptroller of Customs. No appearance of Importer, Waverley International Limited.

DECISION

WE are informed by Mr J. M. McNeice, on behalf of the Comptroller of Customs, that the 2 publications, as listed above, were imported through parcels post and were seized in September 1982. These books are submitted to the Tribunal by the Comptroller of Customs, pursuant to the provisions of section 14 of the Indecent Publications Act 1963, with the recommendation that both publications be considered as indecent.

The Love of Two Women, by Peter Barry, is an outsize book containing 91 pages of coloured photographs, with no text whatsoever. The content of the book relies on a series of clear, well produced coloured photographs, depicting 2 nude female models in various erotic poses or situations. The Tribunal agrees with the submission of the Comptroller, and therefore classifies the publication as indecent.

100 Years of Erotica, an International Portfolio of Erotic Photography from 1845-1945, by Paul Aratow, this edition published in 1981, and consisting of 115 pages, is a book which has both text and sepia coloured photographs depicting various sexual acts and erotic situations. The Tribunal was in some doubt as to the authenticity of the publication, and the Comptroller seems to have the same problem for Mr McNeice writes in his submission that "100 years of Erotica purports to be a collection of historic and artistic erotic photographs." For the record, it should be noted that the first edition of this book is listed on page 598 of Volume I of the 1974 copy of the National Union Catalog, published by the Library of Congress, Washington.

The book contains many frank and explicit photographs, many showing the actual sexual act, and while the Tribunal has considerable sympathy with the Comptroller's recommendation that the book should be declared indecent, it nevertheless feels instead inclined to place an age restriction, rather than to rule this type of photographic material indecent in the hands of adult readers. Therefore, we classify this publication as indecent in the hands of persons under the age of 18 years.

District Court Judge W. M. WILLIS, Chairman.

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Decision No. 1059

Ind. 28/82

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 decisions in respect of the following publication: *Joys of Fantasy* by Siv Cedering Fox, published by Stein and Day, New York:

Judge: W. M. Willis (Chairman).

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

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

Hearing: 15 September 1982.

Decision: 7 April 1983.

Appearances: Mr J. M. McNeice for Comptroller of Customs. Written submissions by Importer C. G. Wright.

DECISION

THIS publication was imported privately through parcel post and was seized in Dunedin in July 1982. The importer disputes forfeiture so that it has been referred to the Tribunal for classification. *Joys of Fantasy* is a paperback illustrated publication with supporting text. It has an extensive photographic section plus illustrations of sexual activity of various kinds. The text, as the title would indicate, deals with sexual fantasies. It was the submission of the Comptroller that because of its contents the books might be considered as indecent. Mr Wright in his written submissions mentioned that for 10 years he had been engaged in marriage counselling. He related that while on study leave he had bought this particular publication from what he called a very ordinary and reputable London book store. It was his view the book might be of assistance in counselling sexually inhibited couples. In his view it is not to be regarded as indecent in the right hands. The Tribunal