

real or fantastic sexual experiences. We remain unconvinced that all these letters are 'expression of genuine opinions, experiences, criticisms, or interests' as the magazine alleges. We are impressed however by the evidence of Dr Sparrow and Miss Colgan which indicated that even such fantasising can be helpful to those with sexual problems. We have no doubt that any reader of reasonable maturity would distinguish the genuine from the spurious and would not suffer harm in the process."

In the interests of consistency we have considered the above dicta inasmuch as it could be applied to the content of the present publication. *Forum* received a restricted classification as the Tribunal thought it fair to say that in the main the more explicit articles were balanced by a series of restrained simple articles in a popular style which could be informative and helpful.

When weighing up the various factors that may be relevant to the present publication we bear in mind that Ms Friday does not appear to have had a dishonesty of purpose in assembling the material in the way she has. But it could be said that because of subject matter of the publication, the end result is that the book is not dissimilar to one which was dishonest in purpose from the outset. This is because many of the responses received were obviously from people who were attracted to prurient and debased aspects of sex.

In dealing with this material it is very difficult for an author to surmount the problems which arise when the content of the publication is of this nature. Two obvious ways in which the damaging effect of the explicit material could be reduced are by balancing the material with content of a less offensive nature, or by placing the material in a proper scientific or sociological context. In the publication we find neither of the aforementioned factors present to any significant extent.

We think our view of the imbalance in the content of the work is supported by the following extract taken from the *New York Times* book review of 10 August 1980 (as printed in the book review digest 1980):

"Though the fantasies vary considerable in literacy, elaborateness, wit and the like, we note that the one thing they have in common is that they are stories—they have a beginning, a middle and an end. They are tales of adventure and conquest . . . What we have here is not fantasy in general, as Miss Friday seems to believe . . . (The authors here) are composing, for some imagined audience, a sort of autopernography . . . If Miss Friday has, fortunately, adopted a relatively sophisticated strategy for interpreting these fantasies: she has also lamentably, adopted a frivolous, false and corrupt version of 'psychoanalysis' in her moral and social judgments, a version that would genuinely have terrified Freud. In this respect, she is a repository of the shallowest received ideas of our times."

Our conclusion is that *Men in Love* is a book of little sociological value. Had it not been for Friday's standing as an author it is possible we would have declared this book indecent. As it is we endorse the criticism of the publication in the *New York Times*, and reluctantly classify the book as not indecent in the hands of persons over the age of 18 years.

District Court Judge W. M. WILLIS, Chairman.

0

Decision No. 1064

Reference No. Ind. 29/82

*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: *Boy 58*, published by Boy-Redaktion, Coq International, Denmark:

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 May 1983.

Appearances: Mr McNeice for Comptroller of Customs.  
No appearance of Importer, Mr S. T. Roberts.

DECISION

WE were informed by Mr McNeice that this magazine was imported privately through the post by Mr S. T. Roberts and was seized at Wellington in June 1982. As Mr Roberts 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.

The publication is approximately 36 pages in length and measures 17 cm × 24 cm. Its contents almost entirely of photographs of boys. In just under half of the photographs the young persons are naked. In some cases the genitalia is exposed.

Mr McNeice for the Comptroller of Customs reminded us that in Decision No. 851 the Tribunal rejected a submission that the publication fell within the general category of naturist magazines and classified *Boy No. 1* as indecent. The Comptroller submitted that this magazine fell within the same category.

Mr Roberts, who was unable to be present at the hearing, sent in written submissions. In referring to what we interpret as his view of the dominant purpose of the book Mr Roberts said:

" . . . this magazine is published for those among us who find pleasure in seeing the innocence of the young before the adult preoccupation with sex has time to intrude. I believe it is deliberately published for those people who can see nothing offensive in blatant nakedness, but who would be sickened by the use of the young for sexual titillation."

We think we can deal with the issues raised by both the Comptroller and Mr Roberts in comparatively short order. Decision No. 851 (referred to earlier) went on appeal to the Supreme Court where judgment was given in the Wellington Registry on 23 January 1979. The Court upheld the Tribunal's finding that *Boy No. 1* was indecent. In so holding the Supreme Court rejected a submission on behalf of the appellant that there was no or insufficient evidence that the publication dealt with sex in a manner which was injurious to the public. The Court found there were obvious overtones of pederasty and homosexuality.

We have compared the content of *Boy No. 1* and the present publication. In our view there is little significant difference between them. We do not think we could be justified in departing from the nature of the Tribunal's findings in Decision 851, as confirmed on appeal. Accordingly we hold that *Boy No. 1* is unconditionally indecent.

District Court Judge W. M. WILLIS, Chairman.

0

*Notice by Examiner of Commercial Practices of Consents to Merger and Takeover Proposals*

PURSUANT to section 69 of the Commerce Act 1975, notice is hereby given that the Examiner of Commercial Practices has consented to the following merger and takeover proposals.

Person by or on behalf of whom notice was given in terms of section 68 (1) of the Commerce Act 1975

	Proposal	Date of Consent
Dominion Breweries Ltd.	Dominion Breweries Ltd., may acquire the furniture, plant, chattels, and stock-in-trade of the Bridge Tavern at Millers Flat, Central Otago	6 May 1983
Awarua Meat Ltd.	Awarua Meat Ltd., may acquire all the shares in Southland Butchers' By-Products Company Ltd., and the assets comprising the Invercargill City Council Abattoir	6 May 1983
T.N.L. Group Ltd.	T.N.L. Group Ltd., may acquire all the shares in Service Transport Ltd.	10 May 1983
The New Zealand Dairy Board	The N.Z. Dairy Board may acquire all the shares in the Lactose Company of New Zealand	28 April 1983
Cable-Price Corporation Ltd.	That Cable-Price Corporation Ltd., acquire all the issued share capital in Barr-Browns Ltd.	13 May 1983

Dated at Wellington this 17th day of May 1983.

J. R. A. STEVENSON, for Examiner of Commercial Practices.

2