

Decision No. 19/84
Ind. 16/84

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: *Graphic Man II*, published by Playgirl Inc., U.S.A.:

Chairman: Judge W. M. Willis.

Mesdames H. B. Dick and L. P. Nikera.

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

Hearing: At Wellington on the 8th day of November 1984.

Appearances: No appearance for importer, Waverley International, R. A. Simpson for Comptroller of Customs.

DECISION

THIS publication was imported through Auckland in March 1984 and was seized. Forfeiture has been disputed so that the publication is referred for classification.

The book consists of photographs of nude and semi-nude males and is devoid of any text. Mr Simpson drew our attention to Decision 1078 when we had occasion to consider a publication called *Physique*. It consisted of photographs of nude and semi-nude males and was said then that no objection could be taken to the semi-nude photographs. It was mentioned that the nude photographs showed males in contrived or posed positions. Because of these later photographs the publication was classified as indecent. In Decision 974 we considered *The Best of Sierra Domino* where once again there were photographs of males in posed and contrived positions. That publication also was classified as indecent.

The photographs in this publication are not in the same category as in *Physique* and *The Best of Sierra Domino*. The importers in written submissions referred to *Waverley Publishing Company v The Comptroller of Customs* an unreported decision of the Full Court (Wellington M34/76). On that occasion the Court considered *inter alia* a publication called *Naked Boyhood* which was classified as indecent in the hands of persons under the age of 18. Although we have not had the benefit of seeing that particular book it seems clear from the decision that the photographs were nudes not in posed or contrived positions.

There is one other matter which has a distinct bearing on our treatment of this particular book. Section 11 (1) (d) requires us to take into account the price at which a book is intended to be sold. The importer suggested that the book would probably retail in the \$40 bracket. This would give it limited appeal. We classify the publication as indecent in the hands of persons under the age of 18.

Dated at Wellington this 3rd day of December 1984.

Judge W. M. WILLIS, Chairman.

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Decision No. 20/84
Ind. 14/84

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: *PFI Quarterly Issues, Vol. 11 and 14*, published by Guantlet Enterprises, U.S.A.:

Chairman: Judge W. M. Willis.

Mesdames H. B. Dick and L. P. Nikera.

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

Hearing: At Wellington on the 8th day of November 1984.

Appearances: No appearance for importer, J. Ryan. R. A. Simpson for Comptroller of Customs.

DECISION

THESE are single copies of a private importation seized at Auckland in 1984. Forfeiture has been disputed by the importer so that the publications came before the Tribunal for classification. In Decision No. 1035 the Tribunal had occasion to consider issue 12 of this publication when it was classified as indecent. These 2 issues are no different.

They include illustrations of and catalogues for jewellery for body and genital piercing. This very brief description conceals the fact that they are consistent with suggesting violence to persons who might be tempted to follow the 'instructions'. We said in Decision

No. 1035 and we repeat that the illustrations and instructions might well induce some form of experiment with resultant physical or even fatal injury. The Tribunal classifies both publications as indecent.

Dated at Wellington this 3rd day of December 1984.

Judge W. M. WILLIS, Chairman.

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Decision No. 21/84
Ind. 17/84

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: *Big Girls*, published by Montcalm Publishing Corp., New York, U.S.A.:

Chairman: Judge W. M. Willis.

Mesdames H. B. Dick and L. P. Nikera.

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

Hearing: At Wellington on the 8th day of November 1984.

Appearances: No appearance for importer, Gordon & Gotch (N.Z.) Ltd. R. A. Simpson for Comptroller of Customs.

DECISION

THIS publication is a sample from a commercial shipment which entered the port of Auckland in June 1984. Although it was not so stated we have the impression that the importers have referred the publication to the Tribunal for classification. It consists almost entirely a semi-nude and nude models. In the main they are unobjectionable but there are some photographs in the publication which the Tribunal considers merit an age restriction. The publication is not dissimilar to those considered in Decision No. 6/84. It is classified as indecent to persons under the age of 18.

Dated at Wellington this 3rd day of December 1984.

Judge W. M. WILLIS, Chairman.

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Decision No. 22/84
Ind. 19/84

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: *A Life on the Game* by Flame, published by Gay Men's Press, England:

Chairman: Judge W. M. Willis.

Mesdames H. B. Dick and L. P. Nikera.

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

Hearing: At Wellington on the 8th day of November 1984.

Appearances: R. A. Simpson for Comptroller of Customs. No appearance for importer Benton Ross Publishers.

DECISION

WE were informed by the Comptroller of Customs that the publication, *A Life on the Game*, by Flame was commercially imported through Auckland in June 1984, and because of the sensitive nature of the subject matter, and with the concurrence of the importer, the Customs Department has referred the book to the Tribunal for classification.

The publication is a paperback, published in 1984, by the Gay Men's Press, London and describes the life of a homosexual from his birth to the age of 21 years.

As Mr Simpson writes in his submission, the publication is a 'continuing saga of sexual escapades'. It is indeed simply written, easy to read and understand, and the episodes which are solely sexual in content, are many.

The question to be considered by the Tribunal is simply, the book's honesty of purpose.

The Comptroller of Customs refers to an earlier Decision (No. 1075 of 24 August 1983) when comparing the publication *Panthology One* with the present one under consideration.

It should be noted that *Panthology One* was classified as indecent, mainly because of its support for the concept that paedophilia is acceptable, but in *A Life on the Game*, the content seems to deal with homosexual acts between males only, and has no reference to sexual relationships with children.

A Life on the Game has a ring of truth about it, and the Tribunal considers that the book is honest in its presentation although the subject matter is explicit and could give offence.