

DECISION

THESE publications are sample copies commercially imported through Auckland parcel post. The majority have been seized and because the importer has disputed forfeiture they have been referred to the Tribunal for classification. The balance have been referred at the importer's request.

A large number of these publications can be dealt with en masse. They are *Superstar*, Volume 2, No. 13; Volume 3, Nos 1, 2, 3, 4, 5, 6, 7. *Crazy Times*, Nos 15, 17, 19. *Clou*, Nos 12 and 13. *Kiss*, Volume 2, Nos 12, 13, Volume 3, Nos 14, 16, 18. *Kess*, No. 3. *Miriam*, No. 10. *Sun Set Girls*, Nos 1, 2, and 13. *Jet Set Girls*, No. 6. All these magazines are printed in West Germany and apart from the titles they consist only of colour photographs of nude or semi-nude females. They are not dissimilar to *Look* and *Tabu* magazines both of which were classified as indecent in the hands of persons under the age of 18 years. These magazines would attract a similar classification.

Busen Exclusiv, Nos 11, 13, and 19 are also West German publications and once again they are similar to *Look* and *Tabu*, except that there is an emphasis in these publications on larger breasted models. They are not so gross as others of a similar type and in our view can properly be classified as indecent in the hands of persons under the age of 18.

Isabelle is also a West German publication and different from the others we have already mentioned because of a sequence entitled *Flare and Olaf*. Were it not for this sequence a similar classification would attach to *Isabelle*. While it might be suitable for a sex manual we feel that the photographs while not tasteless, nevertheless would have an appeal for the lewd and prurient and be injurious to the public good. It is classified as indecent.

No submissions were made by the importer in respect of the other publications.

Christina's Secret is a novel of some 236 pages and it is a series of accounts of the sexual adventures of Christina. There is a tenuous plot to link these encounters but the descriptions are, as Mr Hillman stated, graphic so as to contain a wide range of sexual activities. This publication is better printed and is better than the books which we had to deal with in Decision 1083. Apart from that factor it bears a very strong resemblance to that particular set of books. In our view it must be classified as indecent, and it is classified accordingly.

Ecstasy comes from the Playboy Press and consists of photographic sequences, each accredited to different female photographers. They imply acts of masturbation, lesbianism, and heterosexualism, cunnilingus and group sex. In Decisions 1053 and 1054 of March 1983 photographs of this nature were not acceptable in Penthouse even when balanced by text. Apart from details concerning the photographers there is no text to balance the photographs. The publication is classified as indecent.

Bizarre, Volume 1, No. 2 is a catalogue of *Exotic Boots and Shoes*. The publication is used to show variety of photographs of females and males in bondage equipment and in rubber or leather clothing. Because of the fact that items used for bondage could be dangerous in the wrong hands the Tribunal has been consistent in classifying books of a similar nature as indecent. This publication contains illustrations of items used for bondages which in the wrong hands would be highly dangerous. It is classified as indecent.

The Ecstasy of Sex, The Marriage Bed.

These two publications all come from the Publishing House, Probe Publications Ltd., London. They are not dissimilar to the sex manuals which we have had to consider over the past two or three years. There can be no doubt that there are other manuals which are of better quality but although the text is somewhat more graphic than other manuals they are not significant to warrant a classification of indecent. They are classified as indecent in the hands of persons under the age of 18.

Adventures in Oral Sex has a text suitable to the subject matter. There are also photographs—black and white and coloured—plus some reproductions of old drawings. In considering the publication we have perused the majority judgment of the full Court in *Penguin Books (N.Z.) v. Secretary for Justice* (unreported Wellington M496/79). The publication then under review was *Make it happy—what sex is all about*. That book dealt with sexual activity of all kinds including oral sex. In the course of its judgments the majority of the Court pointed out that in some circumstances oral sex might amount to an offence under section 134 of the Crimes Act 1961. The passage in the book dealing with oral sex occupied about one page which drew the following comment from the Court:

"It is true that the passages to which reference is made constitute only a very small part of the publication as a whole. The section on "Bestiality" covers only five lines: the one on "Homosexuality" covers some two-thirds of a page; and that on "Oral Sex" about one page. However the effect of such passages upon impressionable young persons may have influence far greater than the brief passages themselves might suggest and the whole book becomes tainted with indecency in terms of the Act."

It seems implicit in such remarks that a book dealing solely with oral sex is tainted with indecency. The text is crude and unrestrained. Some modesty would have helped. The illustrations could probably be thought unnecessary having regard to the text and could be seen as having an appeal for the lewd and prurient. The publication is very much the borderline and had the text and illustrations been more sensitive a different classification could possibly follow. In the circumstances we feel the book is injurious to the public good and therefore must be classified as indecent.

The Lesbian Book of Love has given us a great deal of concern. We accept that books on lesbianism and lesbians could not be classified as indecent simply because of the topic. In the past the Tribunal has had occasion to consider publications dealing with lesbians or lesbianism and it seems plain from the decision that the treatment of the subject has gone a long way in determining the classification. As the text in this book is more crude and unrestrained, the subject could have been treated with more sensitivity and the photographs which are both coloured and black and white are highly contrived and in many respects are not necessary. Without the photographs the publication may have attracted a restriction classification. With them we feel that the book is more likely to attract the lewd and prurient so that in the circumstances it is injurious to the public good. It is also classified as indecent.

The Photomanual of Group Sex and Sex Variations

These books are also published by Probe Publications Ltd. and contain photographs and text. The first book as its name implies contains pictures of groups sexually active while the second has some sequences of group sex and some showing bondage scenes. We have on other occasions indicated that books illustrating group scenes and bondage are not acceptable. These are no exceptions and they will be classified as indecent.

Dated at Wellington this 14th day of February 1984.

W. M. WILLIS, Chairman.

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Standards for Honey to be Exported to France (Notice No. 3192; Ag. 12/12/7)

PURSUANT to regulation 5(1) of the Honey Export Certification Regulations 1980, the Director-General hereby sets the following standards for honey which is to be exported to France:

1. The apiaries from which the honey is derived shall be free from foulbrood diseases, nose-mosis and varroasis.
2. There shall be no incidence of the above-named diseases observed within a radius of 5 kilometres of these apiaries during the past 6 months.

Dated at Wellington this 15th day of February 1984.

M. L. CAMERON,
Director-General of Agriculture & Fisheries.

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Declaring State Highway to be a Limited Access Road—Part State Highway Number 1

It is notified that the National Roads Board, by resolution dated 15 February 1984 and pursuant to section 153 of the Public Works Act 1981, hereby declares that part of State Highway Number 1, from the Gore Borough boundary, north-western side, to its junction with Wentworth Street, as more particularly shown on Sheet 1 on plan LA 73/27/89 and accompanying Schedule held in the office of the Resident Engineer, Ministry of Works and Development, Invercargill and there available for public inspection, to be a limited access road.

Dated at Wellington this 16th day of February 1984.

R. K. THOMSON, Secretary, National Roads Board.
(72/1/18/5)

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Declaring State Highway to be a Limited Access Road—Part State Highway Number 1

It is notified that the National Roads Board, by resolution dated 15 February 1984 and pursuant to section 153 of the Public Works Act 1981, hereby declares that part of State Highway Number 1 from its junction with Happy Valley Road to its junction with Burgh Street, Town of Herbert, as more particularly shown on Sheet 1 of plan LA 70/4/71 and accompanying Schedule held in the office of the Resident Engineer, Ministry of Works and Development, Dunedin, and there available for public inspection, to be a limited access road.