

*Ann Summers Own Picture Book of Advanced Love Techniques*, published by Ann Summers Publishing.

Decision No. 10/85

IND 7/85

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, J. V. B. McLinden, R. Barrington, A. J. Graham.

Hearing: At Wellington on the 11th day of July 1985.

Appearances: No appearance of importer, Waverly Publishing, K. Wild for Comptroller of Customs.

#### DECISION

THESE publications are sample copies imported through the Port of Auckland in February 1985. Following their seizure as being indecent the Importer disputed forfeiture and they have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The three publications purport to be sex manuals. They in the main consist of photographs of couples indulging in simulated or actual oral or sexual intercourse with an accompanying text and in some cases some short pieces of fiction.

Neither *The Complete Guide to Sexual Variations* nor *Sex in Marriage* gives any indication as to the publisher or author of the publications, but we accept the submission of Mr Wild on behalf of the Comptroller that they are probably publications from Anne Summers Publishing the publishers of the third of the publications under this application. In the Tribunal's view none of these publications justifies a finding that there is an honesty of purpose in the presentation of the photographic and other material. The Tribunal is in fact satisfied that there is a dishonest purpose in the publications, that being to pander to a market not being that of persons who might need sexual help from sexual manuals of the kind which we have this day determined as being indecent in the hands of persons under the age of 18 years. The publication *Sexual Positions, A Photographic Guide to Pleasure and Love*.

The Tribunal classifies these three publications as indecent.

Dated at Wellington this 26th day of July 1985.

Judge R. R. KEARNEY, Chairman.

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Decision No. 9/85

IND 10/85

#### 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:

*Sexual Positions: A Graphic Guide to Pleasure and Love*, published by Colour Library Books.

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, J. V. B. McLinden, R. Barrington, A. J. Graham.

Hearing: At Wellington on the 11th day of July 1985.

Appearances: Written submissions from Beckett Stirling Ltd.—Importer. Mr Wild for Comptroller of Customs.

#### DECISION

THE two copies of this publication were sample copies imported through the port of Auckland in December 1984. The publications having been seized by the Collector of Customs the importer has disputed forfeiture. The publication has been produced in the form of a sex manual and contains 244 colour photographs of a couple in various, and as was submitted by Mr Wild "somewhat acrobatic" positions of sexual intercourse. The Tribunal agrees with Mr Wild's submission that both the text and photography have been presented in a restrained manner.

The Tribunal has determined that this publication, although not strictly of a technical nature, is presented in a way which puts it into the technical category of a sex manual.

As in the case of the publications *The Ecstasy of Sex* and *The Marriage Bed* referred to in decision number 6/84. The Tribunal in the case of this publication finds it to be indecent in the hands of persons under the age of 18.

Dated at Wellington this 26th day of July 1985.

Judge R. R. KEARNEY, Chairman.

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#### 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:

*Him Issue 67*, published by Millivres Ltd., England.

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, J. V. B. McLinden, R. Barrington, A. J. Graham.

Hearing: At Wellington on the 11th day of July 1985.

Appearances: No appearance of importer, the Editor, Out Magazine. Mr K. Wild for Comptroller of Customs.

#### DECISION

THIS magazine was commercially imported through the port of Auckland in July 1984 and was seized as being indecent. Forfeiture having been disputed by the importer, the magazine was referred to the Tribunal for classification. Mr Wild in support of a submission that the Tribunal find the publication indecent, submitted that the magazine was clearly directed at the male homosexual market, it being a British Gay Lifestyle magazine. No complaint was made by Mr Wild on behalf of the Comptroller of Customs to much of the material contained in the magazine, but he submitted that part of the classified and "personal" section and 3 pictorial displays were for the clear purpose of encouraging homosexual behaviour.

The Tribunal accepts the validity of the submission made on behalf of the Comptroller and finds that the publication tends to promote and encourage homosexual behaviour of a kind which is unlawful in this country.

For these reasons the Tribunal finds the publication indecent.

Dated at Wellington this 26th day of July 1985.

Judge R. R. KEARNEY, Chairman.

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Decision No. 11/85

IND 9/85

#### 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:

*In Touche For Men Issue 100*, published by In Touch Inc. USA.

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, J. V. B. McLinden, R. Barrington, A. J. Graham.

Hearing: At Wellington on 11th day of July 1985.

Appearances: No appearance of importer, J. Pound, K. Wild for Comptroller of Customs.

#### DECISION

THIS single copy publication was seized when it was imported through the Port of Auckland in March 1985. The importer has subsequently disputed forfeiture of the magazine as being indecent and it has accordingly been referred to the Tribunal for a decision prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. *In Touche For Men Magazine* has previously been before the Tribunal in April 1979 and in June 1983. Issue number 33 was considered indecent in decision 919 of 12 April 1979 and issues 39 to 43, 45 to 49, 57 to 60, 62 to 68 and 71 were likewise classified as indecent in decision 1065 of 7 June 1983. This particular edition which the Tribunal has for consideration differs from the previous issues—in that, it being a celebratory issue, it featured considerably more photographs of naked men at the expense of literary content. The photographs in many cases concentrated on the male genitals and the Tribunal reached a clear view that the publication has little to commend it and a great deal to condemn in the manner of presentation and a clear emphasis towards homosexual activity of a kind which is illegal.

The Tribunal finds this publication indecent.

Dated at Wellington this 26th day of July 1985.

Judge R. R. KEARNEY, Chairman.

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