

Full Auto Volume 5, contains a brief history of M1 and M2 Carbines, which by itself is unobjectionable. The content of the book which resulted in its seizure relates to the detailed drawings and instructions on how to convert a semi-automatic M1 Carbine to a M2 Carbine so as to make it capable of fully automatic fire.

The publication actually commences with a warning to its readers in the following terms:

The modification of any firearm to fire fully automatic is illegal without prior approval of the BATF. Also, the manufacture of any part or group of parts that, when installed in a firearm makes it fire fully automatic, is illegal without prior BATF approval. Please be advised that the publishing of this book is for academic purposes only. The publisher assumes no responsibility or liability for the improper or illegal modification of a firearm.

That warning although directed to the American reader, is pertinent to the New Zealand scene, as of course, under almost all, other than military, circumstances, such a weapon in the hands of a member of the public, would be an illegal weapon. The *Submachine Gun Designers Handbook*, appears to be a work of a more technical nature than is the publication of *Full Auto Volume 5* and it too, commences with a historical account, with some historical notes, before developing its main purpose, which is how to go about designing your own submachine gun. This publication, although produced by the same publishers as *Full Auto Volume 5*, does not carry any warning to its readers in respect of any breaches of the law which might follow the construction of such a machine gun. The publications *Professional Homemade Salutes* and *Two Component High Explosive Mixtures*, both contain clear and relatively simple instructions on the preparation of explosives, and only the first of these contains a warning which is in the following terms:

The making and using of fireworks, as with any explosive, is potentially hazardous and the reader is advised to exercise extreme caution when making and using any of the devices described in this book. The reader is, also, advised to remain cognizant of all applicable laws pertaining to fireworks and explosives.

There was no appearance by the importer before the Tribunal and no representation made in writing by him or on his behalf. We are, nevertheless, aware that the importer is Mr Nelson Bell of Mt Maunganui, who made written submissions to this Tribunal in respect of similar publications which were submitted to the Tribunal in reference number IND 13/84 and which were the subject of a decision number 27/84. It is pertinent to mention that Mr Bell, who is the holder of a Firearms licence, claimed in respect of those publications which were then subject to the earlier enquiry of this Tribunal, that he should, as a holder of such a licence and as a responsible citizen, be allowed access to these publications.

The word *indecent* as defined in s. 2 of the Indecent Publications Act 1963 includes, "describing, depicting, expressing, or otherwise dealing with matters of . . . crime, cruelty or violence in a manner that is injurious to the public good".

Such publications as these are of a kind which could very easily have the end result of leading certain persons into or assisting them in criminal activity of a most serious kind with a real potential for violent and tragic consequence. In our finding, all these publications must necessarily be classified and are classified as unconditionally indecent.

Dated at Wellington this 26th day of July 1985.
Judge R. R. KEARNEY, Chairman.

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Decision No. 15/85
IND 2/85

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:

- 300 *Young Darlings* No. 4, published by Briarwood Corporation, USA.
- Flaming Pussies* Vol. 1 No. 1, published by Academy Press, USA.
- Hot Wet Pussys* Vol. 1, No. 3, published by American Art Enterprises.
- Oriental Delight* No. 13, published by Briarwood Corporation, USA.

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

Hearing: At Wellington on the 29th day of March 1985.
Appearances: No appearance of importer, T. Van Werven, K. Wild for Comptroller of Customs.

DECISION

THESE magazines were privately imported through the port of Auckland and seized by the Customs Department. The importer subsequently disputed forfeiture of the magazines and the Comptroller of Customs has accordingly referred them to the Tribunal for classification. *300 Young Darlings*, consists entirely of photographs of nude, or semi-nude females. *Hot Wet Pussys*, consists almost entirely of like photographs, with occasional text of a lewd and coarse nature. *Oriental Delight*, again consists mainly of like photographs accompanied by text, which is again largely of a coarse and crude nature. The photographs in all three publications are almost entirely representations of contrived poses of female models. In addition, the models in *300 Young Darlings* and *Oriental Delight* are presented as being depictions of young girls, which adds to the offensiveness which is already patently present in the publications.

Flaming Pussies, which features both male and female models, has a similar coarse, lewd and offensive text, but is comprised chiefly of photographs featuring sexual intercourse, sodomy, group sex, lesbian sex and oral sex.

Flaming Pussies, has absolutely no redeeming features and is clearly of that class of material which is best described as hard core pornography. The other three publications are likewise predominantly concerned with the lewd and prurient aspects of sex and their subject matter is described or expressed in a patently offensive manner and in no way could it ever be argued that they have any literary or artistic merit, or are otherwise redeemed by other characteristics. All four publications are, in our view, of a corrupt nature and are injurious to the public good and are classified as indecent.

Dated at Wellington this 26th day of July 1985.
Judge R. R. KEARNEY, Chairman.

Grant of Plants Selectors' Rights Notice (No. 3549; Ag. P.V. 3/2)

PURSUANT to section 11 of the Plant Varieties Act 1973, notice is hereby given that a grant of Plant Selectors' Rights has been made by the Registrar of Plant Varieties as specified in the Schedule to this notice.

SCHEDULE
SPECIES: ROSE (*Rosa* L.)

Name and Address of Grantee	Denomination	Breeder's Reference	Date of Grant	Term of Grant
Bell Roses Ltd., P.O. Box 21-144, Auckland, as agent for Moore Mini-ature Roses, 2519E Noble Avenue, Visalia, California 93277, U.S.A.	Shakespeare Festival	..	5/8/85	18 years

Dated at Lincoln this 8th day of August 1985.
F. W. WHITMORE, Registrar of Plant Varieties.