

Product Name	Registration No.	Grounds for Cancellation	Effective Date or Cancellation
Bayer Fenitrothion 600 EC	2256	Requested by proprietor	28 February 1985
Bayer MCPB 400	2265	Requested by proprietor	30 November 1984
Bayer MCPA/Dicamba 350	2269	Requested by proprietor	30 November 1984
Bayer Carbaryl 80 WP	2272	Requested by proprietor	28 February 1985
Bayer, 2, 4, 5-T Butyl Ester 360	2284	Requested by proprietor	30 November 1984
Bayer 2, 4-D Butyl Ester 720	2287	Requested by proprietor	30 November 1984
Bayer 2, 4-D Butyl Ester 360	2288	Requested by proprietor	30 November 1984
Bayer, 2, 4-D 720 (Butyl)	2289	Requested by proprietor	30 November 1984
Bayer, 2, 4, 5-T Butyl Ester 720 Volatile	2291	Requested by proprietor	30 November 1984
Bayer Simazine 80 WP	2293	Requested by proprietor	28 February 1985
Bayer, 2, 4, 5-T 360 Low Volatile	2294	Requested by proprietor	30 November 1984
Bayer, 2, 4-D Amine 400	2296	Requested by proprietor	30 November 1984
Yates Casoron G	2310	Requested by proprietor	28 February 1985
Dinotate Liquid	2432	Requested by proprietor	30 November 1984
Bayer Mecomix M	2440	Requested by proprietor	28 February 1985
BP Alachlor 50% EC	2614	Requested by proprietor	30 November 1984
BP Propachlor 65% WP	2615	Requested by proprietor	30 November 1984
Permex SDA	2635	Requested by proprietor	30 November 1984
Coopers Slugex Granules	2712	Requested by proprietor	31 December 1984
Ustilan AD 72	2730	Requested by proprietor	28 February 1985
Atraflo	2780	Requested by proprietor	31 December 1984
Simaflo	2781	Requested by proprietor	31 December 1984
Ustilan DU	2863	Requested by proprietor	28 February 1985

Dated at Wellington on this 1st day of March 1985.

B. B. WATTS, Registrar, Pesticides Board.

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Decision No. 3/85
IND 22/84

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 application:

Gay Scene, Volume 15 No. 1, published by Regiment Publications U.S.A.

Chairman: Judge W. M. Willis.

Members: Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: Wellington, 13 December 1984.

Appearances: No appearance of importer, the Lawrence Publishing Company (N.Z.) Ltd. Mr K. Wild for Comptroller of Customs.

DECISION

This is a single copy of a private importation seized at Auckland in July 1984. The importer has disputed forfeiture so that it is referred for classification.

Although there was no appearance at the hearing, there was a suggestion in a letter dated 20 November 1984 that the publication was a newspaper and therefore not within the jurisdiction of this Tribunal. The letter also mentions what might be made relevant to this Tribunal.

Our jurisdiction is clear. "Book", is defined in section 2 as meaning:

"any book, magazine, or periodical (other than a newspaper published at intervals of less than a month) whether in manuscript or final form; and includes any picture-story book, whether likely to be read by children or not."

Gay Scene is said to be published monthly so that it comes within the definition of a book.

The submissions of the comptroller were very brief:

"This publication is clearly aimed at the male homosexual market. The textual content, photos and advertisements are almost entirely homosexually oriented and would only have appeal to persons so sexually inclined.

It is submitted that because of the content of this publication the Tribunal may consider it to be indecent and it therefore submitted under the provisions of section 14 of the Indecent Publications Act 1963."

We agree that the publication is clearly aimed at the homosexual market but there is a substantial section of the contents which are unexceptional. About 5 pages are devoted to film reviews and two pages of obituary notices of prominent people. There are some other pages about which we would have no complaint. Despite this we must agree with the submissions of the Comptroller that the publication is directed towards a homosexual market. The so-called "personals" on page 22 are clearly so directed. So, too, are other parts of the contents. We accept that homosexuality is not an offence. However, when a publication tends or is intended to lead persons to homosexual behaviour then it can be said to come within the definition of indecency.

The dominant effect of this particular publication would be to encourage rather than discourage homosexual behaviour. It has no literary, artistic or other merit, although we acknowledge that it is not badly written. The price appears to be \$US1.25 which could, in the circumstances, be a barrier to sale particularly as it is an American publication. The likelihood of corruption would outweigh any benefit. The purpose is honest enough but once again it is directed towards a criminal activity. In our view it is injurious to the public good and therefore must be classified as indecent.

Dated at Wellington this 1st day of March 1985.

W. M. WILLIS, Judge.

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Decision No. 1/85
IND 27/84

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:

9 Mail Order Forms to Swish Publications Ltd.—published by Swish Publications Ltd., England;
TRANZ, Volumes Nos 17, 18, 19, 20, 21, 22, published by Swish Publications Ltd., England.

Chairman: Judge W. M. Willis.

Members: Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: Wellington, 13 December 1984.

Appearances: Mr R. P. Wotherspoon for importer. Mrs A. E. Gaskell—counsel for informant.

DECISION

The publications which the Tribunal is called upon to consider were taken along with other items pursuant to a search warrant issued under a Customs Act. A prosecution followed. The District Court has referred them to the Tribunal for classification.

We will deal with the mail order form first. Mrs Gaskell, for the informant, submitted that although they are not specifically included in a definition of books, the Tribunal had jurisdiction to classify them because, on other occasions, catalogues had been classified in one way or another.

It is true that catalogues have been classified as indecent but in the view of the Tribunal these mail order forms differ in appearance and presentation from previous material considered. For example in the Venus Shop catalogue (Decision No. 999) decision dated 6 August 1981 we noted that the publication under consideration was a catalogue which consisted of a listing of sexual aids, apparel, and vibrators with a booklet consisting of 32 pages. In addition to that material each catalogue showed photographs of semi-nude women posed in contrived and provocative positions.

In Decision No. 1039, dated 7 October 1982 we considered the publication *Centurians Whole Catalogue of the Exotic and Bizarre*. In the course of our decision we noted:

"Bondage appliances feature entirely through the 146 pages while most of the products advertised depict nude or near-nude females attired in bondage gear. . ."

We repeat that neither of the above publications is similar to the present material.