

Decision No. 1/86
Reference No. 21/85

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 *Private, Volume 1, Issue 7*:

Chairman: Judge R. R. Kearney.

Members: Mrs R. Barrington, A. J. Graham, and Ms K. Hulme.

Hearing: Wellington, 25 March 1986.

Appearances: No appearance for bookseller, Mr Wild for the Comptroller of Customs.

DECISION

THIS publication was purchased by a member of the public in a Wellington bookstore and referred to the Customs Department for action on the grounds that it was an indecent imported book. When purchased the magazine was on display behind a counter of the bookstore contained in a plastic bag and clearly marked with the words "not to be sold to persons under the age of 18".

The retail price of the publication was \$4.95. The publication consists of 44 photographs both colour and black and white. Many of these photographs which are principally of single naked female models are in the main unobjectionable in terms of the legislation.

The Tribunal is satisfied however that there are a number of elements in this magazine which clearly require an unconditional indecent classification and they so classify it. Those elements which cause concern include photographs of a woman having her pubic hair shaved, a photograph depicting what is clearly a lesbian encounter and a number of contrived and lewd poses of models. The written content of the publication is crude and clearly designed to attract the attention of the prurient.

Dated at Wellington this 29th day of April 1986.

Judge R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

Decision No. 2/86
Reference No. 20/85

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 *Model Celebrities—Issues 1 and 2, and Adult Fantasy—Issues 3, 4 and 5*:

Chairman: Judge R. R. Kearney.

Members: Mrs R. Barrington, A. J. Graham, and Ms K. Hulme.

Hearing: Wellington, 25 March 1986.

Appearances: No appearance for importer, Waverley International Limited, Mr K. Wild for the Comptroller of Customs.

DECISION

THESE magazines were single copies commercially imported through the port of Auckland in August 1985 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 prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Written submissions were made to the Tribunal on behalf of the importer that these particular magazines which are all English in origin had a similar format to the publications *Tabu* and *Look* decisions Nos 995 and 1020. It was submitted that a similar classification as was given to those publications would be appropriate in line with the decision of the High Court with regard to decisions Nos 937 and 962. Mr Wild on behalf of the Comptroller of Customs submitted that the Issues 1 and 2 of the magazine *Model Celebrities* should be classified as indecent to persons under the age of 18 as both magazines were comparable with the magazine *Big Girls* which was so classified by the Tribunal in its decision No. 21/84 of 3 December 1984.

The Tribunal finds that the photographs in Issues 1 and 2 of *Model Celebrities* are in the main unobjectionable but there are aspects of some of the photographs that require a restricted classification. Accordingly those two issues are each classified indecent in the hands of persons under the age of 18.

The Tribunal does not take the same view with regard to the three issues of *Adult Fantasy* magazine. It finds that the posing of the models in these magazines is contrived and unnatural with many of them portraying crude displays of female genitalia. In addition much of the written material is coarse, distasteful and obscene with a concentration on detailed sexual encounters. Two stories included in these magazines are in serial form and the Tribunal agrees with the submission of the Comptroller of Customs that the stories presented are basic and crude and serve little purpose other than to arouse prurient interest.

Accordingly the Tribunal classifies Issues 3, 4 and 5 of *Adult Fantasy* magazine as unconditionally indecent.

Dated at Wellington this 29th day of April 1986.

Judge R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

Decision No. 3/86
Reference No. 23/85

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 *Teen Buds*,

Young American Numbers,

Kip Knoll,

Love, Robbie,

Real Men of Australia,

Playgirl Hunk Guys,

Hot Surfie Trade,

Teen Tricks,

Loaded Spunks,

Macho Spunks,

Teen Cream,

Easy Action,

Hot Jism,

Hot Punk Vol. 2,

Greenhorn,

The Seducers,

Truck Stop Vol. 1, No. 1,

Top Teens,

Jocks Going Down,

Red Hot Ramrods,

Teen Meat,

Men at Work. The Telephone Pole Vol. 1, No. 1,

Hard Stud Hot Shots No. 1,

Teen Trade,

Young Spunk,

Young Action,

Teen Buds:

Chairman: Judge R. R. Kearney.

Members: Mrs R. Barrington, A. J. Graham, and Ms K. Hulme.

Hearing: Wellington, 25 March 1986.

Appearances: No appearance for importer, Mr Wild for the Comptroller of Customs.

DECISION

THESE magazines were imported through Auckland Airport in August of 1985 and seized by the Comptroller of Customs. The importer has subsequently disputed forfeiture and the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1976.

The importer was a private individual who brought the material into the country as passenger's baggage. The Tribunal agrees with Mr Wild who submitted on behalf of the Comptroller of Customs that the magazines could best be described as hard core pornography falling into three categories.

In category one is the magazine *Teen Buds* which contains both black and white and colour photographs of sexual encounters, oral sex and group sex. The magazine has nothing to commend it in any way and is classified as indecent.

Category two comprises *Young American Numbers*, *Kip Knoll*, *Love, Robbie*, *Real Men of Australia* and *Playgirl Hunk Guys*. These publications are collections of photographs of single male nude models. Some of the photographs clearly show the model masturbating and the majority of poses are such that the maximum emphasis is given to displays of the male genitals. One of these magazines *Real Men of Australia* does not really fit into the category which we have mentioned and it alone of all the material considered in respect of this decision is classified as not indecent. All the other material in this category is classified as indecent.