

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, R. Barrington, A. J. Graham and K. Hulme.

Hearing at Wellington on the 6th day of April 1987.

Appearances: P. J. Eggleton for Comptroller of Customs. No appearance on behalf of importer.

DECISION

THESE two publications were privately imported through the port of Wanganui on 3 November 1986. The Comptroller of Customs seized the publications and the importer has subsequently disputed forfeiture. The publications have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. The Comptroller of Customs through Mr Eggleton submitted that this particular edition of *Oui* was markedly different from those issues of the magazine which were subject to a classification of indecent in the hands of persons under the age of 18 years by Decision 1002 of the Tribunal in 1981. The Comptroller submitted that Vol. 15, No. 11 had little literary merit and such merit as there was would not outweigh the indecent aspect of the publication. The Tribunal agreed with the Comptroller that the articles and material dealing with sex affect the overall tone of the magazine to the extent that its dominant effect is to debase and exploit sex. In particular the Tribunal is concerned with the depiction of sexual activity displayed in the magazine and is satisfied that the proper classification for this particular issue is that of unconditionally indecent and so classifies it.

Adam, Vol. 13, No. 11 also contains photographs of sexual activity of a kind which the Tribunal would classify as unconditionally indecent but in addition the magazine concentrates on the presentation of sex in a crude and prurient way. The Tribunal classifies this particular issue of *Adam* as unconditionally indecent.

The New Zealand distributor for the publisher of *Oui* wrote to the Tribunal advising that the publishers of this particular volume do not wish to put forward any argument in support of this particular magazine. The distributor advises the Tribunal however that the publisher has recently asked for details of the procedures to be followed in order to gain acceptance of the magazine.

Dated at Wellington this 31st day of August 1987.

Judge R. R. KEARNEY, Chairman.

Decision No. 9/87

Reference No. IND 2/86

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: *The Sex Maniacs Diary* 1985, published by Tuppy Owens:

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, R. Barrington, A. J. Graham and K. Hulme.

Hearing on the 11th day of June 1986.

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

DECISION

THE Comptroller of Customs seized this publication which was a sample copy imported through Auckland airport in October 1985. The Comptroller advised the importer that he considered the publication should be forfeited to the Crown as indecent. The importer disputed forfeiture and the publication was then referred to the Tribunal for a decision as to its classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The Comptroller of Customs in his submission to the Tribunal suggested that an age restriction should be imposed upon the Diary as it was clearly a publication more suitable to an adult reader.

The Tribunal finds that the publication is well produced in the sense that it is on good paper and has a professional presentation but find that there is indeed a considerable amount of its content which is offensive although to some extent less obvious in that it is produced in small innocuous drawings which are nevertheless sexually explicit.

The Tribunal agrees with the Comptroller of Customs that an age restriction is required for this publication and accordingly we find it to be indecent in the hands of persons under the age of 18 years and so classified it.

Dated at Wellington this 31st day of August 1987.

Judge R. R. KEARNEY, Chairman.

Decision No. 10/87

Reference No. IND 16/85

Before the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of *The World's Best Dirty Jokes*, *The World's Best Dirty Stories*, *still more of the World's Best Dirty Jokes*, *The World's Best Dirty Limericks*, published by Angus & Robertson Publishers:

Chairman: Judge R. R. Kearney.

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

Hearing on the 28th day of November 1985.

Appearances: Mr Wild for the Comptroller of Customs. There was no appearance on behalf of the importer.

DECISION

THESE four publications are very similar in their content. They can best be described as bawdy in the extreme with a not insignificant proportion of the written material containing objectionable racist, sexist and anti religious content. Insofar as the obligation of this Tribunal is concerned we are satisfied that it is sufficient to classify each of the publications as indecent in the hands of persons under the age of 18 years. The objectionable content to which we have referred is not a matter which calls for further comment from this Tribunal.

Dated at Wellington this 31st day of August 1987.

Judge R. R. KEARNEY, Chairman.

Decision No. 11/87

Reference No. IND 27/86

Before the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Robyn Marchant representing Women Against Pornography for a decision in respect of the following publication: *The Amazing Gordon Herschell Lewis and His World of Exploitation Films* published by Fantaco Enterprises Inc. of New York:

Chairman: Judge R. R. Kearney.

Members: H. B. Dick, K. A. R. Hulme, R. E. Barrington and A. J. Graham.

Hearing at Wellington on the 4th day of April 1987.

Appearances: R. Marchant for complainant, Women Against Pornography. No appearance by any other party.

DECISION

THIS publication was acquired by the organisation Women Against Pornography from a book shop, it being apparently one of eight copies imported by the particular distributors, the others were apparently destroyed by the importer. Women Against Pornography submitted the publication to the Tribunal for a decision as to whether it should be classified as indecent or not or for a decision as to any other classification.

Gordon Herschell Lewis was an American film producer who over a period of some 10 years in the 1960s and early 1970s produced a relatively large number of extremely violent films, many of which contained portrayals of sexual violence against women.

In a very careful and well presented submission Miss Marchant highlighted the reasons why her organisation sought an unconditionally indecent classification and these included:

1. The extreme gratuitous violence depicted.
2. The stereotyping of women in a misogynist and belittling manner.
3. The detailing of the methods of achieving violent cinema images.
4. The endorsing of racist stereotyping for monetary gain.
5. The portrayal of lesbian sexuality in a completely unrealistic and voyeurist manner purely for the gratification of men.
6. The conscious attempt by Lewis as revealed in the publication to break down public morals and permit abusive social/sexual exploitation and violence.

We agree with the submission made by Miss Marchant. The book on the face of it pretends to be a professional work detailing the life and work of Gordon Herschell Lewis but in reality it is only a vehicle to display in print and in photographic form in particular