

models posed in such a way as to prominently display the genitalia and some of those photographs indicate models who appear to be masturbating.

There are a large number of photographic advertisements offering sex for sale and the like and such written material as it does contain is of a coarse nature dealing with sexual activities of a variety of kinds. There are many photographs of models engaged in lesbian sexual activity. The Tribunal finds that there is absolutely nothing to commend this magazine in a literary, artistic or social sense and it classifies it as unconditionally indecent.

Velvet, Volume 9, No. 5; *Velvet*, Volume 9, No. 9

Each of these magazines which again are of the glossy girly type production contain about a hundred pages including scenes with multiple models engaged in lesbian and heterosexual sexual activities including oral sex and masturbation. The Tribunal classifies these 2 publications as unconditionally indecent.

The Bawdy Beautiful

This could best be described as a collection of coarse verse, some of it amusing, much of it crude and unwholesome. The great bulk of the collection is of verse with sexual connotations. There is a quite lengthy introduction by the compiler and at worst it can be said that it is an attempt to bring together much of the recorded and previously unrecorded coarse poetry of the English speaking world. The Tribunal is satisfied that the material is not harmful to the adult population but that it should receive a classification of indecent in the hands of persons under the age of 18 years and find accordingly.

The Bedroom Saga of Ned and Elizabeth; Oral Love in Pictures

Each of these rather cheaply produced publications contain a balance of black and white photographs and text. In neither publication can the text be described as having any literary merit although by and large neither book is as coarse or as vulgar as many of the publications which the Tribunal has to consider. That which in each case satisfies the Tribunal that the publications should be classified as unconditionally indecent is the almost entirely multiple model photographic sequences portraying various sexual activities between a male and a female. The Tribunal classifies them accordingly.

Nicole in Flight; Back Street Sex; Diana's Debut; On the Road By Fiona; Denise; Gina; Suburban Souls; The Autobiography of a Flea; She Asked For It; The Gong Kiss; Lucinda; The Butcher Knife Killings; Media Madness; Dirk and Honey; Jennifer, Book No. 2, Book No. 5 and Book No. 6; *Christina's Touch*; and *Diana's Desire*

These publications are all paper-back novels of a kind which more and more frequently are being imported into New Zealand and in many cases are referred to the Tribunal because the importer disputes forfeiture. These particular publications have as their source a variety of publishers and countries of origin but they show marked similarities. Many of the books are obviously cheaply produced on poor-quality paper and are poorly bound and in some cases have been badly proof read. The dominant effect of the publications is the presentation of sexual activity with a monotonous regularity. A great variety of sexual activities are related in explicit and gross detail and most of the publications are in fact portrayals of such sexual activity and encounters barely connected by what might be called the flimsiest of plots. The literary ability of the various writers differs from book to book but largely they have no literary merit whatsoever and they certainly in the finding of the Tribunal have no artistic or social merit. The Tribunal believes that there is a dishonesty of purpose in the publications and that they have a real potential for corruption and in the case of each of these particular publications under this section of our decision the Tribunal has no alternative but to classify them as unconditionally indecent and does so accordingly.

Pent Up Frenzy; Bitter Wine; Games; The Fiesta Letters

As all members of the Tribunal had not read and considered these particular publications a decision in respect of each of them is further deferred.

Dated at Wellington this 2nd day of September 1987.

Judge R. R. KEARNEY, Chairman.

Decision No. 7/87

Reference No. IND 2/87

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: *Glamour Girls*, Issues 5 and 13, publisher unknown:

Chairman: Judge R. R. Kearney.

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

Heard at Wellington on 6 April 1987.

Appearances: P. J. Eggleton for Comptroller of Customs. No appearance on behalf of Importer, Waverly International Ltd.

DECISION

THESE magazines were imported by Waverly International Ltd. as sea freight through the port of Auckland. The magazines were seized by the Comptroller of Customs and the importer has disputed forfeiture.

Whilst accepting that the magazines do not contain anything blatantly offensive and are lacking in the multiplicity of models and crudely pornographic aspects of other publications which have been forfeited the Comptroller of Customs through Mr Eggleton submitted the publications for classification by the Tribunal.

The Tribunal finds:—

1. That the magazines are largely of unclothed and partly unclothed young females and that they do not have the concentration on the genitalia area which is an aspect of some magazines which has given concern to the Tribunal.
2. That the models are not posed in a contrived and suggestive sexual way to the extent that many other magazines of their kind are.

The Tribunal classifies both magazines as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 31st day of August 1987.

Judge R. R. KEARNEY, Chairman.

Decision No. 8/87

Reference No. IND 24/86

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: *Advocate Men*, August 1986, Vol. 2, No. 11:

Chairman: Judge R. R. Kearney.

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

Heard at Wellington on 3 December 1986.

Appearances: P. J. Eggleton for Comptroller of Customs. G. A. Ireland for private importer, W. Lindberg for New Zealand Aids Foundation.

DECISION

Advocate Men, Vol. 2, No. 11, was privately imported through the port of Auckland in 1986. The magazine was seized by the Comptroller of Customs and the private importer has disputed that seizure and forfeiture. Lawrence Publishing Co. NZ Ltd., the publisher of *Out* magazine as the official representative and distributor for Liberation Publications Inc., the publishers of *Advocate Men* made representations in writing to the Tribunal and were also represented by Mr Ireland, counsel for the importer. The Tribunal had also received and given consideration to a statement from Mr R. N. Tuffery, the original importer of *Advocate Men*, August 1986. In addition to the importers and publishers, evidence was called in support of the publication from Mr Warren Lindberg, the Director of the New Zealand Aids Foundation of Auckland. Finally, in respect of the interest of parties in relation to this magazine the Tribunal received written representations from Mr K. S. J. Matthews, whose copy of the August issue of *Advocate Men* was likewise seized by the Comptroller of Customs.

The Comptroller of Customs, through Mr Eggleton, advised the Tribunal that his main area of concern with this publication related to the photographs contained which he described as being of male models posed in such a way as to give maximum emphasis to the male genitalia. The Comptroller was also concerned but to a lesser extent with the advertisement content of this magazine.

Mr Ireland in his submission to the Tribunal drew attention to the decision of the Court of Appeal in *Howley v. Lawrence Publishing Company Limited* (6 NZAR) 193 and submitted that there was no evidence that these publications had a capacity "for some actual harm" to the public good.

In his lengthy well prepared and well presented brief of evidence Mr Lindberg expressed the New Zealand Aids Foundation's concern that the people most at risk and in need of prevention education are homosexual men with a poor self image. Mr Lindberg informed