

Decision

This publication was privately imported through the port of Whangarei in June 1984 and seized by the Comptroller of Customs as being indecent. The importer disputed the forfeiture and the book was referred to the tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The application came on for hearing before the tribunal as then constituted on 13 December 1984, and the only member of that tribunal who is still a member was H. B. Dick. For reasons which are not apparent from the file and cannot be recalled by the then chairman, no decision was given in respect of the publication. On the occasion of the original hearing K. Wild made submissions on behalf of the importer and no written representations appear on the file from the importer or from persons having an interest in the book. The opposition of the Comptroller of Customs to the book was principally on the basis that the book dealt with the topic of male homosexuality in a way which, because of the law as it then was, would make the book indecent in New Zealand.

In submissions on behalf of the Comptroller of Customs when the matter came before us on 11 September, Mr Wotherspoon had this to say:

"This book is an anthology of stories, interviews, poems and photographs dealing with male homosexuality. While the publication appears to have some literary merit, the topics and the inclusion of photographs of single nude males may warrant an age restriction. The majority of stories in the publication are well written, and some indeed have considerable literary merit."

The tribunal is satisfied that the publication is a serious one and that it has a limited market amongst male homosexuals. The tribunal accordingly classifies this publication as not indecent.

Dated at Wellington this 4th day of November 1987.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
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Decision No. 17/87

Reference No.: IND 7/87

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 publication:
Cavalier.

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 11th day of September 1987.

Appearances: M. J. Wotherspoon for applicant. No appearance on behalf of respondent.

Decision

This publication was privately imported through Auckland Parcel Post on or about 24 October 1986. It was seized by the Collector of Customs and the importer subsequently disputed forfeiture. The publication has been referred to the tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This particular volume of *Cavalier* is a magazine consisting of photographs, usually with some accompanying text, and a number of articles. The subjects of the photographs are nude or semi-nude, and both male and female models are featured. The magazine contains portrayals of both lesbian and group sexual activities.

Much of the written material is of a coarse and lewd kind, and

clearly designed to attract the prurient. That which concerns the tribunal is the portrayal of models in acts of multiple sex and a 7 page photographic presentation of 2 females engaged in explicit sexual acts.

The tribunal is satisfied that this publication is indecent as being injurious to the public good and accordingly classifies it as unconditionally indecent.

Dated at Wellington this 4th day of November 1987.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
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Decision No. 18/87

Reference No.: IND 10/87

Before the Indecent Publications Act 1963

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: *Kinky Couples Special*; *Porn Discoveries Special*, No. 8; *X-Rated Cinema*; *X-Rated Video*; *Erotic X-Film Guide Guide*, Vol. 4, No. 5 and No. 1; *Velvet Talks*, Vol. 8, No. 4; *Velvet Talks*, June 1986; *Group Love*, No. 6; *Lovers in Action*; *Candi*, Vol. 9, No. 37; *Luscious*, Vol. 1, No. 2; *Exclusive*, Vol. 4, No. 9; *Lovebirds*, No. 76; *Hustler*, February 1980; *Hustler*, December 1980; *Best of Hustler*, Vol. 9; *Hustler*, March 1984; *Hustler*, May 1984; *Christina's Island*; *Christina's Sins*; *Christina's Promise*; *Christina's World*; *Christina's Nights*; *Christina's Treasure*; *Christina's Rapture*; *Christina's Quest*; *Christina in Love*; *Christina's Hunger*; *Christina's Delight*; *Christina's Bliss*; *Christina's Escape*; *Christina's Ecstasy*; *Christina's Surrender*; *Song for Christina*; *Christina's Passion*; *Emanuelle*; *Emanuelle 2*; *Randiana*; and *Joy*:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 11th day of September 1987.

Appearances: M. J. Wotherspoon for applicant. Mr Highly, the importer trading as Exchange Traders, Dunedin.

Decision

These publications were part of a commercial shipment imported by Exchange Traders through the port of Dunedin in or about February 1987. The publications were seized by the Collector of Customs and the importer has disputed seizure. The books have been submitted to the tribunal by the Comptroller of Customs for classification and decision. Having read and considered all of the publications, and considered the submissions of Mr Wotherspoon and Mr Highley, the tribunal has determined that it is sensible to deal with the publications in groups.

Kinky Couples Special; *Porn Discoveries Special*, No. 8; *X-Rated Cinema*; *X-Rated Video*; *Erotic X-Film Guide Guide*, Vol. 4, No. 5 and No. 1, *Velvet Talks*, Vol. 8, No. 4; *Velvet Talks*, June 1986; *Group Love*, No. 6; *Lovers in Action*; *Candi*, Vol. 9, No. 37; *Luscious*, Vol. 1, No. 2; *Exclusive*, Vol. 4, No. 9; *Lovebirds*, No. 76:

All of these publications are very similar in their presentation. They are soft-covered magazines, and in most cases are principally pictorial displays of nude and partly nude males and females, with some text almost entirely devoted to the prurient aspects of sexual activity. There is little, if any, presentation in the magazines which might be considered as of a serious nature, and no one could pretend for the productions that they had any artistic or literary merit. Each of the magazines contains numerous multiple model scenes of sexual activity between men and women, and between women, and such presentations the tribunal unanimously finds would be injurious to the public good in the way contemplated by the