

legislation. The publications in the tribunal's finding are clearly indecent, and the tribunal classifies them as of conditionally indecent.

*Hustler*, February 1980; *Hustler*, December 1980; *Best of Hustler*, Vol. 9; *Hustler*, March 1984, *Hustler*, May 1984:

The *Hustler* magazines are published in the United States of America by Larry Flint who is also chairman of the board of directors. Various issues of *Hustler* magazine have been referred to the tribunal over the years, and on each occasion the tribunal has found the publications in question to be unconditionally indecent.

The magazines are well produced and contain a mixture of articles, reviews, humour and fiction. Some of this material is of a very high standard and certainly unobjectionable in terms of the indecent publications legislation. Much of the content is obviously well researched and certainly well written, and makes for interesting and entertaining reading. The tribunal is unanimous in its finding however that a significant amount of material in these publications is clearly indecent in terms of the Indecent Publications Act. There are photographs of many persons engaged in a variety of sexual activity, and of female models engaged in lesbian sexual acts. In addition, there are numerous photos of a single female model where the poses are clearly designed to emphasise the genitalia, and in many of those photographs those depictions by themselves have caused some of the members of the tribunal at least to consider whether they would justify an indecent classification for the publication.

When one balances the excellent material in these publications against the offensive and objectionable material in terms of the Indecent Publications Act, the final assessment in the tribunal's unanimous decision is not to overcome the objectionable material and accordingly each of these publications is classified as unconditionally indecent.

*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*

Some of the Christina series has previously been submitted to the tribunal, and in decision 6/84 on 13 December 1983 *Christina's Secret* was classified unconditionally indecent. More recently, following the tribunal's hearing on 3 December 1986, the novel *Christina's Touch* was declared by the tribunal to be unconditionally indecent. Each of these publications is an account of the sexual adventures of the heroine, Christina. In each there is what can only be described as a very tenuous plot to link the various sexual encounters that Christina and others engage in. The descriptions of the various and many sexual encounters are graphic in the extreme and cover a wide range of explicit sexual activity. The novels, if indeed one could fairly classify them as such, have little if any literary merit, are clearly intended to attract and indulge the interest of the prurient reader, and the cumulative effect in each of the books of the succession of sexual encounters portrayed in considerable intimate detail is such as to justify the Tribunal's clear view a classification of unconditionally indecent. They are classified accordingly.

*Emanuelle; Emanuelle 2; Randiana; Joy;*

These 4 publications are not unlike the Christina publications and might well have been written by the same series of writers. *Emanuelle* is a translation of a modern French novel, and is an account of the sexual obsessions of a young wife who flies to Bangkok to join her husband in the diplomatic community there. In 1973 in decision 698 the tribunal classified *Emanuelle*

as indecent. The publications have nothing to commend them by way of literary merit or serious writing, and the total effect is such as to justify in the tribunal's clear view a decision that they are unconditionally indecent. *Randiana* has no real plot at all, and consists simply of a series of sexual exploits loosely hung together to make a sequence of sexual encounters and experiences. The novel *Joy* is also said to be a translation from the French, and it too is a very loosely connected and explicit sequence of alleged sexual exploits, encounters and experiences. The book has no literary merit in the view of the tribunal, is poorly written and is clearly indecent in terms of the legislation. The tribunal being satisfied that this publication, as with the others, would be injurious to the public good, classifies it and *Randiana* as unconditionally indecent. Mr Highley, in his submission to the tribunal, informed the tribunal that much of the material was in fact unsolicited material provided to him by overseas contacts, and he also informed the tribunal that he had seen the Christina novels freely available in other shops and outlets in the Dunedin area. Mr Highley did not advance any submissions to the tribunal to the effect that any of these publications should not be declared unconditionally indecent other than the general submission to the effect that much of the material was relatively harmless.

Dated at Wellington this 4th day of November 1987.

R. R. KEARNEY, Chairman.

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Decision No. 19/87

Reference No.: IND 11/87

### 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: *In Touch for Men, No. 126*:

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 by post at Auckland on 4 May 1987 and seized by the Collector of Customs in Auckland. The importer has subsequently disputed forfeiture and the magazine has been submitted to the tribunal by the Comptroller of Customs prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is a male homosexually orientated magazine, and contains a series of articles and stories, advertisements and photographic sequences. The photographs are all of the single male model, nude or semi-nude, with some emphasis on the genitals.

The tribunal is satisfied that the publication is not injurious to the adult population, but could be so to younger readers. Accordingly, the tribunal classifies this publication as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 4th day of November 1987.

R. R. KEARNEY, Chairman.

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