

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

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

Appearances: Mr M. Wotherspoon for Comptroller of Customs, Mr Highley the Importer.

Erratum

Decision No. 12/88 issued on 16 May 1988, the publications as shown above are incorrect.

The publications should read:

<i>Torso</i>	August	1982
	September	1982
	February	1983
	May	1983
	August	1983
	September	1983
	December	1983
<i>Mandate</i>	January	1984
	March	1978
	April	1978
	January	1979
	April	1983
<i>Honcho</i>	May	1984
	April	1978
	January	1979
	August	1979
	January	1980
	December	1982
	March	1983
	April	1983
	August	1983
	October	1983
	November	1983
December	1983	

Playguy, Vol. 1, No. 7.

Blueboy, September 1980.

The Literature of Flagellation Parts F, G, H, I, J, K, L, M + N.

Dated at Wellington this 17th day of May 1988.

M. SUTHERLAND, for Secretary.

Indecent Publications Tribunal.

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Decision No. 13/88

Reference No.: IND 4/88

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 on the following publications: *Inches*, Vol. 3, No. 2, June 1987, Publisher: Mavety Media Group Ltd.; *Inches* Vol. 3, No. 3, May 1987, Publisher: Mavety Media Group Ltd.; *Manscape 2*, Premier Issue, Winter 1985, Publisher: Jackie Lewis; *Manscape 2*, Fall 1986, Publisher: Firsthand Ltd., USA; *Best of Playgirl Summer Sizzle* (Summer 1987), Publisher: Playgirl Inc., USA; *Men of Inches*, Vol. 1, No. 1 (1987), Publisher: Inches Inc., USA; *Mandate*, Vol. 13, No. 6, June 1987, Publisher: Firsthand Ltd., USA; *Best of Playgirl Summer Sizzle* (Summer 1987), Publisher: Playgirl Inc., USA; *Torso*, Vol. 5, No. 12, June 1987, Publisher: Varsity Communications Inc., USA; *Parade*, No. 53, Publisher: not known; *Parade*, No. 54, Publisher: not known; *Parade*, No. 58, Publisher: not known.

Chairman: Judge R. R. Kearney.

Members: R. Barrington, A. J. Graham, K. Hulme and S. Middleton.

Hearing at Wellington on the 12th day of April 1988.

Appearances: Mr Ellis on behalf of importer of *Parade* Magazine; Mr Ireland and Mr Logan on behalf of Waverly Publishing Company Ltd.; M. Wotherspoon for Comptroller of Customs.

Decision

These publications were part of a commercial shipment of magazines imported by Waverly International Ltd. at Auckland in November 1987. The publications were seized by the Collector of Customs and the importer has disputed forfeiture. The books have therefore been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. The publications *Torso*, *Mandate*, *Inches* and *Men of Inches* are all male homosexually orientated and feature photographs of nude and semi nude males with a considerable emphasis on the genitalia. Three previous issues of *Torso* were considered by the Tribunal in 1987 and classified as indecent in the hands of persons under 16 years of age in decision 14/87. The Comptroller of Customs submits that the current issue is of a similar standard and that a similar classification may apply. The Tribunal concurs with that submission and accordingly *Torso*, Volume 5, No. 12, 1987 is classified as indecent in the hands of persons under the age of 16 years. The publication *Mandate* has also been previously considered by the Tribunal and in decision 14/87 eleven issues were classified as indecent in the hands of persons under the age of 18 years although one issue was classified as unconditionally indecent because of the explicit content in that particular issue. Mr Ireland in his submission invited the Tribunal to consider issuing a serial order in respect of the *Mandate* publication and the Tribunal is satisfied that it is appropriate that such an order issue. Accordingly the publication *Mandate* is classified indecent in the hands of persons under the age of 18 years and a serial order is issued in respect of that publication in terms of section 15A of the Indecent Publications Act 1963. The publications *Inches*, Volume 3, No. 4, June 1987 and *Men of Inches*, Volume 1, No. 1, 1987 are of a kind which the Tribunal finds would be injurious in the hands of younger persons and accordingly classifies each of these publications as indecent in the hands of persons under the age of 18 years.

The publications *Manscape 2*, Premier Issue, Winter 1985 and *Manscape 2*, all 1986 caused the Tribunal some concern. Both publications contained items of bondage, dominations and sadomasochism and the general presentation of the models is much more explicit than those publications which received from the Tribunal an R18 or R16 classification. Both publications have illustrations depicting scenes of sexual intimacy of a kind which would in a heterosexual magazine warrant an unconditionally indecent classification. The Tribunal is satisfied that those publications being injurious to the public good classifies both as unconditionally indecent.

The publication *Best of Playgirl Summer Sizzle* (Summer 1987) is in comparison to many other of the girly magazines which call for a classification almost modest in the presentation of the nude female figure. There are however some aspects of the publication which in the Tribunal's view would be injurious to younger readers and accordingly the Tribunal classifies this particular publication as injurious in the hands of persons under the age of 16 years. The publication *Parade* is a British publication for which the Comptroller of Customs seeks a serial restriction order in terms of section 15A of the Indecent Publications Act 1963. That submission was supported by Mr Ellis on behalf of the intended New Zealand distributors Gordon and Gotch Ltd. The Tribunal is satisfied that these magazines contain material including the picture of the female nude of such a nature as to be injurious to younger readers and accordingly classifies each of these issues as indecent in the hands of persons under the age of 18 years. The Tribunal is also satisfied that it was appropriate to issue a serial order in terms of section 15A of the Indecent