

Indecent Publications Act 1963

Decision No. 26/88

Reference No.: IND 6/88

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 in respect of the following publications: *Gay*, No. 130, 132 and 136, publisher not known; *Buddy*, Vol. No. 1, publisher not known; *Hunky*, No. 6, publisher not known; *Red Hot*, Book 10, publisher Undercounter Publications, Australia; *The Very Best of Probe*, Vol. 3, No. 8 (1974), publisher Probe Publications Limited, United Kingdom; *Harvey Presents 'D' Cups*, publisher Master Publications Inc, USA; *Game*, Vol. 13, No. 4 (June 1986), publisher Probe Publications Limited, United Kingdom; *How To*, Vol. 5, No. 7 (1980), publisher Probe Publications Limited, United Kingdom; *Hanging Breasts*, No. 6, publisher J. and S. Trading Co., United Kingdom; *Partner*, Vol. 8, No. 3 (June 1986), publisher Master Publications Inc, USA; *Miss Sadie Stern's Monthly*, Vol. 3, No. 10, publisher not known.:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 11th day of April 1988.

Appearances: M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance on behalf of Importer.

Decision

These magazines are the property of Progressive Mail Order of Hamilton. The owner of the magazines has requested that the Comptroller of Customs submit the publications to the Tribunal in order to obtain a definitive classification of each title. The Tribunal commends the importer for his very responsible attitude towards this matter.

Gay, Buddy and Hunky

Gay and *Buddy* are male homosexual magazines containing explicit photographs of homosexual intercourse including both anal and oral. The text in these publications is both explicit and sexually orientated.

The publication *Hunky* is similar to *Gay* and *Buddy* although this is more of a soft core version, where the models are shown just short of sexual penetration. In respect of each of these publications, the Tribunal is satisfied that the explicit portrayal of intimate sex is of a nature which would be injurious to the public good and classifies all three publications as unconditionally indecent.

Red Hot

This is a series of short stories without photographs and with only a small amount of illustration. The stories are detailed depictions of heterosexual activities of a most explicit kind.

The sole purpose of any plot appears to the Tribunal to be to present sexual acts in a different setting. The publication is entirely lacking in literary or any other merit for that matter and its crude and explicit presentation of sexual material is such that in the unanimous finding of the Tribunal it would be injurious to the public good. The Tribunal classifies this publication as unconditionally indecent.

The Very Best of Probe (1974)

This somewhat dated publication consists of both photographs and text, with those photographs generally being of single female models. Some of the material in the publication would in the view of the Tribunal be injurious to younger readers, and accordingly it classifies this publication as indecent in the hands of persons under the age of 18 years.

Harvey Presents 'D' Cups

This is a fetish type magazine catering for those with an interest in the larger female breast. There are elements in the magazine however of a nature which justifies in the Tribunal's view an indecent classification. There are a number of photographs of heterosexual couples depicted engaged in intercourse, and there is also genital manipulation of a kind which causes concern to the Tribunal. The Tribunal is satisfied that this particular publication would be injurious to the public good and classifies it as unconditionally indecent.

Game

This too is a magazine which caters for persons with a fetish interest in the larger female breast. That which earns the publication an unconditionally indecent classification is its depiction of multiple model scenes of sexual activities between men and women, and between women. The magazine can best be described as cheap and nasty without anything by way of literary or other merit to alleviate the tawdry presentation. As indicated this magazine is classified as unconditionally indecent by the Tribunal.

How To

This publication which is allegedly produced as being an illustrated monthly journal of sexual techniques, and is certainly not in any way an improvement on Volume 6, No. 2 of this publication which the Tribunal in 1984 in Decision No. 15/84 classified as unconditionally indecent. On that occasion the Tribunal stated in its decision that "the text is vulgar and the illustrations offensive. The publication has no literary or artistic merit and its contents are of doubtful validity having regard to the sub title. Many of the photographs bear little relationship to the text. The appeal would be only for the lewd and prurient. It is classified as indecent."

The passage of time has not changed the Tribunal's view that this particular publication would be injurious to the public good and classifies this issue as unconditionally indecent.

Hanging Breasts

This publication consists essentially of photographs with a minimal text and the photographs depict the female breasts. There are a number of photographs which depict the genital region and because of those photographs the Tribunal is concerned that the publication may be injurious to younger readers and accordingly classifies this publication as indecent in the hands of persons under the age of 16 years.

Partner

This magazine contains numerous multiple model scenes of sexual activity between men and women and between women and there is little if any merit, literary, artistic or otherwise in respect of this publication. The Tribunal is satisfied that this magazine would be injurious to the public good and classifies it as unconditionally indecent.

Miss Sadie Stern's Monthly, Volume No. 10

The cover of this particular magazine states that it is the "world's top selling domination magazine". The magazine carries many illustrations showing the domination of males by females in a sado-masochistic scenario. There are many photographs of intimate contact between the male and female models and the domination and sado-masochistic presentation coupled with the sexual content is clearly of a kind that would be injurious to the public good. The Tribunal classifies this particular magazine as unconditionally indecent.

Dated at Wellington this 21st day of June 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
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