

### Decision

These publications were sample copies imported by Waverley International Ltd. The publications were seized by the Collector of Customs and the Importer has subsequently disputed forfeiture. The publications have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*Blueboy*, November 1980, January 1981 and February 1981

These publications, which are soft-cover magazines, have previously been referred to the Tribunal and in Decision No. 1065 of 7 June 1983 and 2/84 of December 1983 the Tribunal found previous issues to be unconditionally indecent. In the course of Decision No. 1065 the Tribunal said:

"There is little or no text, and whilst they contain no explicit homosexual scenes, there is a general emphasis on the display of genitalia. There is a lack of any redeeming feature, and these were also suggested as being injurious to the public good and therefore indecent."

Those decisions were of course written prior to the passing of the Homosexual Law Reform Act, and homosexual material at that time, if it illustrated, supported or promoted homosexual activity of a kind which was at that time a criminal offence in New Zealand, was classified indecent for that reason alone by the Tribunal.

These magazines are quite clearly directed towards the male homosexual reader. Each of the magazines contains a large number of photographs of males, many of them shown nude and with emphasis on the genitalia, and in some of the magazines a small number of photographs showing two or more males in various stages of intimacy. The written material contains a small amount of what may be termed serious writing of interest to a wider range of readers, but the bulk of the written material is clearly written for the homosexual reader and consists largely of graphic accounts of sexual encounters between males. The November 1980 issue contains a series of photographs under the title "Bronk" which portrays sexual activities between three men. Those portrayals go well past what might be called the borderline in depicting sexual activity, whether that activity be heterosexual or homosexual.

The Tribunal is satisfied that that issue is injurious to the public good and classifies it as unconditionally indecent.

The January '81 and February '81 issues, although containing some advertisements and some material which the Tribunal finds borderline, are classified by the Tribunal as indecent in the hands of persons under the age of 18 years.

*50+ Plus* No. 8

This publication is a picture book of nude or partly nude females with a particular emphasis on large breasts. There is no text and the remainder of the publication is made up of advertisements for other magazines and videos. Because of the photographic emphasis on the genitalia, the Tribunal classifies this publication as indecent in the hands of persons under the age of 18 years.

*Velvet*, Vol. 10, No. 1

This publication is a soft-cover pornographic magazine and the principal content is of photographs of single female nudes with particular emphasis on posing the models so as to display their genital regions. There is a significant photographic content of sexual activities between men and women. This magazine comes very close to being in a category of hardcore pornography, and the Tribunal is satisfied that it is injurious to the public good and classifies it as unconditionally indecent.

*Torso*, Vol. 2, No. 4; *Honcho*, Vol. 2, No. 13; *Playguy*, Vol. 4, No. 4; *Mandate*, Vol. 3, No. 33.

These four soft-covered magazines are aimed at the male homosexual market, although they vary somewhat in their content. The magazine *Mandate* contains a considerable number of serious articles of a non-sexual nature. The posed

nude photographs lack many of the objectionable features of some other magazines, and there is far less emphasis on the genital area than can be found in many of those other magazines. The Tribunal finds that an age restriction is all that is required in respect of this publication, as it would, in the Tribunal's view, be injurious to younger persons. Accordingly, the Tribunal classifies *Mandate*, Vol. 3, No. 33 as indecent in the hands of persons under the age of 16 years.

*Playguy*, Vol. 4, No. 4 is very similar in content to *Mandate*, and the Tribunal likewise finds in respect of this publication that an age restriction is all that is required and classifies it accordingly as indecent in the hands of persons under the age of 16 years.

*Honcho*, Vol. 2, No. 13 and *Torso*, Vol. 2, No. 4 contain what the Tribunal finds to be more explicit and more injurious material for younger readers than is contained in *Mandate* and *Playguy*, and accordingly classifies those two publications as being indecent in the hands of persons under the age of 18 years.

*Seventh Innings Sex*, *Political Passions*, *Wife's Wild Ways*, *Hung Stud*

These four publications are paperbacks of each approximately 180 pages in length. These books cannot be said to have any real story line, and we agree with the Comptroller of Customs in his submissions that they are really only a cheap vehicle for a collection of explicit sexual episodes.

The Tribunal is unanimous that the sexual content of these publications is such that they present sex in a purely salacious way and without any artistic merit in the books to otherwise balance what are the unfavourable features. The Tribunal is unanimous that each of these books is injurious to the public good and classifies each as unconditionally indecent.

Dated at Wellington this 16th day of December 1987.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

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Decision No. 24/87.

Reference No.: IND 9/87

### 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: *Fiesta* and *Knave* publications, Club International, Vol. 15, No. 8, 9, and 10; *Men Only*, Vol. 51, No. 4, 8, 9 and 10; *Sexual Positions*, *Centurians Latex Annual.*, Vol. 1, *The Whole Catalogue of Trainers and Gags*, *Discipline Helmets*, *TV Dream Fantasies* Collection 1 and 2:

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. A private importer in respect of *Centurians' Latex Annual*, Vol. 1, No. 1 and *TV Dream Fantasies* 1 and 2.

Mr Highley in respect of *Sexual Positions* and other publications.

### Decision

*Fiesta* and *Knave* Publications

These publications were imported by Waverley Publications in Auckland in or about December 1986. The publications were released in error by Customs and subsequently sold to Progressive Mail Order in Hamilton and that company very responsibly requested that they be submitted to the Tribunal for decision and classification. A seizure notice was accordingly issued by the Comptroller of Customs on 11