

February 1987 and the books submitted to the Tribunal for classification and decision.

Other issues of *Knave* and *Fiesta* were previously considered by the Tribunal, and were the subject of a decision which went to appeal before the full court of the High Court in Wellington. The full court in its decision referred the publications back to the Tribunal for further consideration, and a date for the hearing of that matter has yet to be determined with counsel for the publishers. Prior to the Tribunal hearing on 11 September 1987 application was made by the New Zealand solicitors for the English publishers and the New Zealand importers and distributors that the hearing in respect of these particular publications should be deferred and be heard conjointly with the publications which were referred back to the Tribunal by the full court. The Tribunal accepts that it would be pointless to deal with these particular publications separate from the other publications, and accordingly the decision on these matters is deferred until the further hearing of the Tribunal.

*Club International*, Vol. 15, Nos. 8, 9 and 10

These publications have been referred to the Tribunal by the Comptroller of Customs for classification and decision, and the record does not show through which port or on behalf of which Importer these publications came to notice. In his submission to the Tribunal on behalf of the Comptroller of Customs, Mr Wotherspoon pointed out that the magazine *Club International* had been classified unconditionally indecent in the Tribunal's Decision No. 876. Mr Wotherspoon submitted to the Tribunal that these books are predominantly concerned with the prurient and lewd aspects of sex, as can be seen by the contrived positions of the models and the repetitious portrayal of the female pelvic area. Mr Wotherspoon submitted that the magazines contain material of a kind which justified some form of age restriction. The Comptroller of Customs has also through Mr Wotherspoon submitted to the Tribunal that a serial restriction be imposed under the provisions of section 15A of the Indecent Publications Act 1963.

The magazines consist principally of portfolios of photographs of various models largely undressed. The magazines also contain interviews and indepth studies of individuals, readers' letters and commentaries by some of the models in the portfolios about their sexual activities and fantasies.

The Tribunal agrees with the submission of the Comptroller of Customs and classifies each of these magazines as indecent in the hands of persons under the age of 18 years. The Tribunal agrees with the submission on behalf of the Comptroller of Customs that this is an appropriate publication to receive a Serial Restriction Order in terms of the provisions of section 15A of the Indecent Publications Act 1963 and orders accordingly.

*Men Only*, Vol. 51, Nos. 4, 8, 9 and 10

The record does not show how these particular publications came before the Comptroller of Customs, but they have been referred to the Tribunal for classification and decision. In the submission of Mr Wotherspoon on behalf of the Comptroller, he points out that *Men Only* publications have been submitted to the Tribunal on numerous occasions resulting in Decisions 876, 1034, 1041 and 24/84. In Decision 24/84 the Tribunal imposed a Restriction Order under section 15A of the Indecent Publications Act declaring the publications as unconditionally indecent for a period of 2 years. That Serial Restriction Order took effect from December 1984 and concluded in December 1986. Mr Wotherspoon pointed out to the Tribunal that these publications, although similar to the issues classed as unconditionally indecent by the Tribunal in the past, lack the multiple model lesbian scenes which were of particular concern to the Tribunal on the previous occasions when these publications were considered.

The Tribunal does express its concern that many of the

photographs in these issues depict naked females in contrived and unnatural posing, with emphasis on the genitalia.

The Tribunal reaches the unanimous decision that these particular issues should be classified as indecent in the hands of persons under the age of 18 years, as they contain material which could well be injurious to the younger reader.

*Sexual Positions* by Hans Richter

This publication was privately imported through Christchurch Airfreight on 29 November 1986. It was seized by the Collector of Customs and the Importer has subsequently disputed forfeiture. The publication has been submitted to the Tribunal for classification and decision prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. The importer, Mr Highley, owns a bookshop in Dunedin, and he informed the Tribunal that he visits Australia to purchase copies of magazines for resale in New Zealand and he also has sent to him either solicited or unsolicited magazines from his Australian suppliers. These particular publications, having been imported by Mr Highley, were at his request referred to the Tribunal for classification and again he is to be commended for his responsible attitude to these matters.

*Sexual Positions* was first submitted to the Tribunal on 11 March 1980, and in Decision No. 945 it was classified as unconditionally indecent. The Tribunal, in its decision, stated that the author had, in its view, no other motive than that of promoting sexual practices. The publication lacked, in the view of the Tribunal in that decision, honesty of purpose.

The publication contains an almost equal content of photographs and text.

The Tribunal is satisfied that this publication cannot justifiably be granted a limited distribution classification as being a serious manual in respect of sexual techniques or for therapeutic use. The Tribunal is satisfied that the publication lacks any honesty of purpose and believes that it is simply intended as a commercial venture to attract the interest of the prurient. The Tribunal believes that the publication is injurious to the public good and classifies it as unconditionally indecent.

*Centurians Latex Annual*, Vol. 1, *The Whole Catalogue of Trainers and Gags, Discipline Helmets, TV Dream Fantasies* Collection 1 and 2.

These publications were privately imported through Parcels Post, Auckland in March and April 1986. 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.

The Comptroller of Customs, in his submission through Mr Wotherspoon, invites the Tribunal to consider that the publications are similar in content to other bondage magazines which have been classified as unconditionally indecent by the Tribunal in earlier decisions. The Tribunal is in unanimous agreement with that submission. *The Trainers and Gags Catalogue, Discipline Helmets* and *Latex Annual* publications all contain various forms of sexual activity in which bondage and rubber fetishism play a predominant part. As was said in Decision No. 933 in respect of similar publications:

"The motive for all these publications is to excite a perverse—and indeed perverted—sexual interest through fantasies of sexual violence. Although the editors and publishers write of 'bondage literature' as though it is a serious genre, it is obvious that there is a particularly vicious kind of depravity in arousing fantasies that depend on the violation of human-beings reduced to the level of objects."

*TV Dream Fantasies* Collections 1 and 2 are a presentation of short stories by various authors most, if not all, of which deal with transvestism, bondage and female domination. The dominant effect as a whole of all of these publications is to