

disputed forfeiture the publication has been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is similar to a large number of publications coming before the Tribunal and consists almost entirely of photographs which utilise large breasts as a theme. The photographs are of the single female model and in some of the photographs there is an emphasis on the genital area. There is also in the publication a considerable amount of written material consisting of letters, short stories and articles, most of which are of a sexual nature.

The Tribunal has previously considered an earlier volume of this publication and in Decision No. 6/86 classified *Gem* Vol. 27, No. 4 of December 1985 as indecent in the hands of persons under the age of 18 years. The Tribunal is satisfied that the material in this particular publication would be injurious to younger readers and classifies this issue as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 15th day of November 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunals.  
go14366

Decision No. 47/88

Reference No.: IND 34/88

### 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 publication: *Inches*, January, May, June, October 1986:

*Chairman:* Judge R. R. Kearney.

*Members:* R. Barrington, A. J. Graham and S. C. Middleton.

Hearing at Wellington on the 13th day of October 1988.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. No appearance by or on behalf of importer.

### Decision

Although there was no appearance by or on behalf of the importer the Tribunal received and considered a memorandum of submissions presented by counsel for Lawrence Publishing, G. A. Ireland. Mr Ireland in his submission requested that the magazine be given an R18 classification and also sought a serial restriction order pursuant to section 15A of the Indecent Publications Act. The publications were imported through the port of Auckland in May 1988. The Collector of Customs having seized the magazines in question the importer has disputed forfeiture and they have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The magazines are lifestyle publications aimed at the male homosexual market and they consist principally of articles, letters, cartoons and photographic sequences of nude or near nude males.

The Tribunal has considered earlier issues of this publication and in Decisions 5/87 and 13/88 classified those earlier editions as indecent in the hands of persons under 18 years of age. The Tribunal is satisfied that that classification is appropriate in respect of these particular issues and classifies each as indecent in the hands of persons under the age of 18 years.

The Tribunal would have been prepared to make a serial restriction order had it not been for the content of the January 1986 issue which came close to receiving an unconditionally indecent classification from the Tribunal. The reason for the Tribunal's concern in respect of that particular issue was its depictions of oral and anal sex on pages 35 to 38. The Tribunal wishes to indicate to the importer and distributor that

it will consider a section 15A serial order in respect of future editions of the magazine provided that their content is consistent with the May, June and October 1986 editions and lacks the type of material which caused the Tribunal to have concern over the January 1986 issue.

Dated at Wellington this 15th day of November 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go14367

Decision No. 48/88

Reference No.: IND 35/88

### 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 publication: *Hong Kong* 97 Issue 135:

*Chairman:* Judge R. R. Kearney.

*Members:* R. Barrington, A. J. Graham and S. C. Middleton.

Hearing at Wellington on the 13th day of October 1988.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. Mr Highley, importer, trading as Exchange Traders.

### Decision

This publication was imported in June 1988 through the port of Dunedin. The Collector of Customs having seized the magazine the importer has disputed forfeiture. The magazine has been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The magazine consists of colour photographs of single female models with a minimal text written in Chinese. The Tribunal agrees with the submission made by both Mr Wotherspoon and Mr Highley that the photographs are restrained and that a classification of indecent in the hands of persons under 16 years of age is appropriate. The Tribunal classifies the publication accordingly.

Dated at Wellington this 15th day of November 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go14368

Decision No. 49/88

Reference No.: IND 38/88

### 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 publication: *True Blue* No 4:

*Chairman:* Judge R. R. Kearney.

*Members:* R. E. Barrington, A. J. Graham and S. C. Middleton.

Hearing at Wellington on the 13th day of October 1988.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. G. F. Ellis for importer, Gordon and Gotch (NZ) Ltd.

### Decision

This publication was imported through Auckland seafreight on 19 July 1988 and it having being seized by the Collector of Customs the importer has disputed forfeiture. The publication has accordingly been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

True Blue Issue No 3 was submitted to the Tribunal at the last hearing of the Tribunal on 28 July 1988 where it was described as a soft version of an Australian magazine of