

that they were for his own personal use and not for circulation. The importer demanded the return of the items to him.

As indicated these publications were privately imported through Parcels Post Whangarei in April 1988. The magazines were seized by the Collector of Customs and the importer having disputed forfeiture they had been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The Tribunal has had occasion to consider earlier editions of Hustler magazines and on each occasion they have been classified an unconditionally indecent in Decision 18/87 and 13/86. In its Decision 18/87 the Tribunal noted that "the magazines are well produced and contain a mixture of articles reviews, humour and fiction. Some of this material is of a very high standard and certainly unobjectionable in terms of the Indecent Publications Legislation. Much of the content is obviously well researched and certainly well written, and makes for interesting reading. The Tribunal is unanimous in its finding, however, that a significant amount of material in these publications is clearly indecent in terms of the Indecent Publications Act. There are photographs of many persons engaged in a variety of sexual activity, and of female models engaged in lesbian sexual acts. In addition, there are numerous photographs of a single female model where the poses are clearly designed to emphasise the genitalia, and in many of those photographs those depictions themselves have caused some of the members of the Tribunal at least to consider whether they would justify an indecent classification for the publication."

The Tribunal finds that the same comments apply to the present volume of Hustler which is before it for determination and accordingly classifies that particular addition as unconditionally indecent.

The publication Swank is a magazine which contains pictorial portrayls of sexual intercourse, sodomy, oral sex and a variety of other sexual acts. There is a limited amount of text in the publication and that text is almost entirely related to matters of sex.

The book is entirely lacking in literary or artistic merit and the Tribunal is satisfied that it is predominantly concerned with the prurient and lewd aspect of sex. The Tribunal finds that this publication would be injurious to the public good in terms of the legislation and classifies it as unconditionally indecent.

Dated at Wellington this 15th day of November.

R. R. KEARNEY.  
go14373

Decision No. 54/88

Reference No.: IND 42/88

### 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: *Friction* (August 88); *Friction* (September 88); *Friction* (October 88); *Colt Men* No. 5; *Colt Men* No. 6; *Drummer* No. 117:

**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. No appearance by or on behalf of importer.

### Decision

Although there was no appearance by or on behalf of the importer the Tribunal received a memorandum of submissions by G. A. Ireland, counsel for Lawrence Publishing, and it gave

consideration to those submissions when considering the classification to be given to these various publications.

These publications were commercially imported in June 1988 at Auckland Parcels Post and having been seized by the Collector of Customs the importer disputed forfeiture. The publications have been referred to the tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*Colt Men*, Issue No. 5 and 6

This publication is now the subject of a serial restriction order classifying it as indecent in the hands of persons under the age of 18 years and both of these issues are covered by that classification.

*Drummer*, Issue 117

An earlier edition of *Drummer* has been the subject of an unconditionally indecent classification and that decision is now the subject of an appeal to the High Court. A subsequent edition has been given the same classification of unconditionally indecent and the Tribunal is satisfied that the present issue must receive a classification of unconditionally indecent and so classifies it.

In his written submission in respect of this particular publication Mr Ireland suggested that Tribunal may feel that circulation restriction might be appropriate with, for example, a condition that the magazine not be displayed for sale or distribution or alternatively that it be available by mail order only. The Tribunal was unanimous that it was unable to give effect to Mr Ireland's submission in that regard.

*Friction*, August, September and October 1988

At its July meeting the Tribunal considered the July 1988 issue of *Friction* and classified it as indecent in the hands of persons under the age of 18 years. In his written submission Mr Ireland asked the Tribunal to consider an R18 classification and also an R18 serial restriction order pursuant to section 15A of the Indecent Publications Act. The Tribunal agrees that the age restriction is justified and accordingly classifies each of these issues as indecent in the hands of persons under the age of 18 years. In the September issue of *Friction* there is a photograph content at pages 26 and 27 which caused concern because of some aspects of sadomasochism displayed in the photographs. Because of its concern in relation to that particular depiction the Tribunal is not at this particular stage prepared to issue a serial restriction order in respect of this publication.

Dated at Wellington this 15th day of November 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal  
go14374

Decision No. 56/88

Reference No.: IND 37/88

### 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: *Bra Busters* No. 9 & No. 10; *Bra Busters* No. 12; *Bra Busters* No. 16 & 17; *Bra Busters* Vol. No. 21; *Bra Busters* Vol. 6, No. 1; *Bra Busters* Vol. 6, No. 2; *38-26-34* Vol. 18, No. 3; *38-26-24* Vol. 20, No. 2; *Treasure Chests* Vol. 1, No. 3; *Treasure Chests* Vol. 1, No. 10; *Treasure Chests* Vol. 1, No. 11; *Big Busty Babe* Vol. 1, No. 3; *Big Busty Babe* Vol. 2, No. 1; *Bounce* No. 14 (1976); *Bounce* No. 19 (1980); *Peaches Special* No. 26; *Tits 4 U*, Vol. 4, No. 3; *Floppers* Vol. 2, No. 4; *Floppers* Vol. 3, No. 4; *Sza-Sza* Vol. 1, No. 1; *Busty* Vol. 1, No. 3; *Busty* Vol. 1, No. 8; *Busty* Vol. 1, No. 10; *Big Girls* Vol. 2, No. 10; *Big Girls* Vol. 2, No. 12; *Big Girls* Vol. 2, No. 9; *Big Juicy Jugs* Vol. 1, No. 1; *Big Juicy Jugs* Vol. 5, No. 2; *The Best of Gent*, Special No. 5; *Gent*, *Super Stars Special* No. 4; *Gent*,