

sex. The Tribunal is satisfied that these publications equate in their explicit portrayal and presentation of sexual acts with the range of hardcore heterosexual magazines which have previously been classified as unconditionally indecent in many Tribunal decisions. The Tribunal accordingly classifies these particular publications as unconditionally indecent.

Prisoner of Lust

This publication is a magazine which contains numerous photographs of males engaging in simulated acts of sex, including oral sex and anal sex. The feature of the publication which causes considerable concern to the Tribunal is the depiction of both bondage and sado-masochism. The Tribunal is satisfied that this publication is injurious to the public good and classifies it as unconditionally indecent.

Foxhunt 2

This publication consists of a series of photographs of nude or semi-nude single male models. A number of the models depicted in the book are of males in a state of erection. The Tribunal is satisfied that this book would be injurious to younger readers, and accordingly classifies this book as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 7th day of April 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go5439

Decision No. 3/88

Reference No.: IND 19/87

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 publication: *Sir Bizarre* No. 39; *Kinky Sex* 421; *Punished*, Vol. 1, No. 1; *Slaves of Anal Sex*; *Reflections*, Vol. 7, No. 3; *Diana*, Vol. 1, No. 3:

Chairman: Judge R. R. Kearney.

Members: R. Barrington and A. J. Graham.

Hearing at Wellington on the 4th day of December 1987.

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

Decision

These publications were privately imported through Christchurch Airport in the importer's personal baggage on 18 April 1987. The publications were seized because it was considered that they were outside the guidelines which the Tribunal has set in relation to indecent publications. The importer has disputed forfeiture of the goods and they have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Punished, Vol. 1, No. 1; *Kinky Sex* 421; *Sir Bizarre*, No. 39

These publications consist entirely of photographic sequences of nude or partially clad males and females, with considerable emphasis on the genitalia. The magazine portrays sexual encounters in pictorial form with explicit photographs showing sexual intercourse, sodomy and oral sex, some of it with a bondage theme. The little written material contained in the publications relates almost entirely to a description of a series of sexual adventures. The Tribunal is satisfied that these publications are injurious to the public good and classifies each as unconditionally indecent.

Slaves of Anal Sex

This publication, as its name implies, concentrates on the depiction of anal sex. The Tribunal considers this publication to be in the hardcore pornography range and is satisfied that it

would be injurious to the public good. The Tribunal classifies this publication as unconditionally indecent.

Reflections, Vol. 7, No. 3; *Diana*, Vol. 1, No. 3

These two publications concentrate on the bondage and sado-masochism aspects of sexual relationships. As is stated by the Tribunal in Decision 1/87 of 6 January 1987, "the Tribunal is unanimous that such displays of bondage and violence against both male and female represent a real and patent danger to the public of a kind that is clearly injurious to the public good." The Tribunal classifies both of these publications as unconditionally indecent.

Dated at Wellington this 7th day of April 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go5440

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Decision No. 1/88

Reference No.: IND 27/87

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: *Advocate*; *Colt Studio*; *Olympus* Issue 10; *Spurs* Issue 13:

Chairman: Judge R. R. Kearney.

Members: R. Barrington and A. J. Graham.

Hearing at Wellington on the 4th day of December 1987.

Appearances: M. J. Wotherspoon on behalf of Comptroller of Customs G. A. Ireland on behalf of importer (Lawrence Publishing Co. of NZ Ltd.).

Decision

These publications were commercially imported at Auckland in October 1987 and subsequently seized by the Collector of Customs at Auckland. The importer, Lawrence Publishing Co. of NZ Ltd., has disputed forfeiture of the publications and they have been referred to the Tribunal by the Comptroller prior to commencement of condemnation proceedings pursuant to the Customs Act 1966. All of these magazines are clearly directed at the male homosexual market and are principally magazines containing photographs of male models in a variety of poses. The great majority of the photographs are of a single model, but in some of the publications, in particular *Advocate Men*, multiple model scenes are displayed.

Mr Wotherspoon, on behalf of the Comptroller, expressed concern as to some of the bondage and excessive intimacy scenes as portrayed in *Advocate Men*, and the Tribunal gave very careful consideration to the particular publications which caused concern, and although those publications were indeed borderline the Tribunal has on this occasion been prepared to classify all of the *Advocate Men* publications as indecent in the hands of persons under the age of 18 years. The remaining publications, namely *Colt*, *Olympus* and *Spurs*, consist in the main of photographs of single male models in a variety of poses and there is very little text accompanying those photographs. The Tribunal is satisfied that these publications could be injurious to persons under the age of 18 years and accordingly classifies each as indecent in the hands of persons under the age of 18 years.

That which concerned the Tribunal in respect of all of these publications, and in fact the great majority of the publications dealing with homosexual males, is the lack of any editorial or other comment about matters relating to safe sex. The Tribunal considers that as AIDS is such a major problem throughout the world and, in particular, amongst the homosexual males in the community, that there is an obligation on the part of publishers producing magazines for the male homosexual market to provide some practical comment and advice on the matter of safe sex.