

Any person who has any interest in this vehicle must advise this office within 7 days of this advertisement.

E. C. J. GOULD, Registrar.

District Court, Private Bag J, Hastings.  
go148

### Confiscation of Motor Vehicle

Pursuant to Section 84 (2) of the Criminal Justice Act 1985, an order was made in the Napier District Court on 6 December 1988 against Moetu Longtime for the confiscation of the following motorcycle:

Yamaha XT400 registration No. 21PPX.

B. P. MUDGWAY, Deputy Registrar. 2  
go46

## Indecent Publications Act 1963

Decision No. 41/88

Reference No.: IND 24/88

### 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: *Shiny* Vol. 1, No. 3, *Shiny*, Vol. 1, No. 25, *Shiny*, Vol. 1, No. 10, *Shiny*, Vol. 1, No. 26, *Shiny*, Vol. 1, No. 11, *Shiny*, Vol. 1, No. 24, *Shiny*, Vol. 1, No. 12, *Shiny*, Vol. 1, No. 27, *Shiny*, Vol. 1, No. 13, *Shiny*, Vol. 2, No. 1, *Shiny*, Vol. 1, No. 14, *Shiny*, Vol. 2, No. 2, *Shiny*, Vol. 1, No. 15, *Shiny*, Vol. 2, No. 3, *Shiny*, Vol. 1, No. 16, *Shiny*, Vol. 2, No. 4, *Shiny*, Vol. 1, No. 17, *Shiny*, Vol. 3, No. 3, *Shiny*, Vol. 1, No. 18, *TV Queens*, Vol. 2, No. 2, *Shiny*, Vol. 1, No. 19, *Drag Queens*, Vol. 4, No. 2, *Shiny*, Vol. 1, No. 20, *Transvestite Transformed*, Vol. 1, No. 4, *Shiny*, Vol. 1, No. 21, *Queens of Drag*, Vol. 2, No. 2, *Shiny*, Vol. 1, No. 22, *Queens Night In*, Vol. 1, No. 1, *Shiny*, Vol. 1, No. 23, *Bizarre Review*, Vol. 16, No. 2, *Command*, Vol. 4, No. 3:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of July 1988.

Appearances: M. J. Wotherspoon for Comptroller of Customs. Mr Highley the Importer trading as Exchange Traders of Dunedin.

### Decision

These publications are a part of a substantial commercial importation by Exchange Traders Dunedin in March of 1988. The Collector of Customs seized these particular issues from that consignment and the importer has subsequently disputed forfeiture of them. The publications in question have therefore been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

In his submission to the Tribunal on behalf of the Comptroller of Customs, Mr Wotherspoon states:

"The publications submitted to the Tribunal in this submission are primarily concerned with female domination, bondage and elements of transvestism. All of these publications rely heavily on photographs to appeal to the prurient interests and it is considered that none of the magazines display sufficient artistic merit to offset their sexual content. Much of the written material is of a coarse and lewd fashion which includes letters from readers, stories and commentaries on sexual techniques."

*Drag Queens*, Vol. 4, No. 2 & *TV Queens*, Vol. 2, No. 2

A previous issue of *Drag Queens* being, Vol. 4, No. 3, was submitted to the Tribunal in December 1986 and in Decision

3/87 it was classified as indecent in the hands of persons under the age of 18 years. The Tribunal also placed a further restriction on that publication in that it was not to be publicly displayed for sale. Were it not for the final ten pages of this particular issue a similar classification and a similar restriction would have been given to the publication by the Tribunal. Those final ten pages contain a number of displays of sexual intimacy between the models displayed of such a nature that the Tribunal is satisfied that the whole publication would be injurious to the public good. The publication can not claim for itself any literary or artistic merit and the Tribunal classifies that publication as unconditionally indecent.

*TV Queens* Vol. 2, No. 2, is a volume of a magazine which is published quarterly by Holly Enterprises (USA). This particular publication contains numerous photographs portraying sexual activity including both oral and anal sex between the models portrayed. The Tribunal is satisfied that there is nothing which was otherwise of a balancing nature in the material presented and that which is presented can only be termed as coarse in the extreme. The Tribunal is satisfied that the overall tenor of the publication is such as to make it injurious to the public good and classifies it as unconditionally indecent.

*Queens of Drag*, Vol. 2, No. 2 and *Queens Night in Vol. 1, No. 1*

These two publications consist principally of photographs of a single male model partly dressed in female attire. There is a small amount of text with most of that being a description of the person depicted in the photographs. The nature of the presentation is such that the Tribunal is satisfied that it is likely to be injurious to younger readers and accordingly classifies each of these publications as indecent in the hands of persons under the age of 18 years.

*Transvestite Transformed*, Vol. 1, No. 4

A previous issue of this publication was submitted to the Tribunal in March 1983, when issue Vol. 2, No. 2, was classified as unconditionally indecent in Decision 1070. Those aspects of the publication which have caused great concern to the Tribunal are the depictions of bondage which are evident throughout most of the early part of the magazine. In addition there is a treatment of topics such as incest and rape of a nature which causes grave concern to the Tribunal. The Tribunal is satisfied that these publications contain a significant amount of material which would be injurious to the public good and accordingly classifies this publication as unconditionally indecent.

*Bizarre Review* No. 16, *Command*, Vol. 4, No. 3

Both of these publications contain significant depictions and treatment of the topics of violence and spanking of such a nature that those matters alone would require in the Tribunal's view a classification of unconditionally indecent. There are additional features however which cause the Tribunal concern including the topic of letters from readers in which those readers deal in an explicit and repetitious way with a great variety of sexual episodes. As indicated the Tribunal is satisfied that these publications are injurious to the public good and classifies each as unconditionally indecent.

### Shiny Publications

These magazines are published by G & M Fashions (Leisure) Ltd. of the United Kingdom and consist of photographic material and text. The theme of the publications is the use of rubber clothing and accessories in a variety of sexual activities. The text of these publications include letters from readers in which they relate their experiences of sexual activity and the short stories which are contained in the publication are of a similar nature. The publication is well presented and is obviously of high quality in terms of the actual presentation but it contains material which the Tribunal is satisfied is injurious to the public good. Throughout the publications