

Big Mamas, Vol. 2, No. 1—This publication contains a sequence of a model sexually stimulating herself with a sexual device, some pictures of models who appear to be engaged in masturbation and one photographic sequence under the title "Baby Fat" which carries with it the clear inference that the model displayed is in fact quite a young girl. The Tribunal is satisfied that each of these matters is sufficient of its own to make a classification of unconditionally indecent justified.

Ginger Lynn, Vol. 1, No. 1—Again this magazine contains advertisements displaying models from the covers or contents of other magazines which clearly, in the Tribunal's finding, contain depictions which would be injurious to the public good. There is also, in this particular magazine, a presentation of a model in a child-like role and that too causes considerable concern to the Tribunal. For the reasons indicated, this publication is classified unconditionally indecent.

Crotches, Vol. 3, No. 2—This publication is similar to most of the others under the Comptroller of Customs' schedule A in that it contains coarse text, contrived poses so as to expose the open genitalia of the female models displayed, but that which causes the majority of the Tribunal to consider that an indecent classification is justified, is the genital manipulation and one particular photograph where the model has engaged in labial piercing. In relation to that aspect the Tribunal has consistently held that such practices are potentially dangerous, particularly to impressionable people and it classifies this particular publication as unconditionally indecent.

Sexy & Shaved, Vol. 1, No. 4—Again this publication is similar to the others under the Comptroller's schedule A in that it contains coarse text and contrived posing to expose the open genitalia area of the female models. This particular publication, however, has some aspects of masturbation and the use by one model of the handle of a razor for what seems to be masturbatory purposes. The Tribunal finds this particular publication accordingly unconditionally indecent.

Assholes, Vol. 2, No. 2—Again in addition to the coarse text and over exposure of the genitalia in a contrived way, this publication contains elements of masturbation, a dildo and the use of a stiletto heel which indicates to the Tribunal a clear intention to portray not only stimulation but penetration of the vagina by that particular heel. For these reasons the Tribunal classifies this particular publication as unconditionally indecent.

3. *Pussy Fingers*, Vol. 1, No. 3; *Playful Pussy*, Vol. 1, No. 1; *Finger Frigging*, Vol. 6, No. 3; *Oriental Pussy*, Vol. 2, No. 2; *Super Hot Shots*, No. 32; *Shaved Pussy Pkers*, Vol. 1, No. 1; *Toy Loving Lesbians*, Vol. 1, No. 2; *Lez Lovers*, Vol. 5, No. 2; *Lez Lovers*, Vol. 5, No. 3; *Lez Acts*, Vol. 4, No. 4; *Lez Acts*, Vol. 5, No. 1; *Girls Loving Girls*, Vol. 5, No. 4; *Lesbian Fever*, Vol. 1, No. 3; *Girlfriends*, Vol. 1, No. 1; *Lesbian Dildo Heat*, Vol. 1, No. 1; *Lesbian Girls*, Vol. 7, No. 3; *Lesbian Girls*, Vol. 8, No. 1; *Room-Mates*, Vol. 10, No. 1; *Scissor Sisters*, Vol. 1, No. 1; *Barbiis Babes*, Vol. 1, No. 1; *Lesbian Lust*, Vol. 3, No. 2; *Playful Lesbians*, Vol. 1, No. 1; *Licking Lesbians*, Vol. 6, No. 1; *Licking Lesbians*, Vol. 5, No. 4; *Oriental Lesbian Heat*, Vol. 1, No. 1; *Lickin' Lovin' Lezzies*, Vol. 1, No. 4; *Girl on Girl*, Vol. 1, No. 4; *Black and White Lesbians*, Vol. 1, No. 1:

This group of publications are also magazines, but most of them contain photographs of either 2 or more female models in scenes of excessive intimacy or single models in the act of masturbation and genital manipulation. Considerable emphasis is placed on genital exposure and the various aspects of oral sex and lesbian activity. In his written submission to the Tribunal Mr Cheeseman suggested that the titles of the magazines made it quite clear that they were aimed at the lesbian market. In his

personal appearance before the Tribunal Mr Cheeseman advised the Tribunal that further discussions which he had with other members of the importing company now satisfied him that the publications were in fact aimed at the male heterosexual rather than the lesbian market. In the course of his written submission Mr Cheeseman suggested:

"It may well be time for the Tribunal to redefine the broad criteria that it applies in classifying magazines and books in New Zealand and it may well be time that part of that redefinition depictions of a sexual act are not indecent because of the portrayal of the sexual act itself but because there are elements in the photograph or drawing or whatever which are injurious to the public good such as violence, child abuse, bestiality, etc., etc."

At least one member of the Tribunal has indicated a certain sympathy with that submission but the majority of the Tribunal are not at this stage prepared to make such a sweeping change to the criteria under which it appraises the material which comes before it. The Committee of Inquiry into Pornography has heard a considerable amount of evidence in relation to that very matter and it may well be that some statutory alterations to the censorship process may look with some sympathy on that particular submission. I do not wish to speak for any other members of the Tribunal but I can indicate that as chairman I would find it very difficult to accept that there was a justifiable reason to change the principles and precedents upon which the Tribunal has functioned reasonably satisfactorily, I believe, for so many years. The Tribunal finds that all of these publications under this particular subheading are injurious to the public good and are accordingly subject to an unconditionally indecent classification.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22673

Decision No. 48/89

Reference No.: IND 22/89

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: *Foxhunt*, Issues 6 and 7; *All Muscle*, Issue No. 2; *Leather Masters*:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 26th day of April 1989.

Appearances: M. J. Wotherspoon for Comptroller of Customs, no appearance by or on behalf of importer—memorandum of submissions received from G. R. Ireland.

Decision

These publications were commercially imported through Auckland sea freight on or about 23 February 1989 and were seized with another publication by the Collector of Customs. The importer having disputed forfeiture, the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

All 4 publications are directed towards the male homosexual and are principally magazines containing photographs of nude male models in a variety of poses with the emphasis on the genitalia.

In respect of *Fox Hunt*, Issues 6 and 7 and *All Muscle*,