

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22678

Decision No. 51/89

Reference No.: IND 27/89

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 publication:
Drummer, No. 127, April 89:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 5th day of July 1989.

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

Decision

This publication was commercially imported through parcel post Auckland on 4 April 1989 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publication was referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

In his submission to the Tribunal Mr Wotherspoon submits that this particular issue contains matters which might concern the Tribunal and in particular an article entitled "Shadow Soldiers" on pages 24 through to page 35 with its concentration on bondage, violence and brutality.

Previous issues of this magazine have been classified as unconditionally indecent by the Tribunal and in decision 21/89 the Tribunal gave such a classification and a 2-year serial restriction order in terms of that classification from 18 May 1989. This particular issue of *Drummer*, having been imported prior to the restriction order being in force, has been submitted to the Tribunal under the provisions of section 14 of the Indecent Publications Act 1963. The Tribunal is satisfied that this publication contains material which is injurious to the public good and classifies it as indecent.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22679

Decision No. 52/89

Reference No.: IND 26/89

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: *Iron Maiden Mother; A Librarian's Training; Two Daughters to Torture; A Mother Like No Other; Mom Got it Both Ways; Family Favourites; The Urge Mothers Have; A Mothers Nature; My Hot Sucking Mom; Horse Hungry Mother; Moms Loving Niece; Oooh! Mommy Dearest; A Peek at the Neighbors*. Publisher: Greenleaf Classics Inc. (U.S.A.):

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 5th day of July 1989.

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

Decision

These publications were privately imported through Auckland on 11 April 1989 and having been seized by the Collector of Customs and the importer having disputed forfeiture they have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

These paperback publications pose under the guise of novels. They each are approximately 150 pages in length and are printed in the United States of America by Greenleaf Classics Incorporated. All of the books are similar in presentation and their content is of a graphic sequence of sexual encounters which cover a wide range of explicit sexual activities including incest, sexual relations between humans and animals, sex with minors, bondage, and a number, in some cases, of extremely violent rape scenes.

The Tribunal has previously considered similar material and has never been in any doubt that it represents the very lowest form of hardcore pornographic literature and that it is of the kind which would clearly be injurious to the public good.

The Tribunal classifies each of these publications as unconditionally indecent.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22680

Decision No. 53/89

Reference No.: IND 7/89
and Decision 24/89

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 publication:
Advocate, 21st Birthday:

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. Written submissions by G. R. Ireland, counsel for the Lawrence Publishing Company NZ Limited.

Supplementary Decision

At its hearing on 26 April 1989 the Tribunal had reached a decision in relation to this publication, but unfortunately it had been overlooked that there was a memorandum of submissions on the file presented by Mr Ireland on behalf of the Lawrence Publishing Company NZ Limited. A decision to that effect was issued on 18 May 1989 and all of the members were then circulated a copy of Mr Ireland's submission.

This publication was part of a commercial importation by air freight through Auckland in December 1988. The Collector of Customs having seized the publication, the importer subsequently disputed forfeiture and the publication was referred to the Tribunal for classification prior to 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 suggested that an age restriction of indecent in the hands of persons under the age of 18 years may be appropriate for this magazine. That which caused the Tribunal some concern in relation to this particular publication was a small feature dealing with bondage and containing some drawings of a particularly objectionable kind in relation to that topic. The end result is that the Tribunal has reached the conclusion that, looking at the overall content of the magazine, the recommendation by the Comptroller and supported by Mr