

Ireland on behalf of the importer would suffice. Accordingly, this publication is classified as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22681

Decision No. 54/89

Reference No.: Dec. 14/89
(Supplementary IND 1/89)

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: *Eros in the Country*.

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 general manager, Double Day New Zealand Limited—importer.

Supplementary Decision

As indicated in the original decision 14/89, only 2 members of the Tribunal had had the opportunity of reading this publication and a final decision in relation to it had to be deferred until the next hearing of the Tribunal, which took place on 5 July 1989.

This publication was commercially imported through Auckland sea freight on or about 21 November 1988 and was seized with another publication 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, on behalf of the Comptroller of Customs, Mr Wotherspoon suggested to the Tribunal that the publication was well produced in the sense that it was a good quality paper and had a professional presentation. The book is written in the style of a nineteenth century erotic novel and is the alleged account of the sexual activities of 2 males and a female. The publication is written anonymously. There are certain aspects of the book which cause the Tribunal, as it did the Comptroller, concern and they are in particular the references to homosexual rape of a minor, incest and sex between minors. Despite those features, the Comptroller had suggested to the Tribunal that a classification as indecent in the hands of younger readers would probably be appropriate.

All of the members now having read this publication find that they agree with the Comptroller's recommendation and classify this particular publication as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22682

Decision No. 55/89

Reference No.: Dec. 32/89
(Supplementary Decision)
IND 61/88

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: *The*

Best of Escort, No. 11; *Escort*, Vol. 7, No. 13; *Escort*, Vol. 7, No. 12; *Escort*, Vol. 7, No. 11; *Escort*, Vol. 7, No. 9; *Escort*, Vol. 7, No. 7; *Escort*, Vol. 7, No. 4; *Escort*, Vol. 6, No. 4; *Escort*, Vol. 6, No. 3:

Chairman: Judge R. R. Kearney.

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

Hearing at Auckland on the 8th day of December 1988. Chambers hearing on the 5th day of July 1989.

Appearances: M. J. Wotherspoon for Comptroller of Customs, G. F. Ellis for Gordon and Gotch Limited. No appearance on behalf of original importer Progressive Mail Order.

Supplementary Decision

As indicated in decision No. 32/89, issued on 18 May 1989, Mr Ellis who was then appearing for Gordon and Gotch and not for the importer requested the Tribunal to consider making a serial restriction order in respect of this particular publication. In the original decision the Tribunal stated that it would defer the question of making a serial order until the first meeting of the Tribunal in 1989.

On the 5th day of July Mr Ellis and Mr Wotherspoon appearing on behalf of the Comptroller of Customs both saw me in Chambers and raised the question of the application for the serial restriction order. Mr Wotherspoon supported the making of such an order and I accordingly referred the matter back to the members of the Tribunal who are listed on this decision and who were at that time sitting at Wellington and considering decisions to be made following the hearing at Wellington on 5 July.

Mr Ellis provided the Tribunal with additional copies of the publication *Escort* and after further considering those publications the Tribunal is now satisfied that the requirements in order to qualify for the making of a section 15A order have been complied with. Accordingly in respect of the publications before the Tribunal at its hearing in Auckland on 8 December 1988 and the subsequent copies produced for its consideration, the Tribunal makes an order in terms of section 15A of the Indecent Publications Act 1963 classifying this particular publication as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22685

Decision No. 56/89

Reference No.: IND 15/88

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: *Fancy's Leather and Vinyl Fashions*; *Bizarre Fashions*:

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, no appearance by or on behalf of importer.

Decision

These publications were privately imported at Hamilton in January 1988 and seized by the Collector of Customs. The importer having subsequently disputed forfeiture, the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

These publications are advertising catalogues for the Kayser