

Decision No. 60/89

Reference No.: IND 30/89

has reached the conclusion that a classification of unconditionally indecent should apply because of the real risk, as the members of the Tribunal see it, that some unsophisticated person might well try to emulate some of the mutilation and piercing illustrated and outlined in the publications, with tragic results. The Tribunal accepts however that there may well be people in the community with a genuine scholastic interest in conducting research into the topics of body piercing, mutilation and adornment and it has finally reached a conclusion that there should be a classification which would not inhibit that scholastic research.

Section 10 of the Indecent Publications Act 1963 gives to the Tribunal the function of classifying publications as indecent unless their circulation is restricted to specified persons or classes of persons or unless used for a particular purpose. Acting on the powers given to the Tribunal in terms of that function, the Tribunal makes the following classification in respect of all of these publications:

That each of these publications is classified as unconditionally indecent except in the hands of persons who satisfy the Comptroller of Customs that they have a genuine scholastic or research interest in the material which is the principal subject of these publications. The Tribunal also makes a serial order in terms of section 15A of the Indecent Publications Act 1963 in exactly the same terms in respect of the publications *FQ* and *PFIQ*.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22688

Decision No. 58/89

Reference No.: IND 32/89

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:
Cummin' Up, Vol. 1, No. 1, March 1989;

Chairman: Judge R. R. Kearney.

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

Appearances: M. J. Wotherspoon for Comptroller of Customs, no appearance by or on behalf of the importer. Written submission by G. A. Ireland, counsel for the Lawrence Publishing Company.

Decision

This publication was one of a number commercially imported through Auckland in April 1989 and seized by the Collector of Customs. The importer having subsequently disputed forfeiture this publication was referred to the Tribunal for classification prior to commencement of condemnation proceedings pursuant to the Customs Act 1966.

The magazine is one aimed at the male homosexual market and consists principally of photographs of 2 or more nude male models in a variety of poses. The photographs have a strong emphasis on the male genitalia and some of the scenes concentrate on either genital manipulation or anal and oral sex. The Tribunal has previously classified similar publications as unconditionally indecent and it is satisfied that this publication is injurious to the public good and accordingly classifies it as unconditionally indecent.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22689

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: *A Young Women's Guide to Sex*; *A Young Man's Guide to Sex*;

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 1987.

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

Decision

These publications were commercially imported through Auckland sea freight on 27 April 1989 and were 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 sex manuals written by authors Jay Gale and Jacqueline Boss who are reputedly well qualified to provide authoritative guidance in this area.

Both publications are similar in content and they include articles on sexual relationships, contraception, sexually transmitted diseases, aids, sexual responsibility and safe sex. The Tribunal members agree with the Comptroller of Customs in the submission presented by Mr Wotherspoon, that the publications are well written and informative with material which may assist the average member of society. The Tribunal further agrees with Mr Wotherspoon that the Contraception, Sterilisation and Abortion Act 1977 having restricted the age at which advice can be given on contraception to persons under the age of 16 years, these 2 publications must receive a classification of indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 4th day of August 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22693

Decision No. 61/89

Reference No.: IND 22/88

(Supplementary Decision)

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: *Penthouse Forum*, Issues January, April, May 1988; *Genesis*, Issues March, April, May 1988; *Gallery*, Issues March, May 1988; *Park Lane*, No. 17; *Parade*, Issues 72, 75, 76, 1988; *Parade Winter Special 1987*; *Glamour Girls*, Issues 11, 12, 13; *Mayfair*, Vol. 22, No. 8, Vol. 22, No. 11; *The Best of Mayfair*, No. 7; *Penthouse*, May 1988, Vol. 9, No. 5;

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, G. F. Ellis on behalf of publishers and on behalf of Gordon and Gotch (NZ) Limited, the New Zealand importer and distributor.