

Supplementary Decision

In decision 33/88 the Tribunal classified the *Mayfair* publications as indecent in the hands of persons under the age of 18 years. In that decision the Tribunal stated:

"in this publication there is a content which concerns the Tribunal, and it is not at this stage prepared to make a serial restriction order but would be so prepared if the publishers, importers and distributors agreed to a condition that the publication be shrink wrapped."

Since that decision which was presented on 3 November 1988 the Comptroller of Customs and Mr Ellis have made available to the Tribunal subsequent copies of *Mayfair** and the Tribunal has given further consideration to the request for a section 15A serial restriction order which is now supported by the Comptroller of Customs. Having considered these further issues of the publication the Tribunal is satisfied that it is appropriate that such an order be made and accordingly in respect of the serial publication *Mayfair* a restriction order is made classifying it 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.

*Vol. 23, No. 9, 10, 11 and 12; Vol. 24, No. 1, 2, 3, 4 and 5.
go22695

Decision No. 2/89

Reference No.: IND 15/89

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: *Genesis*, Vol. 16, No. 3, October 1988; *Genesis*, Vol. 16, No. 4, November 1988; *Videx Vixens*, Winter 1988 (*Best of Genesis*):

Chairman: Judge R. R. Kearney.

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

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

Appearances: M. J. Wotherspoon for Comptroller of Customs, G. F. Ellis for importer Gordon & Gotch (NZ) Ltd.

Decision

Genesis, Vol. 16, No. 3, October 1988 and Vol. 16, No. 4, November 1988

Contemporaneous with this decision the Tribunal has issued a decision in respect of the *Genesis* publications of November and December 1985, January and August 1986, March, April, August and November of 1987 and December and June of 1988 declaring those publications to be indecent in the hands of persons under the age of 18 years and at the same time it has made a serial restriction order in respect of the publication *Genesis* that that publication is indecent in the hands of persons under the age of 18 years. The Tribunal accordingly in respect of these publications makes the same decisions declaring both to be indecent in the hands of persons under the age of 18 years and that the publication *Genesis* be the subject of the issue of a serial restriction order declaring it to be indecent in the hands of persons under the age of 18 years.

Videx Vixens, Winter 1988 (*Best of Genesis*)

This publication together with the 2 numbers of *Genesis* referred to above was commercially imported through Auckland in November 1988 and seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications were all referred to the Tribunal for classification prior to the commencement of condemnation

proceedings pursuant to the Customs Act 1966. In addition to a number a photographic sequences of naked women this magazine as its name suggests contains sequences of what might be called the x-rated videos of the kind which has previously caused the Tribunal concern in respect of the publication of the magazine *Genesis*. Contemporaneous with this decision is a decision as indicated above granting a serial restriction order in respect of the magazine *Genesis* on the publishers undertaking to overprint the x-rated video sequences in its magazines in such a way as to mask that material. Because of the number of such sequences contained in this particular publication the Tribunal is satisfied that the publication is injurious to the public good and classifies it as unconditionally indecent.

Dated at Wellington this 1st day of May 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22701

Decision No. 3/89

Reference No.: IND 10/89

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: *Friends and Lovers*, Spring 1989:

Chairman: Judge R. R. Kearney.

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

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

Appearances: M. J. Wotherspoon for Comptroller of Customs, G. F. Ellis on behalf of importer Gordon & Gotch (NZ) Ltd.

Decision

This publication was commercially imported through parcels post at Auckland in December 1988 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publication has been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is made up mainly of a collection of photographs from the Amateur Erotic Photo Contest which is featured each month in the *Genesis* and *Gallery* magazines. The Tribunal has previously issued a serial restriction order for *Gallery* classifying it as indecent in the hands of persons under the age of 18 years in decision No. 33/88. In a decision being issued contemporaneously with this decision the Tribunal has issued a serial restriction order for *Genesis* classifying it as indecent in the hands of persons under the age of 18 years. Mr Ellis submitted to the Tribunal that an R18 classification is warranted for this particular publication and he also seeks a serial restriction order in terms of section 15A of the Act likewise classifying all publications under this series as indecent in the hands of persons under the age of 18 years.

The Tribunal is satisfied that there is material in this publication which would be injurious to younger readers and accordingly classifies it as indecent in the hands of persons under the age of 18 years. The Tribunal is also satisfied that there is a consistency in the publication of this particular magazine of such a nature as to justify the making of the serial restriction order. Accordingly in terms of section 15A of the Indecent Publications Act the Tribunal issues a serial restriction order classifying this particular publication *Friends and Lovers* as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 1st day of May 1989.