

R. R. KEARNEY, Chairman.
Indecent Publications Tribunal.
go22707

Decision No. 7/89
Reference No.: IND 12/89

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: *Playboy Presents 100 Beautiful Women*, *Playboys Book of Lingerie*, 1988, *Playgirl*, December 1988, *Genesis Girls/Girls*, Winter 1988, *Gem*, Vol. 30, No. 4, January 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. Ellis, for importer Gordon and Gotch (NZ) Ltd.

Decision

Playboy Presents 100 Beautiful Women

This is a magazine which consists largely of photographs of single female models some who are in the nude but the majority are partially clad. The Tribunal finds that this publication is discreet and modest in comparison with most of the material which comes before the Tribunal for consideration but nevertheless that it contains some material of a kind that could be injurious to younger readers. The Tribunal accordingly classifies this publication as indecent in the hands of persons under the age of 16 years.

Playboys Book of Lingerie, November/December 1988

In addition to this publication the Tribunal has had before it other issues of a sufficient number to consider a serial restriction order and such an order is requested by Mr Ellis on behalf of the importer and supported by the Comptroller of Customs. The Tribunal finds that this publication is also modest and discreet in comparison with most others and that it too presents the single female model mostly in a state of partial undress and as would be anticipated from the title mostly wearing some form of lingerie. The Tribunal is satisfied that this publication contains some material which would be injurious to younger readers and classifies it as indecent in the hands of persons under the age of 16 years. The Tribunal is also satisfied that it is appropriate that a serial restriction order be made in respect of this publication in terms of section 15A of the Indecent Publications Act 1963 and in terms of such a serial restriction order classifies all such publications as indecent in the hands of persons under the age of 16 years.

Playgirl, December 1988

This publication contains material which in the view of the Tribunal would be injurious to younger readers and classifies it as indecent in the hands of persons under the age of 18 years.

Gem, Vol. 30, No. 4, January 1989

In a decision issued contemporaneously with this decision the Tribunal has classified *Gem*, October 1986 and *Gem*, April 1988, as indecent in the hands of persons under the age of 18 years and made a serial restriction order to the same effect. For the same reasons the Tribunal classifies this particular volume as indecent in the hands of persons under the age of 18 years and likewise makes a serial restriction order in respect of the publication *Gem* declaring that publication to be indecent in the hands of persons under the age of 18 years.

Genesis Girls/Girls, Winter 1988

Mr Ellis on behalf of the importer has invited the Tribunal to consider the granting of a serial restriction order as this

particular publication is one of a series, a number of which the Tribunal has been able to consider.

The Tribunal considers that this magazine has material in it which would be injurious to younger readers and classifies it indecent in the hands of persons under the age of 18 years. The Tribunal is likewise satisfied that it is appropriate that a serial restriction order be made and accordingly in terms of section 15A of the Indecent Publications Act 1963, makes a serial restriction order declaring this publication printed as a serial publication to be indecent in the hands of persons under the age of 18 years.

Playboy Presents 100 Beautiful Women

In addition to the publication which was the subject of application under IND. 12/89, Mr Ellis made available to the Tribunal others in this which is a series of as he describes them as "one shots" with the same title. Mr Ellis with the support of Mr Wotherspoon on behalf of the Comptroller of Customs seeks an interim restriction order in terms of section 14A of the Indecent Publications Act 1963, in respect of those particular additional publications and he seeks a serial restriction order in terms of section 15A of that Act in respect of this series of publications. The Tribunal is satisfied that it can deal with both those applications on the basis that they are before the Tribunal for final orders. It has reached this conclusion because of the modest and discreet nature of the publications and because the spirit of the law if not indeed the full letter of the law has been complied with insofar as the Tribunal is concerned. In the event that the publisher and distributor are concerned to have final orders made then those publications can be considered at the next meeting of the Tribunal. The Tribunal accordingly as indicated makes an order that these further editions of *Playboy Presents 100 Beautiful Women* are to be classified as indecent in the hands of persons under the age of 16 years for the same reason as indicated for the earlier publication and it is likewise satisfied that it is appropriate that a serial restriction order be made classifying this publication as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 3rd day of May 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go22709

Decision No. 8/89
Reference No.: IND 54/88

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 publication: *Improvised Rocket Motors*:

Chairman: Judge R. R. Kearney.

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

Hearing at Auckland on the 8th day of December 1988.

Appearances: M. J. Wotherspoon for Comptroller of Customs. No appearance by importer.

Decision

This magazine was privately imported at parcels post at Whangarei in August 1988 and was seized by the Collector of Customs. The importer having disputed forfeiture the publication has been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is of a kind which occasionally comes before the Tribunal giving detailed instructions of how to produce improvised rockets and the preparation of propellants for use for irregular or guerilla type forces. The Tribunal is unanimous in its decision that such material is potentially most dangerous