

reader, amongst other things, that the editor is working on a book and also a thesis on Aids.

The whole tenor of the magazine is weird and disturbing but that of course is insufficient to classify it as either indecent or the subject for a restrictive classification. From a reading of the magazine one gains a very clear impression that it is all the work of one person and it is hard to escape the conclusion that that person is suffering from some major psychiatric malfunction or disorder.

In terms of section 11 of the Act the Tribunal is required to take into consideration in determining or classifying the character of the publication a number of different matters and I proceed now to consider those:

(a) The Dominant Effect of the Book

It is quite obvious that the writer of the publication is concerned about society's attitudes towards sexual matters and sexuality. The book has strong overtones of being anti-women and there are many paragraphs which indicate that the writer blames the attitude of women for sex crimes against women and children. The dominant effect of the book is an anti-societal thesis.

(b) The Literary or Artistic Merit or the Medical, Legal, Political, Social or Scientific Character or Importance of the Book

The book is totally lacking in any literary merit and the prose often presents itself as being the product of a disturbed mind. No claim for any artistic merit could possibly be made for the book. The section which I have earlier referred to dealing with cancer and Aids and other medical problems again appears to be the product of either a disturbed mind or at best a piece of nonsense writing of a most distasteful kind. The book is totally devoid of any of the other aspects of character or importance referred to in the section.

(c) Classes of Persons and Age Groups to Whom the Book is Likely to be Published, etc.

It is difficult for the Tribunal members to believe that the book would have anything but the very narrowest of appeal and we seriously doubt that sales would cover the cost of production. The publication is probably aimed at older readers and clearly the intention of the advertising section is to enable people to meet people with similar sexual objectives.

(d) The Price

The cover of the book shows this to be \$15 and again we can only think that those who are mentally disturbed would be prepared to pay out \$15 in order to read the contents.

(e) The Likelihood of Corruption to Any Person Reading the Book, etc.

It would seem that only persons who are already warped in their attitudes towards society would find any comfort from reading the publication and we seriously doubt whether the author would be able to persuade otherwise normal people to accept and adopt his philosophies.

(f) Has the Book an Honest Purpose

As I have indicated in this decision, the publication appears to be the product of a disturbed mind and if that in fact be the case, then the person may have in his own view an honest purpose for publishing this very strange magazine, but there is certainly nothing of the "honest purpose and an honest thread of thought" of the kind which Parliament clearly intended the Tribunal to take into account when considering matters of this kind.

In considering the total content of the production, the Tribunal has no difficulty in reaching a conclusion that it is a magazine which is injurious to the public good and the photographs of a sexual nature would by themselves have been sufficient for the Tribunal to have come to that conclusion. When those photographs are taken together with the total context, it is

impossible to avoid a classification of unconditionally indecent and the Tribunal answers the question in the reference that the classification of *Foxy Magazine* is unconditionally indecent.

Dated at Wellington this 29th day of May 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go9797

Decision No. 20/90

Reference No.: IND 40/89

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:
Playgirl, May 1989, Vol. XVI. Publisher: Playgirl Inc.:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 4th day of October 1990.

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

Decision

This publication was commercially imported through sea freight Christchurch on about 19 July 1989. The publication having been seized by the Collector of Customs, the importer subsequently disputed forfeiture and the publication was referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is aimed at the female market and principally contains articles of a sexual and non-sexual nature and a variety of photographs of nude male models. That aspect of the publication which caused the Tribunal some concern and resulted in the delay in the issue of this decision was a multiple model picture scenario of a sexual encounter in a garage between a male and a female. In the end result the Tribunal reached the conclusion that there was nothing explicit in that particular display of a kind which would be injurious to older readers although it is satisfied that the material in general would be injurious to younger readers.

The Tribunal classifies this publication as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 29th day of May 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go9799

Decision No. 21/90

Reference No.: IND 35/90

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 applications pursuant to section 14A of the Indecent Publications Act 1963 in respect of the following publications: *Coping With Birth Control*, published by Rosen Publishing Group, New York; *Teen Guide to Birth Control*, published by Franklin Watts, London:

Chairman: Judge R. R. Kearney.

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

Decision

These 2 publications were commercially imported for Whitcoulls Ltd. and were seized by the Collector of Customs, Auckland and forfeiture has subsequently been disputed in