

respect of them. The Comptroller of Customs has referred the publications to the Tribunal for consideration of an age restriction of 16 in respect of both publications as each contained detailed information on the various methods of birth control and accordingly contain information which in terms of the Contraception, Sterilisation and Abortion Act 1977 required the Tribunal to place an age restriction on the publications.

I have as chairman of the Tribunal read both publications and I am satisfied that they are professional and genuine publications of the kind which should be made available to adult readers and accordingly an interim restriction order is made in respect of both of them that the publications are indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 13th day of June 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go9800

Decision No. 22/90

Reference No.: IND 20/86

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: *Intercourse Illustrated*, published by Merchandise for Mailers:

Chairman: Judge R. R. Kearney.

Members: R. E. Barrington, A. J. Graham, K. A. R. Hulme and H. B. Dick.

Hearing at Wellington on the 24th day of October 1986.

Appearances: P. J. Eggleton for Comptroller of Customs. No appearance by or on behalf of importer.

Decision

This publication was a sample copy imported through the port of Hamilton by airmail in July 1986. The publication having been seized by the Collector of Customs, the importer disputed forfeiture and the publication was referred to the Tribunal for classification.

The publication has been produced ostensibly as a sex manual. It is said to be the work of a Walter Braun, M.D., Professor Emeritus of the University of Breslau, it also has an introduction by a W. F. Robie, M.D..

The Tribunal is far from satisfied that this particular publication is a genuine sex manual and the nature of the photographs, and particularly the responses of the models displayed, do not reflect the very high standards which one would normally anticipate from a professionally composed medical production. The Tribunal accordingly is satisfied that this particular publication lacks honesty of purpose and is also satisfied that as it is injurious to the public good it can only be classified as unconditionally indecent.

Dated at Wellington this 13th day of June 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go9801

Decision No. 23/90

Reference No.: IND 43/90
IND 44/90

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 interim restriction orders pursuant to section 14A of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for serial

restriction orders under section 15A of the Indecent Publications Act 1963, in respect of the following publications: *Knave*, Vol. 20, No. 1, 2 and 3; *Knave*, Vol. 21, No. 6 and 7; *Fiesta*, Vol. 22, No. 3 and 6; *Men Only*, Vol. 53, No. 5 and 10; *Men Only*, Vol. 54, No. 5; *Men Only Bumper Sex Annual 1990*; *Mens World*, Vol. 2, No. 1; *Fiesta Wild Wet and Willing Special*; *Fiesta Girls in Uniform Special*; *Knave Amateur Model Special*, No. 3; *Knave Slug Special*; *Knave Slug Special*, No. 3; *Gallery*, March 1990, May 1990 and June 1990; *Penthouse*, New Zealand Edition, April 1990, May 1990 and June 1990; *Penthouse Fabulous Pets 1989*; *Penthouse Dazzlers 1989*; *Penthouse Classic Pets 1989*.

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 23rd day of May 1990.

Appearances: M. J. Wotherspoon for Comptroller of Customs. G. F. Ellis on behalf of publisher, importer and distributor in respect of all publications in this decision.

Decision

All of these publications were imported by Gordon and Gotch NZ Ltd. as commercial importations and they were referred, by the importer, to the Comptroller of Customs with a request that they be placed before the Tribunal for 2 purposes:

1. For the granting of interim restriction orders in respect of each publication in terms of section 14A of the Indecent Publications Act 1963; and
2. The making of serial publication orders in terms of section 15A of the Indecent Publications Act 1963 in respect of each publication or series of publications.

All of the *Penthouse* publications, the subject of these present applications, are presently subject to serial restriction orders classifying them as indecent in the hands of persons under the age of 18 years and those serial restriction orders remain current until 28 July 1990. The *Men Only* and related publications from that publisher were previously subject to a serial restriction order classifying them as indecent in the hands of persons under the age of 18 years, but those serial orders lapsed on 17 May 1990. The *Knave* and *Fiesta* publications, including the *Knave* and *Fiesta Specials*, were likewise the subject of a serial restriction order classifying them as indecent in the hands of persons under the age of 18 years and those orders expired on 29 April 1990.

Although the interim restriction orders are matters which fall to be dealt with by me as chairman of the Tribunal, all of the publications in question were in fact considered by all of the members of the Tribunal at the sitting of the Tribunal on 23 May 1990. Mr Wotherspoon on behalf of the Comptroller of Customs, advised the Tribunal that the Comptroller had considered all the publications in question and he submitted that it was appropriate that each publication should be the subject of an interim restriction order classifying them as indecent in the hands of persons under the age of 18 years. Mr Wotherspoon further submitted that the Tribunal as a whole should then consider each of the publications in terms of a request for a serial restriction order made by Mr Ellis, on behalf of the importer and distributor, and in that regard the Comptroller of Customs supported a classification of indecent in the hands of persons under the age of 18 years for each of those publications.

In terms of the interim restriction order application I am satisfied that it is appropriate that such orders be made and accordingly in respect of all the above titles, an interim restriction order is made and each of those publications is classified as indecent in the hands of persons under the age of 18 years.

Insofar as the substantive application for a serial restriction order before the Tribunal as a whole is concerned, the Tribunal