

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

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

### Supplementary Decision 46/90

In the list of publications in the original decision delivered in respect of this matter, one of the publications requires amendment:

- (i) On page 16, *Teasers*, Vol. 1, No. 2, should read *Teasers*, Vol. 2, No. 2.

The magazines *Stiff Competition* and *TV Transformations*, No. 1 were unfortunately omitted from the body of the decision. The publication *Stiff Competition* contains photographs depicting ejaculation and the Tribunal classifies that publication as unconditionally indecent.

The publication *TV Transformations*, Vol. 1, No. 1 contains a considerable element of explicit sexual acts and the Tribunal classifies that publication as unconditionally indecent.

Dated at Wellington this 27th day of July 1990.

R. R. KEARNEY, Chairperson.

Indecent Publications Tribunal.  
go11624

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Decision No. 45/90

Reference No.: IND 30/90

### 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 the following publications: *Australian Penthouse Black Label Edition*, Vol. 11, No. 2; *Australian Penthouse Black Label Edition*, Vol. 11, No. 3. Publisher: Penthouse Editorial Services:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer. G. F. Ellis for Gordon and Gotch (NZ) Ltd., importers and distributors of *Penthouse New Zealand Edition*.

### Decision

These publications were privately imported through parcels post, Auckland on 30 January 1990 and 20 February 1990 and were seized by the Collector of Customs. As the importer subsequently disputed forfeiture, the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Mr Wotherspoon reminded the Tribunal that 7 previous issues of this magazine have been considered by the Tribunal and classified as unconditionally indecent in decision No. 67/89 and 6/90.

Obviously these publications are similar in format to those considered in decision No. 67/89 and 6/90, in that each features multiple model sequences depicting sexual activity, one being lesbian in nature and the other of heterosexual orientation. The Tribunal accepts as valid Mr Wotherspoon's suggestion that these publications warrant a classification of unconditionally indecent.

The Tribunal is satisfied that the inclusion of the multiple model scenes in each of these publications is injurious to the public good and classifies each as unconditionally indecent.

On the basis that 7 issues of *Australian Penthouse Black Label Edition*, published within a period of 12 months, have been considered by the Tribunal and found to be unconditionally indecent, Mr Wotherspoon has requested the Tribunal to give

consideration to the granting of a serial restriction order for *Australian Penthouse Black Label Edition* as unconditionally indecent under the provisions of section 15A of the Indecent Publications Act 1963. In not resisting the making of a serial restriction order in respect of the *Australian Penthouse Black Label Edition*, Mr Ellis asked that it be recorded clearly in this decision the distinction between the *Penthouse Black Label* title and the existing serial order in respect of the *Australian Penthouse* publications in respect of which, in decision 33/88 of 28 July 1988, the Tribunal issued a serial restriction order in terms of section 15A of the Indecent Publications Act 1963, classifying all Australian edition *Penthouse* publications as indecent in the hands of persons under the age of 18 years.

The Tribunal is satisfied that there is a consistency of presentation which warrants the granting of a serial restriction order in terms of section 15A of the Indecent Publications Act 1963 for *Australian Penthouse Black Label Edition* as unconditionally indecent and orders accordingly.

Dated at Wellington this 24th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11623

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Decision No. 44/90

Reference No.: IND 31/90

### 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 the following publications: *Artzoo*. Publisher: Shane Paul. *Bald Beavers*, Vol. 1, No. 1. Publisher: Unknown. *Bondage Gallery*, No. 3. Publisher: London Enterprises Ltd. *Catfighting Co-Eds*, Vol. 1, No. 1. Publisher: Unknown. *Enema Nurses*, Vol. 1, No. 1. Publisher: Unknown. *Enemates*, Vol. 1, No. 1. Publisher: Unknown. *The Custom Bondage of Simone Devon*, No. 5. Publisher: London Enterprises Ltd.:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: M. J. Wotherspoon on behalf of the Comptroller of Customs. The importer, Peter Hassall, in person.

### Decision

These publications were privately imported by Mr Hassall through parcels post, Auckland on 24 and 29 January and 17 and 20 February 1990 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.

Because of the varied nature of the publications in this application the Tribunal will deal with them separately.

#### Artzoo

This publication has been held over for further consideration by the members. A written decision will be issued in due course.

#### Bald Beavers, Vol. 1, No. 1.

This publication contains photographs of single female models with very little accompanying text. The photographs place undue emphasis on the female genitalia with many of the models posed in contrived positions to accentuate this part of the female anatomy. Some of the photographs show models in the act of masturbation. *Bald Beavers*, Vol. 1, No. 3 was classified by the Tribunal as unconditionally indecent in decision No. 70/89. This publication warrants the same treatment. It is totally lacking in artistic merit and would be