

injurious to the public good. It is classified by the Tribunal as unconditionally indecent.

Catfighting Co-Eds, Vol. 1, No. 1.

This publication is comprised of 2 or more nude or partly clad females wrestling or fighting with each other. A similar publication, *Wrestling Video Review*, was classified as unconditionally indecent in decision 30/88. While this publication may be considered milder in format than *Wrestling Video Review* it is considered by the Tribunal that this style of publication, featuring as it does a combination of sex and violence, is clearly injurious to the public good. The Tribunal accordingly classifies this publication as unconditionally indecent.

Bondage Gallery, No. 3 and *The Custom Bondages of Simone Devon*, No. 5.

These publications are primarily concerned with female bondage. Similar magazines were considered recently by the Tribunal and classified as unconditionally indecent in decision 10/90. For the reasons expressed in decision 10/90 the Tribunal is satisfied that the material in these 2 publications is injurious to the public good and classifies each as unconditionally indecent.

Enema Nurses, Vol. 1, No. 1 and *Enemates*, Vol. 1, No. 1.

As the titles suggest, each of these magazines deals with the fetish of inserting enemas for sexual gratification. The magazines, as well as graphically depicting the insertion of enemas, also depict bondage and masturbation and, in *Enema Nurses*, a multiple model scene between 2 women. The Tribunal is satisfied that the material in these publications is injurious to the public good and classifies each as unconditionally indecent.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.
go11622

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Decision No. 43/90

Reference No.: IND 33/90

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: *Genesis*, Vol. 17, No. 3; *Genesis*, Vol. 17, No. 4; *Genesis*, Vol. 17, No. 7; *Genesis*, Vol. 17, No. 8. Publisher: Atrium Multi Media Corp.:

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. G. F. Ellis for Gordon & Gotch (NZ) Ltd.

Decision

These publications were commercially imported through Wellington and were seized by the Collector of Customs.

Each of these issues of *Genesis* contain multiple model scenes of heterosexual and female sexual activity.

It is appropriate to provide a brief historical outline of the classification of *Genesis* magazines by the Tribunal. In decision 6/89 of 3 May 1989, on the basis of an undertaking given by Gordon & Gotch (NZ) Ltd. to overprint a section of the magazine containing video reviews or extracts from such reviews, the Tribunal classified each of the editions before it at that meeting and outstanding from a previous meeting as indecent in the hands of persons under the age of 18 years. In addition the Tribunal granted a serial restriction order in terms

of section 15A of the Indecent Publications Act 1963 classifying the publication *Genesis* in terms of that section as indecent in the hands of persons under the age of 18 years. In December 1989 the Tribunal considered the December 1989 issue of *Genesis*, Vol. 17, No. 5, and in decision 87/89 classified it as unconditionally indecent. In doing so the Tribunal commented in its decision:

"The Tribunal is satisfied as indicated that the December 1989 issue is unconditionally indecent and so classifies it but it is prepared at this stage to reserve the question of whether the serial restriction order should be revoked knowing that the Customs Department will bring to the attention of the Tribunal any further publications which in the Comptroller's view should not be distributed throughout New Zealand in respect of the restriction order."

Mr Ellis explained that it was not until towards the end of 1989 that Gordon & Gotch became aware of the change in policy of the publishers of *Genesis* magazines as evidenced by the much more explicit sexual activity and multiplicity of sexual activity in multiple model scenes. Mr Ellis explained that commercial quantities of these *Genesis* magazines arrived without any prior warning of the obviously changed editorial policy of the publishers. In addition to legal advice being given by Mr Ellis to his client not to distribute the magazines in question Gordon & Gotch, quite independently, decided not to distribute these magazines and, in fact, sought ministerial approval for permission to re-export these magazines to their original source. In the context of this explanation Mr Ellis concluded that the issues of *Genesis* magazine in this application were not protected or cured by the existence of the serial restriction order which was made in decision 6/89. The Tribunal wishes to commend both Mr Ellis and his client for the helpful submissions presented today and for the very responsible attitude taken by both in not resisting any application to revoke the terms of the existing serial restriction order.

In his submission Mr Wotherspoon stated that the material contained in the editions in this application breached the uniform standard on which the serial order was granted by the Tribunal in decision No. 6/89 and that an unconditionally indecent classification may be warranted. The Tribunal agrees. The Tribunal classifies each of the publications in this application as unconditionally indecent.

In concluding his submission Mr Wotherspoon stated, in view of the changed standard of the publication, that the Tribunal may also wish to review the question as to whether the serial restriction order should be revoked. The Tribunal treats this statement as an application made pursuant to section 15A (4) of the Indecent Publications Act 1963 and accordingly revokes the serial restriction order made in decision No. 6/89.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.
go11621

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Decision No. 42/90

Reference No.: IND 37/90

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 publication: *Pillow Talk*, Vol. 1, No. 3. Publisher: Publisher 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. G. F. Ellis for Gordon & Gotch (NZ) Ltd.