

a section 14A interim restriction order was made by Judge R. R. Kearney, (former chairman of the Tribunal) classifying this publication as indecent in the hands of persons under the age of 16 years in decision No. 18/90. The publication now comes before the Tribunal for a substantive classification.

In his submission to the Tribunal Mr Wotherspoon states that the publication is an informative book containing detailed information on the various recognised methods of birth control.

All members of the Tribunal are agreed that the publication is a professional one. This decision now formally endorses the interim decision and classifies this publication as indecent in the hands of persons under the age of 16 years. This age restriction is required for compliance with the provisions of the Contraception, Sterilisation and Abortion Act 1977.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5
go11610

Decision No. 33/90

Reference No.: IND 19/90

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: *By Yourself*. Publisher: Penguin Books:

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.

Decision

This publication was imported through air freight Auckland on or about 17 February 1990 and was seized by the Collector of Customs.

On the application of the importer, the Christchurch City Council (supported by M. J. Wotherspoon for the Comptroller of Customs) a section 14A interim restriction order was made by Judge R. R. Kearney, former chairman of the Tribunal, classifying this publication as indecent in the hands of persons under the age of 16 years on 29 May 1990 in decision No. 18/90. The publication now comes before the Tribunal for a substantive classification.

All members of the Tribunal are agreed that the publication is an informative book containing advice and guidance for teenagers on social and sexual matters. Because the book also contains detailed contraceptive advice, compliance with the requirements of the Contraception, Sterilisation and Abortion Act 1977 is required. This decision now formally endorses the interim decision and classifies this publication as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5
go11611

Decision No. 34/90

Reference No.: IND 22/90

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: *Penthouse (Aul) Perfect Pets*, (National Issue); *Penthouse*

(Aul) *Perfect Pets*, (Old Issue). Publisher: Penthouse Editorial Services 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 Comptroller of Customs. G. F. Ellis on behalf of Gordon and Gotch New Zealand Limited.

Decision

These publications were commercially imported through Auckland on 2 March 1990. The publications having been seized by the Collector of Customs the importer subsequently disputed forfeiture. Thus 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 explained that this publication is published for the Australian market in 2 forms, 1 for the national market and 1 for the Queensland market. It is comprised of single female models in various states of undress. While the magazine published for the national market contains photographs displaying female genitalia, in the Queensland edition these photographs have been edited and replaced by more discreet pictures. In concluding that these 1-off publications had been fairly described by Mr Wotherspoon, Mr Ellis submitted that these publications were covered by the existing serial restriction order which was granted in decision 23/90. It was Mr Wotherspoon's view, however, that these 2 publications would not in fact be covered by that serial restriction order. The correctness of Mr Wotherspoon's submission is accepted by the Tribunal.

Furthermore the Tribunal agrees with the submission made by Mr Wotherspoon on behalf of the Comptroller that the poses of the models in the Queensland edition are restrained, and all that is required in respect of this publication is an age restriction as there is material in the publication which would be injurious to younger readers. The Tribunal therefore classifies the Queensland edition as indecent in the hands of persons under the age of 16 years. In respect of the national edition the Tribunal classifies it as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5
go11612

Decision No. 35/90

Reference No.: IND 23/90

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: *Penthouse*, March 1989 (U.S. Edition), Vol. 20, No. 7; *Penthouse*, July 1989 (U.S. Edition), Vol. 20, No. 11; *Penthouse*, September 1989 (U.S. Edition), Vol. 21, No. 1. Publisher: Penthouse International Limited; *Penthouse Forum* (U.S. Edition), July 1989, Vol. 18, No. 11. Publisher: Forum International Limited:

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 on behalf of Gordon and Gotch New Zealand Limited.