

**Decision**

Prior to commencement of the hearing of this application Mr Ellis was informed that his application on behalf of Gordon and Gotch New Zealand Limited to be joined as a party to the proceedings the subject of this application had been granted by the Tribunal.

These publications were privately imported through Wellington air freight on 11 February 1990 and were seized by the Collector of Customs. 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.

*Penthouse* (U.S. Edition), Vol. 20, No. 7 and 11 and *Penthouse* (U.S. Edition), Vol. 21, No. 1

The above magazines are directed towards the heterosexual market and contain some well-written articles. They also contain numerous photographs of female models in various states of undress and multiple model scenes of sexual activity.

Previous issues of the publication have been considered by the Tribunal and in decisions 57/88 and 30/88 classified as unconditionally indecent because the American publications still contain material of a kind which the Tribunal finds is in breach of the tripartite test.

As was pointed out by Mr Wotherspoon, in a supplementary decision issued on 20 March 1990 (decision No. 68/89 (1)), the Tribunal cancelled the classification of unconditionally indecent given in decision 68/89 to 11 issues of *Penthouse* (U.S. Edition). The import of the supplementary decision, made in accordance with an undertaking given to Mr Ellis, counsel for the publishers, was that classification of those publications would be adjourned for further consideration at a special hearing of the Tribunal at which Mr Robertson, Q.C., of the English Bar might represent the publishers and the proposed importers and distributors. Accordingly, in the interests of consistency and uniformity, and with the concurrence of Mr Ellis, consideration of these 3 publications, *Penthouse* (U.S. Edition), Vol. 20, No. 7 and 11 and *Penthouse* (U.S. Edition), Vol. 21, No. 1, is adjourned *sine die*.

*Penthouse Forum* (U.S. Edition), Vol. 18, No. 11

This publication is mainly comprised of a collection of stories of sexual encounters and letters from readers describing sexual encounters. The publication does contain a few small photographs of multiple model scenes imitating sexual activity. However, the photographs are small and fairly discreet. Previous issues of this publication have been considered by the Tribunal and, in decision 33/88 classified as indecent in the hands of persons under the age of 18 years. The Tribunal accepts Mr Wotherspoon's submission that a similar classification is appropriate in this case. Accordingly this publication is classified 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  
go11613

Decision No. 36/90

Reference No.: IND 24/90

**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: *Rituals of the Gag*. Publisher: Larry Townsend:

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 privately imported through parcels post, Auckland on 16 February 1990 and was seized by the Collector of Customs. The importer subsequently disputed forfeiture and the publication has been referred to the Tribunal for classification, prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The magazine is comprised of a series of fictional sado-masochistic homosexual stories with photographs and drawings, showing bondage and masochistic scenes.

Sado-masochistic type magazines have previously been considered by the Tribunal and in decisions 70/89 and 30/88 classified as unconditionally indecent.

This publication is primarily concerned with male domination, bondage and torture. There is little in the way of literary, artistic or social merit in the publication. The Tribunal is satisfied that this publication is injurious to the public good. The Tribunal classifies it as unconditionally indecent.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11614

Decision No. 37/90

Reference No.: IND 28/90

**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: *A Parents Guide to Teenage Sexuality*. Publisher: Henry Holt & Co.; *The Complete Book of Pregnancy and Childbirth*. Publisher: Alfred A. Knopf:

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**

These publications were commercially imported through Auckland air freight by Auckland Public libraries on or about the 28th day of February 1990, and were seized by the Collector of Customs. The importer subsequently disputed forfeiture and the publications have been referred to the Tribunal for classification, prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*A Parents Guide to Teenage Sexuality* is an informative publication giving detailed advice and guidance to parents on teenage sexuality.

*The Complete Book of Pregnancy and Childbirth* is, as the name suggests, an informative book on pregnancy and childbirth.

The Tribunal agrees with Mr Wotherspoon that both publications are well written, have an honesty of purpose and contain information on the various methods of birth control.

For the purpose of compliance with the requirements of the Contraception, Sterilisation and Abortion Act 1977, both publications are classified as indecent in the hands of persons under the age of 16 years.