

community standards, arguably, have come to regard as unacceptable and injurious to the public good the portrayal of women as sex objects. This comment should be heeded as a warning. The Tribunal will continue to take a balancing approach between the needs of society and the doctrine of precedent. However, further issues of publications previously classified as indecent in the hands of persons under a specified age in future applications before the Tribunal can expect to receive critical re-examination in the light of changing community standards.

On the basis that there is material in this publication which certainly would be injurious to younger readers the Tribunal classifies each of these issues of *Electric Blue* as indecent in the hands of persons under the age of 18 years. Furthermore the Tribunal is satisfied that there is a consistency of format and content in respect of this publication of the kind that it is appropriate that a serial restriction order be granted classifying the publication *Electric Blue*, published by Power Radio Ltd., as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go13937

Decision No. 58/90

Reference No.: IND 56/90

### 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 Forum*, Vol. 20, No. 5; *Penthouse Forum*, Vol. 20, No. 6; *Penthouse Forum*, Vol. 20, No. 7; Publisher: Forum International Ltd.

Chairperson: P. J. Cartwright.

Members: W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

Appearances: No appearance by or on behalf of the importer. M. J. Wotherspoon on behalf of the Comptroller of Customs.

### Decision

These publications were submitted to the Customs Department by G. F. Ellis, solicitor for the importer, Gordon and Gotch Ltd., by way of an invitation to the department to submit them to the Tribunal for the issue of a serial restriction order under section 15A of the Indecent Publications Act 1963.

In his submission Mr Wotherspoon explained that these magazines are mainly comprised of a collection of readers' letters describing their sexual experiences. They contain also some short stories of a sexual nature, and a few multiple model scenes. The Tribunal agrees with Mr Wotherspoon that the few multiple model scenes depicted are discreet.

In his submission Mr Wotherspoon reminded the Tribunal that previous issues of this publication have previously been considered by this Tribunal and classified as indecent in the hands of persons under the age of 18 years (decision No. 33/88 and 35/90).

In concluding his submission Mr Wotherspoon indicated that the department would have no objection to the issuing of a serial restriction order as indecent in the hands of persons under the age of 18 years for the publication *Penthouse Forum*.

In a brief written submission received after the sitting of the Tribunal Mr Ellis indicated his support for Mr Wotherspoon's submission.

The Tribunal is satisfied that there is material in this publication which would be injurious to younger readers and therefore classifies each of these editions as indecent in the

hands of persons under the age of 18 years. Further the Tribunal is satisfied that there is a consistency of format and content in respect of the publication *Penthouse Forum* of such a kind that it is appropriate that a serial restriction order be granted classifying the publication *Penthouse Forum* as indecent in the hands of persons under the age of 18 years. Such serial restriction order is made accordingly.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go13938

Decision No. 59/90

Reference No.: IND 53/90

### 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: *Lesbian Love*, No. 28. Publisher: Color Climax Corporation; *Sex Bizarre*, No. 49. Publisher: Color Climax Corporation;

Chairperson: P. J. Cartwright.

Members: W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

Appearances: No appearance by or on behalf of the importer. M. J. Wotherspoon on behalf of the Comptroller of Customs.

### Decision

These publications were privately imported through Auckland parcels post, on or about 7 June 1990 and were seized by the Collector of Customs. The importer having 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.

The magazines are published by Color Climax Corporation, Denmark. They depict multiple model scenes of explicit sexual intimacy. Emphasis is placed on genital exposure and various aspects of sexual activity, specifically, the use of dildos and oral intercourse (*Lesbian Love*) and urolagnia, intercourse and oral intercourse (*Sex Bizarre*).

Mr Wotherspoon reminded the Tribunal that it had considered previous Color Climax Corporation publications and classified them as unconditionally indecent in decisions 33/89 (*Teenage Sex*, No. 37), 26/89 (*Color Climax*, No. 35) and 4/87 (*Teenage Sex*, No. 2 and 18).

The Tribunal agrees with Mr Wotherspoon that the contents of *Lesbian Love*, No. 28 and *Sex Bizarre*, No. 49 are similar in content to those in Color Climax Corporation publications submitted earlier and classified as unconditionally indecent.

A letter from the importer explained that he had purchased these magazines for private viewing only. The importer said he had no intention of purchasing any further issues of these magazines because they were too expensive. In purchasing the magazines by mail order the importer said that he thought they would be of the *Playboy* and *Penthouse* variety. The importer's explanation has been noted. The Tribunal's only comment is that the importer displayed a degree of naivety which is hardly believable.

Clearly these 2 magazines contain hard-core pornographic material which would be injurious to the public good. The Tribunal accordingly classifies these 2 magazines as unconditionally indecent.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go13939