

International Topsy Girls, No. 4 and 5; *International Chesty Girls*, No. 8; *The Best of Escort*, No. 10; *Escort*, Vol. 7, No. 10, September 1987; *Escort*, Vol. 8, No. 1, January 1988; *Escort*, Vol. 8, No. 1, May 1988; *Escort*, Vol. 8, No. 6, April 1988:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 27th day of April 1989.

Appearances: M. J. Wotherspoon for Comptroller of Customs. No appearance on behalf of importer.

Decision

These publications were commercially imported through Auckland Airport on about the 22nd day of February 1989 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.

In addition to the submissions made on behalf of the Comptroller, a letter was received from an officer of Waverley International Ltd, the importer and that was taken into account when the Tribunal reached its decision in relation to all of these publications.

The following magazines have in the opinion of the Tribunal material which would be injurious to younger readers and each has been classified as indecent in the hands of persons under the age of 18 years:

International Topsy Girls, No. 5.

International Chesty Girls, No. 8.

The Best of Escort, No. 10.

Escort, Vol. 7, No. 10, September 1987.

Escort, Vol. 8, No. 1, January 1988.

Escort, Vol. 8, No. 4, May 1988.

Escort, Vol. 8, No. 6, April 1988.

The Tribunal unanimously finds *International Topsy Girls*, No. 4 to be unconditionally indecent because in its content is a photograph which displays a model with an injury which the Tribunal considers either intentionally or accidentally has been portrayed as having been shot or stabbed through the heart. Because of that indication of violence in that particular photograph the Tribunal classifies that particular issue of the publication as unconditionally indecent.

Dated at Wellington this 6th day of June 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go2632

Decision No. 40/89

Reference No.: IND 19/89

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: *Hustler*, Vol. 14, No. 1, July 1987; *He-She*, No. 1; *Buf*, Vol. 19, No. 5, October 1987; *Playbirds*, No. 112; *Scantily Clad*, Vol. 1, No. 1:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 27th day of April 1989.

Appearances: M. J. Wotherspoon for Comptroller of Customs. No appearance on behalf of importer.

Decision

These publications were privately imported through Wellington air freight on 9 January 1989 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture they have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Hustler, Vol. 14, No. 1.

This publication has previously been referred to the Tribunal and has been classified unconditionally indecent in decisions 13/86, 18/87 and 53/88.

The Tribunal agrees with the Comptroller of Customs that the comments made in those earlier decisions applied to the present volume of *Hustler* which contains material which the Tribunal is satisfied is injurious to the public good. The Tribunal accordingly classifies this issue as unconditionally indecent.

He-She, No. 1.

This publication consists principally of photographs of multiple model scenes portraying excessive sexual activity, including oral and anal sex between the models portrayed. The Tribunal is satisfied that the material in this publication is injurious to the public good and classifies it as unconditionally indecent.

Buf, Vol. 19, No. 5.

Buf publication is produced along the same lines as *Gem* magazines and a number of additional copies of this publication were provided for consideration by the Tribunal by Mr Ellis who although not appearing in respect of this particular publication made an appearance on behalf of the importers of the magazine, Gordon and Gotch NZ Ltd. Mr Ellis advised the Tribunal that there were additional copies available in respect of the magazine and he invited the Tribunal to give consideration to the making of a serial restriction order in respect of this publication. The Tribunal considers this publication to have material which would be injurious to younger readers, and accordingly classifies it indecent in the hands of persons under the age of 18. The Tribunal likewise classifies those copies made available to the Tribunal by Mr Ellis as indecent in the hands of persons under the age of 18 years. As indicated Mr Ellis invited the Tribunal to issue a serial restriction order in relation to this publication and the Tribunal is satisfied that it is appropriate for such an order to issue. Accordingly in respect of the publication *Buf* the Tribunal issues a serial restriction order in terms of section 15A of the Indecent Publications Act 1963 classifying the publication *Buf* as indecent in the hands of persons under the age of 18 years.

Playbirds, No. 112.

This contains a number of photographs of the kind which the Tribunal is satisfied would be injurious to younger readers and accordingly classifies it as indecent in the hands of persons under the age of 18 years.

Scantily Clad, Vol. 1.

This publication is produced and printed in the United States of America. The contents are photographs of naked or partly naked female models in a number of poses some of which include explicit scenes of oral sex and simulated intercourse. Also included in the publication is a portfolio of photographs entitled "Learning the Ropes" on page 8, featuring scenes of bondage. The Tribunal finds that this publication contains material which is injurious to the public good and classifies it as unconditionally indecent.

Dated at Wellington this 6th day of June 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
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