

Decision No. 41/89

Reference No.: IND 13/89

**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: *Friction*, February 1989; *Friction*, March 1989; *All American Man*, February 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 26th day of April 1989.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. Written submissions by G. A. Ireland, counsel for the Lawrence Publishing Company NZ Ltd.—the importer.

**Decision**

These publications were commercially imported through parcels post, Auckland in January 1989. The publications having been seized by the Collector of Customs, the importer has disputed forfeiture and they have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

In his submission to the Tribunal in respect of these publications, Mr Ireland has asked the Tribunal once again to consider the making of a serial restriction order in respect of the publication *All American Man*. The Tribunal having further considered this particular publication is satisfied that there is a consistency of publication and that it is justifiable that a serial restriction order be made, classifying the publication *All American Man* as indecent in the hands of persons under the age of 16 years. This particular publication is likewise classified as indecent in the hands of persons under the age of 16 years.

In relation to the publications *Friction*, the Tribunal is not at this time prepared to issue a serial restriction order because there are some aspects of the publications which cause the Tribunal some concern. We would mention in relation to these publications the drawings and certainly the cartoons which appear in the February edition at page 45 onwards and the March edition at page 51 onwards. Both publications contain material which the Tribunal is satisfied would be injurious to the public good and classifies both as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 6th day of June 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go2635

Decision No. 42/89

Reference No.: IND 5/89

**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: *Sexual Happiness for Women*; *Sexual Happiness for Men*:

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 26th day of April 1989.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. L. Elworthy a representative of Angus and Robertson Publishers.

**Decision**

These publications were commercially imported through Auckland air freight in November 1988. The publications having been seized by the Collector of Customs, the importer has disputed forfeiture and they have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Mr Elworthy on behalf of the publishers advised the Tribunal that both these magazines are essentially a new edition of *Sexual Happiness* which was first issued in New Zealand in 1986. Mr Wotherspoon for the Comptroller of Customs submits to the Tribunal that the publications are indeed what they profess to be and are well written, informative and contain material of help to the average member of society who is seriously seeking improvement in his or her sexual relationship. Because of the sections devoted to contraception the Tribunal classifies these publications as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 6th day of June 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go2637

Decision No. 43/89

Reference No.: IND 52/88

**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: *Letters & Erotic Sounds*, No. 31; *Experience Busting Out*, Vol. 1, No. 5; *Tower of Power*; *Trinity Brown*; *Debbie Does 'Em All*; *Dear Fanny*; *Legs Legs Legs*, Vol. 4, No. 3; *Women Who Dominate Men*, Vol. 1, No. 1; *Sweet Ass*, Vol. 4, No. 1; *Hong Kong 97*, No. 127; *Floppers*, Vol. 5, No. 1; *Fanny*, Vol. 16, No. 3; *Chunky Asses*, Vol. 5, No. 3; *Tops & Bottoms*, Vol. 1, No. 4; *Hot Legs*, Vol. 5, No. 3; *Bouncy Boobs*, Vol. 1, No. 2; *Fat & Hot*, Vol. 1, No. 1; *T.V. Transformations*, Vol. 1, No. 1; *Female Mimics*; *International*, Vol. 16, No. 7; *T.V. Exhibitionists*, Vol. 1, No. 1; *Tranzzy*, No. 1; *T.V. Queens*, Vol. 2, No. 4; *Drag Queens*, Vol. 5, No. 2; *T.V. Queens*, Vol. 2, No. 3; *How to Enlarge Your Penis*; *Reflections of Men*; *William Higgins' Star Search*; *Book of Blacks III*; *Prime Cuts*, No. 1:

*Chairman:* Judge R. R. Kearney.

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

Hearing at Auckland on the 8th day of December 1988.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. No appearance on behalf of importer, Waverley Publishing Co Ltd.

**Decision**

These publications were commercially imported through parcels post Auckland in August 1988 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

In respect of the following publications the Tribunal is unanimously satisfied that they contain material which would be injurious to younger readers and accordingly classifies each as indecent in the hands of persons under the age of 18 years.

*Experience Busting Out*, Vol. 1, No. 5.

*Legs Legs Legs*, Vol. 4, No. 3.

*Women Who Dominate Men*, Vol. 1, No. 1.

*Sweet Ass*, Vol. 4, No. 1.