

Hearing at Wellington on the 4th day of October 1989.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. G. F. Ellis, counsel on behalf of publisher. No appearance by or on behalf of importer.

### Decision

This publication was privately imported through parcel post, Nelson on or about 6 June 1989 and it was seized by the Collector of Customs. The importer having subsequently applied for waiver of forfeiture the publication has been referred to the Tribunal for classification. Mr Ellis on behalf of the publisher submitted to the Tribunal that this publication has a similarity to the publications *Forum* and *Hot Talk*. Mr Ellis however accepted that there was in this publication a greater concentration on multiple model photo sequences. Mr Ellis submitted that apart from that leg of the tripartite test there was no other evidence before the Tribunal that the magazine contained any material which offended against the other legs of that test and that the Tribunal should not classify the publication as unconditionally indecent but limit its circulation by an appropriate age restriction.

In decision 15/87 the Tribunal found 2 editions of *Australian Variations for Liberated Lovers* and 5 editions of *Penthouse Variations for Liberated Lovers* to be unconditionally indecent.

The Tribunal agrees with the Comptroller of Customs in the submission presented by Mr Wotherspoon that this magazine is similar in format to those considered in decision 15/87 and that a similar classification of unconditionally indecent is appropriate for the very same reasons as expressed in that decision. Accordingly the Tribunal classifies this publication as unconditionally indecent.

Dated at Wellington this 17th day of November 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go2653

Decision No. 71/89  
Reference No.: 41/89

### 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 publication:  
*Australian Playboy The Stars: A Pictorial Tribute:*

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 4th day of October 1989.

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

### Decision

This publication was commercially imported through sea freight, Auckland on the 9th day of May 1989 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture, the publication has been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This magazine contains a pictorial selection of nude and semi-nude film stars and although it does include some multiple model scenes the Tribunal agrees with the Comptroller of Customs in Mr Wotherspoon's submission that "this activity is discreetly portrayed".

The Tribunal is satisfied that this publication contains material which would be injurious to younger readers and classifies it as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 17th day of November 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go2654

Decision No. 72/89  
Reference No.: 43/89

### 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 publication: *Gay*, Issue No. 157:

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 4th day of October 1989.

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

### Decision

This publication was privately imported through parcel post, Auckland on the 20th day of July 1989 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture, the publication has been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is a male homosexual magazine containing explicit photographs of homosexual sexual activity including anal and oral sex. Most of the text contained in the magazine is sexually orientated and previous issues of this publication have been considered by the Tribunal and classified as unconditionally indecent (decisions 26/88 and 39/88).

The Tribunal is satisfied that this publication contains material which is injurious to the public good and classifies it as unconditionally indecent.

Dated at Wellington this 17th day of November 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go2655

Decision No. 73/89  
Reference No.: IND 55/89

### 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: *An Author in Search of Six Characters*, *Butterscotch*, *Trashman Lives:*

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of November 1989.

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

### Decision

These publications were commercially imported through air freight, Christchurch on 23 August 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.

The publications are all in comic strip form. They are all of a sexual nature with some elements of violence and the latter aspect is certainly what caused the Tribunal concern in respect