

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 Wellington parcel post on or about 14 July 1989 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.

These publications are very much hard core publications which contain single model and multiple model scenes of explicit sexual activity and intimacy, and each places undue emphasis on the female genitalia. The Tribunal classifies these publications as unconditionally indecent and it brings to the notice of the community that a serial order was made in terms of section 15A of the Indecent Publications Act 1963, classifying private magazines published between 4 August 1989 and 4 August 1991 as unconditionally indecent and that order remains in force.

Dated at Wellington this 22nd day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go2664

Decision No. 81/89

Reference No.: IND 57/89

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: *Honcho*, Vol. 12, No. 1, 2, 3, 4 and 5; *Just Men*, Vol. 6, No. 2, 3, 4 and 5; *Torso*, Vol. 7, No. 9, 10, 11 and 12; *Torso's Stallion*, Vol. 1, No. 11 and 12, Vol. 2, No. 1, 2 and 3; *Advocate Men*, August 1989, September 1989, October 1989 and November 1989; *Mandate*, June 1989, July 1989, August 1989 and September 1989; *Men of Advocate Men*, May 1989, July 1989 and September 1989:

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.
Written submission was received from G. A. Ireland, counsel for the Lawrence Publishing Co NZ Ltd.

Decision

These publications were commercially imported through Auckland air freight on 19 October 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.

Honcho, Vol. 12, No. 1, 2, 3, 4 and 5.

Just Men, Vol. 6, No. 2, 3, 4 and 5.

Torso, Vol. 7, No. 9, 10, 11 and 12.

Torso's Stallion, Vol. 1, No. 11 and 12; Vol. 2, No. 1, 2 and 3.

These magazines are aimed at the male homosexual market and consist principally of photographs of male models in a variety of poses. The Tribunal has previously had a number of each of these magazines before it for classification and as the Comptroller has pointed out in the submission presented by Mr Wotherspoon each has had a variety of classifications some unconditionally indecent others classified as restricted to sale to persons over the ages of either 16 or 18.

The Tribunal agrees with the submission made by Mr Ireland and supported by Mr Wotherspoon that these particular publications do not contain material of a kind which would justify an unconditionally indecent classification. There is, however, material of a kind that would clearly be injurious to younger readers and accordingly each of these publications is classified as indecent in the hands of persons under the age of 18 years.

Advocate Men, August 1989, September 1989, October 1989 and November 1989.

Mandate, June 1989, July 1989, August 1989 and September 1989.

Men of Advocate Men, May 1989, July 1989 and September 1989.

These publications were submitted to the Customs Department by the importer with the invitation that they should be referred to the Tribunal for renewal of existing restriction orders. The Tribunal has seen a consistency both in form and content in respect of these publications of a kind which would justify the making of a serial restriction order on the same basis as previously existed. Each of these publications is accordingly classified as indecent in the hands of persons under the age of 18 years and each of the publications is the subject of the issue of a serial restriction order classifying the publications as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 22nd day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go2665

Decision No. 82/89

Reference No.: IND 59/89

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: *Stronger Love Safer Sex*:

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 the importer.

Decision

This publication was commercially imported through air freight Auckland on 4 October 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.

The Tribunal agrees with the submission by Mr Wotherspoon that the publication is an informative book containing a great deal of useful information including the prevention of sexually transmitted diseases, particularly AIDS. The Tribunal also agrees with Mr Wotherspoon that it is a well produced book with a moralistic approach to love and sex. Because the publication contains advice on contraception the Tribunal is required in terms of the provisions of the Contraception, Sterilisation and Abortion Act 1977 to classify the publication as indecent in the hands of persons under the age of 16 years and so classifies it.

Dated at Wellington this 22nd day of December 1989.