

*For Man's Life*); *Hong Kong 97*, No. 167 (*The Good Taste Magazine For Man's Life*); *Hong Kong 97*, No. 171 (*The Good Taste Magazine For Man's Life*); *Hong Kong 97*, No. 172 (*The Good Taste Magazine For Man's Life*), Pau Si Loy Publisher Co; *Hot Naughty Wife*, Greenleaf Classics Inc.; *Hot Stepdaughter*, Oakmore Enterprises Inc.; *Hot Suck Babysitter*; *Horny Voyeur Schoolgirls*; *In The Widow's Panties*, Greenleaf Classics Inc.; *Miscellaneous Columns*, Vol. 18, Miscellaneous Columns Press; *Outrage*, May 1989; *Outrage*, June 1989, Designer Publications; *Schweden Girls*, No. 4, J J Magazine A.B.; *Sharon's Diary*, de Luxx Editions; *Sporting Girls*, No. 1; *Sporting Girls*, No. 2, J J Magazine A.B.; *Stepdaughter Sex*, American Art Enterprises Inc.; *Stiletto*, No. 2, J J Magazine A.B.; *Unbridled Emotions*, de Luxx Editions; *101 Sex Positions*, unknown:

**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. Mr Parkinson, Mr Dobney and Mr Fielding on behalf of publishers, importers and distributors of *Outrage* magazine. No appearance by or on behalf of importer.

### Decision

These publications were commercially imported through Auckland in June 1989 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Although there was no appearance by or on behalf of the importer Waverley International Ltd. the Tribunal had before it a written submission from B. N. Cheeseman of the importing company and that submission was read and considered by the Tribunal before reaching its decision in respect of these publications. In addition, the Tribunal received and considered a written submission from Warren Lindberg, the director of the New Zealand Aids Foundation in support of the publication *Outrage*, written submissions from Christopher Dobney, the editor of *Outrage* and a written submission from P. G. Parkinson for the Pink Triangle Publishing Collective, both of whom in addition to B. Fielding made submissions in support of the publication *Outrage*. The Tribunal was also considerably assisted by the memorandum of submissions by G. A. Ireland, counsel for the Lawrence Publishing Company New Zealand Ltd. in support of the publication *Outrage* and we express our appreciation of Mr Ireland having made available to the Tribunal a copy of the decision of his Honour Judge D. B. Wilson in the case *Customs Department v Paul Mitchell*, Tauranga, Registry No. 202/83.

Because of the varied nature of the many publications on this particular file the Tribunal will deal with them under separate headings.

*Outrage*, May 1989 and June 1989.

In his submission to the Tribunal Mr Wotherspoon on behalf of the Comptroller of Customs stated that these were well written and informative magazines which were aimed at the homosexual community. Mr Wotherspoon pointed out that each publication included articles on Aids and other issues of particular interest and importance to the homosexual person. The Tribunal was impressed by the material presented in the various submissions and in particular by the oral submissions made by Messrs Parkinson, Dobney and Fielding. The Tribunal is satisfied that this is a serious magazine and that there is nothing in the content which would be injurious to the public good. The Tribunal accordingly classifies the publication *Outrage* as not indecent.

*Golden Girl*, No. 5.

*Candy Floss*, No. 2.

*Hong Kong 97*, No. 160.

*Hong Kong 97*, No. 161.

*Hong Kong 97*, No. 164.

*Hong Kong 97*, No. 167.

*Hong Kong 97*, No. 171.

*Hong Kong 97*, No. 172.

*Schweden Girls*, No. 4.

*Sporting Girls*, No. 1.

*Sporting Girls*, No. 2.

*Stiletto*, No. 2.

These publications contain photographs of single female models in various states of undress. All of the photographs appear to the Tribunal to be restrained with a noticeable lack of genital emphasis. The Tribunal is satisfied that there is material in each of these publications which would be injurious to younger readers and classifies each as indecent in the hands of persons under the age of 16 years. In respect of the publications *Hong Kong* the Tribunal is further satisfied that it is appropriate that a serial restriction order be made and accordingly in terms of section 15A of the Indecent Publications Act 1963 the publication *Hong Kong* is granted a serial restriction order classifying it as indecent in the hands of persons under the age of 16 years.

*Asses & Legs*, Vol. 1, No. 3.

*Beaver Fever*, Vol. 1, No. 1.

*Big Tit Teasers*, Vol. 1, No. 1.

*Black Satin Dolls*, Vol. 1, No. 1.

*Busty Beauties*, Vol. 1, No. 2.

*Hot Bottoms*, Vol. 1, No. 1.

*Juicy Snatches*, Vol. 1, No. 3.

*Large Tops*, Vol. 1, No. 3.

*Leggy Babes*, Vol. 1, No. 2.

*Lusty Latins*, Vol. 1, No. 1.

*Pregnant Mamas*, Vol. 1, No. 2.

*Sensuous Legs*, Vol. 1, No. 2.

*Shaved Cunts*, Vol. 1, No. 1.

*Teasing and Pleasing*, Vol. 1, No. 2.

*Teasing Tits and Wet Clits*, Vol. 1, No. 2.

*Those Fucking Letters*, Vol. 1, No. 1.

*Tight Cheeks*, Vol. 1, No. 1.

*Tit Teasers*, Vol. 1, No. 2.

*Tit Teasers*, Vol. 1, No. 3.

*Wet Dreams*, Vol. 1, No. 3.

*40 Plus*, Vol. 13, No. 1.

The majority of these publications contain photographs of single female models with very little accompanying text. The photographs in many cases place undue emphasis on the female genitalia, with many of the models posed in contrived positions to accentuate the genitalia. The Tribunal is satisfied that each of these publications contains material of a nature which would be injurious to younger readers and classifies each as indecent in the hands of persons under the age of 18 years.

*Bald Beavers*, Vol. 1, No. 2.

*Beavers*, Vol. 1, No. 2.

*Busty Superstars*, Vol. 1, No. 3.

*Cunt on Cunt*, Vol. 1, No. 1.

*Hot Foxes*, Vol. 1, No. 3.

*Luscious Latin Ladies*, Vol. 1, No. 1.

*Luscious Lesbians*, Vol. 1, No. 4.

*Sappho Heat*, Vol. 1, No. 3.