

Dated at Wellington this 22nd day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go5282

Decision No. 78/89
Reference No.: IND 46/89

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: *Stallion*, January 1989, Vol. 1, No. 11; *Manshots*, January 1989, Vol. 1, No. 3; *Uncut*, May 1988, Vol. 2, No. 5; *Jock*, August/September 1988, Vol. 4, No. 8:

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. Written submissions from private importer.

Decision

These publications were privately imported through parcel post, Auckland on the 14th day of August 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.

Stallion, January 1989, *Uncut*, May 1988, *Jock*, August/September 1988.

These 3 publications are clearly aimed at the male homosexual market, and principally contain photographs of single nude male models in a variety of poses together with a number of articles of a sexual nature. The Tribunal agrees with Mr Wotherspoon's submission and because of the effect that publications would have on younger readers, classifies these publications as indecent in the hands of persons under the age of 18 years.

Manshots, January 1989.

This publication is also directed at the male homosexual market and has a strong emphasis on nude or near nude males, some of whom are engaging in genital manipulation. Included in the publication are photographs of models engaging in sexual intimacies, including anal and oral sex. The Tribunal has had similar magazines before it for classification and because of the excess of sexual activity displayed in this magazine in terms of its previous decisions, it has classified it as unconditionally indecent as it is satisfied that the publication would be injurious to the public good.

Dated at Wellington this 22nd day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go5283

Decision No. 75/89
Reference No.: IND 52/89

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: *Club International*, Volume 18, No. 8, 9 and 10:

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. G. F. Ellis, counsel on behalf of publisher and importer.

Decision

These publications were commercially imported on a limited basis in order that Gordon & Gotch (NZ) Ltd., the intended distributors could have them placed before the Tribunal for classification and for the consideration of a serial restriction order in terms of section 15A of the Indecent Publications Act 1963. This publication has previously been freely available in New Zealand to persons over the age of 18 years and a serial restriction order has previously applied.

The Tribunal is satisfied that there is material in the publication which would be injurious to younger readers and classifies each of these editions as indecent in the hands of persons under the age of 18 years and is further satisfied that there is a consistency of format in respect of the publication *Club International* of such a kind that it is appropriate that a serial restriction order be granted classifying the publication *Club International* as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 21st day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go5284

Decision No. 95/89
Reference No.: IND 36/88

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: *Tip Top*, Vol. 22, No. 1; *Tip Top*, Vol. 26, No. 1; *Tip Top International*, Vol. 1, No. 4; *Tip Top International*, Vol. 1, No. 6; *Tip Top International*, Vol. 1, No. 11; *Tip Top International*, Vol. 2, No. 3; *Tip Top International*, Vol. 2, No. 4; *Tip Top International*, Vol. 2, No. 5; *Tip Top International*, Vol. 2, No. 6; *Tip Top International*, Vol. 2, No. 9; *Tip Top International*, Vol. 2, No. 10; *Tip Top International*, Vol. 2, No. 12; *Tip Top International*, Vol. 3, No. 1; *Tip Top International*, Vol. 3, No. 2; *Tip Top International*, Vol. 3, No. 6; *Tip Top International*, Vol. 3, No. 7; *Tip Top International*, Vol. 3, No. 8:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 13th day of October 1988.

Appearances: M. J. Wotherspoon for Comptroller of Customs. Mr Highley, importer, trading as Exchange Traders.

Supplementary Decision

This decision is supplementary to that delivered on 6 December 1988 (decision No. 57/88) in respect of these publications and a number of other publications. In that decision 2 volumes of *Tip Top* were referred to in the body of the decision and each of those was classified as indecent in the hands of persons under the age of 18 years. Those volumes did not however appear in the supplementary heading in respect of that particular decision and to avoid any possible misunderstanding in relation to the Tribunal's decision we now confirm the R18 classification in respect of those 2 volumes.

In that same decision *Tip Top International* were said by the Tribunal to contain, in some of its issues, written material of a kind which causes considerable concern to the Tribunal.

"Because of that concern the Tribunal has deferred its decision in respect of that particular series of publications until after its next meeting in December 1988." The fact that final decision was not given was overlooked and it