

55-497-516	55-498-873	55-499-020	55-499-446
55-499-799	55-500-738	55-501-572	55-502-323
55-502-897	55-503-346	55-503-699	55-503-702
55-503-850	55-503-869	55-504-164	55-504-490
55-504-784	55-505-624	55-506-590	55-507-589
55-507-740	55-508-607	55-509-182	55-509-786
55-510-113	55-510-512	55-510-776	55-511-276
55-511-888	55-512-248	55-512-965	55-513-384
55-514-011	55-517-142	55-517-282	55-517-304
55-517-940	55-518-076	55-518-157	55-518-238
55-518-254	55-518-629	55-519-129	55-519-625
55-520-232	55-520-666	55-522-804	55-526-508
55-526-648	55-528-306	55-533-741	55-534-063
55-534-160	55-534-225	55-534-411	55-534-578
55-534-632	55-535-280	55-535-426	55-537-232
55-537-844	55-537-852	55-538-891	55-539-464
55-540-365	55-540-772	55-541-655	55-542-252

Interest PAYE Reissued Certificate of Exemption Numbers for the Quarter Ended 31 March 1991:

10-171-792	51-735-013	55-237-662	55-238-308
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go4091

## Justice

### Indecent Publications Act 1963

Decision No. 5/91

Reference No.: IND 67/90

#### Before the Indecent Publications Tribunal

In the matter of the Indecent Publications Act 1963, and in the matter of an application by William James Boyd for a decision in respect of the following publication: *The World of the American Pit Bull Terrier*. Publisher: TFH Publications, Inc.:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings, K. A. R. Hulme and S. C. Middleton.

Hearing at Wellington on the 20th day of November 1991.

*Appearances:* W. J. Boyd, Chief Executive of the Royal New Zealand Society for the Prevention of Cruelty to Animals, Incorporated ("RNZSPCA").

#### Decision

Pursuant to section 14 (2) of the Indecent Publications Act 1963, leave was granted to the applicant or a representative of his organisation to submit this publication to the Tribunal for classification under the Act.

A joinder application from M. R. Atkinson, inspector of the Mangonui Branch of the RNZSPCA, was granted in decision No. 62/90 which was issued on the 14th day of November 1990.

The distributor of this publication in New Zealand is Ross Haines & Son Ltd. from whom a written submission (in opposition to the society's application) has been received.

The oral and written submissions from Mr Boyd and Mr Atkinson urge the Tribunal to classify the publication as indecent.

The publication is of coffee table book size with hard backed cover, reinforced binding and illustrations in colour of the pit bull terrier. The contents of 288 pages contain numerous illustrations in both black and white and colour plus text. The price of the book is \$41.65.

The titles of the various chapters, some of them apparently employing the jargon of dog fighting and associated activities, give an unclear indication of the subjects covered. Suffice to say that prominence is given to activities such as training methods for fighting dogs, construction of pits for dog

fighting, rules of organised pit dog fights and descriptions of recorded dog fights. The latter is in Chapter VIII with the title "Classic Contests".

Under section 3 (c) of the Animals Protection Act 1960 it is an offence of cruelty to keep or use any place for the purpose of causing any animal to fight, or for the purpose of baiting or otherwise ill-treating any animal, or for managing or assisting in the management of any such place. Section 3 (d) of the same Act provides that it is an offence to be present for the purpose of witnessing the fighting of any animal, at any place used or kept for that purpose. And under section 3 (e) of that Act it is an offence in any manner to encourage, aid or assist in the fighting or baiting of any animal. This publication, then, deals in considerable detail, both by reference to exhaustive text and wide-ranging illustrations, of activities which very clearly are offences under the Animals Protection Act 1960.

The question to be asked, after taking into account the criteria in section 11 of the Act, is whether this book is indecent in that it describes, depicts or otherwise deals with matters of horror, crime, cruelty or violence *in a manner* (emphasis added) that is injurious to the public good.

The dominant effect of the book before us is actively to promote and encourage dog fighting. Several examples are given to support this contention. In Chapter V the schooling of young dogs is described. While the author blames animal welfare groups for emotive stories of kittens, cats and small dogs being used as bait for pit bulls, he acknowledges that there are many people on the fringes of the pit dog fraternity who apparently do follow this practice. The author goes on to describe how to "blood" a young dog for fighting, by allowing it to fight in a controlled situation, with an older and more experienced dog, and in the ultimate paragraph on page 69, the author recommends that fights should be spaced at least a month apart so as to allow plenty of time for healing. On the next page references are made to injuries received during training. On page 79 the author indicates that some legitimacy could be given to the comment of an experienced and respected dog man that "a pit bulldog is a killing machine with a hair trigger, and you never know what will set one off!" On page 90 there is a graphic description of a dog fight in which an injured dog was allowed to continue to fight. The author describes how this dog, with totally disabled front legs, was allowed to push its way across the pit using only its hind legs to get to its opponent. In the descriptions of training methods the book describes methods of "blooding" young pit dogs, and describes a device known as a "cat mill", which is designed to have a live animal or bird suspended in it as bait for the pit dog being trained. Vivid descriptions are also given of dogs being "blooded" by allowing them to attack and maul to death, a cat or chicken placed in a sack. While the author says he does not advocate this type of action, he concedes that some pit bull people do resort to such training methods. The author advocates the bribing of veterinary practitioners to treat animals that are injured in illegal dog fights, without reporting these activities to the police. Pages 198-199 clearly imply that a person should pay his or her vet to keep quiet, and should learn what he can from the vet about caring for what the author describes as a "battle sick" dog.

Written in a rambling anecdotal style, the literary or artistic merit of this publication is quite unremarkable. Neither in our view has it any medical, legal, political, social or scientific importance.

Under section 11 (f) of the Act the Tribunal is directed to take into consideration whether the book displays an honest purpose and an honest thread of thought or whether its content is merely camouflage designed to render acceptable any indecent parts of the book. In the foreword of this publication the author cautions the reader not to conclude that "I'd like to see you get involved with dog fighting." The author states that the reader should keep away from dog fighting in