

# CENSORSHIP

## 3

10 February 1985

68. Omega Books were before Great Yarmouth magistrates 10.12.84 under Obscene Publications Act for import of 5,000 copies of *Japanese Eroticism*, collection of Japanese artistic prints, seized 29.6.84. They intend to defend in depth, using "very eminent figures from the art world who have agreed to testify on our behalf".  
Publishing News 7.12.84
69. Analysis by Alastair Hetherington of TV news coverage of first 8 months of miners' strike. Conclusion: "The BBC and ITN news services seem to me on the whole to have succeeded in presenting a fair account of events".  
Listener 17.1.85
70. Letter by TSR UK Ltd, UK distributors of "Dungeons and Dragons" game, in reply to report urging ban on the game as conducive to black magic and witchcraft. "This is not the first instance of this kind and others over the country have produced similar articles. There have been three or four this year".  
Coulson & Purley Advertiser 11.1.85
71. Death of Lord Harlech, President of British Board of Film Censors, on 26.1.85. Obituary in  
Times 28.1.85
72. Plan by Channel 4 to broadcast daily a dramatised account of the trial of Clive Ponting under Official Secrets Act using actors banned by Mr. Justice McCowan under s.4(2) Contempt of Court Act until jury has returned verdict because of substantial risk of prejudice to the administration of justice. Programme went ahead nonetheless but with reporters, not actors, reading the selected parts of the trial transcripts.  
Times 29.1.85
73. Gay's the Word:  
Details of charges brought by Customs & Excise on 21.11.84 against directors of Gay's the Word bookshop and, in one instance, the assistant manager:  
(a) "Being knowingly concerned in the fraudulent evasion of the prohibition imposed by s.42 of the Customs Consolidation Act 1876 on importation of certain indecent or obscene books" contrary to s.171(4) of Customs and Excise Management Act 1979; (b) Conspiring contrary to s.1 of Criminal Law Act 1977 "fraudulently to evade the prohibition on importation of indecent or obscene material imposed by s.42 of the Customs Consolidation Act 1876 that being an offence contrary to s.170(2) of the Customs and Excise Management Act 1979".  
Bookseller 1.12.84
- Hearing at Clerkenwell Magistrates Court 7.1.85 adjourned by agreement to prepare for full committal hearing in late spring or early summer.  
Bookseller 12.1.85

Barney Hayhoe for the Treasury: "A small proportion of the time of 4 Customs & Excise officials is currently devoted to work relating to the prosecution of Gay's the Word bookshop and its directors".

Hansard Commons 15.1.85 c.119 (WA)

Booksellers Association has asked its lawyers to consider the procedure and criteria used by Customs & Excise over the seizure of books in the light of the controversy surrounding recent seizures from Gay's the Word. It is also having discussions with the Publishers Association.

Bookseller 19.1.85

74. Video:

Scotland Yard obscene publications squad raided distributors of horror film *Suffer Little Children* in which roles are played by children. Video copies of the film were seized at the offices of Films Galore in Wandsworth.

Guardian 26.1.85

Video retailers are lobbying for an amnesty from prosecution for any video nasty offence committed before 31.12.83.

Variety 12.12.84

Letter from David Mellor, Home Office minister and "uncle" of Video Recordings Act, to Lord Houghton on DPP's policy. The DPP's definition of obscenity takes into account the Director's belief that "in many cases a significant number of viewers will be children or young people" and that "decisions of the courts should be taken into account when decisions are taken as to whether or not prosecutions should be initiated".

Screen International 26.1.85

*Contamination* removed from DPP's list, which now contains total of 61 titles - 42 successfully prosecuted under s.2 Obscene Publications Act and 19 against which proceedings are pending.

Screen International 26.1.85

*Evil Dead* trial at Snaresbrook Crown Court 25.7.85 against Palace Video, Nik Powell its chairman and Palace Virgin Gold its distributor, under s.2 Obscene Publications Act. Acquitted by juries at Peterborough and Croydon Crown Courts. On 16.1.85 the owner of MCD Video Play was acquitted of charges regarding it. Although some dealers have been convicted, the recent run of acquittals led Palace Video to ask the Attorney-General to review the case and for the title to be removed from the "successfully prosecuted" section of the DPP's list and placed in the "prosecution pending" section.

Screen International 2.2.85

75. Family and Youth Concern Society (national membership of 20,000 claimed) has mounted a "pilot project" in Birmingham aimed at discouraging booksellers from stocking titles it considers immoral and contemptuous of the Court of Appeal ruling in *Gillick*. Hudsons bookshop agreed to withdraw two books: *Make It Happy* by Jane Cousins and *Talking Sex* by Miriam Stoppard. Mrs Christine Kelly, chairman of the society's Midlands branch, believes the books' advice to children on contraception is against the spirit of the *Gillick* judgment.

Bookseller 26.1.85

76. The Home Secretary refuses to strengthen controls over amusement arcades or to extend existing controls to cover video and other games which are not at present subject to the Gaming Act 1968. Those controls apply to gambling. "Before I could accept that there is a need for fresh legislation I would have to be persuaded that hard evidence is to hand of problems which cannot be adequately dealt with under the law at present. I do not judge that the evidence presented to me at present meets this test" - Leon Brittan in

Hansard Commons 30.1.85 c.198 (WA)

77. Investment newsletters:

White paper on regulation of financial services (stocks and shares) following Gower Report last year, requires commercial tipsheets (newsletters giving investment and shares advice) to be licensed. It does not require financial journalists, city editors or newspapers with city pages to be licensed (Gower proposed they should). Useful article by Graham Searjeant, financial editor of *The Times*, in

U.K.Press Gazette 4.2.85

Nevertheless, Department of Trade & Industry may ask newspapers to draw up a voluntary code of conduct against potential malpractices by financial journalists.

Times 4.2.85

About 5,000 copies of *I C Newsletter*, a weekly tipsheet published by the *Financial Times*, were pulped because price sensitive information (tips) in it had been leaked before publication day.

Financial Times 6.2.85

Prosecution in New York federal district court of Foster Winans, reporter on "Heard on Wall Street" feature in *Wall Street Journal*, accused of securities fraud and conspiracy for leaking share tips to friends prior to publication of his column. The separate issue of public disclosure of a journalist's financial interests is expected to be dealt with in a second trial, a civil action being brought by the Securities & Exchange Commission.

U.K.Press Gazette 4.2.85; Financial Times 22.1.85

78. Dutch video distributors and producers have asked the Dutch film censorship board to classify videos and to use the existing categories used for theatrical films viz. U, 12+, 16+.

Variety 12.12.84

79. Paris court dismissed action against Jean-Luc Godard's film *Hail Mary* (?*Ave Maria*?) which features a basketball-playing teenager as Virgin Mary and scenes showing Mary naked with taxi-driver boy friend Joseph. Action brought by two lay Roman Catholic associations. Held that film did not warrant censorship or banning: "Nothing in this film makes it pornographic or particularly obscene".

Times 29.1.85

80. Porno cinema in Düsseldorf, part of sex boutique, was totally destroyed by bomb (2 killed, 16 seriously injured). Concern over whether attacks on porno cinemas form part of national terrorist action.

Variety 5.12.84

81. Italian private radio station read extracts from pornographic magazine which was publicly available lawfully (but not on open display). Court held that if the magazine is lawfully sold, broadcasting its contents is no different and therefore is also lawful. The citizen who wants to enjoy its contents has to take the positive step of buying the magazine or tuning in to the station broadcasting it.

Cinema d'Oggi 19.12.84

82. Swedish Attorney-General (Justitiekansler) received request from US authorities to open inquiry on sale of child pornography from Sweden to USA (see Censorship 1 item 35). Problem that USA has rigid age limit of 18 for end of childhood; Sweden more pragmatic in relation to child pornography and youths of 16-17 normally not regarded as children. In borderline cases, maturity also relevant in Sweden.

Svenska Dagbladet 30.1.85

83. Firm in Linköping investigated by Swedish police for trade in child pornography. No firm conclusions yet.  
Svenska Dagbladet 30.1.85
84. Useful statement by Norwegian Minister of Justice, Mona Røkke, on policy on video nasties. Public exhibition of videos covered by ordinary law on cinemas, including film censorship. Cinema Law Report (December 1982) recommended licensing (including censorship) of commercial sale and hire of videos to under-18s. Proposal has been out for discussion and now is being further examined within Ministry of Culture. Mentions also §382 Penal Code, introduced 1982, to stop videos with scenes of strong violence. Norwegian Attorney-General (Riksadvokaten) in circular to all public prosecutors and chief constables has required police to enforce the provision actively and not merely wait for complaints. This has been done. Inter-departmental working party has drawn up draft for registration and labelling of videos (report submitted 29.10.84): registration a pre-condition for importing or making videos for commercial distribution. Importer must appoint person to be responsible in criminal law for video's content, on same lines as "responsible editor" of publications under §431 Penal Code. Report now out for discussion; back to Ministry January 1985; bill expected in Parliament (Storting) spring 1985.  
Forhandlinger i Stortinget 21.11.84 p.1048
85. Statement by Norwegian Minister of Justice on policy on obscenity law. Internal departmental examination of §211 Penal Code completed October 1983. Conclusion: bestiality, sado-masochism and child pornography adequately covered but clearer express provisions desirable. Doubtful whether sufficient legal protection against sexism. So February 1984 Criminal Law Committee were requested to make proposals on various types of pornography. "I would emphasise the necessity that changes in the law in this area should be preceded by the best possible technical examination..... Detailed drafting of new pornography law raises a number of complicated legal questions". Report expected February 1985; then it goes out for discussion. Bill expected in Parliament spring 1985.  
Forhandlinger i Stortinget 21.11.84 p.1050
86. Private member's bill on pornography submitted to Norwegian Parliament by 3 MPs of Workers Party (Arbeiderpartiet). They are working in collaboration with Christian People's Party and Centre Party (Kristelig Folkeparti and Senterpartiet).  
Aftenposten 7.1.85 & 29.1.85
87. Norwegian women's group, Centre Women (Senterkvinnene) urge censorship of videos as soon as possible along lines of existing film censorship. Refer to new UK video law.  
Aftenposten 29.1.85
88. Norwegian magazine distributor Narvesen refused to distribute issue of magazine *Aktuell Rapport* because it contained advertisements (innocent in themselves) for catalogues of hard core pornography issued by the firm L. Hagen Import A/S. An action for breach of contract in Oslo Namsrett District Court) was won by Narvesen. *Aktuell Rapport* now bans such adverts. Another journal, *Dagbladet*, has policy to ban all adverts for goods which are known to be criminal or are under investigation by the police. The Narvesen case is under appeal to the Lagmannsrett, decision expected in February 1985.  
Aftenposten 16.1.85 & 29.1.85