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Our reference: SEP/221/97

Date: 20 October 1997

Dear Ms [REDACTED]

Thank you for your letter to Customs at Dover Postal Depot concerning the seizure of a video entitled "Phenomena." You should be in receipt of a response from D. E. Hirst at Dover explaining that this matter has now been referred to our branch for consideration as the Customs Headquarters section with overall responsibility for the import prohibition on indecent and obscene material.

I have viewed the video in question and find that it contains scenes of excessive violence and is therefore subject to the import prohibition on indecent and obscene articles established by the Customs Consolidation Act 1876 and liable to forfeiture under s49(1)(b) of the Customs and Excise Management Act 1979.

I note that this film was shown to an audience by the National Film Theatre in July 1997. Although Customs cannot prohibit something which is legally available in the UK we do not consider that the showing of this film by the NFT constitutes legal availability. We are not aware of any examination by Customs when this film was imported from Holland in July. If it had been assessed by our branch it would have received identical treatment. I note your comments on the British Board of Film


Classification and should explain that the BBFC has no responsibility for import prohibitions in the UK. I have confirmed with the BBFC that they have not issued a certificate for this film and have no record of assessing it when it was imported for showing by the NFT.

You asked for details of the individual scenes we consider to be obscene, these are:

- a scene where a woman is stabbed in the stomach with a pair of scissors (lap counter time 0.11.39);
- a scene where a woman is impaled through the head with the blade protruding from her mouth (lap counter time: 0.28.32); and
- a scene where a woman is repeatedly slashed on the face with a razor (lap counter times: 1.47.17 - 1.47.30).

Accordingly I consider that the seizure of this tape should be maintained. If you wish to appeal further please notify me as soon as possible and I will arrange for a **condemnation hearing to be held at a Magistrate's Court**. This is a civil rather than legal hearing where you or your legal representative will be required to show why this tape should not be liable to forfeiture.

Yours sincerely,


Andrew McNamara

SEP