

APPENDIX B.—CONTRACEPTION

In Appendix A, dealing with abortion, we have reprinted the summary and conclusions of the 1937 Committee on the various aspects of the problem of abortion in New Zealand. Among those recommendations is one dealing with the prohibition of the promiscuous advertisement of contraceptives and their sale to the young. There was a further recommendation that there should be a restriction on the sale or advertisement of contraceptives to practising chemists, doctors, hospitals, and clinics. A final recommendation was in relation to the licensing of the importation of certain types of contraceptives. The opinion of those giving evidence before the Committee on this subject was that the use of contraceptives was very widespread. In particular, there was evidence that contraceptives could be obtained from very many undesirable sources. We are definitely of the opinion that some steps should be taken along the lines recommended by the 1937 Committee, in particular that the sale or distribution should be restricted to practising chemists, doctors, hospitals, or clinics.

The Pharmacy Board of New Zealand, in a written submission to the Committee, states that it should be an offence "for any person other than a medical practitioner or chemist to sell or possess for sale any contraceptives; to sell any instruments or drugs which may be used for abortion or contraceptives to any unmarried person under twenty-one years of age; and to publish in any advertisement the sale of contraceptives."

The Department of Health, commenting on the proposals of the 1937 Committee, and therefore on the proposals of the Pharmacy Board, make the statement:—

The administration of a law prohibiting the sale of contraceptives to persons under, say, twenty-one years, would be extremely difficult and would be rendered more so by the necessity to devise means whereby supplies could be made available to married persons under that age The advertising of contraceptives is now usually done in veiled fashion, under the cloak of "mail order agency" In the event of a pamphlet or advertisement being couched in indecent terms it is practicable for action to be taken by the Police Department under the Indecent Publications Act, 1910. It may be pointed out that authority already exists under the Post and Telegraph Act, 1908, to prevent the transmission through the mails of contraceptives and abortifacients, so long as the articles are sent through packet-post. If they are sent as letters—that is, if letter-postage rate is paid for them—they cannot be interfered with.

The Department of Health suggests that it may be desirable to extend the law to enable such articles forwarded by letter-post as well as by packet-post to be detained, but it is pointed out that this may be unfair against persons living in country areas where access to a chemist is difficult. Such a law would probably prove exceedingly difficult to enforce satisfactorily. The Department further suggests that some improvement might also be effected by prohibiting the forwarding through the post of any advertising material, whether in letter or pamphlet form, concerning contraceptives. Most of the mail-order business in these lines is done by means of a newspaper advertisement, which in a veiled manner, invites inquiries concerning such articles, whereupon a comprehensive list of supplies is sent to the inquirer.

To safeguard the health of mothers and children it was contended by some witnesses that proper family planning was essential. As to the methods by which such family planning should be implemented, there are wide differences in public opinion. Certain groups favour the dissemination of artificial birth-control methods, including the use of contraceptives by married persons. Other influential sections of the community believe that the problem should be dealt with purely in terms of moral restraint. We do not desire to express an opinion one way or the other on this subject, and we are not prepared to recommend that the State should be directly involved in such an undertaking. After all, to reiterate a statement we have made on a number of occasions in this report, the basis of a sound and healthy nation is to be found in the moral and spiritual standards