

ITEM	2
MANAGER'S REPORT NO.	80
COUNCIL MEETING	89/12/11

RE: LETTER FROM MR. ROBERT WRAY, 2151 JORDAN DRIVE, BURNABY, B.C., V5B 4G1
CONCERNS REGARDING SALE OF SUGGESTIVE MATERIAL

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Finance be adopted.

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TO: MUNICIPAL MANAGER 1989 December 05
FROM: DIRECTOR FINANCE File: L34

SUBJECT: CONCERNS REGARDING SALE OF SUGGESTIVE MATERIAL

PURPOSE: To inform Council of the results of our investigation into the concerns of Mr. Robert Wray regarding the sale of suggestive magazines.

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1. THAT a copy of this report be sent to Mr. Robert Wray, 2151 Jordan Drive, Burnaby, B.C. V5B 4G1, and to Mr. J. Charles, Vice President - Administration, Shoppers Drug Mart, 100 Park Royal South, West Vancouver, B.C. V7T 1A2.

REPORT

Appearing under correspondence in this agenda is a letter from Mr. Robert Wray expressing concern over the sale of "pornographic literature/magazines" at Shoppers Drug Marts and other businesses in Burnaby. The sale of suggestive material is a sensitive issue, and the interpretation of what constitutes offensive material often varies between individuals. To date, we have tried unsuccessfully to contact Mr. Wray to discuss his specific concerns.

Staff have inspected several Shoppers Drug Marts and confirm that magazines such as Playboy, Playgirl and Penthouse are being sold at some outlets. Most of the magazines were located on the upper shelves of the magazine racks, and the majority are sealed in opaque plastic to prevent indiscriminate viewing.

Staff contacted the central office of Shoppers Drug Mart and discussed their policies on the sale of suggestive materials with Mr. J. Charles, Vice President - Administration. We were informed that the sale of the noted magazines is left to the discretion of the individual store managers/owners. Shoppers Drug Mart has a policy that the magazines must be kept on the upper racks out of the reach of children, and that they must be completely sealed in plastic. If any unsealed magazines are received, they are returned to the distributor. Mr. Charles is concerned that their merchandise has offended Mr. Wray, and will be contacting him to discuss his specific concerns.

In addition, Licence Office staff have discussed the complaint with the B.C. Periodical Review Board. It is the mandate of the Board to review adult books and magazines to ensure that they meet with accepted "community standards". These standards relate to what is generally acceptable across Canada, and are not specific to individual communities.


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The manufacture, distribution and display of obscene articles is regulated by the Criminal Code of Canada. Responsibility for enforcement of the Criminal Code lies with the R.C.M.P. Final determination of a contravention is established by the courts, on a case by case basis. The R.C.M.P. Morality Section advises that action under the Criminal Code is not warranted for the sale of the magazines in question.

We have concluded from our discussions with the R.C.M.P. and the Periodical Review Board that Shoppers Drug Mart is not in violation of the laws governing the sale of magazines. We will continue trying to contact Mr. Wray to discuss his concerns and to inform him of the results of our investigation. In addition, we will look at the display of similar materials in other Burnaby businesses and respond accordingly.

It is recommended that a copy of this report be sent to Mr. Robert Wray, 2151 Jordan Drive, Burnaby, B.C. V5B 4G1, and to Mr. J. Charles, Vice President - Administration, Shoppers Drug Mart, 100 Park Royal South, West Vancouver, B.C. V7T 1A2.


Howard Karras
DIRECTOR FINANCE

TJ:gw

cc: O.I.C., R.C.M.P.