

**FOR IMMEDIATE RELEASE: 29 MAY 2001**

***LESBIAN AND GAY BOOKSTORE  
GOES TO TRIAL AGAINST CENSOR BOARD***

The Ontario Ministry of Consumer and Business Services (Theatres Section) – formerly known as the Censor Board - has charged a bookstore and its owner for the sale of a gay adult video under the *Theatres Act*.

On April 27, 2000 three undercover *Theatres Act* inspectors came to Glad Day Bookshop and purchased the video “Descent” by the American director Steven Scarborough. Glad Day Bookshop has been charged with one count of Distributing an Unapproved Film, contrary to Section 37(1) of the *Theatres Act*.

The trial date has been set for Wednesday, May 30, 10:00 a.m. It will be held at Old City Hall, in court room A.

For Glad Day Bookshop, Canada’s first lesbian and gay bookstore, this will be the fifth time in court over lesbian and gay representations. In 1982, Toronto Police charged an employee for selling a gay adult magazine. The bookstore won on appeal. In 1987, it took Canada Customs to court for seizing *The Joy of Gay Sex*, and won. In 1992, the bookstore was charged for selling *Bad Attitude*, an adult lesbian magazine made by women for women, and was fined. In the same year, it lost an appeal over another Customs seizure.

The bookstore intends to fight the new charges and the law under which they were laid. The court has granted Glad Day Bookshop permission to launch a constitutional challenge against the Ontario Film Review Board’s system of regulation and censorship. Under the *Theatres Act*, the Board is empowered to regulate the distribution, rental and sale of all videos in the province. It can even ban or censor videos that are not criminally obscene.

“There has not been a challenge to the *Theatres Act* since the Supreme Court’s decision in *Butler* in 1992”, said Glad Day Bookshop’s lawyer, Frank Addario. “This statute allows the province to regulate films and videos in an area that belongs to the Federal Government, it puts the risk of incorrect decisions on the seller of the film or video, and it reverses the burden of showing that a film shouldn’t be sold. It also allows the government to control what Canadians can watch in the privacy of their own homes. We will argue that all of these things are inconsistent with the *Charter of Rights and Freedoms*.” Mr. Addario also pointed out: “The province is treating films like a cash cow. They charge sellers and distributors for the privilege of having their films reviewed. We will argue that this is just a tax on the freedom of expression.”

Glad Day Bookshop is at 598A Yonge Street in Toronto.

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