

**IN THE ENFORCEMENT COMMITTEE OF THE FILM AND PUBLICATION
BOARD (FPB)**

Film and Publication Board (FPB)

Applicant

and

AYLO t/a REDTUBE

1st Respondent

Stephan Manos

2nd Respondent

Quissam Youssef

3rd Respondent

Fabian Thylman

4th Respondent

Case No: 019/2025/RD/CANADA

Date of hearing: 20 April 2026

MEMBERS OF THE ENFORCEMENT COMMITTEE

Judge Thokozile Masipa - Chairperson

Ms Malini Maharaj - Member

Dr. Adv Nzumbululo Silas Siphuma - Member

OFFICE OF THE ENFORCEMENT COMMITTEE

Mpho Mooketsi - Registrar

LEGAL REPRESENTATION

For the Applicant

Mr. Lebogang Mohlakoana

For the Respondent

(No appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

[1] The Applicant filed a Notice of Referral of Non-Compliance against the four Respondents in terms of section 6B of the Film and Publication Act 65 of 1996 ("FP Act") read together with Rule 9(1) of the Enforcement Committee Rules, 2023.

[2] In its referral notice, the Applicant sought the following relief:

- 2.1. Condoning the Applicant's noncompliance with Rule 9(1) of the Enforcement Committee Rules, 2023, ("the Rules") and the late filing of the Notice of Referral in terms of Rule 3 of the Rules.
- 2.2. Order interdicting and restraining the Respondents from unlawfully distributing, exhibiting or making available any unclassified film content for streaming within the Republic of South Africa in contravention of section 18(1)(a) and (b) read with sections 24A(1), 24A(2), 24A(3) of the FP Act through its website <https://www.redtube.com/> or any other digital platform accessible within the Republic of South Africa without being registered to do so with the Applicant.
- 2.3. Directing the Respondents to pay a fine in the amount of R150 000 (One Hundred and Fifty Thousand Rand), for distributing films or publications to the public within the Republic of South Africa without being registered

- with the Applicant as a distributor as prescribed in terms of section 24A(1) of the FP Act. Such payment of fine to be effected by the Respondents within forty-five (45) days upon receipt of this Order.
- 2.4. Directing the Respondents to pay a fine in the amount of R500 000 (Five Hundred Thousand Rand) for distributing unclassified films or publications to the public within the Republic of South Africa as prescribed in terms of Section 24A(2) of the FP Act. Such payment of fine to be effected by the Respondents within forty-five (45) days upon receipt of this Order.
- 2.5. The Respondents to pay a fine in the amount of R750 000 (Seven Hundred and Fifty Thousand Rand) for not being the holder of a licence to conduct the business of adult premises, and with regard to films and games, not being registered with the Board as a distributor or exhibitor of films or games, and who knowingly broadcasts, distributes, exhibits in public, offers for exhibition, sale or hire or advertises for sale or hire any film, game or publication which has been classified “X18” or would have been so classified had it been submitted for classification as prescribed in terms of section 24A(3) of the FP Act. Such payment to be effected by the Respondents within forty-five (45) days upon receipt of this Order.
- 2.6. Directing the Respondents to pay the costs in respect of the whole or part of the proceedings
- 2.7. Further and/or alternative relief.

THE PARTIES

- [3] The Applicant is the Film and Publication Board (“FPB”), a public entity responsible for the regulation of the creation, production, possession and distribution of films, videos, DVDs, computer games and other publications by

imposing restrictions (including appropriate viewership age) on the publications.

[4] The First Respondent is AYLO t/a REDTUBE conducting business as an online adult films distributor/exhibitor. It is situated at 6975 Decarie BLVD, Montreal, Quebec, H3W OB6, Canada. It shall be referred to as REDTUBE or First Respondent.

[5] The Second Respondent is Stephan Manos conducting business at 6975 Decarie BLVD, Montreal, Quebec, H3W OB6, Canada.

[6] The Third Respondent is Quissam Youssef conducting business at 6975 Decarie BLVD, Montreal, Quebec, H3W OB6, Canada.

[7] The Fourth Respondent is Fabian Thylman conducting business at 6975 Decarie BLVD, Montreal, Quebec, H3W OB6, Canada.

HISTORICAL BACKGROUND

[8] On 21 August 2025, Mr. Rajesh Vishnu, a Compliance Officer and Regional Coordinator of the FPB, conducted an online inspection on the site of the first Respondent, alternately, the second Respondent, the third Respondent and the fourth Respondent. During this inspection, Mr. Vishnu established that the Respondents were noncompliant with section 18(1)(a) and section 18(1)(b) of the FP Act, in that they had failed to register as distributors/exhibitors with the Applicant and to submit the films they were distributing to the Applicant for classification, respectively.

[9] Mr. Vishnu served on the Respondents, per email address, support@redtube.com / media@redtube.com a Notice of Contravention.

[10] In terms of the Notice of Contravention, the Respondents were afforded thirty (30) working days to remedy the noncompliance failing which they were to request an extension.

[11] On 23 October 2025, Mr. Vishnu conducted an online follow up inspection to determine whether the first Respondent, alternatively, the 2nd, 3rd and 4th Respondents had complied with the compliance notice issued to them on 21 August 2025. On this occasion, the Compliance Officer found that the Respondents had failed to comply with the notice concerned or to ask for an extension of time within which to remedy the issue. Hence the referral to the Enforcement Committee.

APPLICATION FOR CONDONATION

[12] The Applicant sought the indulgence of the Enforcement Committee to condone the late referral and filing of the notice of referral.

[13] For a condonation application to succeed, the Applicant must show good cause which includes an explanation of the nature, extent and the reasons for the delay, any prejudice likely to be caused by the granting of the application, the prospects of success for the Applicant in the main application, and whether it would be in the public interests to grant condonation.

Delay

[14] In the present matter, the delay was caused by a serious lack of adequate resources experienced by the Applicant over time. This lack of Human Resources affected the Applicant's performance and especially its ability to meet its deadlines. It must be noted that this reason was repeated in a number of applications heard by the Enforcement Committee recently. For that reason, a separate judgment, setting out the details of such a delay and its implications, has been prepared.

Prejudice the Respondents

[15] The Applicant, correctly, argued that while the Respondents would not suffer any prejudice if the application were to be granted, the refusal thereof was likely to cause serious problems for the Applicant and the general public. The Applicant was likely to lose its credibility while children would suffer harm from the exposure to harmful content.

Prospects of Success in the Main Application

[16] It was not disputed that the first Respondent contravened section 18(1)(a) and (b) of the FP Act.

[17] Also not disputed was that at the time of the follow up inspection, as well as at the time the matter was referred to the Enforcement Committee, the Respondent had still not remedied the noncompliance.

[18] This, coupled with the fact that there is no version from the Respondent, show, without doubt, that the main application has extremely good prospects of success.

Public Interests

[19]Public Interests refer to the welfare, safety and rights of the general public as opposed to private interests. The purpose of the FP Act is to protect the interests of the general public especially vulnerable groups, such as children.

[20]Granting the condonation application in this matter would mean that the Respondents are held accountable for their actions as that would align with the purpose of the FP Act. Enforcement of the regulations would encourage compliance. This, in turn, would mean that adults would be able to make informed choices about what content they consume, while protecting children in their care from inappropriate and harmful content. It follows, therefore, that, having regard to all the facts in this matter, it is in the public interests that the condonation application should be granted.

DISCUSSION AND ANALYSIS

[21]The Applicant presented evidence that the Respondent, REDTUBE, was a distributor/exhibitor of films without having registered with the Board as a distributor/exhibitor.

[22]There was also evidence that the films had not been submitted to the Board for classification in terms of section 18(1)(b) of the FP Act.

[23]None of the above facts, (which were supported by screenshots of the content that can be accessed from the website of the Respondent), has been contradicted. There is no reason for the Enforcement Committee to reject any of the facts presented by the Applicant. They are, therefore, accepted as true and reliable.

[24] Amongst others, the Applicant sought an order that the Respondent be interdicted from carrying on its business of distribution of its films to the public in the country.

[25] It is the view of the Enforcement Committee that a case had been made out for such relief.

[26] I say this because a clear right has been established for such relief, as can be seen in section 2 of the Films and Publications Act, 65 of 1996, as amended. That right was infringed by the Respondents' conduct in the failure to register with the Board as distributor/exhibitor and in failing to submit the films to the Board for classification. By its conduct, the first Respondent is exposing children to disturbing/harmful and inappropriate content/films. This is harmful to their wellbeing and development.

[27] The fact that the Respondents have failed to respond to any of the correspondence from the Applicant, makes it unlikely that they will respond to a fine or other sanction. For that reason, something more effective is required.

[28] The Films and Publications amendment Act, 2019, which came into effect on 1 March 2022, expanded the Film and Publication Board's jurisdiction to all internet content. This includes content by international distributors such as the Respondents in the present case. Since there is little likelihood that the Respondents in this matter would comply with the order granted, it seems that the drastic action of takedown measures is warranted.

[29] The Applicant did all it could to resolve the matter, amicably, before referring it to the Enforcement Committee. It issued and served a Notice of Contravention as well as a Cease-and-Desist Letter to the Respondents. The Notice of

Contravention afforded the Respondents an opportunity to remedy the noncompliance within 30 days. All these were friendly engagements, aimed at assisting the Respondents to comply.

[30] Sadly, the first Respondent chose to ignore such engagements. This is a strong indication that the Respondents have no remorse and no intention of complying with any regulations in the industry in which they operate. This is an aggravating factor that calls for stiff penalties.

[31] In the circumstances, all the other relief sought, as well as an interdict seem appropriate.

FINDING

[32] The Enforcement Committee makes the following findings:

- 32.1. The first Respondent failed to comply with section 18(1)(a) of the FP Act in that it failed to register with the FPB as a distributor of films.
- 32.2. The first Respondent failed to comply with section 18(1)(b) in that it failed to submit its films to the FPB for classification.

ORDER

[33] Accordingly, the following relief is granted:

- 33.1. The Applicant's noncompliance with Rule 9(1) of the Enforcement Committee Rules, 2023 and the late filing of the Notice of Referral in terms of Rule 3 of the Rules is condoned.
- 33.2. An order interdicting and restraining the Respondents from unlawfully distributing, exhibiting or making available any unclassified film/content for

streaming within the Republic of South Africa in contravention of section 18(1)(a) and (b) read with sections 24A(1), 24A(2), and 24A(3) of the Films and Publications Act 65 of 1996, as amended, is granted.

- 33.3. The Respondents shall pay an amount of R150 000 (One Hundred and Fifty Thousand Rand) as a fine for the failure of the First Respondent to register with the Film and Publication Board as a distributor/exhibitor of films.
- 33.4. The Respondents shall pay an amount of R500 000 (Five Hundred Thousand Rand) as a fine for the First Respondent's failure to submit its films to the Film and Publication Board for classification.
- 33.5. The Respondents shall pay an amount of R750 000 (Seven Hundred and Fifty Thousand Rand) as a fine for failure by the First Respondent to hold a licence to conduct the business of adult premises.
- 33.6. The Respondents shall pay the costs in respect of the proceedings.

TMMasipa

ENFORCEMENT COMMITTEE

Judge Thokozile Masipa – Chairperson

Ms Nalini Maharaj – Member

Dr. Adv Nzumbululo Silas Siphuma – Member

29/07/2026