

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

Film and Publication Board (FPB)

Applicant

and

Double K Events Pty Ltd t/a Trendy VR World

Respondent

Case No: 006/2025/RD/FS

Date of hearing: 21 January 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. Rodney Shirinda

For the Respondent

(There was no appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

[1] This matter was referred to the Enforcement Committee in terms of section 6B of the Films and Publications Act No 65 of 1996 as amended (FP Act), for a hearing and adjudication. It was alleged that the Respondent had failed to comply with section 18(1)(a) and section 18(1)(b) of the FP Act.

THE PARTIES

[2] The Applicant is the Film and Publication Board (“the FPB”), a statutory body established in terms of section 3 of the FP Act to regulate the creation, production, possession and distribution of films, games and certain publications.

[3] The Respondent is Double K Divine Events (Pty) Ltd trading as Trendy VR World (“Trendy VR World”), conducting business as a distributor and exhibitor of games at Shop No. M2-11 Logan Waterfront Mall, Bloemfontein. Its sole director is Mr. Sabata Enoch Mofokeng.

[4] According to a Companies and Intellectual Properties Commission (CIPC) check, conducted by FPB, the Respondent is registered under registration number 2017/106690/07.

FACTUAL BACKGROUND

- [5] In November 2023, during its monitoring duties, the Applicant established that the Respondent, a distributor of games, was not registered with the FPB as exhibitor of games. In addition, the games exhibited at its shop were not classified by the FPB.
- [6] The allegations above, pointed to a contravention of section 18(1)(a) and (b), respectively, of the Films and Publications Act. Furthermore, it was found that the Respondent did not display any FPB's classification ratings.
- [7] In support of the allegations above, the Applicant attached to its papers, copies of the screenshots from the website of Trendy VR World (<https://trendyvrworld.co.za/index.htm>!). These depict games being exhibited by Trendy VR World.
- [8] On completing the inspection, on the 15 November 2023, the Compliance Officer, Mr. Thulani Zondi, issued the Respondent with a Notice of Contravention and served it on Nthabeleng Masiu, an employee of the Respondent, who received it and signed it on behalf of the Respondent. The Respondent was afforded 30 (thirty) days to comply with the provisions of the FP Act.
- [9] On 14 November 2024, the Compliance Officer, conducted a follow up compliance inspection at the shop of Trendy VR World, at shop No. M2-11 Loch Logan Waterfall Mall, Bloemfontein.
- [10] During the follow-up inspection, Mr. Singh discovered that, a year later, the Respondent had still not complied with the provisions of the FP Act.

[11] Hence the referral to the Enforcement Committee (“EC”).

THE RELIEF SOUGHT

[12] The Applicant sought the following relief:

- 12.1. Condoning the late filing of the Notice of Referral in terms of Rule 3 of the Enforcement Committee Rules.
- 12.2. That the Enforcement Committee adjudicate on the matter and make appropriate finding in line with section 6B (1) of the Act.
- 12.3. That, if found guilty of contravening the Act, the Respondent be fined an amount not exceeding R150 000 for failure to register with the FPB as a distributor and a fine of an amount not exceeding R500 000 for distributing unclassified games.
- 12.4. Ordering the Respondent to pay the costs in respect of the whole or part of the proceedings.

DISCUSSION AND FACTUAL ANALYSIS

Condonation Application

[13] The Applicant brought a condonation application for the late filing of the Notice of Referral in terms of Rule 9(3) of the Enforcement Committee Rules.

[14] For a condonation application to succeed, the Applicant must show good cause. This means the Applicant must explain the nature and extent of the delay as well as the reasons thereof. In addition, it has to satisfy the EC that it has prospects of success in the main application. There is also the question of public interest and what prejudice is likely to occur to the Respondent if the application is granted.

- [15] In the present case the applicant satisfied the Enforcement Committee that the delay was caused by a shortage of human resources and, therefore, beyond its control (**see the condonation judgment below**). In addition, it is clear from the evidence that the prospects of success, in the main application, are good.
- [16] There is also the question of prejudice to be considered. It seems to the EC that the granting of the application will not cause any prejudice to the Respondent. On the other hand, not granting the application might cause more prejudice to the Applicant and to the general public in the long run. I say this because it might send the wrong message to the public and encourage unscrupulous distributors/exhibitors to ignore their regulatory obligations and flout the law with impunity. This might also cause instability in the industry while causing the public at large to lose confidence in the FPB as a regulator.
- [17] Lastly, for all the foregoing reasons, it is in the public interest that the condonation application be granted.

The merits

- [18] On 15 November 2023, Thulani Zondi, an inspector employed by FPB, conducted a physical inspection of the premises of the Respondent.
- [19] There he found Ms. Nthabeleng Masiu of the Respondent, on whom he served the Notice of Contravention. Ms. Masiu received and signed it on behalf of the Respondent. The Notice of Contravention clearly stated that the Respondent was being given 30 days within which to remedy the non-compliance.
- [20] However, a follow up inspection did not take place in 30 days. Instead, there was a delay of almost a year.
- [21] A follow-up inspection report, dated 14 November 2024, was compiled by Mr. Yakeen Singh, the Compliance Officer. The report shows, among other things,

that the Respondent failed to take advantage of the extended period within which to comply with the provisions of the Act.

- [22] A reasonable interpretation of the Respondent's conduct is that it does not take its regulatory obligations seriously. Such conduct is an aggravating factor which calls for a heavy penalty.
- [23] The Compliance Officer stated, among other things, that during the follow-up inspection he spoke to Mr. Richard Amponsah, of the Respondent, the supervisor on duty for the day. When he tried to find out if the Respondent had complied with the two provisions stated in the Notice of Contravention, the answer was no, it had not.
- [24] There is no doubt that the Respondent was given more than sufficient time to comply but for some unknown reason, chose not to.
- [25] The Applicant ensured that the Respondent knew of the allegations against it. This is supported by Annexure 2, (Notice of Contravention dated 15 November 2023) and Annexure 5, which were signed by Ms. Nthabeleng Masiu and Mr. Richard Amponsah, respectively, as company representatives.
- [26] The evidence before the Enforcement Committee is formidable and the Respondent, a distributor of games, distributes such games without being registered with the FPB as a distributor. It also shows that games distributed remain unclassified as they have not been submitted to the Applicant for classification.
- [27] There was no appearance on behalf of the Respondent and no papers filed on behalf of the Respondent. There was, however, evidence that despite being advised to rectify its non-compliance, the Respondent failed to heed the advice or request any extension to enable it to comply.

[28] In the absence of any contrary version from the Respondent, the Enforcement Committee has only the version of the Applicant which it accepts, as there is no reason to reject it.

CONCLUSION

[29] The primary focus of the FP Act on classification is to enable adults to make informed choices in relation to the material that they view and that the children in their care view, as well as games that children in their care play.

[30] The mandate of the FPB is clearly to protect the general public, in particular children who belong to one of the most vulnerable groups. It does that through its inspectors and Compliance Officers, by monitoring compliance with the FP Act and by recommending appropriate measures to the Enforcement Committee where there has been failure to comply.

FINDING

[31] Based on the evidence before it, the Enforcement Committee is satisfied that the Respondent has contravened section 18(1)(a) of the FP Act in that it failed to register with the FPB as a distributor of games.

[32] The Enforcement Committee is also satisfied that the Respondent contravened section 18(1)(b) of the FP Act in that it failed to submit its games to the FPB for classification.

ORDER

(33) Accordingly, the Enforcement Committee grants the following order:

33.1. The condonation application for the late filing of the notice of referral in terms of Rule 3 of the Enforcement Committee Rules is granted.

- 33.2. The Respondent is fined an amount of R150 000 (One Hundred and Fifty Thousand Rand) for failure to register with the Film and Publication Board as a distributor of games.
- 33.3. The Respondent is fined an amount of R500000 (Five Hundred Thousand Rand) for distributing unclassified games.
- 33.4. The Respondent is ordered to 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