

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

Film and Publication Board (FPB)

Applicant

and

Reality Kings

Respondent

Case No: 011/2025/RD/USA

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 A Hlongwane

For the Respondent

(There was no appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

[1] In this matter, the Applicant filed a Notice of Referral of noncompliance against the Respondent alleging failure to comply with provisions of the Films and Publications Act No 65 of 1996 as amended (FP Act).

THE PARTIES

[2] The Applicant is the Film and Publication Board (“the Board /”the FPB”), a content regulatory authority in South Africa, established in terms of section 3 of the FP Act.

[3] The mandate of the Applicant is to regulate the creation, production, possession and distribution of films, games and certain publications.

[4] The Respondent is Reality Kings, (“Reality”), a distributor of adult films by way of streaming content/ films through the internet. It operates under the website (www.realitykings.com) with its address being 610 Brazos Street, Suite 500, Austin, Texas, 78701. It shall be referred to as “Reality” or “the Respondent.”

FACTUAL BACKGROUND

- [5] According to Companies and Intellectual Properties Commission (CIPC) check conducted by FPB, it does not appear to have been registered as a company in the Republic of South Africa.
- [6] From the website, it is clear that Reality is an adult website that contains age-restricted materials including nudity and explicit depiction of sexual activity.
- [7] According to the Applicant, on opening Reality Kings website (www.realitykings.com), one finds films containing explicit sexual material and adult material that can be accessed or streamed over the internet through any internet ready devices such as computers, mobile phones or internet connected to.
- [8] The front page indicates that by entering the page, one affirms that the person involved is at least 18 (eighteen) years of age or the age of majority in the jurisdiction that the person is accessing the website from and he/she further consents to viewing explicit sexual content.
- [9] The films on the Website have not been classified by the FPB and the website does not display any FPB's classification decision. In addition, Reality is not registered with the FPB as a distributor of films as required by the Films and Publications Act as amended.
- [10] On the 11 July 2024, Mr. Rajesh Vishnu, a Compliance Officer and Regional Coordinator conducted an online compliance inspection on the website of Reality, that is, www.realitykings.com and established that Reality was distributing and streaming online adult films/content in the Republic of South Africa without first

being registered with the Board as a distributor of films/content as required in terms of section 18(1)(a) of the FP Act. Mr. Vishnu also established that the films had not been submitted to the Board for classification.

[11] On the same date, Mr. Vishnu issued a Cease-and-Desist Letter to Reality by way of an email. Also issued to Reality was a Notice of Contravention dated 23 August 2024 which afforded Reality 30 days to remedy the noncompliance.

[12] A year later, on 2 September 2025, Mr. Vishnu conducted an online follow-up inspection on www.reality.com to ascertain whether the Respondent had complied with the FP Act but found that it had not.

[13] As a result, the matter was referred to the Enforcement Committee.

THE COMPLAINT

[14] It is alleged that the Respondent failed to comply with section 18(1)(a) and 18(1)(b) of the Act, in that it failed to register as a distributor of films with the Applicant and also failed to submit films it was distributing to the Applicant for classification

THE RELIEF SOUGHT

[15] The Applicant sought an order in the following terms:

- 15.1. Adjudicate the noncompliance with the provisions of the Act and make appropriate findings, after the Applicant and the Respondent have been heard or granted a reasonable opportunity to be heard.
- 15.2. Impose a fine in the sum of R150 000 for distributing films without first having been registered with the Board as a distributor of films, as prescribed in terms of section 24A (1) of the FP Act.

15.3. Impose a fine in the sum of R500 000 for distributing unclassified films as prescribed in terms of section 24A (2) of the FP Act.

15.4. Ordering the Respondents to pay the costs in respect of the proceedings.

EVIDENCE

[16] In support of the allegations by the Applicant, the FPB attached, to its papers, copies of the screenshots of the Reality website marked Annexures B1-B3.

[17] The screenshots show, without any doubt, that the films are adult material, against which children should be protected.

[18] The Applicant also provided evidence that through its Compliance Officer, it established that the Respondent was not registered with the Applicant as a distributor. In addition, the Respondent had failed to submit the films to the Applicant for classification.

[19] The Applicant forwarded the allegations to the Respondent to enable the Respondent to respond. The Respondent was also afforded an opportunity to remedy the alleged noncompliance within 30 days or ask for an extension.

RESPONDENT'S RESPONSE

[20] There was no response from the Respondent. In addition, there was no appearance. No submissions were, therefore, made on behalf of the Respondent.

[21] A question arose whether there had been proper service on the Respondent seeing that the Respondent had not responded to any of the emails addressed to it. That question is addressed shortly under discussion hereunder.

DISCUSSION AND ANALYSIS

Service

[22] The Enforcement Committee engaged the assistance of a technical expert to provide an opinion on whether proper service had been effected in circumstances where no delivery notification had been received. In response, the Applicant deposed to an Affidavit setting out the date, method, and manner in which service was effected upon the Respondents, which Affidavit was submitted to the Enforcement Committee on 11 May 2026. Furthermore, service was effected in accordance with Rule 5 of the Enforcement Committee Rules, which serves as persuasive guidance regarding the proper procedure for effecting service by electronic mail.

The Merits

[23] The Applicant presented documentary evidence in the form of screenshots marked Annexure B2, which showed that Reality, through its website, was in the business of distributing/exhibiting/streaming films/movies. According to the Applicant, this was unlawful as the Respondent was not registered as a distributor with the Board as required in terms of section 18(1)(a) of the FP Act.

[24] There is also evidence that the films that Reality distributes have not been submitted to the Board for classification as required in terms of section 18(1)(b) of the FP Act.

[25] Furthermore, Reality website does not display Age ratings and consumer advice required in terms of section 18(1) reads with section 24A (3) of the FP Act.

[26] As stated earlier, the Respondent failed to respond to any of the allegations against it. In addition, there was no appearance for the Respondent. The result is that the allegations and the evidence before the Enforcement Committee, remain unchallenged.

[27] The Enforcement Committee examined all the facts before it and found no reason to reject any as unreliable. We, therefore, accept the evidence of the Applicant as true and reliable.

FINDING

[28] In the result, the Enforcement Committee makes the following findings:

- 28.1. The Respondent is found to have contravened section 18(1)(a) of the FP Act in that it failed to register as a distributor of films with the Film and Publication Board.
- 28.2. The Respondent failed to comply with section 18(1)(b) of the FP Act in that it failed to submit the films it was distributing to the Film and Publication Board for classification.

ORDER

[29] Accordingly, the following penalties are imposed:

- 29.1. The Respondent shall pay an amount of R150000 (One Hundred and Fifty Thousand Rand) as a fine for failure to register as a distributor of films with the Film and Publication Board.
- 29.2. The Respondent shall pay an amount of R500000 (Five Hundred Thousand Rand) as a fine for failure to submit the films it is distributing to the Film and Publication Board for classification.
- 29.3. The Respondent shall pay the costs in respect of the proceedings.

29/07/2026

TMD Masipa

ENFORCEMENT COMMITTEE

Judge Thokozile Masipa – Chairperson

Ms Nalini Maharaj – Member

Dr. Adv Nzumbululo Silas Siphuma – Member