

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

Film and Publication Board (FPB)

Applicant

and

TELLO FILMS

Respondent

Case No: 014/2025/RD/USA

Date of hearing: 04 May 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 Nqubeko Makhanya

For the Respondent

(No Appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

[1] This matter was referred to the Enforcement Committee in terms of Rule 9 of the Enforcement Committee Rules which provide that the Applicant shall refer all cases of noncompliance contemplated in terms of section 6B(1) of the Films and Publications Act No. 65 of 1996 (“the FP Act”) to the Enforcement Committee.

THE PARTIES

[2] The Applicant is the Film and Publication Board, a Content Regulatory Authority of South Africa established in terms of section 3 of the FP Act.

[3] The First Respondent is TELLO FILMS, a United States of America’s online streaming platform that offers films or publications to members within the Republic of South Africa through its website <https://www.tellofilms.com/> and with email address support@tellofilms.com. It has its principal place of business at 8988 W, Cheyenne Avenue, Las Vegas, Nevada, 89129, United States of America.

[4] The Second Respondent is CHRISTIN BAKER, an adult businesswoman and owner, alternately, the Director of the First Respondent situated at 8988 W, Cheyenne Avenue, Las Vegas, Nevada, 89129, United States of America with her

email address recorded as support@tellofilms.com and whose further particulars are to the Applicant unknown.

[5] The Second Respondent is cited in these proceedings as a party who owns the First Respondent and manages its affairs.

THE ALLEGED NONCOMPLIANCE

[6] The Applicant alleged that the First Respondent was in contravention of section 18(1)(a) and (b) of the FP Act in that it failed to register with the Board as a distributor of films and to submit its films to the Board for classification, respectively.

THE RELIEF SOUGHT

[7] The Applicant sought an Order in the following terms:

- 7.1. Interdicting and restraining the First and Second Respondents from unlawfully distributing, exhibiting or making available any film content for streaming within the Republic of South Africa in contravention of section 18(1)(a) and 18(1)(b) read with sections 24A(1), 24A(2), 24A(3) and 24A(5) of the FP Act and Rule 9(3)(g) of the Rules through their website <https://www.tellofilms.com> or any other digital platform accessible within the Republic of South Africa without being registered to do so.
- 7.2. Directing the First and Second Respondents to pay a fine in the amount of R150 000 (one hundred and fifty thousand rand) jointly and severally with the one paying and the other being absolved, for distributing films or publications in 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.

- 7.3. Directing the First and the Second Respondents to pay a fine in the amount of R500 000 (Five Hundred Thousand Rand) jointly and severally with the one paying the other to be absolved) for distributing unclassified films or publications in public within the Republic of South Africa as prescribed in terms of section 24A(2) of the FP Act.
- 7.4. Directing the First and the Second Respondents to pay a fine in the amount of R750 000 (Seven Hundred and Fifty Rand) jointly and severally with the one paying the other to be absolved, for conducting a business of adult premises and distributing films or publications in public within the Republic of South Africa that have been classified “X18” or which would have been so classified had they been submitted for classification, without being registered with the Applicant as prescribed in terms of section 24A(3) of the FP Act.
- 7.5. Directing the First and the Second Respondents to pay a fine in the amount of R50 000 (Fifty Thousand Rand) jointly and severally with the one paying the other to be absolved for distributing films or publications without displaying clearly and conspicuously and in the prescribed manner, classification reference number, age restriction, consumer advice and any other condition imposed on the distribution of the film or publication in public within the Republic of South Africa as prescribed in section 24A (5) of the FP Act.
- 7.6. Directing the First and the Second Respondents to pay the costs in respect of the proceedings and
- 7.7. Further and/or alternative relief.

RESPONDENT’S DEFENCE

[8] There was no response from the Respondents. In addition, there was no appearance on behalf of the Respondents at the hearing.

HISTORICAL BACKGROUND

[9] The Film and Publication Board (“FPB”/“Board”), was established in terms of section 3 of the Films and Publications Act 65 of 1996, as amended (“the FP Act”).

[10] Section 2 of the FP Act provides that the objects of the FPB to be, *inter alia*, regulate the creation, production, possession and distribution of films, games and certain publications by way of classification to:

- protect consumers against harmful and disturbing material while allowing adults to make informed choices for themselves and the children in their care by providing consumer advice.
- protect children from exposure to disturbing and harmful material and from premature exposure to adult material.
- make the use of children in pornography punishable
- criminalise the possession, production and distribution of child pornography; and
- create offences for noncompliance with this Act.

[11] On 1 March 2022, the mandate of the FPB was extended by 2019 Amendment Act. Pursuant to that amendment, the FPB is now vested with the responsibility to regulate online content.

CIRCUMSTANCES THAT LED TO THE REFERRAL

[12] On 16 September 2025, Michael Nicholson (Mr. Nicholson), a Compliance Officer employed by the Applicant, conducted an online inspection on the Respondent’s website with URL <https://www.tellofilms.com>. This was done in line with section 15A of the FP Act.

[13]The Compliance Officer established that the First Respondent, through its website, was distributing/exhibiting/streaming various movies/films online and these were accessible in the Republic of South Africa to members of the public.

[14]Mr. Nicholson checked the First Respondent's registration with the FPB on the Applicant's records through the FPB's online APP and found no records of the First Respondent's registration. A copy of the Applicant's Online check was annexed to the papers and marked "FPB1".

[15]During the same inspection, Mr. Nicholson observed that the films/movies were unlawfully being distributed/exhibited/streamed on the First Respondent's website without displaying, clearly and consciously these films in the manner prescribed by the FP Act and without the required classification reference numbers, age restriction and consumer advice. Mr. Nicholson annexed screenshots marked "FPB2".

[16]On 16 September 2025, the Compliance Officer issued a Notice of Contravention and served it on the First Respondent. The Notice of Contravention afforded the First Respondent 30 (thirty) working days to remedy the noncompliance or ask for an extension.

[17]On 27 November 2025, Mr. Rajesh Vishnu, a Compliance Officer and Regional Coordinator, employed by the Applicant, conducted a follow up inspection on the First Respondent's website as per the Notice of Contravention. During the said follow-up inspection, Mr. Vishnu established that the First Respondent was still not registered with the Applicant. In addition, it had not submitted its films to the Applicant for classification.

[18] It was this failure, by the First Respondent, to remedy the noncompliance, that triggered the referral to the Enforcement Committee for adjudication.

THE PROCEEDINGS

Service of Documents

[19] Since there was no appearance on behalf of the Respondents, the Enforcement Committee had to satisfy itself that the Respondent knew that the matter was before it for adjudication.

[20] There was evidence that the email address used to serve all the necessary documents to the Respondents was sourced from the website of the First Respondent. This is the same email address made available to the public for anyone wanting to contact the Respondent. For that reason, it is highly unlikely that it would be a non-functional or incorrect address.

[21] The Applicant complied with Rule 5 of the Rules in respect of service. There is every indication, therefore, that there was proper service on the Respondents.

[22] Furthermore, there was an IT Expert Confirmatory Affidavit by Mr. Sheldon Cairns which served to confirm that there was indeed proper service on the Respondents.

DISCUSSION AND ANALYSIS OF THE FACTS

[23] The Respondents had allegedly failed to comply with section 18(1)(a) and section 18(1)(b) of the FP Act in that the First Respondent was not registered with the Applicant as a distributor/exhibitor of films and that it had failed to submit its films to the Applicant for classification, respectively.

[24] In support of the allegations, the Applicant provided evidence in the form of screenshots.

[25] The evidence of noncompliance by the Respondent has not been contradicted, nor can it be, as it is formidable.

[26] What would have assisted the Respondent, was an argument in mitigation. Unfortunately, the Respondent's failure to answer means there is only one version before the Enforcement Committee. It also meant that the Enforcement Committee did not have the benefit of evaluating the evidence against mitigating factors, if any. The evidence tendered by the Applicant was found to be true and reliable. It was also found to be sufficient to make a finding of noncompliance against the Respondent.

FINDING

[27] In the result,

- 27.1. The First Respondent is found to have contravened section 18(1)(a) of the FP Act in that it failed to register with the Applicant as a distributor/exhibitor of films.
- 27.2. The First Respondent is found to have contravened section 18(1)(b) of the FP Act in that it failed to submit its films to the Applicant for classification.

ORDER

[28] Accordingly,

- 28.1. The Respondents are interdicted and restrained from unlawfully distributing, exhibiting or making available any film content for streaming

within the Republic of South Africa in contravention of section 18(1)(a) and 18(1)(b) read with sections 24A(1), 24A(2), 24A(3) and 24A(5) of the FP Act and Rule 9(3)(g) of the Rules through their website <https://www.tellofilms.com> or any other digital platform accessible within the Republic of South Africa without being registered to do so.

- 28.2. Directing the First and Second Respondents to pay a fine in the amount of R150 000 (one hundred and fifty thousand rand) jointly and severally with the one paying and the other being absolved, for distributing films or publications in 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.
- 28.3. The Respondents shall pay a fine in the amount of R500 000 (Five Hundred Thousand Rand) for the First Respondent's failure to submit its films to the Applicant for classification.
- 28.4. The Respondents shall pay a fine in the amount of R750 000 (Seven Hundred and Fifty Thousand Rand) for conducting the business of adult premises without a licence and distributing films or publications within the Republic of South Africa that have been classified "X18" or which would have been so classified had they been submitted for classification, without being registered with the Applicant as prescribed in terms of section 24A(3) of the FP Act.
- 28.5. The Respondents shall pay a fine in the amount of R50 000 (Fifty Thousand Rand) for distributing films or publications without displaying clearly and conspicuously and in the prescribed manner, classification reference number, age restriction, consumer advice and any other condition imposed on the distribution of the film or publication in public within the Republic of South Africa as prescribed in section 24A (5) of the FP Act.
- 28.6. The Respondents shall pay the costs in respect the proceedings.

TMMasipa

ENFORCEMENT COMMITTEE

Judge Thokozile Masipa – Chairperson

Ms Nalini Maharaj – Member

Dr. Adv Nzumbululo Silas Siphuma – Member

Date: 19/8/2026