

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

Film and Publication Board (FPB)

Applicant

and

ADULTEPIC

Respondent

Case No: 035/2025/RD/N-K

Date of hearing: 09 June 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. Dion Manakane

For the Respondent

(No Appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

- [1] This matter was referred to the Enforcement Committee for adjudication in terms of section 6B of the Films and Publications Act 65 of 1996, as amended ("FP Act").
- [2] It was alleged that the Respondent contravened section 18(1)(a) and (b) of the FP Act for failure to register with the Applicant as distributor of films and for failure to submit its films to the Applicant for classification, respectively.

THE PARTIES

- [3] The Applicant is the FILM and PUBLICATION BOARD, a statutory entity established in terms of section 3 of the FP Act. It is the Content Regulatory Authority in South Africa with a mandate that includes regulating online content.
- [4] The Respondent is ADULTEPIC.COM, an online platform that distributes/streams various films to the public in South Africa.
- [5] The Respondent is described by the Applicant as ADULTEPIC.COM, an online platform with URL <https://adultepic.com/> whose physical address is unknown to the Applicant.

THE FACTUAL BACKGROUND

[6] On 4 September 2024, the Applicant, through its Compliance Officer, Rajesh Vishnu, conducted an online inspection at the platform of the Respondent, ADULTEPIC.com. The purpose of the inspection was to ascertain if the Respondent, an online distributor of films, was complying with the provisions of the FP Act.

[7] During the inspection it was established that the Respondent was not registered with the Applicant in terms of section 18(1)(a). In addition, the Respondent had failed to submit its films to the Applicant for classification in terms of section 18(1)(b).

[8] Mr. Vishnu issued and served a Cease-and-Desist letter as well as a Notice of Contravention to the Respondent affording it an opportunity to comply with the provisions of the FP Act within 30 days or request an extension if that was necessary.

[9] On 25 September 2024, Mr. Vishnu conducted an online follow-up inspection during which he established that the Respondent had still not registered with the Applicant and had still not submitted its film to the Applicant for classification. In addition, the Respondent had not asked for an extension of the period to afford it more time within which to comply.

[10] Furthermore, Mr. Vishnu addressed a courtesy email to the Respondent through the email address abusexxxxx@gmail.com to notify it that the matter was now being referred to the Enforcement Committee for adjudication.

[11]The email address concerned, had been sourced from the website of the Respondent which is its business email address. It is highly unlikely, therefore, that it would be an incorrect email address or it could be non-functional.

[12]In addition, it was argued and proved that service of all the relevant documents was effected in terms of Rule 5 of the Rules of the Enforcement Committee.

THE ALLEGED NONCOMPLIANCE

[13]The Applicant alleged that the Respondent was in contravention of sections 18(1)(a) and (b) of the FP Act in that it had failed to register with the Applicant as a distributor of films, games and publications and it had failed to submit these to the Applicant for classification.

THE RELIEF SOUGHT

[14]The Applicant sought the following relief:

- 14.1. The Applicant sought to interdict the Respondent from distributing/exhibiting unclassified films through its website or any other means accessible to the public in South Africa while the Respondent remained unregistered with the Applicant.
- 14.2. The Applicant also sought the maximum penalties allowed in terms of the provisions of the FP Act.

RESPONDENT'S DEFENCE

[15]The Respondent failed to respond to any of the correspondence from the Applicant. In addition, there was no appearance on behalf of the Respondent at the hearing.

THE PROCEEDINGS

[16] At the time of the hearing, the Respondent was still non-compliant. Because there was no appearance on behalf of the Respondent, the application proceeded unopposed.

DISCUSSION AND ANALYSIS

[17] The Applicant alleged that the Respondent failed to register with the Applicant as a distributor of films, and that it had failed to submit its films for classification.

[18] These were not mere allegations but were supported by formidable evidence. Screen shots of the Respondent's website were attached to the papers. These included images and scenes which are disturbing and clearly inappropriate for children.

[19] By failing to register with the Applicant as a distributor of films, and failing to submit its films to the Applicant for classification, the Respondent is depriving adults an opportunity to make informed choices about what they or children in their care should watch or read.

[20] What is worrisome is that the Respondent seems unconcerned about the consequences of its conduct. More than once the Applicant tried to engage the Respondent about its unlawful conduct and advised it as how it could remedy the noncompliance within 30 days. The Respondent chose to ignore this advice. It did so at its own risk.

[21] The Enforcement Committee considered all the relevant information beforehand, including the fact that the Respondent was nonresponsive.

[22]The evidence before the Enforcement Committee was not contradicted. In addition, it was found to be credible, reliable and sufficient to justify a conclusion that the Applicant has made a case for the relief that it sought.

FINDING

[23]Accordingly, the Enforcement Committee makes the following finding:

- 22.1. The 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 of films.
- 22.2. The 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

[24]In the results, the Enforcement Committee grants the following Order:

- 24.1. The Respondent is interdicted and restrained 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 FP Act through its website ADULTEPIC.com or any other digital platform accessible within the Republic of South Africa without being registered to do so with the Applicant.
- 24.2. The Respondent shall pay a fine in the amount of R150 000 (One Hundred and Fifty Thousand Rand) 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.
- 24.3. The Respondent shall pay a fine in the amount of R500 000 (Five Hundred Thousand Rand) 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.

- 24.4. The Respondent shall pay a fine in the amount of R750 000 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 while knowingly broadcasting, distributing, exhibiting in public, offering for exhibition, sale or hire or advertising for sale or hire any film or game or a 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.
- 24.5. Such payment of fine shall be deposited by the Respondent into the bank account of the Film and Publication Board namely: ABSA Bank within forty-five (45) days upon receipt of this Order.

Account Holder: Film and Publication Board

Account Number: 4050451190

Bank: ABSA

- 24.6. Proof of payment shall be submitted to the CEO of the Film and Publication Board at the following email address, Makhosazana.lindhorst@fpb.org.za within 48 hours of such payment.
- 24.7. The Respondent shall pay costs in respect of these proceedings.

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ENFORCEMENT COMMITTEE

Judge Thokozile Masipa – Chairperson

Ms Nalini Maharaj – Member

Dr. Adv Nzumbululo Silas Siphuma – Member

Date: 14/8/2026