



Report of the Adjudicator

Complaint number	#61667
Cited WASPA members	Twistbox Entertainment Membership no: 2001
Notifiable WASPA members	n/a
Source of the complaint	WASPA Compliance Department
Complaint short description	Deceptive marketing of subscription services
Date complaint lodged	15 October 2025
Date of alleged breach	01 October 2025
Applicable version of the Code	17.14
Clauses of the Code cited	21.10
Related complaints considered	n/a
Fines imposed	None
Other sanctions	None
Is this report notable?	Yes
Summary of notability	<i>Distinction between X18 and 18 content; referral of complaint to Film and Publications Board; Ability to Appeal referral.</i>

Initial complaint

1. The WASPA compliance department (the “complainant”) conducted a test on the MTN network on an “ErotikTok” page which is operated by the Member. The landing page invites the reader to subscribe to a subscription service of ErotikTok at R39.99 a week.
 2. The WASPA compliance department tester then subscribed to the service and was provided with video content from the service.
 3. In its complaint the Compliance Department provided eight images or screenshots of the content provided by the service as well as a video showing the process adopted by the tester. In the PDF document 8 images were provided, all of women with most of naked women whose pubic areas were visible (but not focussed on) and with some of them touching their breasts suggestively.
 4. In terms of the video, the tester clicked on 13 different videos which were all of women who were either naked or semi-naked (breasts exposed). Once again, the videos often had the women touching their breasts, but there were no close ups of the pubic area nor any touching of the pubic area in any of the videos, nor were there any men in the videos.
 5. The WASPA compliance department then alleged that the Member was not compliant with the WASPA Code of Conduct in that the content breached clause 21.10 as read with clauses 21.1 and 21.2 of the WASPA Code of Conduct in that the Member was offering content that was, or would likely be classified as, XX or X18.
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Member’s response

6. The Member provided an email response on the 21st October 2025, in which the Member asked for clarity on the differences between “sexual conduct” and “explicit sexual conduct”.
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Complainant’s response

7. The complainant then responded by indicating that the Regulations provided the definitions the Member required and then provided them for ease of reference, specifically:

“The definition for ‘Sexual conduct’ includes:

- 1. genitals in a state of arousal or stimulation, real or simulated;*
- 2. undue display of genitals or of the anal region;*
- 3. masturbation;*
- 4. bestiality;*
- 5. sexual intercourse with a person or a human corpse, including anal or oral sexual intercourse;*
- 6. sexual contact involving the direct or indirect fondling or touching of the intimate parts of a body, including the breasts, anus, vagina, testicles or penis, with or without any object;*
- 7. the penetration of a vagina or anus with any object;*
- 8. oral genital contact; or*
- 9. oral anal contact.*

The definition for ‘Explicit sexual conduct’ means graphic and detailed visual presentations or descriptions of any conduct contemplated in the definition of “sexual conduct” in the Act.”

8. The Complainant indicated it was unsure what the Member found to be unclear.

Member’s response

9. The Member then responded on the 28th October 2025 and indicated that it now needed clarity on what “undue display of genitals” meant in the context of the content?

Complainant’s response

10. The Complainant then provided a three-page response to the Member’s enquiry and pointed out that “undue display” is assessed objectively by the Films and Publication Board with reference to the context, focus and intent of the depiction and exists where:

- *“The primary focus of the image or scene is on the genitals or anal region;*
- *The nudity is unnecessary to context or narrative (i.e., not artistic, educational, or documentary); and*
- *The depiction is sustained or detailed and intended for erotic stimulation.*

Therefore, a video depicting a fully nude person with visible genitals, even without touching, fondling, or sexual activity, where the purpose or focus is erotic display, constitutes “sexual conduct”. If depicted in a detailed or prolonged manner, it is deemed “explicit sexual conduct” and thus falls within the X18 classification.”

11. In the Complainant’s opinion the material displayed included:

- 11.1. *“Sustained frontal nudity of female individuals;*
- 11.2. *A clear erotic or titillating focus without contextual justification; and*
- 11.3. *Visual detail sufficient to meet the FPB definition of explicit sexual conduct.*

Accordingly, such material would reasonably be classified as X18 (Restricted Distribution – Explicit Sexual Conduct) under the FPB Guidelines.”

The complainant further stated:

“In response to your specific question: “...if a solo female is standing fully nude, no fondling or sexual contact of any kind... is that undue display of genitals?”

The answer is yes – such a depiction would constitute an undue display of genitals, and therefore sexual conduct, when the focus of the scene is the nudity itself and not an artistic or educational context.

In such cases, the content would fall under explicit sexual conduct, triggering an X18 classification. As such, this content may not be distributed under the WASPA Code unless separately classified by the FPB and hosted via a duly registered restricted distribution platform.”

Member’s response

12. The Member then responded on the 28th November 2025 with its first substantial response and made the following points:
- 12.1. The complaint lacked the specificity that the Member required in order to respond to the complaint;
 - 12.2. Any image must be considered in the light of artistic, dramatic or scientific merit which it may have;
 - 12.3. The manner in which context, impact and release format should be evaluated as set out in the Film and Publication Board Guidelines (available at: <https://fpb.org.za/wp-content/uploads/2023/12/Classification-Guidelines-Effective-1-August-2022.pdf>).
13. Applying the Guidelines to the above situation, the Member submitted that:
- 13.1. It was made abundantly clear the content was of an adult nature, and so subscribers would expect to receive this content,
 - 13.2. The scenes take place in the privacy of the model's home / bedroom,
 - 13.3. No models touched their genitals and while touching of the breasts did occur, it happened for less than 30% of the length of the video.
14. As a result, the Member submitted that the content would likely be classified as "18" as opposed to "X18" and as such would not breach clause 21.10 of the WASPA Code of Conduct.
15. Turning to the question of "likelihood" the Member questioned what this meant in practice and further questioned the ability of the Complainant to correctly assess this likelihood.
16. The Member submitted that in order for the content to be classified as "X18" there needed to be "explicit sexual conduct". This phrase is defined as sexual conduct which is "graphic and detailed visual presentations... of sexual conduct...". (Note that neither "graphic" nor "detailed" are defined). The Member submitted that none of the content was "graphic nor detailed, and, as such, could not qualify for classification as "X18".¹
17. The Member also pointed to various aspects in which it believes that the WASPA compliance department used the incorrect test to conclude that the content would likely be classified as "X18".

Complainant's response

¹ Section 4.2(12) of the Guidelines.

18. The Complainant then provided a response on the 11th December 2025 in which it denied that the Member had not been provided with enough specificity of the alleged breach of the WASPA Code of Conduct, indicated that the WASPA Compliance department is obliged to evaluate the content and what the likely classification would be of the content.

19. The Complainant then provided the following commentary on the context:

“The member submits that WASPA failed to consider context, impact, and release format as required by the FPB Guidelines.

These factors are relevant and are addressed as follows:

- Context: The EroticTok service is explicitly marketed as erotic adult content, intended solely for sexual arousal, and accessed only after age verification.*
- Impact: The content features sustained frontal nudity, visible genital exposure, and erotic posing without narrative, educational, or artistic framing, elevating intensity.*
- Release format: The short-form video format, clarity of images, ability to replay scenes, and ability to view clips out of context are all factors recognised by the FPB as increasing impact.*

Considered holistically, these factors support a higher classification outcome.”

20. The Complainant continued that the content:

- “Presents sustained frontal nudity with visible genital exposure;*
- Places deliberate visual emphasis on erotic display;*
- Is presented without narrative or contextual justification; and*
- Is intended solely to arouse or titillate.”*

21. The Complainant then concludes that, in the light of the dispute between the Member and the Complainant as to the classification of the content, the dispute would best be resolved by submitting the complaint record and evidence to the Film and Publication Board for formal classification. This, the Complainant states, would be: “a prudent and proportionate regulatory step and does not preclude adjudication of the present complaint.”

Member’s response

22. The Member then provides the last communication in this matter on the 29th January 2026 in a 12-page document. The Member states that its analysis “indisputably proved its content

did not exceed the Very Strong (18) classification”. It further addressed various points raised by the Complainant, a summary of which is provided below:

22.1. Procedural fairness

22.1.1. The clarification of the nature of the breach by the Complainant in subsequent communications (i.e. after the original complaint) resulted in procedural unfairness for the Member.

22.1.2. The Member was forced to guess as to the manner in which the content breached the Code of Conduct,

22.2. FPB Classification guidelines

22.2.1. The Member alleged that it had proved that the content was Very Strong (18) as opposed to Restricted Distribution Content (X18) and that the factors for being classified as “Very Strong” were deliberately omitted by the Complainant.

22.2.2. The Member further alleged that the Complainant used the wrong standards when attempting to classify the content and any attempt to remedy the error after the complaint was lodged was impermissible.

22.3. Tester competence

22.3.1. The Member alleged that the Complainant had insufficient experience to differentiate between X18 and 18 content,

22.4. Context, impact and release format

22.4.1. The Member then provided screenshots of 16 different videos on the Member’s EroticTok platform and made the following points in relation to context:

22.4.1.1. The models do not have aroused expressions,

22.4.1.2. The content’s objective intent is to artistically entertain adults for a few seconds and the length of the content is “not enough to arouse or unlikely to arouse”,

22.4.1.3. “Each clip explored uniquely varying camera angles, perspectives, poses and conduct.”

22.4.2. The Member then considered Impact and stated that:

“one test clip captured a model’s back showing a partially-covered butt (no anus); one test clip showed a fully-dressed girl from a distance flashing only her breasts for 2 seconds; 3 – 4 test clips are merely topless (breasts); 12 of the 16 test clips show no genitals; the few clips that might show genitals do so from a distance, covering 1% of screen space, and fleetingly – one for 1 second and two for 3

seconds, all barely visible on small phone screens; none of the clips contained closeups of nudity.”

- 22.4.3. The Member noted that all of the above were allowed by the Very Strong (18) classification which allows, “undue display of genitals and sexualised touching of intimate body parts”.
- 22.5. With regard to release format, the Member contends that the short (mere seconds) nature of the videos, the low resolution with the small screen (mobile phone) make the content less likely to be considered to be “X18”.
23. The Member then considered what was allowed by the Very Strong (18) standard and noted that the FPB Guideline actually allows, ““actual strong impact nudity in sexual contexts” and “actual strong to very strong impact sexual conduct.”²
24. The Member then addressed the proposal by the Complainant that the content be submitted to the Film and Publications Board for classification and objected to this on ostensibly four (more accurately seven) grounds, namely:
- 24.1. The mere proposal to submit the content to the FPB confirms that WASPA failed to meet the standard of the content being “likely” to be classified as “X18”,
- 24.2. In terms of the WASPA Code of Conduct, the adjudicator is not able to authorise the referral of the matter to the FPB,
- 24.3. The Adjudicator is only able to make a decision on the evidence presented and may not consider any additional or extraneous evidence that is not on the record,
- 24.4. The referral of the content to the FPB will violate the Member’s privacy rights,
- 24.5. The referral of the content to the FPB will violate the data subject’s (models) POPIA consent,
- 24.6. The referral of the service to the FPB for the classification of the entire service “violates procedural and substantive rights”, and
- 24.7. Including the evidence to date in the complaint could unfairly influence the decision of the FPB.
25. The Member then addresses the issue of mitigation (on the assumption that the Adjudicator finds against the Member) and notes that the service has been running for nine years with no complaints of a similar nature, the content was removed immediately when the complaint was lodged and that “no person was harmed in any way”.

² FPB Guidelines 4.2(9)(e) and 4.2(9)(h)(vi) and (viii).

Clauses of the Code considered

Clause 21.1: An “adult service” is any service where the content or product is of a clearly sexual nature.

Clause 21.2: An “adult content service” is any service for the provision of content which has been classified as suitable only for persons 18 years or older by an appropriate body (such as the Film and Publications Board), or content reasonably likely to be so classified.

Clause 21.10: Members may not offer adult content which is classified as XX or X18 by the Film and Publication Board, or which has not yet been classified but which would likely be classified as XX or X18.

Decision

OVERVIEW

26. At its heart, this particular complaint is relatively simple. The terse question is whether the content within the video provided by the Complainant would be “likely” to be classified as “18” or as “X18” by the Film and Publication Board (FPB)?
27. If the answer to the question is that the content provided by the Member would likely be classified as “18” then the complaint falls to be dismissed. Alternatively, if the answer to the question is that the Film and Publication Board would be likely to classify the content as “X18” then the Member has contravened clause 21.10 of the WASPA Code of Conduct.
28. However, before considering this substantive question, it is necessary to deal with some ancillary issues to the matter.

ALLEGED FAILURE TO PROVIDE SUFFICIENT PARTICULARITY IN COMPLAINT

29. The Member alleged that the Complainant did not provide sufficient particularity to its complaint to enable the Member to respond. While this complaint may have had some merit based on the initial complaint, after the Complainant provided two substantive replies it is undeniable that sufficient particularity on the nature of the complaint was provided to the Member and this procedural objection by the Member is dismissed.

COMPLAINANT’S LACK OF EXPERIENCE / BACKGROUND IN CLASSIFICATION

30. The Member further alleged that the Complainant should not be entitled to classify the content without providing some indication as to whether the Complainant has the necessary qualifications to make such a determination. Once again, this objection falls to be dismissed as it is not the Complainant that makes the determination but rather the Adjudicator in this matter. Moreover, the position that the Complainant occupies as the WASPA compliance department makes the Complainant far more competent than the vast majority of members of the public who could just as readily object to the nature of the content and would need no qualifications whatsoever to make such a complaint.

APPLYING THE “LIKELIHOOD” TEST IN CLAUSE 21.10

31. South African law has dealt with the question of “likely” for many years and this is generally equated to the test for success in a civil case which is “on the balance of probabilities”. This is often described as “more probable than not” or in percentage terms if the result had a probability of 51% then it would be “likely” and if the result had the probability of 49% it would be considered to be “unlikely”.

32. However, this is not the end of the question. By its very nature clause 21.10 is asking the adjudicator to make a prediction as to how another body would classify the content and as such past decisions by WASPA Adjudicators, South African courts and the FPB itself would have an impact on the likelihood of a particular classification.

33. In adjudication 59781 the adjudicator was required to make a determination as to whether the content would be considered to be “XX” “X18” or “18” but in that matter, the content involved explicit sexual conduct and so the probability in that the content was X18 or XX was “beyond reasonable doubt” or “extremely likely” unlike the current matter. No further assistance is also possible from adjudication 60414 which also dealt with an adult content service where the content was clearly “X18” or above. As a result, it would seem as though this matter is the first WASPA adjudication where the boundary between content classed as “18” as opposed to “X18” needs to be considered.

34. Turning to South African court decisions, in *De Reuck v DPP (WLD) and Others [2003]*

ZACC 19³ the South African Constitutional Court found that the test to be applied was that of a “reasonable viewer” and should not consider the subjective state of the mind of the author or the accused.⁴

35. Returning to the question of “likelihood”, the test is not a free-floating test as to what the Adjudicator’s best guess would be of such a likelihood. Instead, it would be the application of an objective, evidence-based evaluation of the content based on the Film and Publications classification framework and Guideline and the content’s context.

CLASSIFICATION OF THE CONTENT

36. Both the Complainant and the Member have made multiple submissions justifying their position that the content provided should be classified as either, in the Complainant’s opinion “X18” or, in the Member’s opinion, “18”.
37. As the parties have canvassed their respective positions on this issue at great length and these have been summarised above, this adjudication does not intend to repeat such submissions here.
38. At a high level, the content provided by the Member is not clearly or obviously X18 (or above), unlike previous WASPA complaints which were much clearer cut. This in turn means that any decision in this adjudication on the breach of clause 21.10 by the Member would be a relatively marginal decision.
39. It is also worth noting that disagreements on the nature of similar content have received substantial attention from our courts as there is an inherent tension between the protection of the population and the right to Freedom of Expression on the other. in *Print Media South Africa and Another v Minister of Home Affairs and Another*⁵ the court confirmed the importance of freedom of expression (and the effect of a prior restraint on freedom of expression) when it stated:
- “[T]he prior restraint of publication, though occasionally necessary in serious cases, is a drastic interference with freedom of speech and should only be ordered where there is a substantial risk of grave injustice”.*
40. In the present case the adjudicator has been placed in the unenviable position of having to make a decision not as to whether the content provided by the Member should be classified as “X18” or “18”, but rather whether the Films and Publication Board would, if presented with

³ <https://www.saflii.org/za/cases/ZACC/2003/19.html>

⁴ <https://www.saflii.org/za/cases/ZACC/2003/19.html> at paragraph 22.

⁵ (CCT 113/11) [2012] ZACC 22; 2012 (6) SA 443 (CC); 2012 (12) BCLR 1215 (CC) (judgment delivered 28 September 2012), <https://www.saflii.org/za/cases/ZACC/2012/22.html> at paragraph 44.

the same content, be “likely” to classify the content as “X18”. For the reasons set out below, this adjudication does not make a decision on the merits of the matter, but rather refers the matter back to WASPA, and thereafter to the FPB, for a determination.

ARTISTIC MERIT

41. In its replies the Member alleges that the service and content could qualify as “artistic” and as a result benefit from the exception within the FPB’s classification system which allows for the publication of such content if the content is “conforming to the standards of art and satisfying aesthetic requirements”.⁶ Put differently, even if the content would ordinarily be classified as “X18” it may still be classified at a lower level (such as “18”) if, “judged within context, the film is a bona fide documentary or is of scientific, dramatic or artistic merit...”⁷
42. Some care should be taken with this claim as it is possible that something that has genuine artistic merit for one person could be considered to be without artistic merit by another. Moreover, as the classification of the content as “X18” as opposed to “18” has the effect of making the content unavailable, the right to freedom of expression by the Member, the data subjects and the public need to be considered. It should also be stated that photography and videography are recognised art forms.
43. The Member alleged that the content had artistic merit as: “Each clip explored uniquely varying camera angles, perspectives, poses and conduct” while the Complainant stated that: *“the focus of the scene is the nudity itself and not an artistic or educational context”*.
44. After considering the submissions, it is difficult to conclude that the above exception would apply in the present case, for the following reasons:
- 44.1. The service name (EroticTok) is a play on the word “erotic”,
 - 44.2. The opening page states “Sexy videos for Adults only!” along with “trending sexy videos” above that with no mention of any artistic merit or aesthetic considerations,
 - 44.3. The picture on the opening page has naked female breasts (note this is before the consumer would have subscribed to the service),
 - 44.4. The service itself simply provides the user access to videos which have no commentary (such as camera that was used or lighting that was applied or set that was created), all of which are of naked or semi-naked women.
45. As indicated in *De Reuck v DPP (WLD) and Others [2003] ZACC 19*⁸:

⁶ As defined in Clause 2.1 of the FPB’s Guidelines.

⁷ Clause 4.2(12) of the FPB Guidelines.

⁸ <https://www.saflii.org/za/cases/ZACC/2003/19.html>

“I would observe, however, that erotic and aesthetic feelings are not mutually exclusive. Some forms of pornography may contain an aesthetic element.” In paragraph 32 Justice Langa notes: “The image must therefore, be seen by the reasonable viewer as having as its predominant purpose the stimulation of erotic rather than aesthetic feelings in a target audience.”

46. In the present matter on balance the content is predominantly erotic and consequently the submission by the Member that the content deserves to benefit from the “artistic” exception as detailed above, is dismissed.

REFERRAL TO THE FILMS AND PUBLICATIONS BOARD

47. As seen above in adjudications 59781 and 60414, where the content is clearly X18 or XX the adjudicators have no hesitation in finding a contravening of the WASPA Code of Conduct. However where the determination of the classification of the content is less clear and another body – such as the Film and Publications Board or a court – could conceivably classify the content in another way, the question then becomes as to whether an adjudicator should make such a finding (and in so doing substitute the adjudicator’s judgment for the Film and Publication Board’s judgment) or whether the adjudicator should provide the Member with the benefit of the doubt?
48. In its final submission, the Complainant submitted that - due to the continuing dispute as to the nature of the content - the content in question should be submitted to the Film and Publications Board for classification. The Complainant further submitted that the complaint record and compliance test record should also be provided to the FPB.
49. In its final submission the Member objected to such a submission of the content to the Films and Publications Board on several grounds as set out above. Each of these will now be dealt with individually for the sake of clarity:
- 49.1. *The mere proposal to submit the content to the FPB confirms that WASPA failed to meet the standard of the content being “likely” to be classified as “X18”,*
- 49.1.1. This objection is not an objection to the sending of the record to the FPB, but rather a submission on the merits of the case.
- 49.2. *In terms of the WASPA Code of Conduct, the adjudicator is not able to authorise the referral of the matter to the FPB,*

49.2.1. The adjudicator's powers stem from the WASPA Code of Conduct. Section 24.32 / 24.32A allow the adjudicator to refer a potential breach of the code back to WASPA. WASPA is in turn expected to investigate⁹ such a referral. Such investigation could include obtaining a classification decision from the FPB, particularly as the FPB is specifically named within clause 21.10 of the WASPA Code of Conduct.

49.3. *The Adjudicator is only able to make a decision on the evidence presented and may not consider any additional or extraneous evidence that is not on the record,*

49.3.1. This is essentially accurate. It should be noted that the role of the adjudicator is more inquisitorial in WASPA Adjudications as opposed to the role of a judge in a South African court case, but in essence the Member is correct in that extraneous evidence that has not been tested should not be relied upon by the Adjudicator to make his / her decision.

49.4. *The referral of the content to the FPB will violate the Member's privacy rights, and*

49.5. *The referral of the content to the FPB will violate the data subject's (models) POPIA consent,*

49.5.1. These bald allegations provide no detail as to how the Member's privacy rights are infringed nor how the POPIA consent is infringed. Moreover, this objection is without merit as the Film and Publications Board is performing a legally mandated service (classification) and so, in terms of section 11(1)(c) of the Protection of Personal Information Act (POPIA), it does not require consent of the data subjects (in this case the "data subjects" being both the Member and the models). Once the Member provided the content as a publicly available subscription service – albeit to paying subscribers who are over 18 – the Member placed the content within the purview of the Films and Publications Board. To hold otherwise would allow the Member to avoid the powers of the FPB on the simple allegation that the data subjects within their content (the models) did not provide their consent.

49.6. *The referral of the service to the FPB for the classification of the entire service "violates procedural and substantive rights",*

49.6.1. This allegation is not substantive enough for a response. If the Member had detailed exactly how the referral of content to a body which is legislatively

⁹ Consider clause 24.13 which, by implication,

mandated to classify it is somehow violating the Member's procedural or substantive rights, then a fuller response would have been possible.

49.7. *Including the evidence to date in the complaint could unfairly influence the decision of the FPB.*

49.7.1. The documentation in a WASPA complaint is not governed by a duty of confidentiality and anyone, including the Complainant, is able to disclose the results with any party. As with any contested decision both the Complainant and the Member should be allowed to place any relevant communications before the FPB. The Member's objection would only be valid if the Complainant were to place only its submissions before the Film and Publications Board and omit the Member's submissions.

50. It should be noted that this objection by the Member to the referral of the content to the Film and Publications Board is the weakest part of the Member's case. If the Member is as confident as it purports to be that the content would be classified as Very Strong (18) then why would the Member object to the review of the content by the Film and Publications Board? Surely, as the Complainant notes, this would resolve the dispute and provide useful guidance for other WASPA members that provide adult services?

CONCLUSION

51. After a careful consideration of the merits, this adjudication makes no finding as to whether clause 21.10 of the WASPA Code of Conduct has been breached by the Member. Instead, the matter is referred back to WASPA in terms of clause 24.32 / 24.32A for WASPA to request a classification on the content as set out in the video file provided by the Complainant by the Film and Publications Board (FPB).

52. Should the Film and Publications Board find that the content would be classified as "X18" then WASPA would be empowered to create a new complaint which would attach the FPB's decision on classification. Conversely, if the FPB were to agree with the Member that the content should be classified as "18" (Very Strong) then the matter would be settled and the Member could continue with the service as is.

Order

53. There is no finding as to whether clause 21.10 has been contravened by the Member.

Matters referred back to WASPA

54. In terms of clause 24.32 / 24.32A this potential breach of the code is referred back to WASPA. WASPA is hereby ordered to:

54.1. register the WASPA compliance department's complaint / request to classify with the Film and Publications Board by means of their online complaints form (<https://complaints.fpb.org.za>) or by means of email (clientsupport@fpb.org.za) along with all supporting documentation from both the Complainant and the Member as well as a copy of the video and this adjudication.

54.2. Follow up regularly with the Films and Publication Board to ensure that it receives a result which communications should also be addressed to the Member to ensure that the Member is aware of the progress of the enquiry.

55. WASPA is further directed to consider whether the promotional page for the service provided by the Member (which includes the bare breasts of a naked woman) may have contravened clause 21.9A of the WASPA Code of Conduct.

Appeal

56. Ordinarily, in terms of clause 24.37, the Member may appeal a decision of an adjudicator within 10 days of the release of this adjudication. However, this is an unusual case in that no decision has been made as to the breach of clause 21.10 in this particular matter, but rather there is only a referral back to WASPA to investigate the matter further by providing the content to the Film and Publications Board. As such this adjudication could be akin to an interim order by a court which is not able to be appealed. It is not immediately apparent whether the ability to appeal such an adjudication has ever been placed before the WASPA Appeal Panel and so no opinion as to the appealability of this adjudication is expressed.

57. The Complainant's attention is also drawn to clause 24.38 which allows WASPA a limited right of appeal.