



MINDE SCHAPIRO & SMITH

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Our Ref: DEM16/0489/ELZANNE JONKER/ks | Your Ref: | Date: 25 October 2017

#### PRIMEDIA

PER EMAIL: [Simon@primeoutdoor.co.za](mailto:Simon@primeoutdoor.co.za); [olivia@primeoutdoor.co.za](mailto:olivia@primeoutdoor.co.za); [ravi@primeoutdoor.co.za](mailto:ravi@primeoutdoor.co.za);  
[gloriadj@primeoutdoor.co.za](mailto:gloriadj@primeoutdoor.co.za); [peterl@primeoutdoor.co.za](mailto:peterl@primeoutdoor.co.za) ;  
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#### YOUR NAME BRAND

PER EMAIL: [natalie@urbramdhere.co.za](mailto:natalie@urbramdhere.co.za)

#### PRASA

PER EMAIL: [Zanele.sibanda@prasa.com](mailto:Zanele.sibanda@prasa.com); [mahlatse.sekhu@prasa.com](mailto:mahlatse.sekhu@prasa.com); [snhp@prasa.com](mailto:snhp@prasa.com);  
[vmatsimela@prasa.com](mailto:vmatsimela@prasa.com);

Dear Sir

### REMOVAL OF BILLBOARD BY PRIMEDIA OUTDOOR, A DIVISION OF PRIMEDIA (PTY) LTD AT PARK STATION JOHANNESBURG

1. We represent the Democratic Alliance ("our client").
2. Our instructions are as follows:
  - 2.1 Our client concluded an agreement with Your Brand Here (Pty) Ltd ("Your Brand Here") in respect of the leasing of advertising space subject to certain terms and conditions reflected in the agreement.
  - 2.2 Your Brand Here in turn entered into an agreement with Primedia Outdoor, a division of Primedia (Pty) Ltd ("Primedia") in order to fulfil its obligations to our client and procure advertising space, which our client requested.
  - 2.3 All respective parties fulfilled their obligations in terms of the agreements concluded and a Bill Board, of which Primedia is the owner, situated at Park Station, Johannesburg, was made available to flight our client's artwork with effect from 23 October 2017.

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Minde Schapiro & Smith Incorporated | Attorneys Notaries & Conveyancers since 1926 | Registration number 2010/025182/21

**Directors:** Louis Meyer B Juris LLB | Heinrich Crous BA LLB | Rosalie Smit B Comm LLB |  
Elzanne Jonker BA LLB | \*Jonathan Ruben B Comm LLB LLM | Venesen Reddy LLB  
**Senior Associate:** Gerhard Lourens FPSA®  
BA LLB

**Consultants:** Gerhard van Reenen | Marianne Olivier B Comm LLB LLM | Marais Hoon BA LLB | Rolé Beeby BA LLB

Vat registration number: 4580257428 | \*At Greenacres, Port Elizabeth



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- 2.4 Our client, complying with the Regulation of Gatherings Act 205 of 1993, notified all relevant role players (SAPS and JMPD) of its intended gathering on 23 October for the unveiling of the Bill Board. A lawful and peaceful gathering, held consistently with the RGA and s 17 of the Constitution, took place.
- 2.5 However, on 23 October 2017, after the flighting of our client's artwork and conclusion of our client's gathering took place, the artwork was unlawfully removed by Primedia and/or the Landowner of the site on which the Billboard is situated, namely the Passengers Railway Agency of South Africa ("PRASA"). PRASA is an organ of state as defined in s 239 of the Constitution.
- 2.6 It appears from email correspondence that PRASA was not aware of the content of the artwork and as a result instructed same to be removed.
3. The reasons (or lack thereof) for the removal of our client's artwork, was communicated to our client in certain email correspondence. The reasons appear to be either a punishment for the convening of a lawful and constitutional gathering, and/or concern with the content of the advertisement. Neither reason can justify PRASA and/or Primedia's conduct in removing the advertisement.
4. In light of the above, we urgently draw your attention to the decision in *Boycott, Divestment and Sanctions South Africa and Another v Continental Outdoor Media (Pty) Ltd and Others* [2014] ZAGPJHC 200; 2015 (1) SA 462 (GJ); [2014] 4 All SA 347 (GJ). In light of this judgment, the removal of the artwork was unlawful and unconstitutional.
5. In the premises, we therefore demand that you reinstate the said artwork on the billboard at the site (from where it was removed) by close of business on 26 October 2017 and to maintain the reinstated advertisement for a continuous period of one month against payment of rental for such billboard as envisaged in a rental agreement between the parties.
6. Should you not reinstate same as demanded, our instructions are to approach the High Court on an urgent basis compelling you to do so.
7. Our client's rights are reserved.

Yours faithfully

**MINDE SCHAPIRO & SMITH INC.**

*(Electronically sent, therefore unsigned)*

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