



PIONEER FOODS (PTY) LTD

SMS LEGAL NOTICE

1. This SMS legal notice is enforceable and binding on the recipient / addressee in terms of sections 11(1) to 11(3) of the [Electronic Communications and Transactions \(“ECT”\) Act 25 of 2002](#);
2. This SMS transmission contains confidential information, which is the property of Pioneer Foods (Pty) Ltd (“Pioneer Foods”). No person, other than the recipient (so indicated by the sender) may use or disclose the contents of this message, links or attachments hereto, to any person whatsoever. Unauthorised disclosure and/or use may result in civil and criminal liability;
3. The information in this SMS is intended for the attention and use of the addressee only. If you are not the intended addressee/recipient, you are hereby notified that any disclosure, copying or distribution of the contents of this SMS transmission or the taking of any action in reliance thereon or pursuant thereto, is strictly prohibited. Should you have received this SMS in error, please delete and destroy it immediately and notify the sender;
4. The SMS address of the sender may not be used, copied, sold, disclosed, shared or incorporated into any database or mailing list for spamming and/or other online marketing practices without the prior consent of the sender and/or Pioneer Foods;
5. Under no circumstances shall Pioneer Foods or the sender of this SMS be liable to any party for any direct, indirect, special or consequential damages, including, without limitation, any loss of profits, business interruption, loss of programs or other data on information handling systems or otherwise, even if Pioneer Foods or the sender of this SMS have been expressly advised of the possibility of such damages;
6. Any agreements concluded with Pioneer Foods by using electronic correspondence shall only come into effect once Pioneer Foods indicated such contract formation in a follow up or return communication and always subject to the requirements of the [ECT Act](#) and contract law in general;
7. No SMS correspondence sent to Pioneer Foods shall be deemed to have been received until Pioneer Foods has responded thereto. An auto-reply shall not constitute such “response” for purposes of this clause;
8. No warranties are made or implied that any employee and/or contractor of Pioneer Foods is or was authorised to create and send this communication;
9. Pioneer Foods reserves the right to intercept, filter, view, block, delete, access, copy, read and act upon this SMS message and all SMS messages send as reply messages to this SMS message or the address of the sender;

10. Pioneer Foods retains the copyright in all SMS messages and attachments sent from its communications systems insofar as such content is original and subject to copyright. The recipient / addressee is hereby licensed to open and read the message and/or attachments only – all other rights are reserved unless so indicated by the sender and/or Pioneer Foods;
11. The views and opinions expressed in this SMS message do not necessarily reflect the views and/or opinions of Pioneer Foods. If this SMS message is used for purposes unrelated to the official business of Pioneer Foods, Pioneer Foods shall not be liable for any damage, liability, infringement or loss caused by the contents of this message and the sender shall take full responsibility therefore in his/her sole and personal capacity;
12. Subject to urgent and interim relief, all disputes and/or disagreements and/or damages and/or liabilities, in any manner related to the:
 - 12.1. Interpretation, validity, access to and enforceability of this SMS legal notice;
 - 12.2. Content (including message headers, links and/or attachments) of this SMS message;
 - 12.3. The time and place this SMS was sent and/or delivered; and/or
 - 12.4. The identity of the sender,shall be referred to urgent and confidential arbitration in terms of the arbitration rules of the [Arbitration Foundation of Southern Africa](http://www.arbitration.co.za/Pages/docs/commercial_rules.pdf) and such arbitration shall be conducted in Paarl in English. The arbitration rules may be downloaded from:
http://www.arbitration.co.za/Pages/docs/commercial_rules.pdf
13. The law of South Africa shall govern this SMS message and legal notice;
14. Information disclosures required by law:
 - 14.1. Registration number: 1957/000634/07;
 - 14.2. VAT registration number: 4610103865;
 - 14.3. Directors: HE Blanckenberg; JA Louw;
 - 14.4. Postal address: P O Box 20, Huguenot, 7646;
 - 14.5. Street address: 32 Market Street, Paarl, 7646; and
 - 14.6. Web site: <http://www.pioneerfoods.co.za> .
15. This SMS legal notice shall at all times take precedence over any other SMS disclaimer(s) attached to return SMS's addressed to any person with an Pioneer Foods SMS account; and
16. Please contact the following person should you have any questions regarding this SMS legal notice: Arettha van Zyl, 021-8075182.

