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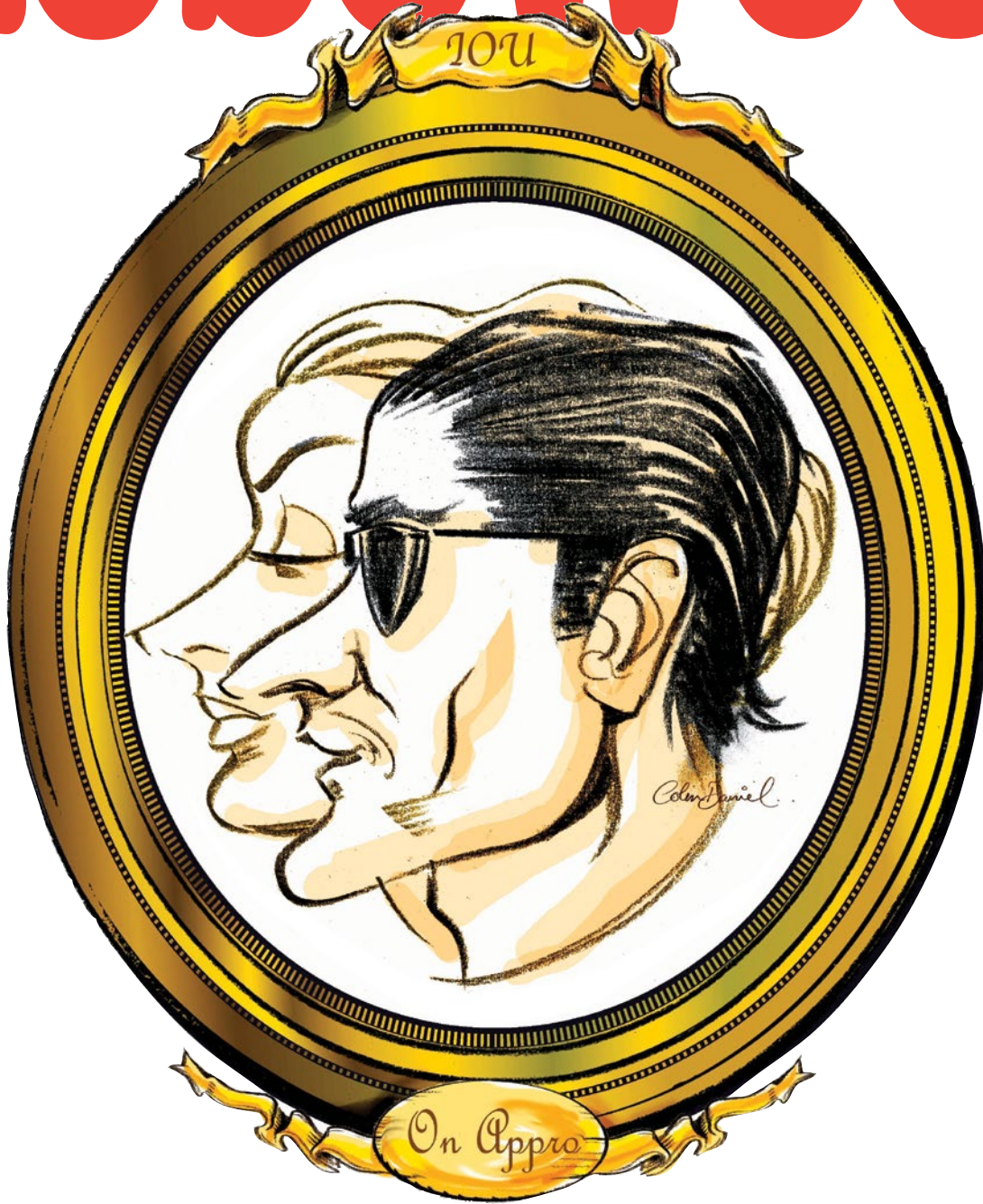
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NOVEMBER 2004



**The Baron & Baroness
von Bullshit
hit the fan**





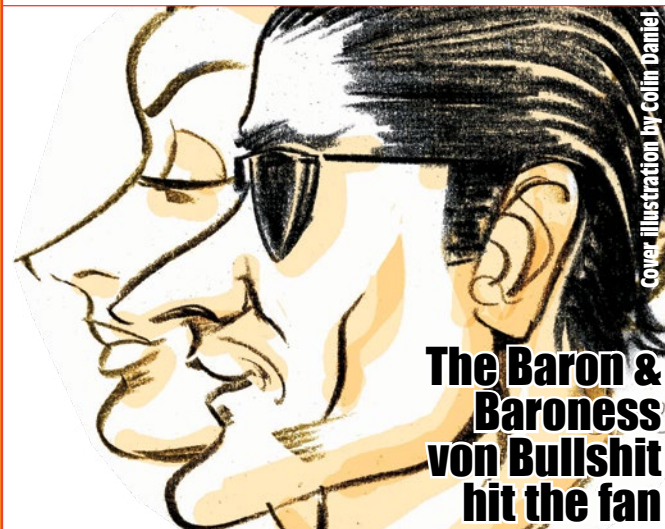
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AND FIND OUT.)



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Cover illustration by Colin Daniel

The Baron & Baroness von Bullshit hit the fan

A pair of European would-be nobs stylishly spend lots of lolly they haven't got, leaving a trail of debts and sadness in Cape Town's upmarket suburb of Constantia, where they are still living high on the hog

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The pen really is mightier

Because of what you write, readers may stop doing business with certain companies. SA Eagle (see page 21 and noses past) and Tracker (nose61) won't be getting any of my business, probably for the rest of my life – and probably not my children's, nor my wife's, nor her family's business. Then, my friends who don't read noseweek will probably be informed, casually, sooner or later within the next few years – by way of ordinary conversation. Such stories

to be a crook; the emotional load is heavy.

I am fortunate to work for a construction company that prides itself on absolute honesty and integrity in every aspect of its business, and it makes one feel good, it really does: one less candidate for noseweek.

OK, the political filth may not care, but the discomfort you cause them still makes it worth doing the story. Thanks to noseweek, we know who to spit on.

The honesty level of the entire nation is guarded,

charges of fraud and arson on clients who lodge fire claims" (nose61).

I have asked the CEO for comments on the article – it took three calls to Jo'burg to get his fax number – and will keep you informed.

Pam Herr
Fish Hoek

Damage Control

I was the loss adjuster acting on behalf of SA Eagle in connection with the claim submitted by Golden Wheat Biscuits, following a fire on 28 July 1999 at their Devland

guard, Mtuluzi Mdoko. We pointed out that it was Mdoko who had accidentally started the fire, so arson could never be an issue. AIN then secured more statements to support Dr Klatzow's view that plant and equipment were moved into the warehouse after the fire, which enabled SA Eagle to repudiate Golden Wheat Biscuits' claim on the basis of fraud. The matter was never tested in court because parent company Afribrand Holdings went into liquidation in 2002 and the civil case against SA Eagle never came to court. – Ed.

Money for nothing

Your article on Tracker (nose61) is most interesting, especially as earlier this morning I had written the following to someone I know: "My Tracker annual notice of increase – their words, not mine – is likewise missing basic business details, such as whether VAT is included or not, any indication of what units the 146 shown in the new subscription are, company address, registration number, etc.

"Tracker also state, in the smallest font on the whole letter, that I should 'Please note that the January 2005 subscription will be debited to your bank account on 22nd December 2004 and not on 3rd January 2005.' I have written to them indicating that I regard this as theft which must generate them a significant increase in revenue. Ten days early represents a lot of interest!" Your estimates of the size of the Tracker installed base adds a sense of scale to their behaviour. Protection of your assets? Bullshit!

Henry Watermeyer,
Gentel (Pty) Ltd, Lyndhurst

Jumat and injustice

I have just read your article on Peter Jumat, and while not surprised at the lack of justice, am moved by his stand against the gang culture – even in the face of much adversity!

I would like to know if there is a bank account or other means in which I can make a (small) contribution to him?

It's hard to be a crook; the emotional load is very heavy

always travel further, usually quite fast and probably with some exaggeration. See how many customers they lose!

How much would a company have to spend to reverse such negative publicity? A great deal, I suggest. This raises an interesting point: would it not be cheaper for them to simply do honest business? At the same time they could avoid that nagging, uncomfortable feeling which haunts you every minute, 24/7. It's hard

because the cost of being featured in noseweek is simply too high. Heng, but you ous do a good job!

Laurence Potgieter
by email

See updates on page 18 for Tracker's response, and page 21 for more about SA Eagle.

Keeping an Eagle eye

I am fully insured by SA Eagle and also inherited their shares, so I am very disturbed by your article on how they "will do anything to pin

warehouse ("Smoke and mirrors", nose61).

There was never any dispute regarding the cause of the fire. A forensic expert confirmed our own view that the fire was started due to the negligence of the security guard who was on duty on the night of the fire.

What was in dispute was the amount of the claim, which jumped from an initial estimate of about R4m to approximately R17m, with the latter amount including items of plant and equipment that were never in the warehouse when the fire occurred. In order to prove that these items of equipment had been introduced into the warehouse post the fire, we obtained evidence from Dr David Klatzow, a forensic expert, proving this to be the case. Hence I find it strange that SA Eagle would have required AIN to pay any party to prove that the fire was deliberately started when this issue was never in dispute. The claim was repudiated on the grounds of fraud.

Stuart Woodhead
Crawford & Co. (SA),
Bryanston

As AIN's own Ari Halpern stated in his affidavit (nose61), the initial aim of AIN was to prove arson. Halpern describes how he handed over money and various gifts to the security

Gus



Gus Ferguson's latest collection of cartoons and drawings, "Waiting for Gateau", has just been published by Double Storey and is available at all good bookshops.

If at all possible, could I also have an electronic version of the article to pass on to others who may feel compassion towards him?

C McPherson
Cape Town

There is, and you may.
Thank you! – Ed.

Here's to Tim James

Just to let you know that your new wine column (the first one on Pinotage) got an unexpected bit of PR without you being aware of it! I work part-time in a wine shop in Munich, one of about 200 in Germany called Jacques Wein Depot. On a monthly basis we introduce wines that aren't part of our selection, and just when I received your September issue with Tim James' Pinotage story we also had Beyerskloof Pinotage as our "Newcomer of the month" kinda thang. So I promptly photocopied his article, and it had pride of place alongside the Beyerskloof! We sold at least eight cases, probably three times the depot average in Munich (there are eight depots in the Munich area) and I like to think on the strength of his article and my faith in Pinotage!! Thanks again for a great magazine.

Billy van Rensburg
Munich, Germany

Denel's alien invasion

I assisted in the construction of several exhibition stands at the recent Aerospace Africa

exhibition, held at Waterkloof air force base and was appalled to note that Denel had contracted a foreign company and crew to design and build their huge stand.

Here we have our president lambasting Anglo American and at the same time a parastatal is employing foreigners to do work that South Africans are definitely more than capable of performing.

This once again emphasises that government should first clean up its own backyard before pointing fingers at others.

Nick Alexander
by email

Limerick low point

nose61's limerick plumbed the depths: it did not scan, it hardly rhymed and it wasn't funny. In spite of the fact that I have submitted countless marvellous limericks, you have never even had the decency to send me a rude rejection notice. Herewith, once again, a prize specimen. Without in any way wishing to influence your decision on the prize-worthiness of my limerick, I note that my subscription is due for renewal after the publication of nose62 ... Keep it up, if you can.

Brian Amery
Simondium

You win. I expect your renewal cheque within seven days. (Without wishing to suggest anything, fancy Parker pens have been known to get lost in the post ...) – Ed.

Write a limerick and win a Sonnet

Each month noseweek, with Pen & Art, is giving away a Parker Sonnet fountain pen worth about R1,000! for the best topical limerick submitted to the magazine.

Send your sanctimonious, scurrilous, rude, amusing or insightful scribbles by email to noseweek@iafrica.com; by post to Box 44538, Claremont 7700; or by fax to (021) 686 0573. Entries must be received by Friday 19 November and must be headed 'November Limerick Competition'

The winning entry will be published in the following month's edition of noseweek. The editor's decision is final.

And this month's winner is (da-da!)...

It's such fun at the Durbanville race.

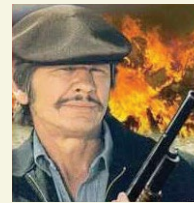
You can bet on a win or a place.

If the going gets hard

You can play the race card

And then hide behind Charles Bronson's face.

Brian Amery
Simondium



Hassen Adams



Charles Bronson



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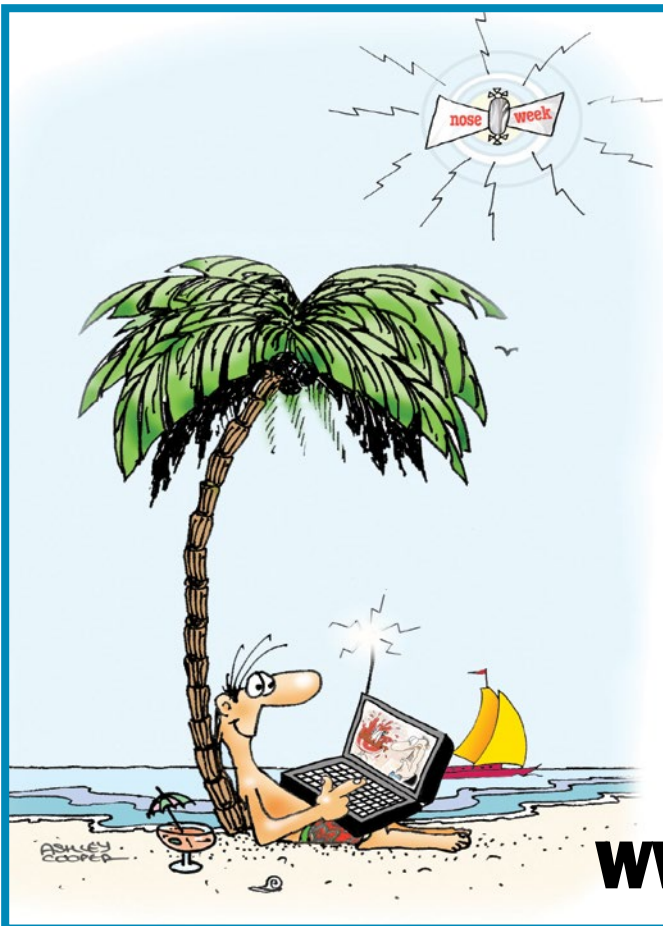
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Tel: (021) 686 0570
 Fax: (021) 686 0573
 noseweek@iafrica.com

Editor
 Martin Welz

Managing editor
 Marten du Plessis

Production editor
 Tony Pinchuck

Gauteng bureau
 Jack Lundin

Censor-in-chief
 Len Ashton

Sub-editor
 Gill Warren-Brown

Reporter
 Jacqui Kadey

Foreign correspondent
 James Sanders

Cartoons
 Gus Ferguson
 Myke Ashley Cooper
 Mike Valentine

Contributors
 Rian Malan
 Nicola Dudley
 Tim James
 Harold Strachan

Subscriptions
 Maud Petersen

Advertising
 Adrienne de Jongh

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What goes around...

Why is it that so many of us hacks are wont to think the worst of Stephen Mulholland? Is it because he's just so irritatingly good at what he does?

Yes, he's caught us at it again. When a reader wrote to tell us that, way back, Mulholland had taken the revolving door from the *Sunday Times* (where he had encouraged his readers to invest in NGF and NFI) to a lucrative job at NFI and then, when that went bust, back to the *Sunday Times*, I for one was happy to believe it. After all, even I remember when Mulholland left to join a growth fund and then, a while later, was back at the paper.

Ah yes, but memory can be deceptive. I was wrong. How humiliating – I owe Mulholland an apology!

Yes, he points out, he did leave to join a growth fund. But we got the wrong fund – and the wrong year. It was in 1971 that Donny Gordon persuaded Mulholland to leave

the *Sunday Times* – and to accept the job of running his Guardbank Mutual Fund. Two years later Mulholland had made a great success of it – and was bored. He missed the excitement of journalism so he left Guardbank and was welcomed back at the *Sunday Times*. All credit and no dishonour in any of that.

The man who did take the swing door to NFI – in 1968 – was Harold Fridjhon, financial editor of the *Rand Daily Mail*. And when NFI collapsed in scandal, the boss of both NFI and the *RDM*, Henri Kuiper, made sure his friend got his job back. In short, Fridjhon – now dead – did all the dastardly things we accused Mulholland of. The funny thing is, I would never have thought it of Fridjhon. Why is that?

Mulholland has the explanation: Fridjhon, he recalls, was loveable and naïve. Now those are two adjectives one would never use of Mulholland – or myself.

Sorry, Steve.

Redeeming vices

On the subject of colleagues and character, it falls to us to mark the recent death of another friend and colleague whose flaws were such that they can't decently be mentioned. Taco Kuiper, until not that long ago editor, publisher and owner of *The Investors' Guide*, died in Johannesburg of cancer on 24 September 2004.

We remember him as one of our earliest subscribers – along with Harold Fridjhon! – and as one of the most generous of the many donors who contributed to bailing us out when Dr Robert Hall had us over the precipice with his bit of legal insanity.

Taco was both a businessman and an investigative journalist. He loved the hunt and the chase. Eli Levin of the SA Gold Coin Exchange was one of his earlier, more memorable trophies. But Taco's own favourite target remained Jack Milne. "Dear Jack," he wrote in an open letter he published in 2000, "I feel that PSC Guaranteed Growth is a scam for the following reasons ..." So it was that Taco became the first to draw Gary Porritt and Tigon and Shawcell into the limelight – where they have remained ever since.

Taco became a member of the Rand Club and made many friends amongst the rich and famous. Not long before his death he came to see me to call up a favour. He had heard we were preparing a critical report on the Davison divorce and wanted to persuade me to drop it.

Barry Davison had helped him in his moment of greatest need and had saved him from a fate worse than ... he explained. He now wished to do Barry a favour in return by

interceding with me on his behalf. The one hand washes the other, he reminded me. As it might again rub mine in the future. Taco knew he would not succeed, he told me as he left, but he had to have tried.

Despite his wealthy circle and his personal fortune totalling many millions, Taco always had something a bit seedy about him. Perhaps his experiences in life bred a sort of cynicism, rather than refinement. Is that, maybe, why he arranged such a bizarre twist to his funeral?

Midway through the proceedings, mourners were approached and asked if they wished to sign a register of those who had attended Taco Kuiper's funeral. Many did not see the point and declined. About half – 60-odd people – did sign.

Only later did they learn that the register had been compiled at the request of the deceased. He had stipulated that those who signed would share, equally, in a special legacy of R1-million. Did he suspect that some who attended his funeral would be shy of the fact being recorded? Was it a wry comment that money is the only true basis of friendship? We don't know.

Barry Davison was one of those who signed the register. He will, in due course, receive R16,000 as Taco Kuiper's thanks for the gesture.

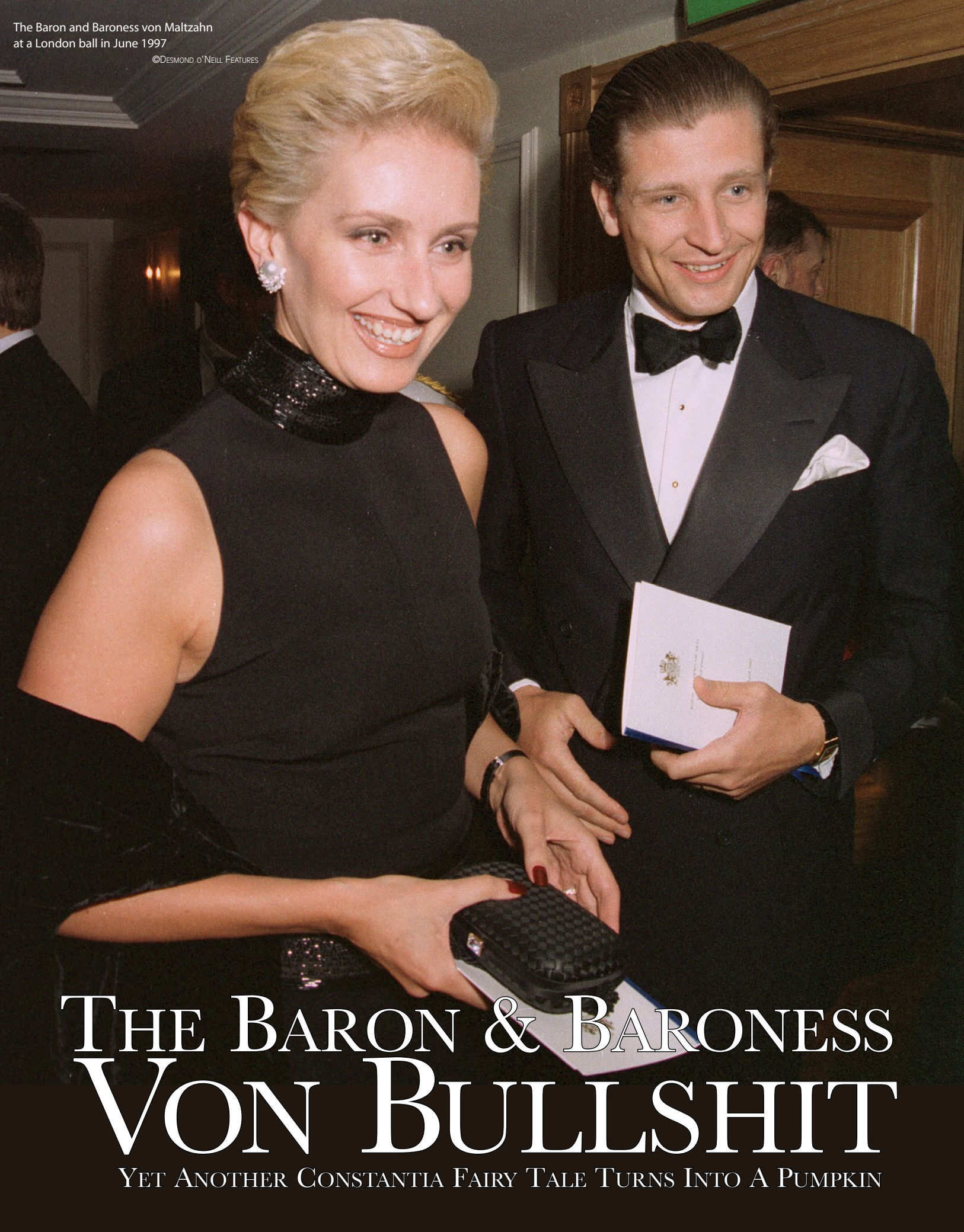
My friend Lionel Stein is an admirer of Winston Churchill and always appends quotes from the war hero to his letters. The latest appears most apposite: "Never trust a man who has not a single redeeming vice."

To his credit, you always knew where you stood with Taco Kuiper.

The Editor

The Baron and Baroness von Maltzahn
at a London ball in June 1997

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THE BARON & BARONESS VON BULLSHIT

YET ANOTHER CONSTANTIA FAIRY TALE TURNS INTO A PUMPKIN

Having been rumbled by the London upper crust, a pair of European would-be nobs are putting the con into Constantia by living the high life on moolah that really isn't theirs

The Baron and Baroness von Maltzahn were frightfully grand, even by the exalted standards of Upper Constantia. They came in 1999, taking up residence in Bracken House, a modern, glass-clad home that commands sweeping vistas of Table Mountain and the valley. Mark and Diane Thatcher lived right next door. Countess Spencer was a stone's throw away. Other neighbours included Old Etonian Simon Mann, still rolling in "wonga" at the time, and Marc Rich, the fabulously wealthy oil trader and tax evader; but even their stars were dimmed by the extravagance of the illustrious Von Maltzahns.

Baron Victor was a Teutonic nobleman whose family once owned great estates in Prussia. Baroness Alexandra hailed from Slovenia, but her charmingly accented English spoke of years among Britain's upper crust.

Their wedding dinner – a long table for 120 in the candle-lit library of the

Duke of Northumberland's Syon House – was so spectacular that Ivana Trump ordered a replay for her (second) wedding a few weeks later.

The Baroness tended towards Dolce & Gabbana-with-diamonds, whereas the Baron's style was more informal, running to cotton shirts, pleated pants and the finest Italian moccasins, with a sports jacket sometimes thrown casually over a shoulder and dark glasses to confound the paparazzi. Both were slender and cultivated. They drove a metallic midnight blue Mercedes S500 with British registration, hob-nobbed with the Gettys, and at times employed more than a dozen minions to minister to their needs, including consulting with

moned. One gathers that training locals was a frightful ordeal for the Baroness. "Your best was never good enough," sighed one former servant. Another told colleagues he had been ordered to bow to her ladyship – and, on one occasion, to fall to his knees when apologising for an error. No doubt it was for his own good, because the household was soon functioning in accordance with the most exacting standards.

Gatherings at Bracken House were grand affairs. The staff spent days polishing silver and planning menus. Gardeners manicured the grounds, sometimes planting annuals in full bloom so that everything would look perfect on the appointed day. Mark Thatcher was



IN DA HOUSE: Constantia Heights – the Cape Town residence of the exalted Baron and Baroness von Maltzahn – which is part-owned by the illustrious Abe Swersky

London society clairvoyant Sally Moore, whom the Baroness flew no less than twice to Cape Town.

Indoors, they had a chef and a house manager, assisted by two domestics; the grounds were tended by two gardeners, overseen by a head gardener, and there were up to six bodyguards and night watchmen on the premises. Staff were required to call the madam "Baroness," to doff their hats in her presence and to come running (literally) when sum-

often present and sometimes brought his dear mother. Another guest was Tom Cruise. Locals were awed by the sumptuous furnishings, which included Regency sofas, sang-de-boeuf vase lamps, and a pair of George IV armchairs, "by repute a gift from Caroline Queen of Naples to Lord Berwick of Attingham." The fire screen originally belonged to Queen Alexandra and spent time in the collection of the Espirito Santo family of Portugal before the Von

Maltzahns bought it at Christie's in London in 1996. A glass-cased Egyptian mummy greeted guests in the entrance hall. These antiques alone were worth well in excess of R10 million.

In October 2002, the nobles arranged to move to Constantia Heights, an even grander house on Rhodes Drive. Before taking occupation, they redid the main bathroom with marble tiles, re-carpeted everything and installed solid cherry-wood cupboards and cabinets. The garden was also revamped and landscaped. Potted Eugenia lollipops (each weighing over 850kg) were delivered by crane, mature conifers planted along the home's grand driveway. To keep the unwashed (and their inquisitive neighbour) at bay, the aristocrats installed 18 perimeter cameras to assist their four full-time security staff and two bodyguards, one of whom minded the parents while the other escorted their daughter, Marie-Louise, to exclusive Herschel Pre-Primary in Claremont.

As one might expect, little Marie-Louise was accustomed to the best. On her fourth birthday, Linda of London (conveniently based at that colonial outpost, the Mount Nelson hotel) made a home visit, providing Marie-Louise with a

lovely R600 hairdo. And when her 30 little friends showed up for the party, each received a Barbie doll (R119) as a present. What can one say? The Von Maltzahns appeared to be the perfect couple in every respect.

But this is *noseweek*, and we are not here to put up appearances. We're here to tell you that these aristocrats are not quite as grand as they seem to be.

The story starts at 16 Chester Place, a magnificent townhouse in London's Regents Park and, as of 1999, residence of the noble Von Maltzahns. (It's the year, too, of Marie-Louise's birth, announced in *The Tatler* and celebrated at The Ritz.) The house is furnished with priceless antiques, all obtained, as it turns out, on consignment from Kenneth Neame Limited of Mayfair. The languidly charming Baroness had persuaded Mr Neame to install £1.1 million-worth of his antique furniture in a posh flat she was hoping to sell on a turnkey basis to someone who didn't particularly care



agreed to her buying the furniture and only paying for it for up to five years later – by when, she was certain, the Baron's newly established direct marketing business in New York would have generated enough profit to pay for it.

But Mr Neame had a contract, concluded in October 2000 (more than a year after her arrival in Cape Town), in which the Baroness agreed to settle her account by October 2001. In the meantime, she also agreed to pay 10% interest on the amount owing.

When the due date arrived, Mr Neame had received not a penny. It seems the Baron's New York business wasn't doing as well as expected. (His name still appears on the website of Italian-jewelry.com, direct marketer of mass-produced gold jewellery.) Mr Neame was forced to file a lawsuit in the Cape High Court to secure the return of his sang-de-boeuf lamps, George IV armchairs and what-have-you. The cost of shipping and insurance to get it all back to London was estimated to be R350,000.

It was not only Kenneth Neame who

Extracting payment from the Baroness can be as unpleasant as a visit to the dentist



how many noughts appeared on the cheque. When the sale failed to materialise, the Baroness returned some of Mr Neame's goods, but kept the rest.

Unknown to Mr Neame, one night in mid-1999, an army of packers was summoned to 16 Chester Place to load everything into containers for shipment to Cape Town.

Eighteen months later, revenue authorities noticed a R10m hole in Mr Neame's inventory, and asked for an explanation. Whereupon the embarrassed Mr Neame was forced to admit that he had allowed the Baroness to keep the furniture without paying for it – and that he had since discovered that she had upped and off with it to Africa.

The baroness claimed Mr Neame had

saw his pounds floating across the ocean. So did Londoners Jochen Vosswinkel and Renata Murdock-Muirhead, family friends of the Von Maltzahns. In 1997 they lent the Baron (at the time involved in "financially rewarding property transactions" – see box) over £700,000 towards the £1.8 million he needed to buy 90E Eaton Square, a fashionable London property he was speculating on. The Baron sold the property for £2m a year later, never repaying the loan. With an estimated £900,000 (about R9.9m, which secures a fabulous South African lifestyle) in their pockets the Von Maltzahns headed for their new life in Africa.

It was not the proudest chapter in the history of Kenneth Neame Limited, nor a rewarding investment for Vosswinkel and Murdock-Muirhead. Indeed, British tax authorities found it difficult to believe that anyone would be so stupid as to allow a client to remove R10m worth of goods without paying. But

SCHOOL FOR SCANDAL: Von Maltzahn races off after dropping his daughter off at Herschel, Cape Town's poshest educational institution for girls

then the British tax authorities have never had dealings with the ravishing Baroness Alexandra, dubbed “The Baroness of Bullshit” by Cape Town merchants.

According to these purveyors of luxury goods, the Baroness is a person of exquisite charm and refinement who initially seems a dream customer, showing up in an ambassadorial Mercedes with bodyguard in tow and at first paying for all her purchases – often with crisp R100 notes. But there invariably comes a day when she wants to take a pair of designer shoes or diamond necklace on appro, and once it’s gone, extracting payment can be as unpleasant as a visit to the dentist.

The Baroness’ excuses range from “exchange control problems”, to the tardiness of their offshore family trustees, to “circumstances beyond my control, relating to the tragic events of 9/11 with its immediate impact on my business affairs”. Beyond a certain point, lawyers often enter the picture, but even then, results can be unsatisfactory. Constantia’s Ferndale Nursery was owed R53,000 for all those plants, but had finally to settle for R32,000. Malan’s Quarries is still owed R850 for stone used for landscaping. Landscaper Peter Gawler, who created the instant garden, was fired over a minor dispute and remains unpaid, despite the CCMA having ordered the Von Malzahns to settle. Crawford Joinery is still owed R155,000 for those cherry-wood cupboards.

Her bill with hairdressers Linda of London (for bi-weekly appointments, including home calls) is reputed to have reached as much as R20,000. Cavendish’s Callaghan, an exclusive clothing establishment, sued the Baroness for R200 000 in 2003. Parthenon, dry cleaner to Cape Town’s aristocracy, is still owed R6,000.

Most of Cape Town’s upper crust merchants are models of discretion who decline to gossip about their customers, even if they are reliably known to have had bad experiences. Colin Goodman of Olga’s Jewellers refused to discuss his firm’s allegedly epic struggle to recover some “borrowed” pieces. “The Von Maltzahns have been tremendous friends to us,” he said. “They are warm, friendly, supportive people who visit us from time to time.” Rival jeweller Peter



WELL RED: The esteemed Baron and Baroness von Maltzahn (grown fatter since coming to South Africa) discuss the price of eggs during a soiree at their stately Constantia home

Gilder said, “Any item that was not paid for was returned to me. It’s not my style to say more”, and politely ended our conversation.

Shirley Tamaris of Callaghan, too, refused to comment.

Charles Greig Jewellers at the Waterfront did not escape the Baroness’ attentions. In typical style, she bought and paid for a smaller diamond cross pendant, exchanged it for a larger, and then failed to pay for the “upgrade”.

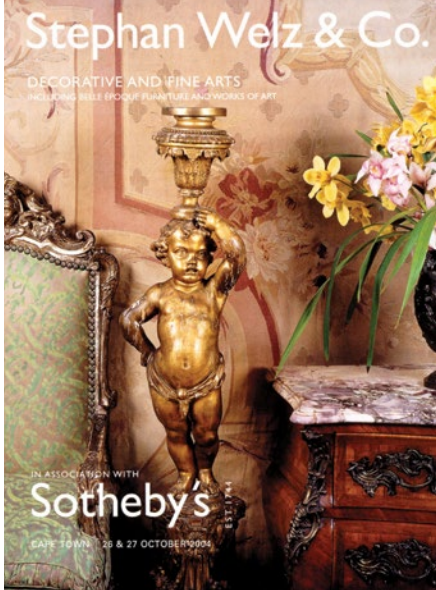
“I thought with the title and all that, she was probably overseas a lot when our bills arrived. The amount wasn’t large enough to go chasing after her. If she comes in again, I’ll mention it to her,” said Donald Greig. She hasn’t been in to his shop for the past two years.

Several other merchants refused to say anything at all for the record, but confirmed that the Baroness’ credit

record is so abysmal that she dare not visit Constantia Mall in daylight, when the boutique fashion shops – half of whom have a Von Maltzahn tale they’d rather not tell - are still open.

One hears similarly cautionary tales from the real estate profession. Bracken House, the Von Maltzahns’ original Constantia residence, was not owned by them, it now emerges. They were renting it at a mere R30,000 a month. At the outset, this sum was faithfully paid, but after a while, payments became erratic and at one point dried up entirely, causing great unpleasantness between owner Mike Bosman and tenant.

Which is why, in October, 2002 the Von Maltzahns were looking around for a new residence. The next landlord to be entwined in the Baroness’ charming coils was none other than our old friend, attorney Abe Swersky. Abe had just the place – Constantia Heights. This splendid property was once the home of Dutch-Indonesian millionaire Jan Walter de Witte, and was supposed to be bonded to his ex-wife Maria van Waasbergen as security for the many millions he owed her in a divorce settlement.



court, seeking an order entitling him to seize the Baroness' possessions in lieu of R454,865 in unpaid rent. [Abe allowed the rent to go unpaid for eight months? What's up? – Ed.] The order was granted and the Sheriff set forth for Rhodes Drive, but Swersky – a most remarkably kind man - relented at the last minute and agreed to give the Baroness still more time to settle.

Could it be mere coincidence that some of her valuables – a French Louis XV style commode, a pair of 19th century Italian giltwood armchairs and suchlike, all listed as “property of a European private collector” – featured prominently in

whom they owe money. Especially the little people, who realise that with major players like Swersky in the game, their comparatively minor bills are likely to be last in line for settlement.

It's pathetic, really, how wide-eyed and weak-kneed some South Africans become when meeting titled Europeans. By contrast, many modern Germans consider it an odious form of self-promotion to identify oneself as “Baron” this or “Baroness” that. To quote an authority on the subject: “Outside the British system, the reader is cautioned about taking any title at immediate face value, as a thousand years of history, differing

‘No-one in the family is prepared to help him. He is no longer regarded as a Von Maltzahn’

– Von Maltzahn patriarch

In a scheme Maria Van Waasbergen has good reason to believe was aimed at thwarting her claims, De Witte contrived to transfer control of the property to his attorney, honest Abe. (See *noses*39, 40, 41, 44, 47, 49, 50 & 56.) Swersky is now the director of JAWA, the old De Witte “trading and investment” company that owns Constantia Heights. In October, 2002, he and the Baroness signed a complicated agreement. In one respect, it was an offer to purchase Constantia Heights, with the Baroness undertaking to pay upwards of R10m as-and-when, rather in the style of her antiques deal with Mr Neame. In another, it was a lease agreement, in terms of which the Von Maltzahns would take immediate occupation and pay rent of R50,000 increasing to R55,000 monthly.

Mr De Witte had meanwhile taken up residence in the (only slightly smaller) mansion next door – once the “garden cottage” of Constantia Heights. It was De Witte who, overcome by curiosity at all the royal goings-on in the old “main” house, took to climbing the fence and snooping around at night – spooking the Von Maltzahns and inspiring all the latest security arrangements.)

Needless to say, something went wrong with Abe's curious deal, and last July our favourite attorney was in

the “Belle époque Furniture and Works of Art” section of the catalogue for a recent auction at Sotheby's Cape Town sale rooms? Could this signal the end of the Von Maltzahns' belle époque?

Alas, that bluebloods should face such mortification! But perhaps it was inevitable. Sources in Germany say the Baron has squandered a large chunk of his mother's and brother's fortunes, and is no longer in favour with the family. Said a patriarch of the family, Jurgen von Maltzahn of Hamburg: “No-one in the family is prepared to help him any more. He is no longer regarded as a Von Maltzahn.”

That's probably much the same sentiment as that of a fellow-parent at Herschel School, who was prevailed upon to urgently lend the Baroness R50,000 to pay her staff – and then had to send a lawyer's letter threatening legal action before getting his money back.

As this story was going to press, word reached us that the Von Maltzahns have asked a removal company to quote on moving what remains of their effects back to the UK. Cape Town's social climbers and royalty groupies will be devastated to hear this, but the loudest lamentations are coming from those to

usages, vast quantities of personal vanity as well as not a little fraud may be involved.”

We called the Baroness and asked if we could come and speak to her about a European aristocrat's life in the most beautiful city in the world. “I don't talk to journalists,” she snapped, and put the phone down on us.

A day later we called her again. Now we told her we wished to speak to her about more serious matters and gave her the drift of our story. This time she listened, calmly asked several questions, and then said she'd have to consult someone before agreeing to an interview. No blustering, no denials, no shouting; all very charming and professional. She said she saw no need for a letter from us,

but we dropped one in her mailbox anyway, drawing attention to our deadline and asking her to respond soonest. The guard post at the gate was empty, so we also sent an SMS to her cellphone, suggesting she check her mailbox.

Next day we called her again. We left a message on her answering service reminding her of looming deadlines. By the time of going to press we had received no response. ■

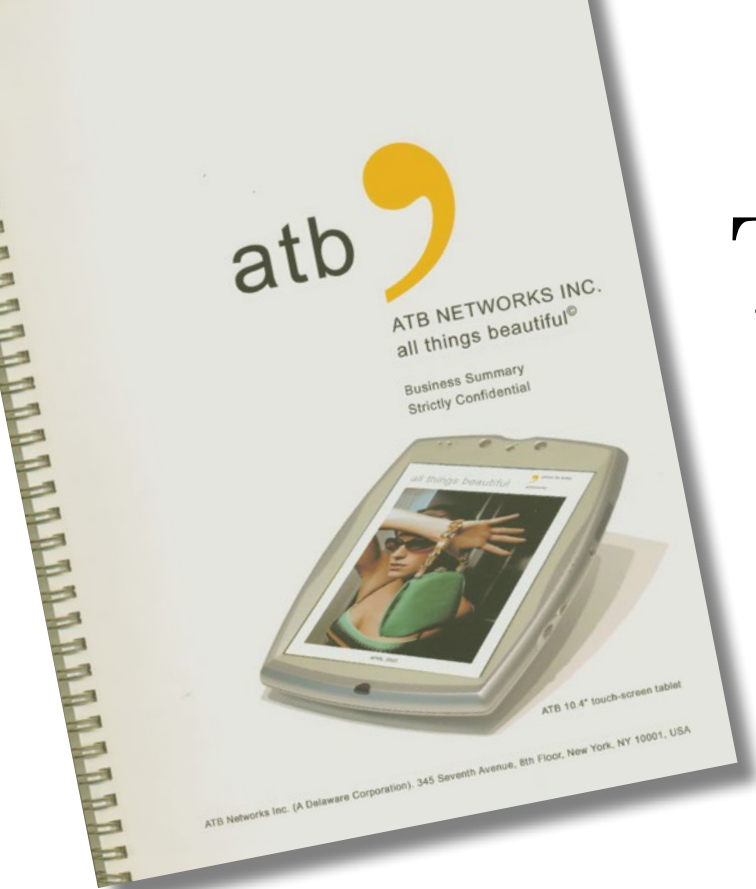


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THE BARON'S LITTLE SHOPPING HORRORS

Famous New York hair-stylist Frédéric Fekkai (his list of celebrity clients includes Kim Basinger, George Hamilton, Jessica Lange, Sigourney Weaver and, apparently, Martha Stewart (we wonder if they make cell calls?) not so long ago had plans to attach miracle interactive TV screens to the chairs in his East 57th Street salon, so client's could do the three things they loved best – having a hairdo, drinking no-fat lattes and shopping – simultaneously.

Here's how it was described in ATB Networks Inc's "Strictly Confidential" brochure promoting the scheme: "Imagine having a copy of *Vogue* in front of you. Imagine it moving. Imagine it having sound. Imagine things in context and being able to purchase what you like, immediately."

Just select it on the touch screen, swipe your credit card down the side of the screen and the latest bit of jewelry or haute couture is yours. Simpler and faster than a quickie with Bernie – and obviously more satisfying!

For the ever-indulged, the only worrying thing was that it might intrude on those important conversations you always have with your stylist about who's who, orgasms, and the kids.

Why are we not surprised that it was all the dream of our own Baroness Alexandra von Maltzahn, the doyenne of hairdos, food, fashion – and shopping? In the same ATB Networks brochure,

The Von Bullshits had a dream of a better world – in which not a single moment of potential shopping time would be wasted

the Baroness is described as President and Co-founder (with her husband) of the Delaware-registered company. "She is the mastermind behind the unique content concept of ATB's interactive sales channel," it declares.

In May 2002 they anticipated that, by showcasing their project in Fekkai's new salons in New York and on Rodeo Drive in Beverley Hills, they would, before the year was out, succeed in raising a "second tranche" of funding of US\$5–10 million for the project. By the end of 2003 their screens were to

have been installed in 55 top salons; their "pessimistic-slow" estimate for 2005 was 1437 salons – which would generate a gross profit of \$50-million. Then there were plans to expand to Japan and Europe.

Their resumé's are impressive: the Baroness started her career as a "runway model" for the likes of Yves Saint Laurent, Lanvin and Guy Laroche. She claims to have been credited with the sale of Excell Communications



ROSENKAVALIER: The illustrious Baron relaxes at home after a hard day's shopping

– where, she says, she was “pioneering Sales Director” at the time – to UK Vodafone for £35 million in 1989. Between 1994 and 1998 she “had a number of financially rewarding property transactions in London.” (Note the omission of 1999 and sadness with Chester Place.)

The Baron seems to have been involved in the same property deals, and he’s worked with Deutsche Bank Private Banking (London & Geneva) on a “unique refinancing strategy for high-net worth individuals with large commercial real estate portfolios”. (The real trick, as you will have discovered, dear Baron, is refinancing individuals with no real estate portfolios.)

For their ATB Networks project they recruited a top management team. The Confidential Business Summary names them: John Warwicker of Tomato (he’s not a farmer, he’s an influential man in New York and London advertising) and Christy Brechner, who has held top executive positions at Condé Nast, Neiman Marcus and Bergdorf Goodman; Carolyn Kelly who worked for Saks Fifth Avenue and Bloomingdale’s and Fred Reffsin, originally from Montblanc North America, and currently at Vivre, a posh direct marketing company that sells, amongst other things, embroidered suede shawls for \$495.

The roll-out to top salons, we know, did not make it to the second half of 2002 – presumably because the second tranche of funding didn’t materialise. (“Oh, yes,” some staff members at Frédéric Fekkai vaguely remembered when we asked about the miracle screens, “but they’ve been gone for a long time now.”)

And those top consultants? Fred Reffsin tells us he helped at the planning stage over two years ago – “then I left them to find the financing.” Other than a call from the Baron a year ago to say hello, he hasn’t heard from them.

We called Christy Brechner in New York. She says she’s never heard of the Von Maltzahns or ATB, never mind the project – although they did get her profile right in their brochure.

John Warwicker sent us a delightful email saying he was happy to talk and we should call him at his London residence. We did, and left a message. He hasn’t called back. In his email he said he’d been friends with “Victor and Alex for 10 to 12 years”. Has he gone cold on us?

The USA White Pages do not have ATB Networks listed, and there’s no website for the company. ❏

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Road outrage

The great joy of Rose Banda's life was attending worship every morning at the Universal Church in Hillbrow. It's a short walk from the Casa Mia old folks home in neighbouring Berea, where she lives with her 74-year-old husband Elias.

On 11 November last year Rose and her friend at Casa Mia, 64-year-old Dina Manana, were on their way back from church when, as they walked along the pavement of Soper Street, an oncoming blue Mazda car started zig-zagging, crossed to the wrong side of the road, mounted the pavement and drove straight into them. In the impact, Rose's left leg was severed below the knee.

The Mazda then struck a low wall, which collapsed. Presumably in shock, the car's driver then reversed, running over Rose's right leg.

Casa Mia matron Grace Majola was called to the scene from her office. She found the police already there. Two ambulances arrived to take Rose and Dina to Johannesburg hospital. There surgeons amputated Rose's right leg – leaving her a double amputee.

Now, a year later, the state's Road Accident Fund is refusing to compensate Rose and Dina for reasons which can only be described as bizarre and outrageous.

The day after the smash matron Majola revisited the scene and was given the registration number of the Mazda by a security officer. Majola went to Hillbrow police station with Dina to open a case and police gave Dina a note with a case reference number.

What caused the blue Mazda to zig-zag out of control across the road and plough into Rose and Dina on the pavement?

Several witnesses were traced. One, local resident Lawrence Khumala, saw a BMW emerging from Fife Avenue, where there is a stop street. "It turned left into Soper Avenue; it seemed to ignore the Mazda completely," he states in an affidavit.

"There was a screech of brakes as the Mazda, travelling at high speed, tried to avoid the BMW, lost control and crashed into two elderly women pedestrians on the pavement, and then into a wall of Maracynth Court flats.

"A lady was lying amongst the bricks from the wall and one of her legs had been

When pensioner Rose Banda lost both legs after a Mazda ploughed into her on a Joburg pavement, nobody could have imagined that the Road Accident Fund would leave her by the wayside

severed. The other leg was also badly injured. The other lady was also injured.

"Police arrived at the scene and spoke to the driver of the Mazda. The BMW vehicle was nowhere to be found. After the police spoke to the driver of the Mazda he got in his car and drove off. An ambulance was called and the paramedics removed the injured."

This account is supported by Sibongile Frank, a cleaner at Maracynth Court. "One of the ladies was under the car. I pulled her out and then heard another lady calling for help. I went to the other lady and saw that one leg had been severed and that the other was badly injured. Spikes from the wall were sticking into her back. I pulled her off the spikes."

Frank states that Cecilia, a resident in Maracynth Court, called the emergency number 10111.

A third witness, a hawker on the corner of Fife Avenue, named Sibonel Ngcoya, also saw the mystery BMW which failed to stop and drove straight through the intersection. "The Mazda, travelling at high speed, tried to avoid the BMW,



UNKINDEST CUT: Rose Banda, who the Road Accident Fund's lawyer claims was responsible for the accident that left her crippled

nicked the front right hand side of the BMW ... and crashed into two elderly women pedestrians on the pavement and then into a wall of a block of flats."

Two months later, on 27 January this year, Rose Banda instructed personal accident attorneys Norman Berger & Partners to file a compensation claim with the RAF. The firm's attorney Anthony Millar gathered witness statements and, after securing a medical report, submitted Rose's claim to the fund on 8 April.

Section 24 of the RAF Act states that if the fund does not object to the validity of a claim within 60 days of receipt, it shall be deemed to be valid in law.

It was 97 days before the RAF responded, with a letter dated 14 July requesting a copy of Rose's ID and details of her hospital treatment – both of which had been supplied in the 8 April bundle. The fund also wanted photographs of Rose before her accident, to confirm she had suffered a recent double amputation.

The Act gives the RAF four months to investigate cases, verify them and make an offer. When nothing further was heard, attorney Millar issued summons on 10 August, claiming damages totalling R2.9m. Of this, Rose's hospital expenses came to R484; future medical expenses R2m (medication, prosthetics and ortho-

paedic devices for the rest of her life); and general damages (pain, suffering, shock and loss of amenities) of R875,000.

The registration number of the Mazda and details of its driver had been obtained by police at the scene. The four-page police accident report had been sent to the RAF on 8 April, together with Rose's affidavit dated 27 January. The police report, of which *noseweek* holds a copy, clearly shows the Mazda's registration number as LCK 429 GP and its driver as S J Ndebele, aged 29, with his home address and cellphone number. The police report fully describes the accident.

The RAF placed the matter in the hands of its Rissik Street attorneys, Borman-Raphela. The firm's Abednigo Duma filed a plea that Rose's claim be dismissed because she had not taken "all the reasonable steps to establish the identity of the owner or the driver of the motor vehicle concerned" and that she had failed to submit an affidavit to the police concerning the accident within 14 days "after being in a position to do so".

Duma claims that should the court find that the accident was caused by the negligent driving of S J Ndebele as

she was hardly in a position to get herself to a police station and make an affidavit.

Although in his own pleading Duma quotes the name of the Mazda driver, S J Ndebele, he now tells *noseweek*: "We don't have those documents. They are just talking about an unknown motor vehicle which hit her. If they had given us any registration number whatsoever, or a piece of paper from the police station that these people came and reported this thing timeously, then it would be something different."

But the details of the Mazda that hit her, and the police report, are in the bundle of papers which you hold. And a case was opened at Hillbrow police station! "No, that's not written in the pleadings," replies Duma.

"It is the mission of the RAF to compensate people for bodily injuries. But the fund also tries by all means to guard against fraud. You can't just say: 'OK, I was hit by a motor vehicle' without going to the police. The fund wants to compensate people who have been hit by

The lawyer claims **the pensioner was negligent** in failing to keep a proper look-out

well as the driver of the unknown motor vehicle, then Rose was also negligent for failing to keep a proper look-out, that she "put herself under a situation of sudden emergency without a reason to"; that she "moved into a path of travel of the said motor vehicles when it was dangerous or inopportune for her to do so"; and that she "disregarded the rights of other road users by causing the collision".

Clearly Duma is imbued with the culture of his profession: lawyering, as he understands it, has absolutely nothing to do with common sense and human values. How attorney Duma can make such claims is preposterous. How can two elderly ladies walking along the pavement be responsible for a car swerving out of control across the road into them?

Other mortals may agree that lying under a pile of bricks with your left leg severed and in a severe state of shock is not exactly the time for Rose to have established the registration number of the car that ploughed into her, let alone that of the elusive BMW. And that, in hospital for two months and five days,

negligent drivers, but that must be done in accordance with the parameters of the Act. The RAF is having a lot of these fraudulent matters and it is counter-acting against these people. We are putting most of these attorneys behind bars."

Says Rose: "It took me two weeks to realise what happened to me. The pain was terrible." Rose comes from a rural area near Ladysmith, KwaZulu-Natal. She and husband Elias pay R260 a month to stay at the old age home. Elias has only his pension of R740 a month. To pay someone to care for Rose he has to look for piece jobs, gardening and painting.

Rose has a wheelchair, but spends her days at Casa Mia in bed. "The doctors say that if I sit and leave the legs hanging they may get full of water and they may have to amputate again."

Says her attorney, Anthony Millar: "I've got 300 cases where this exact damn thing is going on. In Rose's case it's not only Duma; the RAF itself has never bothered to read the papers. Rose was walking on the pavement, she is 100% innocent. They deny the whole thing

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Under the cover

From page 17 even happened! They've taken an approach designed to delay payment to the claimant."

Rose's action against the RAF will be heard in Johannesburg High Court, in about October 2005. Millar says it will probably be October 2007 until the quantum portion is finally resolved. Rose's friend Dina Manana's much lesser claim, for around R25,000, is due to be heard in a Johannesburg magistrate's court next January.

"We need at least another 11 medical experts to gauge the full extent of what Rose will need for the future," says Millar. "But there's little point getting these now when the quantum aspect will only come into court in three years' time. We've had a quote of R34,000 for artificial limbs, but Rose must just make do without them until we get this matter resolved in 2007."

The RAF is funded by a fuel levy [that is, the motorist]. In 2003 it was 18.5c/litre, which provided revenue of R2.8 billion. But claims paid came to R3.1bn, leaving the fund with a net cash flow loss of R628m. In April this year the fuel levy was increased to 26.5c/litre, and it is going up to 27c next April.

It is estimated that as much as R500m a year is lost at the RAF through fraud and corruption. In June the fund announced it was stopping all settlement offers while a new verification process was put in place to investigate and assess the authenticity and legitimacy of all claims. In October it announced that settlement offers had started again and that 98,000 claims lodged in the past six months were being considered.

The fund's chief executive officer is Humphrey Kgomongwe, who on 28 May suspended himself while he was investigated for poor performance and an unauthorised overseas trip. Formal charges were prepared, but the case did not proceed after it was established it would cost more than R2m to fire him. He was reinstated in October.

Kgomongwe did not return our calls to discuss the case of Rose Banda. The fund's Surete Cronje, executive (stakeholder relations), says: "This specific case is sub judice so we can't give any further comment. Probably the court will rule on this."

■ Telephone callers to the RAF's head office in Pretoria are greeted with a recorded message: "The Road Accident Fund serves to provide you with accessible, fair and just compensation for injuries and/or death resulting from the negligent driving of motor vehicles on South African Roads."

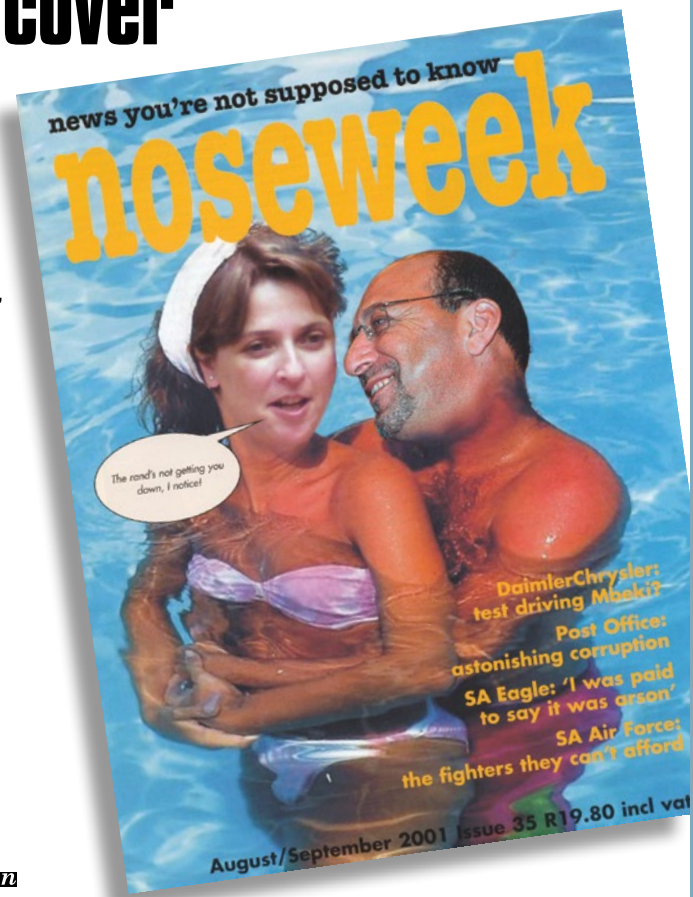
Double amputee Rose Banda is unlikely to agree. ☐

THAT noseweek again! In August 2001 we revealed to the nation that head of the treasury Maria Ramos and Minister of Finance Trevor Manuel were sleeping partners. Three years later Maria, now head of Transnet, has finally come clean: yes, they do live together.

In a sympathetic – and interesting – interview in the October issue of FairLady, it is formally acknowledged that they share a home in Pretoria and when he's at parliament she commutes to Cape Town to be with him there over weekends.

She still won't discuss her private life, but FairLady does record: "She shrugs dismissively when asked about the noseweek cover, merely pointing out that ironically neither she nor Trevor can swim."

But then again, they weren't exactly swimming... ☐



Off the beaten Tracker

Tracker Network (Pty) Ltd has issued a statement describing our report headed "Tracker takes its customers for multi-million-buck ride" (in nose61) as "factually incorrect and misleading".

noseweek's primary allegation was that Tracker is still charging clients R295 to install a "truck battery converter" into trucks that run on 24-volt batteries – when these converters have not been required or installed since 1997.

While the company concedes that a converter is no longer needed, it says the charge has remained for "a number of legitimate operational reasons."

These, they say, include:

■ Installing the unit in a truck often takes longer and is more complicated;

■ The majority of customers' trucks are only available for installation after hours, so installers must be paid overtime rates;

■ More time and effort is required to hide Tracker units in trucks as a result

of the problem of collusion between drivers and crime syndicates.

In any event, most of these installations are done into commercial fleets where a lower price is negotiated or determined by tender. The fleet managers are fully aware of what is being charged for and what is being installed. In fact some major fleet operators run their own Tracker installation facility.

In September, operators at Tracker's call centre still told noseweek and our informants that the extra charge was for "a converter". Tracker's response: "if true", this was a "training matter" that would be rectified immediately. (Prior to the statement being issued, a senior Tracker official had already conceded that it had become habit for staff to refer to the fee as a "converter" fee.)

The statement makes no reference to the Branch Training manual, intended for the company's non-technical staff, which we quoted as referring to a "battery converter" and which was still in

e.tv's own reality show

Early in August, e.tv's CEO, Quayresh Patel "disappeared off the scene". His last working day was 30 July 2004. Shortly after that an email circulated that he would not be in office "for some time". Nobody knows where he has gone.

Sources say there was a fat row between Marcel Golding, Quayresh Patel and Bronwyn Keene-Young ("Keen Bronwyn"), the triumvirate – in the past some have gone so far as to describe it as a "love triangle" – which has run the channel for the last few years. They apparently had the fight in the boardroom in the Johannesburg office, forgetting that the walls are thin. It got very nasty. Apparently Quayresh had been going over Keen Bronwyn's head, not consulting her on changes at the channel even though she was channel director. She is the long-term partner of Marcel and has recently been named as one of the top 10 women in the media in South Africa.

Shortly before going to press we called e.tv and asked about Quayresh,

use when our report was written.

It does, however, point out that nowhere in its quotations to clients, terms and conditions or on its website does Tracker refer to a "converter" fee; in these communications with clients, the company refers to "an additional fee for medium and heavy commercial vehicles". (Our report had already noted this with regard to the website.)

The most significant criticism of our report relates to our supposition that Tracker fits about 2000 tracking units in heavy trucks a month, bringing in R594,000 in additional installation charges – what we went on to describe as "the average take in a cash-in-transit heist." It appears our figures were "absurdly overstated" and Tracker was justifiably outraged: over the past 24 months Tracker has fitted fewer than 200 units a month in trucks, realising only R37,000 a month.

Finally, Tracker's communications manager Gareth Crocker points out that the consortium of private investors that hold 43% of the company's shares is not headed by M D Pierre de Clerk, but by Gordon Jones. De Clerk is an independent director. **■**

to be told by the switchboard that Keen Bronwyn is doing his job. We were then put through to Bronwyn's office, where her secretary told us: "We don't know when Quayresh will be back." The next newsroom casualty is the dreaded Kanthan Pillay, who left the news operation on 30 September to pursue a "News Expansion Project in Africa" for e. This is the first anyone had heard mention of such a project. The shift was met with huge jubilation by the underlings who had suffered at his hand. His reign as "the prince of darkness" in the e newsroom was characterised by what many saw as poorly judged interventions in news stories and extreme sycophancy to the presidency.

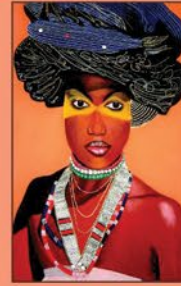
Pillay, clearly amused by *noseweek's* call, confirmed that he is assisting Golding in a project to expand e.tv's broadcasts into other African countries. "It's a serious project and we could be going live within six months," he said. "I can't tell you more about this – and I can't talk to you about the other stories you'll have heard," he said. A pity.

Meanwhile, Joe Thloloe, editor-in-chief, is reputedly unhappy at the way all this restructuring has happened, as he was not consulted at all, and has been made to feel like the token "darker" at the top. He's on leave, too, and is said to have given the channel an ultimatum about the restructuring. This leaves Debora Patta pretty much where she'd like to be: in charge of e.tv's news department. Her announcement to the news staff that she and her talented sidekick Patrick Conroy (they worked together at Radio 702 before moving to e.tv) will be running things has, however, been labelled as premature by Thloloe, who late in October assured the *Sunday Sun*: "I'm still editor-in-chief at e.tv!"

All this unhappiness has obviously left poor Marcel feeling the chill. Just as well his sister, Jacquie Golding Duffy and her journalist husband, Andy, have returned to SA after a few years in London. So Marcel has appointed Andy chief news sub-editor at e.tv in Cape Town. Duffy has no TV experience but is an accomplished journalist – and good man for Marcel to have around to keep a finger on the news pulse. **■**



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Enron's in at Telkom

On 27 January, at Telkom's 11th annual general meeting, the company's (effectively US-controlled) board sought a blanket authority from shareholders for Telkom and/or its subsidiaries to purchase the company's own shares "from time to time" – up to 20% of them in any 12-month period.

The law generally prohibits a company from assisting in financing the purchase of its own shares, let alone buying them itself – for very good reasons: it's a dangerous, unproductive game that diminishes the company's capital, artificially inflates the share price and robs Peter to pay Paul. It's often – too often – part of a scheme by those in the know to rob the less well-informed.

Section 38 of the Companies Act stipulates: "No company shall give, directly or indirectly, any financial assistance for the purpose of a purchase by any person of any shares of the company or its holding company." To do so is a criminal offence by the company and all its directors.

The only exceptions relate to extraordinary circumstances. So, for example, Section 85 of the Act allows a company to buy its own shares when it has surplus capital that it wishes to return to shareholders. Such repurchased shares must "forthwith" be cancelled and cannot be held by the company.

Whatever the extraordinary circumstances, authorisation by special resolution of the company's general meeting is invariably required. All shareholders must be given at least 21 days' notice of the directors' intention to propose a special resolution, and the notice must specify the terms and effect of the resolution and the reasons for it.

Henochsberg, the standard authority on South African company law explains: "Not only the terms of the resolution itself must be specified, but also what the consequences will be if the resolution is passed and why it is desired that it should be passed. In this context, the notice ... should be fair and give all material information reasonably necessary to enable the members to determine how to vote."

So, what were the Telkom directors' reasons for wanting this extraordinary authority, and what did they reckon the consequences would be? Said the January notice: "Such general approval will provide the directors with flexibility to effect a repurchase of the company's

Does anyone know what's really going on at Telkom? Do they care? Or do we face another 'Oops, sorry!' as we did when SAA's American consultants cleaned up and left in a hurry, leaving only sadness behind

shares, should it be in the interest of the company to do so. At present the directors have no specific intention with regard to the utilisation of this authority, which will only be used if appropriate."

In short, they gave no reasons, and didn't mention consequences.

But the shareholders at the January meeting were happy: fewer than 1% voted against the resolution.

Since the directors were so curiously vague about their intentions, what might we gather from what they then did?

Within days of getting its special resolution registered in March, a wholly-owned Telkom subsidiary named Rossal No 65 purchased 3,185,736 Telkom ordinary shares at an average price of R74.58.

The following month, April, saw Telkom's share price climb to R87.

In May the share price slipped back to R72.50. But then, in June another Telkom subsidiary, Acajou, entered the market and bought millions of Telkom shares.

The share price climbed back to R85.80 on 8 June.

Had those respectable directors used their authority to ramp the share price? Surely not!

Why do such a thing? It helps to recall that Telkom is partly owned by US-registered Thintana Communications LLC, a consortium comprising SBC Communications (of Texas) and Telekom Malaysia. Back in 1997, Thintana paid just R29 a share for its 30 percent of Telkom's shares. At the time, Telkom was facing the imminent loss of its monopoly, but as a result of a secret deal the foreign investors struck with the SA government, deregulation never took place and a combination of job cuts and price increases enabled the parastatal to

achieve obscene profits.

By March 2004, Telkom's share price was up to the low R70s, making Thintana's an excellent investment, quite apart from the mega-millions in dividends it had earned along the way. With deregulation back on parliament's agenda, it looked an ideal time for Thintana to dump some of its shares and take a massive profit.

Between 15 and 18 June this, year, Thintana offloaded half its total stake in Telkom to US buyers for R6.1-billion. As we have seen, the repurchases made by a Telkom board where two of the three executive directors represented the interests of Thintana – had to have helped drive Telkom's share price up to Thintana's advantage – but at the expense of Telkom's other shareholders.

By 9 September, Telkom SA Ltd had spent a massive R1.714-billion on the repurchase of 22,257,886 of its own shares (4.0% of the issued ordinary shares) on the JSE since the general authority was granted in January.

The highest price per ordinary share paid by Telkom was R82.92.

"All the shares were repurchased by subsidiaries of Telkom and are being held in the subsidiary companies as treasury stock," declared Telkom in a report to the SEC in New York. The repurchases had been funded from "available cash resources".

The directors of Telkom assured the SEC that, despite having spent all that money on buying its own shares, the company will be able to pay its debts and its working capital will be adequate for the following 12 months.

But there's a disclaimer:

"Such forward-looking statements involve risks [and] uncertainties that could cause actual results to be materially different. Among the "Risk Factors" are increased competition in the fixed-line and mobile communications markets; developments in the regulatory environment; Telkom's ability to reduce expenditure ... economic, political, social and legal conditions; fluctuations in the value of the Rand..." etc, etc.

"You should not place undue reliance on these statements. [Indeed! – Ed.] Moreover, unless we are required by law to update these cautionaries, we will not necessarily update any of these statements, either to conform them to actual results or to changes in our expectations."

■ Thintana is free to flog off its remaining 15.1% stake after 22 November.

Smokescreen

Last month nose week reported on the shifty practices of officials employed by SA Eagle in discrediting claimants. Confronted by the evidence, the insurance company has shown no remorse and continues to cover up the dishonesty of its employees, as yet another case shows

Osman (“Ossie”) Aboo hobbles about his skyscraper Durban apartment with the aid of an aluminium walker. His back is bent and he looks every one of his 64 years. But despite the charm, there’s occasionally a disturbingly sinister look in his eyes – a serious disadvantage to a man pleading his innocence. But then we pride ourselves at looking beyond appearances.

Ossie is said to be a millionaire with fingers in all sorts of pies. He’d read the one-paragraph reference (in *nose61*) to the 1998 burning of Magic Bargains in Durban and the repudiation of the insurance claim by SA Eagle, and offered to pay our air fare to fly to Durban and hear the full story.

In *nose61* we also told of another fire that took place in 1998 – at Woodini, a furniture manufacturer in Johannesburg’s Kruis Street. Associated Intelligence Network (AIN), the controversial security firm retained by SA Eagle to investigate the blaze, apparently solved the case when it came up with two characters named Lourens Swanepoel and Jonathan (“Jhonty”) Dolgoy (not Dolboy as we stated).

This pair made statements to the effect



IN THE HOT SEAT: Osman Aboo was framed by SA Eagle when he filed a claim for fire damage

that they had been paid to burn down the Woodini business so its owners could claim from the insurance. This “breakthrough” by the AIN investigators enabled SA Eagle to repudiate brothers Preggy and Steven Pillays’ R7.8m insurance claim. Swanepoel said he was paid R150,000 by AIN for his statement. AIN in turn received R570,000 including VAT from SA Eagle.

The Pillays were tried for fraud and arson. Swanepoel and Dolgoy became state witnesses. But Judge K Pretorius found the brothers not guilty, saying of the witnesses procured by AIN: “They had a motive to lie; they knew how to lie; they knew how to implicate the accused.”

Imagine our surprise when Ossie told us that two of the men produced by AIN as being responsible for setting fire to Magic Bargains in August 1998 were ... Swanepoel and Dolgoy!

The duo, with one Bruce Badenhorst, made statements to the police in

terms of Section 204 of the Criminal Procedure Act. (In return for truthful evidence they would be indemnified against prosecution.)

Their statements described how they lit the fire together – on the orders of the building’s owner.

Swanepoel, 27 at the time and working for a small Gauteng security firm called Camelot Security, claimed that in July 1998 he was contacted by his friend Bruce [Badenhorst] who asked him to help in a contract job to burn a building.

Dolgoy, then 24, also worked at Camelot. He related how Badenhorst had been given a job to burn down “a place” which housed clothing and materials. “He said to me that the fire had to look like an electrical fault,” his statement continued. After they lit the fire, Badenhorst had paid him R7500.

Badenhorst, then 25 and working at Durban’s Café Fish, told in his statement how an Indian named Kajee had offered him R30,000 to cause

extensive smoke damage to a factory in Brickfield Road in Overport.

On the two lower floors was Magic Bargains, a general retail store owned by Ossie's wife Rashida Kajee. On the upper floors was Ossie's clothing import-export company, Temple Trading.

On the morning of the fire, there was a general power failure in the area, so Ossie sent the building's total of 12 staff home and set off with Rashida to have lunch with his son in Umhlanga.

On the way he received a call on his cellphone saying his premises were on fire. They rushed back to find smoke billowing from the building and their goods burning.

The building, owned by Ossie, was insured with the Natal Building Society, who paid him damage compensation of R1m. Magic Bargains was insured with

claims manager, called in AIN. A month later AIN produced Swanepoel, Dolgoy and Badenhorst.

Durban police Superintendent Leonard Sheriff took statements from Badenhorst and Dolgoy, but because of their many inconsistencies he was convinced they were lying. So was senior public prosecutor Barend Groen. He refused to seek a warrant for Ossie's arrest.

But police officers working closely with AIN took the statements to another prosecutor, who agreed to issue a warrant. Ossie was arrested on 20 May, and ordered to surrender his passport.

Four days later Ossie's son-in-law, Durban attorney Ahmed Amod, established that the state would not object to bail of R20,000. But at the formal bail application, on 25 May, who should roll up in Durban magistrate's court but the head of the SAPS commercial crime unit in

Ossie was withdrawn by senior public prosecutor Groen.

noseweek is now in possession of an extraordinary affidavit made by Bruce Badenhorst in which he admits that the whole story of Dolgoy, Swanepoel and himself setting fire to Ossie's building was a pack of lies.

Badenhorst now says that he met Johannesburg-based Lourens ("Bullet") Swanepoel for the first time at the end of March 1999 – seven months after the fire. They were introduced, he says, by his sister Jackie at Durban's Café Fish, where he was working. That was when he also met "Jhonty" Dolgoy.

Two weeks later, says Badenhorst, Swanepoel returned to Café Fish in a gold-coloured Porsche. The pair moved on to the Thirsty Club, where Swanepoel told him "he could help me make some money".

"He [Swanepoel] explained it is a civil dispute ...[and] that arson had taken place in Brickfield Road, Overport. If he could prove to the insurance company that arson had in fact taken place and who was responsible for starting the fire, then the insurance claim would be repudiated. He said that the police would not get involved at all.

"LourenssaidifIagreed to give a statement to the insurance company, I could make R5000. If everything went well, he would give me a further R3000 'bonus'. I agreed to go along with his plan.

"[He] said he would explain what the place looked like from inside and how 'I started the fire'. Lourens also said that Jhonty is a very good friend of his and that he would be giving a statement to confirm my 'confession'. I had to say in my statement that I had help when I started the fire.

"Lourens took me to my house in Botha's Hill to change, as we had to meet with the insurance investigator at the Holiday Inn. Whilst driving, Lourens explained what the premises in Brickfield Road looked like. He also gave me the name of the company, Magic Bargains. He told me to say that I met a person by the name of R. Kajee in the harbour. This R.Kajee was the person who I 'did the arson for'.

"Lourens made me believe that Kajee had in fact arranged the fire, that he was the owner of Magic Bargains and that he (Kajee) claimed between R8m and R16m from the insurance company."

Badenhorst admits that **the whole story** of him setting fire to Ossie's building was a **pack of lies**

SA Eagle and put in a claim for R4m for lost stock, as did Habib Overseas Bank, that held a bond on the goods.

In October 1998 SA Eagle repudiated both claims on the grounds of "non disclosure". It emerges that back in 1993 Ossie had been charged with making fraudulent Guis claims totalling R60m. (Guis was an export incentive subsidy offered by the government that has now been discontinued.) The Guis case is still unresolved – it is set to resume in Durban in December.

Ossie points out that he has nothing to do with Magic Bargains. His wife is its sole owner. But SA Eagle declared in court papers that Ossie "was guilty of having committed the [1993 Guis] crimes" and was "prone to dishonesty in his business dealings" and since he had not disclosed the Guis matter it was repudiating Magic Bargains' claim.

SA Eagle further claimed that the Brickfield Road fire was deliberately started by persons acting for Ossie. It transpires that on 22 April 1999, Wynand van Vuuren, SA Eagle's group

Johannesburg, director Fritter, flanked by members of AIN.

Seeking Ossie's remand, they produced bookings ostensibly made through Pentravel for Ossie and Rashida Aboo on a British Airways flight to London for 28 May. Ossie and Rashida deny making the reservations. Says attorney Amod: "We tried to ascertain how the bookings were made, but Pentravel had been told not to speak to us."

Readers will recall that a similar mystery reservation, also on British Airways, appeared in an attempt to oppose the bail application of Mike Hynek, the Bethlehem businessman who found himself charged with arson after an investigation on behalf of SA Eagle by former AIN operative Hansie Prinsloo (*nose61*).

In Ossie's case, Supt Sheriff did not swallow AIN's air ticket story. And on 4 June the arson charge against

[As previously mentioned, Rashida Kajee, Ossie's wife, is sole owner of Magic Bargains.]

Badenhorst's affidavit continues: "We met with the [AIN] insurance investigator, Nick. Nick asked me a few questions and I verbally gave him the facts [sic] of how I met Kajee, how I started the fire and what I did after the fire. I was very nervous but when we left, Lourens and myself agreed that I had convinced Nick.

"About two weeks later I phoned Lourens ...[and] told him that I was looking for a motor vehicle. He invited me to visit him in Johannesburg and offered to pay for my air ticket. I met Lourens and Jhonty at Johannesburg International Airport."

The following day Swanepoel took him to an office in Johannesburg's Wynberg, where AIN's Rassie Erasmus took down his statement.

"I was very nervous. I knew that the statement I was about to give was fabricated," says Badenhorst. "After giving the statement ... Lourens and myself went looking for a motor vehicle ...as payment for my statement.

"We went to Burchmore's. I liked a VW Beetle. Lourens only had R8000 with him and the Beetle was R12,000. Lourens went to the First National Bank to draw the outstanding amount. Lourens said that everything had gone according to plan and he didn't mind giving me an extra R4000. We went back to Burchmore's and bought the VW Beetle. At 17h30 I left for Durban.

"About one week later I got a phone call from Lourens. He said that there were problems, but I should not worry. All I had to do is give a statement to the senior public prosecutor and then I would qualify for indemnity. I met Lourens and Rassie at the Holiday Inn North Beach, and we went to Durban court [where] Mr Groen explained the indemnity rule."

His statement was then taken by Sergeant Greyling. "I was very nervous because she asked me details about the fire that Lourens, Jhonty and myself did not discuss," his affidavit continues. "I realised that I had already committed myself and told Sergeant Greyling even further lies about the fire. She [then] took me to the captain [Supt Leonard Sheriff], who took my statement once again. He told me that he had already taken Jhonty's statement and that there are huge discrepancies.

"That evening I met Lourens and Jhonty at Bongo's. We discussed our statements. Lourens said that we have made a 'fuck-up' but we should not worry, as he would fix it."

The following morning Swanepoel took Badenhorst and Dolgoy to "the place we supposedly burnt down".

Says Badenhorst: "It was clear to me that neither Lourens nor Jhonty knew where Brickfield Road was. Once we found Brickfield Road (we got lost a few times) we had to search for a building with the Magic Bargains sign on it."

Badenhorst then made another statement to the police, "but this time with more detail, as we had rehearsed". A couple of days later he was told that a person [Ossie] had been arrested.

His affidavit finishes: "I now realise that what we did was wrong. I am giving this statement because I cannot carry on with the lies ... I have wanted to come clean on this whole thing."

One of the AIN investigators on the case was Durban-based Henry Kruger. "Swanepoel and Dolgoy never committed the crime, they were never on the scene, they created the story," says Kruger, who is now self-employed in Johannesburg, selling spectacle frames.

"If you look at AIN's history, a lot of top-notch policemen worked for that company. But they also left – and there were reasons for them leaving. These guys didn't want anything to do with AIN and I presume their reasons were that things weren't kosher.

"It's very clear that SA Eagle is now in a problem, because those guys that made the statements were involved in other fires in Johannesburg."

Kruger says that SA Eagle paid AIN a fee of "around R1m" for its Magic Bargains "investigation" – plus around R300,000 in fees.

There are still some in Durban police circles who harbour suspicions that Ossie Aboo might, somehow, have been involved in the fire at Magic Bargains. But, says a senior Durban detective involved in the investigation: "If I find a case against you, you must go to jail – that's my philosophy. But I will not have anybody constructing facts against anybody – not even if he's a hardened criminal." Which, we trust, is a view widely held in the SAPS.

Back in *nose35* we told of the fire that gutted MBV Spares in Johannesburg's Selby. Owner Leon van Wyk put in a R2m claim to SA Eagle, which was repudiated after AIN produced statements from three men claiming to have committed arson on Van Wyk's instructions.

Van Wyk was arrested and lost 11kg during a week in prison before criminal charges against him were withdrawn.



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From page 23 SA Eagle still refuses to pay out, leaving him to fight the claim in a still-pending civil action.

At the time, we didn't name the three men. But it will come as no surprise to readers to learn that one of them was Lourens Swanepoel.

Johannesburg attorney Pierre Hauptfleisch tells *noseweek* that Swanepoel confessed to him that he had lied in all his Section 204 statements to the police and that he had not been involved in any of the fires. "He told me that AIN paid him to make his statements and that the money came from SA Eagle," says Hauptfleisch.

Hauptfleisch presented a file on all this to police at Johannesburg Central and a female captain was put on the case. "But the captain was then recruited by AIN. And the police file was lost," says Hauptfleisch.

We sent an urgent request for comment to Wynand van Vuuren, SA Eagle's Group Claims Manager in Johannesburg – the man who hired AIN.

We asked him: How do you explain the fact that Swanepoel claimed to have been involved in three of the above fires and Dolgoy in two? Are you aware that Swanepoel, Dolgoy and Bruce Badenhorst all lied when they made their statements? Have you asked AIN for an explanation?

The reply came from H C Ehlers, SA Eagle's General Manager – Operations Support: "This company," he said, "will not engage in correspondence with your publication in relation to evidence in current litigation [with] insurance claimants."

Which to us appears to mean: SA Eagle will cover up for its agents' dishonesty to the last.

We also asked: Is SA Eagle now considering settling the insurance claims? The answer is no – or, as stated by Ehlers: "The company is pursuing its defence of the actions brought against it and will do so through to the conclusion of the court hearings in each instance." [Which easily translates into: we might still outgun and exhaust the claimants' resources in protracted, very expensive court cases. – Ed.]

Finally we asked: Does SA Eagle still use AIN to investigate fire claims? We expected a simple "no" reply, but, no, SA Eagle's reply is cautiously [evasively?] wordy: Their head office records don't reflect that AIN are currently doing any investigations for SA Eagle "of the nature referred to", says Ehlers.

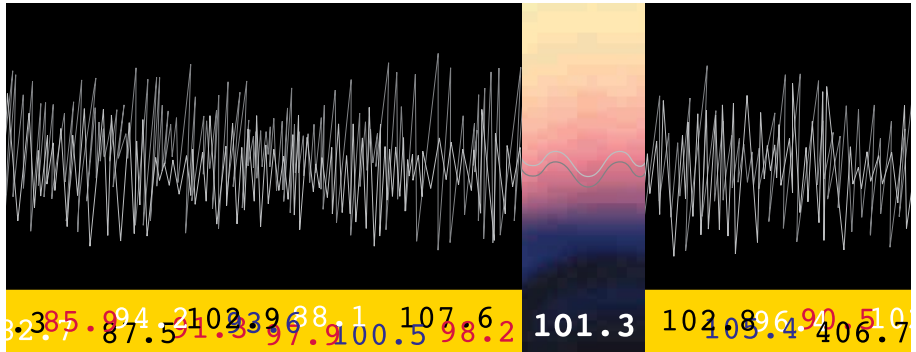
Dear reader, would you trust this insurance company? **W**

Gateau est arrive!

Gus Ferguson's latest collection of cartoons and drawings is now on sale at all good bookshops



calm in chaos



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MOTIV 315611

In the hands of a wily False Bay housing developer, the small print on deeds of sale for the Capricorn Beach development has been manipulated to cancel sale agreements and wheedle out of all sorts of promises. This on top of deeds of sale that, in any case, give buyers few rights and little opportunity to hold the developer accountable.

In the process of buying one of the 600 units in the Bellandia and Shearwater Homes housing development on the fringe of Cape Town's Muizenburg, Kathy Schultz found out the hard way – before her house was even built – how those tiny words could be used to tip the scales against her.

Bellandia was established in 1966. Their website claims they are “now one of the largest, best-known and respected single residential, group housing and sectional title developers in the Western Cape”. Their portfolio includes Atlantica (upmarket flats in Three Anchor Bay) and the recently launched



Safe as houses?

Dockside, where you can purchase a R3-million luxury apartment next to noisy Buitengracht Street on the edge of Cape Town's city centre. They are now trying to get permission to pull down the historic Phoenix Hotel, also in the city centre, to build a high-rise block of flats. The company keeps encountering opposition from locals who would like to keep some of Cape Town's old buildings intact.

Schultz bought her off-plan unit in November 2003. She paid the deposit, got the bond, and was waiting for the place to be built. On 26 May this year she had a call from Rhona Gray, assistant to Shearwater Managing Director Phil Flockton, asking her for R23,050, being the difference between her deposit and the bond she'd applied for.

Schultz sent Flockton an email the same day, saying she was only prepared to pay the amount on transfer, as originally stated in the sale agreement. The next day she received a fax from Flockton cancelling the sale.

The fax referred to extensive delays beyond their control, increased and unexpected costs, and new local authority fees. They could no longer build for the price quoted. So they “deeply regretted”

The small print can have a huge impact, especially if you don't understand it. And especially if one of the parties to the contract decides to rewrite the rules as he goes along – as several unfortunate home buyers in Cape Town have discovered

having to inform her that they'd have to withdraw from the sale in terms of Clause 26.1.2 of the sale agreement. The deposit plus interest would be refunded.

The fax concluded: “In the unlikely event that you are still willing to talk to us then we will be happy to discuss the alternatives”.

Schultz was still interested in the unit so she called Flockton, as per his invitation. He said he'd hoped to sell the units for an extra R100,000. He added that he hadn't set the new prices but would get back to her. She heard nothing from him for another three months and no one called to return her deposit.

Schultz felt she'd been cheated out of her unit. So she contacted the *Cape Argus*, *Cape Community Newspapers*, and *noseweek* to tell her story. By the time we spoke to Flockton he'd had enough of her: “She's a very confused, vindictive woman. She's written to every one from the President down. I'll fax all the correspondence on the matter and you'll see that you've got the wrong person,” he said.

He added she was asked for cash or a guarantee and was clearly not prepared to fulfil her financial obligations. As a result he could not instruct the



FAX OR FICTION? Shearwater managing director Phil Flockton

architects to draw up the plans on the unit, so he cancelled the sale. Schultz is adamant that Gray asked for cash, not a guarantee. She would happily have given the guarantee.

So, was it simply a misunderstanding between buyer and seller (a company called Capricorn Beach Joint Venture, made up of Bellandia and Shearwater Homes)? We decided to examine the deed of sale and claims made in the cancellation fax. This is what we found:

The local authority rates levy on the land increased by only 5% in the past year. The bulk service levies (paid by the developer for the provision of services such as water, electricity and roads) have not changed in the last three years.

And, the “brand new local authority fees and levies” simply don’t exist – unless you count the cost of submitting plans that contravene local authority regulations and thus have to go back to the drawing board. Technically, there should be no financial surprises for Bellandia, the company handling the financial aspects of the development.

Flockton should never have cancelled the sale based on clause 26.1.2 in the deed of sale – it’s the wrong one. He should have used clause 26.1.1, but he told *noseweek* it didn’t matter, “it was just a general fax sent to everyone”. (We wonder who else got the fax, would they please come forward?).

The more appropriate clause states: “The seller shall, in its sole discretion, be entitled to withdraw from this agreement if the seller has not taken transfer of the land or if the local authority has not given building plan approval within six months of the date hereof or within such extended period as the seller may, in its sole discretion, allow”.

BUT IS IT ART? Under the terms of the contract occupiers have signed, this pile of rubbish could be there till kingdom come

We know they had taken transfer of the land (in 1998). But, the local authority had not given building plan approval for the third phase (there are eight planned) into which Schultz’s unit falls. In fact, as at September this year, Bellandia and Shearwater Homes hadn’t even been given final subdivision approval for the phase as a whole. And at the time of sending the fax to Schultz there had been no attempt by the developers to submit plans. By Flockton’s own admission, the final plans had not even been drawn up.

There’s a lovely legal term to apply here: fictional fulfilment. The developer must show reasonable effort in submitting building plans before instituting this clause (26.1.1). Quite frankly, we think Flockton’s fax was fiction.

This open-ended clause also gives the developer the right to walk away from the sale if property prices increase (estate agents agree that property prices have gone up as much as 40% in the

last year). But if prices decrease, the developer is safe with a guaranteed sale.

We asked Flockton if this was his intention, since there was no justification for cancelling Schultz’s sale. He said he wasn’t trying to get a higher price on the property, and no, the development was not in financial trouble. We can’t help wondering what he was up to, since it was obvious he was never going to meet the six-month deadline.

Schultz is not the only buyer at the mercy of Capricorn Beach Joint Venture. Mr and Mrs X (not their real names) bought their off-plan unit in April 2002. In a *Business Day* article on May 15 2002, Flockton said the first residents would take occupation late 2002. But it took two years before the Xs got to see the inside of their new home. They were given occupation date after occupation date, each time giving notice at their rented accommodation

Flockton said he wasn’t **trying to get a higher price on the property**, and the development wasn’t in financial trouble



and then finding their new unit had not been finished. Finally, at the beginning of June this year, they had a call from Andy Bush, project manager for Bellandia, to say their house was ready and they had to move in right away. If they didn't, they would be charged occupational interest of R3,500.

Flockton says the delays were caused by incorrect zoning stipulations on the original sale of the land in 1998. It took them until 2002 to discover this, and another 14 months to rectify it.

The Xs have been in their new home more than three months now and they still have not taken transfer. They're having to pay occupational rent, rather than pay into the bond, and there's nothing they can do about it. Why? Because clause 7 says the seller can only give transfer once the local authority gives the stamp of approval. And for their phase of the development (phase 2), approval is taking a long time. In council's view there are several issues the developer has yet to comply with.

Flockton claims it's not in his interest to stall transfer, as he'd be delaying getting his money. But with buyers paying occupational rent the developer is in a cash neutral position, which allows him breathing space to argue with council on cost saving issues.

But that's not all. Flockton stands to gain even more from the development. "The architect" referred to in the deed of sale is Carleen October, Flockton & Associates. Flockton confirms this. (According to the Architects Act 44 of 2000 you can only describe yourself an "architect" if you are registered with the South African Council for the Architectural Profession. Otherwise it's a criminal offence to use the term. Neither Carleen October nor Phil Flockton is registered with the Council.)

The deed of sale states "it is specifically acknowledged that members of this firm may have a financial interest" in the development. Nothing wrong with a declaration—except when further clauses in the agreement name the architect as the expert in cases of dispute that might arise between buyer and seller.

A further clause states that if the buyer is unavailable to have the completed unit handed over on the day requested by the developer, the architect can do it on their behalf. But, the only opportunity the buyer has to note defects



GOODBYE MR CHIPS: Occupiers could find themselves saying hello to the repair bill for this damaged roof tile if they fail to read the contract's small print

in the "sanitaryware, cupboards, worktops, carpets and tiling" is on acceptance of the hand over form.

noseweek spoke to owners James George and Roy Mayo and visited their units. With chipped and crooked tiles, scratched kitchen cupboards, dripping toilets, bath tubs that do not rest on the floor, incomplete paint work and leaking taps, we were pleased to know they had not

let the architect take responsibility for the handover. If they had, they might have foregone their only opportunity to note the defects. There is a clause that gives the buyer 45 days from the official handover date to complete a list of patent defects. George and Mayo have submitted extensive lists.

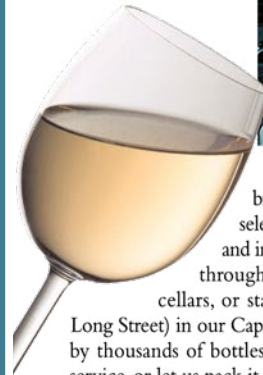
Apart from unsatisfactory internal finishes, the developer could also drag out finishing the common property. Clause 27.2 states: "Upon occupation certain common property facilities may be incomplete. The purchaser shall have no claim against the seller by way of reduction or abatement of the purchase price, occupational interest or home owners' association contribution and will not withhold any such payments nor portion thereof."

So the view of rubble George gets every time he steps out of his house could be there forever (see picture).

The real sneaky clause, 9.2, says the transfer of the land cannot take place until certain stages of the entire development scheme have been completed to the satisfaction of the local authority. There are already serious delays. It's not even worth taking a guess as to when the X's, or any buyer, will get ownership of their new home. And they have no claim against the developer.

Their track record to date does not instil any confidence in the Bellandia Shearwater Homes team. Mrs X feels uneasy about the developer's motivations. She learnt early on to put everything in writing and has a thick file of correspondence. She feels she's being pushed out of the development. Roy Mayo and James George say it's been a bad start. And as for Kathy Schultz, did we really have the "wrong person" when we went to Flockton for comment? **W**

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Bon voyage and buy, buy

What would you do if someone phoned you from Canada and announced you'd just won a free Caribbean cruise?

One Sunday last month Durban computer programmer Toine Scholtz was surprised to receive a telephone call from a woman who announced that she was calling from "Imperial Majesty Cruise Lines" in Toronto, Canada.

The sound delay left him in no doubt it was an international call. The caller informed him that he had been short-listed to win a Caribbean cruise holiday: 11 days in Fort Lauderdale, Florida, plus a cruise to the Bahamas!

All he needed to do to qualify was answer a few questions. Such as: was he married or single; when last did he go on holiday – and how much did he spend on it? A company representative would call him the next day to tell him whether he had won.

Sure enough, on Monday evening the second call came: this time it was Crystal calling. She said that, yes, he had won the holiday: 11 days in first class accommodation in Fort Lauderdale and a five-star cruise to the Bahamas, all accommodation paid for, plus free hired car – for himself and three friends! With the compliments of Imperial Majesty Cruise Lines and Ramada Plaza Resorts.

All he had to do was pay a booking fee of \$800, said Crystal. But then some fairly insistent questioning by Toine extracted from her that there were a whole lot of little hidden costs that she hadn't planned to tell him about.

And, of course, he and his three friends would have to get themselves to Fort Lauderdale.

Could he think about it and call her back in a day or two? asked Toine. No, said Crystal, he had to accept right then – or the offer was off. He at least

him back in two hours. In the meantime he could study the company's website. She gave him the address.

By the way, Toine asked Crystal just before she rang off, how had Imperial Majesty got his name and telephone number? "We're targeting people in

South Africa, because our holiday specials have been very popular with South Africans," she said. "We obtain lists of numbers that conform with a certain demographic profile from telephone companies."

Two hours later, as promised, Crystal called again – and Toine turned down the prize. Being a computer expert, within the two hours he had checked out not only Imperial Majesty's website, but a few others as well.

A bit of digging online had revealed that they have a pretty comprehensive history of ripping people off. In fact, the website Rip-Off Report has over 500 entries from people who have been victims of their deceptive marketing ploys.

Several years ago already, the attorneys-general of 16 US states issued statements on the matter after they had all instituted court action against the "cruise" company and its operators. (See story opposite.)

Perhaps the reason Imperial Majesty Cruise Lines is "targeting" South Africans has more to do with the fact that most Americans have been warned about them and aren't taking the bait any more. ■



Yankee-panky

In February 2000, Oregon attorney-general Hardy Myers had occasion to issue a statement warning Oregonians about travel clubs that make misleading offers of “fabulous vacations at tremendous savings.” His office had just filed four agreements with out-of-state travel companies in Marion County Circuit Court.

Named in the Assurances of Voluntary Compliance were National Travel Services, Inc., a Nevada corporation; Plaza Resorts, Inc., a Florida corporation that does business as Ramada Plaza Resorts [recognise it?]; Florida Travel Network, Inc., a Florida corporation; and Crown Plaza Resorts, a Florida corporation that does business as Imperial Majesty Cruise Lines.

“These companies used television personality Robin Leach to lure Oregon consumers into purchasing what they thought were ‘dream vacations,’” Myers said in his statement. “Unfortunately, the promises of ‘world-class’ Florida vacations and cruises to the Bahamas were broken. Consumers paid exorbitant prices for standard vacations that included lengthy, high-pressure time-share sales presentations.”

Department of Justice investigators determined that consumers paid up to \$1,000 for seven-day, substandard vacations. In some cases, a promised three-day bonus cruise amounted to a one-day ferry ride and a game of “Las Vegas-style” bingo. In other cases, consumers were told that they had “won” the opportunity to go on the vacations, and only found out later that they would have to pay up to \$1,000 for the honour.

The attorneys-general of 16 other US states filed similar agreements. Under the terms of the agreements, consumers who purchased packages from National Travel Services, Ramada Plaza Resorts, Florida Travel Network, or Crown Plaza Resorts and had not yet taken their vacations were entitled to a full refund.

Those who had already travelled, could recover up to \$200.

In addition to providing refunds, the companies agree to refrain from violating the Oregon consumer protection laws and paid a combined

\$40,000 to the department’s consumer education fund.

A similar statement issued by Georgia attorney-general Thurbert Baker included the following tips for consumers purchasing holiday packages:

“Buy vacation travel from a business you know. Deal with members of a professional association. If you’re not familiar with a company, get their complete name, address and local telephone number.

“Be wary if the names of the seller and travel provider differ. You may be dealing with a telemarketer who has no further responsibility to you after the sale. Also, avoid buying from a firm that wants to send a courier for your payment or asks you to send your payment by overnight delivery. The business may be trying to avoid detection and charges of mail or wire fraud.

“Verify arrangements before you pay. Get the details of your vacation in writing and a copy of the cancellation and refund policies. Get the names, addresses, and telephone numbers for the lodgings, airlines or cruise ships you’ll be using. Call to verify your reservations. Use a credit card to make your purchase. If you don’t get what you paid for, you may be able to dispute the charges with your credit card company. However, don’t give out your account number over the phone unless you know the company is reputable.

“Learn the vocabulary. ‘You have been specifically selected to receive our SPECTACULAR LUXURY DREAM VACATION OFFER’ doesn’t mean you’ll get a free vacation. It means you’ll be offered an opportunity to pay for a trip that may fit your idea of luxury – or not. “Subject to availability” means you may not be able to get the accommodation you want when you want it. “Blackout periods” are blocks of dates, usually around holidays or peak season, when no discount travel is available.

“Don’t be pressured into buying. A good offer today usually will be a good offer tomorrow. Legitimate businesses don’t expect you to make snap decisions.” **W**

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African Renaissance Man

The ANC has a renaissance man for its leader. There are never enough hours in the day for a President who wants to inspire the birth of a New Africa but, despite his numerous ambitions and duties, Thabo Mbeki still finds time to deliver 2500 words a week in his Letter from the President on the Internet. Lazier mortals look on in amazement at his work ethic. Western publishers should be offering substantial advances for his memoirs which I predict will be in numerous volumes, cogent and extraordinarily revealing.

How good or bad is the Letter from the President? For the purpose of this instant snapshot, I studied the last eight essays in Mbeki's dialogue with the nation. On first impression, it is clear the President overwrites, over-quotes and would benefit from the assistance of a sensitive editor. This is not really a criticism because the chaos of many well-known authors is masked by the invisible editor's cut.

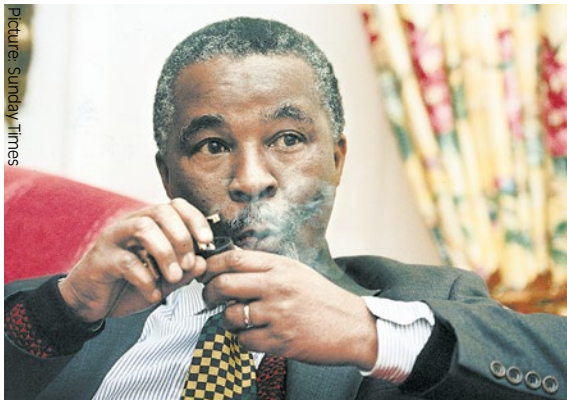
Mbeki's letter is of particular interest because it is patently not the construct of multiple hands and minds. Biographers and historians will bless the man who provided such a revealing archive of primary material. Is the President the first national leader to sustain what amounts to a weekly "blog"? If so, he deserves a degree of credit that is

Are President Thabo Mbeki's weekly Internet letters just racist diatribes or do they reflect a more thoughtful attempt to open up a dialogue with the nation? noseweek's UK correspondent **James Sanders** went on line to find out

rarely forthcoming. His international contemporaries, Clinton and Blair, are computer illiterates by comparison.

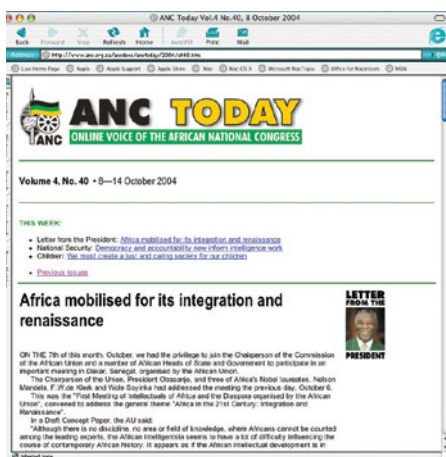
Of the eight letters published between 30 July and 1 October 2004, two created significant debate in the newspapers. In effect, Mbeki had a "scoop" rate of 25%. Alternatively, one could say that every four weeks, the President puts his foot in it, but I believe the strategy is well thought through. He is using the letter to signal problems, start arguments and enrich the collective discourse. It has to be a positive thing for Mbeki to offer his ideas, thoughts and beliefs to the people (those who are Internet-connected) in a completely unmediated form.

As he pointed out on 24 September: "Today, and for the last ten years, there is not a single person whose voice has been silenced [in SA]. No political or any other organisation, and no publication has been banned." Despite the anti-ANC "noises off" from those repressive liberals rapidly mutating



Picture: Sunday Times

ON TOP AND ON LINE: South Africa's computer-savvy President Thabo Mbeki



NETWORKING: President Mbeki's weekly internet letters

into full-blown Neo-Cons, who gather under the banner of the DA, Mbeki is right: South Africa is a free country and not enough South Africans have taken advantage of that literary freedom.

One of the major criticisms of Mbeki is his lack of guile in promoting policies and explaining events. In most Western countries "spin" is second nature: journalists are cultivated and stories are facilitated. If a scandal needs covering up, another well-documented story is launched to displace it in the media. News has become boring because it is often not new and it nearly always confuses and discourages debate. Eventually, people refuse to vote because they cease to believe they can influence the political process. It is as if pioneer of the trade Eschel Rhodie has been resurrected at

One of the major criticisms of Thabo Mbeki is his lack of guile in promoting policies and explaining events

the heart of every Western government. Media manipulation is standard practice; Blair's former press spokesman, Alastair Campbell, was often described as the second most powerful man in Britain. The spin doctor's political life expectancy is short, but the rewards are many – and there is always a new spinner to take the place of the spun-out.

Relatively little of this occurs in South Africa. Is it because Mbeki is opposed to the unprincipled behaviour of Western ideology-lite, survival-first politicians? The ANC is certainly capable of old-school [party] machine politics – think of the shackling and neutering of challengers for the Presidency – but Mbeki appears to

shy away from the modern PR techniques that dominate political communication. His lack of spin is endearing, but it probably adds to an atmosphere of uncertainty that can be exploited by the ANC's opponents.

What does the President address in his letters? In the eight under examination, his main themes are the racial legacy of apartheid and assaults on the DA. There are exceptions. The dual obituary for Ray Simons (Alexander) and Beyers Naude (17 September) was subtly composed and heartfelt: "Unassuming, without even so much as a touch of vanity and self-importance, with no idea what it would mean to seek personal gain or acclaim ... they represented and represent what it means to be a servant of the people."

There is no evidence in the letters that the President is a racist; there is substantial evidence that he believes we must learn from the past to address the challenges of the future.

On 3 September, he used James Baldwin's book of essays, *Nobody Knows My Name* to consider "loss of identity ... the reduction of a human being into a thing without a soul." Citing Negro spirituals and poems from the Harlem Renaissance, Mbeki acknowledges the agonies caused by slavery. But he also retains a powerful objectivity: "The pain imposed on us by racism has never forced us to think that death was preferable to life." He notes that colonialism and apartheid "sought to negate our cultural heritage", even going so far as to give Africans new names in order to "use us as putty in their hands, to model and redefine us ... that we should forever

do their bidding, as their willing and mindless instruments."

Challenging Mandela, he advises: "We should be reluctant to still the demons by a casual reference to a Rainbow Nation." Quoting Baldwin, Mbeki recommends: "The reason that it is important ... for white people ... to see the Negroes as people like themselves is that white people will not otherwise be able to see themselves as they are." This is a version of Ubuntu via the Mississippi. But it is an important point; non-racism is not political correctness or re-education but a healing and life-giving process.

In his news-generating essays on Anglo-American confidence in the new

strategy

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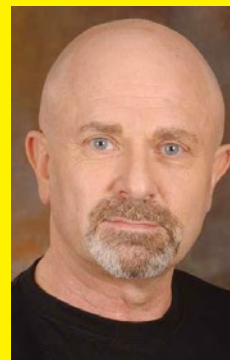


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Marketing and communications strategy and coaching

South Africa (10 September) and crime (1 October), did the President go too far? The conclusions to both essays: "Will it ever happen that the political risk so beloved to some will, in time, diminish in their minds until it ceases to exist? Or will it forever be the case that tomorrow never comes?" and "For some the truth we will always tell about the progress we have made and will make, in the interests of all South Africans, black and white, will always lack credibility" seems to imply an exhaustion with the labours of transformation.

His enraged response to Bronwyn McIntosh, a white South African now resident in the US, who wrote on the Internet about crime in Cape Town, is certainly intemperate: "... what she is conveying to the rest of the world ... is an outright lie. But people, elsewhere in the world who do not know our country, might take her at her word, having no reason to suspect that there are some from our country who will not hesitate to tell the lies she tells."

From a global, and perhaps Mbeki's, perspective, a comparison between Cape Town and London or Boston is misleading; a fairer comparison would be with Mexico City or Rio. And, while Mexicans and Brazilians don't apparently feel the desire to publicise their wave of

crime to the outside world, it is one of the more extraordinary aspects of the last 10 years that (primarily, white) South Africans have travelled the world telling anybody who would listen about the horrors of the new South Africa.

President Mbeki is not a crime denialist: "... despite the advances we have made, all of us know that the problem of crime persists." He sees the obsessive reporting of crime as reflecting what David Williams at Wits described in 1996 as "a psychosis in white society". As Mbeki puts it: "... fear of crime becomes the concentrated expression of fear about their survival in a sea of black savages, which they fuel by entertaining the mythology that whites are the primary targets merely because of their race."

The essays are useful contributions to the political dialogue. Anglo American chief executive Tony Trahar's comment to the *Financial Times* ("I think the South African political-risk issue is starting to diminish – although I am not saying it has gone") was flippant and indicative of the mindset of South Africans overseas.

The admonition of Anglo-American represents a pivotal moment in the relationship between the ANC and giant capital: "The poor and the despised who worked for Anglo American and other

companies that made it during the years of white minority rule, paid a pittance for their labour, are today's voters ... They have chosen reconciliation, rather than revenge. Rather than reparations, they have asked for an opportunity to do a decent job for a decent wage. Do they deserve to be computed as a political risk, when everything they have done and said has made the unequivocal statement that they are ready to let the past bury the past?" Having allowed Anglo-American to list in London and effectively expatriate a substantial proportion of its funds, no wonder Mbeki was furious at Trahar's comments.

Mbeki's Letter from the President is available at antoday-admin@lists.anc.org.za It proves that he is as good a political columnist as anyone working in the South African press today. Mbeki might lack the theatrical skills that dominate modern international politics but, judging by these letters he is far from a cold, enigmatic figure. The Presidential letter demonstrates the courage of a man who is willing to share his thoughts with his readers despite the obvious risks. One day we will look back with affection at a leader who in print, at least, wore his heart so clearly on his sleeve. **W**

**weblog = Internet diary*

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Pink plonk

My only recollection of being at Rome's main railway station a decade or so back is of a barman tidying up his counter. What to do with the remainders of wine lurking in two bottles – one red, one white? He picked up the rosso and, after a moment of hesitation, poured it into the bottle of bianco. Then, presumably responding to that inner unease that assails us innocent people on the rare occasions we do something vaguely reprehensible and then wonder if someone has noticed, he looked up and met my watching eyes. "Rosato?" he murmured appealingly. And I couldn't find it in my heart to deny it.

Pink wine (or rosé – as we generally call it, feeling the need for a foreign language to provide a euphemism) is a little disreputable at worst, unfashionable at best.

Is it that we demand confidence in wine – to be one thing or another, not indecisive hovering? Or, for half the drinking population, is the problem that pink is notoriously for girls and, really, are the guys going to sit around sipping this stuff?

There's an image problem here, as rosé's PR people would say – if there were any. Well, here am I in their stead, to explain and argue for the concept at least, though much of what is pinkly offered us is certainly pretty grim. (Saddam Hussein's alleged partiality to the occasional un-Islamic swig of the world's best-selling pink plonk, Mateus Rosé from Portugal, wasn't, as I understand it, officially George Dubya's reason for bombing Iraq.)

The colour of wine in general is not an entirely straightforward matter, in fact – even beyond the linguistic oddity that purplish grapes are called black while the wine they make is called red, and green-yellow grapes and straw-coloured wines are both called white. (But then, as EM Forster acerbically pointed out in *A Passage to India*, "the white races are not really white, but pinko-grey".)

Some people are surprised (and a few interested) to learn that in their earliest moments red and white wines

Tim James hits the bottle



are essentially identical. The difference between them is accounted for by the fermenting juice for red wine having spent time in contact with the grape skins; grape juice itself is always "white". (A few weird varieties do have red flesh, but no vinously significant ones): it is the colour leached from the skins that makes red wine red.

And whisking away the skins after just a little contact with the juice is what makes the best rosé wine pink. So we get our other French euphemism for pink wines (but only for those made by this method): blanc de noir, translating as "white from black" – logical enough if you again excuse the colour imprecision and realise that it really denotes "pink from purple". Some of the more "industrially" produced pink wine is, however, produced in the less demanding way my Roman barman did

his: by mixing red and white finished wines (and, as in that case, usually from whatever happens to be left over).

Paradoxically, perhaps, some of the best Cape rosés in recent years emerge from the unfortunate modern obsession for red wines to be deeply coloured to the point of opacity – one wine writer from ever-subtle Australia, where the fashion appears to have originated, has even publicly declared his contempt for what he calls "see-through" wines. Well, one way of deepening the colour and improving your chance of a gold medal is to increase the ratio of skins to juice by "bleeding off" some of the latter – and bottling it as rosé, or Blanc de Noir as Buitenverwachting call their delicious wine made in this way from a handful of varieties.

This is often the method used for rosés which mention a fancy grape variety – like Van Loveren's Blanc de Noir Shiraz, which is one of the better examples at the lower end of the price range (it is around R20, whereas most of the more ambitious and interesting rosés are a bit over R30 – and still generally good value).

Other rosés to recommend would certainly include SylvanVale's, made from cabernet sauvignon, Asara's, Signal Hill's Rosé de Saignée (made from the uncommon but classy petit verdot grape), and the Newton Johnson Félicité, made mostly from pinot noir. You won't find these easily, though they are worth seeking out. It seems that the more upmarket the wine shop, the smaller the range of pink wines it will carry. There is what looks like a good range at many supermarkets, but half of them will be sweet or sweetish (and if that's what you want, fine, and you will probably also enjoy the advantage of not being too fussy about quality), and most will be dull.

But experiment; chill them, admire the lovely colour (from pale pink to light crimson, some with wonderful coppery glints), and enjoy – at these prices mistakes will break neither banks nor hearts. Rosés are not about meditative seriousness, still less about snobbery. Pink is for pleasure. **W**

BY HAROLD STRACHAN

WEIRD, I TELL YOU

You know, one forgets how weird it all was.

Life didn't run according to anybody's theory of existence – deist, Marxist, spiritual, physical. Just daft, that's all.

I mean like somebody shot bullets at Colin Eglin's flat in Cape Town with a revolver, forsooth, which you might say is attempted murder, though the likelihood of hitting the flat with a thing like that is just about zilch, never mind the person of C Eglin, whatever his circumference at the belly-button.

You might even say it's political assassination this villain is about, C.E. being the portentous presence of the Progs in Parliament. So it's urgent. I urgently get subpoenaed as state witness in the trial of some right-wing bliksem they've gripped in Capers, a real guilty-looking slimy sonofabitch scoundrel called Van Zyl whatever, supposed hitman for a no-good squad of slimy sonofabitch scoundrels in Natal, who've shot my own house full of holes like a piece of Gruyère cheese, with assault rifles and things.

My eyes light up! Holiday time! Out at night! Make a change from the endless house arrest. I explain to the Security Branch, political police, my tormentors, that I have this deep psychothingummy fear of flying and will have to travel by train, two nights and two days pounding all over the Vrystaat and Kimberley, through the beautiful boundless Karoo, relentlessly hauled by this great 25-metre seething steel beast swallowing its own condensed steam in the parched paradise; all this, *nogal*, with a yummy basket of padkos: wine, olives, caraway-seed rye bread...*droë wors*, chocolates...everything...

Before I leave they phone, Major Iemand, a

right bloody *vark*: Are you carrying? he asks. Now he knows perfectly well I have applied for a firearm licence and been refused. He also knows I carry. Carry is an intransitive verb; you don't specify what one carries, one just carries. Phil Greenberg, journo, has unlawfully lent me his 38 Special small bottle of big poison, the round in its



After a bit
Blacknails
starts
glowering
beneath his
eyebrows.
Whadyer
looking at,
yer? says he



chamber as long as the barrel, if you get in front of this thing at the wrong time, my son, it's Hullo Jesus. It fits neatly near the armpit. Ja, say I, I'm armed. *Ja*, says he, hangs up.

We occupy a two-berth coupé. I say we because I have the company of a lean refined man wearing a suit and a thin moustache. We nod. He reads. I read. We have our separate being; we have not been introduced.

Next day lunch-time we are summoned

to the dining car by a tinkly xylophone. I am escorted to a table where three heavy men are already feeding. One has a Harley-Davidson-type headband and tattoos and open denim waistcoat, no shirt, the next is a big ginger Jew with pubic hairs spilling over the top of his T-shirt and a Mogen David in amongst them and bits of Israeli army surplus uniform, and the third, opposite me, has dirty dungarees with holes and purposefully unwashed black nails. He's eating with his hands. I'm on the aisle. Opposite sits the refined man. After a bit Blacknails starts glowering beneath his eyebrows. Whadyer looking at, yer? he asks. Oh, this and that, say I. He further glowers, shovelling in his grub. Wheryer from, yer? says he. Durban, say I. Really aggro now: Man I got shit for a ou from Durbs, says he, and Army-surplus touches his elbow and looks. Blacknails follows his glance and looks too, and there as I lift my forkful of chicken they glimpse the grim form of the 38SP. Silence. Harley-Davidson twists round to see, and the refined man opposite sees them all seeing and slightly, unobtrusively, with a single finger pulls back his suit jacket so they see also a deep-blued 9mm Beretta 92 Parabellum pistol, 15 rounds, ready death for anybody who wants it right now.

SHEE-IT! The real thing! The lean men in dark suits who wear shades at night and go about in black helicopters with darkened perspex, from the bowels of the Pentagon or Kremlin or whatthell sinister agency, here! Now!

Wodderwe DO? Blacknails wipes his hands on the starched white serviette and starts eating with knife and fork. Do you want a beer? says he. No, say I.

All appetite is lost. Not mine, theirs. They depart. Old time railway service was great; I stay for dessert and cheese and liqueur. Espresso. Back at the coupé I see he has taken off his jacket for a nice little post-prandial kip, but the Beretta is nowhere to be seen.

I haul out the hamper for a further *sluk* of Mirabellen Schnapps, and rejoice in the passing landscape and the old-remembered jolting and rocking. Just now I'll get my head down too.

Maybe when I wake up I'll offer him schnapps, but then again, we haven't been introduced. ■

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