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JANUARY 2006

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noseweek

JANUARY 2006

ISSUE 75



Illustration: JIRI SLIVA

Keep smiling in 2006!

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It's already
2006



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Nose lays down the law

My father, Eric Liefeldt, was a former chairman of the Law Society of the Cape of Good Hope and of the Association of Law Societies. He was also chairman of the fidelity fund for some years. He was senior partner at Silberbauers for many years – it was a large firm and only cracked a mention in your publication once.

Sadly he died last year, but he was an avid reader of *noseweek* and gave his children gift subscriptions. (I have today

Postbox mortem

Sadly, I will not be renewing my overdue subscription.

When I first subscribed, *noseweek* was filled with such fascinating revelations of corruption and dirt in South African political, business and social circles that I would make special trips (some distance) to my postbox when it was due. Lately the tendency is to include more mundane articles covering (non-)issues such as GM crops, a travel guide of Brazil, the property market in the Cape and political or

and interests of our readers that we have gradually expanded (literally, from 16 to 40 pages!) to include the type of articles you so disparagingly refer to – in addition to the sort of articles that you approve of. There are, in fact, no fewer of the latter in current issues than there have ever been!

We have not only grown; like our readers, we have become wiser: we have come to realise that we are not only at risk of losing our money to shady lawyers, insurance companies and other scoundrels in

my cheque for a subscription renewal will have reached you by now. Incidentally, although we, too, eat meat we don't derive pleasure from hanging over the abattoir walls. It's the ENJOYMENT of cruelty – hunting for sport – that I loathe.

Gorry Bowes-Taylor
Claremont

Not mincing any words

I am driven to respond to the letter from the anti-hunting arsehole in *nose74*.

This is the typical response from the bunny-huggers – most of them meat eaters. I wonder how they think these farm-animals turn into mince and steaks – most probably they are taken into a padded room where Jim Reeves records are played until the cow (pig, sheep or chicken) lies down and dies of its own accord.

Had it not been for hunting, most of the wild animals would have been removed from farms to make way for agriculture. By placing monetary value on wild animals you create an incentive to rather keep, protect and utilise game than cattle. Thanks to game farmers, game numbers have increased tenfold in the last 30 years.

If Gorry Bowes-Taylor (male or female?) ever passes through Hluhluwe feel free to come and call me “low-life scum” to my face.

And there I was, thinking mostly intelligent people read *noseweek*!

Dr D Erasmus
Hluhluwe

You raise some interesting points. But, while I don't believe Mrs Bowes-Taylor is accustomed to being called an arsehole, I fear she will have no hesitation in calling you “low-life scum” to your face when next in Hluhluwe. – Ed.

Risk-free banking

Banks have in recent times come under serious stick for their high charges and poor service but, in addition, it seems they take no risks any more and do not feel a need to behave in a professional manner.

I recently had reason to co-sign documents for an investment account at Nedbank.

Although we eat meat we don't derive pleasure from hanging over the abattoir walls

renewed mine.)

Most amusing to me was his claim that he didn't bother reading [the Law Society's magazine] *De Rebus* as he found out all that he needed to know about the legal profession from *noseweek*. I thought he was joking until, while sorting out his affairs, I came across a couple of years' worth of *De Rebus* still in their envelopes.

May your pen never run out of ink!!

Martin Liefeldt
Cape Town

business events outside South Africa. I have found that nine of the 22 main articles in the August to October issues were of low interest to me and are the sort found in the Sunday papers. They definitely do not pass the postbox test.

Perhaps you should seek the opinion of your readers on this.

Relegated to the lowly rank of pass-along reader, I bid you a tearful farewell.

Chas King
Port Edward

It is precisely because we have taken account of the views

business and politics. Lulled by the sweet-sounding voices of a whole new range of well-disguised operators, we are as much in danger of losing our health; our ability to think for ourselves and our freedom of choice.

We can benefit from the knowledge and experience of people with similar concerns in other parts of the world. Any South African who isn't interested in the issues around GM foods, the environment and what goes on in the dealings between First and Third Worlds (all areas where, as it happens, there is much intrigue and skulduggery at play) is a fool – Ed.

To Christian or not to...

I suspect most Buddhists, Moslems, Jews and atheists would be offended to have their behaviour described as “Christian”, but it's not Paul de Rosiere's semantics (Letters, *nose74*) I write to quibble about; it's his grammar. When did “Christian” become a verb? He uses it as an adjective and a noun. Mind you it could be an interesting addition to the English language. Can anyone enlighten me how it might be used?

Suzanne Brenner
Melville

The sport of killing

My objections to your smalls ad for hunting have been adequately answered and

Gus

Housing Estate Haiku



*Then when we've paid off the Kreepy Krauly
we'll be putting in a pool*

In this technological age I was amazed to discover that their standard terms and conditions include a section on liability that apparently absolves them of any liability for anything.

Apparently the customer cannot hold the bank liable if:

- Someone gains access to any information or data. (Hackers please note they don't believe they need to maintain proper security systems!)

- The bank gives any incorrect information to anyone including a credit bureau. (There goes your and my credit rating!)

- If its employees don't process information correctly. (No need for their computer staff to write and test code properly, or for them to train their staff in proper procedures!)

- An ATM malfunctions, causes delays or generally behaves like electro-mechanical stuff on a rainy day. (The way the clause reads they don't even need to do routine maintenance any more. If it fouls up, it's the customer's fault!)

I don't know if other banks have such generous Terms and Conditions but increasingly the mattress looks better and better, especially when interest rates are compared to bank charges.

Henry Watermeyer
Lyndhurst

St Johns: tainted love?

I speak on behalf of St John's College boys when I say that the love for our school extends to levels incomprehensible to many, and we truly appreciate how fortunate we are in that respect.

Many of our parents go to extreme measures for us to attend the school. St John's

College changed me in so many ways I could write you a little book on it. If you can call St John's a "tainted institution", based on the evidence of only a handful of people, then an apology is in order. You would never believe how much the boys have suffered over this past year. So try this for size: don't generalize, stereotype or hate; and don't flaunt your intelligence either, because quite frankly, nobody cares.

Lastly, good luck matrices for your results and have an awesome break; we deserve it. St John's boys, you just got to keep on keeping on!

Peter van Doesburgh

St Johns College (that is my home),
Houghton

Creepy ... The "couple of people" whose conduct has "tainted" the school just happen to include its principal, school council, legal adviser and, judging by his silence, maybe even its bishop. – Ed.

Never again

I am saddened by the Wayne Baker incident, both because it has tarnished the reputation of my *alma mater*, and because what happened to Wayne Baker shouldn't have happened to anyone, regardless of what school(s) the perpetrators attended.

I can understand the headmaster wanting to be helpful; I can also understand his willingness to believe what he was told by his own boys – which, alas, seems not to have been 100% truthful. But, in retrospect, he would have done better to keep out of the whole mess. It was, after all, an after-hours affair off school premises. Those culpable, and their parents, should take the rap, and leave Roger Cameron to get on with his proper job, which is being a good headmaster.

The guilty parties should own up, and cough up, end of story. There has been too much ducking and diving. It's hardly appropriate for a 57-year-old codger living a thousand miles away to apologise to the Baker family, but St John's will forever be my old school, and I am deeply sorry that anyone associated with it should have caused so much hurt.

At the same time, the school itself doesn't deserve the gleeful bashing it is now taking at the hands of some of your readers. St John's will go on, a great school, better judged by the majority it produces than by an errant minority. If we can't make the blot go away, let it forever remind us that such things should never be allowed to happen again.

Ron McGregor,
Mowbray, Cape Town

Driving a hard bargain

I find it strange that the Competition Commission found only a 15% discrepancy in the prices charged for cars here and abroad. This might be explained by the fact that BMW has opted out of the process so far. Have a look at the online pricing of BMW USA compared to those of BMW SA for baseline models. Using an exchange rate of R6.5 to \$1, as of mid-December BMW's prices in SA are, on average 63% higher than those for the same cars in the USA! Truly staggering is the discovery that they are charging us more than double what they are charging in America for a 3 Series model! (All the more so since on their website they boast that 75% of all 3 Series produced in South Africa are destined for export – inter alia to the USA.)

The industry keeps congratulating itself on the

number of vehicles sold. What I would like to know: is this an increase in locally manufactured vehicles sold on the local market? Everywhere I turn I see hundreds of Renaults, Peugeots, Kias, Tatas and the like contributing to our ballooning current account deficit, while local manufacturers reap inflated profits.

Simon Driver-Jowitt
Bergvliet

See page 18 – Ed.

Pension scam – you go, boy!

During the 1960s, a pension fund was created for the engineering industry in terms of the provisions of the 1956 Labour Relations Act. While participation was supposed to be voluntary, the rules were later manipulated – with the help of government departments – making it possible to criminally prosecute non-contributors, even those who were not party to the deal.

Now, in 2005, the fund has an R11-billion "surplus" – largely accumulated at the expense of tens of thousands of workers who have since left the industry. The big payday for the manipulators has arrived. Could you, through *noseweek*, allow us to show the public how supreme court judges and the law were duped, and how the most deserving beneficiaries have deliberately been excluded from the process – and how an R11-billion scam is about to be pulled off by both industry bosses (you appear to have heard of Seifsa) and union fatcats?

Jerome
Barrydale

Let's hear it! – Ed.



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75 – and still not retiring

It's a new year and this is our 75th issue – time to celebrate!

Those who've been with us since the beginning will recall a time when publication was erratic and each issue a sort of milestone; when paying for a 10-issue subscription was an act of faith.

noseweek is today, by contrast, a model of ruthless efficiency with an edition every month.

While much has changed at *noseweek*, the issues we address haven't. Sometimes even the same old characters come around again.

So, the hero of our first big story (*nose1*, June 1993), property developer **Norman Benjamin**, has been making the headlines again. Now approaching 90, Norm spent most of 2005 dodging the Scorpions, and pleading old age when confronted with having sweetened the way for the Eastern Cape government to buy his Sundays River farm for a vastly inflated price.

In *nose1* we reported how "Our" Norm had suffered an unfortunate financial setback during the execution of a scheme – concocted by **Webber Wentzel**, Anglo American's attorneys in Jo'burg, and approved by Norm's Cape Town attorneys, the equally famous **Sonnenbergs** – to illegally move a million or three offshore "for his poor daughter Rosemary in Texas".

Rosemary, ever the Sea Point kugel, was very upset with our story: "I'm NOT poor!" she yelled at us all the way from Texas.

In those early days readers unaccustomed to our unequivocal style, thought our stories of corporate misconduct simply had to have been invented.

Remember our account of **SA Breweries'** treatment of its independent beer distributors? What we described amounted to a criminal conspiracy by **Norman Adami**, then head of the beer division and currently head of **SAB Miller**, the entire SAB board, various top executives, SAB's legal advisers, and auditors **PricewaterhouseCoopers**, to defraud one **Geo Louw** and his newly empowered black colleagues of R50m that SAB would otherwise have had to pay in fair value to buy back their distributorships.

That episode had a strange echo in the **Laugh-it-Off** parody T-shirts, which read "Black Labour, White Guilt". SAB's response to that little joke was characteristically heavy-handed, but the eventual outcome was fairer – albeit at a high personal price. **Justin Nurse** will tell us more about that in our next issue.

We also exposed a scheme involving many millions in trademark royalties paid by SAB, supposedly to a third party offshore but in fact for a secret offshore slush fund controlled – but not accounted for – by the directors.

And then there was the set-to between **Absa** (attorney Benito Hitler Niemand) and "that too clever Jew" **David Hersch**...and Sicilian Mafia don **Vito Palazzolo**...and **Mr Mohamed** and the Road Accident Fund.

Do you really think we could invent this stuff?

Way back in August 2000, we introduced the **Schaik brothers** to the world in a story headlined "Shake-up or Shaikdown?" Five years later you know the answer.

In their trail came the arms deals, the transport deals, **Mac Maharaj** and **Jacob Zuma**. Nuff said.

There wasn't a dry eye on the JSE after we described how **Lowenthals** had sponsored the listing of medical services company **Mouldmed**. Usually it was the investors who were left wailing after **Lowenthals** brought a company to the exchange, but this time it was JSE chairman Norman and boet Ronnie who were left R30m poorer! Unless Lloyds helped.

Our 2003 exposé of the break-up of the **Frame Group** of companies, and the ugly part played in it by South Africa's so-called "Mr Clean" of business, **Mervyn King**, was awarded a prestigious **Mondi** for business journalism – shome mishtake, surely.

Philip Frame was a mean employer, but in his will he established a trust to preserve the group after he died, and – remarkably – to run it in the interests of the workers for whom, in life, he had shown so little concern.

After his death in 1979 his already wealthy children and their legal advisers – King and **Sydney Kentridge** among them – embarked on a campaign to subvert his will and trust. They got away with assets worth more than R1.5bn. The big losers were Frame's true heirs: his 30,000 now-unemployed workers.

You won't need reminding that we were the first to expose SAA's **Voyager** scheme for the joke – and fraud – it is. And **Mandela art** for the fraud and tragedy that it really is.

We've even managed to poke a hole in the veil of secrecy lawyers have drawn over their dirty trade in divorce.

More recently we have made it our business to tell you what you needed to know about **Brett Kebble** and his estranged protégé **Mzi Khumalo**.

noseweek is no joke. It has become the alter-echo in most informed South Africans' minds: say **Old Mutual** – and they are as likely to think *noseweek* as the are to think green. Say **Outsurance** and they think *noseweek*! See an Absa ad – and up pops that cautionary word, *noseweek*!

Top of the pops amongst our imported amateur players have undoubtedly been the **Von Bullshits of Constantia** (they had the gall to call us "cheap and nasty"), with the **Harksens** from Germany and Dutch-Indonesian millionaire bankrupt **Jan Walter de Witte** close runners-up.

So many tales, so little time.

The Editor

P.S. To our friend **Abe**, in case he thought we'd forgotten him: Hullo Abe.

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Picture: Johann Hartingh/Beeld

ACCUSED: Colijn Ackermann was charged with murder, but was subsequently acquitted

DEATH & THE FINANCE ROOM

IS THIS HOW THE RICH GET AWAY WITH MURDER?

SOME TIME before midnight on 7 February 2001, Jan Smit, a wealthy 72-year-old electrical contractor, and his independently wealthy wife, Erna, 48, were brutally stabbed to death in the four-bay, four-door garage of their large home in Waterkloof, Pretoria.

The murder was only discovered at 10am next morning when Jan Smit Jnr, a police captain, came to investigate why his father and stepmother were not answering their telephone, or responding to the knocking of their domestic servant.

Captain André Fabricius of the Pretoria Murder and Robbery Squad

was assigned to investigate the double murder.

It was a particularly brutal one: Mr Smit had been stabbed no less than ten times – once in the chest, six times in the back and three times in the neck. Mrs Smit had been stabbed three times: in the chest, in the shoulder and in the upper abdomen. In addition, both the Smits' fingers and hands were cut, indicating that they had tried to fend off knife blows.

Boot prints could be seen in the pools of blood on the garage floor, leading across a lobby and up a tiled stairway into the house. The same boot prints were found around the vacant space in the garage, suggesting a car had been



standing in that bay when they were made.

A curious feature of the murder at 227 Bootes Street, Waterkloof, was that nothing appeared to have been stolen from the Smits or their home: their cell phones and a handbag containing cash were openly visible and undisturbed in the house. A wallet containing nearly R1000 in cash was still in Mr Smit's trouser pocket; Mrs Smit was still wearing her diamond jewellery. Their Honda Ballade parked in the garage still had its keys in the ignition. The two Mercedes motorcars parked next to it were similarly undisturbed. Robbery was clearly not the motive for the murders.

In the kitchen sink the police found three unwashed wine glasses. This was explained by the Smits' domestic help, Catherine Motswene, who said that earlier in the evening, as she was laying the table for supper, Mrs Smit told her to lay for three as they were expecting a guest. The guest that arrived was a woman called Bernita.

The day after the murder, Bernita Froneman identified herself to the police as the supper guest. She had been invited by Mr Smit and arrived at the Smits' house shortly after 6pm. They had eaten supper outside. After a pleasant evening she had left at about 9.20pm. When, twenty minutes later, she had called Erna Smit to tell her that she had arrived home safely, Mrs Smit had given no indication that there was anything wrong.

A week later Captain Fabricius got to interview two Americans who had been playing poker on the night of the murders at the home of the Smits' neighbour, Nancy Lawton, at 229 Bootes Street. Dorvin Stockdale, who is employed by the US Agency for International Development, was the first to leave the poker party – at about 10.45pm. As he drove down the Lawton driveway and out of the gate, he saw a light-coloured car entering the Smits' gate and parking in front of their first garage door. A white slender male alighted from the vehicle and walked towards the second garage door, which was open. The garage lights were on and Stockdale noticed that this park-



A curious feature of the murder was that nothing appeared to have been stolen

ing bay was vacant. The man looked back at Stockdale as he headed at a brisk pace for a door inside the garage. Stockdale said he took no further notice and drove home.

The next guest to leave, a short while later, was Eric Schaeffer, an employee of the American embassy. As he passed the Smits' house, Schaeffer noticed a white sedan car with its headlights and interior lights on; there were two people in the car and the passenger had light-coloured hair.

A short while after that, as the last guests prepared to take off down the driveway, they were obliged to pause as the light-coloured car, now observed



SIZE COUNTS: 'Fat and botox doctor' Pieter Ackermann, father of Colijn

by Mrs Lawton herself, backed into her driveway, preparatory to driving away.

Captain Fabricius quickly established that the last telephone call made from the Smits' telephone had been to cell phone number 083-4598713, and that this number belonged to a 25-year-old investment consultant, Colijn Ackermann.

ON 19 FEBRUARY the executor of the Smits' estate found a formal acknowledgement of debt for R100 000, signed by Colijn Ackermann in favour of Mrs Smit, in the Smits' bank safety deposit box. The box also contained another, similar acknowledgement of debt, also

for R100,000, but it had an earlier date and was made by a firm called The Finance Room. (A number of moneyed – and unhappy – South Africans are known to have such acknowledgements of debt stashed away. – Ed)

Ackermann, the son of Pretoria's famous and fabulously wealthy fat and botox doctor, Dr Pieter Ackermann, was summoned to the police station for questioning. There he agreed to undergo a polygraph test. As part of the latter, he was inter alia asked the following questions in the course of a so-called "Zone comparison" test:

Did you plan with someone to stab those people to death?

Did you make plans with anyone to stab those people to death at that house?

Do you know without doubt who stabbed those people to death?

The polygraph rated his replies to all three of these questions as "misleading".

Ackermann then made a written statement to Captain Fabricius. In it he declared that he was the owner of a micro-lending business, The Finance Room, situated at Summit Place in Midrand. He said that, on the evening of 7 February 2001 at 9.28pm, he had received a call from Mrs Erna Smit, a client who had deposited R100,000 with him and on which he paid her R7000 per month in interest. Mrs Smit had called him to confirm an appointment with her the following evening, when he was due to pay her a double interest instalment. He was two months in arrears with her interest payments. The following day he had learned from his mother that the Smits had been murdered. [In his statement to the police, Ackermann made no mention of a second contract with the Finance Room.]

The polygraph rated Ackermann's replies to all three questions as 'misleading'

Informally, Ackermann told Fabricius that he had been visiting a friend in the suburb of Lyttelton Manor, Karl Seidel, when he received the call from Mrs Smit.

Later that day Captain Fabricius called on Mr Seidel, who made a statement in which he confirmed that Colijn Ackermann had visited him at his home on the evening of 7 February. Colijn had been wearing black shoes and black denim trousers – and had been driving an "older shape" white 320 BMW. (Which was odd, since on the day Ackermann was interviewed by the police he was driving a *silver* BMW. Asked to explain this small discrepancy, it emerged that Ackermann had owned a white BMW – and that within a day or two of the murder he had



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arranged to trade it in for a new BMW with BMW Menlyn Auto. More about that anon.)

Seidel told the police that, while at the braai, Ackermann had received a cell phone call in response to which had left at about 9.40pm, saying he had an appointment in Brooklyn, Pretoria at 10.00pm. He had mentioned something about a client and a contract.

On 20 February the police tracked down Ackermann's white BMW at the premises of Milano's panelbeating shop in Pretoria West. Police forensic examiners found blood residues in the seams of the front seats and on the steering wheel which they removed for analysis.

On March 30 Captain Fabricius arrested Colijn Ackermann on a charge of murder. When, two days later, he was read his rights and formally asked to answer questions related to the murders, he chose to exercise his right to remain silent.

THE POLICE also approached Ackermann's friend and business associate at the Finance Room, Morné Hümpel, also 25, for a statement. Hümpel chose to make his statement through his attorney (and business associate) Johan Steyn. In it Hümpel declared that he and Colijn had been friends since 1987, when they had attended the same primary school in Potchefstroom.

Hümpel said he ran a business called The Finance Room from his home at 57 Summit Place in Halfway Gardens, Midrand, and that, in February 2000, he had appointed his old friend Colijn Ackermann [at the time the manager of the Java Coffee Shop in Hatfield] as one of his managers in the business. "I wish to state, categorically, that Ackermann has never owned shares in or been a director of any of my companies," he added, directly contradicting Ackermann's statement to the police.

Hümpel said that Ackermann had responded by saying: 'Sorry boys, I made a slip-up'

Hümpel said he had met the murdered couple "face to face" only once – in May 2000 when Colijn had taken him to the Smits' home in Waterkloof. He had gone there to sign them up for a R100,000 investment contract. Mrs Smit had handed him an envelope with R100,000 in cash, which she had fetched from her safe.

Hümpel said each month thereafter he had handed a cash cheque for R7000 to Colijn to cover the Smits' interest payment. Ackermann cashed the cheques and delivered the money to them. All the payments had been made punctually, except in December and January, when no payments had been made to the Smits. Hümpel explained that he had been told that the Smits were away. "Colijn and I had an appointment to have dinner with the Smits on the evening of 8 February 2001, at which occasion the amount of R14,000 was to have been paid to them. Colijn made the arrangement and informed me of it."

Hümpel declared that he had in fact on the morning of 8 February already drawn R20,000 from his Nedbank account – enough to cover the interest payment and his own personal needs - when he received a call from Colijn advising him that the Smits had been murdered the previous day.

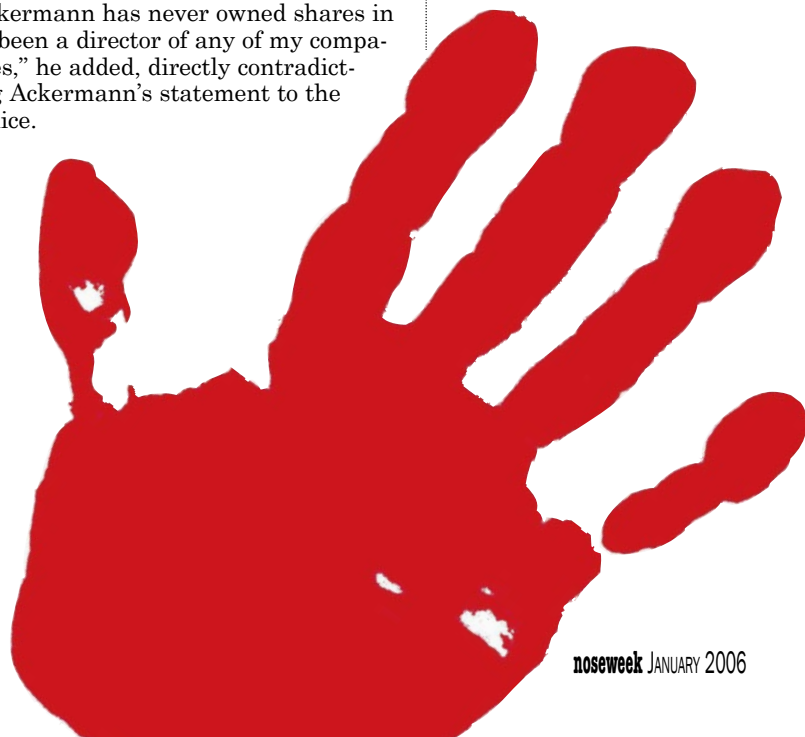
He had, until he was confronted with it by the investigating officer, been unaware of the second, so-called "6% contract" that Colijn had concluded with the Smits in September. Immediately after learning of it, he had, in turn, confronted Colijn, who, Hümpel said, responded by saying "Sorry boys, I made a slip-up."

Hümpel said in his statement that Colijn's salary at The Finance Room had depended on the amount of commission he earned, and that it had generally varied between R4000 and R8000 per month. In December 2000 it had been R15000 and in January and February 2001 it had risen to R35000 "as a result of incentive commissions".

The last payment was made on March 31 (the day after Ackermann's arrest), when Hümpel paid R15000 into Ackermann's bank account.

Asked by the police to explain his own movements on February 7, the day of the murder, Hümpel said that in the morning he had travelled from his home in Midrand to Potchefstroom to call on branches of his micro-lending business called Cash Assist. Meetings with his manager there had lasted until about 5.30pm. He had then called a friend

Turn to page 32



PERSONALS: 503

Strong Partner Wanted

Looking for a partner with strength and intelligence? Must be fully equipped with the right machinery and the know-how, to move your world and put a smile on your face. Will be available 24 hours a day at your beck and call.

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Commitment Wanted

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Cream of the crap

Baffling consumers with bullshit is a billion buck business that magazine publishers are understandably eager to preserve even if it means licking the arses of advertisers who make highly dubious claims

Virtually
Unbreakable

NEW Anti-Breakage collection

NEW
AminoPro-V Complex

New Pantene Anti-Breakage with an exclusive AminoPro-V complex makes even fragile hair seem virtually unbreakable.

Up to 95% less breakage*

PANTENE
PRO-V®

Help put back what life takes out

STRETCHING CREDIBILITY: Pantene in Cosmo 'won't break the bank ...'. So says the ad, but then there's also reason to doubt it will do all the things manufacturers Procter & Gamble claim according to the UK's Advertising Standards Authority

BRITAIN'S LEADING newspapers carried a barrage of articles in May covering a ruling by the UK Advertising Standards Authority, which proceeded to order major international cosmetics companies to withdraw misleading advertisements for anti-cellulite creams, shampoos and "anti-aging" wrinkle creams.

It's a safe bet that none of the UK's women's magazines carried the news. It's also safe to bet that none of South Africa's glossies did either. We know this because *Fair Lady*, the only one that tried to do so was cut off at the knees – or more appropriately, the head, given that it's editor apparently walked out in protest at a management decision to pull the story she was ready to print.

Management had its reasons: last year advertisers in the "health and beauty" sector spent R1.4-billion

'Secrets and lies of beauty industry laid bare by advertising watchdog – expensive beauty products are not doing what they say on the pack' –

The Times, London, 11 May 2005

on advertising in South African media. R298-million of that went to magazines – most of it, by far, to women's magazines.

Whether the named beauty houses actually threatened to pull their advertising from *Fair Lady* if the story appeared, or whether

holding company Media24 anticipated they would do so, is unclear. Either way, we can only assume the millions of rands of advertising was something the company didn't relish losing. So to hell with editorial integrity.

Because we at *noseweek* have long cultivated our wrinkles (because they make us look intelligent) and we have no illusions about cellulite (we aspire to a certain friendly plumpness, if not outright sexy curvaceousness – and L'Oreal forgot to include us in their ad budget. – Ed.), we have no problem with telling the story. Our readers, we know for certain, want to know: who dunnit, why – and for how much? So here goes:



EYEWASH: Estee Lauder's Re-Nutriv has remarkable powers, including removing – in less time than it takes to blink – that annoying R1815 that was weighing down your purse

As expected, getting Media24 to pass on the original article proved more difficult than getting a Botox forehead to frown. But caught up in the wrinkles of the Internet we found the UK articles that prompted *Fair Lady* to consider breaking ranks with the sisterhood of women's magazines, and – horrors – expose the “anti-cellulite” creams for what they really are – an instant purse-slimming exercise. (“Buy a pot of Crème de la Mer and be R1500 lighter in just 5 minutes.”)

The Times, *The Sunday Telegraph*, *The Evening Standard* and *The Daily*

Mail had no compunction about telling their readers that the advertising watchdog had upheld complaints against two leading international companies, Estée Lauder and Proctor & Gamble.

Estée Lauder's advertisement for its Body Performance Anti-Cellulite Visible Contouring Serum claims: “This multi-action serum with our exclusive thermogenic complex and potent Asian herbals, melts away the fatty look of cellulite. Refirms and tightens to help keep that dimpled look from coming back.” One has to ask who can bear to read this stuff, never mind understand or believe it – but it's clearly keeping the billion-dollar cosmetics industry in business.

Leaving aside the willingness to be duped of millions of women around the world, the ASA nevertheless found Estée Lauder's claims to be misleading in that it had not proved that the cream worked. The company took offence, refusing to accept the ruling and pointing to a file of evidence that they had produced to support their claims. Was this the same file in which it was claimed that 83% of the women who had tried the cream had seen a reduction “in the appearance” of their cellulite? The one in which the small print added that the tests were based on a “46-person test over a four-week period”?

(Estee Lauder obviously likes files – the company regularly provides local beauty editors with files of the “free” editorial they receive in international titles, followed by questions of why the local titles don't similarly oblige, considering the amount of “spend” they receive from the queen of beauty companies.)

But it's not only the cream queens that were rapped over the knuckles. Remember the TV ad in which the model twists and tugs at her hair to “prove” to us that, courtesy of

'Exposed: the lie of Estée Lauder's cellulite “cure” – Advertising watchdogs crack down on creams 'no better than £10 moisturiser'" – The Evening Standard, London, 11 May 2005

Pantene Pro-V, it is “up to 10 times stronger”? Notwithstanding that hair is dead, full stop, the ad goes on to promise that it would “spring back to life”. Not so, said the ASA – adding that they had not proved their claim that the shampoo formula helped “replenish key aminos”. *The Times* report refers to an independent expert consulted by the ASA who noted that the shampoo could not replenish amino acids and that “if the inclusion of amino acids improved the performance of the product this was a breakthrough claim and as such would require very high standards of evidence, which he had not seen.” The ASA ruled that the ad was in breach of broadcasting rules and should be banned – a decision that “surprised and disappointed” Proctor & Gamble, *The Times* reported.

'Beauty and the boasts – Too fat? Too old? Too ugly? Chances are there's a cosmetics company with a 'magic cure'. But, an industry watchdog has ruled, they are creaming billions off gullible women' – The Sunday Telegraph, London, 15 May 2005

'Promises of beauty that just don't wash: Watchdog reprimands firms over misleading claims' – The Daily Mail, London, 11 May 2005

Estée Lauder and P&G are not the only companies to turn to "scientific" research to make their advertising more persuasive. *The Times* and *Sunday Telegraph* articles refer to previous ASA rulings against Chanel for its Precision Age Delay product, which, the advertising said, would "delay time" by "stimulating cell vitality". The ad went on to explain: "Containing a targeted micro-peptide twice as effective as vitamin C, it re-educates the skin to behave like young skin." The ASA said the scientific evidence offered did not substantiate the claimed efficacy of the product. But it's still available in South Africa from Red Square – at R585 for 50ml.

We were surprised to see the extremely prestigious and extremely expensive Crème de la Mer had been rebuked by the ASA. Surprised, not because they had made claims that couldn't be proved, but because we were under the impression that they didn't advertise. Rather, we understood, they relied on the generosity of beauty editors, smoothed over with pots of the expensive cream, to promote the "miracle" product "freely". In fact, they have boasted about not advertising, and indeed some of the "free editorial" they have received over the years is about exactly that. The road to free advertising (oops, editorial) is no doubt

LOAD OF BOSWELOX: L'Oréal in O magazine: 'Directly targeted at crow's feet' and – dare we say it? – the gullible.

paved by the millions that parent company, they of the ubiquitous files, Estée Lauder, pays for legitimately advertising their other brands. But back to the claims: The ASA, reported *The Times*,

"found that the science of 'deconstructed waters' was not peer-reviewed and there was no proof that the face serum delivered nutrients to the skin as the advert implied".

Then there was Dior whose NoAge Essential cream promised to "[optimize] the life expectancy of your skin", this through the truly scary process of "re-pulping" and "re-texturising". No surprises here: the ASA ruled that the evidence did not support the claims. (It has since been replaced by a new range, called First Action. Our guess is

it should have been called Plan B.) Newspaper speculation at the time of Fair Lady editor Ann Donald's early departure, was that L'Oreal was the offending (offended?) advertiser. But none of their brands appear in the UK newspaper articles we found. A quick Google search, however, finds the ASA website in a few seconds (www.asa.org.uk) where two rulings against L'Oreal on August 17 are published. The first is against an anti-cellulite product, Perfect Slim. The ad had been approved by the Broadcasting Advertising Clearance Centre (BACC) but the BACC findings were dismissed by the ASA. "The ASA asked its expert, who had seen a number of studies supplied by L'Oreal in support of similar but more detailed claims made in

L' O R É A L PARIS
DERMO-EXPERTISE

Now, the 1st anti-creasing eye cream with BOSWELOX™ directly targeted at crow's feet.

NEW WRINKLE DE-CREASE EYE

Smiles, frowns, blinks, squints... from 30 years old crow's feet and expression lines become set and deepen with age. Target the eye contour with new Wrinkle De-Crease Eye with BOSWELOX™ to effectively reduce the appearance of lines in the thin-skinned eye zone.

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*Tested on 48 women over 4 weeks.

FROM AGE 30, TARGETED ANTI-AGEING.

L'ORÉAL PARIS

CLAUDIA SCHIFFER



LA MERDE: Where miracles begin ... a jar of Crème de la Mer will see your purse R1500 lighter in just seven seconds

non-broadcast advertising, to consider the evidence. He found that the studies were limited in a number of ways, such as having no control or blind testing, they were not scientifically evaluated and generally below the standard that would be expected to back up claims relating to physiological action. He questioned the use of the wording "anti-cellulite".

"Although, in the television advertising, this wording was used to refer to the survey, we believed that viewers would see it as a claim that the product itself would help banish cellulite. As a claim which related to physiological action, it would require an adequate body of evidence to back it up. The evidence would be expected to demonstrate that the product had a significant effect in real life rather than being based on studies of isolated cells in a laboratory situation."

The ASA believed that the term "anti-cellulite" implied the product could eliminate or reduce cellulite and declared: "We did not believe [the evidence produced] was sufficient to support the claim that the product could help banish cellulite."

The second claim refers to L'Oreal Wrinkle De-crease (Available locally from Clicks at a mere R139.95 a small jar). In the UK a television ad for the product – it featured Claudia Schiffer – was ordered not to be rebroadcast "until there is sufficient evidence to back up the claims". The ASA again

found against the earlier approval of the ad given by the BACC. The ASA's expert found "no evidence to support a claim beyond that the product could moisturise and temporarily reduce the appearance of fine lines and wrinkles".

To wrap up our investigation, we turned to the pages of a number of recently published local magazines in search of ads for the products named in the UK rulings. Ironically, while Fair Lady was willing to lose an editor to protect its advertising, we found that most of the products cited are not available in South Africa, or are only to be found at a limited number of outlets. We illustrate a few we did find. Readers will, however, quickly register the disconcertingly similar ring of the lush (and expensive) ads for clearly similar cosmetics that do frequently appear in local magazines. Watch this space. In the meantime, let the buyer beware.

■ Patricia Scholtmeyer, CEO of Media24 Magazines, publisher of *Fair Lady*, responded to our questions:

noseweek: *Who made the decision to spike the Fair Lady story?*

Scholtmeyer: The decision not to publish the report in *Fair Lady* was taken by me after discussion and consultation with senior management and with Ann Donald.

N: *Why was the story spiked?*

S: We were prepared to publish the entire article, with its sometimes controversial findings, provided that we complied with the legal advice of our lawyers not to publish certain company names. Ann disagreed with our decision. We parted on amicable terms.

N: *How much does Fairlady earn from the cosmetic companies named?*

S: We do not disclose advertising revenue of this nature. However, you are implying that *Fair Lady's* editorial policy is influenced by advertising revenues. I would like to make two points in response:

Our advertisers are well aware that Media24 encourages open and rigorous public debate.

The companies named in the article concerned were not necessarily aware that we were considering the article for final publication (and are also not necessarily the companies you have named.) The decision not to publish was taken on legal advice alone.

["Not necessarily aware"? For final publication? "Not necessarily the companies named"? Come on! Are we to deduce from your obfuscation that the advertisers were aware that the article was contemplated for possible publication? – Ed.] ■

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Was Ivor Lazerson's last will forged?

Good reason to doubt authenticity of signature, says handwriting expert

DID LEADING divorce attorney Ivor Lazerson sign the last codicil to his will – it cut his estranged third wife Sue-Ann off without a cent – less than a month before his death? Or did someone forge his signature?

A forensic report by international handwriting analyst Cedric Greenfield concludes: "There is, in my view, good reason to doubt the authenticity of the questioned signature."

In *nose46* we told the story of Sue-Ann's harrowing 13-year marriage to the abrasive matrimonial lawyer. Lazerson died on 24 June 2002, aged 64. He allegedly signed the codicil on 27 May.

Twelve days earlier, on May 15, Sue-Ann had moved out of the substantial matrimonial home in Johannesburg's Orchards – just prior to having a divorce summons served on her ailing and vituperative husband.

In 2000 Lazerson was diagnosed as suffering from cirrhosis of the liver. A damaged liver can lead to brain impairment and an amplification of the personality. According to Sue-Ann, her husband – irrational, argumentative

and abusive at the best of times – had evolved into a monster.

Sue-Ann also clashed with her two stepdaughters, Dana and Lindy. There were some horrifying family scenes, which led to Lazerson rewriting his will on several occasions.

Before Lazerson's illness, Sue-Ann was set to inherit the Orchards house. But in a will made on 10 August 2001 Lazerson stipulated that she was merely to be given "usage" of it for 20 years. Apart from some minor bequests, everything else went to daughters Dana and Lindy.

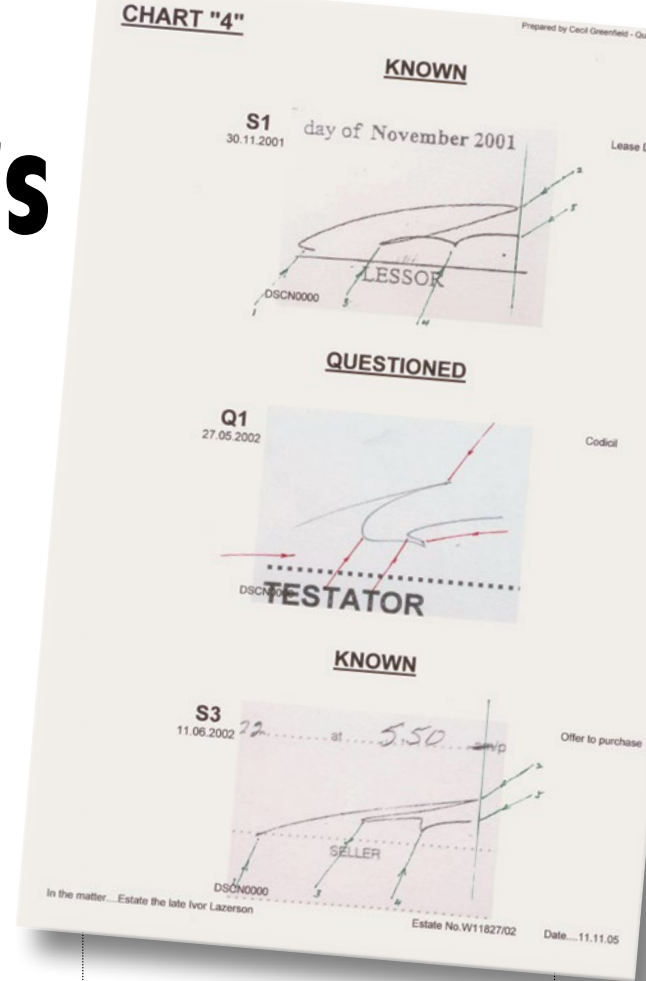
After a tension-filled family get-together for Christmas 2001 at Lazerson's ocean-side apartment in Cape Town's Hout Bay, he wrote another will. Signed on 15 January 2002, it trimmed Sue-Ann's use of the Orchards property to a period "as may be determined by my daughters". He repeated this in yet another will dated 5 April 2002.

By that time Lazerson's health and temper were fast deteriorating, as he slipped in and out of coma. Lawyers (mis-)advised Sue-Ann that the only way she could secure any maintenance was if she filed for divorce. The codicil of 27 May 2002 appeared to be Lazerson's response. It stated: "As at the date hereof my wife Sue-Ann and I are getting divorced. I hereby direct that my wife be disinherited and specifically require to see that she receives no monies from my estate."

After his death a month later, Sue-Ann launched a high court action against 39-year-old Dana and Lindy, 33, in their capac-



TILL DEATH ETC: Ivor and Sue-Ann Lazerson on their wedding day



SIGN OF THE TIMES: Handwriting expert Cedric Greenfield's report shows Ivor Lazerson's genuine signatures made before and after (top and bottom) the contested signature (centre) was purportedly written

ity as joint executrixes of their father's estate. The action was brought under the never fully-tested Maintenance of Surviving Spouses Act of 1990, which allows a surviving spouse to claim an amount from the estate sufficient to maintain a lifestyle "reasonably similar to that which subsisted during the marriage".

Lazerson left some R7.5m available for distribution to his heirs and legatees. Sue-Ann was seeking R3m, to provide her with an income of around R26,000 a month. In November this year she settled "on the steps" of the Johannesburg High Court – it was actually in the canteen – for R2.3m, of which R500,000 was to be paid directly to her attorney's trust account for her legal fees, leaving her with just R1.8m.

Sue-Ann's legal advisors decided for strategic reasons not to challenge the authenticity of the last codicil – the will that preceded it left her in a similarly appalling position – but instead to seek

a maintenance order that could be granted regardless of which will was in place.

Cedric Greenfield's forensic report does, however, raise the odd question worth pondering.

Although the signature on the 27 May codicil appeared to have been written spontaneously, after examining it under magnification at the offices of the Master of the High Court in Pretoria, Greenfield found that it included features that fell outside the range of the basic model patterns and variations demonstrated among the "standards" – the prior signatures available for comparison.

Lazerson always wrote his signature on the baseline. But in the codicil, Greenfield pointed out, "the entire signature is positioned well above the given baseline".

Starting point of the first stroke was always below the rest of it. But in the codicil "the starting point of the first

in my view, good reason to doubt the authenticity of the questioned signature."

The administrator of Ivor Lazerson's estate is his former law firm partner, attorney Kim Meikle. The questioned codicil was prepared by Lazerson's former clerk Richard Brown, now an attorney working with Meikle.

Although it was signed on 27 May 2002, the codicil's opening paragraph states that it was made on 24 January, three months earlier. ("Ivor would never had let a mistake like that slip by," says Sue-Ann.) And who do the scrawled signatures of the two witnesses belong to?

"As far as I can remember Richard Brown was with Ivor when all that took place," says Kim Meikle. "I think there was a date that was unfortunately incorrect and Richard sent off an affidavit to the Master saying it was a typing error.

"I wasn't present when Ivor signed

I'm not sure who the witnesses are. There's no signature I recognise

stroke is positioned above the baseline of the remainder of the signature."

Although the disputed signature appeared to have been written spontaneously and at fair speed, Greenfield found two points of "hesitation". He adds: "The line direction and sequence of the large C-like formation does not occur among the standards. Generally the line direction and stroke sequence differs particularly in the central part of the signature."

Greenfield concludes: "The signature [on the codicil] is clearly the 'odd-man-out' when it is compared with available standards. There are, as can be seen on the charts, obvious dissimilarities between the disputed signature and the standards, which suggest that it could well be a freehand-simulated forgery."

Striking a note of caution, he adds: "However, it is possible that the document was signed by Mr Lazerson when he was not in his normal state of mind."

Despite this proviso, the forensic report ends with his final opinion. "Based on the results of the tests made with the available material, there is,

the codicil. It was Richard."

Who were the two witnesses? "I really don't know."

Although Meikle says that Richard Brown was present at the signing, Brown says this is not so. "I wasn't present and I didn't witness it," he says.

"Ivor was in the hospital at the time. I sent it through and it came back to us. I'm not sure who the witnesses are. I've looked at the codicil and there's no signature I recognise. Nobody wrote their names down. I don't know whether he had visitors with him at the hospital, or whether he got nursing staff or doctors or somebody to assist him."

Brown says he knows that Lazerson's signature on the codicil has been questioned by Cedric Greenfield. "Having a look at that codicil you could see that Ivor wasn't his normal self in terms of signing it," he says. "But to my mind it was definitely him who signed it, although that's not going to be the word from the burning bush."

At last we found someone who does admit to being present at the signing. "I was," says Lazerson's elder daughter



OWN BUSINESS: Ivor Lazerson's eldest daughter, Dana

Dana, a dress designer in Cape Town. "Are you writing another story?" she demands angrily.

Who do the signatures of the two witnesses belong to? "Won't you just wonder, hey? I'm sure you'll be wondering for a long time, love."

■ Cedric Greenfield has studied handwriting analysis and identification for half a century. He is a member of the World Association of Document Examiners and the British Institute of Graphologists. (*noseweek* has previously had occasion to note his skills: in *nose25* we recounted how Greenfield had discovered that a one-time president of the Public Accountants and Auditors Board, Dick Came, had been quite happy for his professional assistant – ex-Fairbridges attorney Lindsey Makowem – to fake his signature on a formal acceptance of trust. Despite the serious implications of Greenfield's findings, neither Came nor Ms Makowem dared challenge them).

Sue-Ann Lazerson, now 54, is living in Kensington, Johannesburg, on interim maintenance of R10,000 a month from Lazerson's estate – until her R1.8m settlement is paid out next

Wheels with deals

Car-maintenance plans may not be quite the perk the automobile makers would have you believe, writes **Melany Bendix**

LIFE FOR car manufacturers just keeps getting better and better: bumper sales of about six million new vehicles for 2005 – a 25% growth on the previous year's record-setting sales – and forecasts pointing to continued growth this year.

Of course the government is happy because high car sales reflect a good economy and the banks are beaming with all the extra revenue rolling in from lending interest rates, which consumers seem more than happy to pay because they also can't believe their luck with low inflation rates and car prices that haven't increased for the past two years. To add to the bonanza, those benevolent car dealers keep throwing in perks like longer maintenance plans for free! Who wouldn't

smile at a deal like that?

For starters, the thousands of new vehicle owners that have been unwittingly lured into the maintenance plan trap set by the manufacturers (and encouraged by the banks) to ensure their profit margins keep bursting at the seams, while entrenching their monopolies by creeping into more sectors of the car industry. This crafty all-in-one strategy also cuts out independent motor suppliers, forcing consumers further into the manufacturers' steely grip.

The scheming began just over two years ago when there was an outcry after car prices rose by an average of 20% in one year, which led to a dilemma for the car industry. "They couldn't just drop the prices, because this would potentially destroy the second-

hand market," explains Jan Schoeman of the Motor Industry Workshop Association (MIWA) that represents independent workshops. "The retail industry was also under pressure from the banks not to drop prices because this would have affected the banks' investments significantly," he adds. (One can only imagine how a massive plunge in car prices would slice through the revenue banks earn from the interest rates on half a million new cars – and that's only for one year! Not to speak of undermining the value of the security they hold for outstanding vehicle finance.)

So it was decided that there would be no decrease in the inflated prices, instead the manufacturers and dealerships would add "perceived value" to the deal to keep consumers happy.

These perks come in many forms, the most popular being the extended three- to five-year maintenance plan thrown in at no extra cost.

But how does giving away free parts and services for longer keep the manufacturers' bottom line bloated and their monopolies secured?

According to a National Automobile Manufacturing Association (Namsa) spokesman, the actual cost of producing most vehicles accounts for only about 50% of the retail price; the rest goes towards the warranty, the maintenance plan and – the lion's share – profit.

"It's all factored into the price and worked out between the manufacturers and their dealerships," confirmed another senior Namsa official. "New vehicles don't require much maintenance, but all services must be done at a franchise workshop, which is then compensated by the manufacturer – but at much less than the average market price. In some cases they pay less than half the standard rate for labour. Most importantly, the price of imported parts has got a lot cheaper, so it really doesn't cost the retailer



"We don't fire people here, Thompson, we tag them and release them into the wild."

much to offer the maintenance plan, certainly not 50% of the price.”

To be fair, the dealerships are not always willing accomplices, as they often don't have any choice but to comply with the manufacturers' demands, especially when the dealership is owned by the manufacturer – as in the case of DaimlerChrysler South Africa, which owns a controlling share in the Sandown dealerships.

The extent to which these retailers are at the manufacturers' mercy was uncovered during the Competition Commission's investigation into price fixing last year (see below for more details). Commissioner Menzi Simelani noted how some dealers were “punished” for not maintaining the fixed prices dictated by the manufacturers or for not complying with the other restrictive conditions set. “For example, dealers contravening the out-of-area sales restrictions posed by manufacturers would stand to be excluded from collaborate promotions,” he explained.

Simelani added that because the dealers had to renew their franchise agreements every six months or annually, they were more likely to comply with manufacturers' conditions to avoid losing their contracts.

“It's true,” says another senior MIWA official. “The dealerships are controlled by the manufacturers. They're the ones making the big money, not the retailers.”

He adds: “People would fall off their seats if they found out the real cost of new vehicles! For example, a Nissan Patrol exported to Australia (and sold without a maintenance plan) costs the equivalent of about R250,000, whereas in South Africa the same vehicle, made in the same factory, will retail at minimum of R460,000.”

So you see, dear reader, the extended maintenance plan is really not the added bonus we have been led to believe it is, but rather a blatant monopolistic strategy that allows the manufactures to keep prices artificially inflated and bulging profit margins stable.

It also locks business into the franchise repair shops for longer periods, and with new cars entering the market at such a rapid rate, the franchise repair shops are steadily boosting their market share and increasing their dependence on the car makers for cheap imported parts. This convenient dependency helps the manufacturers to tighten their hold on

the car industry, slowly putting the squeeze on the independently owned workshops.

According to Schoeman, traditionally about 60% to 70% of new car owners would change to independent workshops once their one-year maintenance plan expired. Now, the over 12,000 registered mechanics in the country have to wait three to five years for this business to filter down.

One vociferous *noseweek* reader and former workshop owner claims the resulting job losses over the next few years will be in the thousands, maybe even millions, but Schoeman and his MIWA colleague Louis Bles insist the situation is not as dramatic as that.

“There certainly is loss of business in the independent sector, but to blame workshop closures on the maintenance plan alone is too extreme. There are numerous reasons. Some of them close because they can't afford to keep upgrading their equipment to match the technological advancements of the new cars coming into the market, while others don't comply with the regulations we set and lose business because they are not graded,” explains Bles. “But most of the independents are adapting to the market changes, and for those that can't, or won't, there is a shortage of skilled labour in the sector so any resulting job losses are quickly absorbed.”

What concerns Bles and Schoeman more is the maintenance plan's impact on the parts manufacturing sector. Already the car makers' increased demand for cheap parts imported from

countries like China is taking its toll on local suppliers. The owner of a large radiator franchise operation (who preferred to remain anonymous for fear of victimisation by the manufacturers) estimates the total loss of business to independent radiator suppliers to be between 60% and 80% over the past two years.

“It's not just us; this goes all the way down line to the brake shops, auto electrical, tyres, panel beaters – we're all hurting,” he says. “And don't forget the consumer; they're also getting really screwed.”

■ Some elements of the manufacturers' plot to keep prices inflated were revealed last December when the Competitions Commission concluded its lengthy investigation into price-fixing collusion and widespread anti-competitive practice within the car industry. The commission found that South Africa's BMW, Citroen, General Motors SA, Nissan, Volkswagen, Subaru and DaimlerChrysler had all imposed minimum resale prices on their respective dealers, while the South African branches of Honda, Renault, Hyundai, Volvo and Peugeot had engaged in anti-competitive practices.

The manufacturers quickly made a bid to settle with the commission (no doubt paying only a smidgen of their huge profits) to get off the hook and promised to put an end to the deceitful behaviour. The maintenance plan, however, seems to have been overlooked.

■ See Letters, page 5: Driving a hard bargain. **T**

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Science or non

A LLEGATIONS BY Jeffrey Smith of the “dangers and health risks” to humans and animals posed by GMO food in “Rammed down our throats” (*nose71*, September 2005), are blatant lies. Shocking, misleading information unsubstantiated by scientific evidence.

What he failed to tell us is that his so-called “bestseller” condemning GMO crops, which he hawked around South Africa, has not received the

Jeffrey Smith's allegations are blatant lies, says industry



spokesman
Hans Lombard

backing of any academy of science or medicine, any faculty of agriculture or science, or any agricultural research institute in the world.

In response to only a few of his wild fearmongering and scientifically unproven allegations (see italics), here are the facts:

■ *GM crops are not adequately tested for safety.* No agricultural crop in history has been subjected to as stringent scientific and medical tests as GMO crops, which have passed these tests with flying colours.

The European Commission (EU) conducted 81 scientific research tests over 15 years costing R640 million. It concluded: “GM food is both safe for

humans and the environment. Biotech crops may even be safer than conventional food.”

After in-depth research by a panel of leading scientists, the Royal Society (UK) stated: “There is no serious threat or even existence of any potential environmental harm or human health hazards in GM food.” Nine academies of science – in Brazil, China, India, Mexico, the US, Germany, France and Canada and Uruguay.

In addition to these, the British Medical Association says there is very little potential for GM foods to cause harmful effects.

■ *After GM soya was introduced in the UK allergies skyrocketed.* The Royal Society denies this and says there is no evidence that GM foods cause allergic reactions. Allergic risks posed by GM plants are no greater than those posed by conventional crops.

Long before the advent of GM crops, medical scientists determined that allergies were caused by milk, egg whites, peanuts and soya beans and will continue to do so, GM or non-GM.

If the allegations regarding allergies were true, why does the EU continue to import annually on average 17 million tons of soya from the US and Argentina, 90% of it GM?

■ *GM cotton produced in Andhra Pradesh, India, reduced yields by 18% and was subsequently banned.* Again, the Indian authorities in Andhra Pradesh reject this allegation as an outright lie. Chengal Reddy, chairman of the Federation of Farmers’ Associations in Andhra Pradesh, denies that there has been a Bt cotton failure.

According to him, Bt cotton plantings in 2002/03 was a roaring success. Mangala Rai, director-general of the Indian Council of Agricultural Research, says cotton farmers in Andhra Pradesh increased their Bt cotton yields by 30% and reduced pesticide sprays by 65%. On the basis of

this the Indian government approved the planting of an additional 40,000 ha of Bt cotton in Andhra Pradesh, Karnataka, Maharashtra and Gujarat. Furthermore, the Indian government has approved three new Bt cotton varieties.

Andhra Pradesh now has the choice of six Bt cotton hybrids.

If Smith’s allegation were true, why is it that India increased the area under approved biotech cotton from 100,000 ha two years ago to 500,000 in 2004, involving more than 300,000 small-scale farmers?

■ *Rats fed on GM potatoes developed potentially pre-cancerous cell growth and seven out of 40 rats fed on GM tomatoes died within two weeks.* These tests were never peer-reviewed. They were dispelled as flawed by scientists worldwide.

A report in Britain’s influential *Lancet* medical journal claimed that scientists who reviewed Arpad Pusztai’s experiments came to the conclusion that the study was flawed, since it had been poorly conducted and did not meet acceptable scientific standards.

The UK Advisory Committee on Novel Food Programmes concluded that “no meaningful conclusions could be drawn from Pusztai’s study”.

The Royal Society stated: “We found no convincing evidence of adverse effects from GM potatoes. The effects were uninterpretable because of technical limitations of the experiments and the incorrect use of statistical tests.”

Pusztai was subsequently fired from the institution where he worked.

On the tomato issue Pusztai, who had nothing to do with the experiments, said the rats died for unspecified reasons.

The GM tomatoes were on the market for three years and consumed by thousands of people, without any ill-effects reported by any medical or health institutions.

They were withdrawn when the

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sense?

Two sides of the GM debate

HANS LOMBARD, a public relations man paid to “hawk” GM foods around South Africa, provides superb examples of industry spin. Starting with his accusations about my book, *Seeds of Deception*, US academic institutions don’t “back” books. Professors select them. And several, from universities including Yale, assign it. The book is also “backed” by an international team of scientists that reviewed it and is rated No. 1 on the subject by *The Ecologist*. It documents

hijacked regulatory agencies, rigged research, threatened scientists and covered-up health risks.

Health Risks

Lombard’s claim that nine national academies say there are no risks from GM foods is absurd. I shared his quote with the director of the Board on Life Sciences at the US National Academy of Sciences. She responded, “The academies have issued numerous reports on assessing the risks of transgenic plants. If the academy

believed there were no such potential risks, why would we have delved into these matters in these reports?” The Royal Society of Canada stated that it is “scientifically unjustifiable” to presume that GM foods are safe, and that the “default presumption” is that unintended, potentially hazardous side-effects are present. Seven of Lombard’s nine academies contributed to a report that describes “the potential for allergic reactions” and “toxic compounds as a result of the GM technology.”

Lombard also misrepresented a 2001

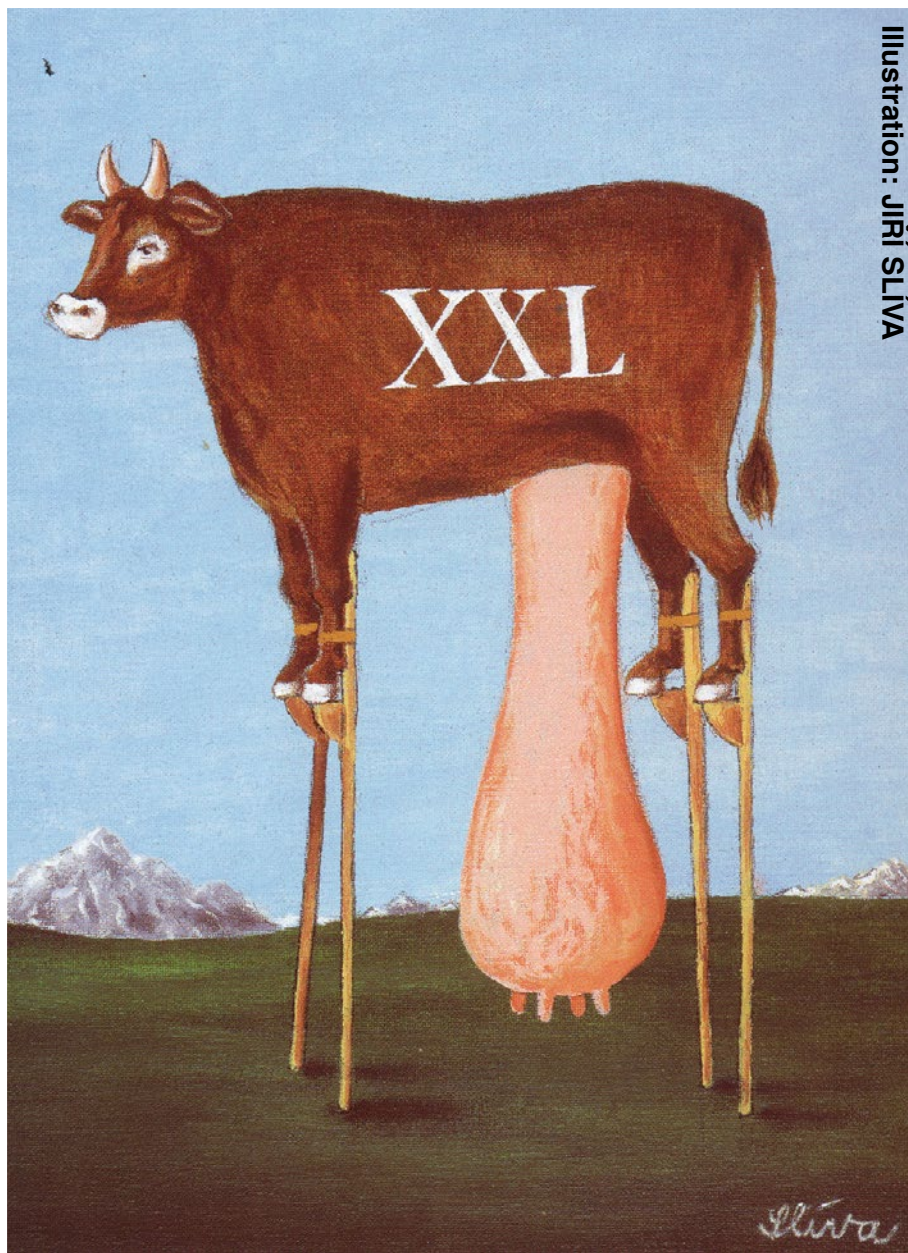


Illustration: JIŘÍ SLIVA

Hans Lombard, provides superb examples of industry spin, contends author and activist **Jeffrey Smith**



European Commission report, which identified 81 mostly unpublished EC-funded projects. By mid 2005, there were only 19 peer-reviewed animal feeding safety tests on GM foods worldwide, and industry studies are shown to have “serious deficiencies.” Moreover, a WHO spokesperson acknowledged that current regulations are inadequate to determine the health effects.

Geneticist David Suzuki says: “Any politician or scientist who tells you these products are safe is either very stupid or lying.” This may describe the small group of industry-supported biotech scientists who have managed to author all sorts of “official” or official-sounding reports, including the

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Lombard

From page 30 company that launched the project ran into technical and financial problems.

■ *Filipinos living next to a Bt maize field developed respiratory and skin reactions.* The person who published this information was Norwegian scientist Prof Terje Traavik, an ardent anti-GMO activist. His studies were never peer-reviewed. When challenged to provide scientific data by Dr Nina Gloriani Barzaga from the University of the Philippines' Manila College of Public Health, he said his studies were "only preliminary and not complete".

He was also challenged by Prof Rick Roush, director, Statewide IPM Programme, University of California, who commented: "Traavik never allowed any of his work to be peer-reviewed. He never offered any details of his research to any of the rest of us scientists. His work remains nothing more than a wild and implausible allegation."

The area was visited by the Philippines Department of Agriculture, a team of medical doctors, and representatives from the College of Chest Physicians and the Manila College of Health. They came to the conclusion that the villagers showed no allergic symptoms or signs of viral respiratory infection.

More than 20,000 ha of GM maize has been grown in the Philippines during the past three years by more than 5000 farmers. Nobody has complained of an allergy.

In 2004, GM maize was planted on 19.3 million ha in 17 countries on all six continents (400,000 ha of them in South Africa). There have been no reports of allergies or any other adverse effects anywhere in the world.

■ *Pigs fed GM maize on Midwest US farms developed false pregnancies, sterility and gave birth to bags of water;*

and 12 cows fed GM maize in Germany died mysteriously. Activists sent out press releases attributing the cause of these incidents to GM maize. They never bothered to either check their facts or to visit the farms to carry out any scientific tests.

Millions of animals, pigs and dairy cows, all over the world, including South Africa, eat GM feed daily. Why would only 12 cows in Germany and a few pigs in the US suffer? If GM feed was the cause, then by now all animals would have been wiped off the face of the earth.

The problem with the pigs was pseudo-pregnancies. "This has nothing to do with feeding the pigs Bt maize," says Dr Jerome Baker, CEO, Federation of Animal Science Societies in the US.

This is a condition in which a sow or gilt has a delay in its oestrus cycle. During this delay many behavioural or physical signs typical of pregnant animals may be exhibited but no piglets are ever delivered.

Professors John Carr, Thomas Carson and Gary Munkfold from Iowa State University visited the five farms in question and concluded that there was no link between the pseudo-pregnancy reproductive problem and the feeding of Bt maize. Pseudo-pregnancies have been recognised for many years (long before the advent of GM crops) on pig farms throughout the world, irrespective of the type of feed being used.

The cause of the problems on the pig farms concerned was diagnosed as inadequate gilt preparation, poor quality body condition and subsequent failure to feed the animals adequately. Analysis of three boars fed Bt maize revealed no effect on semen quality and quantity.

Professor Jimmy Clarke, professor of ruminant nutrition in animal sciences at the University of Illinois, Urbana-

Champaign reviewed the results of 23 research experiments conducted over the past four years at universities in the US, Germany and France. He found no significant difference between animals fed GM maize and soybeans compared to those fed conventional crops.

Tests were done on poultry, swine, dairy/beef cattle, sheep, water buffalo, rabbits and catfish. These reviews were supported by numerous other scientists who also concluded that: "Based on safety analysis, human consumption of milk, meat and eggs produced from animals fed GM crops should be as safe as products derived from animals fed conventional crops."

As far as the deaths of the dairy cows in Germany are concerned several scientific institutions in Germany strongly deny that any cows have ever died in Germany from GM maize and the Robert Koch Institute reported: "There is no reason to suspect that Bt maize caused the death of dairy cows."

The Union of German Academies of Science and Humanities reported that: "Food from GM maize is more healthy than that from conventional maize. Feeding trials with thousands of animals have proved GM products harmless. The health and productivity of animals was not impaired after being fed GM fodder."

In the EU, soybeans are the main source of protein for animal feed. Some 26 million tons are used as animal feed. More than 90% of all soybeans are GM produced and mainly imported from the US and Argentina. Spain plants nearly 60,000 hectares of GM maize annually, virtually all for animal feed. No ill-effects in dairy cows or pigs have been reported.

■ *Hans J Lombard is an international agricultural analyst and consultant to the agri-biotech industry.* □

Smith

From page 31 cial-sounding reports, including the UK Royal Society's. (See GMWatch.org.)

Allergies

The UK's York Laboratory discovered that soy allergies jumped 50% over the previous year, just after GM soy was introduced. A lab spokesman said, "We believe this raises serious new questions about the safety of GM foods."

Although no tests can guarantee that a new GM food is free from allergens, the FAO/WHO suggests criteria to minimize

the risk. The GM soy on the market fails those criteria. So does the GM white corn used in millmeal, which is engineered to produce a toxic insecticide called Bt.

In a November 2005 study, advanced immune tests showed that a GM pea caused severe allergy-like responses in mice. If those peas were subjected to normal GM food safety assessments, however, they could have been approved. Thus, dangerous allergenic GM crops may already be on the market.

GM cotton: failures and deceptions

According to the April 13, 2005 Deccan Herald, "A study that tracked geneti-

cally modified Bt cotton crop for three years in Andhra Pradesh has proved conclusively that it has failed on all fronts including yield, cost of cultivation, returns to farmers and resistance to pests." Bt cotton cost 12% more, yielded 8.3% less, and the returns were 60% lower. Some farmers even complained "that they were not able to grow other crops after Bt because it had infected their soil very badly."

Yield loss in the Warangal district last year was 30-60%, but according to a government statement on Feb 1, 2005, the official tally had been tampered with and yield figures secretly increased. Once

Andhra Pradesh compiled the state's actual yields, they demanded about \$10 million from Monsanto to compensate farmers' losses. The company refused and on June 3 was banned from the state. A November 8 report by AP's Monitoring & Evaluation Committee, shows that other companies' Bt varieties have stunted growth and massive pest damage.

In Madhya Pradesh, rampant wilting of Monsanto's cotton in 200,000 acres caused about \$87.5 million in damages, according to NewKerala.com. In parts of Tamil Nadu, "up to 75 per cent of the Bt cotton seeds" planted "failed to germinate this season." A health report also claimed, "Bt cotton was causing severe to moderate allergy to people coming in contact with it."

Lombard can easily obtain contradictory statistics. Ask Monsanto. They commissioned studies from market research agencies, not scientists. One claimed four times the actual reduction in pesticides, twelve times the yield, and 100 times the profit. Lombard quotes

process of genetic engineering was the likely culprit.

When Pusztai publicly expressed his concerns about GMOs, he was a hero at his prestigious institute, but not in the pro-GM UK government. Two phone calls were allegedly placed from the UK prime minister's office, forwarded through the receptionist, to the institute's director. The next morning, Pusztai was released after 35 years and silenced with threats of a lawsuit. His project was disbanded and disinformation widely circulated. The biotech gang at the Royal Society staged so-called peer-reviews using only partial data, and according to a leaked document, three government ministers prepared "an astonishingly detailed strategy for spinning, and mobilizing support for" GM foods, including "rubbishing" Pusztai's research.

When data later became available, 23 top scientists came to Pusztai's defense. The study was published in the prestigious Lancet (in spite of threats made to its editor by a Royal Society official). Nonetheless, the

Dr. Traavik, a prominent EU virologist, tested 39 villagers. Their blood had an antibody response to the Bt insecticide produced by the corn. This increased the probability that the corn created the symptoms. Traavik presented preliminary findings at a conference and in accordance with normal protocol, will not circulate data until publication.

No adverse effects?

The seven academies cited above called for "public health regulatory systems . . . in every country to identify and monitor any potential adverse human health effects of transgenic plants." Not one country does this. It could take decades, therefore, to identify even serious problems. We do know, however, that about

Monsanto was convicted in the US of 'outrage' which refers to conduct 'beyond all possible bounds of decency'

Chengal Reddy, who "has worked closely with [Monsanto] since the mid-1990s." GMwatch.org exposes this "non-farmer" and his so-called "federation."

In Andhra Pradesh, 71% of farmers who used Bt cotton ended up with losses. Realizing they had been deceived, farmers attacked the seed dealer's office and even "tied up Mahyco Monsanto representatives in their villages," until the police rescued them. Tragically, other cotton farmers around India committed suicide. In Vidarbha, Maharashtra alone, between July 2 and November 17, about 114 took their own lives.

GM potatoes, fired scientists, and biased reports

Dr. Pusztai, the world's leading researcher in his field, was awarded a UK government grant to develop safety testing protocols for GM food. His 20-member team created a GM potato, engineered to produce an insecticide. Using a government-approved research design, they tested it on rats. Nearly every system was adversely affected, including damaged organs and immune system and prolific cell growth. Rats fed natural potatoes spiked with the same insecticide did fine. The insecticide, therefore, wasn't the cause. Rather, the

disinformation campaign continues. Lombard, for example, claims that the Lancet called the study flawed. In reality, the editor was quoting the Royal Society, while chastising them for "criticizing reports of research . . . before those data were reviewed and published in the proper way."

Lombard was correct that the GM tomato study was not peer reviewed. It was submitted by Calgene to the FDA. According to the study, GM-fed rats developed stomach lesions and 7 of 40 died within two weeks and were replaced. Documents made public from a lawsuit reveal that political appointees approved the tomato over the objections of government scientists.

Bt maize and mysterious symptoms

According to Mindanews, "On August 8, 2003, about 100 residents from Sitio Kalyong were documented to have been suffering from headache, dizziness, extreme stomach pain, vomiting and allergies." The Filipinos lived adjacent to a GM cornfield and developed symptoms only while pollen was airborne. Similar symptoms appeared in different locations during the following two years, also during pollination.



Illustration: JIRÍ SLÍVA

100 died and 5,000-10,000 fell sick due to a GM food supplement called L-tryptophan, sold in the US in the 1980s.

Monsanto is a chief contributor to Lombard's Public Relations firm. Monsanto bribed up to 140 Indonesian officials, is regularly accused of doctoring research data, and was found guilty of poisoning a town and covering it up for decades. They were convicted in the US of "outrage," which typically requires conduct "so outrageous in character and extreme in degree as to go beyond all possible bounds of decency so as to be regarded as atrocious and utterly intolerable in civilized society." It is a shame that in South Africa, the government has entrusted Monsanto with the health of its people.

■ Jeffrey Smith is the author of *Seeds of Deception*, about the risks of genetic modification and skulduggery in the biotech industry. A more detailed version of his response to Hans Lombard is posted at www.noseweek.co.za ☞



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AS CONSTRUCTION tycoon Bart Dorrestein basks in glory at the recent completion of Michelangelo Towers, a R750m, 34-storey dome-topped edifice that contains 197 luxury apartments and dominates not only Sandton City but Joburg's entire northern skyline, the controversial builder is locked in a legal battle over a gym in his neighbouring five-star Michelangelo hotel.

Attractive personal trainer Jenny Reichlin and muscled trainer Justin Egling claim they were approved as the new tenants of the small but exclusive gym on the second floor of the pricey hotel in Nelson Mandela Square – only to be told two months later that they'd never had a deal.

According to Reichlin, it's all a wicked plot by 56-year-old Bart Dorrestein to grab their gym for his daughter Nicky's expanding fitness empire. Nicky, who works for her father's Legacy Group as a project manager, was forming a new gym division called Legacy Fitness. It was to include two gyms in the new Michelangelo Towers, another in the Raphael, Dorrestein's apartment hotel in Nelson Mandela Square – and, it now transpires, Reichlin and Egling's own grin-and-grunt shop in the square's Michelangelo Hotel.

Reichlin and Egling have slapped a summons on the Michelangelo Hotel (owned by Dorrestein's Ensemble Group) demanding R2.4m in compensation for breach of contract. The case is set to go to trial April this year.

The gym in the Michelangelo Hotel has been there since the luxury establishment opened nine years ago. It was leased to well-known personal trainer Esly Lombard. Jenny Reichlin worked there with Lombard as a personal trainer from the start. When Lombard quit Joburg for the family farm in the Eastern Cape last year, he suggested to Jenny Reichlin that she and Justin Egling take over.

A meeting took place in hotel general manager Hans Prenner's office on October 28 last year. Present were Prenner, his financial manager Kim Chan, Reichlin and Egling. "We ran through everything," says Reichlin. "At the end of the meeting Prenner said that everything was absolutely fine. He said it would be in order for us to start our business at the gym from 1 December and gave us a congratulatory handshake.

"It was verbal, but an agreement was struck," says Reichlin. "We had a two-year tenancy at a rent of R3,700



MUSCLED OUT: Trainers Justin Egling and Jenny Reichlin

Unlucky gym

a month. Hans Prenner promised to draw up a formal contract and Justin and I started our business as Michelangelo Premier Gym."

No formal contract for Reichlin and Egling was forthcoming from Austrian-born Prenner. But there was every appearance that the new arrangement was in place. Michelangelo Hotel invoices for the gym's rental for December and January, at R3,798.48 a month, were made out to Michelangelo Premier Gym. So was a third one, for February 2005.

But on 28 January last year, after just two months under its new supposed owners, Prenner told them: "I've got bad news for you: Legacy Fitness is taking over from February 1."

At a subsequent meeting in Prenner's office, Reichlin says the general manager told them he was "terribly sorry" about the termination of their agreement. "He said that Bart Dorrestein had asked if he had actually signed a contract with us, and, if not to hold it back."

To rub salt in their wounds, it emerged that the man picked to manage the gyms for Nicky Dorrestein's Legacy Fitness was Mornay Butlion, who had worked on and off as a part-time personal trainer at the gym. It now emerged that as early as June

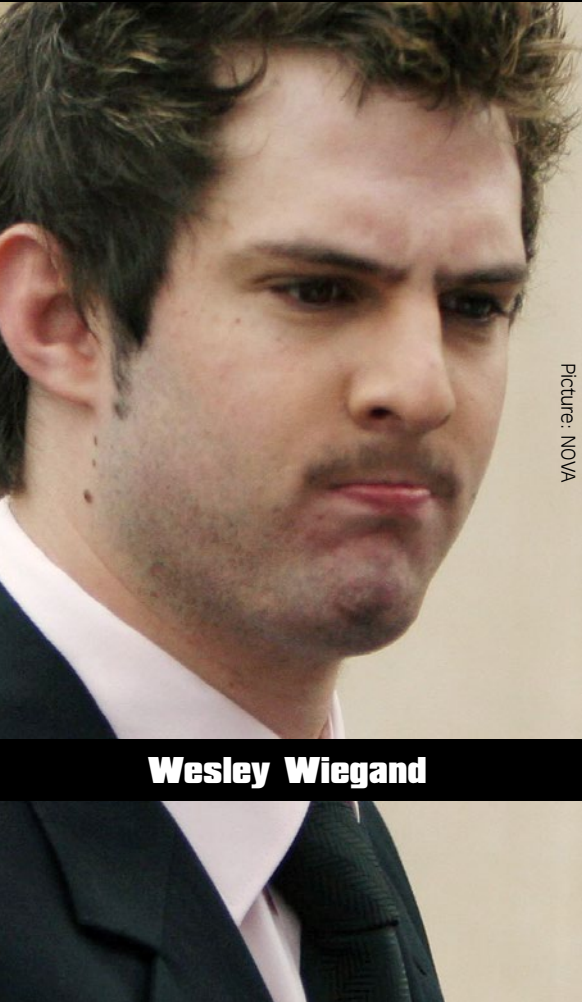
2004 Butlion had been secretly negotiating with Dorrestein to run all four Nelson Mandela Square gyms.

Jenny Reichlin is a single mother with three sons aged 14, 16 and 17. She is the daughter of wealthy Capetonian Dalene Sofer, former wife of man-of-the-turf Hymie Sofer.

Nicky Dorrestein declines to comment, but Mornay Butlion confirms that he is now running all four of the Mandela Square gyms for her Legacy Fitness company.

Says Bart Dorrestein: "Hans Prenner is the general manager of the hotel, but he's not empowered to bind the hotel or the group. He would have to have put any agreement forward to the board of the company. I presume he must have bound himself, subject to a contract. If Jenny believes she has a case, we're very happy to meet her in court."

■ In November, Reberserve CEO Stephen Levenberg took Dorrestein and his Legacy Group to the high court, claiming that despite his verbal offer of R23m for a penthouse at Michelangelo Towers having been accepted, the penthouse has instead been sold to Bidvest founder and chief executive Brian Joffe. Levenberg lost; the court re-affirmed that all property transactions must be in writing. ■



Picture: NOVA

Wesley Wiegand

St John's trial: fighter from 'wrong side of tracks' falls on his sword

THE MOST poignant moment in Court No. 2 came at the end of the second day. As predicted by *noseweek*, the state's case had collapsed against Brian Dudley, 18-year-old St John's College prefect and millionaire's son accused of assaulting former St Stithian's pupil Wayde Baker at that infamous Houghton jol.

As Dudley walked free and the Hillbrow Magistrate's courtroom emptied, Wayde's single mother Lynne remained seated surrounded by her family, shocked and upset at the result.

A blonde, discreetly dressed woman approached her. It was Brian Dudley's mother, ex-wife of his father, millionaire Frank Dudley. Mrs Dudley lives in America and had flown over for her son's trial. Instead of being cock-a-hoop and crowing at Brian's acquittal, Mrs

Dudley was fighting back the tears. She placed her hands on Mrs Baker's and said quietly: "I just want to apologise for the pain that has been caused to your family."

Lynne Baker was speechless. "I'm sorry, I can't even acknowledge that," she eventually replied.

"I know, I understand," said Mrs Dudley.

The exchange between the two mothers was a rare glimpse of humanity at the two-day December trial of Dudley and 19-year-old Wesley Wiegand (who was found guilty). Indeed, for most of the time a bizarre atmosphere prevailed as the St John's contingent of parents laughed and passed comment on the prosecution witnesses as they gave evidence. We were sorely in need of Judge Judy to bang her gavel and threaten to clear the court.

The St John's brigade in the public

Millionaire dad of acquitted boy paid for Wiegand

ST JOHN'S parent, millionaire Frank Dudley, bankrolled the legal defence of Wesley Wiegand, the 19-year-old "fighter from the wrong side of the tracks" who took the rap for the serious mob-assault that took place at a party attended by scores of drunken St John's College boys.

This goes a long way towards answering questions that have baffled those seeking to uncover the truth of who attacked former St Stithian's pupil Wayde Baker at that April 2 jol in Houghton.

Dudley, a 58-year-old design engineer who is chairman of geo-technical company Franki Africa, let slip the news of his helping hand during the December trial of Wiegand and his own 18-year-old son Brian Dudley. "Look at her," the millionaire was overheard saying as he gestured towards

Wiegand's mother, Norwood hairdresser Wanda. "She's just a normal person. That's why I'm carrying her legal fees."

The big question is: at what stage did Frank Dudley agree to stake Wesley Wiegand?

When Wiegand and his mother phoned Wayde Baker's mother Lynne five days after the party Mrs Wiegand said: "My son punched your son once. But he never did all the damage that was done; that was done by the other boys".

Mrs Wiegand went on to say she was a single mother, with no money. "They're going to lay all the blame on Wesley!" she cried.

According to Mrs Baker, Wesley Wiegand then came on the line and named eight St John's boys who he said took part in the attack on her son. One of them was Brian Dudley.

The following morning, April 8,

telephone records confirm that Mrs Wiegand phoned again. She told Lynne Baker that Wesley was going to turn himself in to the police – and she "hadn't even got money for bail!"

Then, suddenly, attorney Paul Leisher was on the scene for Wesley. There was no confession to the police. No naming of Wayde Baker's attackers. And that telephone confession to Lynne Baker never happened, Wesley and his mother from then on insisted.

Brian Dudley was the only St John's boy who sat in the dock with Wiegand in Hillbrow Magistrate's Court last month. But Wiegand loyally carried the can for them all when he was convicted. He said nothing in his own defence and not a single defence witness was called. The state's case against Brian Dudley collapsed – and the millionaire's son walked free. **W**

gallery included parents of some of the six boys from the expensive but severely-tainted private school who Mrs Baker has accused of being involved in the April 2 attack on Wayde, and whom she has named in her pending R724,000 civil action. There were Mr and Mrs Blair Henderson, parents of Angus (Old Johannian Henderson, financial director of Roll on Labels, sits on the St John's College council); Cape wine estate owner Andrew Gunn and his former wife (they sat separately), parents of Richard; and, to support their son in the dock, Mr Frank Dudley and his ex-wife.

Mrs Gunn constantly swivelled on her wooden bench to fix an intimidat-

record asides that were most telling. In *nose71* we quoted Leisher saying: "When Wesley hit him [Wayde] it certainly wasn't in the circumstances that they are proposing..." Yet now Wiegand was denying all! "I never said Wesley hit him," Leisher muttered to prosecutor Riaan Gissing. Mr Leisher is, it transpires, not only not the smartest lawyer in town, he is also a liar. (Maybe he would like to challenge us on that point? – Ed.)

Leisher's long and hectoring cross-examination of Mrs Baker centred on the confession she says Wesley made to her in a 32-minute-and-10-second telephone call five days after the party. According to Mrs Baker, Wiegand told

A tearful Wiegand told Mrs Baker: 'Now they're going to blame it all on me'

ing glare on Lynne Baker and her family. Lynne's daughter Bronwyn, a feisty 21-year-old law student at Wits, could finally take it no longer. "Stop staring at me, I don't want to look at your face any more!" she cried.

"You're going to be looking at it for a lot longer," retorted Mrs Gunn.

After Mrs Baker gave her evidence the court adjourned and she and Wayde went outside the court to get some fresh air. Wesley Wiegand, shorn now of his famous pony-tail, removed himself from the dock and passed them in the entrance courtyard. "How do you sleep at night?" Mrs Baker asked the 19-year-old from Edenvale High School. "Fuck you!" replied Wiegand. He then muttered: "Wait till the counter-suit. I hope you've got enough money in your account."

Before Mrs Baker gave evidence Wiegand's attorney Paul Leisher could be heard boasting (as such lawyers always do in the soaps): "I'm going to reduce her to tears and tear her to pieces". He didn't quite manage it. Lynne Baker may have had to sell her R1.3m Fourways home to pay her son's medical bills, but this is one tough lady. When Leisher suggested that she had embarked on a media campaign, with extensive interviews in *noseweek*, Mrs Baker agreed to the interviews, but pointed out that Leisher too had spoken to *noseweek*.

Once again it was the off-the-

her he had been on his way to a club in Rivonia when a call summoned him to the St John's party. "They said, 'There's a guy coming that we want you to beat up'."

Describing his part in the attack that left Wayde Baker with a demolished face, Wiegand went on: "I

ACQUITTED



Picture: NOVA

Brian Dudley

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climbed on his back and punched him in the face...Then the others laid into him. They used cricket wickets and bottles."

Mrs Baker said that a tearful Wiegand had then said to her: "Now they're going to blame it all on me."

Leisher suggested to Mrs Baker that this conversation never took place. He suggested that Wiegand had not been called to the party; he had been there since it started at 7pm. (This implied denial proved irrelevant, since Wiegand was not prepared to enter the witness box and confirm it himself under oath.)

The alleged quoted conversation was, of course, not only an admission of guilt – it implicated others in a premeditated attack. Which is where cellphone records would have come in handy. National deputy director of public prosecutions Jan Henning had ordered prosecutor Gissing to subpoena the cellphone records of six youngsters who attended the party as a means of establishing if any of them had called Wiegand shortly before the assault. At a 7am conference before the trial began on December 5, Gissing said he had only received them that morning, and they could not be used in court since they had not been disclosed to the other side.

Gissing allowed Mrs Baker five minutes to examine the record of Wiegand's outgoing calls on April 2. The printout showed her that Wiegand had not been at the party from 7pm as Leisher was to suggest in his cross-examination of her. Up to around 8.40pm he had been out and about, making calls from mast areas in Melrose, Oaklands and Orange Grove! But since the record had not been disclosed to the defence, this could not be disclosed in court.

Maxillofacial surgeon Nilesh Daya, who carried out the first operation to rebuild Wayde Baker's face, stated in an affidavit that was quoted in court: "The injuries sustained by Baker were as a result of repeated blows to the face and facial regions and were not consistent with a fall." Although Dr Daya had cancelled his surgery list and was on 30 minutes' notice to attend court to give evidence, he was not called.

In *nose71* Leisher bragged: "When I show what really happened, at the trial, we'll soon see what she [Mrs Baker] has to say about it." He failed to keep his word. No defence witnesses were called. Magistrate Benita Oswald (she looks like a taller version of e.tv's

Debora Patta, was the consensus in the public gallery) said she thought she would at least hear Wiegand's version of events that night. Leisher replied that his client had the right to remain silent and not incriminate himself.

When she discharged Brian Dudley after the state failed to prove a *prima facie* case against him, magistrate Oswald condemned the attitude of the public in the crowded gallery towards the charges and the trial. "It is in fact a very sad reflection on our society and one would have expected better," she said.

On December 12 she found Wiegand guilty of assaulting Wayde Baker with intent to commit grievous bodily harm. He was sentenced to a fine of R10,000 or two years' imprisonment. Half the fine was suspended for five years to be

"hung over your head so you can think about your future actions before doing the same thing again," said the magistrate.

In her judgment, Oswald said she found it surprising that "not one person has come forward to advise the court on what really happened that night". Sentencing Wiegand, she said she was well aware that other people were involved in the attack on Wayde Baker and she found it "extremely unfortunate" that Wiegand was the only person convicted of the crime.

Next chapter in this sorry saga will be Lynne Baker's R724,000 case against six of the eight St John's boys she says Wiegand named to her in his telephone confession: Richard Gunn, Brian Dudley, Etienne Le Roux, Angus Henderson, Nick Louw and Jason Booi. **W**

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Homebuyer successfully fights them on Capricorn Beach

PHIL FLOCKTON, property developer of the controversial Capricorn Beach housing scheme (noses62&64), and still at his old nasty ways, has been given a small taste of his own medicine. When *noseweek* first wrote about him in 2004 he was terribly busy cancelling sales to early buyers – in order to resell the units for a higher price. In his pursuit of extra profit, he has had no qualms about crushing the dreams of many first-time homebuyers.

More recently he's been caught carving metres off buyer Gerard von Riebeck's property – while still insisting on charging full price. Von Riebeck, a UK citizen, bought a unit in Capricorn Beach in October 2002. When he took occupation in 2004 he discovered that Flockton had sliced off 60 sq m from his 543 sq m plot. In endless correspondence with Flockton, Von Riebeck insisted he be compensated. (There was no way he'd get the 60 sq m back – it had been used to build another house.) Flockton denied liability, insisting Von Riebeck had read the original plans incorrectly. So Von Riebeck took the matter to arbitration, as the Deed of Sale allowed. Flockton thought this most unsporting, and immediately set

out to put Von Riebeck off the idea. In a letter dated 3 September 2004, Flockton advised him: "Having considerably more experience with arbitration proceedings than you, we feel bound to advise you that arbitrators, like judges, are frequently very bad tempered when faced with frivolous and ill defined claims."

When that failed, Flockton complained about the chosen arbitrator, Advocate Crowe, who, as required by the Deed of Sale, has more than 10 years' experience as a member of the Cape Bar. (Flockton now declared his preference was for a more junior, cheaper advocate.) No luck there, either.

The arbitration was held on 21 June 2005. Flockton lost and was ordered to reimburse Von Riebeck for the missing 60 sq m, with interest. And – standard practice – he was ordered to pay Crowe's fees.

It transpires Flockton isn't as good at taking his medicine as he is at dishing it out. He has written a pathetic letter to Crowe, bemoaning his lot: "Surely," he wrote, "a mistake has been made in awarding the costs against Capricorn Beach Joint Venture [Flockton's company]?"

Shame!

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Company in Vodacom suicide case demands R82m

ATORNEYS FOR NumberSecure have dispatched a letter of demand to Vodacom Service Provider Company giving it one month to pay R82,876,800 for alleged unlawful termination of an agreement to launch Backup4Me.

In *nose74* we told how NumberSecure's Dieter Sauerbier committed suicide on October 18, leaving a note blaming Vodacom for his death. Sauerbier ran out of money after

a series of launch dates for his Backup4Me product – which recalls contact data for subscribers who have lost their cellphones – were cancelled.

Sauerbier's co-director Kevin Jenkins says that top copyright and trademark advocate Cedric Puckrin SC has been retained by NumberSecure. If Vodacom does not come up with the R82m by December 29, a high court summons will be issued early in January.

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Disorder in court over transcription service

A YEAR AGO, in *nose63*, we reported that contracts for transcribing oral evidence given in magistrate's courts in six provinces had been awarded to various companies controlled by politically well-connected Durban businessman Vishnu Munilall. But the slowness and abysmal quality of transcription provided by Munilall's Infotech group of companies was causing concern and dismay among judges, magistrates and lawyers, not to speak of the occasional miscarriage of justice.

In May this year those contracts lapsed. The Department of Justice (DOJ) called for new tenders for the transcription of high court, regional court and magistrate's court proceedings nationwide. In the interim, courts made their own arrangements for transcription. Cape Town attorney William Booth told *noseweek*: "I was overjoyed when we were allowed to get transcripts done by Veritas again – there was a dramatic improvement in quality and speed."

The new tenders were due to be awarded in September, but a few days

before the due date the DOJ sent out a fax cancelling the process. Instead the department called for a temporary "bid to quote" on magistrate's court transcriptions. In November the DOJ announced the results of the "bid to quote" process for the magistrate's courts. Munilall's companies were awarded the exclusive contracts for four of the nine provinces – Western Cape, Northern Cape, Northern Province and KwaZulu-Natal.

Munilall has apparently had written into the contracts that tapes must

the "bid quote" documents had specified that the bidder should have offices in the region for which he was bidding, but it appeared that Munilall only had offices in Durban.

In addition it is widely believed that Munilall's per-page rate is so low that it will be impossible for him to produce transcripts of the required standard. "Dictaphone typing is a tough job," a source told *noseweek*. "It takes a year to train a typist, and that's starting with a good typist. It's not something you can do properly on the cheap."

If Munilall did indeed win the contracts with a low price, it would be ironic: at a meeting of contractors in May last year, he proposed that in order to protect the quality of transcripts the DOJ should set a baseline price below which it would not accept quotes. "If you are going to go below that particular line, then this contractor is going to be taking a shortcut somewhere along the line to deliver the transcript," Munilall told the gathering.

He described court transcription as a "highly specialised" job; transcription typists, he said, "need to be trained in the intricacies of law, almost to the point where they are lawyers."

According to court sources, the quality of the transcripts his company is currently producing has not improved since the last controversial round.

noseweek spoke to various industry members who want the DOJ to give reasons for awarding the contracts to Munilall and to say exactly where his offices in the Western Cape are. The industry is also waiting anxiously to find out when the tender process for high court and regional court transcriptions will be restarted.

One of the complaints about the DOJ is that questions faxed to advocate Menzi Simelane, the head of administration for the magistrate's courts, or to André Maritz, the department's head of procurement, are not even acknowledged, never mind answered.

noseweek phoned Munilall for his comment, but he was emphatic: "I've got no comment to make to you on any matter."

Watch this space.

A few days before the due date the Department of Justice sent out a fax cancelling the process

be posted to him in Durban and that he will deliver transcripts three weeks after he gets the tapes – although the law requires transcripts to reach review judges within a week of sentencing. Industry members told *noseweek* that



Shanahan

"See Spot run.' 'See Spot run'? Who wrote this crap?"

Are SMS records kept?

DO THE cellphone giants secretly store the content of SMS messages? No, they insist. It's technically impossible, they claim.

But across the ether, from her turquoise diamante-studded Nokia in the most exclusive of Joburg's northern suburbs, our gorgeous undercover sleuth whom we shall call Penny, has a fascinating tale to tell.

Some 17 months ago, when Penny's great friend Lerato (not quite her real name) was in the early months of pregnancy, this pillar of the social scene was deeply distressed by a barrage of malicious SMS messages that arrived anonymously on her cellphone.

Lerato turned to her great friend (let's call him Barry) who holds an illustrious position at one of our cellphone service provider companies (let's call it Fibafone). Barry, albeit not without much angst, agreed to help, after warning Lerato that she would become privy to the industry's biggest secret; that what one of his lackeys would perform on her behalf was highly illegal and if she ever blabbed, their friendship would be over and he and Fibafone would deny all.

Barry turned Lerato's problem over to Fibafone's top investigator (let's call him Deon). And, lo and behold, Deon was able not only to give times and dates of those nasty SMSs; he was able to confirm the identity of their author, a young Portuguese woman named Louise. And, most importantly, he was able to retrieve the content of all those nasty messages.

From the printouts it emerged that Lerato was not the only recipient of Louise's vitriol. She had also flashed some spicy SMSs to her former boss at Nedcor, with whom she had become infatuated whilst working there as a temp. To prove that he wasn't making all this up, Deon dug up the contents

of an old SMS that Lerato had sent to her dentist.

Lerato called in the cops, who opened a docket (it's an offence to send someone nasty notes of this sort). But when the boys in blue arrived at Louise's Illovo flat to arrest her, the lass had fled to Durban.

Lerato, worried at the pressures a criminal trial might put on her unborn babe, decided to withdraw her criminal charge. Louise knew she'd been rumbled and that the cops had been round; that should have scared her off, reasoned Lerato. Besides, her important friend at Fibafone would be livid if the clandestinely-retrieved SMSs were produced in court as evidence.

Last month news of all this reached the ear of advocate Riaan Gissing,

senior prosecutor at Hillbrow Magistrate's Court. Gissing would dearly have liked to know the content of SMS messages flashed between teenagers after the Houghton jol that left former St Stithian's pupil Wayne Baker with a demolished face. On the eve of the start of the

5 December trial of two of Baker's alleged attackers (one got off, the other was found guilty, see page 26) Gissing contacted Deon to check out Lerato's story. It's a complete fabrication, Deon assured the prosecutor. Lerato (or a name very like that)? Never heard of her, quoth Deon.

That denial supports the official line as trotted out in *nose74* by Vodacom's forensics head, Johan van Graan: There is no record kept of historic SMS messages.

So, has the lovely Penny been at the gin again? Or has the sloe-eyed sleuth stumbled across the biggest secret in the country's multi-billion rand cellphone industry? Louise's police docket, which presumably contains printouts of all her malicious SMS messages, would give the answer. Watch this space.

Deon was able not only to give times and dates of the nasty SMSs; he was able to confirm the identity of their author



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DEATH & THE FINANCE ROOM

From page 10 in Potchefstroom, Friedel Janse van Rensburg, and at about 6.30pm went to have a drink with him to celebrate Friedel's appointment to a new job at Arthur Andersen. He said he celebrated with Friedel until 11.30pm, when he finally left Potchefstroom and headed for home in Midrand, where he had arrived half an hour after midnight. His girlfriend Natasha Venter was at home and could confirm this, he said.

In conclusion he said that he knew nothing about Colijn Ackermann's movements on the day of the murders.

There are some troubling aspects in Hümpel's statement – or, perhaps, the problem lies with the contradictory information provided by other potential witnesses.

Hümpel's account of his movements on the fateful day places him far away – at least two hours' drive away – from the murder scene. Just one small problem: friend Friedel's drinks party was not in Potchefstroom – it was in Rosebank, Johannesburg, scarcely an hour's drive at night from Waterkloof.

A further point: why would Colijn Ackermann not have told the police that he and Hümpel had a dinner date for 8 February with the Smits? On the contrary, according to Ackermann's statement to the police, Ackermann had only discussed an appointment for the 8th with Mrs Smit when she called him while he was at a braai in Midrand after 9pm on the 7th – and, according to Ackermann's statement, that was simply for him to pay her the interest she was owed. No mention of dinner, no mention of Hümpel.

Had Ackermann, perhaps, deliberately set out to implicate his friend Hümpel?

Still more devastating contradictions would – much later – be raised by Morné Hümpel's girlfriend, Natasha Venter. *Noseweek* has a written statement in which she declares that, to her knowledge, Morné had an appointment to see the Smits on the night they were murdered. She also recalls that in the early morning of 8 February 2001, Colijn had phoned and told Morné that the Smits had been murdered. Shortly thereafter, at about 10am, he had arrived at their house and further confirmed the news. [Police records indicate that the bodies of the murdered couple were only discovered at about 10am, and that the first policeman on the murder scene arrived at 10.30am.]



WALKING THE TALK: Private eye Suiker Britz was retained by the Ackermann family

Natasha Venter also declared in her statement that on the day Colijn was arrested, Morné told her he was going to stay at his friend Memo's house [Agamemnon Kavallineas, baker and co-director of The Finance Room; see *nose73*] "as he did not wish to be arrested over a weekend". Was he expecting to be arrested?

And what significance are we to attach to the fact that the records of the Registrar of Companies reveal that Hümpel registered a new corporate entity called The Finance Room cc on 28 March 2001 and that, in addition to himself, his friends Colijn Ackermann and Memo Kavallineas were officially recorded as "members" – in effect made directors and shareholders - of The Finance Room cc on the same day? This was less than a week after Hümpel so emphatically told the police that Ackermann was not a director or shareholder of his business. Was this perhaps a loyalty incentive bonus?

On 3 April Wayne du Toit went to visit his friend Doug Penning at his flat

at The Willows, Pretoria. First thing that Penning told him was that their mutual friend Colijn Ackermann had been arrested for murder. Both Du Toit and Penning had their own particular reasons for being shocked.

Colijn Ackermann had, until a year earlier, been the manager of the Java Coffee Shop in Lynnwood Road, Hatfield – where Doug Penning was now the manager. Colijn still regularly called there for a coffee or a breakfast and, in due course, had befriended the new young manager. Penning recalled how, some time in late February or early March 2001 – that is, about three weeks after the Smits were murdered – Colijn came into the coffee shop for breakfast. In the course of conversation he told Penning that he had a set of knives that he wished to dispose of, and asked Penning whether he wanted them. The same applied to a pair of boots for which he no longer had any use. Penning said he would be pleased to have them. That evening, Ackermann called again to hand Penning a set of "chef's" knives in a black plastic container and a pair of black "Wehrmacht" boots. When Penning tried on the boots they did not fit. The boots did, however, fit Wayne du Toit, an old school friend who had also previously worked as a waiter at the coffee shop and happened to be visiting at the time.

Du Toit had taken the boots, Penning had kept the knives.

Du Toit mulled over the news of the murder arrest for another ten days and finally, at midnight on 12 April, he made a call to the Police Murder and Robbery unit in Pretoria. He told Superintendent Aucamp, who took his call, about the boots he had received from Colijn Ackermann. At 6.30 the next morning Captain Fabricius called him and by 7am he had handed over the boots and had told the police about the set of knives that Ackermann had at the same time given to his friend Penning. Later that day Penning told the police his story and handed the set of knives to Captain Fabricius.

IN MID April 2001 it emerged in the Pretoria regional court that Suiker Britz, one-time general and former assistant commissioner of the South African Police in charge of the violent crimes unit, had been retained by Colijn Ackermann's family to assist with his defence.

Suiker Britz, at the time associated with the firm of private investigators AIN, paid regular visits to his former

colleagues still in the police – and, of course, to those on the team investigating the murder. He appears from time to time even to have managed to get sight of the police docket, from which he was able to establish that the police forensic laboratory had reported that the blood found on the stairs of the Smit home and the blood that was found in Colijn Ackermann's white BMW matched – effectively placing his client at the murder scene on the night of the murder.

In due course, further DNA tests found that blood on the "Wehrmacht" boots and on one of the knives given to Penning matched the blood of the murder victims.

On 19 April 2001 Suiker Britz visited his client, Colijn Ackermann, at Pretoria Moot police cells. Initially Colijn persisted with his denial that he had anything to do with the murder of Jan and Erna Smit, but after Britz reviewed the evidence gathered by the police, Colijn then admitted his involvement in the murders to the well-connected private investigator hired by his parents to assist with his defence.

(Britz's notes have since been accessed by other investigators - and *noseweek*.)

According to the notes, Colijn made the following admissions:

Mrs Smit had invested R100 000 with Ackermann, who was acting as agent for a business called "The Finance Room" that had been established by his friend Morné Hümpel. She had a written contract in terms of which The Finance Room undertook to pay her 7% interest per month on the amount, payable monthly. Mrs Smit had wanted her interest paid in cash. Each month Hümpel had gone to the bank to draw the money and had given it to Ackermann to hand to Mrs Smit. Each month he would drive to her house and they would meet in her garage where he handed over the R7000 interest payment. She would then give Ackermann R1000 of it back as a secret commission. He said that Morné Hümpel did not know that he was collecting a commission from Mrs Smit.

Some time later Mrs Smit was persuaded by Ackermann to invest a further R100 000, in cash, with him. This time he gave her a contract, signed by himself, stipulating 6% interest per month on this investment. Apparently unknown to her, he did not hand this new investment to The Finance Room, but kept it himself. He told Britz he had used

it to make loans to "various persons"; that he had not kept proper control of the money and that, eventually, he could not pay Mrs Smit the interest that was due to her. He panicked and couldn't bring himself to tell Mrs Smit that he had lost all her money. It was then that, having thought the matter through from all angles, he decided that the Smits must be murdered and he must find the 6% contract and destroy it, since only he and the Smits knew about it.

He had had an appointment to pay Mrs Smit her interest on Tuesday, 6 February, and planned to carry out the murder that night. But when he arrived at the house he got cold feet and simply told Mrs Smit that he had not been able to bring the money as it was in a safe and he had mislaid the key. He made arrangements to bring her the money the next night.

The next evening, Wednesday 7 February, he was at a braai in Centurion [Lyttelton Manor is a suburb] when he received a call on his cell phone from Mrs Smit. She told him that they had guests, but that he should nevertheless bring the money over. He left the braai shortly after the call, but, he told Britz, because he was approaching the Smit's house from an unusual direction, he had got lost. As a result he could not remember when he had arrived at the Smits' house.

The Smits had opened the remote-controlled garage doors and he had parked his car in the open bay between their Honda and two Mercedes cars. Both Mr and Mrs Smit were in the

garage and closed the door after he had parked. After greeting them, he went back to his car on the pretext of going to fetch the money. He took a knife out of the car – one of a set he owned – and started to stab Mr Smit. Mrs Smit tried to protect her husband and grabbed him by the arm. He then also stabbed her with the knife. At this stage, he told Britz, he had "struck a blank" and could not remember how many times he had stabbed each of them. Both fell to the floor. He then went into the house to look for the 6% contract. When he could not find it, he went back to the garage, got into his car, drove out and closed the door of the garage. He had then returned to his flat.

According to the notes compiled by Britz, Ackermann told him that he alone had committed the crime and that there had been no-one with him when he committed the crime. He said he had later taken the knife set that included the washed murder weapon, as well as the boots that he had worn on the night of the murder and given them to a friend, Doug Penning.

Surprisingly, in conclusion, Britz recorded that it was his view that there was no evidence that firmly implicated his client in the murder, other than his own statement to Britz – which would of course, not be disclosed to the police or the court. We wonder how he knew so early that the forensic evidence would be disqualified.

Britz and his firm of investigators' fees in the case are said to have exceeded R1-million.) ■

Next issue: In October 2001 Colijn Ackermann went on trial in the Pretoria High Court charged with two counts of murder and one of theft (relating to the second R100,000 allegedly given to him by Mrs Smit). He pleaded not guilty to all the charges.

The state's case, that the prosecutor had decided to base entirely on forensic tests done by the police and a British forensic laboratory, fell apart when the official credentials of the forensic laboratories and scientists who had carried out the tests were successfully challenged by the defence.

In November 2002 the state found itself unable to proceed with its case. A key witness necessary to

complete the technical paper trail was abroad. Without having to lead any evidence in his defence, Colijn Ackermann was found not guilty and walked out of court a free man.

In October last year – three years after Ackermann walked free – his friend Morné Hümpel was arrested on charges related to his involvement with The Finance Room, where investors are said to have lost as much as R180-million.

Hümpel has still to be presented with a formal charge sheet and is out on bail. We pick up the trail and examine the role played in the investment scheme by Hümpel's close friend and "mentor", South Africa's Registrar of Banks, Carl Landman Oosthuizen and many others in high places.

Did Google Earth move for you?

NOSEARK'S NEW YEAR'S resolution is to promote certain products of two large, "evil" companies. And we're not even getting paid for it.

The companies in question are Telkom, everybody's favourite telecoms service provider, and Google, rapidly becoming the Microsoft of the coming generation. The products we're punting are Telkom's high-speed DSL data-lines, and Google Earth, Google's relatively new, free (in it's basic form, at least), Earth-viewing application.

The reason we're whoring this column for no reward to these two corporate gorillas is that Google Earth is the first user-friendly online application that we've come across that allows ordinary citizens to use satellite imagery to see most of their own planet. However, one needs a high-speed internet link with lots of bandwidth to use it (a regular dial-up connection won't cut it). Although there are other ways of getting onto the Internet at sufficient speeds to use Google Earth,

Telkom's DSL lines are going to be the most convenient option for most readers.

Google Earth is, very basically, a collage of satellite images of more-or-less the whole planet packaged in an extremely easy-to-use, intuitive format. One uses a simple hand tool to spin the globe on the screen, and once the area of interest is centred, can zoom in to see it up close. There are many other tools available, including a tilt facility that allows you to see your chosen view in semi-3D, a marking facility that allows you to stick virtual pins in the planet, roadmap and place-name overlays, and so on.

The application has its faults. The photos are of varying resolution; amazingly good over many cities (one can see a *noseweek* staffer's car parked outside our offices in Cape Town), poorer over many rural areas and small towns. The global map is also patched together from photos taken at various times and dates, so one can move from dry summer to snowy winter

just by crossing the road, so to speak. Some of the map "tiles" aren't properly aligned, and sometimes the underlying contours used to generate the semi-3D views aren't totally in sync with the photos. The technology, however, can only get better, and in time we're sure to see major improvements.

Google Earth is a breakthrough, not because one can now see Cousin Eddie's crockmobile parked outside his favourite bar, but because it allows many people to view our spinning ball of rock in a way not previously easily available to them. In particular, it allows us to see a few things that were previously verboten, and helps us to understand the damage we've inflicted on the planet and the way the environment is changing.

For instance, one can "fly" north along the west coast of SA and cross over into Namibia at Oranjemund, at the mouth of the Orange River. Starting at the river mouth and extending up along the coast for several hundred kilometres is Diamond Area 1, the first of Namibia's "forbidden zones" in which diamond mining takes place. Access to these areas is strictly controlled, supposedly to prevent smuggling, and photos of them aren't exactly a dime a dozen.

After having seen Google Earth's pictures of Diamond Area 1, we wonder if restricting public access to the Diamond Areas isn't also meant to prevent us seeing the horrific destruction mining has caused. Those of us whose vision of Namibia's coastline comes from picturesque documentaries on the pristine Skeleton Coast (shot much further north) will be amazed to witness the endless chain of pits, waste heaps and roads that have completely consumed the coastal strip from Oranjemund north to Chameis Bay.



PLANE SPEAKING: Waterkloof airforce base as seen on Google Earth



ALL MINE: What looks like pretty lakes at Phalaborwa turn out to be mineral excavations

our recently retired air force Transall C-160 transport aircraft parked in an unruly line near the south-eastern edge of Waterkloof Air Force Base at 25°50'23"S 28°13'40". In between some Kalahari dunes in the Northern Cape, at 27°50'06"S 21°37'58"E, one finds a blurry image of the cute little Vastrap nuclear test site set up by the apartheid regime. One can also get disconcertingly clear images of the Koeberg nuclear power station just north of Cape Town.

Beside mayhem and destruction, one can also get an idea of some of the amazing natural places that still grace the planet, like the giant lakes and river deltas of Africa, and the rain-forest still remaining in the Amazon basin. With Google Earth, one can get a general impression of just about anywhere from high up in the air.

Hopefully by now you are all fired up

(Using Google Earth's handy measurement tool, we can tell that the continuous belt of devastation is about 110km long). Intrepid Google Earth adventurers can find more, intermittent, coastal destruction further north, and more enormous mine pits and waste heaps dotted southwards and inland along the Orange River.

Perhaps De Beers should change their slogan from "Diamonds are Forever" to something like "Show You Love Her by Puking on the Planet" or "Get Her to Sleep with You by Trashing Our Natural Heritage". How many people who passionately campaigned to save St Lucia from the mega-miners financed far greater destruction elsewhere by buying an engagement ring gemstone? All that mess for some pretty but useless little stones.

As they say in the cheapie daytime TV ads, "that's not all, folks". Whizz across eastwards, past the massive blot on the landscape that is Gauteng, towards the Kruger Park. Even from a relatively great height you'll see what, at first glance, look like beautiful lakes near the park's border, just outside the town of Phalaborwa. Aim your pointer at 23°59'30"S 31°07'58" and zoom in closer, and you'll see another brain-bogglingly large series of holes and waste heaps. Yes, it's another mine, and, like all of them, it's not quite so pretty close up. NoseArk wonders if people who have seen the kind of dam-

age caused by their thoughtless use of metals and sparkling rocks will change their consumption habits. Maybe, just maybe, they'll buy less and recycle more.

Google Earth is also great fun for military buffs and conspiracy theorists. Attached to Google Earth are a number of email groups for people who share common interests, one of the most active being for armchair spies and amateur battle historians. Thanks to the service's large US audience, much of Iraq is rendered in pretty high resolution. One can get a bird's-eye-view of Saddam's palaces, and find the remains of Iraqi aircraft in old airbases. In Afghanistan, you will see half a squadron of American A-10 ground-attack aircraft at one of the big airbases just outside Kabul, and marvel at the mediaeval layout of that city. Some UFOlogists have found "secret" radar bases on US soil – many military bases are rendered surprisingly clearly by Google Earth.

Closer to home, one is able to see

to go and democratise satellite intelligence, but before you start we have a few bits of advice. Although Telkom is the only company that can install and rent you the use of a DSL connection (the "pipe" down which your data flows), you can buy the data-stream from someone else (and other people are often cheaper). Typically, one's data in- and output is "capped", or limited, on a monthly basis depending on how much you pay for. Google Earth is very data-intensive, so a small 1GB "cap" is going to be used up pretty quickly if you spend a lot of time online. Rather get a 3GB or larger package from your service provider. Also, make your Google Earth cache really large. That way, more information (maps, pictures) that you've downloaded gets stored on your hard drive, so when you return to looking at areas you've already seen, the data gets retrieved from your hard drive and not from the Google server, and so stops you eroding your "cap".

Good luck. See you over Kazakhstan! **W**

All that mess for some pretty but **Useless** little stones

Nosey Parker sniffs at delicate wines

WERE I of a lower order in creation than a wine writer I would surely have experienced a shiver of *schadenfreude* on learning that senior advocate Johan van der Berg looked likely to be struck from the roll. He once threatened, you see, to sue me for a cool half million. At the time he owned a wine farm, Cloof – presumably bought with his huge fees from defending fraudster Jürgen Harksen. A satirical article in which I was (allegedly!) involved had poked gentle fun at the embarrassment van der Berg had caused his hosts by taking Harksen as a guest to a wine award function. It wasn't this that prompted the menacing lawyer's letter, however, but the fact that we had referred to the eminent SC by his (alleged but vehemently herewith denied!) nickname: Vark.

That all got sorted out with some hilarity and pompous apology. The un-porky Johan later sold Cloof, whose wines quite a lot of people now apparently admire, both here and in places like Hong Kong and Norway (according to the *Platter Guide*, which must be right). The most prestigious is called Crucible Shiraz; for me its interest lies in its controversial reception, evoking current wine-geek debates.

It's not just that some mere wine-drinkers love it and some hate it: wine judges also differ in their responses, meaning that Crucible fares ignominiously in various competitions and pulls in gold medals at others. The surprise, perhaps, is that the wine fares badly anywhere, because it is made in a style which normally jumps out in a big line-up (when judgments are generally made on the basis of a quick sniff and a hurried scuff of the taste-buds). It has the sort of alcohol level that used to be associated only with sherry, loads of obvious rich fruitiness from ultra-ripe grapes, and enough residual sugar to make it actually off-dry.

Just the sort of thing to make classicists shudder and sneer, but which, when well made and set alongside dozens of subtler (not necessarily superior) wines, can be quite seductive, even



if you're not predisposed to such stuff. So Veritas, SAA and Michelangelo judges showered it with gold, while *Wine* magazine and the Trophy Wine Show did otherwise – as did those blind-judging the Platter five-star candidates, to which august selection, to the horror of some of us, it had been nominated.

This wine hovered in my mind because on the same day that I read about the tribulations of the winery's former owner I also finished a biography of Robert Parker – the American wine critic for whom, in a sense, the wine was made. If you don't know of him, the biography's title gives a faint clue of his significance in calling him *The Emperor of Wine* (by Elin McCoy; publisher: HarperCollins, 2005).

Parker's achievement is extraordinary, even given a wider world thoroughly dominated by America – and of course his power is based on the strength of the US market for top (that is, expensive and prestigious) wine. When that market was starting to really flex its muscles in the 1980s,

Parker emerged, offering, to diffident but high-flying Americans, an orientation in a familiar idiom, and, crucially, an appreciation coupled with a score (out of 100, modelled on the rating system in US schools), to which all could relate, even those most insecure in their own judgment.

Now Parker holds unchallenged sway. In no other field of human activity, surely, does one person have comparable power: his pronouncements can make or break a winery, even a whole wine-producing area. His power is resented by many, and his tendency to prefer big, ripe bold wines (and thus influence production everywhere) is fiercely criticised; but his ratings dictate purchases and tastes on an unprecedented scale. Parker – including what he is taken to represent – is probably the most polarising, controversial subject in the wine world today, and Ms McCoy's account of this ambitious and arrogant, hardworking and admirably consistent taster sums it all up rather well and fairly for those wanting a better understanding of such things.

Fortunately (though Cloof and some other local producers might disagree), Parker has scarcely deigned to notice South African wine. Nonetheless, there are plenty of "Parkerised" wines here aiming to appeal to the dominant American taste – especially as a relish for the showy and the brash is by no means confined to Americans, as Australia has proved. It is also a style which tends to do well in big competitive line-ups, whatever the subjective intentions of organisers and even the judges. So, these ripely sweet fruit-bombs (gratifying to sip, but scarcely refreshing with a meal) seem here to stay, edging out more old-fashioned virtues.

Unfortunately the egregious Parker doesn't seem to have much influence on wine writers and publishers around the world in his determined avoidance of freebies, and of advertising in his newsletter and website. If only he'd build a culture of critical independence, his influence on wine would be a little more palatable. **W**

Memories of the Kolonel

BY HAROLD STRACHAN

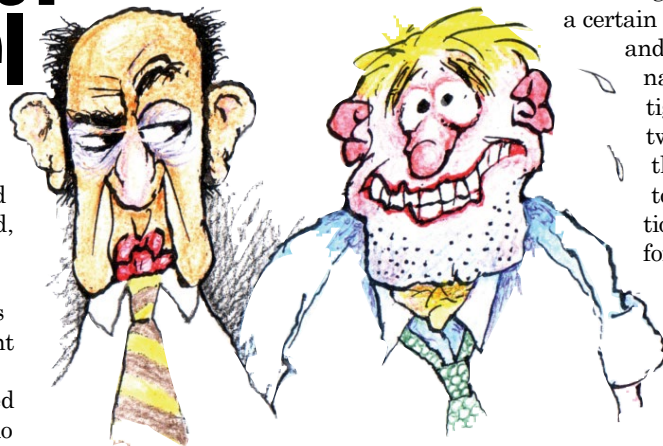
KOLONEL GOLDSTUCK is the good cop, you see. The bad cops are Majoor Op't Boud, who claims to be related to Queen Wilhelmina of Holland, Warrant Officer Erasmus van Vuurwapen who claims descent from Desiderio Erasmus himself, the great humanist, and a ou called Jordaan van den Gruweldaad, of no noticeable rank, who says he can break bricks with his hands.

All these bad cops have great calloused face-smashing knuckles. W/O Rassie v V sits gruesomely cracking his with huge interlocked fingers, ceaselessly swaying back and forth on his varnished meranti government chair, ceaselessly rattling his great big police sick-fund dentures in his mouth in search of some functional placement. Ou Rassie is 2m.long. He has a big red face and orange moustache. He glowers hatefully at me with pale blue eyes neath pale ginger eyebrows, and the reason he glowers thus is that Kol Goldstuck has just spoken to him as some sort of servant. Or errand boy, sort of.

The reason Kol Goldstuck is so rude to ou Rassie is that he has just arrived fresh and innocent in a fresh white shirt and an aura of aftershave, to find Rassie unshowered and unshaven and sullen; and he's neglected my welfare overnight, nogal. Did you sleep well? enquires the Kolonel. He knows bloody well I've been on this chair all night, of course, but this is the drill. No, say I, my cell is full of bedbugs. WHAT! he exclaims, dips his hand in his own Kolonial pocket and thrusts a banknote at ou Rassie. Go instantly and buy this man an aerosol of Doom! So Rassie scowls appropriately.

A silence ensues, but brief; Kol Goldstuck is a very suave man, he has education and degrees in things which these three dudes have never even heard of, and he's never at a loss for words. That's why he's appointed Good Cop. Your daughter is doing very well, she's a beautiful baby, says he conversationally. Eight pounds at birth. Bloody shit, he knows my kid was born after my arrest, that I've never seen her; this gives him ascendancy over me, though unsought, of course. I think Susan suits her so well as a name, he says. I yawn, purposefully, though it isn't difficult, I'm so pooped.

The reason why I'm pooped is that these jollie kêrels *hierso* have been working me fourteen



hours straight for names of accomplices in a certain lurid revolutionary enterprise, and the reason I can't provide these names is that our security was so tight I don't know any names but two, and they've already nabbed those blokes. But the skill is not to be enticed into any conversation at all, such a chink can be forced open, given time. Given fourteen hours. But the Kolonel knows how to keep conversation going. Are you properly provided for? he asks. Is your food sufficient?

Well I wouldn't mind having my cigarettes back, say I. WHAT? he cries. WHO TOOK YOUR TOBACCO? Well, Mr Gruweldaad, actually, say I. He widens his eyes and lays a hideous fix-you-later-my-boy stare on ou Jorrie, reaches over and plucks the packet of fags from his shirt pocket and gives them to me, sends him to buy forthwith two more packets, for me, at his own expense.

I try to look nonchalant as I take out a fag, but I haven't any matches. Majoor Op't Boud tries a hand at suave and cunning timing of the moment. He leans forward graciously with a light, and when his face is close to mine he says, quite gently: We know you been having candlestine meetings with a senior party man. Hell, say I, with a name like that he must be a Jew. Ja! says he, they all bloody Jews! Kolonel Goldstuck droops his eyelids about 40% and slowly turns his head towards the Majoor, who goes suddenly pink. Hey sorry Kolonel, says he, I mean they all communists, my English isn't so good! Kolonel droops his eyelids another 10% in silence; does faulty language reveal that all Jews are communists in the Majoor's mind?

The Kolonel is down in Die Baai from the big brains in Joburg. Big police power. The Majoor hopes, nay expects by way of seniority, to become himself a Kolonel soon. But stuffed if he's going to let that happen, thinks Kolonel Goldstuck, if he's got anything to do with it.

Now there really is an embarrassed silence. With my best British manners, indeed English etiquette, as learned during my childhood in Pietermaritzburg, I lean gently forward and say: Colonel Goldstuck, should I appear uncooperative in this investigation, I am sure that you as an educated man will understand that it is my obligation, indeed duty, to obey all instructions from my counsel, Attorney Jankelowitz, who insists I should answer NO question without his being present.

He is the good cop. Of course, of course, says he. He smiles, quite charmingly.

There's plenty of time yet.... **Z**

The reason I'm pooped is that these jollie kêrels have been working me 14 hours straight for names of accomplices in a certain lurid revolutionary enterprise

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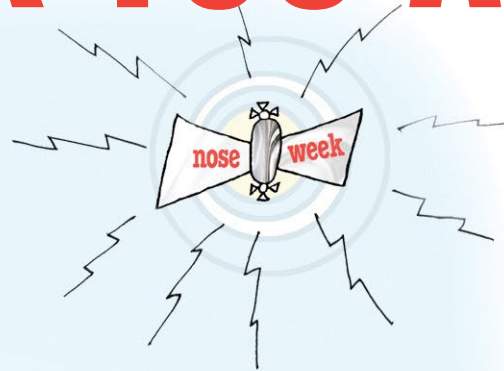
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