

COVER PRICE R9,70 INCL. VAT

# nose WEEK

PUBLISHED MONTHLY

JUNE 1993

ISSUE No 1

## Noseweek's Launch Sends Cosmo's Jane Out of Control!



### INSIDE INFORMATION

- Who's who of Currency smuggling
- Lotteries Figleaf and the Bank of Lisbon — Judges out of Court
- Furry and other appendages on TV I



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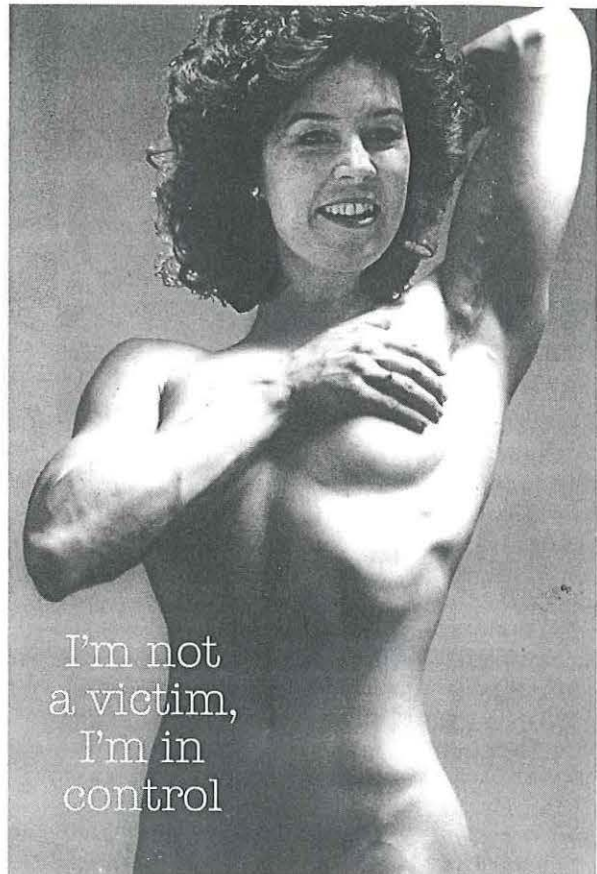
Registered as a newspaper.

Editor: Martin Welz

Printed and Published by: Chaucer Publications cc  
c/o Katz Salber & Co, 4 Church Square, Cape Town.Editorial Office: 45 Keurboom Rd, Newlands, Cape  
Letters to the Editor to: P O Box 44538, Claremont,  
7735Subscription rate for delivery by mail (South Africa  
only): R104 for one year: Overseas rates on enquiry  
Subscription inquiries: Subscription and Syndication  
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accuracy and soundness of the contents of this  
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will bear any responsibility for the consequences of any  
actions based on information or recommendations  
contained herein.This first edition is dedicated to the memory of  
Willem A Joubert 1918 - 1992In his lifetime Senior Council, Dean of Law at the  
University of South Africa, Editor-in- Chief of The  
Law of South Africa, and a man of spirit and  
integrity. He was a trustee of The Paper Club that  
sponsored publication of the original nose  
magazine in 1984, and was one of its first, amused,  
subscribers.

## LETTER TO THE EDITOR

Dear Sir,

re: the special subscription offer to old nose magazine  
subscribers.This is the best (and only!) offer I have had to retain  
my sanity in our New South Africa. Please do not  
cease as before — seven years was too long to wait!A J Taurog  
SpringsI'm not  
a victim,  
I'm in  
control

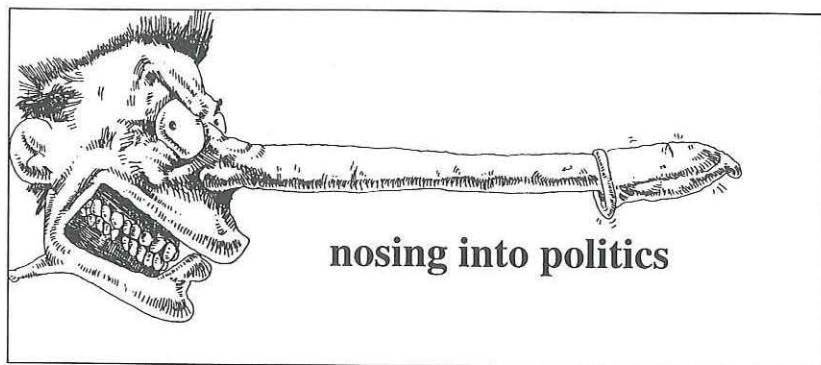
## COVERUP STORY

THE COVER PICTURE, and the picture above, are  
both terrible fakes. Everybody knows that Cosmo's  
admirable Jane would never take off her clothes. And  
anybody who's seen her naked, knows that's not her  
body. But Jane has always been a great sport.  
Apologies also to the great master Matisse and his  
beautiful 1939 model.But it's all in a very good cause: the cause of women's  
greater liberation. How better for a woman to assert  
her unique, individual femininity than to take off her  
clothes? And if, like Madonna in Cosmo, she (and  
we) can make money in the process, so much the better.

## WELCOME, DEAR READER

to the first issue of noseweek. Worthy of a special  
introduction here is our London correspondent,  
Lorana Sullivan, whose first curious contribution you  
will find on page 8. An American, Lorana was the first  
woman reporter hired by the Wall Street Journal.  
Having worked for the Journal in Pittsburgh, New York  
and London, she moved on to the pre-Murdoch  
Sunday Times, where she spent ten happy years as an  
investigative reporter on the reknowned "Insight" team,  
followed by another ten years on the Observer. She is  
currently freelancing and, as she puts it, rediscovering  
the seven day week. Other great contributors prefer to  
remain anonymous, for the moment. But read on, and  
you shall see what you shall see. Enjoy.





**nosing into politics**

**A LOTTERY FIGLEAF**

Who, for goodness sake, is Mr Justice Howard, people were asking last year? Who, indeed! As an example of superficial research and thinking, the report by the Howard Commission on Gambling in South Africa takes some beating. It has not even summarised the evidence presented to it, let alone canvassed the pros and cons of all the serious arguments on the subject. It baldly states that it has read and received evidence from various people, and then proceeds to express an opinion (for which it has no better qualification than Joe Bloggs or Koos Koekemoer) on who should get what slice of the South African gambling cake. One of the commission members has not even bothered to declare his company's involvement in an early lottery scheme that has still not accounted for its ticket sales.

Is it perhaps only that Mr Justice Howard has understood what local commissions of enquiry are traditionally supposed to provide: a figleaf for the politicians to hide their shame and a means to avoid their responsibility? A Judicial Commission has the added bonus that the awe inspired by judicial authority inhibits most from criticising it. What will President de Klerk tell the people next week? - A judge says its OK, so who are we to argue? And, the betting is, he won't say a thing about the hundreds of millions the State still has invested in Sol's gambling empire - without even the benefit of high dividends, since most of it is in the form of cheap loans by the IDC and its successors and substitutes. Not to speak of the thanks the Nats owe Sol for providing an indirect channel to

fund the homelands. All in all, a very important vested interest to protect. Why not admit it?

Recent events in South Africa increasingly evoke a return to Medieval times when superstition, witches and the wheel of fortune were what occupied the attention of the masses. The same thought appears to have inspired Ithuba to use an idiotic Harlequin with multiple arms, scratching his apparently louse-ridden body on TV1 for the amusement of the uncouth. With a bit more inspiration he would have farted as well.

Nothing quite symbolises Medieval times like the wheel of fortune, when life at the best of times was seen as a gamble; when for the lower classes there was no reward for merit, no education, no rational hope of betterment, no power to control events. Continually exposed to violence, disease and despair, hope was irrational and came in the form of magic and of Lady Luck. In Europe, the Reformers were later to observe, even the Christian church had descended to trading in magic, instead of taking on the onerous task of teaching the message of hope and morality.

More sinisterly, some of our leaders may see advantage in encouraging the drift. In true Medieval fashion, it is a means of ensuring that the lower classes have no expectations of social institutions; it also deprives those who might gain political power by democratic means, of one of the real levers of power — a tax base. Privatised lotteries are a form of taxation without representation.

Like most drugs, lotteries evoke dreams of unearned wealth, happiness and sex appeal, which

are especially seductive — even addictive — to the weak.

Why all the secrecy and cloak-and-dagger being employed by the contenders to run such a lottery? For the answer, watch this space.

But make no mistake; lotteries are not about a little flutter now and then — this is the big boys after big bucks; the sort of business that has seen men murdered all over the world.

Until quite recently welfare was an opportunity for charity: for the richer to give some of their wealth to the poor; an acknowledgement that the rich owe their wealth — as much as the poor owe their poverty — to an imperfect world.

Now, as a substitute for charity, we want a national lottery operated privately for profit.

That way not only do the poor provide their own charity, the rich actually take a cut of it, for allowing them the privilege — in the form of the lottery operator's profits.

And a provincial judge thinks that's a good idea.

- We can only hope that when it comes to scrutinising and choosing operators of all forms of gambling, the process will be as open as that employed to appoint the SABC board.

**BANK OF LISBON**

Talking of judges playing out of court roles — the one that is proving more and more curious, is the Hon Mr Justice Cecil Margo of the Transvaal Supreme Court, who also manages to draw a massive salary as chairman of the Bank of Lisbon & SA. He has even taken over hearing a liquidation application from a brother judge, where the respondent was a Lisbon Nominees-owned company. Is that right? Were those who appointed him as Joe Berardo's successor (remember Pik's friend Joe?) perhaps also relying on his Lordship's judicial status to inhibit inquiries about Joe's wheelings and dealings at the Bank — and with senior cabinet ministers?

Watch this space.

— Martin Welz



## CURRENCY SMUGGLING

*Anglo's attorneys "do it all the time" and Sonnenbergs quietly pay R2,1 million damages when a deal goes wrong.*

# HOW NORM TRIED TO SEND R1,8 MILLION TO TEXAS FOR POOR ROSEMARY

This story is about how South Africa's best and brightest have devised schemes to evade both currency controls and income tax by smuggling their billions offshore. In particular it is about how Sea Point millionaire Norman Benjamin and his dear wife Edith allowed themselves to be guided by Cape Town's largest firm of attorneys, Sonnenberg, Hoffman & Galombik, and by Webber Wentzel, Anglo American's attorneys in Johannesburg, in devising a scheme to smuggle R1,8 million to Texas to help their daughter Rosemary, a poor immigrant there, a bit.

Not only did lawyers attached to these prestigious firms assure the Benjamins that the scheme was "not unlawful", they told them that "Webber Wentzel sets up such structures all the time". Better informed observers of the currency scene will also not be surprised to note that Mr Selwyn Haas, "specialist accountant of London" — and formerly of Cape Town — also features in this story.

## DR DIEDERICHS

The story began in 1985 when Norman Benjamin secured some farm land on the Cape Flats and conceived the idea of a new, "prestige" coloured township, Blue Downs. It was, he was later to claim in a Texas court, the culmination of much effort on his part. He bought three derelict dairy farms and obtained official

approval for a township and shopping complex development, thereby vastly increasing the value of the land - from R4m to R20m. He already had "considerable real estate experience ... and expertise in dealing with South African authorities," he added poignantly in his evidence to the American court.

Mr Benjamin had, for instance, saved our notoriously corrupt and bankrupt Minister of Finance, Nic Diederichs' from exposure in the midst of the Mandalay township fiasco in 1974, enabling Diederichs to continue to the Presidency - a good deed for which all good South Africans still remain deeply indebted to Mr Benjamin.

Now, ten years later, Benjamin — our Norm — decided that, instead of raising the capital to develop Blue Downs himself, he would sell the scheme to a German-based development company, Suba Freie Baugesellschaft, and take a more modest - but still substantial - profit, up front.

What our Norm did not know is that, back in the Federal Republic, the man he was dealing with, Suba's chairman, Hans Schlampp (reelly!), had quite a record himself for happy dealing with government officials. In 1988 the German newsmagazine Der Spiegel would feature him in an expose of property wheelings and dealings involving the Mayor of Mannheim (Schlampp paid for his election

campaign), and the Prime Minister of the state of Baden-Wurtemberg (Schlampp took him on holiday tour of the Philippines). Which meant that Schlampp also managed to conclude some pretty good property deals with those authorities.

Herr Schlampp had great plans for Blue Downs, provided Mr Benjamin was able to persuade his friends in local and provincial government to grant further township rights - and a bigger, regional shopping centre out in the dunes. Suba, he said, had a very close relationship with the massive Deutsche Bank; in fact one of the bank's directors was on Suba's board, so they would have no trouble raising R150 million or so for the project.

## SECRET

Norm thought that the promise of such a large foreign investment, when the rest of the financial world had turned their backs on apartheid South Africa, would be sufficient incentive to patriotic officials to be more accommodating when it came to granting township rights.

Herr Schlampp had also heard of Norm's poor daughter Rosemary, and how she and her accountant husband were struggling immigrants in California. He thought he might just be able to assist Rosemary. Suba happened to be doing a major development in



Houston, Texas. Instead of taking the full payment for Blue Downs in cash in Cape Town, why not take most of it in the form of some luxury condominiums in Texas, in a complex temptingly named "Parque del Oro"? For poor Rosemary. And, since this need not be mentioned in the contract in South Africa, that part of the payment would be kept secret from the Receiver, making it effectively tax-free - a 50% bonus.

It was true that Norman had been bemoaning poor Rosemary's "poverty" for some time, and passionately so to the "chaps at the Reserve Bank"; so passionately they gave him permission to send R80 000 to America to pay the deposit on her house, and to follow this with a further \$1500 per month to meet her bond repayment. So Rosemary's plight was not quite so desperate any more. But Norman's wife, Edith, although definitely not into taking risks, felt that if it was possible to "help Rosemary a little more" in this way, they should do so.

**LAST MINUTE**

Mr Schlamp added one last-minute condition: the three Blue Downs farms would have to be transferred to the Germans in advance, to facilitate their application to the Reserve Bank to convert their German millions into Financial Rands.

To Norman it all seemed to make business sense, especially when he was introduced to Suba's attorneys in South Africa, Webber Wentzel and, in particular, Dr G Schlosser of that firm. Mrs Benjamin, too, was charmed by Dr Schlosser, a German-qualified attorney who practised in Johannesburg as a de-facto partner at Webber Wentzel. (After this story threatened to become public, Dr Schlosser moved out of the offices of Webber Wentzel to separate offices nearby, but the "strong relationship" between them still persists.) Schlosser had, Norm discovered, doctorates in both law and ethics, and he had pointedly reminded Mr

Benjamin that Webber Wentzel were Anglo's attorneys.

The deal, as prepared and negotiated by Schlosser and Norm's own attorneys, Sonnenbergs, was to be contained in two, separate, agreements. One, which declared his profit to be only R300 000, was for the South African authorities to see. It stated that he was grateful to be "relieved of the

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***Zackon said he had the go-ahead for the scheme from his partners in Cape Town***

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burden" of Blue Downs, no doubt to explain the low price. The other agreement, by means of which he was to receive a further R1,8 million ("the majority of his compensation for the services he had already performed") off-shore in America, was definitely not for the South African authorities to see. His name would not even appear in it.

"Dr Schlosser said they do this all the time, they have an office in Luxembourg run by South African attorneys and that this is done and it is quite common and can be done legally. No question about it," said Norm.

Early in August 1985 Norman was flown to Houston by Suba to view their condos. The Buicks and Rolls's he found when he checked out the parking lot satisfied him that they were of "a high class". He picked out R1,8 million worth of condos and then proceeded to Mannheim in Germany to sign the deal.

**SPECIALIST**

Before he left Cape Town, Norm had discussed the matter with his attorney, Mr David Zackon and his partners at Sonnenbergs to see if they thought the deal was legally kosher. He could not imagine that

Sonnenbergs would allow him to get involved in anything untoward. The senior partner, Mr Galombik, had been at all his daughters' weddings - and he has three daughters. Mr Galombik's daughter was like a sister to them. Norm recalled that at Sonnenbergs he was taken to see Mr Galombik's nephew, Jeffrey Flax, who, he understood from Mr Zackon, "was supposed to know quite a bit more about these things". Flax dealt with "Trusts and all that funny kind of thing - a bright young fellow".

In London, en route to Mannheim, Norman met up with Zackon, who informed him that he had the go-ahead for the scheme from his partners in Cape Town. His partners had, however, suggested that they should see Haas Abroms, a firm of "Specialist" chartered accountants in London. A partner in that firm, Kapelus, had previously been a partner at Sonnenbergs in Cape Town, and would be able to help them. At Haas Abroms they were introduced to Selwyn Haas, another ex South African. Norman knew his parents - "his father was a jeweller in Sea Point, a very bright fellow" - but, Norm conceded later when questioned in court, Haas Snr had not attended any of the Benjamin daughters' weddings. Selwyn Haas assured Norm and Zackon that the

**SHOCKING**

offshore deal could be done - but he wanted £5000 "up front", which Norman thought was excessive, considering he was supposed to be a friend of the family.

In Mannheim, Norman told the Germans about the advice he'd been given in London - and about Selwyn's shocking fee. The German directors and their attorney, the good Dr Schlosser, said they had a firm of attorneys in Luxembourg who would be happy to oblige - they did these deals all the time; they had been set up for that purpose. And who, dear reader, was the firm in



Luxembourg? Why, none other than Webber, Wentzel Luxembourg Inc., with Johannesburg partner, Rory Kerr, in charge.

The Germans also had a solution to the fees problem: Benjamin could simply pay the money to their office in Cape Town. They had ways, they said, of getting the money to Webber Wentzel in Luxembourg, without having to go through all the bother of obtaining foreign exchange.

To be "legal", so the lawyers claimed, all that was required was that the money should be paid (or appear to be paid) by a non-South African entity, to a non-South African entity, outside South Africa. In Luxembourg in September 1985 Mr Kerr constructed the full fiction: An agreement in which it was claimed that a British Virgin Islands company, Poringlands Ltd, was entitled to the Houston apartments as a commission for introducing Norman Benjamin to the German developers, Suba - never mind that in reality this was impossible, since Poringlands Ltd still did not exist. Mr Kerr himself signed the agreement on behalf of Poringlands. Suba undertook to transfer to Poringland \$800 000 worth of condominiums in Houston, Texas.

### SHAMELESS

The preamble to the Poringlands document would later be described (in Cape Town court records which were never published) as "bearing no relationship to the truth" and "simply a front", but none of that concerned Norman Benjamin just then: satisfied that help was at hand for poor Rosemary, he flew back to Cape Town and handed two R15000 cheques to Suba's office in Cape Town, for them to set up the scheme as arranged in Luxembourg.

And, indeed, in November 1985 Herr Schlamp paid \$11230 into a dollar account at the Bank of Bermuda in the name of "Torina

Trust". On the same day Webber Wentzel's Mr Kerr converted the dollars to German marks and transferred them to a different account held in the same Trust's name. Only in February 1986 did the money move again, this time to an account belonging to the Turtle Rock Trust. From the latter account some of it was paid to N Hutchings, who regularly acts as one of Webber Wentzel's non-

### *The whole elaborate exercise to hide the truth from the SA authorities cost about \$8000*

South African "contacts" in Europe, and who acted as trustee to set up the British Virgin Islands company; Poringland Investments Ltd. The whole elaborate exercise to hide the truth from the SA authorities cost approximately \$8 000. The change was deposited in Poringland's account - this time at the Royal Bank of Canada. The shares in Poringlands Ltd were registered in the name of the Turtle Trust.

Just what shameless liars the currency smugglers at Webber Wentzel Luxembourg are, emerges from the trust deed they drafted for the Turtle Trust, which one gathers is pretty standard for such an off-shore trust: According to the trust deed the beneficiaries of the Turtle Trust were to be the International Red Cross, The United Nations Children's Fund (UNICEF) and the World Wildlife Fund. Almost as if it were an afterthought, the trust deed also authorises the trustees to pay monies to "any person or charity who is the subject of an appointment by the trustees as provided in sub-clause 8.1". Sub-clause 8.1 boringly defines the powers of the trustees of the trust - and just happens to give them unlimited discretionary powers to distribute the funds to any beneficiary that they consider "deserving" - which, of course was

the code word for the real and only intended beneficiary of the trust: the not so poor Mr Norman Benjamin of Cape Town. All in all a cynical con-man's ruse, articulated by a senior attorney in a posh legal document.

Norman later agreed the Red Cross was a good cause but, he admitted, it was not one of his causes. As for UNICEF, he did not even know what the letters stood for. In 1986 Webber Wentzel in Luxembourg charged 6 450 Belgian francs for their services in setting up this devious little Trust.

There were a couple of other things that Norman did not know about: For instance, that while he was still touring the USA and viewing his townhouses-to-be, back on 25 August 1985, his new friend, director Schlamp, was signing over Suba's entire Texas property to the Deutsche Bank as security for a \$4,2 million loan, completely negating the property's value and making any contemplated transfer to a Benjamin trust an impossibility. Mr Schlamp nevertheless happily signed such an undertaking less than two weeks later.

### FATAL

Norman was also only much later to discover that Suba's South African subsidiary, Sobac, which had officially taken transfer of his Blue Downs farms, had lost R2,5 million of its capital and was trading under insolvent conditions.

And, finally, he was to discover that his attorney at Sonnenbergs, Mr Zackon, had made a fatal mistake in the contract he drew up: he had forgotten to provide that, if the deal should fall through, Benjamin could claim back the Blue Downs farms he had so trustingly transferred to the Germans in advance. (In fact a Supreme Court judge was later to express surprise at the "unsophisticated" contract.) The deal, of course, fell through.

Most decent, intelligent South African currency smugglers would



then simply have bitten the bullet and kept quiet. Because, if the SA authorities found out, Norman Benjamin and his co-conspirators stood to face criminal charges, not to speak of the R900 000 tax bill plus penalties the Receiver was likely to levy. But not our Norm. He went straight to see the "chaps" at the Reserve Bank and, in January 1988, as a "highly exceptional case" (the standard phrase used by that almost unique institution to explain its own non-compliance with the rules, such as when it allows Mafiosi more than the standard allowance of Finrands for their hot money) the Reserve Bank informed Mr Benjamin that he could retain his interest in the British Virgin Islands company, Poringland Ltd for just long enough to enable him to repatriate the condo proceeds. Meanwhile he could export more dollars to pay legal expenses in America.

Angry Norm then rushed to the Court House in Harris County, Texas to claim his condos. In the case he described himself as "Successor in interest of Poringland Investments Ltd, a company registered in the British Virgin Islands". To no avail.

Back in Cape Town he launched a case against Sonnenbergs for their poor advice and negligent legal draughtsmanship. Their insurers quietly, very quietly, settled the case by agreeing to pay Norman R2,1 million in damages. No names, no packdrill, no reports in the Cape Times.

A year later he was persuaded to withdraw the case he instituted

***Norman agreed the Red Cross was a good cause, but it was not one of his causes***

against Suba Freie Baugesellschaft, when, after spending nearly R1 million in legal fees (the bills of Marcus Jacobs SC and Fritz Brand SC, now Judge Brand, were the subject of some controversy) it became clear that Mr Justice Conradie wasn't all that convinced that Norman did not understand what his attorneys had been up to. At one stage judge Conradie expressed some surprise when it appeared that Norman's advocate, Marcus Jacobs SC, seemed to

think the judge could be persuaded the deal had been anything but illegal currency smuggling and tax evasion.

Marcus Jacobs SC hastily assured the judge he did not expect his Lordship to have thought it was anything but a currency smuggling scheme, which everyone who is not a fool knows is illegal. But, explained Jacobs SC, he was paid to present his client's case in the best possible light.

The learned judge was, however, apparently not so shocked by the transparently illegal scheme these worthy officers of the court had devised, that he thought it necessary to bring the matter to the attention of the Law Society or the Attorney General.

But then, of course, we suckers who actually pay our taxes; who pay the insurance premiums and legal fees that go to make up the R2,1 million paid out for Sonnenbergs' negligence; who pay the salaries of the "chaps" at the Reserve Bank; why, we also provide the courts and pay Judge Conradie's salary for dispensing justice and serving the public interest.

## Where are they now?

Sonnenbergs have had an honourable mention at the Nel Commission into Masterbond, for paying bribes ("overtime pay") to Deeds Office clerks, a matter which Judge Nel promptly referred to the Law Society. Otherwise all is well and worthy at Sonnenbergs.

Edith Benjamin is happy back in their R1 million Sea Point penthouse, after some fraut weeks in Johannesburg spent at the bedside of her grandson Evan Bedil, after he pranged the new sports car his parents gave him for matric. He's much better now. And our Norm's got a new scheme with a derelict, dairy

farm near Tulbagh, condemned as useless by agricultural experts, but which he hopes to divide into smallholdings for sale to land-hungry ANC members. He is trying to organise a "soft" loan overseas for this worthy "return of the natives", so they'll be able to afford to pay the price he has in mind. That he, and they, and Tulbagh, should be so lucky.

Poor Rosemary is still happily settled in Orange County, California, while her two sons, very bright fellows, are at Yale and Stanford.

Webber Wentzel are still Anglo's attorneys, and clients are still

referred to Dr Schlosser across the road. Rory Kerr still commutes between Johannesburg and Luxembourg, with various stops in between.

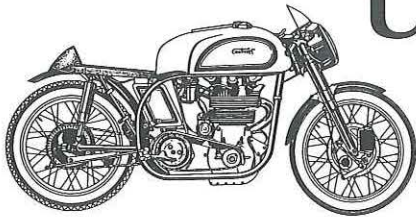
Marcus Jacobs SC has opened up practice in Sydney, Australia. [for more, watch this space]

The Hon Mr Justice Conradie continues to dispense justice in the Cape Supreme Court.

Mr Schlamp is still schlampping it in Mannheim, while Blue Downs is, we think, just a little blue.



- *The world has got to know the Boeremafia in shady business deals from Cardiff to California. Now UK businessmen are learning that a history of anti-apartheid activism is no guarantee of a straight South African businessman either.*
- *Does SANLAM-owned Murray & Roberts owe the British public — and the world — an explanation of their curious secret involvement in deals with the MD of Norton Motorcycles, just prior to the near-collapse of that symbol of British engineering integrity?*



Norton Manx 1962

## UK CLASSIC MEETS SA CLASSIC AND NEARLY DIES

In 1990 former Nusas vice-president and SA political detainee in the early Seventies, Philippe le Roux, was awarded the OBE for his services to the UK motorcycle industry — on the recommendation of Margaret Thatcher. Today, as the UK Serious Fraud Office and inspectors from the Department of Trade sift through the wreckage of the UK motorcycle industry he left behind, trying to unravel his multi-million pound wheelings and dealings, he is believed to be somewhere in Bulgaria. The investigation has turned up some curious South African connections.

In the UK, the Norton marque is to motorcycles what Rolls-Royce is to cars. The Serious Fraud Office in London is investigating how Philippe Antoine David le Roux, OBE, along with his wife, father-in-law and assorted family and friends nearly destroyed Norton. The Serious Fraud Office (SFO) was brought in on the recommendation of Department of Trade and Industry inspectors who reported on events leading up to the failure of Norton's 1990 rights issue - caused, in part, when Le Roux's own 200 000 pound (R1 million) cheque bounced. Le Roux resigned as chief executive and a

director of Norton, hastily left the UK and was last seen in Sofia, Bulgaria, acting as a consultant on privatisation.

Some 34 million pounds (about R170 million) appears to have flowed through Norton in the five years that Le Roux and/or his wife's family and friends were in control. So far it hasn't been traced and detectives are considering the possibility that Norton may be able to assist them in unravelling a massive money-laundering operation. For his part, Le Roux was so broke at the end of the day that he entered into a voluntary arrangement with his own creditors, who were owed more than 3 million pounds (R15 million).

**Exclusive report from our London Correspondent, Lorana Sullivan.**

Born in the UK on 27 February 1961 (he is the son of artist Le Roux Smith le Roux), he spent his early years in South Africa. He matriculated from St John's College, Johannesburg in 1968 and obtained a BA degree from UCT. The Times of London takes up his story: "A former vice-president of the National Union of South African Students, he was picked up by the police in the sweep that



Philippe le Roux, OBE

included activist Steve Biko, and was confined to Cape Town for five years.. Making a run for the Botswana border, he was caught and spent seven months in solitary confinement with just a Bible as company. A year later came his speedy, and by then legal, departure from the Republic."

In the years that followed he studied for an MBA at the London Business School, served as an industrial analyst with the Bank of Montreal and worked for the International Finance Corporation of the World Bank, before joining London bankers, Schroders, in 1983.

Three years later he was at the helm of Norton, and married to Amanda — a daughter of Tony Rudd, the notorious former London stockbroker whom an earlier team of DTI inspectors had deemed unfit to serve as a director of a public or private company. It



was Amanda, and later her sister Amber, who appeared to run Lawnstone, the family "merchant bank". The reality was somewhat different.

Norton's first deal, after the Rudd family and son-in-law Le Roux stepped in, had nothing to do with motorbikes or the small rotary engine for which the company is famous. According to a 1987 letter written by Rudd, he "put in some property" and, in exchange, a year later acquired the company's engineering assets. By then Amanda had joined Philippe on the board, and South African accountant David Gnodde (another St John's old boy and son of former Gold Fields chief executive AMD Gnodde) was also appointed a director. Another director was solicitor Peter Hooper, who was involved in a number of crooked share promotions inspired by the Genovese Mafia family associate, Thomas P Quinn.

And so the plot thickens. The "property" that Rudd said Lawnstone "injected into" Norton, now appears to have come from Multi-Construction (UK), part of Murray & Roberts Holdings Ltd of Bedfordview. In late 1986 M&R's British subsidiary owned 31,3 million shares in Norton, which it had acquired in exchange for property.

In fact it appears that, at that time, while Le Roux was on the Norton board, he was taking orders from Murray and Roberts in Johannesburg. Despite his past activities against the state, Le Roux returned to SA without any difficulty in 1986 - for discussions with the M&R board.

The gist of those discussions — and the nature of M&R's control of Le Roux — are recorded in a subsequent letter, marked "Strictly private and confidential", and written by M&R director Jeremy Ractcliffe. From the letter, dated 1/10/86 it emerges that M&R had a private arrangement with Le Roux, in terms of which he was to keep the M&R board in Johannesburg "fully informed" about all Norton board meetings, minutes and transactions. In this

way M&R were able to exercise boardroom influence at Norton without actually having to elect its own directors to the Norton board. Why M&R should have thought this anonymity necessary or desirable is not clear.

Whatever it was, Le Roux was not happy with the constraints the deal placed upon him, and Ractcliffe in his letter goes along with a decision by M&R chief executive, David Brink, to allow Le Roux "greater latitude to do your own thing in terms of sweatshop broking business".

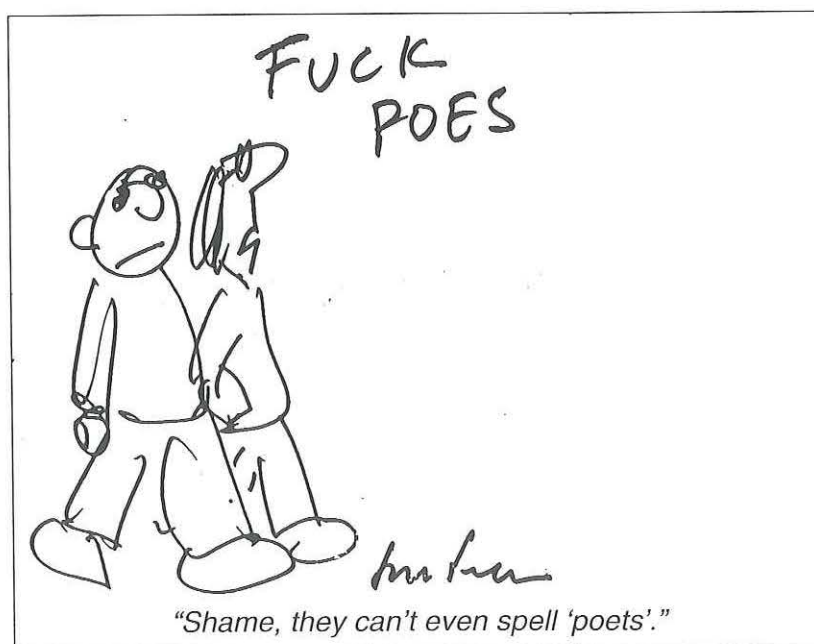
Multi-Construction's hold on Le Roux appears to have eased after 1987 when he and Amanda agreed to buy the company's Norton shares, in instalments. Court documents show that Le Roux owes Multi what appears to be the last R1,5 million payment.

In 1990, after an intensive PR campaign that saw the UK press flooded with pictures of Philippe on his Norton cycle, he was awarded the Order of the British Empire for services to the British motorcycle industry. By then, as a result of wheeling and dealing in companies and shares, Norton was too broke to make motorcycles. Le Roux and his friends finally ran out of road in January 1991.

In the aftermath of the appointment of inspectors and the dismissal and resignation of the

Norton directors, Le Roux and his cronies tried vainly to have the company wound up to prevent the sorry story from emerging. One attempt involved an attack on David McDonald, the man that went in to save the company, by the UK edition of "Esquire". Jeffrey Ferry, the article's author, and Le Roux are old friends. McDonald has sued.

A curious footnote: Remember James Guerin, the 63-year-old former deputy chairman of UK defence contractor, Ferranti, now serving a 15 year sentence for fraud in the US? Guerin sold his company, the US-based International Signal and Control, to Ferranti in 1987. The catalogue of financial fraud and international arms trafficking that ISC brought with it nearly destroyed Ferranti. To this day US prosecutors are unhappy about Pretoria's reluctance to respond to their indictment of Armscor as an alleged player in the shenanigans. Assistant US Attorney Robert Goldman, who prosecuted Guerin, estimates that the frauds commenced in 1978. This was around the time ISC was known as Electronic Systems International and, you guessed it, Le Roux's father-in-law Tony Rudd briefly served as its chairman. In 1980 Rowe Rudd, his firm, raised funds for the US company in London. ■





Profile

His Worship Alderman Frank van der Velde



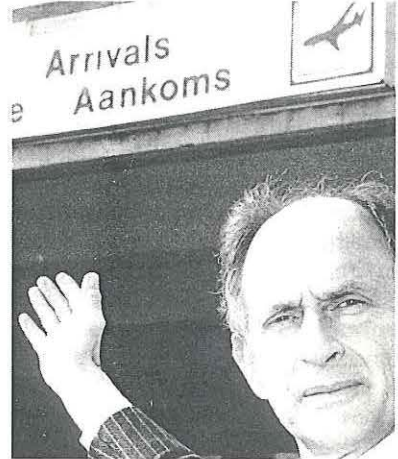
# THE MOTHER CITY'S MOTHER OF ALL MAYORS



Long John Frank



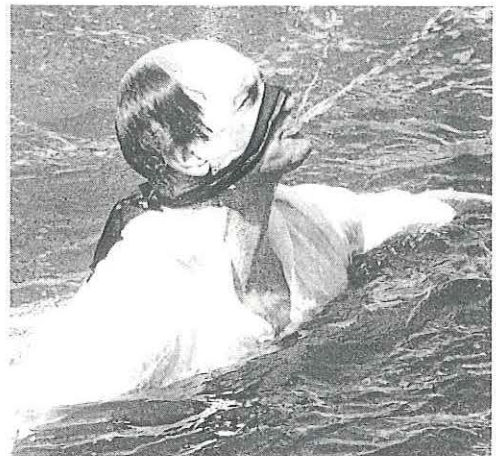
Frank 'n Feather



Frank Cometh



Franken Follies



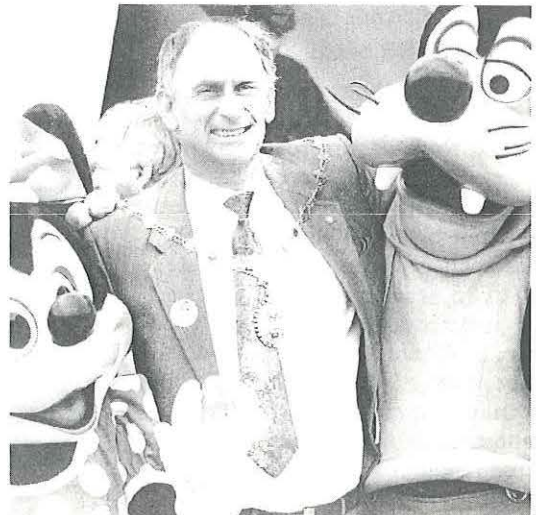
Frank 'n Faeces (off Greenpoint)



Frank having his cake



Not Frank



Frank 'n Friends



*nosing about the Art World with Pince Nez*

## (New) SA Arts Board has many Chiefs, one Indian, and that fellow from Nedbank.

The last week of April saw the ANC Cultural Conference, or the Wally Serote Show, open and close at the Johannesburg Civic Theatre. Alternating with Mbongeni Ngema's "Magic at 4a.m." as the lengthiest piece of theatre in town, both received mixed reviews.

It was probably insufficient rehearsal time which resulted in the majority of the Conference's shortcomings — rehearsals for "Magic" continued throughout its run — though, in the case of the ANC representative who missed a breakfast Television debate on the national flag and anthem, the blame lay squarely upon a faulty alarm clock, or so we were told.

But the Conference did happen, and some constructive suggestions for new cultural policies and, more vitally, their funding, were made by loyal ANC delegates and their attendant acolytes.

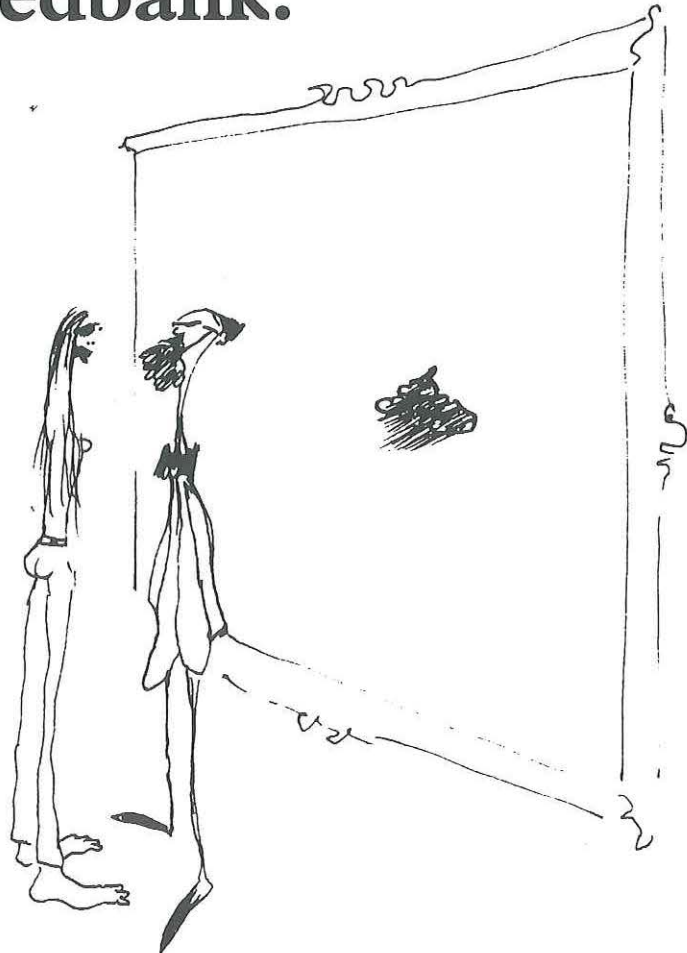
The main message to emerge was: Culture, not excluding Eurocentric culture, must be available to and for all, and to accommodate this the cultural funding cake must be sliced more thinly and evenly. Additionally it seems the delegates went along with the view that ideally culture should not be used as a political weapon but, in order to achieve their projected aims, political means may legitimately justify cultural ends.

It is a reasonable enough message, though why it required a week to formulate Wally only knows. The question is, who is going to translate the recommendations into action. Wally Serote, whom I should have mentioned, is head of the ANC department of Arts & Culture, did announce the formation of a 15 person Board of trustees, to whom he has passed

this particular buck. All 15 members are eminent people with admirable and appropriate qualities, but none of them is presently unemployed. As Van Zyl Slabbert observed when the SABC chairmanship was foisted upon him, that can present problems. Decision making is one thing, but who is going to do the work? It is a classic case of plenty of chiefs but no Indians (with the possible exception of board member Professor Jairam Reddy, of course). Dr Ivan May, urbane Marketing Manager for Nedbank, and now

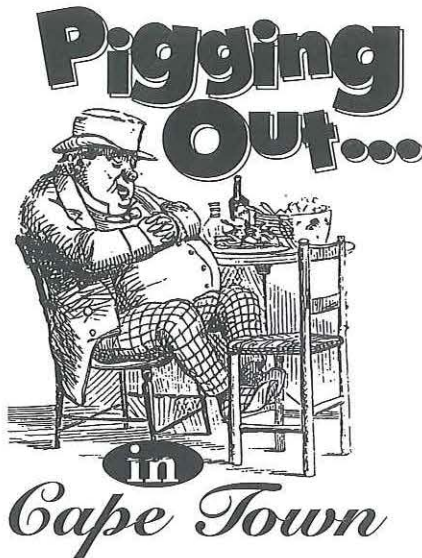
also a member of the ANC Board of Trustees mentioned above, seems to be vying with the Johannesburg City Council's Christopher Till for the title of Mr Culture. Abdullah Ibrahim's appearance, over two sold out nights with the National Symphony Orchestra, was his latest triumph. Given that Nedbank apparently has more money to spend on the arts than the Council, he is presently leading in the title race by the length of a monogrammed cuff.

*Pince Nez*



*Well, it doesn't really say anything,  
but it does stink . . .*





Is there anything in the rumour that the Cape Times is to fold its Saturday Supplement, Top of the Times?

A sad affair if that is the case. The supplement ("All the Weekend's Best Reads") has, indeed, wormed its way into the hearts of Capetonians since its inception in 1987. Who could get by, for example, without their weekly dose of "Social Scene" — the so-called 'zoo' pages — or Fiona Chisholm's "From the Catwalk", behind-the-scenes thespian chaff?

More importantly, how will Capetonians and their visitors know where to eat?

Before considering the plight of TOTT's current belch of restaurant critics and food writers, perhaps we should remember an early pioneer, Frank Heydenrych, whose no-holds-barred, I-know-what-I-like approach to the job presaged its current intellectual tone.

Cape Times readers will recall how Frank, with a single review, shut down the prestigious Rosenfontein. After dining there with his wife, he reported that he was still so hungry he had to make himself a sandwich. The restaurant never recovered from the flood of cancellations that followed.

He was a man of unpretentious eating habits. His wife even more so. However diverse the dessert menu at any of the various establishments the couple visited at

the Cape Times's expense, she would invariably shun all else and "opt" for a Don Pedro. Not that that inhibited Frank's critical flair: "It was the best yet. More cannot be said," Or, "It was as good as she's ever had!" he cheerfully reported.

Frank once had occasion to be as generous in his report on a serving of duck. It was, he wrote, "as all good duck should be". Cleverly anticipating the question raised in the minds of his more ignorant readers — How should a good duck be? — Frank volunteered the answer: "Cooked to perfection."

How? Never mind. Tuck in. Frank certainly did; he was happiest when he came across a place that rallied against what he considered the tyrannies of nouvelle cuisine — winky veg and stuff.

And so it was at some Kloof Street eisbein-haus that he struck gold: helpings so huge he couldn't see the sides of his dish. "The vast acres of my plate had been filled with a solid piece of fillet steak, a thick cut of Kassler rib, a generous pork cutlet, smoked sausage, sauerkraut, rosti, red cabbage and butternut" he enthused. Although Frank cleaned up, even he had to pause a few moments before digging into pud. His wife, of course, managed her usual Don Pedro.

Sadly Frank left Cape Town for Johannesburg where he is said to be fiddling with computers. A difficult act to beat, but at Newspaper House in St George's Street they're never shy to try.

Frank has been succeeded by a veritable school of far more pretentious "food writers".

TOTT food writer Lew Elias recently saw fit to add his seal of approval to the medals and certificates displayed in the front hallway of the Fisherman's Cottage in Plumstead. It maintains a standard of quality and sophistication rarely found in these parts, and is properly rated one of the country's top ten popular restaurants.

Lew loved the mayonnaise with the pink trout — except that what

he identified as mayo was, in fact, a delicate dill and yoghurt cream sauce (properly so described in the menu). The "steak served on a cream and green peppercorn sauce with two large potato croquettes" he praised was actually made with crushed black peppercorns and served with Dauphine potatoes. What he saw as sautéed potatoes served with the fish, were boiled potatoes. He detected non-existent carrots in the mushroom duxelles stuffing; and was apparently so overcome by the sophistication of the fare that he described plain bread rolls as "bridge" rolls.

His standard of observation had not improved by the end of the meal. The restaurant has four rooms for diners; Elias noted only two. It earned its rating on the Style/American Express list, not on a Diners Club list. It is also, unfortunately, not open seven days a week.

All of which brought back fond memories of Frank's common-but-honest touch. At least you usually knew which days the restaurant was open and were forewarned if you needed to lay in provisions for a sustaining midnight snack.

— *Tori*



### nose in a book

The General's Daughter by Nelson Demille (Harper Collins)

It's today's US Army where females are just about equal with males — soldiers, that is. Don't stop at this point to ponder the philosophical question of why either sex wants to play soldiers, equal or not — just read on. Westpoint graduate and star soldier, beautiful Captain Ann Campbell, is found brutally raped



and murdered on the army base where she lived and worked.

Paul Brenner is an officer in the US Army attached to the Criminal Investigation Department. He is an outsider that happens to be on the spot at the time of the murder, so he is given control of the investigation. His job is not made easier by the fact that the victim was the daughter of the base commander, General Campbell, particularly when his investigation reveals her bizarre sexual life on, and off the base.

It becomes clear that just about everyone wants him off the case and before he reaches the solution he must breach the seemingly impregnable facade of officers and gentlemen, to expose layers of corruption, sexism and deception.

Nelson Demille has written a string of bestsellers including *Word of Honour*, *The Charm School* and *Gold Coast*. This one, too, is a very good thriller — and an interesting novel.

He once served in the US infantry in Vietnam, when he was awarded the Bronze Star and Air Medal by the US Army, and the Vietnamese Cross of Gallantry by the government of Vietnam, so he knows the army stuff very well. He does the conventional thing — building up the tension and keeping you guessing till the end. But more than that he writes convincingly and humanely about people, and offers a pretty good insight into the closed mind and world of the professional soldier.

*Degree of Guilt* by Richard North Patterson (Hutchinson)

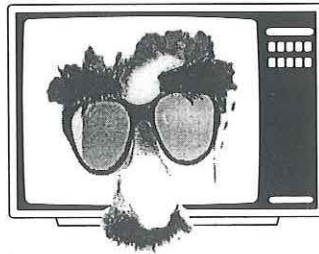
The author is a practising San Francisco trial lawyer. His first novel, *The Lasko Tangent*, won an Edgar Allan Poe Award in 1979. *Degree of Guilt* is his first novel in six years and has come at the right time. Courtroom dramas are in vogue just now and Patterson's book seems set for success. It is an intricate and intelligent story which culminates in a realistic and tense court case. An eminent American novelist is killed by Mary Carelli, a well-known TV personality, who is

charged with murder. Her defence is attempted rape. The man she chooses to defend her is her ex-lover, trial lawyer Christopher Paget, who lives alone with their son in San Francisco.

In order to defend her, Paget must establish the character of the murdered man and in doing so, he becomes increasingly uneasy about Carelli's motives. At the same time he must try and understand the psychology and motives of the judge and the prosecuting attorney, which are not that straightforward either.

If you enjoyed *Presumed Innocent* you'll love this one. ■

*nose on screen*



**FACIAL FUR (AND OTHER WORRYING FEATURES)**

I've always argued, perhaps wistfully, that looks, age and appearance don't count. A more realistic approach would have been that such things shouldn't count. But of course they do. Smartly dressed people command more respect than those in drab. Young people get jobs more easily than the elderly. Handsome boys and pretty girls do better in life — through the boardroom and eventually to comfortable bank accounts in the Channel Islands. And when they, like chimney sweeps must, come to dust — it will be a prettier, more sweetly scented dust than most of us will make.

So while arguments in defence of the poor, the ancient and the ugly, might often be moral, they aren't always sound. Air hostesses and stewards needn't be beauties but they shouldn't be fat or anti-social. Sloppy dressers do sometimes indicate sloppy minds and, don't

we know it, younger people have more energy and quicker reflexes than their elders, which makes them better equipped for certain jobs.

Television, especially in the news service, makes greater demands of appearance than most media. While raving beauty should not be a criterion for employment, meticulous grooming, careful makeup and unobtrusive clothing must be.

That is why I take exception to John Bishop's moustache. I defend his right to grow mushrooms on his face if he feels like it, but then he should find another job. His facial fur is both a distraction and an irritation to watchers. I mean, do we really want to hear the news from Groucho Marx?

If newsreaders are allowed to change their looks so drastically on a personal whim, where will the line be drawn? Can he dye that moustache green and still read the news? Can he shave off his hair, wear an earring, appear topless? At what point does freedom of the employee's choice end, and the freedom of the employer/viewer to choose begin?

In public statements following the unveiling of his appendage, the usually somnolent Bishop seemed quite perky as he revelled in the publicity his appearance aroused. His attitude towards his big moustache casts some serious doubts about the size of some of his other bits and pieces.

And, let's face it, Marietta Kruger has a freckled cleavage. Instead of slapping a bit of makeup on it, or wearing a higher collar, she persists in wearing clothes with low necklines. The first time I spotted the patch, I spent the entire news bulletin totally distracted; squinting at the screen, trying to see if it was the poor woman or the screen which had broken out in spots.

Why don't some of the clothing people listed under "Marietta Kruger dressed by ..." — all of whom get a disproportionate amount of advertising from news bulletins — see that she wears



## TV (continued)

something to cover up her freckled parts.? Fortunately, the onset of winter shows signs of a cover up and temporary relief for frecklephobes.

Of course, distractions such as these, and the tacky clothing sported by the badly groomed female news journalists employed by TV1 might just be part of a cunning plot by the SABC to take our minds off the content of their still-biased news reporting. An example of their clever editing was the extract they selected from a Bishop of quite another colour. Anyone seeing the extract of Bishop Tutu's speech at Chris Hani's funeral which was shown in the evening on TV1's news bulletins, would be forgiven for seeing him as a capering rabble-rouser. Only those who watched the entire funeral on CCV earlier in the day would have known this to be untrue and unfair. The Bishop's speech, heard in its entirety, was moving, reverent and profound.

In fact the only thing that jarred at the memorial service to a remarkable man was City Funerals' omnipresent logo - but then who can blame a funeral parlour for learning the art of inappropriate advertising from the masters at SATV?

What a pity they didn't screen the entire deliberations of the committee that selected the new SABC Board, as would have been done in America, instead of edited bits. It would have been fun to watch some of those who volunteered for the job doing their round in the ring with our judicial Mohammed Ali.

On the new Board one must reserve judgement, save to note that Mr Wynand Harmse's enthusiastic congratulations and patent relief at the Board's acceptance of their appointment must, at least to some appointees, have looked uncomfortably like a kiss of death.

— Maureen Barnes

## Advertising

## Ladies and gentleman, meet Lyndall Campher

. . . petite blonde, rapidly reaching the end of her thirties and still unmarried, driven by an absolute determination to succeed, sufferer from the Imposter Syndrome (fear that someday some-one will actually find out that she is stupid); she has an appalling temper; she claims to be brutally honest. Her lover, Nigel, usually gives in to her for the sake of peace. Her mother loves her. She has given up smoking. Until recently she was Media director at ad-agency Hunt Lascaris. Ever higher and further, she is now Media director of the new "media independent", Euro-space, and said to be unhappy that she is not The Boss.

Ms Campher and her press agent understand the value of self-promotion in their regular press releases. Media, keen to sell bulk ad space are keen to please and more than willing to use Ms Campher's press releases. The above profile, for instance, comes with the compliments of Fair Lady's August '92 edition.

"We've never, ever, employed stars. All our talent is home-grown," said John Hunt to The Executive. What does that mean? you ask. Think for instance of Ms Campher. She started as secretary at Hunt Lascaris, became media manager and, numerous press releases later, look where she is now.

Back to Mr Hunt: "We're not

academic and hoity-toity. I think some agencies can be over analytical, and yet advertising is not an analytical exercise." Yet only one column later, partner Reg Lascaris boasts of their scientific approach, saying the agency prides itself on "strong" research.. But then The Executive *has* described Hunt Lascaris as a "study in contrasts" or, otherwise, as "the John and Reg show".

To justify media attention, Ms Campher, too, does not hesitate to express strong, uncompromising views. So, in March last year, she was scathingly critical of media independents - consultants used by businessmen to advise them on which media to choose to advertise their product most effectively and economically. These "so-called professionals", Lyndall claimed (in a press release), have a totally bland approach to media selection; these are "blinded by numbers and driven by a cost efficiency fixation". As a result, said Hunt Lascaris' then latest star, the media in this country are in danger of becoming a "commodity". "Haggling is replacing thinking as media are discounted or negotiated into a bargain-basement cost-per-thousand corner," she said. In short: media "professionals" weren't "in touch" with their clients' real needs, and couldn't hope to service them the way a "full service agency" (read: Hunt Lascaris) can.

That was until later last year, when a large carrot was dangled before her eyes, a very large carrot; a French carrot.. Suddenly within her feminine grasp was the biggest media buying tie-up of them all.

Unfortunately, just as Hunt-Lascaris decided to link up with French media "independent", Carat, the French government was launching a major anti-trust action against that company. Finance Week reported that criticism levelled against media buyers, such as Carat, centred around the methods they used to obtain cheaper advertising space (by using buying clout) and the lack of clarity surrounding issues such as price fixing and kickbacks. Carat, in particular, was criticised in France for "placing the media in a



situation of economic dependence”.

As a result of the bad publicity, apparently, the deal as originally planned was off. ... well, not quite. Carat and Hunt Lascaris changed the name of their joint operation in South Africa to Eurospace.

It was largely thanks to John Farquhar, editor of the trade publication, Marketplace, that South Africans were alerted to the dangers of the latest industry moves. But South African ad persons are still finding it hard to resist the wicked temptation to do



big, exclusive tie-up deals with the media barons at (Anglo's) Times Media, (Sanlam's) Nasionale Pers etc.

Until now, the individual advertiser has negotiated the best possible deal with the medium most appropriate for the

product, giving rise to a great variety of deal and a reasonably open market. The new type of deal would shift buying power from the individual, to an ad agency and its attached “media independent” (how words can lie!), who negotiate to buy bulk advertising space, using the “muscle” of their combined client portfolio. What they, of course, do not say out loud for the benefit of clients too dumb to see (or managements too corrupt to want to see) is the inevitable logic that they can do this only by committing their clients - in bulk - to particular publications in advance (presumably those prepared to offer the biggest discount or kickback have the edge), rather than by assessing a particular client's particular media needs, as they arise, and then going into the market to meet them in the best and most economical way.

On the media side, the impact could be devastating. If an agency should conclude bulk buy deals with only certain publications, say, and then direct all its clients' advertising there, to the exclusion of others. In the winner-take-all game being set up by those in the advertising industry eager for monopoly profits, those media that fail to clinch the deal (perhaps because they did not offer the right “incentive” to the right person) will starve to death, resulting in a media monopoly to match the adspace marketing monopoly. It's the sort of thinking which unfortunately already comes quite naturally to many South Africans, be they beaurocrats, Nats, Times Media corporate types, or Communists. One monopoly loves another.

Already Ogilvy, Mather, Rightford media director John Montgomery has claimed the scheme has won covert acceptance “by some of the major media groups”. He adds: “We are encouraging them to go that route. If media owners want to do it confidentially, we will do so.”

Last month a private letter written by Marketplace editor Farquhar (in which he was critical of Hunt Lascaris), found its way from a desk at Radio Good Hope to Lascaris - who then promptly insisted that owners, Caxtons, fire

him. They have not yet quite succeeded, but Caxtons are clearly nervous of what “muscle” Lascaris might already exercise behind the scenes in the marketplace, and Farquhar might yet be made to go.

All excuses and explanations by media dependants have to be suspect. Consider, for instance, the glib words of Colette Taylor, MD of ad agency McCann Erickson's media dependent, Universal Media: “We use our billings clout not to obtain pure discounts, but to gain added value in order to extend media campaigns through promotions and the like”. Like the free Fair Lady promotion of Ms Campher?

And then our Lyndall again, who, when her proposed deal with Carat first became known, told Finance Week that she believed the concentration of media ownership in SA made the owners far more deserving objects of Competition Board scrutiny than media buyers (such as herself in her new Carat tie-up). Bigger the old “sensitivity to client's individual needs”; judging from what she told Finance Week, the new Lyndall was an enthusiastic recruit to the numbers game: “[Media buyer] Agglomeration would definitely be in the interest of clients if discounts are passed on,” she now fervently believed. Ah, the great IF.

Following their investigation of Carat's “agglomeration”, the French have passed a new law placing heavy constraints on media buying - and banning media commissions for agencies altogether. Confronted with that bit of news, Lyndall changed tack again: Bulk media buying was not the main issue in her linkup with Carat, she said. Their real interest was “professional media planning”. She had apparently already forgotten what she said about “professional media planners” only a year ago.

The issue's quite simple really. Monopoly is power. Power corrupts. Secrecy provides the ideal condition for corruption to thrive and grow. Only those with dumb ambition can't see it.

Thanks, Lyndall, for the introduction. Be seeing ya. ■



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