

news you're not supposed to know

# nose WEEK

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Issue No 17

The secret reason for  
tax boss Piet  
Liebenberg's hasty  
departure

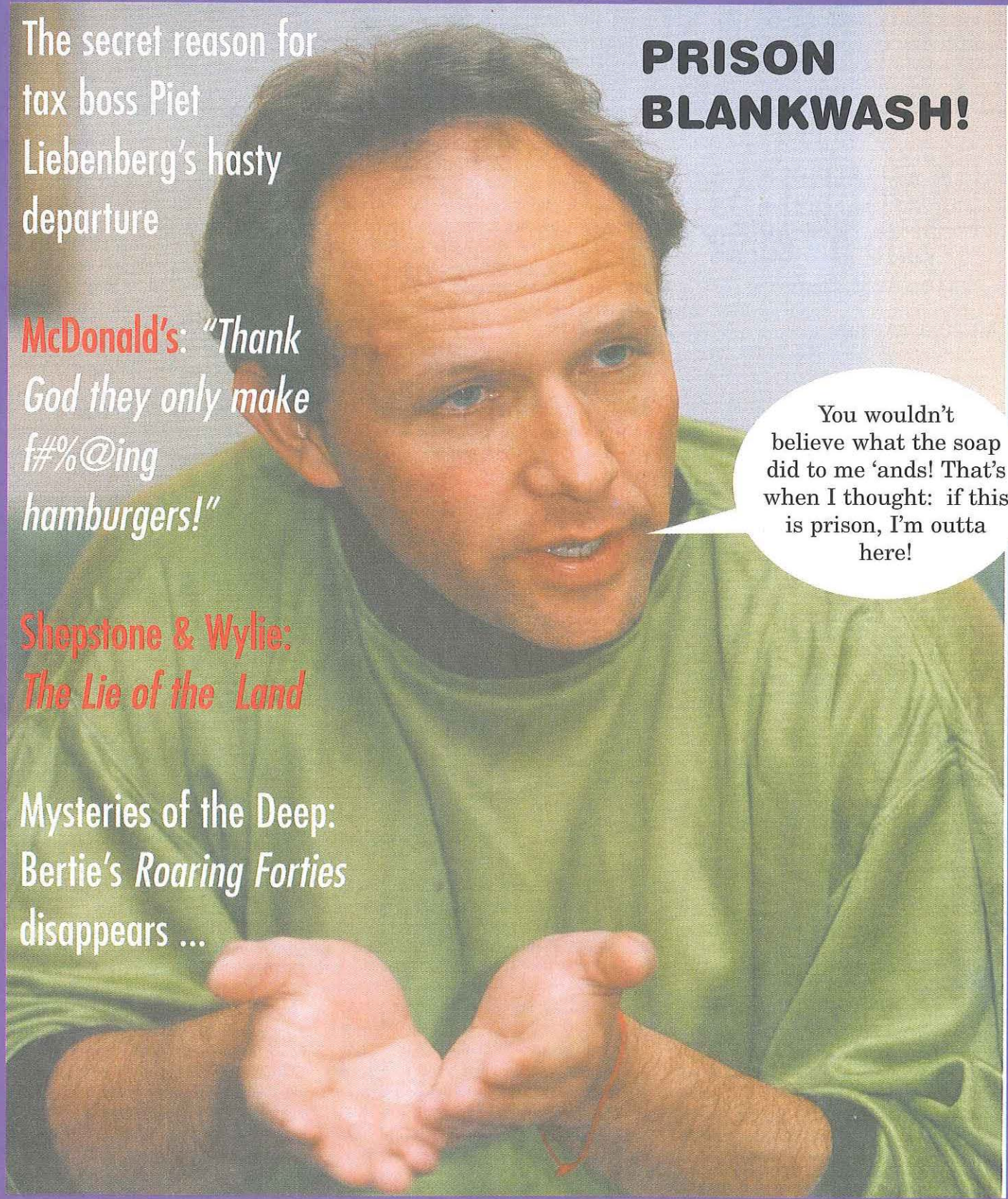
## PRISON BLANKWASH!

**McDonald's:** "Thank  
God they only make  
f#%@ing  
hamburgers!"

**Shepstone & Wylie:**  
*The Lie of the Land*

Mysteries of the Deep:  
Bertie's Roaring Forties  
disappears ...

You wouldn't  
believe what the soap  
did to me 'ands! That's  
when I thought: if this  
is prison, I'm outta  
here!





Most of our readers have come to realise that noseWEEK cover pictures rarely relate to anything that appears inside the magazine. We reckoned a good cover tells its own story and needs no elaboration. But some, newer, readers have been known to complain, so inside this issue we have stories that not only relate to this month's cover picture; but also one that relates to last month's cover picture. This new spirit of goodwill is prompted by the generosity of our readers who have already responded to our relaunch appeal. You will note from the adjoining box that you have enabled us to recruit great new talents, and that we have grown from 16 to 20 pages. Thank you for your help — and please remember that we are relying on your further support to reach our target! (See page 19.)

Reader Andrew Kenny (see letters) appears to assume, with regret moderated by understanding, that we are anti-free market. Not true. As he has noted, we are against an immoral or criminal market; we are also against the "three" market — the market dominated by three powerful bullies aided by their traditional three helpmates: their lawyer, their accountant and their friend in the government. Mostly we are against the sort of business activities which businessmen prefer to keep secret because, if known, they would offend the moral sensibilities of most ordinary citizens. — *The Editor*.

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**MUTUAL ETHICS**

*Dear Sir,*

Following your article "Old Mutual Super Salesman scores" [nose 16], readers need to be reminded that

▶ As an OM agent Gert Kueler represents Old Mutual, whereas a broker represents the insured.

▶ OM is a mutual organisation brought into being by an Act of Parliament, for the benefit of those insured by it.

Insurers happily rely on the principle that the insured is required to show utmost good faith in his dealings with the insurer. If he doesn't he forfeits his insurance. What they are inclined to forget is that the insured is also entitled to expect utmost good faith from the insurer. Keuler is not the only OM agent allowed to take cession of a client's policies, in spite of the Mutual's contention that this procedure is "unethical". I'd rather not amplify.

*Nosey*

*Meadowridge*

*See page 14. - Ed.*

**FOR WHOM THE BELL TOLLS ...**

*Dear Sir,*

Your correspondent Mr I J Muller of Cape Town is clearly confused. It is widely known that since the shock of my court victory over Stellenbosch philanthropist Dr Hobbit Rawl, it is I who have been published in noseWEEK under the *nom de guerre* "M Welz".

Should Mr Muller persist in the dangerous and (it should be said) cheeky invention that Mr Welz has been laying claim in the Dental Journal to my own patent, I shall be forced to seek remedy in the halls of justice. Worse, I may be constrained to cancel both men's subscriptions to the magazine formerly known as *Millenium*.

*Paul Bell*

Managing Director, Churchill Murray Publications, Publisher of *Millenium*.

*[Sorry Mr Muller, but Paul Bell wins our prize for cheek hands down: a subscription to noseWEEK to replace his subscription to Millenium.— Ed.]*

**NOSEWEEK'S HALL OF FAME**

*Dear Sir,*

You and I might differ on political and economic philosophy but such differences are irrelevant in the search for truth, which seems to be noseWEEK's main aim. I happen to be a free marketer, but having worked for big companies I recognise that big business managers are as obnoxious as Marxists, hate free competition as much, and even worse, speak jargon-ridden drivel. Congratulations on your court victory.

*Andrew Kenny*

*Noordhoek*

*Dear Sir,*

Congratulations on your legal victory. South Africa has long needed a fearless publication of your calibre to expose our over-confident criminals.

*Eunice Wallis*

*Claremont*

*Dear Sir,*

I'm struck dumb by your near throw-away line that in SA, a plaintiff in a libel action doesn't have to give evidence that he or she has been injured. Here in Britain the plaintiff has got to get into the box.

*The Observer* won the actions brought by Chander Singh when he failed on three occasions to appear in the high court. Right now we're all betting on whether [Harrods owner] Mohamed Fayed will prosecute his action against *Vanity Fair* because it will require him to give evidence and he may not choose to subject himself to cross-examination. This is the place to start a crusade on outmoded libel law. How can anyone sue for damages if he/she isn't prepared to testify to injury? Some people have no reputation to defend. In many US states, celebrities can sue only if gross malice on the part of the defendant can be shown.

*LS*

*Hitchin, Hertfordshire*

*Dear Sir,*

I applaud your plan to send copies to parliamentarians, but suspect they'd not be used for reading. The new lot of Orwellian pigs are already showing an alarming tendency to keep things quiet. Ergo, more power to your elbow.

*Mike Young*

*Sedgefield*

**NO, NOT ALL, MR YOUNG ...**

*Dear Sir,*

Thank you for the complimentary copy of noseWEEK, which, as always, I found most interesting — particularly the editorial [*In nose 16*]. Wishing you best of luck.

Kind Regards

*Gill Marcus, MP*

DEPUTY MINISTER OF FINANCE

*[Ms Marcus is one of many parliamentarians who have received complimentary subscriptions to noseWEEK sponsored by our readers as part of our relaunch fundraising effort. Letter writers Kenny, Wallis and Young are among the many readers who generously contributed. See page 19.]* ■





Piet Liebenberg heralded on the cover of F&T at the time of his appointment.

# YOU SAID IT!

The official reason for former ABSA director Piet Liebenberg's hasty exit last month from his job as head of the S A Revenue Service was said to be "irreconcilable differences" between himself and Finance Minister Trevor Manuel, over who should be in charge of the day-to-day running of the department.

NoseWEEK has received a fax which suggests another, more likely, reason why Bible Pete quit his cushy R900 000 a year [*Who says prayer breakfasts don't help?* — Ed.] civil service job, less than a year into his three-year contract: like the legendary Flying Dutchman, the ghost of ABSA's secret billion-rand lifeboat had risen from the depths to haunt the preaching banker from Pretoria.

After taking a handsome R2m early retirement package from ABSA, Mr Liebenberg filled in some years in the gentlemanly occupation of Banking Ombudsman. Then, last year, he emerged into the limelight once more as South Africa's chief tax collector. Quite what qualified him for this post is not clear; until then he had specialised in raking in the loot from the government, not for it. But our sources tell us that he was content in his latest job — until, in the second week of March, an unusual letter arrived on the desk of the Revenue Service's chief investigator, Hein Heydenrych, to spoil it all.

In the letter, maverick lawyer Peter Soller alerted revenue-office investigators to the existence of an enormous tax fraud. Soller had written it on behalf of his son — and client in the matter —

Lance, who naturally expects to be paid the customary ten per cent recovery fee offered by the Receiver to such rats.

The tax fraud in question was so big, Soller claimed, that, if the tax inspector did his job properly, the government stood to collect hundreds of millions of rands in tax, plus double that amount again in penalties.

The deal on which young Soller had reason to believe taxes had not been paid related to a 1992 transaction with which the Head of Revenue Services, Mr Liebenberg, was very well acquainted. It was concluded between the S A Reserve Bank and Sanlam's banking division, Bankorp, of which Liebenberg was chief executive at the time.

Some indication of the huge sums of money on which taxes had not been paid was contained in the balance sheet of Bankorp's parent company, ABSA, where some of it appears, described as "extraordinary income". Soller also sent evidence in the form of copies of pages from Reserve Bank governor Chris Stals' submission to the secret inquiry into the Tollgate drama, in which Stals officially confirmed the deal. The mechanics of the transaction on which the tax fraud was perpetrated were quite simple. The Reserve Bank, headed by Stals, was persuaded by

Liebenberg to bail out Bankorp/ABSA with a secret gift of over R200 million per year, for five years. Since it is not legal for the Reserve Bank to give such gifts, it was disguised as a "loan" to ABSA which, when it was "lent" back to the Reserve Bank, just happened to generate the required amount of interest for ABSA each year. While this was dishonest and probably a fraud on the Reserve Bank, it was also most unfortunate from a tax point of view: interest earned is taxable; so are gifts exceeding R20 000 in a year. According to one version of these secret events, ABSA's income from this source totalled R1,37 billion. According to our calculations the amount is more likely to exceed R3 billion because, in the end, ABSA got to keep not only the interest over five years, but also the loan capital, as a reward for good behaviour and, ostensibly, to compensate ABSA for taking over Bankorp's huge bad debts — which had, of course, already been written off as losses against tax. So, in effect, the public paid up twice: once via

## Banker issues stern warning

By ROY COKAYNE

PRETORIA BUSINESS EDITOR

A serious crime was committed every 17 seconds in South Africa and white-collar crime was worse than ever, Piet Liebenberg, the chief executive of the Council of Southern African Bankers told a congress of the Afrikaanse Handelsinstituut in Pretoria yesterday.

South Africa was unstable at present because of the high level of crime and violence.

Liebenberg said the upward curve in crime and violence had to be dealt with in the next three years



# PICK AND WIN!!

One of these ads actually appeared in the business press. Which one? Explain your choice, or your spiritual dilemma, in fewer than 100 words. If we publish it, you could win a six-issue subscription to noseWEEK.

Entries to reach us by 5 July 1997

## ETHICS IN BUSINESS

In recent years **PRESIDENT NELSON MANDELA** has called for concerted efforts to place the country on a **NEW MORAL FOOTING**.

Anti-corruption standards were a point of discussion at the 1995 Southern Africa Economic Summit meeting in Midrand.

One of the participants at that meeting was **MR PIET LIEBENBERG** who held various top Executive positions in banking including Chief Executive of the Council for Southern African Bankers. He now invites all business executives who are interested to hear **THE BIBLICAL BASIS FOR ETHICS IN BUSINESS** to attend discussions at four Monday

Meetings spread over the next four months as follows:

12 June: Introduction to original Ethical Values

17 July: The situation in Southern African business today

21 Aug: What should be our vision for the future?

18 Sept: Practical implementation: Transition to a healthy society

**No charge is levied**

Please invite others who may be interested to come along

TIME 12:45 p.m till latest 2:00 pm

Coffee/tea and sandwiches will be served & there will be an opportunity for questions and answers.

VENUE Gospel Outreach Premises

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**12 June:** Introduction to basic Boere banking: the maintenance of ethical values in ABSA, Prima Bank, CIB, the SA Reserve Bank, etc. A three-minute lecture followed by visits to the Ciskei, Pretoria Central and Zurich.

**17 July:** My story — a heart-warming tale of how God enabled Sanlam to pay me R1m to leave ABSA and repent at leisure.

**21 August:** The Relationship Bankers from Hell. A short history of ABSA, round-tripping and how to get R2 billion out of the Reserve Bank at one per cent, without telling the ANC. Alternative session: The Red Sea Random Walk Theory as applied to the JSE.

**18 Sept:** Practical implementation. The gift of a forex prayer-pack; where to sit in the New NGK; transition problems from Boer to Broeder to Bankrupt — The Key; The New Moral Footing — Rise up with your takings and walk!

The meeting will end with the congregation singing: *He ain't heavy he's my broeder* and *Pennies from Heaven* (pp 40 and 61 in the Bankers' Hymnal).

**No charge is levied**, you've been paying for it for the last fifty years.

There will be an opportunity for questions but no confessions will be permitted.

Please invite others who may be interested to come along — remember there's one born every minute.

**TIME:** 12:45 pm till stocks run out. Castle and Brandy & Coke will be served and a giraffe will be braaied after the service.

**VENUE:** Upstairs at the Gospel Outreach Plaza, Gauteng.



## You said it!

From page 3

the Receiver, and again, via the Reserve Bank, making lousy business management a most profitable business for ABSA's controlling shareholder, Sanlam. (For a fuller account of the lifeboat scam, see nose 14.)

Now, in theory at least, thieves and fraudsters must, by law, declare their ill-gotten gains to the Receiver for tax purposes. If ABSA was profiting from fraud, then the Receiver was entitled to his usual 45% cut, at normal company tax rates.

It is at least a fair assumption on Soller's part that, amidst all the financial *verneukery* — he accuses the parties to the ABSA "lifeboat" of breaking almost every accepted norm and standard of banking practice — the good old boys at ABSA forgot to tell the taxman about their unusual and secret source of income. So it is reasonable to assume that once the issue was formally tabled, Liebenberg suddenly found playing taxman taxman not nearly as much fun as before. Not even for R900 000 p. a. plus Merc, golf club fees and housing allowance. He was both one of the architects and one of the beneficiaries of the lifeboat scheme — a scheme which, it is now suggested, may not only have been a fraud on the currency, but also a massive case of tax evasion.

In return for alerting the Revenue Office to the tax evasion, Soller told the Receiver, his client Lance is entitled to a reward, calculated as a percentage of the outstanding tax bill, which, he suggests, amounts to R1 367 200 000 — excluding interest and penalties.

The tax office clearly found Soller's — understandably acute — interest in the progress of their investigation — if they intended doing one at all — most uncomfortable. Why it should be so is a puzzle which requires an explanation. That it is so, is certain, because only days after sending his fax, Soller got an extraordinary reply, signed by the deputy commissioner in charge of special investigations, Mike Milner.

Milner thanked him for taking the trouble to report the matter to the Revenue Service, and commended him for his interest and "patriotic spirit" displayed in combating tax evasion. But then Milner digressed from the topic at hand to deliver what can only be understood as a peculiar, veiled threat to the effect that should Lance

Soller pursue the matter, his own tax affairs might be subjected to closer official scrutiny.

Further, he was told that informer's commission would only be paid for information that the tax office was "not aware of and is not likely to become aware of in the ordinary course of its activities", a point Soller took to imply that the Receiver may have known all along about the tax implications of the ABSA lifeboat, but had nevertheless failed to act.

Milner ended his carefully worded letter with a refusal to divulge any details of "any" investigation which may — or may not — have taken place, on the grounds that all tax affairs and tax investigations are actually one enormous secret. But, he solemnly concluded, the investigative division was "looking into" the matter, and it was "under consideration" — this, presumably, to assure Soller that his letter was not immediately destined for the office shredder.

Soller, concerned at what appeared to be — at the very least — a brush-off, addressed his next fax to the Chief Executive, Piet Liebenberg, to get assurances that the investigative team would probe the whole question of non-payment of taxes surrounding the lifeboat issue.

Being a street-smart lawyer, Peter Soller also wanted to know whether the contents of Milner's letter were meant as a threat and, further, whether the department's attempt to hide behind secrecy clauses in the Income Tax Act was not an attempt to bury the matter.

Besides, he wrote, all this secrecy goes against the new spirit of openness and constitutional rights.

Because the public's interest was at stake insofar as tax has to be seen to be levied on all taxpayers, equally, and without discrimination, he argued, the department was not justified in withholding information or keeping the issue under wraps by retreating behind the secrecy clauses contained in Section 4 of the Income Tax Act. Most particularly, it was in Lance Soller's interest, as he stood to receive a substantial sum on recovery of the tax.

Such was his client's interest — calculated at roughly R6 million — and that of the public in the Receiver's investigation being completed expeditiously, that Soller was prepared to take the matter to the constitutional court as a matter of extreme urgency.

Investigative chief Heydenrych hastily reassured Soller that the tone of

GUS



I do Pieter Dirk Uys impressions.

his deputy's letter "could never have been intended to intimidate". He proceeded to advise Soller that, with regard to his constitutional court action, "under the circumstances your client must take whatever steps and decisions he feels appropriate". [Eighties Pretoria "civil" service jargon for "go get fucked". — Ed.]

It was at this stage that Soller — wisely — decided to cut the crap and phoned Liebenberg to arrange a meeting at which they could discuss the matter man to man. They agreed to meet at Liebenberg's office at 4pm on Wednesday 15 May.

Soller was pleased and just a little curious when Liebenberg, at the end of their telephone conversation, courteously told him: "All your suspicions, Mr Soller, will be allayed at the meeting."

Which was to prove quite poignant, really, since on May 15 — before 4pm — Liebenberg resigned and left without keeping his appointment with Soller.

All things being equal, it is probably better that the Minister, rather than Liebenberg, is left in charge of the Revenue Service. But then it remains to be seen whether Manuel is any less beholden to the men at Sanlam than is Liebenberg. Especially since Sanlam has become the major financial backer of men like Cyril Ramaphosa and that smooth-talking millionaire from Soweto, Dr Nthatho Motlana.

● Next month: will Mr Milner get transferred to the new Revenue Office in the Zozo hut at Koeksuster-laagte? Has Mr Heydenrych handsomely earned a promotion? Has Trevor Manuel been invited to Cyril's house for an intimate dinner with just Cyril and Nthatho and their new best pal, Marinus? Will Manuel retire to become chairman of Metropolitan Life? Watch this space. — Gary Collins ■





# BIG MAC ATTACK!

**McDonald's  
spends  
millions  
to silence  
its critics**

Mr Justice Bell has delivered his verdict in the Victorian magnificence of London's Royal Courts of Justice, at the end of England's longest ever court case. He awarded £60 000 in damages to McDonald's, after the multi-billion dollar hamburger behemoth spent more than £10 million (R75 million) on the bitter libel action it brought against two unemployed and penniless young health activists who had dared to criticise them.

The judge found that the pair's allegations that Big Mac had been directly responsible for the devastation of rain forest for the production of beef, and that their burgers were harmful to health, were not justified.

But, confronted nightly with those cute ads for the latest US brand name, South African TV viewers should note that the judge found that McDonald's ads do exploit children, that they did underpay their UK staff, and that the activists' horror stories about cruelty to cattle, chickens and pigs reared for use in McD's products were true.

The McLibel Two plan to appeal.

Whatever the outcome of the case, it has already become a notable public relations disaster for McDonald's and a stunning example of Dr Johnson's adage that "few attacks either of ridicule or invective make much noise, but by the help of those that they provoke".

The cause of McDonald's huge anxiety is a pamphlet entitled "What's Wrong With McDonald's? Everything They Don't Want You To Know." Written and distributed in 1990 by a group of five activists, it criticised most aspects of McDonald's policy and practice. The company was accused of: responsibility for widespread environmental damage; unfair labour practices and exploitation of staff; sale and promotion of unhealthy food with low fibre and high fat, saturated fat, sodium and refined sugar content (with links to heart disease and cancer); barbaric treatment of animals; and harming children through carefully targeted, manipulative advertising.

McDonald's reacted quickly and forcefully. Head of Security for McDonald's UK, Sidney Nicholson, immediately put his experience as a former member of the South African Police to good use: he hired two private detective agencies to penetrate the activist's association, known as "London Greenpeace" (unrelated to the international Greenpeace). As a result, McDonald's spies were spying and reporting on other McDonald's spies, and raising the suspicion of activist members. To overcome this suspicion, one of the spies, Michelle Hooker, embarked on an affair with a long-standing and active member of the group, Charlie Brooke. The spies illegally intercepted mail and broke into the Greenpeace offices to read files. (Security boss Nicholson has since been promoted to UK Vice President of McDonald's.)

McDonald's demanded that the activists apologise and retract their allegations, or face prosecution for libel. Three of the five decided that they risked too much in accepting the challenge, and backed out straight away. The remaining two, Dave Morris and Helen Steel, decided to try to substantiate their accusations in court and, in so doing, pitted themselves against a multi-billion multi-national corporation which commanded the sharpest lawyers money could buy.

There were more surprises in store as the two — unrepresented by lawyers — put up a spirited defence. At times, the battery of lawyers for the prosecution were visibly surprised by the vol-



ume and efficacy of evidence the two and their shoe-string operation managed to produce.

Like most of McDonald's heavy-handed tactics, the spy episode seems to have backfired. One of the agents spent his time as a spy answering letters and sending out anti-McDonald's leaflets. So much so that it would later be claimed that, because its spies had so actively helped in distributing the Factsheet, McDonald's had effectively consented to its distribution! The agent would also testify that he found the group "sincere, open and friendly".

Another spy testified that she had found the whole affair very distasteful. "I did not think there was anything

wrong with what the group was doing ... I believe people are entitled to their views," she told the court.

The trial exposed a very different side of McDonald's to that portrayed in its \$2 billion annual ad campaigns.

The defence managed to produce 180 witnesses from around the world to give evidence of the effect of the corporation's activities on human health, the environment, on millions of farm animals, on the Third World and on McDonald's own staff. At times, even the McDonald's top executives seemed to be testifying for the defence as unprecedented access was gained into the operations of a multi-national corporation. The columnist Auberon

Waugh described it as "the best free entertainment in London".

Staff testified that McDonald's waters down its milkshakes and condiments, and cuts the corners off its cheese slices. When McDonald's claimed proudly that its food could be eaten as "part of a balanced diet", Tim Lobstein, a nutritional expert, responded that this was totally meaningless since "you could eat a roll of sellotape as part of a balanced diet".

An example of the force of the testimony against McDonald's was that of Stephen Gardner, ex Assistant Attorney-General of Texas, who in co-

To page 8

## Did McLibel Two hurt the giant?

Essentially, Mr Justice Bell had to decide whether the McLibel Two had injured international hamburger giant McDonald's reputation by handing out a critical six-page Factsheet or whether, in fact, McDonald's — in the process of attempting to disprove their allegations — harmed the defendants by accusing them of lying.

It's heady and very scary stuff: the libel action dragged on for three years (with 313 days in court) and cost untold millions of pounds. McDonald's funded the best legal team money could buy, headed by Richard Rampton QC, England's top libel barrister. The activists, Dave Morris and Helen Steel, battled the \$30-billion-turnover US corporation without any legal representation, turning it into a cause.

Cause it is. Forget about Morris and Steel's (and London Greenpeace's) accusations that Big Macs and Chicken McNuggets aren't good for you, about the slaughtered animals that went into them or the world's threatened ecology. What the libel action really was about was power: the power of a giant corporation to squash criticism through the courts, through what in the British press are known as "gagging writs". Faced with a libel writ from a plaintiff with bottomless pockets, most publications and individuals in the UK curl up and grovel apologies rather than have their lives ruined by the legal action.

So the McLibel Two noted what many UK journalists have learned to their sorrow: "Most libel cases don't even make it to court because defendants face years of long, drawn-out, unfair, complex and archaic proceedings and there's no legal aid available [for libel litigants], so generally a humiliating apology or settlement is made to avoid the massive costs of a case. These settlements inevitably include an undertaking not to repeat the criticism, and on top of that the fake 'apologies' are paraded around as if they vindicate the reputation of the plaintiffs. The result is mass censorship, and no-one really knows what's going on behind the news."

Later Steel would tell the court: "McDonald's hope that because of our lack of resources and legal experience they will gain an easy victory and a detailed judgment in their favour which they can then use to say to all their critics that

they have proven, to the satisfaction of the court, they are squeaky clean."

McDonald's indeed knew how to work the system. In the past they have successfully used the threat of legal action to extract apologies from various critics, including such luminaries as Channel 4 Television, The BBC, The Guardian Newspaper, and The Independent Newspaper — prompting MPs to propose a motion in the UK parliament that "this House opposes the routine use of libel writs [summonses] as a form of censorship".

To the chagrin of the McLibel Two, when they refused to be intimidated and went to court, the company managed to have the case heard before a judge without a jury — on the grounds that the issues were too complicated for a jury to understand and the trial would be shorter (and cheaper) without one. As Steel and Morris observed: "This argument is outrageous." On the other hand, it is open to question whether a jury would have survived the three-year trial.

What made Morris and Steel's action particularly significant was that it has brought England's draconian libel laws and the spectre of censorship via the legal system to the world's attention. As was admitted in the House of Lords, the threat of a libel writ has a "chilling effect on freedom of speech". McDonald's could not bring such an action in the US, its home. For starters it would be an infringement of the right to free speech enshrined in the US Constitution. Moreover, in order to libel a corporation or public figure there, the defendant has to know that what he wrote is untrue. In England, such malice, or the lack of it, isn't part of the legal game.

For Morris and Steel, virtual strangers to the legal system, it was an uphill battle. It is questionable whether McDonald's would have lost the sale of a single burger due to the activists handing out their original defamatory Factsheet. But in England such criticism, considered a right in the US, is stomped on. As Steel and Morris put it in an early interview published on the Internet: "We feel people should have the right to put alternative views across and criticise multinationals, especially those who spend a fortune pushing their own propaganda ..." — *Lorana Sullivan, London.*

"People should have the right to criticise multinationals"



# Big Mac attack

From page 7

operation with counterparts in California and New York, had several run-ins with McDonald's during the 1980's. Gardner testified that he tackled McDonald's on the issue of false advertising after an ad campaign in which McDonald's described their products simply as nutritious. Gardner said that analysis clearly showed that virtually all McDonald's foods contained high fat, high saturated fat, high sodium content and various chemical additives. In Gardner's view, McDonald's relied on the nuanced difference between *false* statements and *deceptive or misleading* statements. A milkshake McDonald's described as containing "wholesome milk, natural sweeteners, a fluid ounce of flavouring and stabilisers for consistency, and that's all" in fact contained artificial flavouring and the chemical preservatives sodium benzoate and sodium hexametaphosphate.

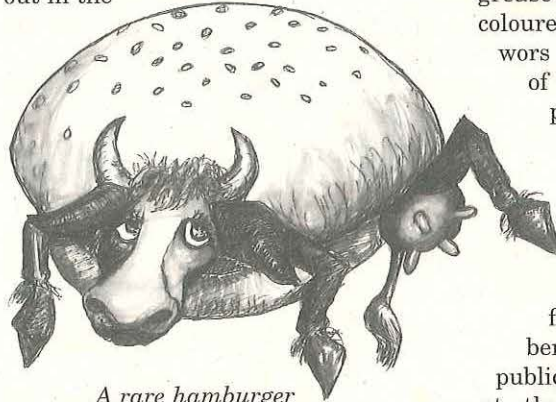
A poster describing their fast fries as low in cholesterol, pictured the fries with a burger, thus implying, falsely, that McDonald's burgers are also low in cholesterol.

Some of the testimony seemed bizarre. Discussion about marketing strategies included excerpts from *Beyond the Arches* — a company-authorized book published in 1987 — in which the president of McDonald's Japan stated that "the reason Japanese people are so short and have yellow skins is because they have eaten nothing but rice for two thousand years. If we eat McDonald's hamburgers and potatoes for a thousand years we will become taller, our skin will become white and our hair blonde." (McDonald's shareholders and some clients in the US mid-west presumably regard this as a thoroughly desirable aim, too.)

As the trial progressed, McDonald's, by now known as McGrease, found itself contending with a virtual resistance movement. An Internet site called McSpotlight was started to provide information on the trial, testimony and other damning information on McDonald's. Described by the Columbia University Review of Journalism as "an image-conscious corporation's worst nightmare", the site received widespread international publicity and attracted one million hits in its first month alone. McSpotlight has shown the Internet to be a very useful tool in the dissemination of information which

would otherwise struggle to find a wide audience.

The growing level of public sympathy generated funds for the McLibel defence as donations from private individuals began to pour in. A McLibel support group was organised and demonstrators began to appear outside the court with placards saying things like "McDonald's exploits workers" and "McDonald's: A recipe for ill-health". A sticker-campaign has been launched with stickers in the red and yellow of McDonald's with the famous arches turned sideways to serve as the e's in GREASE, emphasising one of the most obviously undesirable features of McDonald's burgers — they are fried in, and hold, all their fat [unlike most of South Africa's home-grown brands, that are generally grilled, losing their fat]. Two million more "What's wrong with McDonald's" pamphlets were handed out in the



A rare hamburger

UK alone since the start of the trial and protests spread to 24 other countries. In England, Channel 4 Television recently devoted two nights of prime time viewing to a reconstruction of the trial sympathetic to the McLibel Two, while UK publishers Macmillans were able to publish a book on the trial which declared on its cover: "Thank God they only make f\*\*\*ing hamburgers"†.

The defence's conduct of the trial in the first year turned the tables on McDonald's to such an extent that in June 1995, McDonald's executives made repeated and frantic attempts to settle the dispute, flying board members to London to negotiate. Morris and Steel implacably set three conditions for the settlement that McDonald's so desperately wanted; an undertaking from the corporation not to sue people for making similar types of information available in future, an apology to those sued for making such statements in the past, and a substantial payment to a mutually acceptable third

party. So far, the corporation has not been prepared to go this far.

Part of the support for the McLibel Two is due to the perception that the libel action is essentially about power.

There is no doubt that McDonald's has significant financial muscle. Annual turnover from the approximately 20 000 outlets in 94 countries is about \$30 billion, while it is estimated that a new McDonald's opens somewhere every 17 hours. (Eight new outlets a day are planned over the next two years.) Even South Africans have recently acquired access to the standardised, re-heated, blast-frozen, McDonald's hamburger-meat, and chemically-enhanced milkshakes. Local franchises are spreading rapidly and local outlets are said to be performing very nicely. [*So presumably, is the dollar drain on South Africa's reserves, to pay the 18% of turnover franchise fees. — Ed.*] The prospect of grease-fried hamburgers and pink-coloured milkshakes replacing boerewors and Lion lager, and the burning of South America's rain forest to produce cheap meat for McDonald's troubles some more than others.

What is universally troubling is the ability of a giant corporation to use this power to create a certain image which may be far from reality, so undoing the beneficial social effects of informed public opinion. The financial resources at the disposal of companies like McDonald's make the creation of an emotionally trustworthy image through the use of clever advertising easy. The same financial resources enable companies like McDonald's to squash criticism through the courts by the use of the so-called "gagging writ". In most cases, the potential costs of defending oneself far outweigh the possible benefits. Indeed, McDonald's has used this particular tactic against a long list of critics. As Morris and Steel put it (in an early interview published on the Internet): "We felt it important that they didn't get away with this unchallenged ... It is of vital public importance that matters which affect people's lives and health are areas of free, uninhibited public debate." [See box on previous page.]

One of the aims of the McLibel Two was to raise support for the abolition of the right of multi-national corporations to sue for libel. They succeeded, regardless of the outcome of the trial. McDonald's may even wish they'd never had the right to start with.

— Marten du Plessis.

†McLibel by John Vidal (Macmillan, 1997) ■



Standard Bank, with its pleasingly conservative blue and white logo and air of stolid respectability, has enjoyed the distinction of never having featured in noseWEEK. But now, while on the subject of financial advisors — incompetents at ABSA, shadies at Old Mutual, dubious dealers at FNB and Syfrets — what's the standard at Standard?

# The hand is quicker than the eye

Jean Scohier, founding head of the SABC's foreign service, was by all accounts a generous and honourable man. A Belgian journalist who, as a paratrooper in the war, was dropped behind enemy lines (and spent four years in a German concentration camp, losing a leg as a result), and who joined Radio South Africa when it took to the short-waves in 1966.

In 1991, finding himself with a bit of cash at the end of a distinguished career, he sought advice on where to invest it. Who better to assist him in this worthy endeavour, you ask, than Standard Bank Financial Services?

Unfortunately for Standard, and doubly so for Scohier, they referred him to their man, Kevin John Hanafey — a plausible rogue. To enable Hanafey to handle the tiresome details of the investments, Scohier provided him with the details and numbers of his bank accounts.

The first investment was a R400 000 policy with Southern Life. The second was a mere R35 000, to be invested with Liberty Life. Perhaps it was the relative meagreness of this amount, or perhaps it was Hanafey's soothing line in financial patter that caused Scohier to slip up at this point.

Whatever the case, when Hanafey whisked the bundle of Liberty documents before his client for signature, put among them was an application for a loan from Southern Life, which an unsuspecting Scohier also signed.

At this point, we need to backtrack. During the course of their association, the artful Hanafey had persuaded Scohier to give him a loan of R15 000, for purposes which remain unclear, although repairs to the roof of Hanafey's Plumstead home have been hinted at.

We at noseWEEK might be suspicious of an investment adviser who was sufficiently out of pocket himself to cadge money off a client. Scohier, despite his wartime experiences, obviously held a sunnier view of human nature.

But back to that masterful bit of quite literal sleight of hand, the loan application from Southern Life. Holding, as it were, a blank cheque, Hanafey immediately went to work. He applied, in Scohier's name, for a loan from Southern Life to the tune of R96 572 and sixty cents, the maximum loan allowed against the R400 000 policy that Scohier had just taken out. Apparently no-one at Southern thought it odd that a client would buy a policy one week, only to borrow the maximum against it the next; they duly granted the application, and express delivered the cheque to Standard's Mr Hanafey.

Hanafey's scheme was not as simple as you might now suspect. He in fact proceeded to deposit the cheque into Scohier's account with FNB.

"What's all this?" says Scohier in due course. "I appear to have R100 000 extra in my bank account."

"Let's have a look," says his whizz-kid adviser at Standard, with perhaps the hint of a puzzled frown.

"Hold on a minute! Remember that fifteen grand I owed you? Well, I've paid it back. The way I did it was like this: my father-in-law also had a policy at Southern, and he took a loan from them, against his policy, on my behalf. They were meant to pay you the fifteen thousand and give the rest to me. But the silly buggers have gone and given you the whole lot."

"What is to be done?" asks Scohier.

"Simple," says Hanafey. "R96 572,90 minus fifteen large is, what, R81 572,90? Just make us a cheque for that."

"Done," says Scohier. Unintentionally, of course, he was giving Hanafey a gift of R81 572,90.

It was, apparently, only when Scohier needed to take a loan against his Southern Life policy, to pay medical expenses for his ailing daughter, that the whistle blew. The mighty wheels of the law ground into motion. Sgt Hendricks of the SAPS in Muizenberg took a statement from Scohier, but all that exercise must have exhausted the detective's energy. He did no more.

Scohier might be forgiven for believing that institutions like Standard Bank exist to protect the honest investor from fairground scallywags like Hanafey. Standard, initially at least, did not share this naive view and refused to accept responsibility for their employee's disgraceful (though ingenious) conduct, arguing that, to start with, Scohier shouldn't have lent Hanafey money.

Scohier was obliged to hire attorneys Murphy & Son of Claremont to sue. At one of those subtle pre-trial skirmishes, Standard's attorneys, Fairbridges, expressed the "reservation" that the "old boy" might not stand up to rigorous cross-examination (presumably suggesting that this is what they had in mind for him). Scohier's attorney was unmoved: "He was interrogated by the Gestapo in the last war and it appears that he coped."

That bit of information, plus some well-founded rumours about their employee's past, prompted Standard to do the honourable thing: while court records are unclear (banks do so love to hide their little mishaps), noseWEEK believes they settled their client's claim with a fair out-of-court payment. So that, when Jean Scohier died in early 1995, his faith in human nature, while no doubt shaken, was, one hopes, not shattered. ■



# Shepstone and Wylie II: The Lie of the Land

**"The affairs of Shepway were in fact considered to be a partnership affair of Shepstone and Wylie," Peter Blanckenberg, a director of both timber farm management company, Shepway, and of Shepstone & Wylie, Durban's largest firm of attorneys, reminded his attorney partners in an office memo that he — and they — have surely come to regret.**

**B**ecause, by the very latest in February 1994, the directors of Shepway (and of Shepstone & Wylie) knew that they were in a spot of bother. Scores of prominent Durbanites had paid handsome fees for the management of their "tax efficient" timber ventures to Shepway, which, in turn, had paid similarly handsome fees to S&W for running its business. Now the men they had appointed to actually farm the plantations, timber farmers Norman Roseveare and Derek Howe, had turned out to be a right pair of charlies, who hadn't planted enough trees on the land, but had proceeded to invoice Shepway - and be paid - for extra trees, anyway.

Curiously, Roseveare and Howe were, previously, widely held to be honest and competent. Perhaps, as is so often the case where big budgets and very little supervision meet, they got carried away. Possibly, presented with a bumbling fool of an estate manager, namely Shepway, they easily sank into the bleak and marshy ground between poacher and gamekeeper.

What needs to be remembered is that the entire scheme was built to a design of dishonesty. As a tax dodge for Durban's wealthy it was already a shaky proposition, ethically speaking. It

was, in effect, a scheme of fraud designed by professionals for professionals - a designer tax evasion scheme. Against this backdrop, the finagling of Roseveare and Howe appears, if not reasonable, then entirely understandable.

Roseveare, readers will recall, was employed by Shepway as General Manager - it was his job to oversee the planting of the trees, manage the farms and generally get his hands dirty on the directors' behalf, honest son of the soil that he was. In his conditions of employment, it was stated unambiguously that all of his waking life was to be devoted to Shepway matters.

He, in turn, recommended (in glowing, fulsome terms, apparently) that Shepway employ Mr Howe, of Derek Howe Logging cc, to do the actual planting. The payments that Howe received for timber planted were to be strictly administered. Vouchers, claiming payment for work completed, had to be signed by Howe personally, and then be approved by both Roseveare and a Shepway director: the printed form provided for these three signatures. Unfortunately, the third — the director's — signature was very often omitted. [No businessman seriously expects a director to check and countersign before paying, senior S&W partner Shane Dwyer would later huffily tell a commission of enquiry.] So, not surprisingly, at some point Roseveare and Howe realised that they were onto a good thing.

Instead of planting all the trees they said they would on the farms of the rich city folk, and then invoicing Shepway for them, they glossed carelessly over stage one, and proceeded directly to the invoicing stage of the operation. On every one of the farms there was a massive discrepancy between trees planted and trees paid for. In defence of Roseveare and Howe, survey maps of the farms were needed in order to calculate accurately the number of trees that could be planted. Only later would S&W and Deloitte's clients learn that all those scientific projections which had so impressed them were not based on any actual maps! Confronted with their sins, Roseveare and Howe hauled out the minutes of various meetings to

show how various Shepway (read S&W) directors had repeatedly ignored their requests for maps. But that is a very thin strand on which to hang a defence of the sort of fraud that they were committing.

In addition, and somewhat bizarrely, Roseveare turned out to be in the employ of Howe, and was collecting commissions on certain land deals that Howe was brokering. The records are unclear on what these deals were. What is clear is that Howe paid Roseveare a minimum of R40 000, in direct contravention of Roseveare's deal with Shepway.

In mid 1992, some of the syndicates began to worry that they were able to see the woods for the trees and vice versa, mainly because the trees were suspiciously thin on the ground, and they raised this concern with Shepway. A firm of quantity surveyors, Visick Moodie, was contracted to measure the timber planted, and they confirmed everyone's worst fears. It would transpire that taking these shortfalls into account, Shepway had overcharged the syndicates (for planting and management services) by approximately R2.4m.

Silly us, say Roseveare and Howe, we seem to have missed a bit. Still, it could have happened to anyone, especially in the absence of the necessary maps, hem, hem. Tell you what we'll do: we'll plant the trees we said we would, *as and when* we can afford to do it, won't charge you twice, everyone's laughing.

Deal, said the attorney directors of Shepway, desperate for any means to escape the consequences of their own neglect. But you really mustn't do it again, chaps, it simply won't do.

Rest easy, squire, say Roseveare and Howe. You can depend on us.

Most of the syndicates accepted the offer, but on a couple of the farms, not only was there a shortfall of timber planted, there simply wasn't enough suitable land on which to plant it. One such farm belonged to the Springfield syndicate, and was situated on a beautiful sweep of national road near the Pevensy turn-off between Bulwer and Underberg. What no-one had noticed was that part of this magnificent bit of civil engineering, some 250 tarred



hectares of it, in fact, was included in Shepway's deal as plantable timber land. A member of the syndicate points out, quite correctly, that S&W, employed by the syndicates through Shepway to do the transfers of all the properties might, reasonably, have been expected to have checked the title deeds and to have noticed the servitudes and national roads cutting across the land. Farms such as Springfield (on which, as it turns out, only about half the land was plantable, taking into account rocky outcrops and national roads) were never going to make the sort of tax-free profit that Deloittes had said was such a sure thing. In fact, they were unlikely to make enough just to repay those generous loans from the NBS with which the farms had been bought.

A syndicate owning one such farm informed Shepway that it wanted out, and its money back. The Shepway directors, unable to give preference to one syndicate over the rest, opted for the last, desperate chance to escape: liquidation. But not, of course, before Shepway had rid itself of the sort of inconvenient assets that creditors are wont to claim as their own in such cases. In circumstances which are worthy of our further attention, Shepway managed to rid itself of its profitable shares in Davenport Centre (which too, according to one Durban attorney, was

run as a tax avoidance scheme for wealthy clients of S&W and Deloittes). Central to this decidedly dodgy transaction were Blanckenberg and his friend from Deloittes, Barry Gieskin, the Beavis and Butthead of Durban property deals. They have since left their respective firms, and are now trading as The Foundation Group, Property Developers. The profitable friendship of Gieskin and Blanckenberg goes back to the days when they met at a postgraduate - wait for it - tax course at the University of Natal, Durban.

In another deal which proved convenient for all parties (except the company's creditors), Shepway managed to acquire the financial burden of Leigh Downing Place, a tottering bit of downtown real estate conveniently adjacent to the premises of a prominent Durban firm of attorneys who Natal Newspapers would rather not name under such unfortunate circumstances. [Isn't Leigh Downing Place just behind Shepstone & Wiley? — Ed.]

Anyway, readers will recall that S&W had wanted the High Court to order Shepway's liquidator, Andries Geyser, to provide security for any costs (estimated at close on R1 million) he incurred in actions he instituted against them. Refusing the S&W directors' application, Mr Justice Hugo declared: "I do not believe that it is in

To understand S&W's anxiety to keep the lid on their little problem, one need only look at the names of some of the prominent citizens who were persuaded to sign up for their timber scheme. They include: Dr Norman Miller, pathologist; Rod Mackenzie, optician; Rod Matterson, physician; Rob Brislin, attorney; Paul Price, attorney; Les Kvalsvig, attorney; Mike Adams, attorney; Ken Goodenough, electrical engineer; Peter Nether, businessman; Dr Hugh Styles, neurologist; Dr Reg Roos, gynaecologist; John Cradock, stockbroker; Richard Evans, attorney; Tony Roucco, quantity surveyor; Dr Clive Bagley, gynaecologist; Lance Coubrough, attorney; Greg Larson, attorney; Peter Miles, attorney; Richard Lovell-Greene; Robin Thorpe, insurance broker; Bruce Davis, Rob Wynne and Anthony Gerling, owners of Fastphoto; Andrew Martin, businessman; Dr Fanus Bouwer, pathologist.

The following Deloittes men also joined timber syndicates: KE Schmidt; RD Nathan; V Naidoo; CM Linnett; JR Lea; MJ van Kralingen; Guy Harris; RL Hamilton; Barry Giesken; DB Gibbon; VMR Fernandes; JD Chambers; RF de Busser; PM Botha; S A Balladon.

the public interest that liquidators of companies such as [Shepway] should be prevented from litigating against the very people that are alleged to have caused the demise of the company." Nevertheless, as threatened in advance, S&W have now applied for leave to appeal against this judgment.

In another court action which is delaying the liquidation, S&W have applied to be excepted from the claims of the Shepway creditors. Judgment in

COSMETIC PERJURY

WHAT MICHELLE PFEIFFER NEEDS



... is absolutely nothing — except \$1 525 worth of touch-ups, as this memo leaked to Santa Cruz's Media Watch demonstrates.

DIANE SCOTT ASSOCIATES INC.

339 East 58th Street  
New York, New York 10022  
(212) 355-4616

Esquire Magazine  
1790 Broadway  
New York, New York 10019

DATE 11 October 1990  
CLIENT Esquire/ T Koppel  
PRODUCT December cover/Michelle Pfeiffer

DESCRIPTION Retouching 1 dye transfer two piece strip of Michelle Pfeiffer in red dress. Clean up complexion, soften eye lines, soften smile line, add color to lips, trim chin, remove neck lines, soften line under ear lobe, add highlights to earrings, add blush to cheek, clean up neck line, remove stray hair, remove hair strands on dress, adjust color and add hair on top of head, add dress on side to create better line, add dress on shoulder, clean up and smooth dress folds under arm and create one seam on image on right side. Clean up complexion, clean up neck, add blush to cheek, add highlights to earrings, add hair on top of head, add forehead to create better line, remove stray hair on neck, remove red dress at corner of neck, add dress on shoulder to sharpen and create better line, remove stray hair on neck and soften neck muscle a bit, and soften neck line on image on left side.

Total \$1 525.00



# The Aspinall family game

**Bassa — 24-year-old scion of honorary Zulu chief John Aspinall and developer of the controversial Villa Romelia in Llandudno (84% of the residents of the exclusive enclave above the nudist beach at Sandy Bay oppose the development) — is being sued by a long list of creditors for non-payment of debts incurred during the renovation of the guest house.**

**Y**oung Aspinall opposed all these claims, alleging either non-performance, or that the creditors had sued the wrong one of his business entities. "I've been ripped off. You should see this place, it's blatant theft!" he told noseWEEK. If he is to be believed, Villa Romelia qualifies as a renovating disaster of record proportions.

Those who have issued summons against Aspinall Junior include interior designer and project manager David Newell, Lyndon Collins Garden Service, Newlands Electrical, Neil Johnson Carpets, C S Luyk Saltwater Chlorinators, Block & Chisel, Cape Air-

conditioning, painter David Matthews, builder Rodney Luyt and Mag's Rags, supplier of staff uniforms.

They appear to have taken assurance from his family's reputed wealth or simply to have been unduly impressed by Aspinall Jnr's penchant for flashy accoutrements, which include the usual Rolex, new Alpha Spider and body-guard.

Now some of his creditors suspect that, in fact, fiscal discipline might not be among the young entrepreneur's more obvious talents. Had they bothered to check, they would have heard a tale of woe from his last landlord, who, after a battle to retrieve his Camps Bay apartment, also retrieved a post box stuffed with unpaid bills.

noseWEEK's discrete enquiries around town prompted an unexpected phone call from Aspinall Jnr to tell us that he was prepared to "fully address all questions" — except the one about whether or not his father was, in fact, one of the owners of Villa Romelia. In fact, what he really wanted to tell us was that he felt the story hardly worth noseWEEK's attention as the amounts involved were "so insignificant". (At least one of the creditors maintains that the loss would be sufficient to close his business.) Then the BIG revelation: Aspinall Jnr told us he came from a family with "a lot of influence". He suggested *that* was something that noseWEEK "had better look into".

Naturally we did as he suggested.

Dad John Aspinall first gained a certain renown in the 1950's in London when he and his mother, Lady Osborne — known in gambling circles as "the Mafia with the handbag" — arranged gambling parties for wealthy friends and associates.

When in the early 1960s gambling was legalised in Britain, Aspinall was well-placed to open an exclusive gambling club in an elegant house on Berkeley Square. At the Clermont Club, he said, gentlemen could ruin themselves as elegantly and suicidally as their ancestors did 300 years ago.

What really turned the spotlight onto Aspinall and the Clermont was the Lucan affair in 1974. Lord Lucan, a rather dim Old Etonian whose only apparent interest in life was gambling, killed his children's nanny on the pantry stairs, apparently having mistaken her, in the dark, for his wife. He then wisely disappeared before the police arrived — never to be seen again. It was widely rumoured that his disappearance had been achieved with the assistance of wealthy and well-connect-

ed friends. The close-knit gambling circle at the Clermont immediately erected a wall of silence around the affair, until a London *Sunday Times* reporter, himself an Old Etonian, persuaded his friend Dominic Elwes, playboy, part-time portrait painter and junior member of the club, to arrange some introductions.

Thinking that the reporter intended writing a sympathetic piece — and desperate for the £200 fee — Elwes was even persuaded to do a painting of the scene at the club dinner table, with all the senior members present, to illustrate the piece.

**T**he article provided a sensational insight into the inane ideas of the Clermont set, and of John Aspinall in particular. Aspinall was quoted as expressing only contempt for Lady Lucan: had he been married to her, he told the reporter, he would have murdered her five years earlier. While denying that he had helped Lucan to escape, he admitted that he would have been more than willing to do so: "If a close friend of yours came in covered with blood, having done some frightful deed, the last thing that would have occurred to you is to turn him in," he declared.

The political views of the Clermont set were just as lacking in subtlety. Police found copies of Hitler's speeches while searching Lucan's flat.

The *Sunday Times* reporter noted that Aspinall, who described himself as "extremely right-wing", had, on occasion, referred to his fellow Londoners as "the urban bio-mass", and had welcomed the news of floods in Bangladesh which, he observed, had "disposed of thousands of surplus human beings".

At a party in the early 1970s Aspinall, who has three children, was disappointed to learn from then President Nixon that only 200 million people would be killed outright in a nuclear war.

The redemption of man, he declared, lies in a return to the primitive order and discipline which are to be observed in animal communities. Indeed, Aspinall — owner of two zoos — had yielded leadership of the Clermont set to Sir James Goldsmith, based on his observation that every group of gorillas had its Alpha male, and Goldsmith was the closest thing at the Clermont club. [His assessment is supported by the fact that "Goldenballs" has a late wife, an ex-wife, a wife, a mistress — and, between them, eight children. ]

Another Aspinall belief — that successful rearing of animals in captivity



must include interaction with them — has led to five of his keepers being mauled to death by tigers, and the annihilation of another by a sexually-aroused Indian elephant.

The tone of the *Sunday Times* article drove an enraged Goldsmith to instruct Clermont members to shun the hapless Elwes. Plagued by gambling debts, he was said to have been dependent on these friends for a living. Orders from the leader were strictly observed. Even the waiters followed instructions and ignored Elwes. Hopeless, confused and depressed, he committed suicide with an overdose of barbiturates. Aspinall and Kenneth Tynan, theatre critic and impresario of the pornographic revue, *O! Calcutta!*, were the speakers at his memorial service. In his rambling address, Aspinall referred disparagingly to Elwes's genetic origins, which he said had not equipped him for this world. This so incensed a cousin of the deceased that he promptly stepped up and punched Aspinall in the face. "I'm used to dealing with animals," Aspinall said, shrugging off the attack.

A second gambling venture, called simply Aspinall's, was sold at a tremendous profit. This he used to help endear

himself to the Zulu people by becoming involved in their complex and agonising civil war. He has admired the romantic notion of the disciplined and fierce Zulu warrior ever since his childhood, when he was given a book about them. During the long period of violence in Natal he was one of Inkatha's most celebrated supporters, to the extent that the Zulu king declared Aspinall an honorary Zulu induna.

In London in 1990, when he received an invitation from King Goodwill to address an IFP rally in Soweto, Aspinall declared "the king has spoken" and immediately left for SA, where he expressed enthusiastic support for the notion of an independent Zulu nation. He also suggested that Nelson Mandela should ideally be the first president of a "greater Xhosaland" — in which he generously included East London.

Aspinall's ties with South Africa were further strengthened by his purchase of De Goede Hoop, the late John Wiley's magnificent colonial mansion on the slopes above Noordhoek beach, a few kilometres from Llandudno. (He had, apparently, managed to resist the lure of the simple Zulu hut.) More recently, he has expressed an interest

Aspinall had yielded leadership of the Clermont set to Sir James Goldsmith, based on his observation that every group of gorillas had an Alpha male, and Goldsmith was the closest thing.

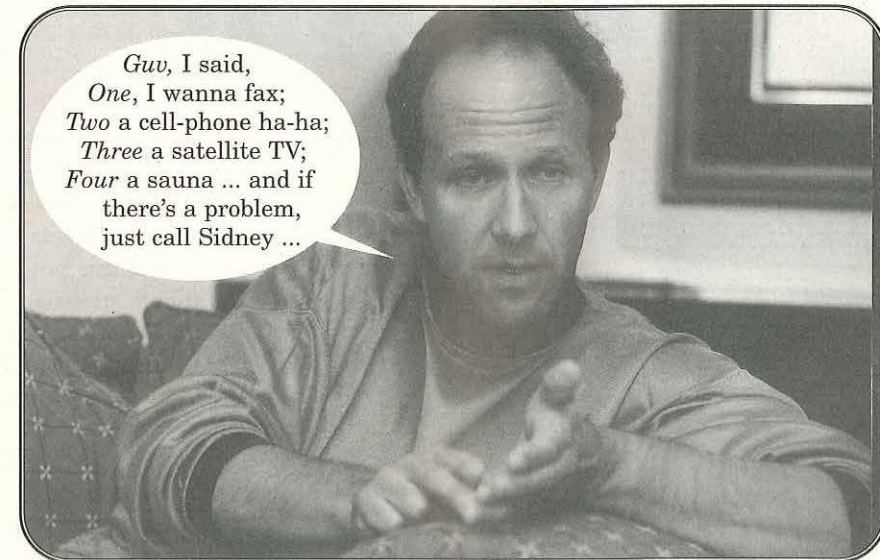
in expanding his gambling empire to South Africa. So much for Bassa's family of fame and fortune.

Now the question: Might the seemingly cash-strapped Aspinall Jr secretly be plotting a spectacular return to the family trade by turning Villa Romelia into Llandudno's very first private casino? Doing business with him is, in any event, already a gamble. — *Marten du Plessis*.

[Additional material from *Goldenballs* by Richard Ingrams (Coronet, 1979)] ■

## Blankwash!

Guv, I said,  
One, I wanna fax;  
Two a cell-phone ha-ha;  
Three a satellite TV;  
Four a sauna ... and if  
there's a problem,  
just call Sidney ...



Homeboy Greg Blank, who did time he didn't deserve, who collaborated with Rex Gibson (who the PR-men are eager to remind us, was once a liberal newspaper editor) to write a whitewashy book on his exploits, who named some of his accomplices and left others well

... blank ... is back on the Street. He's trading again. Count the silver.

Greg had a hard time in clink, but there were bright moments. The night he was arrested he was pleased that, unlike a common criminal who had, perhaps, stolen food from a supermarket, he wasn't handcuffed and they col-

lected him not in a little yellow van, but in a Mercedes Benz. "That's nice," he thought, "they're taking me away in a nice car."

He thought he might be "stuck in a cell for a night or so while he raised bail, or the police came to their senses. They would surely come to see that they were over-reacting." After all, "what was the worst that could happen? If, indeed, he had infringed a Stock Exchange rule or two, well then, he would be rapped over the knuckles and perhaps suspended from the JSE for a few days".

His opinion was reinforced by the respect he received at (then still) John Vorster Square police station. "I can see you aren't the normal type of criminal," said one policeman. "You don't have to wait in a cell." How kind.

Fortunately, the judge didn't agree and he sentenced our Greg to wait in a cell for quite a while. Again our boy was lucky and he served 22 months of his 8-year sentence.

To learn how Greg did it his way, send R250 000 to noseWEEK with a self-addressed brown envelope, or get issue 18 and read our interpretation of the Greg saga, entitled *Blank Wors*. ■



# Old Mutual pays the Zoltys

## The story so far

**E**lderly Miriam Silke died in 1991, followed by her husband, Simon, four years later. They left everything they had in their modest estate to their daughter, Karin Zolty, and their grandchildren, Kim and Herman Zolty. By chance, Karin's husband, Brian, discovered that one of Old Mutual's so-called financial advisors, Gert Keuler, had in 1987 persuaded Mr Silke, then aged 78, to cede Old Mutual policies, which they had taken out between 1940 and 1960, to him for an amount of R36 000. On Mr Silke's death in 1995, Keuler "inherited" some R300 000. [See nose 16.]

Backed by his branch manager, Keuler claimed that in 1987 he had known the Silkes since 1977 and that, at the time when the policies were signed over, the Silkes had been short of cash.

Simple enquiries at the time would have shown that the Silkes only moved to Cape Town from the platteland in 1985, so it was unlikely that they'd met Keuler before then. And that, far from being short of cash, Mrs Silke had some R20 000 in her current account when the cessions were signed in 1987.

Outraged by what he saw as a dishonest transaction, Brian Zolty exhausted every avenue. He first wrote to the Old Mutual, then to the Ombudsman for the Insurance Industry. In every case he got nowhere. Everything concerning the transaction, you see, they described as "perfectly legal".

Mr Zolty just thought it was wrong. Eventually, he contacted noseWEEK ..

**O**nly after the story appeared in nose-WEEK did Old Mutual act: Assistant General Manager for Marketing David Hudson went into the case.

After he had investigated the matter, Old Mutual decided to reimburse Karin Zolty for the money she should have received from her parents, or as they put it: "Mr Keuler, the financial advisor concerned, has decided to pay over the gains from the life policies purchased ten years ago from the late Mr and Mrs Silke, to their daughter, Mrs Zolty. He has done so in order to address the concern of Mrs Zolty, that the purchase had not been in her parents' best interest."

We can now report that Mrs Zolty has received an agreed payment of R200 000 and the matter is closed.

However, of much more concern to us and our readers is the fact that Old Mutual, along with other major insurance companies, cannot bring themselves to forbid their financial advisers, as a condition of employment, from taking over their clients' insurance policies, Old Mutual's reason being: "Life policies are fully transferable assets, and their sale is permitted by law. However, the purchase of clients' life policies by their advisors is discouraged by Old Mutual, because of the potential for conflict of interest."

Old Mutual feels unable to stipulate rules of conduct for its financial advisers because, as one OM executive said, "brokers are allowed to buy policies, so we can hardly deny our advisors the same facility" — which seems to treat

Would you believe it?  
Look who's top of the pops  
at Old Mutual!

**GERT KEULER**  
917 2354

**ALLISTER MALTMAN**  
917 2311

**NEIL VILJOEN**  
917 2336

**GAVIN SOLOMON**  
917 2325

**JAN LOUBSER**  
917 2320

**JOHAN VAN ZYL**  
917 2327

**PIET BRIEL**  
BRANCH MANAGER  
917 2315

**NEELS BOONZAAR**  
917 2324

**GARY POWELL**  
917 2302

**RIANA KOTZE**  
917 2333

**HANNES HORH**  
917 2304

**HERMANN BARNARD**  
917 2355

**MOF MAREE**  
917 2348

**EVERT EEK**  
917 2330

**GERT THERON**  
917 2321

**DANIE OOSTHUIZ**  
917 2310

**GERHARD DE KOO**  
917 2335

**BILLY RUSSELL**  
917 2313

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Cape Times Business Report 24.2.1997

the possibility of obtaining clients' policies as a perk, rather like a car allowance. This attitude also sets one wondering just how often this practice takes place. A difficult question to answer, of course, because the potential victims are not your bright young educated businesspersons. No, they are the old, the unsophisticated, probably friendless, and with few assets besides the cheap life policies which they had taken out decades ago, in the days when it was prudent to do so.

How tempting a couple of thousand rand must be to these people for nothing more than a signature and relief from a monthly payment. And for a smart financial advisor, what a sure investment which, with any luck, will bring its reward in a very short time — and nobody around to tell the tale.

— Maureen Barnes ■



nose  
updates

## GOODBYE, HUGO

Readers will recall the jolly time we had in noseWEEK [way back in nose13] when John Cavill wrote that piece in the Sunday Times joyously heralding the imminent return to sunny SA of his friend Hugo Biermann, son of Admiral Boozy B. Could it have been us who caused young Hugo to disappoint his lunching pal Cavill and indefinitely delay his plans to return? 'Cause, nearly two years later, he still hasn't arrived.

But, in case they should have forgotten him, Hugo's British friends and investors have now had a fresh reminder of their past association with the South African "businessman" whose genius for profitable arms trading was

definitely genetic — his father was the head of the SA Defence Force that placed all the billion-rand orders. As a sideline, our Hugo and his Stellenbosch varsity pal, Nick Toms, used their arms profits to set themselves up as industrialists and international financiers. One of their more memorable ventures was a UK computer company, Maddox Ltd.

The Investors Chronicle subsequently described Maddox as the fourth worst-performing share on the London Stock Exchange in 1993.

Biermann resigned as Chairman at the end of 1993, after the company announced losses of £19m. It took the new management till 1996 to get back into the black, but the "forceful remedial actions" instituted by Biermann's successor, Leslie Warman — which included renaming the company Wakebourne Ltd — were still not enough. Last month the Financial Times in London reported that the company has gone into receivership (provisional liquidation), with its shares priced at 9 pence on the LSE on May 12, when it was suspended.

The share had reached 320 cents in 1993, based on Biermann's enthusiastic announcements — and before the truly disastrous situation was revealed on his departure.

## MANDELA CHILDREN'S FUND A CHILD CLOSE TO THE EXECUTIVE DIRECTOR'S HEART

A noseWEEK reader in the administration of a British provincial university was surprised to receive an application for admission to the university's post-graduate course in business from a well-heeled young Cape Town graduate. What made the application remarkable was the irresistibly glowing letter of recommendation that accompanied it — from the world-famous Nelson Mandela Children's Fund, no less. The aspirant student of British business bearing this glowing testimonial is Justin Bothner. The Mandela Children's Fund letter is signed by its illustrious chief executive trustee, Mr Jeremy Ractliffe (in his former life, one of the hot money movers and apartheid sanctions busters at Sanlam subsidiary Murray and Roberts — see noses 1&15).

There is only one good thing about young Justin that, remarkably, Ractliffe omitted to mention in his fulsome recommendation: Justin is his stepson. ■

Welcome to

Marlboro Country.

ADBUSTERS  
IN  
noseWEEK



# Roaring Forties

Back in 1990, hoary old sea-dog Bertie Reed got together with a couple of shipmates to set up the Roaring Forties Association ...

To quote the prospectus, the Roaring Forties Association was for promoting sailing "in all forms" and specifically for "promoting, developing, assisting and training residents of the Republic to attain international standards of sailing". It is not clear whether "sailing in all forms" was intended to include sailing close to the wind.

Not stated was the additional aim, no doubt, to provide a congenial environment for the splicing of mainbraces, the spinning of yarns and other activities held dear by the Cape's yachting fraternity.

The Association was registered as a "Section 21" company (by law, a company which exists not for profit but for the public good, and therefore does not need to render tax returns). Membership of the Association was awarded to those well-intentioned members of the public prepared to pay R2 000 for an unsecured debenture (fancy term for a loan certificate backed by no security) issued by the Roaring 40s. The intention — in 1990 — was to sell 2 000 debentures for a total of R4m, which the founders reckoned was the amount needed to realise their worthy aims.

Also according to the prospectus, the Roaring 40s would have *absolutely nothing at all* to do with the pub-restaurant named after Reed, Bertie's Landing — although the 40s' headquarters, including conference facilities and a private lounge, would be situated in the same restaurant building, and members would be entitled to certain preferential rates at that erstwhile, and occasionally solvent, waterhole.

But a letter dated 20 November 1990, from the directors of Bertie's Landing to the Roaring 40s debenture holders, suggests that the rela-

tionship between the two organisations was closer than the prospectus would have had the members believe: "The Directors of Bertie's Landing and the Roaring Forties" it read, somewhat portentously, "have decided to restrict the number of members of the Roaring Forties Association to only 1 000."

The reason given was the popularity of Bertie's Landing, which was then selling more beer than any other pub in South Africa.

## The Roaring Forties simply disappeared like the crew of the Marie Celeste.

For a while, apparently, the Roaring 40s was all it promised to be and more, with members parking their boats at Bertie's, entertaining their guests in the clubhouse, and swanning about the docks in the water taxi for which, apparently, the Association had paid. But then, about a year ago, The Roaring 40s, in the grand tradition of nautical mysteries, simply disappeared, like the crew of the Marie Celeste, not to be seen or heard from again.

Missing are the debentures, naturally, and missing too is the sum of about R339 000, an unsecured loan from the Roaring 40s to Bertie's Landing, which transaction, it now emerges, happened in 1990 or 1991 without the knowledge of the debenture holders and contrary to the public-spirited aims and objectives of the Association. But, according to one of the early

shareholders of Bertie's Landing, it was merely a loan "on paper" — the Roaring 40s had, in fact, paid Bertie's Landing for the refurbishment of its two rooms. Mysteriously, though, in a later audit by Cecil Kilpin and Co, the loan is reflected in an annual balance sheet for the Association — but so, too, is a separate sum of R212 000 paid for "improvements" to the premises leased from Bertie's, which rather torpedoed the "paper" loan-theory amidstships. Also mysterious is Kilpin and Co's apparent pressing desire to distance themselves from the affairs of the Roaring 40s. In a 1997 letter to a disgruntled debenture holder, the accountants insist that their final contact with the Association was during an audit they performed in early 1993 — incidentally, they added, an audit for which they were never paid. While it would, indeed, be pitiable if Kilpin & Co were so cruelly impoverished, it still does not explain how a loan, unauthorised and contrary to the company's statutes, could have passed their audits in 1990, 1991, 1992 and 1993.

But then the available books reflect fee payments to Kilpin and Co not only in 1993, but also in 1994, and a letter dated October 1994, from a representative of the firm to a prospective new director of the Roaring 40s, suggests that Kilpin and Co's interest in matters nautical was more avid and long-lasting than they like to admit.

Comparisons with rats and sinking ships are not only odious and also obvious but, alas, too tempting for us to resist. You'd be surprised at the number of "minor shareholders" in Bertie's Landing who got out "just in time", generally because "other opportunities arose". And speaking of sinking ships, the rumour that the directors of the Roaring 40s took a life policy out on Bertie Reed to the tune of what they owed the debenture holders, just before the BOC challenge, does seem completely risible.

Add to this heady mix a list of unpaid drinks bills, an unseemly scuffle over ownership of the water taxi, a cast of characters like Rowley "Long John" Hill, the ominous, looming (well, sort-of looming) figure of Dave Abramowitz, "Captain Flint" of the Royal Cape Yacht Club, and Biltong Bertie himself ... and you have the promising makings of a rollicking yarn of adventure on the high seas. [See next issue!] — Nick Paul



# A luta continua!

Whatever else ex-vicar and two-timing adulterer Allan Boesak is alleged to have done with the funds of the Foundation for Peace and Justice, of which he was the director, he did attempt to get the Foundation to indirectly finance the construction of a sound studio for his wife, Elna.

Indirectly it had to be, because for the Foundation to fund the project would have been contrary to conditions set by the Danish donors who had provided most of the Foundation's funds.

In 1993, when still leader of the ANC in the Western Cape, Boesak apparently thought it would be in the interests of peace and justice if the Foundation enabled Elna, his second wife and a one-time SABC programme director, to fulfil her career ambitions by providing her with a new, fully equipped, state-of-the-art sound and video recording studio on the floor above its offices.

It was not possible for the FPJ to pay for fitting out a sound studio with soundproof doors and walls, suspended floors, non-static carpeting and panelling. That the Rev Boesak was aware of this problem is clear from a letter he wrote in February 1994, in which he noted: "The Foundation for Peace and Justice is a non-governmental organisation whose funds and rules do not allow us to enter into long-term financial commitments other than lease agreements."

But Struggle accountants have, apparently [*like their brothers, the Corporate accountants — Ed.*], developed ways and means of getting around such obstacles. South Africa's favourite philanderer, with his pet accountant, Freddie Steenkamp, reckoned if they could persuade a landlord to fork out for a studio to be built, he could simply build the cost into the rental on a five-year lease for "offices". That way, presumably, the Danish donors would unwittingly pay for the construction

and equipment of Elna's studio, while under the impression they were paying the Foundation's office rent.

So, on January 28 1994 Mrs Boesak and Messrs Veldman and Steenkamp of the Foundation for Peace and Justice hopped into the BMWs and went to a meeting with a prospective landlord Micky Hurwitz at his office in Observatory, Cape Town. Also at the meeting were Phil Thompson and Kendal Brown of The Sound Partners, who had drawn an Audio Suite plan to Mrs Boesak's specifications (their call-

Some Calvinists, it is said, believe it is God's wish that a man of standing and authority should drive a BMW.

ing cards read "Love you too").

But the landlord's agent worked out that, to finance the cost of the special alterations to the building over five years, the rental for the studio floor would increase from R1 600 to R2 000 a month. The Reverend objected. After all, R30 000 also still had to be found to pay Sound Partners' bill for the Sony audio equipment.

Freddie Steenkamp had a last try with a plea for pity: the FPJ, he told the agents in a letter, had not budgeted for various expenses entailed by Mrs Boesak's studio. These included air-conditioning, consultants' fees, additional security costs because of the expensive equipment to be housed there, and long-term backup services. So he rather hoped that Mr Hurwitz

would be accommodating and pay for the alterations himself — without further increasing the rent. Mr Hurwitz was not that accommodating, however, and Reverend Boesak went in search of another landlord who, presumably, would feel honoured to pay for Mrs Boesak's studio. Desperate to recover something out of the deal, the property broker stepped in and faxed Hurwitz asking him to give the Foundation a rent-free period "as a sop ... for the studio portion of the rent".

But it was not to be. Finally, the Reverend wrote Hurwitz a letter "to end all negotiations" and politely chided him for "not honouring agreements". Hurwitz, clearly hurt, responded with a note to Steenkamp to set the record straight: "It was always clearly understood that anything relating to special requirements necessary for a sound studio would be amortised with the rental; you were never asked to undertake any financing of building costs."

Dr Boesak's dealings with trust funds have since become the subject of a most unfortunate criminal prosecution. Apparently it's the sort of financial situation which Cape Town lawyers just can't be trusted to understand: only in Pretoria can attorneys be found with the necessary experience and skills to understand creative bookkeeping and the strains of high office. Attorney Chris Petty of one of Pretoria's oldest firms, Stegmanns, has decades of experience defending senior civil servants of the previous era who found themselves similarly entangled in "elaborate" financial arrangements.

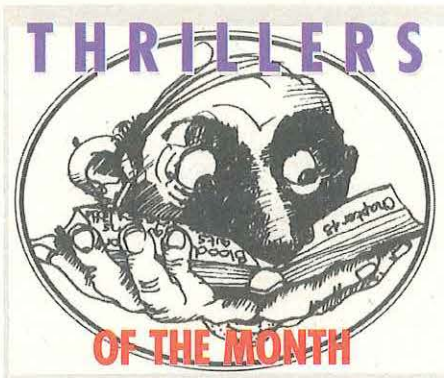
Like the Rev Boesak, they too, were mostly good Calvinists who believed they were serving a greater cause — and that it was God's wish that a man of standing and authority should drive a BMW.

The Legal Aid Board have, quite understandably, agreed to provide the million or three required to allow Mr Petty and a Pretoria advocate to move to Cape Town for the six months he reckons it will take them to assist a Cape court in understanding this uniquely Pretoria-type situation.

The whole of South Africa, having paid top prices for the event, will be seated in the front row when the trial begins in August. May the best struggler win.

Meanwhile, Hurwitz can, in retrospect, count himself very lucky as he ponders those wise words of the good St Jerome: avoid, as you would the plague, a clergyman who is also a man of business. — Gary Collins. ■





UNNATURAL EXPOSURE BY PATRICIA CORNWELL (LITTLE BROWN & COMPANY)

Hot on the heels of *Hornet's Nest* which, despite its shortcomings, climbed to the top of the charts, comes the latest thriller from this hugely successful American writer. Cornwell makes up to \$8m a book and has a reputation for being difficult, disloyal, paranoid and egocentric. Well, I suppose if you earn that sort of money you don't have to be nice as well.

Her new book is the eighth to feature her creation (and some say her alter ego) Dr Kay Scarpetta, medical examiner of Virginia, USA. It begins in Ireland where Scarpetta is lecturing on forensic medicine and where she looks into a series of unsolved murders similar to some in America. She returns home when another body is found, and when I say body, I mean body — it has been beheaded and dismembered. Is it the same killer who has switched continents? Or is it a copycat crime?

Complications of a grisly kind come when it is found that a smallpox virus is being deliberately released. Apparently, once the disease was eradicated from the earth, all vaccine stocks were destroyed so an outbreak could, in theory, destroy thousands of people before it could be checked.

The story gets exciting; the technical details are interesting and thriller aficionados, especially Cornwell fans, will find it worth reading.

While a writer's private life should have no influence on the reader, his or her personality naturally creeps into the story at times, and so it is with Ms Cornwell's work. For me, Cornwell lacks heart, and her heroine is getting increasingly irritating with what might well be her creator's ego shining through the cracks. Scarpetta is a goddess, "a legend", beloved by most, envied by an unreasonable few, and lusted after by many. She's also beautiful, slim and a great cook. As the blurb — which echoes the repeated sentiments of Cornwell's characters — says,

"Kay Scarpetta's compassion, professionalism and dignity once again bring an extra dimension to a crime novel of the highest calibre". Ja, well, no fine.

THE BIG PICTURE BY DOUGLAS KENNEDY (ABACUS)

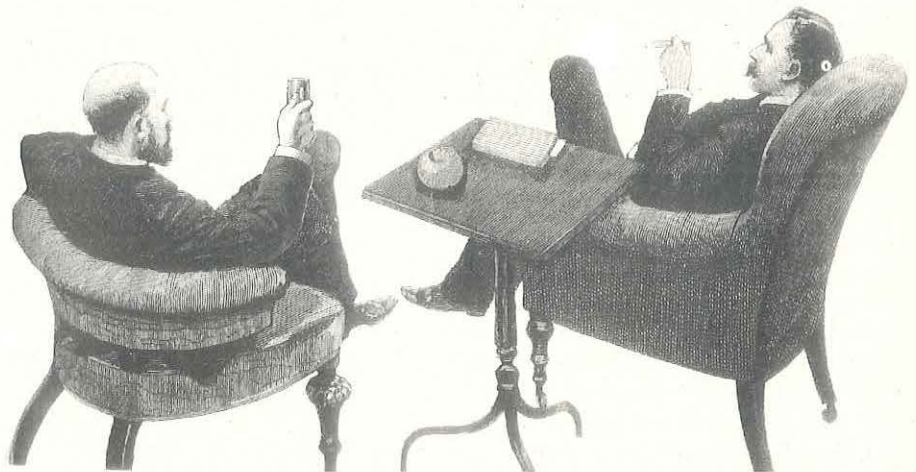
Douglas Kennedy, who has previously published three travel books, received critical praise for his first thriller, *The Dead Heart*. He has now made himself an instant millionaire with this exciting book.

Wall Street lawyer, Ben Bradford, lives in the suburbs of New York with his wife and two small children. He has put aside his one-time dream of becoming a photographer and instead opted for yuppiedom — money, style and domesticity. But he isn't happy: "The

vast majority of men simultaneously crave and loathe domesticity. They'll relentlessly pursue a woman until she agrees to get married, then around the time the second kid arrives, they'll start screaming 'I'm trapped'."

Bradford is depressed and bored but sees no way out until, quite fortuitously really, he finds out his wife is having an affair (who can blame her?). When a series of dramatic and violent circumstances give him the chance, he bolts, embarking on a nail-biting journey from New England to Montana.

Kennedy is an excellent writer who has produced a truly original tale which, after hurtling along unexpected routes, reaches a destination which defies prediction. — *Maureen Barnes* ■



## A connoisseur's confidence (to a favourite restaurateur) *Taste a smidgen of this Chenin Blanc*

"... have a smidge, you'll like it, good stuff this, made by Pietie Louw from Verlorenberg Co-op, can't call it a Co-op nowadays, they've gone all smart and dropped the tarnished image of the Co-op, call themselves Lost Mountain Vineyards now, see - told you you'd like it, real workhorse of the South African wine industry Chenin Blanc, d'ya know they make everything from fruit juice to sherry and port with it, dry wines, sweet wines, even champagne - shouldn't call it that I know, but just as good as the French, makes up 30% of the plantings in the country, noble grape in France and very out of fashion here but now lots of interest being shown by the supermarkets in the UK, poor Pietie has these pink-faced young British

wine masters out for the harvest, getting sunburnt, getting in the way, very busy time pressing time, helping him make what they call more fruity and up-front wines, never quite understand all this winespeak, onto the supermarket shelf as quick as possible, out this afternoon and drink tonight, less of it for us here sadly, but we love it, Vera and I drink nothing else, doesn't interfere with food like Sauvignon Blanc or bloody ABC ... ABC? — Anything But Chardonnay ha ha, none of this fruity business or asparagus or gooseberries — do they mean Cape or green — and no thrusting vegetal New Zealand style like those boutique wineries make ... haven't got a cork for me to take the rest home have you?"

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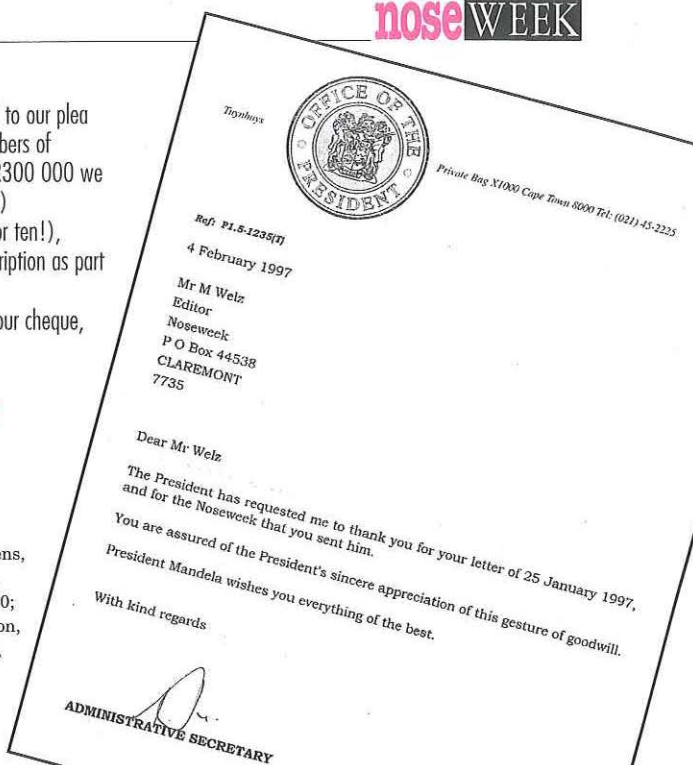


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4 February 1997

Mr M Welz  
Editor  
NOSEWEEK

Fax: 683 6706

Dear Mr Welz


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Without unduly ingratiating myself with your illustrious organ or attempting to stave off future criticism or exposés of myself, I am a great fan of your work and I look forward to reading your magazine on a regular basis.

More power to your arm!

Kindest regards

Yours sincerely



TONY LEON MP  
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 NIKKI, you are the youngest 34 I've ever seen. Love you, RF. [3704]  
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 IAN - HAPPY 47th BIRTHDAY - From your friends across the road - Jackie, Maureen, Michael and Jonathan.  
 HELLO MATTHEW CRUMPLIN! Welcome to the world - Uncle Murray.

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