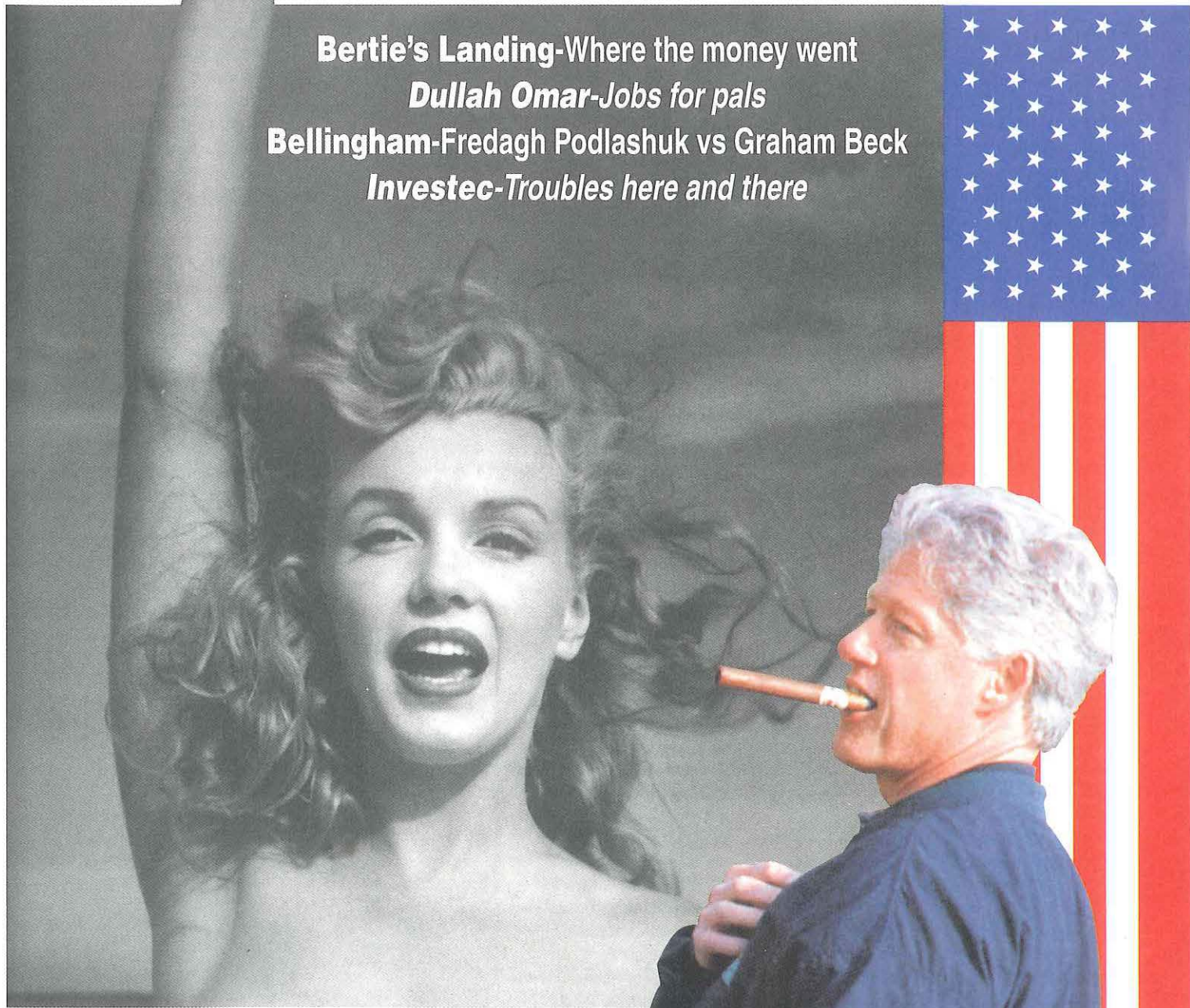


nose week

R13.50 incl vat

Bertie's Landing-Where the money went
Dullah Omar-Jobs for pals
Bellingham-Fredagh Podlashuk vs Graham Beck
Investec-Troubles here and there



***A woman is only
a woman, but
a good cigar
is a smoke***

Y2K: DOUSING THE FLAMES OF HYSTERIA

Dear Sir

At least one IT professional (myself) found nose's article on Y2K (*nose 23*) to be the first refreshingly non-hysterical article on the subject to have appeared in the media. A lot of people are making money fanning the flames of hysteria on this issue. Your article, while perhaps downplaying the dangers, was a lot closer to the truth. The Y2K issue, as you point out, is almost exclusively a mainframe issue – and, more precisely, an issue for old or badly written COBOL software running on such mainframes. Most modern operating systems use epoch time, that will be free of problems well into the next millennium. The Securities Industry Association has run simulations of the Y2K rollover to determine whether the New York Stock Exchange will be affected, without any significant problems. Similar tests have been done in the US on air traffic control systems, with similar results. But these success stories don't receive much media attention – after all, bad news sells much better. Once again, noseweek has proven itself right on the money.
Dr Graham Wheeler
Cape Town

YEEE! A LAWYER'S LETTER!

Dear Sir

We address you at the instance of our client, Mr EG Thorne, Deputy Director of Human Resources, City of Cape Town, and refer to the article "Green for Top Secret" in *nose22*. The article canvasses allegations involving the South African Association of Municipal Employees (SAAME). It alleges that the Council has taken up a "protective attitude" in respect of SAAME and cites the example of our client committing perjury [in the *Industrial Court*]. Before making and publishing these allegations, your publication did not interview Mr Thorne. Our client denies that he perjured himself. Our client deposed that an earlier judgement of the Industrial Court [in which it ruled that the Council's closed shop agreement with SAAME constituted an unfair labour practice and was, therefore, illegal] was being adhered to. Our client was under the *bona fide* impression that there was such compliance.

He was not aware that applicants for employment were not being advised that they were not compelled to join either one of the two [racially exclusive] unions who were party to the previous [unlawful] closed shop agreement. By giving our client the opportunity to respond, your publication could, for instance, have established that because of his race Mr Thorne was not eligible for SAAME membership. You have published an article which is wrongful and defamatory in respect of our client. As a result, our client's reputation has been damaged and he has suffered damages. Your article also impacts on his career. Our client demands that you publish a retraction of the allegations pertaining to him, as well as an apology. Failure to do so in your next issue will result in him taking appropriate action against your publication.
Yours faithfully
L Blignaut
Silberbauers, Attorneys
Cape Town
See page 8, then take a Disprin and, if necessary, call us in the morning. – Ed.
P.S. You have contrived to let us know that Mr Thorne is, well, not a so-called "white" person. Surely not in order to solicit sympathy for his incompetence or dishonesty?

PAN AFRICAN VIEW

– ON KOEBERG

Dear Sir

The PAC notes with considerable concern that the Council for Nuclear Safety approves of a plan to double the storage capacity for high-level nuclear waste at Koeberg. We are told that there is "hardly" any chance of a nuclear accident. Koeberg was established by the apartheid regime to be the basis of a nuclear weapons programme. Today, it is no longer necessary because we have given up our nuclear weapons. Cahora Bassa is on stream. We have abundant sources of hydro-electricity via our neighbours. And we have abundant coal resources to tide us over until we develop more environmentally friendly methods of power generation. The Koeberg reactor is less than 20km from Cape Town and the Cape Flats would be wiped out by radioactive fallout in the

event of an accident. (Chernobyl is the classical example of nuclear devastation.) Koeberg is a dangerous and expensive toy that must be wound down and then closed. The PAC calls on the ANC government to take this vital action. Plenty of jobs can be created by developing alternative and sustainable sources of energy from the wind and sun. This process must be started **now**. Tomorrow is much too late.
Costa Gazi
Secretary for Health and Welfare
Pan Africanist Congress of Azania
Amalinda.

– ON NOSEWEEK'S ARRIVAL IN EAST AFRICA

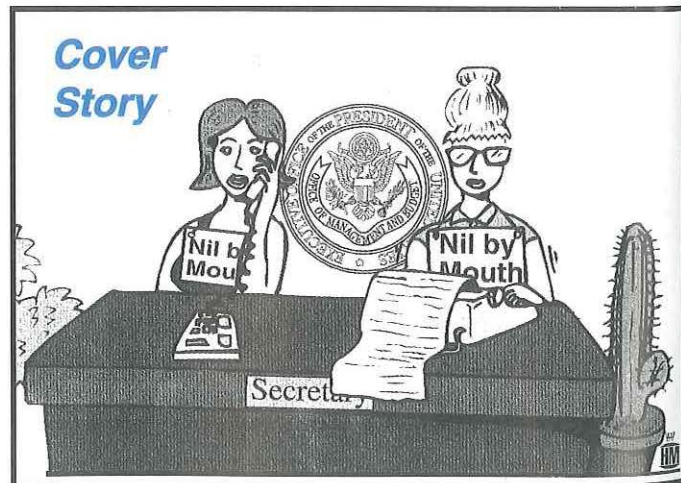
Dear Sir

I jubilate over the May noseweek which arrived here recently. It's such good stuff that I am hard pressed to give you all the compliments you deserve.
Laurence Potgieter
Nairobi

GO FOR ABSA TOP MANAGEMENT

Dear Sir

Based on the facts of the Compuquote vs ABSA case, which reveal a cynical disregard of the very ethics mentioned in ABSA's own mission statement, an argument could be made that the whole group (*and other perfidious relics of the old order*) needs to be investigated. The only way to break the stranglehold these immoral, Broeder-dominated corporations have on the SA economy, is to institute stringent, American-style financial controls, and to go after the top management with criminal investigations.
Julian King
Washington, DC



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dear reader

Brown Bros., Thomas Cook and Sons, Stuttafords - all were shop-front signs that once proudly declared: "This is a family business!" There both commercial and family values applied.

Very different is nepotism, a term derived from the tacky practice of medieval popes of appointing their illegitimate sons (euphemistically called nephews - *nepote*) to official positions in the Church of Rome.

The term still carries some of that odour, even if Chambers Dictionary only describes it as "the practice of favouring one's relatives or friends, especially in making official appointments".

Finally there is the old school tie network - the Bishops or St Andrews boys (why does the Michaelhouse tie, which costs the most, mean the least?), the boys from Stellenbosch - and, yes, the Royal Cape Yacht Club.

In this issue we look at two examples: first, how RCYC Commodore Dave Abromowitz used his influence and connections at the Waterfront, and then, the remarkable extent of Minister of Justice Dullah Omar's sphere of patronage.

It is clear why those elected to senior government office should seek to surround themselves with advisors they know and trust.

With somewhat less honourable motives - a politician might wish to reward those who helped him gain office. One way of doing so could be to share with them the benefits of that office.

In America, those elected to office are given a measure of leeway to appoint friends to positions on the public payroll. There are provisos - their appointment is announced publicly and they resign when their benefactor leaves office.

Will Omar's acolytes go when he goes?

One name we omitted from our list of Mr Omar's favoured friends that warrants special consideration is that of his old clerk, Norman Arendse. As of this month he is Mr. Acting Justice Arendse of the Cape High Court. Several years ago Judge Arendse was twice found guilty of drunken driving. Both incidents resulted in the deaths of other road users. We need to know: how is this history likely to influence his attitude to the issue of drunkenness - which plays such a major role in both crime and delict in the Western Cape? Or must we just take our chances on the judicial highway?

- The Editor

Dave Abromowitz

Fraud of the Fleet

Are you one of the 450-odd people who each contributed R2 000 to the Roaring Forties Association, and are you still wondering what became of the money? Does the blazer and tie of the Royal Cape Yacht Club spell honour and integrity to you? If so, read on.



A YEAR AGO WE REPORTED ON THE strange doings and demise of the Roaring Forties, a tax-exempt association formed in 1990 at the Cape Town Waterfront to "promote sailing in all its forms". One of those "forms", it transpired, was sailing close to the wind: half the members' funds were irregularly used to provide interest-free finance for the pub next door, called Bertie's Landing. The pub, which commenced business at about the same time as the Roaring Forties took off, was named after Springbok sailor Bertie Reed, but the majority shareholder was, in fact, Dave Abromowitz, a local businessman better known as Commodore of the Royal Cape Yacht Club and chairman of the National Sea Rescue Institute.

When we last reported on the matter, we concluded that the members' funds - and the Roaring Forties Association itself - had, like the crew of the *Marie Celeste*, "simply disappeared". But we did promise a further instalment of this saga of the high seas if there were any sightings.

We are now able to report that the wreckage has been located, and that, while the crew were lost, the captain managed to escape unscathed.

In October 1990 Bertie's Landing (Pty) Ltd, controlled by Commodore Abromowitz and various of his mates, including Reed, Stephen Lewis and Brent

Sender, started the famous dockside pub.

Abromowitz, Lewis and Sender are not only all amateur deep-water sailors, they also all live on million-dollar Invermark Crescent in Higgovale. (Another neighbour is President of the Cape Law Society - and Masterbond attorney - Christoff Pauw, so you know the type of neighbourhood we mean.)

They had obtained the lease on the handsome Victorian-style buildings at the entrance to the Alfred Dock from Portnet's Waterfront development company - for a mere R3 500 per month. The lease, valid till 2035, was signed on behalf of Portnet by their mate, Dave Jack - not for nothing an honorary member of the Royal Cape Yacht Club.

The pub was an instant success. Abromowitz proudly declared that, in its first year, Bertie's sold more beer than any other establishment in South Africa. Reed declared they were amongst SA Breweries biggest customers. In the *Cape Times*, Dave Jack told how, on Friday nights, when up to 2 000 people at a time were drinking at Bertie's, the floating jetty was so weighed down that customers had to remove their shoes as the water slopped over their feet.

A few months later, however, the pub was rumoured to be in difficulties. On August 4 1992 the company, hereafter to be referred to as "Bertie's No 1", sold

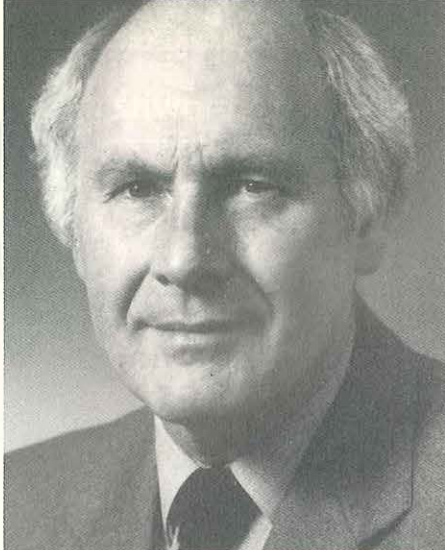
the business to a new company, Bertie's Landing 1992 (Pty) Ltd, (hereafter to be referred to as "Bertie's No 2") for R2,6m. Just why is not immediately clear, since Dave Abromowitz was the majority shareholder of both Bertie's No. 1 and Bertie's No. 2 - except, perhaps, that it was a convenient way of raising some cash. To help finance its purchase, Bertie's No 2 borrowed R1,2m on overdraft from FNB. Abromowitz signed as personal surety for the overdraft. In no time at all the debt to FNB grew to R2,3m.

How come the pub was running into debt all the time? There were rumours that theft from the till by management was a problem - a story never denied by Abromowitz and his mates. *noseweek* has discovered that there was another possible explanation for where a significant part of the profits were going.

In July 1993 Mr Jack, on behalf of Portnet's Waterfront company, agreed to allow Bertie's to quietly cede that bargain-base-ment lease deal to another new company, called Bertie's Landing Syndication Ltd. Syndicate indeed: the shareholders were Dave's friends, property developers Michael Garvin and Peter Holland.

The Syndicate paid Bertie's No 2 the princely sum of R2.5m for the lease - a neat way for the directors to raise yet another whack of cash in a hurry. But there were two major snags.

Number One: The Syndicate required Bertie's to sign a new sub-lease for the premises, now at a monthly rental of R35 000 per month! (The month before, remember, Bertie's had been paying the Waterfront only R3500 rent a month.) While this was undoubtedly a more reliable way for the boys to take R32 000-odd per month out of the pub's till without hassle or risk, the fact that the pub was



Waterfront Director David Jack - an honorary member of the RCYC - gave com-modore Abromowitz an amazing deal.

soon looking financially somewhat shaky looks less and less surprising.

Problem Number Two: Bertie's, we have now discovered, didn't get the R2.5m. In September 1993 Dave Abromowitz, a director of Bertie's No 2, took possession of the cheques the syndicate had issued to "Bertie's Landing" for the purchase price of the lease. Then, instead of depositing the money into Bertie's overdrawn bank account, he deposited two of the cheques - for R2.36m - into an account he had just opened in his own name at the same branch of FNB where Bertie's had its account.

This was remarkable for two reasons: firstly, he already had a personal bank account - across the road at Trust Bank - and, secondly, it looked very much like theft, or, as the company's liquidator, Steven Gore, would later more politely phrase it: Abromowitz "received for his

own benefit moneys which should have gone to the company." This, said Gore, constituted "an impeachable disposition." Abromowitz later said he had done it with co-director Steve Lewis's consent - which, potentially, made Lewis his fellow thief.

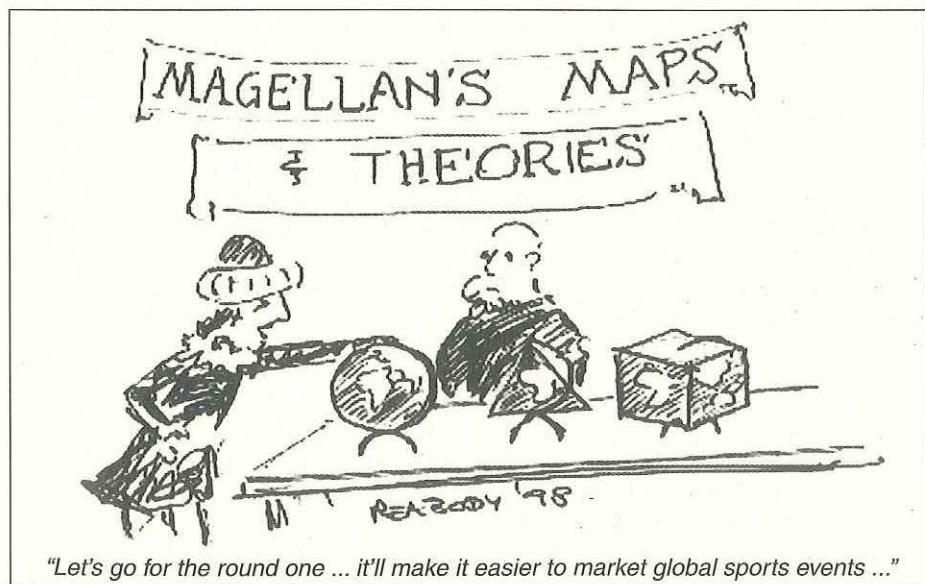
Equally odd was that FNB St George's Mall should have accepted a cheque for R2,2m, clearly made out to Bertie's Landing - another of their clients - into a personal account in the name of Abromowitz. When one looks at what interests might have been served by this means, however, it becomes clearer.

Presumably unknown to syndicate members Holland and Garvin, Messrs Abromowitz and Lewis, as responsible directors of Bertie's No. 2, and their bank manager at FNB had every reason to be pessimistic about the pub's prospects. The rent was high - very high - and the turnover was set to go down (and down again) as more and more pubs opened on the Waterfront. In fact, there is every reason to believe they knew Bertie's No. 2 was faced with imminent bankruptcy.

Apparently to disguise the origin of the funds, at intervals of at least a week for the next four months Abromowitz then proceeded to make various smaller payments out of his personal bank account at Trust Bank, into Bertie's bank account at FNB, substantially reducing the overdraft from R2.34m to R340 000. This was no doubt much to the bank manager's relief.

So, you say, didn't that more or less make it right again? No. Abromowitz had signed personal surety for Bertie's overdraft. If it went bankrupt, he faced the prospect of FNB claiming the full amount of the overdraft from him, personally. By settling the overdraft with cheques drawn on his own account, he was making it look as if he were meeting his obligations as surety, while actually using the company's own money.

Why the subterfuge? Well, had the amounts been paid to FNB directly by Bertie's itself in settlement of the overdraft, the payments would have given FNB undue preference above the insolvent pub's many other creditors. If the company was declared bankrupt - a mostly likely occurrence - FNB would have had to pay it all back to the liquidator, for fair distribution amongst all creditors. (And, *noseweek* readers will want to know, since when have FNB wanted to be fair? See *noses* 3 and 5 on how FNB secured an undue preference for itself and defrauded the other creditors of engineering giant KPL Etsa when



that company went into liquidation.)

It was clearly in FNB's interest to turn a blind eye to Dave's moves. So, naturally, FNB claimed it was none the wiser about the true origin of the money.

In February 1993 – less than six months after the cheque recycling trick – Bertie's Landing Syndication applied urgently to court to put Bertie's No 2 into liquidation, nastily suggesting to the court that the manager was filching money out of the till. (The manager had taken the weekend cash takings home for security reasons. The liquidator appears not to have found any cash to have been missing – he makes no mention of it in his reports.)

But what the liquidator, Mr Steven Gore, did eventually discover was Abromowitz's shady scheme. In December 1995, Mr Gore – brave man – issued summons against FNB to return the R2m that Abromowitz had supposedly paid the bank out of his own funds. (What became of the remaining R328 000 pocketed by Abromowitz is not explained anywhere in the court papers.)

From Abromowitz (and Lewis) the liquidator claimed the full R2,36m – less anything he might succeed in recovering from the bank. Both FNB and Abromowitz declared they would defend the action, which then took a further two years to come to court. Only days before the trial was set to begin in August last year, FNB struck a deal with liquidator Gore: he was persuaded to accept R975 000 in full settlement of his claim – less than half of R2m. Worse: Gore still had to use R156 000 of it to settle the legal costs he had been forced to incur in running the case.

FNB did also withdraw its claim against the company in liquidation for the overdraft. But in February this year FNB cheekily put in a new, last-minute claim against Bertie's Landing (in liquidation) – for the settlement amount it had just paid Gore! Gore did not oppose the claim, and the bank now stands to get R300 000 back again. The outcome: whereas other Bertie's creditors have been paid only 30c in the rand on their claims, FNB has succeeded in collecting 55c per rand on its claim – and has delayed payment to other creditors by at least two years. FNB cares?

Why did Mr Gore settle for this shoddy deal? It undoubtedly avoided an expensive trial – always a good reason for settling. And then, in the coming year, FNB will be putting many of its less fortunate clients into liquidation. Mr Gore's company surely aspires to getting the job of administering some of them – yet

another good reason for reaching a happy settlement with FNB.

From Mr Lewis, the liquidator collected R45 000. But, it appears, Mr Gore abandoned his claim against Mr Abromowitz entirely. Just why is not immediately clear. But the next point may have something to do with it: when Mr Gore filed his final Liquidation and Distribution account, listing all Bertie's creditors at court, it was not only FNB's original claim that had been withdrawn. Mysteriously and without comment, so had the claim by the Roaring Forties Association for R334 000 which had previously already been accepted.

The Association's claim represented its members' funds, which had been "irregularly" lent to Bertie's Landing when it was still under Mr Abromowitz's control. (According to Companies Office records the Roaring 40's founding members were Cyril Bernard Prisman and Michael Andrew Bromley – who happen also to have been Sicilian Mafia boss Vito Palazzolo's legal advisers!)

As late as June 19 1997, in reply to FNB's request for trial particulars, the liquidator, Mr Gore, was prepared to admit that the Roaring Forties Association was a creditor with a claim for R334 000.

In fact, the liquidator's expert witness, hotshot forensic accountant Trevor Foster, was set to confirm in his evidence at the trial that this amount had been owed to the Association "throughout the period September 1993 to February 1994".

Another file at the office of the Master of the High Court reveals that on August 24 1995, Rob Stirrat, sole surviving director of the Roaring 40s, applied to court to place the Association into liquidation. In his application, Mr Stirrat made no mention of the fact that the Association owed 438 of its members, or debenture holders, a total of R876 000 – and that the Association, in turn, had a claim against Bertie's Landing for the amount that had been improperly lent to Abromowitz's company – interest-free!

By our calculation, had the Association persisted with its claim against Bertie's Landing, it stood to have recovered at least R100 000, so that each Roaring 40s member might have recovered R250 on his R2 000 debenture. Instead, the money was used to top up payments to Bertie's other creditors, making it easier for the liquidator to let Mr Abromowitz off the hook. Why should Stirrat have been so kind? Why, he and Abromowitz are fellow sailors. Together, they have also achieved some fame as leading lights of the National Sea Rescue Institute.



Hobnobbing at Berties: Commodore Davè and neighbour Brent Sender party with mayoress Trish van der Velde (1991)



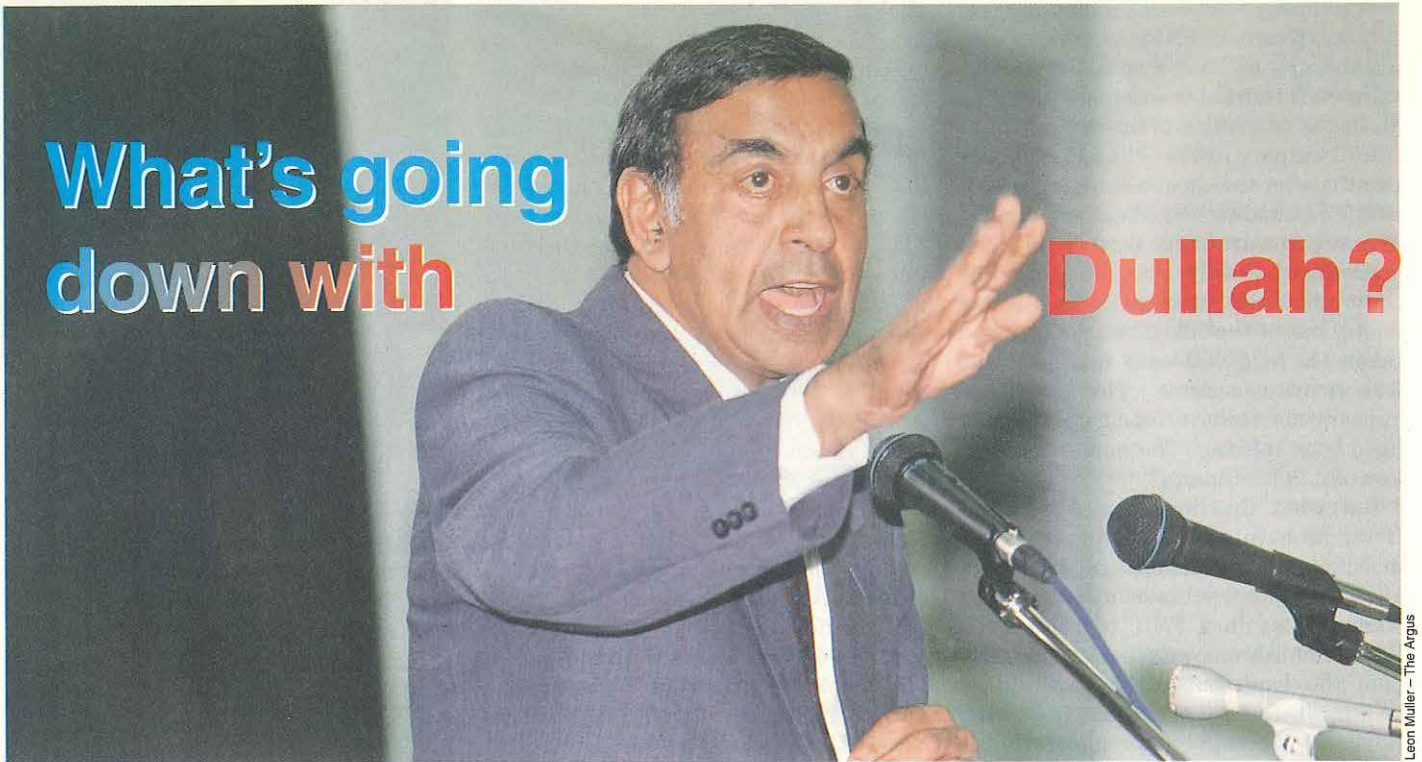
Commodore Dave, proudly donates R25 000 of Royal Cape Yacht Club funds to the NSRI (1992)

To add insult to injury: by ignoring the existence of debenture holders, Stirrat was able to declare in his report to Court that the Roaring 40s was left with a small surplus after settling its small bank overdraft: it had a water taxi, valued at R12 000, and R3 000 in cash. With an appropriate flourish, he handed the water taxi to the Royal Cape Yacht Club, "to be auctioned for the benefit of the NSRI". The cash he magnanimously donated directly to Sea Rescue.

So, with just a little sleight of hand, Stirrat and Abromowitz succeeded in leaving the yachting fraternity and those sailors of the Roaring Forties with the distinct impression that they had just encountered two saints of the sea. Would you believe it! ¶

What's going down with

Dullah?



Leon Muller - The Argus

LONG, LONG AGO MR DULLAH OMAR was a humble and serious lawyer who espoused the cause of non-racialism and liberation. He is known never to have sued a client for non-payment of fees, believing that if they did not pay, they probably could not afford to pay.

Twenty years ago, he was the senior partner of a leading law firm on the Cape Flats, known first as AM Omar & Co. and then as Omar & Vassen.

In the early eighties, he turned down an invitation to join the board of the new – privately owned – Gatesville Hospital, rudely denouncing the owners as “a bunch of capitalists”.

In the eighties, he went to the Bar and, as a struggle lawyer, often accompanied his clients into detention. Not that long ago when, somewhat misguidedly, corporate lawyers Sonnenbergs invited him, in his capacity as the new Minister of Justice, to open their luxurious new offices in Cape Town, he soured the occasion by observing in his speech: “The poor definitely can’t come in here.”

But now, established as Minister of Justice and a senior leader of the ANC in the Cape, things appear to have changed. The minister’s children are major beneficiaries of “empowerment” shares worth many millions, in a variety of companies. Today, the Omar family owns a R650 000 holiday house at Betty’s Bay (Dr Verwoerd’s favourite resort) and recently Omar’s wife, Hadji Farieda, was pictured at the auction of a Constantia mansion that belonged to Bulgarian mass murderer,

Goran Bojovic. It was knocked down to her on a bid of R1.2m. (For advice on their big business dealings do they consult Sonnenbergs, or is it Herbsteins, where daughter Fazlan is doing her articles?)

And then there is the rapidly expanding network of friends and associates of the minister who have recently acquired jobs in the Public Service. Large numbers of lawyers once connected to Omar & Co, appear to have recreated Omar & Co in a new guise – on the State’s payroll. We have compiled a list of some of them:

■ **Enver Daniels**, once a professional assistant in Omar’s firm, was appointed first as special adviser to the minister, and is now Chief Government Law Adviser.

■ **Denzil Potgieter**, another Omar PA, was appointed to the Truth and Reconciliation Commission. He has been elevated to the status of Senior Counsel at the Cape Town Bar, contrary to the Bar Council’s recommendation, and is tipped for judicial appointment.

■ Mr Omar’s old law partner, **Ramesh Vassen**, was struck off the roll of attorneys when he was caught with a “short-fall” on his trust account. His appeal to have himself reinstated – after he repaid all the money he had stolen – was turned down by the Appeal Court in Bloemfontein in June. But, in the meantime, Vassen has been helped out with a job in the “service” – as a Parliamentary liaison officer.

■ **Percy Sonn**, once a professional assistant at Omars, is today Deputy Attorney

General of the Cape.

■ **Shenaaz Meer**, one-time articled clerk at Omars – and daughter of friend Dr Fatima Meer – first got a job at the Legal Resources Centre, and now sits on the Land Claims Court.

■ **David Mias**, another attorney long associated with Mr Omar – he was also the escort of Dullah’s sister, Ragmat, for many years – was first appointed to run the Legal Resources Centre in Port Elizabeth. When it failed due to mismanagement, Mias was appointed State Attorney in Cape Town.

■ Mias’s former partner, Ms **Marcel Luter**, was recently appointed Deputy State Attorney in Pretoria.

■ **Yusuf (Joey) Ebrahim**, once a professional assistant in Dullah’s firm, never managed to get his law BA, but somehow UCT was persuaded to admit him to an affirmative MA course – which he never completed. In the meantime, Mr Ebrahim was made first an assessor to Judge President Friedman on the Cape Bench, and then, bless him, a judge in Bisho.

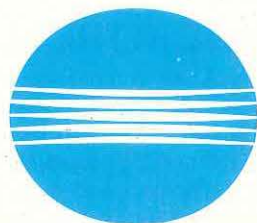
■ Another prominent “Indian” attorney from the Cape Flats, **Dines Gihwala**, was recently made an acting judge of the Cape High Court. You may be surprised that we include him in our list of those in favour with Mr Omar. Gihwala was, after all, his arch-opponent for many years; one of those men of colour who was happy to serve on the ethnic “management” committees set up by the previous regime; the sort of “coloured” lawyer who did not want to get involved

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MINOLTA

COPIERS, FAXES AND LASER PRINTERS

GET SMART, GET A MINOLTA

with defending "political". In fact, just the sort of attorney of colour who would, in the new era, have his firm amalgamate with the ultimate in Broederbond firms, Hofmeyr Van der Merwe.

So why should Mr Gihwala now have received the nod from the minister and have been appointed an acting judge? Speculation in informed circles is that the minister's pride has been satisfied by Gihwala's acknowledgement of his leadership. Gihwala has not only made a donation of R50 000 to ANC funds, but earlier this year persuaded the Hindu Association of Rylands Estate, of which he is a leading member, to throw a festive bash in honour of the minister. Great stuff in an election year.

Not that everyone is that thrilled with the new-found affection between the two old enemies - unnamed "elements" in the Thornhill Residents' Association - ANC stronghold of the Omar clan - expressed their disapproval by distributing a scurrilous pamphlet about Gihwala in their neighbourhood.

■ Then there's Omar's political rival of the struggle years, **Essa Moosa**, who was first the UDF's main attorney and then became ANC star Allan Boesak's attorney. Sometimes described as a "dagga" lawyer from Athlone who made his first fortune out of International Defence and Aid Fund grants, Moosa has rapidly ascended the social and Justice Department ladders from being appointed Co-ordinator of Lay Assessors. Early this year he was appointed an acting judge of the Free State High Court.

■ The star in Omar's firmament has to be Judge **Siraj Desai**, whose experience and undoubted ability made him a fit appointment to the Cape Bench. Judge Desai, too, started his career as a professional assistant in Dullah's firm. Not that long before his appointment he pleased Mr Omar greatly by abandoning the more radical Unity Movement to join the ANC.

■ Even old friends at the Mitchell's Plain courts have not been forgotten. **Nizaam Hendricks**, long on the court staff and a frequent dinner guest of the Omars, was transferred to Pretoria as head of personnel in the Department of Justice.

■ Since Hendricks's attorney wife, **Gadija Behardien**, also needed a job on their transfer north, the department's head of personnel (Hendricks) was fortunately able to assist with a local post - that of deputy State Attorney in Pretoria.

Hold your breath. Who is next in line for a job? Will it be **Ebie Mohamed**, **Nita Hammer** or Dullah's charming and attractive old friend, **Nicky van Driel**? ■

notes & updates

VITO WHO?

A letter received from a noseweek reader, Mr A C Kettle, brings clarity to what might have been a confusing aspect of the story in our last issue about Sicilian Mafia boss Vito Roberto Palazzolo. It will prove particularly comforting to the clients of an established Cape Town security company, Operations and Personal Security cc, which trades as O.P.S. Security.

Mr Kettle writes: "In nose23 mention was made of a security company, O.P.S., in which a certain Mafia boss called Vito Palazzolo was alleged to have an interest. We at O.P.S. (Operations and Personal Security) provide a professional and necessary service to a highly respectable clientele. We categorically deny any involvement with, or knowledge of, Palazzolo. It has come to our attention that a fly-by-night security firm has been using our good name to try to drum up business. This might be the entity referred to in police intelligence reports quoted in your article. We do not currently provide any security services for restaurants and night-clubs."

The noseweek article on Palazzolo alleged that Palazzolo had an interest in a security company called OPS. It appears that certain criminal elements in Cape Town may be running extortion rackets in central city nightclubs using the names of established security companies as a cover. Readers would be well advised to make sure exactly which entity they are dealing with.

Thank you Mr Kettle. We will report further on the matter in due course.

THORNE IN THE FLESH

Mr Ernie Thorne, until recently the deputy director of Human Resources in charge of Labour Relations of the Cape Town City Council, has had the bald cheek to send noseweek a threatening lawyer's letter (see *Letters*, p2).

He claims we defamed him by reporting the fact that he lied to the Industrial Court in an affidavit. As Thorne knows the Industrial Court determined, in January 1994, that the Council's closed-shop

agreement with two "sweetheart" unions - SAAME for whites and SAMWU for "non-whites" - was an unfair labour practice. In April 1995 - nearly 18 months later - Mr Thorne suddenly decided that he did not really understand the determination, and applied to court for "clarification". In support of the latter application, he declared in a sworn statement: "from the date of the above award [January 1994] it has no longer been obligatory for any of the Council's employees to belong to either SAAME or SAMWU."

Not so fast. During 1994 Letters of appointment sent out by the department of Human Resources specifically state: "You will be required to become a member of either SAAME or SAMWU." Other letters to employees attempting to resign from either of the sweetheart unions state: "The fact of the matter is that there is still a Closed Shop in existence at Council." The letters are signed by Mr Thorne's immediate subordinates.

The closed-shop was not a trivial issue. The court's determination was as a result of attempts by members of a minority union to establish itself. During this period Mr Thorne had numerous conversations and meetings with the leaders of this union, during which the continued enforcement of the Closed Shop was the main bone of contention.

In the light of this, Thorne's claim that he did not know that the closed shop was still being enforced is absurd.

The matter was of particular relevance because SAAME union members resented the fact that their union had stolen their money. Readers will remember that council seemed to be dragging its heels on following up the fraud case, and on recovery of the money in question.

The matter continues to be on the council's secret agenda. However we have learned a bit more about the settlement offer that has been made to Council by the union (now known as IMATU). The union proposes to pay the council back R650 000 in respect of the R950 000 it misappropriated. In respect of the R1,9 million stolen from members, the union has offered to pay nothing. Instead the union has offered Council a limited indemnity against claims by its employees, should they choose later to sue the council for having incorrectly deducted the money from their salaries. (This after the Council had - four years ago already - assured employees that it would actively seek to recover the money on their behalf.)

Council has, so far, not accepted the

offer and has made a counter-offer. They want R700 000 in settlement of their portion of the claim. More importantly they want a full indemnification against claims that may be made by employees. This lends credence to union members' suspicions that the Council has dissuaded them from acting against the union themselves with false undertakings, and now intends abandoning them when it is too late.

CHILWANS - THE BUS STOPS HERE

Chilwans, the miracle bus company of the Cape Flats, has lived up to its reputation ("catch us if you can") to the last. Unofficially the company has been hopelessly bankrupt for the past two years - but not officially.

And, as the saying goes, it's not what you know that counts - it's what you can prove. Despite their obvious bankruptcy, they succeeded in staving off five high court applications for their liquidation in this year alone.

First to try was Total, to whom Chilwans owed R4 million for petrol and diesel. Total lost the case and were ordered to pay Chilwans' costs. Next African Bank (owed R5 million) tried, with the same result. Ditto for Cape of Good Hope Bank (owed R900 000), then Investec (owed R2 million) and, last to join the list of failed applicants, Standard Bank (owed R4 million).

Three weeks ago success went to Afric Auto Repairs, who finally succeeded where all others had failed in getting the company wound up.

The Chilwans family have thrived on debt for the better part of a decade, relying on a handy monthly payment of R3 million from the Eastern Cape government (previously the Ciskei government) - to cover interest payments to the nine banks that were happy to oblige with loans totalling R26 million.

The monthly R3 million was for supplying a not too closely defined bus service to the Eastern Cape Education department and other government agencies. (In some circles Chilwans are credited with having relocated half the population of Transkei and Ciskei to Khayelitsha and Crossroads on the Cape Flats.)

The empire of debt came unstuck, however, when the Heath Commission investigated the causes of the Eastern Cape's continuing financial crisis and in the process questioned, and then

unceremoniously cooked, Chilwans golden goose.

As news of their demise spread, all the Chilwans busses - valued at some R20 million - went missing. A Chilwans bus driver arrived alone at the liquidators office in Cape Town and revealed that Chilwans drivers, who had not been paid their salaries, had taken the busses home. When the liquidator suggested a meeting the driver said, "this is the meeting", and announced that his bus - parked in Adderley street - would "catch fire" if the question of outstanding salaries was not resolved within the hour. The fate of the other "disappeared" busses was left to the liquidators imagination. Not surprisingly Chilwans major creditors raised the R400 000 needed to sort out the salary question within the specified time limit.

Members of the Chilwans family have taken legal opinion and intend to sue the Heath Commission and the government for damages. Meanwhile elder brother Rudi Chilwan has shipped the wife he obtained by mail order from Kiev, in Russia, back to Kiev just in time. His new wife, we are pleased to announce, has arrived from Kashmir.

Mrs Ferose Oaten, nee Chilwan, is chairman of the National Road Transportation Board.

INVESTEC - TROUBLES HERE AND THERE

Investec have historically close ties to Cape Town attorneys, Sonnenbergs. Investec chairman Hugh Herman was once senior partner at Sonnenbergs. Over the past year the bank has had occasion to - very quietly - renew its association with the Cape Town attorneys. In fact, it seems Sonnenbergs have been called in effectively to run Investec's Cape operation, following the discovery that the branch has made so many bad loans to dicey clients, that they are able to provide full-time employment for Sonnenbergs' partner Leonard Katz - otherwise known as Lennie the Liquidator.

The shake-out has seen various senior staff members either suspended, or fired, or taking early retirement. They include Laetitia Pijper, head of property finance in the Metboard division, her deputy Gerhard Botha, and risk manager Peter O'Ryan. All the staff of the old Provincial Building Society division, including manager Les Haupt, have also been fired or suspended, pending inquiries. Summons are flying everywhere.

It appears bonds totalling tens of millions were granted by these Investec divisions against securities that had been vastly over-valued - possibly fraudulently so.

Investec has managed to keep the whole saga under wraps by conducting most of the investigation by means of secret insolvency inquiries - after Lennie the Liquidator has put the delinquent clients into liquidation, 37 of them in the past three months. Emotions have at times run so high amongst clients that Katz admits to having received death threats. noseweek knows that property developer Faizel Noor's bodyguard, at one stage, pulled a .357 magnum on Lennie to emphasise the point that he wanted his R1 million life insurance policy back.

Investec clients who have gone to consult a sympathetic bank manager, only to be met by Lennie the Liquidator instead, note bitterly that, while this method of dealing with the problem has served to keep things quiet for Investec, it has also been a handy way of providing lots of work for several divisions of Sonnenbergs.

Some of the biggest Investec debtors in question are in the Saldanha area, or on the Cape Flats - with a significant few based on the Waterfront.

Investec also has the odd bit of trouble on the international front. It all revolves around the discovery by Canadian authorities of a nasty bit of insider trading that has apparently been conducted on the Vancouver stock exchange in the shares of Arakis Energy Corp, the Vancouver company that proposes to convert the poverty-stricken Sudan into a major oil-producing country.

The Canadians are particularly interested in some extremely profitable share deals concluded by a number of offshore companies, including Hatfield Investments, based in the Channel Islands.

Following the trail investigators found that Hatfield Investments was controlled by a discretionary trust, and that the trustees of the trust were Integro Executors & Trustees Ltd of Jersey.

Mr Peter Crispin Woodthorpe is a director of Integro Executors & Trustees, which is not unrelated to Integro Insurance Services Ltd, a UK company which included Investec directors Bastiaan Kardol and Alan Tapnack amongst its directors. Oh, and then Jersey-based Mr Woodthorpe is also a director of Investec Derivatives Ltd.

Investec's offshore friends and associates are beginning to make upright British bankers nervous.

We are merely curious. 11

GET A LIFE!

Television is a medium of entertainment that permits millions of people to listen to the same joke at the same time and yet remain lonely.

T.S. Eliot

Night after night, we sit for long hours in dark rooms. Identical images flow into our brains, homogenising our perspectives, knowledge, tastes, desires. We spend more hours watching nature shows than experiencing the real thing; more time laughing at TV jokes than joking around ourselves; more time experiencing TV sex than actually touching another human body. If we forego the role of participant in the real world, we become spectators in the flickering world of make-believe.

Twenty years ago the environmental movement shocked the world into realising that our natural environment was dying. Now, our mental environment is similarly endangered: Micro-jolts of mind pollution flood into our brains at the rate of 3,000 marketing messages per day.

TV commercials – slick, highly evolved sales pitches that prey on our doubts and insecurities – are dumped into our collective unconscious like toxic sludge. The result? Our attention spans are diminishing, our imaginations are giving out, we are unable to remember the past.

TV Turnoff Week is a collective attempt to save our most precious resource: the clarity of our own minds. Why not rebel against the phoney promises of electronic bliss? For seven days and seven nights, unplug yourself and serenely rise above the clamour of consumer culture.

Add a bit of ceremony to your media fast by covering your TV set.

Use a shawl, a sheet, a tablecloth... anything you like!

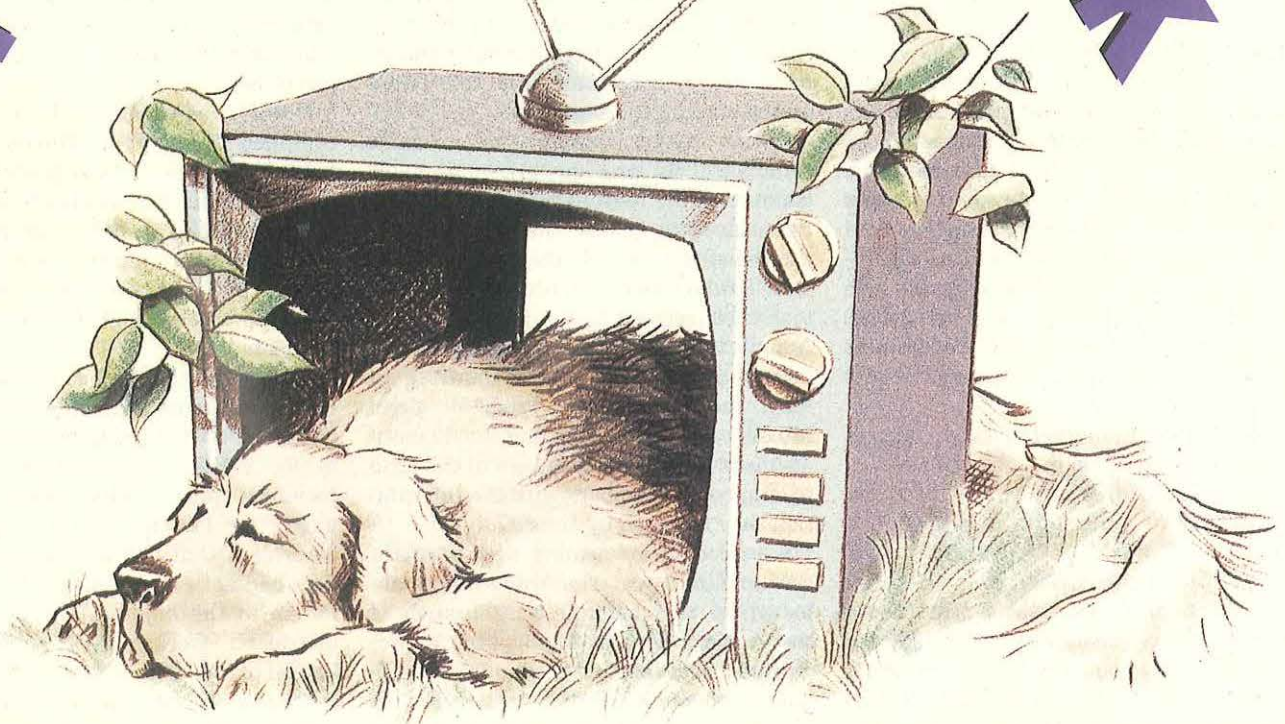
(Be creative, and tell us about it!) Visit Adbusters' website. Download a poster suitable for workplaces, homes, telephone poles ...

or TV screens. The site also features a 30-second uncommercial which will show you that you can criticise the medium through the medium itself.

TV Turnoff Week: Don't change the channel. Change your lifestyle!

Join the great South African

TV TURN OFF WEEK



OCTOBER 24-30

rediscover your peace of mind

TV or not TV? That is the question. On October 19, thousands of people all over South Africa will turn off their TVs and not turn them back on for a week.

Why don't you try it? Imagine - no more radiation, laugh tracks or gratuitous violence.

It's great! And once you try real life, you may never want to go back to the simulated variety again.

ESCAPE THE FANTASY - GET REAL

www.adbusters.org

Fedlife won't let go gogo

THERE IS AN OLD POP SONG WITH a chorus line which runs: "please don't take my good thing away." It could easily serve as Fedlife's anthem, to be sung by executive staff first thing each morning.

In 1993, Fedlife went to court to resist the Hospitality Industry Pension and Provident Fund's bid to fire it as administrator of the fund. Not only did the HIPPF eventually succeed in firing Fedlife; in a second court case, Fedlife was ordered to pay the fund damages for its maladministration.

But Fedlife remains tenacious when it comes to hanging on to a good thing.

Now the insurer is involved in a dispute with a wine steward, a griller, a cleaner, a waitress and sundry housekeepers from the Arthur's Seat Hotel in Sea Point. For the past three years, these workers have been asking Fedlife for information about their pension fund, the Liquor and Catering Trade (Cape) Pension Scheme. Rather than supply the information, Fedlife called in big-time lawyers, Werksmans, and embarked on a megabucks legal marathon to frighten off the small guys. In the good old days, the legal costs alone would have been enough to see off the cheeky charlies. Not today. They, too, have found themselves a big-time labour and civil rights lawyer – Anton Steenkamp at Cheadles.

At issue are the contributions of workers whose membership of the fund has become "dormant" – they have either died without anyone having made a pension claim, or they no longer contribute to the fund because they are no longer employed in the industry.

Of the 59 600 members of the Cape Catering Union's pension scheme, the vast majority – approximately 49 700 – are "dormant". The situation arose mainly because of conditions in the apartheid years, when migrant workers – most of them illiterate – were forced

to make pension contributions, but were unable to return to their jobs after their short-term contracts expired. Most did not know that they were entitled to their contributions back or, even, to claim benefits.

The small print stipulates that after five years, any claim to a refund falls away. Unclaimed contributions are supposed to have accrued to the benefit of the remaining, active, members. Under Fedlife's administration this has not happened, and the scheme has accumulated a handsome R170m on these dormant accounts, turning the ignorant members' misfortune into Fedlife's good fortune. Fedlife not only gets to invest this money (R170m still has some clout in the market), but also charges an annual management fee of more than R500 000, based on the amount it administers.

Which might explain the insurer's reluctance to provide information. It claims it is the responsibility of members themselves to ensure that they get all the benefits to which they are entitled.

In January last year, the hotel workers took their request to the Pension Funds Adjudicator who, it transpires, is not merely another PR for the industry. In May, the Adjudicator, Professor John Murphy, ordered Fedlife and the 22 management committee members of the fund to supply the members with the information they required by June 27.

A precedent for dealing with dormant accounts in the catering trade was established by the Johannesburg branch of the union when, in 1993, after a protracted legal battle, the union terminated its administration contract with Fedlife and shifted the administration of its fund to Southern Life.

Through a programme of investigation – which included advertising in the press – the number of dormant accounts in this fund was quickly reduced from 36 000 to 22 000 and a surplus of R50m was credited to the accounts of active members.



In his ruling in the latest case, Professor Murphy reminded Fedlife that "one would have hoped that the pension fund, acting in keeping with its fiduciary obligations, would have laid bare its records to its membership for the purpose of embarking upon a consultative process to determine the best manner by which the unclaimed monies can be applied for the benefit of the remaining members of the scheme".

Prof Murphy quoted Judge Traverso of the Cape High Court in an earlier case, where she ruled that "in a 'legal culture of accountability and transparency' ... a person must be entitled to such information as is reasonably required by him to determine whether his rights to lawful administrative action have been infringed or not".

Fedlife was unmoved. It still has not complied with Prof Murphy's order. Instead, Fedlife's attorney, Mr JM Bortz of Werksmans, has written to inform the plaintiffs that Fedlife and the fund's management committee are aggrieved by Murphy's adjudication, and intend applying to the High Court to have it set aside.

Now comes the fun bit: in his letter, Mr Bortz claimed to be acting on instructions from "the 1st to 23rd respondents" – that is, for the 22 management committee members plus Fedlife itself. Unfortunately for Fedlife, attorney Steenkamp discovered that the 22 committee members had not even discussed the determination of the adjudicator yet, let alone instructed Werksmans to take it on appeal to the High Court.

It seems Fedlife and its attorneys may have become so accustomed to pushing their union clients around, rather than taking instructions from them, that they got a bit ahead of themselves.

It was only after Steenkamp demanded that Werksmans produce signed Powers of Attorney from all the respondents, that Werksmans rushed to organise a meeting of committee members and persuaded the majority to support Fedlife's appeal.

With the latest moves, Fedlife gets to hang on to the pensioners' money for at least another six months – appeals filed now will get to court only some time after February next year. Meanwhile, Werksmans' fees will undoubtedly be charged to the pension fund.

The Fedsure Board includes such business luminaries as JA Barrow (chairman), AI Basserabie (Group CEO), HS Herman – he of Sonnenbergs and Investec fame – and Dr APH Jammie, well-known TV prognosticator.

Watch this space for developments. **11**

letter from Beijing

Our correspondent Alan Goldberg will, from time to time, relate his experiences of life and business in what is reputedly the future global superpower.

FOR THE SECOND MONTH RUNNING, I have had a car crash. This time I drove into the back of a stationary car in a traffic jam, so it was difficult to blame anyone else.

A policeman escorted all four drivers (this was an impressive crash) to the local pigpen to get all the details.

The third world is full of people who have no role except that they have to be somewhere. Three policemen discussed the case at the top of their voices, and even phoned someone else who doubtless had their say. It is difficult to take people seriously when they have their trouser legs rolled up against the heat. At least six members of the public gawped in at the windows and there would have been more had it not been pouring with rain. The office was already full when we arrived and a few of the players from the previous scene were booted out. But not a lady in a turquoise mini-dress and over-enthusiastic make-up whose profession was perfectly clear, even at nine in the morning. The officers of the law were keeping her off the streets.

Despite the scene, I do have to give grudging approval to the system. As soon as you are involved in an accident, the attending policeman takes your driving licence, which it is obligatory to carry when driving. You get a receipt, valid for a week, that enables you to keep driving, and within that week you have to appear at the police station, clear up the insurance, pay your fine and whatever. In my previous accident, the system went wrong at the first hurdle. The other driver (of a van filled with ducks) never appeared. We must conclude his licence was not what it seemed to be, or that he had some other reason for not wishing to visit the police station – such as not having a residence permit for Beijing.

In my second accident, I got stung with a fairly small fine but the police issued a further receipt saying I could have my licence back in a month – fairly standard, but a more significant punishment as far as I was concerned. But nothing's settled in China when you think it is. The police then decided that this was a bit steep for a foreigner and that maybe I could get the licence back earlier. They told my secretary to come back the next day but not

to bring me – I am sure purely because they felt ashamed of their scruffy office. Twenty-four hours later she collected the licence. Seeing that price-gouging of foreigners was not long ago held up by a newspaper as a patriotic duty, I was not inclined to refuse this windfall.

I went to the Indonesian embassy to enquire about visas, and had to wait with a group of 20 Indonesian Chinese students who were making their compulsory registration with their embassy as they are studying in China. They were being treated like dirt by the pribumi (indigenous) Indonesian staff – your photo is too small, come back tomorrow etc. The visa staff wanted to keep my two-year-old Chinese-born daughter's passport while they "telexed" Jakarta. That week both China and Taiwan had turned up the heat on the ill-treatment of ethnic Chinese in Indonesia, so I asked what would happen if an angry Chinese mob burned down their embassy with the passport inside. This exchange was received rapturously by the group. As the old hag dealing with visas turned away they all gave a thumbs-up and whispered racist comments. China turning up the heat was unusual: China has a clear policy of not commenting on other countries' internal matters in the hope that they will do likewise. When violence was directed at the Chinese in Indonesia in 1965, China kept quiet.

The next week I went back to fetch the visa but found the gate shut. Little did I know it, but an angry Chinese mob of 200, under firm police control, was about to send four of its number to deliver a petition – in a protest almost unprecedented in China. Any protest in China sets the government's nerves a-jangle, and this has been the first time since 1989 that students have indulged in any political activity off campus. Even more extraordinary, is that posters inside the university reportedly criticised the Chinese government for its inaction.

Since I was accompanied by my (two-

CHINA'S RULES OF THE ROAD

year-old) daughter, I reckon that she has played a minor role in an embassy protest a full 15 years younger than my appearance outside the American embassy in London during the Vietnam war with people chanting "Ho, Ho, Ho Chi Minh". I was so enthralled that I walked into a parking meter and told everyone that the police had beaten me up. 'Course, we knew how to make our own fun in the old days. ■

Poorly chosen Chinese names

The tyres on my bike are "Golden Cow" brand. That's not the worst. Qingdao, a pleasant east coast city was once Germany's Hong Kong. Apart from some nice old buildings the best legacy of the Krauts was the brewery. In response to Munich's Oktoberfest, they now have an international beer festival and its mascot is a tiger called (no, it can't really be!) Pipi. There is an explanation: the first character of pijiu (beer in Chinese and one of the first words I learned in this noble and ancient language) is indeed "pi". But surely they could have thought how the foreign tourists might, well, wet themselves?

gus



CHAPPIES - THE MENSA GRADE

DID YOU KNOW 131
The volume of a mole or gram
molecular weight is constant for
all gases and is expressed as
(6.02488 ± 0.00016) × 10



5. The Salesmen from Hell

IN OUR LAST INSTALMENT WE related how, at the suggestion of the Duke of Edinburgh - yet another minor German prince made good - Prince Bernhard of the Netherlands became the first president of the WWF in 1961. And that there was much that was unaccountable and mysterious about the choice.

The fact that Bernhard's favourite sport had always been hunting - his biographer records that the prince was given his first hunting rifle when he turned 14, and that so many trophies were hung in the passageways of the family residence that they presented a veritable forest of antlers - was the least of it.

We have already demonstrated how the prince lied about his early membership of the Nazi party, and about the nature and duration of his and his family's commitment to Hitler's cause.

In the official biography of the prince, published in 1961 - the year of his appointment as first president of the World Wildlife Fund - Bernhard claimed that he and most of his friends left the SS and "severed all connection with the party" as soon as they graduated. By his account he graduated in 1935 and then immediately left Germany for Paris: implicitly to escape the Nazi environment. To reinforce this impression, he recounts an anecdote: "Soon after I began working in Paris, the German Ambassador sent to ask me if I would join the organization of Germans living abroad. It was, of course, a party organization, so I said 'No.'" In fact, recently opened war archives reveal that Bernhard remained a member of the party when he went to Paris.

Throughout 1935 and 1936, when

Bernhard had several arranged meetings with the young Princess Juliana of the Netherlands - including escorting her at the Winter Olympics in Germany - he was still a member of the Nazi Party. Hitler clearly understood the propaganda value of the relationship. Mr H Hoffmann, a noseweek reader, lived on the farm next door to the Von Lippe's estate near the Polish border, where the Prince grew up. He recalls how, shortly before the Prince's engagement to Juliana, neighbours were scandalised when - on Hitler's orders - the State Public Works Department hurriedly built a tarred road to the Von Lippe's small estate and renovated the neglected old house - all at public expense. [see picture]

(Mr Hoffman also believes that the reference in our previous instalment to Bernhard's membership of the Ritter SS was incorrect. The teenaged Bernhard and two friends were members of the Reiter SS - a group of good-looking young horsemen, trained to do exhibition riding to promote the image of Germany - and the party. This would have predated his membership of the Motor SS, the group of Nazi motoring enthusiasts which the prince, by his own account, joined as a student in Berlin.)

IMPORTANT NAZI SPY

At the Paris office of the notorious chemical company, I G Farben, far from escaping the Nazis, Bernhard worked in the department of foreign statistics, known as NW7 or VOWI - a front for German Intelligence. In 1937 the future president of the WWF was already being described in US Congressional reports as "an important Nazi spy".

At the postwar Nuremburg trials,

Bernhard's old boss at VOWI, Max Ingler, was sent to jail as a war criminal. Farben chief, Dr Carl Bosch, escaped a probable death sentence by dying before he could be tried.

After serving his sentence Ingler was employed by American aerospace giant Lockheed. He, and another VOWI veteran, Frans Fahl, brought Bernhard onto the Lockheed payroll in 1959.

Bernhard was an attractive recruit. The prince was by then applying his business skills as a director of Royal Dutch Shell - where he represented his wife's interests: Queen Juliana's shares in the petroleum giant made her the richest woman in the world. In addition the Queen had made him head of the Dutch armed forces, a position he was secretly ready to exploit - for a commission - to advance Lockheed's sales of war planes.

Thus, when he became the public voice of the WWF in 1961, Bernhard was already acting as an arms salesman, although 15 years would pass before the details would come out.

Bernhard in turn, recruited many of his old friends to the ranks of the WWF. These included several from his days with IG Farben. Among them was Professor Dr Bernard Timm, who had been personal assistant to Farben chief, Bosch. Another was the banker Hermann Abs, who served for several years on the board of trustees at WWF-International. Abs, the architect of the postwar German wirtschaftswunder had, with a little help from his friends on Wall Street and in the City of London, reinvented himself as the ultra-respectable chairman of the Deutsche Bank. But prior to the war, Abs had been in charge of the Nationale Truehand, the account set up for Hitler's use by German and foreign industrialists at the Delbruck-Schinckler Bank. He had provided personal banking services to Deputy Führer Hess, to Von Ribbentrop and to Göring.

During the war, Abs represented Nazi interests on the board of the Bank of International Settlements in Switzerland, which was happy to receive gold plundered from Jews. He also sat on the supervisory board of IG Auschwitz, which used slave labour to make the artificial rubber that kept the Wehrmacht on wheels. ¶

Next issue: The 1001 Club. - In 1970, Bernhard welcomed Charles de Haes, ex executive from the Rupert-controlled Rothmans International, on to his staff ...

Reckenwalde: Prince Bernhard's childhood home, restored by Hitler for the occasion of his engagement to Juliana of the Netherlands in 1937.



AT THE GLORIOUS

Bellingham Estate just outside Franschoek there is a wine cellar, dating from the 1690s, with deep slits in the wall from which the early settlers fired muskets at marauding natives. Nowadays the onslaught on the Bellingham homestead is by marauding businessmen inflamed by the sudden surge in opportunities and profits in the wine industry. Holding them at bay from inside is Fredagh Podlashuk, widow of the creator of Bellingham wines, and guardian of the historic estate.

There is an astonishing portrait of Mrs P in the drawing-room of the Bellingham manor house. The imperious beauty, painted 45 years ago, makes Sophia Loren look dowdy by comparison. If you ask to photograph her now, at 82, she says – with a smile – “no, absolutely won't have it. But by all means take a picture of the portrait.”

Mrs P and her husband, Bernard, bought Bellingham in 1943, when it was a largely derelict fruit farm. Not only did they have no farming experience, the Podlashuks hadn't noticed that the farm had no electricity. When the seller, a Mr



Adam Welz

Fredagh Podlashuk ... the beauty

BATTLE OVER BELLINGHAM

Bernard Podlashuk turned himself into a capable wine farmer. But it was as a brilliant marketer of wine – perhaps the first in South Africa – that he is best remembered. His great success was with Bellingham Grand Cru, where he showed his marketing genius by coming up with a distinctive triangular-shaped bottle. That, and a substantial price increase, made his Grand Cru the must-drink wine of the sixties. Never mind that, according to some, those early vintages of BGC tasted a bit like battery-acid. Bellingham was launched as a household

Graham Beck ... the beast?



Beeld

brand.

But it was not all work and no play. The famous entertainments held at Bellingham in the fifties and sixties are said to have been the inspiration for *Seven Days at the Silbersteins*, the satirical novel by avant-garde Afrikaans writer Etienne le Roux.

In 1982, after 40 years of adventure and achievement, Mr P sold the farm to Jan Pickard. As a condition of the sale, the Podlashuks retained the right to live in the historical manor house – a national monument. In addition, in a bid to preserve the history, beauty and tranquillity of the farm, the title deed stipulated that their written approval would be required for any building on a 16ha area surrounding the house.

In 1990 when the farm was subsequently sold to Graham Beck – in his new guise as Douglas Green Bellingham, or DGB, the title conditions still applied. DGB obviously felt that they could live with these restrictions.

When the world-wide growth in wine consumption, renewed interest in South African wines and tourism, and a deteriorating exchange rate combined to create a boom market, however, the new generation of wine industrialists was up and raring to go. Within no time builders



... the new

were on site building a restaurant here, a wine tasting room there, a bottle store ... all in conflict with Mrs P and her idea of the spirit of Bellingham. Beck and co. had clearly decided to ignore the sharp eyes watching from the ancient gunslots.

The final provocation came when the Grande Dame observed men advancing with sledgehammers on the ancient farm ringwall. She drove them off. “These people don't understand anything but money,” she said disdainfully.

That was not the end of it. DGB has

The old ...

Gray, realised that they also hadn't thought to inquire about the water supply and nearest railway siding, he himself put a cooling-off period of two weeks on the sale. That was the age of gentleman farmers.

But there was no stopping the Podlashuks. Shortly after taking possession of the farm, they hosted a lunch at which a neighbour proposed the toast: “My God,” he exclaimed, “all this tradition, all this beauty! With a name like Podlashuk we've been so worried. Thank God you're not Jews.” He never called again.

plans to increase production from the 15 000 cases of wine produced on the estate in the '80s, to 250 000 cases a year by the millennium. To grow the amount of grapes necessary to do this, DGB has bought two other farms – in Wellington and Helderberg. To be able to market these wines as Bellingham estate wines, the grapes must be processed at Bellingham. The first step in making this possible was the construction of a new red wine cellar – for which DGB obtained Mrs P's signed authorisation as required by the agreement. DGB's plans for enlarging the existing white wine cellar were another matter. This cellar is much closer to the manor house. When DGB's plans exceeded what had initially been agreed, Mrs P refused to sign them. DGB went ahead in the face of her protests.

Determined to ensure that they paid for their sins, Mrs P called out the forces of law and order: the Winelands District Council. The men in grey suits duly undertook to seek an urgent interdict on the grounds that the Council had not approved building plans for the expansion, and that the plans had not been authorised by Mrs P. Her attorney, Chris Nel, says "Winelands created the impression they were going to fight the case with everything at their disposal."

The ebb and flow of the battle, which commenced on October 16 last year, is recorded in her diary. It speaks of nothing if not tenacity. A small sample: "16/10 – spoke to Mr Vermeulen [Chief Building Inspector], says he will get interdict immediately. 20/10 – spoke to Mr Vermeulen. 21/10 – Mr Vermeulen seems to have cooled on the interdict. 28/10 – phoned Vermeulen – says lawyer busy with interdict. 30/10 – spoke to Vermeulen. 4/11 – spoke to Vermeulen. 12/11 – phoned Vermeulen – no news. 17/11 – phoned Vermeulen – says he will go into matter, am I being fobbed off? 25/11 – spoke to Vermeulen. 2/12 – spoke to Vermeulen. 9/12 – spoke to Vermeulen with no clear results. 12/1/98 – phoned Vermeulen – he did not call back. Is this how members of the Regional Council are supposed to behave? 16/1/98 – Vermeulen phoned to say all work must now stop – magistrate ruled in our favour – but building of cellar has now been completed, so what does this ruling mean?"

Anyone else who she reckoned might have some influence, got a call or six.

In their submission to the Paarl magistrate's court, the Winelands District Council appear to have taken their cue from Mrs P. They described DGB as "arrogant" and suggested that DGB "has apparently decided that making money is

more important than obeying the law". The submission also stated that Winelands would not approve building plans until Mrs P had signed them.

Despite their initial enthusiasm, it ended up taking the Winelands Council three months to get their act together. By the time Magistrate Flip Smuts granted an order prohibiting DGB from going ahead with the enlargement of the white wine cellar, DGB had completed the building, having pressed on regardless.

Mrs P feels she was misled and betrayed; that she was sold a dummy by the Council. "By the time Winelands refused to enforce their interdict, it was too late for me to get one of my own – the alterations were a *fait accompli*." Her attempts at negotiation seem only to have provided DGB with more time to forge ahead.

We bump into Winelands attorney Uys (read "Ace") van den Hoven at the Paarl magistrate's court. He looks nervous as he tells us: "Listen, we couldn't fight her

allowed to destroy the whole concept of this magnificent little jewel". The manor house originated in the 1700s, its baroque gable mirroring the shape of the mountains beyond. Inside, the furniture isn't Cape Dutch, which is too sombre for Mrs P. Instead, she prefers ornate French antiques that make for an opulent and festive atmosphere.

Mrs Silberstein in Etienne le Roux's famous novel of the Sixties is described as a slim, glamorous woman, "her eyes alight with intense pleasure". No doubt about it. Mrs P tells me that, after her experiences with DGB, she is writing a book of her own – called *Widows Beware*. "For five years they have harassed me and have breached our contract many times ... enough is enough ..."

There is one more round to go. This time, Mrs P has DGB not over a barrel, but over an industrial-sized steel vat. DGB needs her to endorse its plans to build a bottling plant at Bellingham, something which is forbidden outright by the title deed. Remember, DGB must bottle wine made of grapes grown on other farms on the Bellingham estate if it wishes to market the wine under the Bellingham label.

So now, it seems, DGB is taking the aged Belle of Bellingham seriously at last. They flew in Alister Rogan, Graham Beck's 2 IC, to negotiate. (He claimed that the "local guys" were too scared of her.) Mrs P, no mean negotiator, set the tone by first raising the issue of DGB's past transgressions. Rather catholic in style, Mrs P wants DGB to pay for her forgiveness, payment to take the form of a donation to the Community Chest (with which she has had a long association). According to Mrs P (and Freya who was taking notes), an amount of R5m was settled upon. Rogan said this would be paid in annual instalments over 10 years, so that DGB could write it off. Later, over lunch – she knows when not to stint on the champagne – Rogan raised the issue of permission for a bottling plant on the estate. Mrs P said that she would be prepared to consider this, since the character of the estate was already so much altered, but only if DGB put a further R3m in the Community Chest. When the meeting ended, Mrs P thought she had a deal, and told the Community Chest to "stand by for something rather nice."

But since then, DGB appears to have reverted to its old bad habits. Rogan now denies having made any such promise and the Community Chest remains on standby.

An enraged Mrs P wrote to Rogan on



case for her ... I mean, she must come and show that her objections are reasonable." And then, under his breath, "Apparently she wants to plant petunias or something." It then emerges that the double-breasted, mustachioed country attorney threatened at one point to put an interdict on Mrs P if she did not leave him in peace. She hasn't forgiven him.

Visiting Bellingham, I'm given a guided tour by Freya Adams – curator of the Bellingham historical trust – and Mrs P's assistant. The place is set beautifully among steep mountains, and is simply spectacular. It is easy to understand why Mrs P says "they must not be

July 31: "There comes a time when trying to pull the wool over my eyes has to stop." The letter ends "Everything has its price - who better than you would know that?" Her faxes and phone calls to Rogan and his tycoon boss, Graham Beck, have been ignored.

DGB still needs authorisation for the

bottling plant. But it may be quietly hoping for a different solution. Mrs P is old and frail - and has just suffered a mild heart attack brought on by stress. In this long, debilitating, war of attrition, will the final round yet go to Graham Beck? Is he to emerge from it all as the Beast of Bellingham? ¶

books

TALKING OPEN KIMONO ABOUT THE INTERNET

Burn Rate by Michael Wolff
Weidenfeld and Nicolson

Burn Rate is an industry term referring to the rate at which Internet start-up companies lose money. Michael Wolff is a journalist who, for a few years in the early nineties, was an Internet entrepreneur: chairman and CEO of Wolff New Media.

Wolff's bemused and sceptical air makes for a hilarious read. The industry that will supposedly transform the time we live in is, for the time being, a three-ringed circus. This gripping story will give you a seat in the front row.

Wolff describes the Internet as a new industry making itself up as it goes along. It is largely without income - the vast majority of Internet companies being dependent not on customers but on the capital markets to meet the monthly payroll. Wolff New Media is no exception - its burn rate is half a million dollars a month. The chief executive's main task, it would seem, is to scramble from one potential investor - and one industry conference - to another in the hope of landing the big bucks he needs to feed the burn. The fact that Wolff New Media is losing money so fast doesn't seem to be much of an obstacle - at one stage Wolff finds himself a whisker away from clinching a deal that would value his company at US\$150 million. Anticipating this, he reflects: "It's interesting how seamlessly you can move from being an ordinary middle-class working person to being a person with Medici levels of wealth. It doesn't feel like there's been an error; it feels, in fact, like there's some logic in the world."

Under these circumstances, doing the deal is a case of how much hype you can create - and how you hold your nerve. As Wolff points out, you can't tell potential investors "there's a fire burning like crazy - and we have to throw dollar bills on it". When one frantic and exasperated potential partner blurts out "Let's get real about this, okay? I can't fool around with this any more. I have a payroll to meet next week", it's a big mistake. The bloke in question duly pays the price.

The capital markets are prepared to hurl money at the Internet industry because there are vast expectations about

KEYSTONE COINS

EARLIER THIS YEAR A READER IN Durban received an offer in the mail. Redolent of sincerity and the promise of easy money, Pacific Players International declared: "This could be your lucky day if you make the right move." Not altogether surprisingly, the right move entailed sending them money - for tickets in the Australian Lottery. The letter, which concludes with a jovial "Thanks and Good Luck", bears the signature of one David Johnston, who includes a picture of his avuncular self presumably to confirm his sincerity.

But then, about a month later, the same reader received a letter inviting her to join something called the International Money Club. This one promised a scheme that "is very simple, very profitable and requires very little effort on your part". Indeed. All it required was for her to send some money - US\$50 - and then to persuade various of her friends to send money,

who would in turn persuade their friends to send money, etc. etc. You get the picture: all the while, your name would be ascending up a glorious chain until "within 12 weeks", riches would miraculously rain down upon you.

This letter was signed, sincerely, by one Malcolm Greenway, Club Program Director. If you weren't already persuaded of his sincerity, there was a photo of this avuncular, trustworthy-looking bloke ... in fact, a bloke she rather thought she'd seen before. (This is a *noseweek* reader, remember.)

She compared the letters. Sure enough, "Mr Greenway" and "Mr Johnston" are mirror images of one and the same person.

Trust? Yes, trust us, something's very fishy here. The man pictured is probably neither Greenston nor Johnway. All you can be sure of is, he's out to take your money. ¶

Thanks and Good Luck,
Pacific Players International



David Johnston

David Johnston
Director, Overseas Subscriptions

Yours sincerely,



Malcolm Greenway

Malcolm Greenway
Club Program Director

the Internet – but not a very precise idea of how these will be fulfilled. There are hundreds of millions of pages of information available on the Internet – the rate of growth at one stage was 100 new pages every fifth of a second – but how to turn this into revenue is still being sorted out.

These bizarre circumstances attract an unusual cast of characters, which resembles something from *The Bold and the Beautiful*. Jon Rubin is the playboy investor – with his father's money – who provides the stuff for Wolff New Media to burn. At one point Wolff arranges for his wife to phone him in his office and pretend that her father has had a stroke – in order to avoid a showdown with Rubin, who is listening to Wolff's end of the conversation and is trying to take over the company in exchange for continued finance.

Also in the cast is an infinitely pretentious banker (whose bank charges clients for entertaining them to lunch), an extremely arrogant daughter of tycoon Robert Maxwell, a feared and hated lawyer, and a hapless magazine company executive who likes to talk "open kimono", but who ends up lamenting "when we did the deal with you, we didn't know what we were doing".

As Wolff says: "The combination of salesmanship and technology was a sure recipe, if not for disaster, then certainly for a good con." – *Marten du Plessis*

MAISELS SCHMAIZELS!

A Life at Law The Memoirs of IA Maisels QC
Jonathan Ball

Right up front in the preface, Keith Maisels tells us: "It is surprising to me that this book was written at all, because my father was strenuously opposed to writing it."

Now that is about the most interesting piece of information that appears in these so-called "memoirs".

Maisels, it seems to me, may have had something in common with the English writer Ivy Compton-Burnett, who made a point of misleading people bold enough to ask about her past. She had no intention of giving anything away. "I think if I wrote an autobiography," she is recorded as saying, "... I think I should do it very well. But I'm not thinking of doing it." In her writing, she explored the depths of ignorance and madness that lay behind the actions of her subjects – while steering clear of such an examination of her own life. Might Maisels have used his legal practice in the same way?

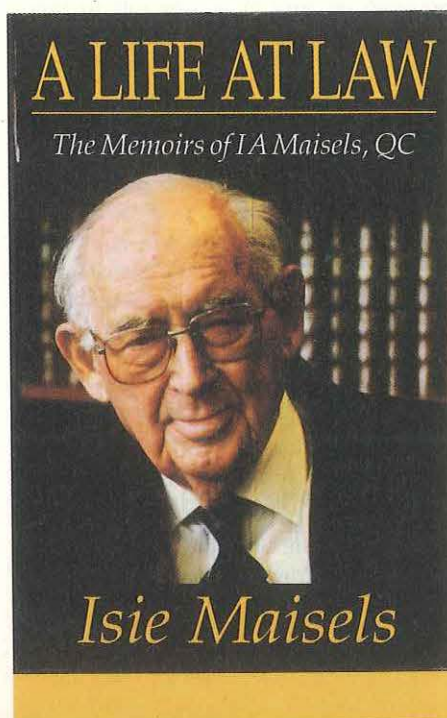
Or - horrors! - was he simply a characterless bore, as these memoirs, filled with those tedious legal anecdotes with which lawyers bore whole restaurant tables rigid, suggest?

Finally pushed by his family in old age to dictate his memories to a secretary, Isie Maisels' manuscript was incomplete when, in 1994, he had a stroke from which he never recovered. This was the ostensible licence for some less talented members of his family to add some "valuable touches" to it. Many touches, in fact. Clichéd and sycophantic, they end up accounting for most of this dreadful book, generously padded out with second-hand anecdotes and primary-school history lessons.

In an attempt to make their syndicated extract from the book look interesting, the *Sunday Times* was driven to dress out its page with pictures of the characters from the *White Mischief* trial in East Africa during World War 2 – a trial with which Maisels had only a brief anecdotal encounter, but in which he played no role at all.

The most important event in his career – the Treason Trial – is not a memoir at all, but a lame, impersonal and at times unfocused potted history of the trial, slapped together from second-hand materials by many hands. We learn that Judges Lourens Ackerman and Edwin Cameron contributed all kinds of research. Appeal Judge Chris Plewman added details.

The editors, or rather ghost writers of the book, tell us that the "deep kindness" and "generosity of sentiment" Maisels displayed to his family and many outside it, are "hardly reflected in the text". Why not? Why should we believe the (ghost) authors?



We are told that – unbelievably – his generosity "extended to giving free advice to, and acting *pro amico* for, people in need". Who did Maisels choose to help in this unusual way? Johannesburg advocates are not known for their willingness to act *pro amico*, regarding it not only as some sort of treachery to their profession, but as a distressingly unmanly display of weakness. In fact, Maisels was most admired by his colleagues for the spectacularly high fees he was able to command. This does not even get a mention.

One curiosity does emerge in Isie's very brief account of his career in the army in World War 2. He tells how he contrived to get an early discharge – in September 1944 – on the grounds that he could earn more in private practice than by serving in the military courts as Judge Advocate of the Forces. It appears to have occurred neither to Maisels nor to his editor offspring that most, if not all, the men in the forces in 1944 could presumably have been advancing their careers and earning more if they had gone back to the office rather than carrying on the fight to end Hitler's war.

Zionism, a cause with which he was apparently deeply involved throughout his life – and perhaps the only interest outside of law that gets a mention in the book – is similarly left unexplained and unexplored. Nothing is said about how Maisels reconciled his need, as a senior Zionist, to confidentially solicit the favour of senior Nationalist politicians for the Israeli cause, with the sharply critical position he assumed towards their racial policies in so many of his high-profile cases.

We are told that when his wife Muriel had read some of the manuscript, she wondered whether readers would realise that he actually had a family life in addition to his practice at the Bar. We are left to wonder with her, but with the added bitter taste in the mouth of having been conned by the family "editors" into paying for an answer that was not to be forthcoming.

The introduction by Sydney Kentridge is cold, with no mention of friendship, or a shared moment, or a personal insight. Kentridge, it seems, was asked to write the introduction because of his status in the profession as the epitome of success, not for his special appreciation of the subject. It appears as if Kentridge even lacks the generosity to be interested in who Maisels the man really was. Instead, he comes across as patronising.

This book is an insult to its eminent subject – and the reader. – *Martin Welz* 11

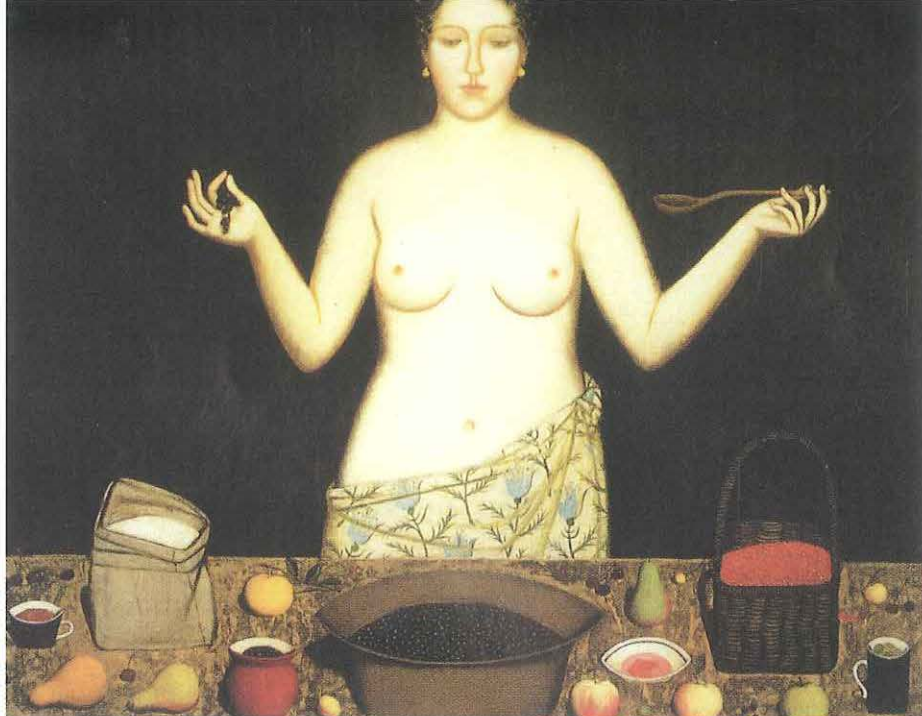
COOKING IN THE NUDE

A CURSORY GLANCE AT THE FRONT half of Isabel Allende's new book *Aphrodite – The Love of Food & The Food of Love* (Published by Flamingo) made me think it was the sort of book a 14-year-old schoolboy would read under the blankets with a torch. Having delved into it, I now think the 14-year-old schoolboy would read the first part under the blankets with a torch – and then give it to his mother to use the recipes in the second part, which is about the food of love.

Let's look into the first part first. Let me say at once that I do not believe in food as an aphrodisiac – it's the significant other that counts for more. No amount of oysters would make me go moggy over a 10-ton mustachioed Russian Lady Prison Warder, though there's no guessing what oysters might do to her, poor darling. Clement Freud once said "Anyway, of the last dozen oysters I ate, only 11 of them worked."

Miss Allende has chapters on a variety of subjects. Aromas – in a haiku, Yuko Kawana finds his nipples turning hard when she approaches him smelling of fresh-cut morning grass. Really? Well, yes, really! There's an amusing chapter entitled "With the Tip of the Tongue", an informative piece on "Forbidden Herbs", an aphrodisiac stew and a soup for orgies. (That this soup contains a pork ear and a pig's foot, veal ribs and pork sausage makes me think that Carmen must have been quite a girl.)

My 10-year-old vegetarian son will find a recipe for a vegetarian aphrodisiac for



Nearly all game birds are considered aphrodisiac, but not roosters, chickens, and domestic turkeys, melancholy creatures, that know nothing about love. – Isabel Allende

when he's old enough and a wonderful "subjective" list of aphrodisiac vegetables, including his favourite chickpeas. We're told by Sir Richard Burton in his translation of *The Perfumed Garden* that the young Abu El Haidja fulfilled the Herculean task of deflowering 80 virgins in a single night, all thanks to a boost received from a succulent dinner of chickpeas, meat, onion and camel milk. The chickpeas get all the credit and none whatsoever goes to the camel milk. Think I'll add both to the next Pick 'n Pay shopping list just in case – are you reading this, Raymond?

I find chapters on "Cooking in the Nude", "At First Sight", "The Orgy", "Aphrodisiac Cruelties", "The Gigolo", but not enough about chocolate (oh, that wonderful Belgian chocolate ... if only one could lick ... ! Enough of this!), too little about wine – Miss Allende is born of Chilean parents and lives in California, both sources of some stunning wines – and too brief a mention of champagne, coffee and berries, though there is a good piece on "Bread, God's grace".

The illustrations by Robert Shekter are superb. So also is the selection of paintings from the galleries of the world used

to lend (more) colour to the text.

The recipes in the back of the book offer a really wide selection of dishes, but, while some of them are good, it's certainly not worth buying a book like this for them – save your money and spend it on a copy of *Playboy* and a real cookbook. A recipe for Risotto Lori proclaims that every ingredient is an aphrodisiac – one cup of chopped brown mushrooms? One cup [sic] arborio rice? I am equally sceptical of things called "Orange Whirl erotic dressing" [Not "erotic undressing"?], Adam's Nuts, Cucumber Breeze, Apple Holiday (Never fear, this doesn't taste like dessert. In fact you can hardly taste the apple, Miss Allende tells us.) or Novice's Nipples.

In my opinion Miss Allende redeems herself thoroughly – after all that – by giving a recipe for a rice pudding – Arroz con leche – on the last page of the book. What a sensuous dessert this is!

Me? I'll settle for my woman, a bottle of Achim von Arnim's Belle Rose, some raspberries from Raymond and Betty O'Grady's Hillcrest Berry Orchards, some chocolates from Godiva, Andrea Bocelli singing love songs in the background – and the children away for the weekend. **n**

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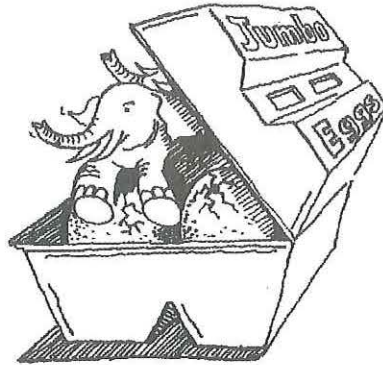
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