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AUGUST 2008

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noseweek

AUGUST 2008

ISSUE 106



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WINE
A taste of good living

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Give PBMR a chance

Your editorial about the Pebble Bed Modular Nuclear Reactor project (*nose105*) raised many questions but provided few answers.

The scientific advisor to Areva, the French nuclear company in direct competition with PBMR, says his technology is better. Well he would, wouldn't he? [*Maybe – which is why we pointed out the connection. He does, however, also give the comparative*

in my logic [*Yup!*], but, as the song goes: "They all laughed at Christopher Columbus."

I believe that we should invest in the PBMR as a potentially safer, viable power source. I suggest that there are vastly more "seductive hints" (or should that be Thints?) of enormous profits involved in the current technology from the French than there are in the pioneering work being done on PBMR. [*Can we settle for "as many seductive hints"?*]

package (R6m – and he gets half a million rands in leave pay?!).

This is tantamount to rewarding him for his immoral deeds. He's no better than Tony Yengeni!

While the country lumbers from one crisis to the next, men like Jeff Wright get away with their shennanigans with impunity. No wonder the country's in a sorry state!

Ruth Edwards
Al Satwa, Dubai

asked for them to be placed elsewhere. The only small snag is the "small" fee that it costs to move the portfolio. Oh well, lets just call that my patriotic duty!

Liz Hammond
Middelburg, Mpumalanga

It's great to meet someone of principle! Have you noticed how, of late, Investec Asset Management have frantically been advertising how good their performance has been over the past five years? True, but have you also noticed how they say nothing about their charges – and "penalties" that get deducted when you want to call up your investment? – Ed.

■ Congratulations on your superb investigative articles on Investec. May tumbrils and the guillotine enjoy a return to the justice system.

Please keep your teeth deeply sunk into their arses.

Ray de Vos
By Email

■ I feel very sad for pensioners who are preyed upon by bloody bastards/directors who steal SO much money. Is this the explanation for how so many are getting rich so quickly? I would like to stick a hot pole up their arse, it makes me so angry!

Anton
Welgemoed

■ With reference to Investec's multi-billion rand pension rip-off (*noses103&104*) – going back to *nose24* of October 1998 we see the same names, same performance; didn't stop them then, why should it now?

M Schonland
By Email

Eskom's sackful

The suddenness of the Eskom crisis is very strange – almost as if someone in their investment division has lost a sackful on derivatives/futures type trading.

It wouldn't be the first time for a parastatal. Is this why they ran down the coal stocks – and suddenly want increases bearing no relation to coal and construction increases? When one thinks of how quickly they received approval in principle [*for rate increases and massive projects*], what they told the government must have been terrifying. Never say never.

Mike Morgan
By Email

Here we go again – yet another senior executive dropping his pants while lining his pockets

figures. – Ed.]

He also said that PBMR technology is great for generating heat. Now isn't that what all nuclear power stations do to produce steam for the turbines? [*Yes, but not ten times more heat than is required to convert water to steam!*]

You commented that we might as well have windmills. But they only work at about 25% efficiency, and that's nowhere near good enough for base load electricity supply is it? [*Good enough for Germany, which generates 16% of its electricity needs with windmills.*]

I'm not an engineer, so you can probably blow big holes

South Africa led the world in developing the Fischer-Tropf oil-from-coal technology used by Sasol, also at great expense. It was a great success. Why should the PBMR not also be?

Nigel Fox
Kyalami

Afgri's parting money shot

Here we go again – yet another senior executive dropping his pants while lining his pockets (*nose105*).

It's outrageous that in this day and age, in a country which expects to be taken seriously in the international business arena, Afgri can tolerate and, by implication condone, the behaviour of its MD, Jeff Wright, by agreeing to pay him such an enormous retrenchment

Buchanan Boyes beneath whores

■ While there surely are some good people in the legal profession and the banking sector, many of the stories you have published suggest that the inference on the cover of *nose105* is an insult to the whores.

Valdy Jensen
Sunland, Eastern Cape

■ Why insult whores? Not once have you published an article in which it is claimed that an ordinary honest person has been ripped off by a whore, clearly proving that they are in a completely different class to the shrewdsters to be found in banking and the legal profession.

If you are looking for suitable company for lawyers and bankers, better to look amongst the politicians.

Lukas
By email

We have reported on a case involving an allegedly devious whore – but only once! See Sex, lies and videotape in nose31. – Ed.

What have you been smoking?

Your suggestion (in a footnote to my letter in *nose104*) that kenaf is not as versatile in its uses as cannabis/hemp, is right: you definitely can't smoke kenaf!

Robin Kemp
By email

I gather you've tried. – Ed.

Goodbye Investec

I have recalled all of the family funds from Investec (*noses102,103&104*) and

Gus

we are so proud of walter,
he's been accepted by
woolworths!



Shock and horror

A little piece of Italy in the heart of Bristol

178 Whiteladies Road (Blackboy Hill), Bristol BS8 2XU
Tel: 0117 973 4183

Recently, after a stroll around the Bristol (UK) suburb of Clifton, we ended up at a nice enough looking eatery called Piazza di Roma.

But then, looking over the menu, my eye fell on the address. (See picture above.)

Shock. Horror! Surely our London ambassador should prevail upon the UK authorities to change racially offensive street names in their country, as we are doing in the Fatherland?

Tony Beamish

Mas de Panis, France

Slacktivism

Moans about the current state of the nation bring to mind a recent Urban Word of the Day (www.urbandictionary.com): Slacktivism – The act of participating in obviously pointless activities as an expedient alternative to actually expending effort to fix a problem; e.g. signing an email petition to stop rampant crime is slacktivism.

Want to really make your community safer? Get off your arse and start a neighbourhood watch!

Sophia
Pretoria

U-Care scam

Congratulations for exposing the U-Care scam.

Who would agree to signing a monthly debit order for R125 if they knew that only 20% of this (R25) was actually going to the nominated charity? Surely unsuspecting donors are not told that 80% of their money is going to the “sales” people and those who run this despicable scheme?

I was horrified to read that Harvest Aid, Radio Tygerberg and the Pretoria hospice were

not at all concerned that their donors are being ripped off in this way. That a so-called Christian organisation like Radio Tygerberg can justify this is irresponsible in the extreme. And the other two organisations have more than sufficient appeal to donors to raise the money they need at a fraction of the 80% which this is costing.

The average cost of fund-raising, across non-profit organisations, is between 10% and 40% – at the outside!

Terry A Murray

Cape Town

These are hardly unsuspecting donors! They're using charity as a figleaf to disguise their greed-driven purchase of a lottery ticket in a cash pyramid from which they hope personally to profit a great deal more than the charities. – Ed.

Land Rover: worst by far

In 2003 I purchased a new Land Rover Discovery TD5. After 12 months Land Rover replaced the vehicle with a Discovery V8, due to a suspension arm snapping on the TD5.

But the replacement vehicle has been a nightmare – the

Discovery has broken down and needed to be towed no fewer than eight times. It has spent at least two months this year in Sandton Land Rover's workshop, with repairs exceeding R150 000 so far.

As I write it's being towed to the garage yet again, where it will undergo a complete engine strip-down – it is suspected that a new engine will have to be installed, at a probable cost of around R100 000.

Land Rover South Africa have backed off, saying the dealer must sort it out. And the dealer says he can only get R100 000 for the monster, where the book value, I believe, is about R150 000. Says a lot about the resale value of Land Rovers.

So all that remains for me is to expose Land Rover's appalling product quality, matched only by their total disregard for their customers.

If I am not mistaken, their new TV campaign talks of dependability and reliability. But I seem to recall that some time back a customer resorted to taking out a full-page ad about Land Rover being the “worst 4x4 by far”.

I know of two friends who have had their Land Rovers replaced, also because of major problems or defects.

Rob Dodds

Bryanston

You didn't know? Land Rovers are not intended for motoring, they are sold as hobby kits for car maintenance enthusiasts who like to spend their weekends in overalls, on their backs – underneath their vehicles with a set of spanners. – Ed.

The new art of agreement

Our system of justice seems to be so bogged down in red tape and postponements that corruption has been allowed to get completely out of control.

It seems that big money buys big legal help, and big legal help knows just how to tie the courts into knots. The Zuma case is a noteworthy example. Why object to the raids on his home? Why not let the evidence from Mauritius be presented to court? His constant applications objecting to evidence being presented suggest that this man has a lot to hide.

It is with dismay that I read that “selective” treatment has been meted out to Mr Zuma: As a high profile politician who should have set an example, Mr Zuma has instead “reached an agreement” with SARS and paid a R300 penalty for failing to declare his income. Now he wants tax evasion charges dropped.

If that is the stance that SARS is now taking, we can all evade declaring income and, if we get caught out, simply cite the “Zuma Deal” and expect SARS to drop all penalties. What is good for Mr Zuma should surely apply to all taxpayers?

The man in the street is sick and tired of corruption, but no-one in power does anything about it. No wonder the country is rotten to the bone.

What would this country do without people like you who expose the hidden truths?

Ian Stewart

Knysna

Vavi and Malema

Behind the violent rhetoric beneath the battle cry:

they're both prepared to kill for him but not prepared to die?

Gus Ferguson



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Editor

Martin Welz
editor@noseweek.co.za

Production editor

Tony Pinchuck

Assistant editor

Hans Muhlberg

Gauteng bureau chief

Jack Lundin
jhnose@iafrica.com

Censor-in-chief

Len Ashton

Sub-editor

Chas Unwin

Senior reporter

Mark Thomas

Cartoons

Myke Ashley-Cooper
Dov Fedler
Gus Ferguson
Meg Jordi

Contributors

Tim James
Nicci Joubert-van Doesburgh
Marike Roth
Hilary Prendini Toffoli
Harold Strachan
Hilary Venables

Subscriptions

Maud Petersen
noseweek@iafrica.com

Advertising

Adrienne de Jongh

Accounts

Nicci Joubert-van Doesburgh

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The disingenuous Mr Manuel

THERE'S A POIGNANT STORY about Trevor Manuel doing the rounds in left-wing circles that, apocryphal or not, is worth another telling: Some time in 1992, Nelson Mandela assembled all the party leaders and intellectuals in order to assess what skills and intellectual resources were available that he might employ when forming a government – a most daunting task for a “People’s Party” that had never been in parliament, let alone in government (or business, for that matter).

Somewhere along the line, Mandela posed the question: Are there any economists among us? Only one hand was raised – that of Trevor Manuel. Trevor was immediately appointed head of the ANC’s department of economic planning.

Later, as they left the meeting, Dullah Omar approached to congratulate Trevor and then confessed that he had been surprised to learn for the first time, after all their years of friendship, that Trevor was an economist. (In fact he recalled that, although smart and a good speaker, Trevor had failed maths in matric.)

“But I’m not an economist!” says Trevor. So why had he indicated that he was? “Oh”, declared Trevor, “I thought he was asking: ‘Who here’s a communist?’!”

It’s at least good for a laugh. But when Trevor Manuel asks a high court judge to gag his most tenacious critic, arms activist Terry Crawford-Browne – for whose courage, knowledge and commitment we retain the highest regard – and threatens journalists who might publish what Crawford-Browne has to say, that’s no laughing matter. That’s provocation.

Manuel and those of his cabinet colleagues who endorsed the arms deals have a lot to answer for. The government’s own Joint Investigating Team reported having found that all the deals were riddled with irregularities. The affordability study (produced by Manuel’s own expert advisors at the time) that he persists in trying to hide from Crawford-Browne and the courts, condemns him and his cabinet colleagues.

Fact is, it is his signature that appears on the notorious arms-finance agreements. If, as he now claims, he only signed as representative of the cabinet, well, then, he can answer questions regarding the reasonableness and legality of his actions as representative of the cabinet. He should just see to it that he has supporting affidavits from his colleagues on that score.

Our less than honourable minister of

finance has already lied to court more than once (and at least once under oath) in his desperate attempts to fend off Crawford-Browne’s legitimate demands for information.

Bizarrely, Manuel initiated court action against Crawford-Browne for defamation, but now, when the latter responds with an entirely proper defence, Manuel wants the court to label Crawford-Browne a vexatious litigant!

We were reminded of Oscar Wilde, who sued despite advice to the contrary – and ended up defaming himself when there was actually no defamation at all.

Manuel was being disingenuous when he told the court that all he wanted was a temporary interdict to silence Crawford-Browne, pending a defamation trial in which evidence would be led. He and his lawyers know that such an interdict would be final in effect and they would need to do nothing more after that. Given what we already know about Manuel and his role in the arms deal (see noses36,42&43 for a start), why would he want to start a trial in which he will have to endure the rigours of hostile cross-examination, and risk having to answer some most inconvenient questions – all under oath?

There’s already an affidavit by Andrew Feinstein, filed at court by Crawford-Browne, in which Feinstein recounts a conversation with Manuel in which the latter told him “we all knew about [then minister of defence] Joe Modise’s [corruption]”. Would you like to tell the court a bit more about that, Mr Manuel?

(Fortunately for us, when FirstRand tried the interim interdict stunt on *noseweek*, Deputy Judge President Traverso saw through the tacky ploy – “We’ve all been around the block a few times!”, she told them – and ordered the bank to argue their case on the basis that what they actually wanted was a final gagging order.)

Take our word for it: if a Trevor versus Terry trial ever approaches, a flurry of applications will be brought by Trevor’s lawyers, with the sole purpose of stringing out the case so that Terry never gets to cross-examine Trevor.

Trevor’s counsel has told the court that he wants to play this battle by the “Queensbury Rules”. One of which, as we recall, says “no hitting below the belt”.

We say today to Trevor: if you’re honest about having this defamation litigation heard, then go with Mr Crawford-Browne to the high court right away and obtain a trial date – and keep the appointment.

The Editor



Soft tissue shuffle

AN UNFORTUNATE ACCIDENT at a popular steak house will occupy the Cape High Court's attention this month as it wrestles with the weighty matter of iron skillets, delicate diners and careless waitrons.

Businesswoman Launa Jacobs is suing the Cattle Baron for R1,27m for an injury she claims she sustained over five years ago while dining at their Durbanville branch.

What everyone agrees is that on the day in question, a waitress lost her grip on a (mercifully empty) cast iron steak plate as she passed behind the seated Jacobs.

The rest, only the judge can decide.

Did the skillet actually land on Jacobs, or just bounce off the back of her seat?

And which medical experts should the judge believe? The ones who claim the skillet caused the plaintiff "partial disability", chronic pain, huge medical expenses and loss of amenities and income for life – to the tune of R1m?

Or those who say that, even if Jacobs did suffer the soft tissue trauma she alleges, the chances of her still suffering the effects five years later are "beyond all reasonable, even pessimistic, expectations".

The judge may also ponder why it took the plaintiff two years to take legal action.

To say nothing of wondering why steak houses don't give their staff weight-training before allowing them to handle industrial-strength dinnerware.



Picture: PhotoPQR/Le Dauphine Libere/Angelique Surel

T-shirt maker Thierry Boeuf

Heineken sues over T-shirt Gallic humour

ASOUTH AFRICAN WHO has the good fortune to spend his winters in France tells Mr Nose that that country, too, is happily endowed with its very own Justin Nurse: a T-shirt mocker called Thierry Boeuf.

Apparently Boeuf has been creating T-shirts which take the piss out of the likes of Lacoste and Heineken. Both those companies have now sued him.

Heineken's action demonstrates that the men at Heineken not only have small dicks; clearly they're also not on speaking terms with their erstwhile friends at SAB. Had they been, SAB would have told them what happens to corporate and other moguls who don't have a sense of humour: in SA, when SAB dragged Nurse to court for his parody on Black Label's logo ("Black Labour/White Guilt") they got told by the Constitutional Court to grow up and laugh it off.

When the US manufacturers of the Barbie doll, Mattel, completely lost their cool because a Scandinavian pop group parodied Barbie as a "blonde bimbo" (isn't that what we all thought Mattel had intended her to be?) the Federal Court told them to "chill".

A year earlier Mattel had lost another

case when a court ruled that an American artist was within his rights to use Barbie dolls in his work. Tom Forsythe's photographs depicted the blonde in sexually compromising positions. The court ruled on that occasion too that parody of Barbie was an acceptable activity.

Apparently ignorant of all this, Heineken is mirroring SAB's stupidity and suing Boeuf for substituting the words "*Bien Plein*" ("Had Enough" – literally "very full") for "Heineken" in an imitation of their label.

But Thierry's main target has inevitably been that funny little man who rushed in an orgasmic flurry to President Mbeki's aid recently – when the lights went out, remember? – bearing offers of expensive French technology (commission subject to negotiation).

We refer, of course, to French President Nicolas Sarkozy.

Now you might think a five-foot-tall Hungarian, known for his right-wing views and love of things American, who goes on to become president of *La Republique* and then promptly ditches his wife for a six-foot model whose tits are firmly in the public domain, might have learnt to handle the odd poke. In the ribs.

But, no, unfortunately humour is another thing *Monsieur* Sarkozy is short of: he, too, has sued Boeuf.

It seems Sarkozy and Heineken are relying on France's courts to drag the country back to darker ages when mocking the rich and powerful could earn you a date with *Madame La Guillotine*.

And one for the road....



MR NOSE APPLAUDS the Ottery Traffic Department on their innovative approach to customer service (see sign above). He trusts they will make up the lost time by instituting extended office hours during times of low customer volumes.



The Human Steyn

DID MEGA-RICH INSURANCE mogul Douw Steyn fake a London marriage to his ex-fiancée Donn  Botha so that he could not be forced to testify at her trial on a charge of attempted murder?

As has been widely reported, Donn , 40, is on trial in the Wynberg (Johannesburg) magistrate's court, after a 4am attack on her rival for Steyn's affections, dark-haired Sicilian beauty Bianca Ferrante. Two years ago Donn  burst into Steyn's luxury suite at The Saxon, his award-winning boutique hotel in Joburg's Sandhurst, and slashed at a naked Bianca with a broken champagne bottle as she slumbered with Steyn after a night of hectic partying. In her defence, Donn  claims that she has no recollection of what she did after finding Bianca in Steyn's bed.

Now it emerges that the unfortunate Donn  may be as confused about her alleged marriage to the 55-year-old founder chairman of Auto & General (and Budget) as she claims to be about those unhappy events at the Saxon.

"Yes, we definitely got married," Donn  – out on R2000 bail – assures

The founder of
Auto & General
insurance is
embroiled in
a lurid tale of
passion, violence
and wild
extravagance

Donn  Botha leaves Wynberg Magistrate's Court, where she faces attempted murder charges after allegedly slashing love rival Bianca Ferrante with a broken champagne bottle

noseweek. "We had the most unbelievable wedding in London in August last year. We had a minister and a hotel and family and guests and a R100 000 dress and lots of beautiful gifts."

At a meeting in the build-up to Donn 's trial last year her legal team, headed by Barry Roux SC, also told prosecutor Adele Barnard that Donn  and Steyn had married. It looked as though London-based Steyn, desperate to avoid the witness box, was off the hook – a husband cannot be compelled to give evidence against his wife.

However, when the trial finally began this March, magistrate Renier Boshoff said he might need Steyn to give evidence, and enquired whether he was "still" married to Donn . No, he is not, replied Advocate Roux.

What on earth was going on? One of Steyn's closest friends explains: "Donn 's not the brightest. There was a marriage in terms of, like, we've all been in plays. But it was not a legal marriage, it was a show. I don't know if the 'minister' was a real one or an actor."

Certainly, Donn 's legal team appear, at least for a time, to have swallowed the "we're married" story. Dr Micky Pistorius, serial-killer expert and former head of the police's investigative psychology unit, was commissioned by the defence team to prepare a report on Donn 's state of mind at the time of the incident. And in the bulky, and no doubt extremely expensive, confidential report Donn ' is referred to throughout as "Mrs Steyn".

Noseweek can reveal that the Pistorius report, which has been handed to prosecutor Barnard, concludes that at the time of the attack Donn ' had lost conscious control and was functioning like a robot, temporarily unaccountable for her actions.

While "automatism" is acceptable as a defence for crimes committed while sleepwalking and the like, such a defence is unlikely to succeed where

As the drink flowed, Sidwell told Wood that Steyn wanted him to arrange a party. 'By this he meant I was to phone some prostitutes'

avoid taking the stand by means fair or foul? Here, in the witnesses own words, *noseweek* recounts, for the first time, the chain of events that led up to the bloody showdown at The Saxon.

Car insurance billionaire Douw Steyn with friend (left) and Bianca Ferrante (below)

ON 3 APRIL 2006 beautician Bianca Ferrante, then 32, was down in the dumps. She had just broken up with her long-standing boyfriend, and was more than willing to accept an invitation to lunch from her friend Brad Wood – yes, Bad Brad of *Big Brother* TV fame.

At the time, says Wood, he was working on an ad hoc basis for fast-living Douw Steyn, in the role of "party liaison" at The Saxon (cheapest suite R5400 a night, and six times pronounced "leading boutique hotel in the world" at the World Travel Awards).

In an April interview with the *Sunday Times*, Steyn claimed he "barely knew" Wood – they had met "only on a few occasions". But according to 33-year-old Wood, providing hookers and other niceties for Steyn's frequent parties at The Saxon was a key part of his function. For his services, he says, he received cash handouts that depended on Steyn's mood: on one occasion R80 000 for four days' work, on another R15 000, then a R20 000 transfer into his bank account.

On that 2006 April morning Bianca was not the only person in need of a cheering up: on the previous day Steyn had had a fierce row with his fianc 'e Donn ' Botha and she had flounced out of The Saxon. When Steyn heard about the proposed lunch with Bianca in Sandton he ordered Wood to bring her to The Saxon to have lunch with him instead. Among those present at the poolside repast were Steyn's

there was a foreseeable loss of control – caused, for example, by the perpetrator taking drugs or alcohol.

When Donn 's trial resumed on 23 June, Douw Steyn again failed to pitch, causing another postponement. This time, it was explained, he was otherwise occupied – attending his friend Nelson Mandela's 90th birthday celebrations in London's Hyde Park. [Why go to court when there's a great party to attend? - Ed.]

So why might Steyn be anxious to



Picture: Sunday Times





Bedtime in the Nelson Mandela Suite at the Saxon in Jo'burg, voted the World's Leading Boutique Hotel

said we were going to live in London."

Bianca had been gone from the Saxon just two days when her 74-year-old Sicilian father and Afrikaans mother, 60, were held up at their Delmas home by eight armed men. Her daughter Sasha-Leigh, then 11, was there, too, together with the two young sons of Bianca's sister Pina.

Everyone was tied up with cable ties and had paraffin poured over them, with threats to set them alight if they did not reveal where the safe was.

When Douw Steyn got to hear about

this he phoned Bianca and told her that Nelson Mandela was his "best friend" and that national police commissioner Jackie Selebi was also "a very good friend".

Bianca: "He said an attack on my family was like an attack on his family because I was going to be his future wife." Steyn promised her that his important friends would help catch the suspects and invited her entire family to The Saxon to recover.

Bianca, her daughter Sasha-Leigh, sister Pina and her two young sons duly arrived and accommodation was arranged. "Steyn took it for granted that I would stay with him in his suite," reads Bianca's statement.

Hyde Park diamond dealer Michael Lipman was summoned to bring a tray of rings.

"Steyn said he

friend and business associate Giuseppe Plumari, his PA/bodyguard Lynton Sidwell and bodyguard/butlers Bosi, Charles, Joseph and Colin.

As the drink flowed, Sidwell told Wood that Steyn wanted him to arrange a party. "By this he meant I was to telephone some prostitutes to act as party girls," runs Wood's statement. "I looked up 'sextrader' on the Internet and arranged for some women to attend at The Saxon."

Four hookers duly arrived and joined the increasingly rowdy luncheon party, now running well into the afternoon. Around 6pm deputy president Phumzile Mlambo-Ngcuka was due to arrive at the Saxon for a function and members of the police's VIP Protection Services asked the revellers to leave the public areas of the hotel. The party moved to Douw Steyn's private suite.

Records Bianca: "During the course of that afternoon and into that night, Steyn kept telling me that until then he had not thought it possible to fall in love at first sight. He told me he was falling in love with me and I was the most beautiful woman he had ever had the privilege to meet."

Once the partygoers were installed in Steyn's suite, says Brad Wood, one of Steyn's assistants Mr X (named in Wood's affidavit) gave him an envelope containing cash, with instructions to meet a drug dealer in a yellow Mazda, outside The Saxon. When he returned, recounts Wood, Mr X unpacked the cocaine and chopped it into lines on a small granite slab. "Douw watched the preparation procedure. I then saw [Mr X] lift the slab to Douw's nose so he could partake of the drug.

"Some time after, I saw Douw going

to the bathroom with [Mr X] and two of the prostitutes. He returned wearing a dressing gown and sunglasses, grinned and announced to the people present that he had just taken Cat and felt wonderful." (Cat is the street name for methcathinone, which produces exhilaration and euphoria, but can have nasty, even lethal, side effects.)

BIANCA'S STATEMENT: "By 9pm there was a huge party going. People were getting drunk. I walked into the bathroom where people were taking cocaine. At one point Steyn announced that he had just taken Cat

and he felt wonderful."

Brad Wood left the party at midnight, after paying off the hookers with around R15 000 for their time up till then. Finally Steyn announced he'd had a long day and too much to drink and was going to bed. Bianca retired to the fabulous Nelson Mandela Suite (R21 000 a night).

The following morning she was summoned to Steyn's suite. "He told me he was going to marry me," continues Bianca's statement. "He



The Saxon earns its stripes with its decor

wanted me to choose my engagement ring as he wanted to make the proposal and our engagement official," says Bianca. But she didn't see anything she particularly liked. "I said we had our whole lives ahead of us and an engagement ring was not an issue."

Steyn's version of this episode is that Lipman was summoned to bring rings not for Bianca, but so that Lynton Sidwell could choose an engagement ring for his own fiancée, Lee-Anne.

Readers might wish to ponder the likelihood of Sidwell contradicting his boss's story – the boss who allegedly gave him R500 000 as a birthday present. In any event, in his statement, 43-year-old Sidwell says: "Knowing Mr Steyn, it is certainly possible that he might have teased about liking Bianca a lot, but I was not privy to any situation where he told her he was going to marry her, or where he proposed to her."

Steyn insisted on buying Bianca's daughter Sasha-Leigh a ring "as a present to help her get over what had happened" with the armed robbers. Bianca states that Steyn told the child that he was buying the pink sapphire ring – later valued at almost R10 000 – as a "promise ring" and his promise was to love her mommy. Steyn also "took out a bundle of money and gave some to all three children. It was about R4000".

After watching a DVD in Steyn's suite, that showed the great man shaking hands with a multitude of world leaders, the children were dispatched with popcorn and soft drinks to Steyn's private 60-seat cinema to watch movies.

Steyn's statement: "I understand that the allegation is that I proposed marriage to Bianca. This allegation is wrong. I agree that I might have said to Bianca in jest that I loved or liked her, but I said this to many people as a manner of speech. The reality is that at that stage I had just ended my relationship with my fiancée Donné Botha and I was definitely not ready for another relationship."

Bianca says that before she was prepared to take their relationship to the next stage, she asked Steyn if he had another girlfriend.



Picture: Sunday Times

Bad Brad Wood with former Miss Teen Gina Athanassiou

Around 4am all hell broke loose. 'I was awakened by a crazy woman jumping on the bed yelling and screaming at me'

Bianca Ferrante

"He replied that I was his one and only and that he wanted to spend the rest of his life with me.

He even suggested that we go to the fertility clinic in London and try to have a baby together as soon as possible.

[Steyn is a type 2 diabetic, a condition which could make conceiving a child in the usual way problematic.]

"I was reassured by what he said to me and on that day committed myself completely to him," says Bianca.

Around this time the mogul's former fiancée Donné Botha arrived at The Saxon. On Steyn's instructions his minders told her he did not wish to see her and that their relationship was over. Donné was extremely aggressive, flicking her cigarette into the carpet, recalls Brad Wood.

In her statement to the police, Donné says she had been engaged to Steyn for about 11 months. "I went to The Saxon hotel. Douw would not speak to me. This made me very upset. I heard women and men talking in his suite and this made me angry because they were laughing and I could hear there was a party going on."

"I went to my friend's house and had two glasses of wine with her. I took a Xanor [a powerful tranquilliser] to calm my nerves. Then I went to the News Café where I drank quite a lot of tequilas. I then went home and had some more wine."

Back at The Saxon, Bianca finally retired to Douw Steyn's suite for the night. She did not hear Steyn come to bed, but her sister Pina later told her he was extremely drunk and tried to flirt with her.

Around 4am all hell broke loose. "I was awakened by a crazy woman jumping on the bed yelling and screaming at me," states Bianca. "She grabbed

nosebleed

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me by my hair, then took an empty champagne bottle which was at the side of the bed and hit me with it across the bridge of my nose.

"She then broke the bottle against the bedside table and said she was going to kill me. She called me a fucking whore and tried to stab me several times.

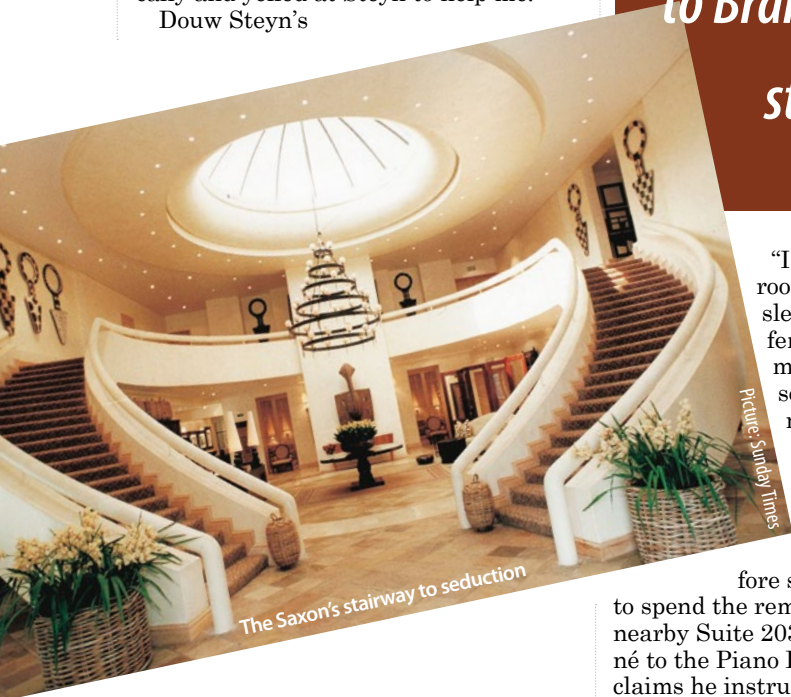
"I managed to block one blow that was aimed just above my throat, but my right hand was severely injured in the process.

"This woman, whom I later found out is Donn  Botha, then dropped the bottle and proceeded to drag me across the floor, cutting my body on the broken glass from the champagne bottle. She continued to kick and bite me while I was on the floor. I begged her to stop. I feared for my life as she kept saying she was going to kill me.

"Steyn appeared to be in shock and did not intervene. I was crying hysterically and yelled at Steyn to help me."

Douw Steyn's

Bad Brad forced Donn  off the road with his white bakkie and she was arrested by police and taken to Bramley police station



The Saxon's stairway to seduction

"I walked into the bedroom where I found Douw sleeping next to a white female, later known to me as Bianca. I became so hysterical that I could not remember anything I did after that."

A doctor arrived to give the blood-drenched Bianca a strong sedative, before she was bedded down

to spend the remainder of the night in nearby Suite 203. Bodyguards took Donn  to the Piano Lounge, where Steyn claims he instructed Sidwell "to call the police and have Donn  arrested".

But the police were not summoned.

The following morning Brad Wood heard what had happened and arrived to rush Bianca to the Morningside Clinic's emergency unit. "She was in a terrible state," reads Wood's statement. "She had blood all over her back, chest and down the sides of her legs. Her face was swollen and her nose appeared to me to be broken."

In his report, the clinic's Dr AJ Scher noted grazes and scratches over Bianca's chest, lower back, hip and buttocks. Other injuries included a bruised nasal bridge and swollen right index finger, appearing to be the result of "global impact to body with heavy objects/fists".

When Wood returned to The Saxon that afternoon, Steyn was accompanied by an attorney, John Walker.

"I told Douw that what had happened was wrong," says Wood. "Douw took me to the back and told me he would compensate Bianca by giving her R100 000 and that I should accept R100 000 for assisting him in sorting the matter out. I did not accept this offer."

Bianca was reluctant to return to The Saxon, but after Steyn told Wood "to bring his darling wife back", she succumbed. Says Bianca: "I wanted Botha [Donn ] to be arrested and told Steyn I intended laying charges against her. He told me he would take care of everything and that he would use his contacts to see that everything is properly taken care of."

Steyn told Bianca he wanted to help her financially. "I later ascertained he had deposited R100 000 in my account. I didn't want his money, but he insisted."

The following day Steyn flew Bianca, her daughter Sasha-Leigh, sister Pina (plus her young sons), by helicopter for a weekend at his 10 000ha game farm in the Waterberg, an exotic location complete with the Big Five and an enormous dam 1km long and wide. "He said we were going to get married there," reads Bianca's statement.

It was by all accounts an idyllic respite. Bianca, with a bandaged right forearm, went on game rides and posed happily for snaps taken by fellow guest Gert Grobler, South Africa's former ambassador to Spain and latterly director-general at the Department of Foreign Affairs (Ambassador Grobler's pictures form part of the police file). "Now and then Bianca said her hand was sore," reads the ambassador's statement, but "Douw and Bianca were together the whole time and she enjoyed the weekend".

Douw Steyn's statement: "The weekend at my farm was really pleasant. Bianca enjoyed an elephant ride and participated in all the social events."

Bianca: "I wore make-up to hide the injuries on my face. It was there that Steyn and I consummated our relationship for the first time."

After the weekend and back at The Saxon, Steyn told Bianca he had urgent business in Cape Town to attend to, and she should get her passport ready to fly to London on 1 May. "He said he had a special function to attend at Buckingham Palace."

That was the last time Bianca Ferrante saw or heard from Douw Steyn. She had been dumped – and it was Donn  Botha who flew to London in her place.

Days later a surgeon repaired the severed tendons on two of Bianca's fingers.

sworn statement: "I felt someone jumping on my bed. I felt a sharp pain in my ribs. I heard Donn  screaming and glass breaking. When I came to my senses, Donn  dragged Bianca by her hair on the floor.

"I shouted to Donn  to stop, but she was hysterical and as if she had lost her mind. I tried to restrain her. She let go of Bianca and started to break ornaments in my suite."

In her statement Donn  describes her dramatic alcohol-fuelled 4am return to The Saxon. "The doorman who knew me let me in the front gate. I went up to the suite in which Douw Steyn lives. I knew the combination to the security lock and let myself in.

And Bianca, finally realising that Steyn had no intention of bringing charges against her attacker, retained Sandton attorney Ian Levitt to file a criminal complaint against Donn , as well as to launch a civil claim for damages against Steyn, Donn  and The Saxon.

On 22 May 2006 Levitt wrote to Steyn's attorneys stating that Bianca would not accept the "paltry sum" of R100 000, and that her estimated damages would be "in excess of R3m". On the same day Brad Wood took Bianca to Bramley police station, where he had been a reservist, to lay a charge against Donn . Superintendent Baloyi, commander of detectives, agreed that Bianca had a case and that Donn  could be arrested if she attempted to leave the country. Wood had heard from The Saxon that Donn  was heading for OR Tambo International and he was asked by police to accompany them to assist in identifying her.

At the airport the arresting team waited outside international departures. When Donn  arrived she saw them and drove off. Brad Wood forced her off the road with his bakkie and she was arrested by police and taken

to Bramley police station. A small army of Steyn-mobilised lawyers arrived, and one of them, Advocate Schalk van der Sandt, says in an affidavit that Levitt was asking for R3m and said he would "not allow Mr Steyn to walk away".

Two months later, on 20 July, Bianca Ferrante issued a high court summons against Donn  Botha, The Saxon and Douw Steyn for R1,2m, of which R450 000 was against Steyn for breach of promise of marriage.

A WEEK LATER, on 27 July, a proposed settlement meeting was held at the chambers of Steyn's advocate Barry Roux SC. According to an affidavit by Advocate Jonathan Kaplan, who attended the meeting, Roux told all present that he had something to say privately to advocate Guy Hoffman SC (representing Bianca in her claim).

Five minutes later they returned and Hoffman relayed what Roux had said: Steyn had told Roux he had plenty of time on his hands, that he was bored

and intent on laying charges against Ian Levitt, for extortion. However, if Bianca withdrew her action, he would take no steps against her attorney. Advocate Hoffman filed a confirmatory affidavit that this was indeed said.

By 20 July 2006, when the civil summons was issued against Steyn, his mission to pursue Ian Levitt and Brad Wood for attempted extortion was in full swing. Handling police investigations was none other than Supt Johnny Smith of the Johannesburg Organised Crime Unit.

That same July a brand new security company, Viyo Protection Services, had started business in the Johannesburg South suburb of Unigray. Directors are listed as Sithembile Ndlovu and Agatha Catherina Smith – wife of portly Supt Johnny Smith (41). But according to a Viyo client, Mrs Smith is never around and Viyo's de facto principals are Supt Smith and one of his Organised Crime Squad buddies, called Patrick.

In any event, Supt Smith, now a senior detective in the Truck Anti-Hijacking Unit, retains the police docket against Levitt and Brad Wood, and is pursuing the duo. They'll be tried for attempted extortion when the case against Donn  Botha is over.

In view of the timing, *noseweek* asked Supt Smith if he had received help from Steyn to establish Viyo. "That's completely bull," he says. "I'm investigating his docket – how can I allow him to help me financially? That's not how things work." Is he the principal at Viyo? "We're not allowed to work in private companies without permission," says Smith. "My wife owns the company. I don't work in it as such."

Bianca Ferrante's R1,2m civil claim against Steyn, Donn  and The Saxon is set down for trial in the Johannesburg High Court for March 2009.

Today the two beauties keep a low profile. Says Bianca, now 36: "My hand's fine now [after several operations], just a bit of a scar. My face is mended." How does she feel about Douw Steyn? "I really don't want to talk about it."

Donn  Botha, now 40, confirms her "wedding" to Steyn last August, but then clams up. "Anything anybody wants to know, [they] must phone Douw," she says. "I'll be in London with him this week."

In London, Steyn promises via his PA to answer our questions about his "marriage" to Donn  Botha, alleged drug use and everything else, if *noseweek* put them in writing.

Noseweek did. He didn't. **W**

The good, the bad and the ugly

DOUW STEYN BEGAN his insurance career at the age of 21, marketing domestic insurance through Steyn's Insurance Brokers. Ten years later, in 1984, he and the Hollard Insurance Company bought the Crusader short-term insurance company, changing the name to Auto & General. The then new idea of "paperless" insurance, combined with aggressive marketing and endorsements from the likes of Gary Player, saw premium income reach R77,6m by 1989. By 1996 it was R431,4m.

In 1990 Steyn built a R35m larger-than-life mansion in Johannesburg's exclusive suburb of Sandhurst, almost immediately throwing its doors open to Nelson Mandela, who lived there for six months while waiting to move into his Houghton residence.

Steyn's courtship of Mandela and the ruling ANC is legend. Christmas before last, his gift to Madiba was a thoroughbred Brahman bull, delivered to the icon's home village of Qunu. Mandela, bless him, has a weakness for filthy lucre, and was not averse to attending a dinner party at The Saxon, where Steyn stood up to announce that

he was giving R1m to Nelson Mandela. He suggested that his fellow guests got out their cheque-books to follow suit. "It cost me R180 000," laments one of them.

In the early 90s Steyn emigrated to the UK, where he launched Budget Insurance, which within 18 months had signed up 120 000 policy holders and taken net premiums of £26m. Budget Holdings, controlling company of the Steyn empire, is registered in the tax haven of Guernsey.

Now in apparent retirement, though still an Auto & General director, Steyn spends his UK days at his £20m Kensington townhouse and the sumptuous Thornhaugh Hall in Northamptonshire. To avoid tax-paying resident status he spends less than six months a year in South Africa.

Apart from the "wedding" to Donn  Botha in London last August, Steyn has been married three times, to Micky, Carolyn and Liz, who is the mother of his daughter and two sons.

"Everybody can say bad things about everybody, but there are good things about Douw too," says a close friend. "You've just got to search for them." **W**



'Put Tiger in the tronk'

WE ALL KNOW that Tiger Brands was slapped with a R98,8m administrative penalty last November by the Competition Commission for price-fixing in its baking and milling operations. Less known is the devious way the men at the top shifted the blame down the chain of command.

The secret report of an internal investigation, which received confessions from many of the 44 Tiger employees who gave testimony, is in *noseweek's* possession. The 150-page report, by attorneys Edward Nathan Sonnenbergs, while incriminating lesser mortals, ends up being a whitewash of top executives.

Nick Dennis, who worked at Tiger for 27 years – the last 14 as the group's ruthlessly autocratic chief executive officer – was "not aware of any meetings at which Albany and its competitors were present", Edward Nathan solemnly states as one of its findings. Clearly the lawyers knew who was paying their bill.

The testimony of Tiger's Western Cape regional customer manager, Stephen Hagan, proves the contrary. Hagan revealed that Dennis had banned employees from conducting

The fatcats at the colluding cartel knew a lot more than they've let on – and got off lightly with a R98.8m fine, according to previously unpublished evidence

meetings and discussions with competitors. Why would he have ordered clandestine meetings to stop if he wasn't aware of them? Dennis seems to have contrived a false trail in order to absolve himself of responsibility, should the shit eventually hit the fan.

Dennis ruled Tiger Brands with an iron fist. And the blind eye his usually unctuous executives turned to any such order makes it obvious that it was never intended to be observed seriously. Stephen Hagan told the investigators that as late as February 2007 Chris Immelman (customer and logistics executive, grains) had instructed him to meet milling competitors.

Hagan said he pointed out Dennis's ban on such meetings, but Immelman insisted he should go ahead. When Hagan appealed to another senior executive, Louis Greeff, he was ordered to follow Immelman's instruction.

Hagan duly arranged a meeting with Roland Evins, regional customer manager at Premier Foods. When he emailed Immelman to inform him that the meeting had taken place, Immelman ordered him to delete the email from the system.

A month after the R98,8m penalty was made public, 61-year-old Dennis

announced that “in the best interests of the company” he was taking early retirement. In his last chief executive’s review in Tiger’s annual report for 2007, published this February, Dennis recalled his evidence to the competition authorities: “I confirmed that I was unaware of these collusive activities.”

In the annual report, chairman Lex van Vught’s letter to shareholders hammers home the innocence claim of the CEO: “Edward Nathan Sonnenbergs specifically reported that there was no evidence that Nick was aware of any of these collusive activities.”

After all, until last December, Dennis was also an independent non-executive director of Nedbank. As such he would have become well acquainted with the senior members of Edward Nathan – the law firm was, for several years, actually owned by the banking group. It was only sold back to the firm’s senior partners in 2004, after the secret cartel had been operating for years.

The whole objective of the Edward Nathan investigation, it is now admitted, was to deliver its report to the Competition Commission as a means of naming Tiger’s competitors involved in the illegal cartel – in the hope of scoring brownie points with the authorities and, hopefully, leniency. This was duly granted – the administrative penalty, which could have been as high as 10% of turnover, was a “consent agreement”, the equivalent of a criminal law plea bargain, of just 5,7% of the R1,7bn turnover of Tiger’s 2006 grains division. A mere slap on the wrist.

Then there’s 42-year-old chief financial officer, Noel Doyle. In his

The SA National Consumer Union’s Lillibeth Moolman says the price-fixing bakeries should be facing criminal charges

testimony, Doyle told Edward Nathan he was “not aware of any pricing discussions between competitors”. But was he really unaware? In 1998 the advent of the Competition Act changed the nature of the price-fixing meetings; they became much more secretive. Tiger’s national sales manager, Bill Francis, told investigators: “The various players became aware that these meetings were illegal.”

Francis had been attending price-fixing meetings, with a mandate from Albany’s then MD, Laurie Troxler.



“To avoid being conspicuous, as the parties were aware of the possible contravention of the Competition Act, these meetings were held at various inconspicuous venues such as pubs,” he said.

From then on, said Francis, Albany bakery managers and sales managers no longer attended cartel get-togethers. More senior representatives from each competitor, usually senior sales managers, took their place.

In 2000 Noel Doyle took over from Troxler as Albany’s MD. Francis testified that “Mr Doyle expressly indicated that such collusion with competitors in relation to the sharing of pricing information and the setting of prices would be discontinued. Mr Doyle indicated this on more than one occasion, in managers’ and executive meetings, as well as informally.”

So Doyle can hardly have been unaware of “any pricing discussions between competitors” if in 2000, and on a number of occasions thereafter, he had insisted that such collusion should be discontinued. Despite Doyle’s ban, Francis said he continued to attend cartel meetings, which at one stage were convened by Mike Russell and “Dudu”, from Premier’s Blue Ribbon.

Francis informed Tiger’s bakery managers by “whispering in their ears” of the agreed prices and the dates when they would be implemented. The last cartel meeting he attended was on 14 November 2006, with Blue Ribbon and Sunbake.

This May, Noel Doyle resigned from Tiger to head autobody group Bluespec. In Tiger’s annual report, chairman Van Vught states that disciplinary action had been taken against “26 persons” for their roles in the scandal.

No names were given, but last month the *Financial Mail* revealed that Doyle was one of the 26 and that he had been given a final written warning for his part in breaking competition rules.

In Doyle’s own testimony to Edward Nathan, after denying knowledge of any pricing discussions between competitors, he illustrated the then prevailing scratch-my-back-and-I’ll-scratch-yours mentality, with details of meetings he attended with Pioneer and Premier in 2001 regarding “an organised closure of bakeries”.

Tiger, he said, closed bakeries in Phalaborwa and Louis Trichardt, for the benefit of Sasko and Foodcorp;

Tiger’s CEO Nick Dennis was purportedly ‘unaware’ of any meetings to discuss collusion



Picture: The Times

exchanged their shareholding in Bushbuck Ridge with Foodcorp, in exchange for Foodcorp's shareholding in Ermelo; closed Klerksdorp, for the benefit of Blue Ribbon; closed Kimberley for the benefit of Pioneer, who in return closed their bakery in Welkom; closed Queenstown and East London bakeries for the benefit of Star bakeries and Pioneer.

There's illuminating testimony in the secret report that shows how Tiger's greed proved to be its downfall.

Willem ("Willie") Marais, the group's national manufacturing executive (bakeries) described a breakfast meeting on 6 December 2006 with managers from Sasko and Blue Ribbon. There was general disapproval of the high discounts received by independent distributors.

A discount ceiling of 90c a loaf was proposed. When the same people met for lunch (arranged by Tiger's Marais and Western Cape bakery manager Rassic Erasmus) at the Fig Tree restaurant six days later, Marais told his rivals he had implemented a rebate of just 75c.

One of Marais' victims, whose commission was slashed from 90 cents to 75 cents a loaf, was Imraahn Mukaddam, a small independent bread distributor in Cape Town. It was Mukaddam's subsequent complaint to the Competition Commission that was to bring down the whole house of cards.

Within the price-fixing cartel, representatives from Tiger Brands, Premier Foods, Pioneer, Sasko Duens *et al* met in secret, behind closed doors, in suitably discreet venues, such as wine cellars, a church hall, a golf club and at Sasko's corporate box at St George's cricket ground in Port Elizabeth. There were no agendas; no minutes were kept. There was only one objective – to drive up the price of a loaf of bread.

Little did the plotters of the price-fixing cartel care that their orchestrated increases deprived millions of the very poor of the two main staples in their diet – bread and maize meal.

In its secret report, Edward Nathan draws no conclusions, preferring to quote those of economics analysts Econometrix and KPMG, who were retained for their input. "Econometrix and KPMG conclude that the agreements, arrangements or understandings between the competitors in the bread and milling industries had no ultimate demonstrable effect on consumers." The law firm then presents Econometrix's conclusion: "There appears to be little *prima facie* evidence of malpractice, should it exist at all, in price-setting activities having had any negative impact on consumers, even in the very short term."

These may be the opinions of experts whose hefty bills were picked up by Tiger Brands and who had been wheeled in to support Tiger's (successful) plea for corporate leniency. Others, such as Cosatu and the SA National Consumer Union, are not so sure. The latter's Lillibeth Moolman has said that the price-fixing bakeries should be facing criminal charges.

In the last eight years the price of a basic brown loaf has risen by 153%, from R2.77 in January 2000 to around R7 today. Such increases are inevitably blamed on an increase in the cost of raw materials, especially wheat. (Exotic loaves such as sunflower seed, seeded granary and Low G1 are all now similarly bumped up to R9.99).

The cost of a 5kg packet of maize meal has over the past three years increased from R10.94 to R20.79. To the very poor, these increases are astronomical, leaving many to go hungry.

The price-fixing cartel's role in this cannot easily be explained away.

Tiger Brands, listed for more than 60 years on the JSE, is an enormous conglomerate that owns top brands across a broad spectrum – grains, groceries, consumer healthcare, beverages and fishing, to name but a few. Its leading brands include Ace maize meal, Albany bread, Tastic rice, Black Cat peanut butter, Oros and Jelly Tots.

As prices all round have soared, so has Tiger Brands prospered. In the last five years, group pre-tax profit has almost doubled, from R1,7bn to last year's R3bn. Turnover last year was R16,2bn, up 28% from 2006's R12,6bn.

And Nick Dennis was handsomely rewarded. In 2001 his basic CEO's salary was R2,4m. By last year it had doubled to R4,9m. Over the past seven years alone he received total remuneration of R64,8m (including bonuses amounting to R19,6m), plus R28,2m in fiscal 2006 from cashing in share options.

In 2007, after clocking up 27 years with Tiger, he received a long service award of R418 686.

So what of Tiger's fellow plotters in the price-fixing cartel? The Competition Commission is seeking administrative penalties of 10% of turnover from Pioneer and Foodcorp (that would come to about R2bn in all).

Premier has been given immunity from prosecution for helping the competition authorities build their case against fellow cartel members.

■ In May the Competition Commission also slapped a R53m fine – 8% of turnover – on Tiger Brands' Adcock Ingram Critical Care, for "collusive tendering" over a 14-year period. ■

Finish's dirty washing

How to complain

THE ADVERTISING STANDARDS Authority may have difficulty distinguishing between slimming pill quackery and lean, hard science (see *noses past*), but at least it knows something about washing dishes.

Following complaints from your humble correspondent and Another, the advertising watchdog has ordered Reckitt Benckiser, makers of Finish dishwashing detergent, to desist from claiming that automatic dishwashers use 50% less water than the old hands-in-sink method.

My own complaint was also aimed at Bosch, which has been making even wilder allegations about the efficiency and environment-friendliness of dishwashing machines (as roundly debunked in *nose100*).

I haven't seen the Bosch ad on TV since that article appeared, so perhaps it was quietly pulled to avoid further embarrassment.

The electrical appliance giant and the cleaning product giant have long colluded in spreading the myth of the green dishwashing machine. They even endorse each other's ads with their logos. And both base their claims on a single study of a tiny sample of European volunteers, conducted by a German university and funded by dishwasher manufacturers, including Bosch.

Even then, they misquote the findings. In its ruling against Reckitt Benckiser, the ASA directorate says this study "does not unequivocally substantiate the claims referenced in the commercial. At best, it implies some improvements, but the actual claim as used by the respondent is never mentioned or supported".

And even if it was, the study is of dubious relevance to South African consumers.

The ASA makes special mention of the finding that 90% of Hungarians



ed not to appeal.

This is not the first time Finish has been the subject of ASA scrutiny.

In August last year, the ASA upheld a similar complaint by two different members of the public against an earlier version of its TV commercial.

That ad, which featured former

Miss South Africa Claudia

Henkel, not only claimed that dishwashers use 50% less energy, but also that they use 10 times less water than handwashing.

The ASA ruled that neither claim was substantiated and ordered them withdrawn "in their current format". Reckitt Benckiser responded by dropping the water-saving claim, and replacing Ms Henkel with a voice over.

But with electricity consumption having become such a consumer hot button, they clung to the energy-saving line, evidently hoping the ASA

wouldn't notice.

And they were right. The ASA does not monitor advertisers subject to their rulings. They only investigate complaints.

So let's all follow Dr Harris Steinman's lead and complain. You can do it online, it costs nothing and you don't have to put in a personal appearance. The staff is extremely efficient – my complaint was acknowledged almost immediately, the ruling took about a month, and it was emailed to me the day it was made.

You don't need to have specialised knowledge or training, but you will need to substantiate your complaint. In my case against Reckitt Benckiser, all it took was common sense and an hour or two on the Internet. But if you are an expert, or have inside information, so much the better.

So give it a go. Visit www.asasa.co.za and fill in the form.

Noseweek will be monitoring the ASA website, hoping for a sudden surge in public-spirited complaints, and reporting back on their progress. So even if you lose, you'll be keeping the advertising industry on its toes.

Over to you. **W**

wash their dishes under a running tap.

"There is nothing before the directorate to show that similar dish washing behaviour occurs in South Africa," it says sniffily.

It concludes that the claim that "a dishwasher saves half the electricity of washing by hand ... enough to light 50 energy saving light bulbs in your home for one hour" is not "unequivocally verified as true and applicable for South Africa".

Sensibly, Reckitt Benckiser have opt-

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Last Chance Saloon

KATHLEEN JOSEPH is a business-woman in her fifties, who does something of a double act with her daughter, Carmen Schie-mann.

The two apparently share a fondness for the colour purple – they’ve owned several businesses called Purple something or other, among them K&C’s Health Beauty & Accessories & Gifts CC, trading in Hartebeespoort as the Simply Purple gift shop, and Simply Purple Health Beauty & Accessories & Gifts. The latter business owns a portion of a farm at Hennopsrivier, where the pair built a house.

In 2006, Kathleen and Carmen decided to sell their business interests in South Africa and move to the USA. Enter Frans Rootman, a man who had become a close friend and confidante of the two ladies.

Although Rootman is a businessman, the women say they also regarded him as a legal advisor, after he advised them on a dispute they were having with a neighbour, Nigel Fernsby, about a right of way across their Hennopsrivier property. It’s easy to see why they mistook Rootman for a lawyer – his advice led to an immediate escalation of the conflict. He advised them to build a wall which would block off Fernsby’s access, and Fernsby rushed off to the high court for an urgent interdict.

Rootman decided to buy Kathleen and Carmen’s interests in their close corporations, with the effective date of the transaction being 31 May 2006, from which date the risks and benefits relating to the close corporations passed to him. The agreed price was R5m: R3,75m for Simply Purple and R1,25m for K&C’s – with R500 000 due on 31 May 2006, and the balance of R4,5m on registration of a bond over the property.

Rootman failed to make payment on 31 May, claiming that he was having trouble raising the capital. Kathleen and Carmen, who had moved to the Western Cape and opened a Purple gift shop business there (which they’ve since sold) as a stopgap pending their move to the USA, agreed that he could

Is former parabat Frans Rootman a kind soul who’s been taken in a by a couple of women he’s known for less than a year or is he a sharp operator ever on the lookout for easy pickings?

pay the full price on registration of the bond. This required them to take out a bridging loan for R600 000 from Mettle.

On 24 August 2006, the bond was registered and Rootman paid Kathleen and Carmen R3,51m leaving a shortfall of R1,49m. The two ladies paid off Mettle (paying a whopping R50 000 in interest!).

Rootman claimed that he had been unable to raise the full amount and, after some discussions, Kathleen and Carmen decided to drop the price to R4,5m, leaving some R990 000 outstanding. One reason they agreed to this was because they were anxious to finalise their affairs in preparation for their move to the USA.

On 11 October 2006, Kathleen and Carmen asked Rootman to confirm the new deal in writing, because they needed this to persuade the US authorities that they had sufficient funds to gain entry into the USA. Their fax shows that there was a close relationship at that point – there’s a little in-joke about Rootman being under pressure, “hee hee hee”, and the two ladies sign off “with fondest love”.

On 13 October 2006 Rootman obliged, sending a document headed “Confirmation of Funds Owning”. He confirmed that the price was R4,5m, that he had paid R3,51m, and that the outstanding R990 000 would be paid by 31 December 2006. He refers to the two ladies as “hotties”, and he signs off as “Your friendly Kwagga (Frans)”.

On 10 November 2006, Kathleen sent Rootman a further email saying that the document was insufficient, and that a bank statement reflecting the deposit was needed. She offered Rootman a R90 000 discount if he could pay by 15 November 2006. Needless to say, he didn’t pay the discounted amount on 15 November, nor the full amount on 31 December.

On 4 and 7 February 2007, Kathleen faxed Rootman demanding payment, and on both occasions she referred to the “Confirmation of Funds Owning” letter. On 8 February 2007, Rootman acknowledged receipt in a letter headed “Funds Outstanding”, and said he was attending to the matter. On 27

February 2007, the ladies consulted attorneys, who sent a formal demand to Rootman.

Still nothing. So they brought an application for payment in the Pretoria High Court. Rootman opposed the application, raising the rare "I'm just a big softy and people are forever putting one over on me" defence. Rootman claims in his affidavit that he met Kathleen, Carmen and Kathleen's other daughter Kelly in late 2005. The Hartbeespoort area was, in Rootman's words, "hardly the place for three women to live alone", and they "were literally living in fear of their own safety".

Furthermore, says Rootman, the business wasn't doing well and Kathleen had overcapitalised on the house. As a result, the ladies were "in dire straits ... literally alone in the world ... experiencing serious financial and personal problems", with Kathleen being "close to a nervous breakdown". Kathleen denies all of this, claiming that security was not a major issue, that the business was sustaining them, and that the house had been valued by Absa at R3,9m, so her R3m investment in it was justified.

The avuncular Rootman claims that Kathleen and Carmen "came to me with their problems to seek some guidance and assistance", and "confronted with these facts I immediately realised that there was only one option ... they had to sell the house and business and get out of their present environment and start afresh somewhere else". Kathleen, he claims "recognised the soundness of my advice – the only problem was there was no ready market for agricultural holdings in the price bracket she would be seeking and no ready market for the business". He claims that, in sympathy with Kathleen, he eventually "took a long-term view of the matter", and "structured a deal". The idea was that Rootman would seek as much finance as he could get from Absa, based on his earnings and this would go to Kathleen and Carmen – yes the contract which he drafted said he would pay R5m, but R5m wasn't what was meant. The two ladies knew full well that they were unlikely to get more than R3,51m. The

Rootman says that, though he's not a lawyer, he offers a service for people who haven't come right with the law



balance of the price would be subject to future adjustment.

Adjustment for what? Well ... liabilities, stock figures, stuff like that.

And naturally dear Mr Rootman found all sorts of things for which adjustment was needed. Like the litigation with neighbour Fernsby (for which Kathleen says she had paid all the legal fees outstanding as at 31 May 2006). And a further legal claim against K&C for some R250 000 by one Stewart Barker, who had bought a Simply Purple store in Fourways. And for alleged overstatement of stock and understatement of VAT returns. Kathleen denies all of this and says that it's absurd to believe that an experienced businesswoman like her would sell a valuable property and a successful business for as much money as the buyer was able to raise from his bank. She also says she knows nothing of any claim by Barker. As regards the tax issue, she says that enquiries made by her former bookkeeper, Betty Neves, found that the files for the two CCs were moved from the SARS Alberton branch to two different branches, under the CCs' founding names, and that returns which had been submitted had gone missing and were reflected as not being received, even though tax clearances had been issued.

And what of the acknowledgment of debt, the "Confirmation of Funds Owning" letter? Oh, he didn't sign that says Rootman. He refused because he could see that Kathleen was trying to set him up, but she duped his accountant, Marius Oosthuizen, into forging his signature. Rootman claims that she convinced Oosthuizen to do this by telling him that the letter would have no legal effect and was only intended to mislead the US authorities.

Kathleen says this is rubbish, pointing out that there is no way Rootman's accountant would have forged his boss's signature, and there is certainly no way he would have addressed Kathleen and Carmen as "hotties".

And what about the two reminder letters which were acknowledged? Oh, says Rootman, he didn't understand what they referred to, because he didn't know that the "Confirmation of Funds Owning" letter had been signed.

The matter is unlikely to come to court because a settlement seems to have been reached. Rootman, through his

spokesman, ex-advocate Chris Schoeman, has offered to pay R250 000 in full and final settlement. Kathleen and Carmen (who still haven't moved to the USA and who claim to be in fear of Rootman), have reluctantly accepted it on the basis that something is better than nothing.

However, at the time of going to press, the money had still not been paid, with Schoeman claiming that Rootman was awaiting money due to him in another legal matter involving the DRC.

If you're thinking you've heard the name Frans Rootman before – indeed you win the prize (if we can find it)!

In 2006, Rootman made the news when he secured a court order evicting more than 3500 squatters from his land in Hartebeespoort, also obtaining an order that the local council would foot the R470 000 bill for the eviction.

Rootman had previously made an even bigger splash when he sued President Mbeki, taking the matter all the way to the Supreme Court of Appeal. In 1999 Rootman had been hired by DRC President Laurent Kabila to investigate the disappearance of large quantities of cobalt from the state-controlled Gecamines – serial rogue Billy Rautenbach was suspected of being involved in the disappearance. Rootman successfully recovered a mighty 139 tons-worth, entitling him to a hefty commission.

When the DRC government refused to pay up, Rootman sued in the Pretoria High Court and, in 2003, Judge

Willie Hartszenberg ordered the DRC government to pay Rootman US\$12m. When the DRC government didn't see any reason to honour this judgment, Rootman brought an application for an order declaring that the State President has a constitutional duty to take all reasonable steps to help a citizen secure a judgment against a foreign state.

This application failed before Judge Chris Botha in Pretoria, so Rootman went on appeal. On 31 May 2006 (incidentally the same day on which the contract with Kathleen and Carmen kicked in), Judge Lewis held that courts should only grant orders which can be enforced. As the court order which Rootman was seeking would probably lead to nothing more than a letter from the State President to the DRC head of state (no doubt the judge was familiar with Mbeki's quiet diplomacy), the court was not prepared to issue such an order.

Rootman also tried to secure his commission in other ways. For starters, he attached property belonging to the DRC in Belgium and Israel, but recovered no money. In 2003, he attached and sold for about US\$1,2 million a Falcon jet belonging to the DRC. More recently, he attached a Boeing 707 which he claimed belonged to the DRC government, but this attachment was set aside when it transpired that the plane belonged to the estate of late president Laurent Kabila. And, most dramatically, he attached a claim that the DRC has against Uganda, for

war crimes committed when Uganda invaded the territory of the DRC in 1996 (apparently the International Court at The Hague has already found that Uganda must make reparations to the DRC and, as soon as the amount is settled, Uganda will be obliged to make payment to the DRC and Rootman will, as a result of his attachment, have a first claim on the money).

At one stage, Rootman claimed to have received death threats over the matter, but went on to say: "But what kind of message would it send to the little guys trying to do business in Africa if I just gave up? At least I have the resources and know-how to fight this." When asked whether his harassment of the DRC government could harm relations between South Africa and the DRC, Rootman said: "We have a right to collect money owed to us in a democratic society." No doubt Kathleen and Carmen couldn't agree more.

Frans Rootman & Associates is an interesting business. Rootman tells *noseweek* that, though he's not a lawyer, he offers a kind of "last chance saloon" service for people who haven't come right with the law. Rootman apparently looks at the case and, if he decides that some money can be recovered, will act on a commission basis. He's an investigator, with a background in the Parabats and Special Forces, and he employs various attorneys and advocates as needed. As he tells it, this is why he became involved with Kathleen and Carmen – they were in trouble and they needed help. Apart from this business, Rootman is a member or director of a host of other businesses, including Albasini Beleggings, Brother Bear Investments, Colourful Rainbow Marketing, Dixie Rosie Trading, Jannade Eiendomme, Pewter Star Marketing, Platinum Bamboo Properties, Red Harlequin Properties, Sandhurst Farms and Tropical Season Marketing.

We'll leave it up to readers to decide if this is a kind-hearted soul who gets taken in by a couple of women he's known for less than a year. A man, who in his affidavit, complains that "I used my creditability to raise funds for the Applicants so that they could start a new life and now I am stuck with assets for which I grossly overpaid".

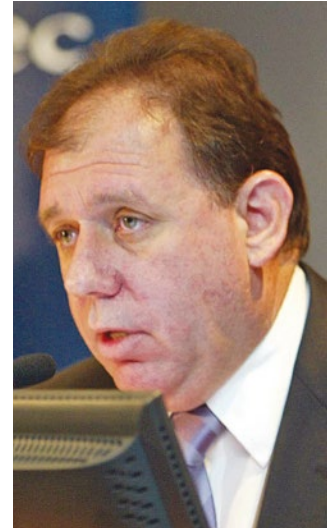
Or whether Rootman is a sharp operator ever on the look-out for easy pickings, a man whose "long-term view" went something like this: My wife's looking for a little business, and a gift shop which imports stuff from China would do her nicely. And if I can pick up a nice country estate in the process, all the better! **W**

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Kebble's ghost haunts Investec



Join the dots

IN NOSE104 WE REFERRED to a Cecil Simon, who was president of Radcliffes Trustees when that Geneva-based trust company was sold to Investec for an outrageous sum, on the pretext that Investec could manage all its assets. Cecil is, of course, better known by his second name, Lyddon – he signs himself C Lyddon Simon. Our story failed to mention that this self-proclaimed doyen of South African offshore tax avoidance trusts had, shockingly soon thereafter, left Investec's newly acquired Swiss offshoot (with a hefty cheque), only to pop

up next day as president of Swiss Independent Trustees. Rumour has it that he “moved on” from Investec as, while employed there, he may have enticed various clients to join his new company.

Our Cecil – sorry, Lyddon – was once upon a time an advisor to the Peregrine Group's Citadel business (which has just bought a share of Stenham's in London). Mr Simon's fellow director at Swiss Independent is Steven Stein, a consultant in Joburg and also a director of Peregrine. Connect the dots – then let us know what you see ...

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Pyramid? What pyramid?

BEEAWINA – PLEASE don't confuse this with yet another black economic empowerment deal; according to CEO Koos Koen, BeeAwina is a "social loyalty networking programme".

To other eyes the scheme appears to be nothing more than a "technologically empowered" pyramid scheme – it will operate by cellphone. BeeAwina is to be launched in October, and marketing consultants are already preparing the marketplace through an extensive email and phone campaign, though BeeAwina directors claim the business is not yet ready for public launching.

BeeAwina involves each participant building up a personal network of other members, all of whom must make regular payments (i.e. SMSs to premium numbers) to the company while they build up their own network of members. Participants will earn "loyalty" points, redeemable at a wide range of vendors, including, it's claimed, the likes of Pick n Pay. It's also promised that "BIG" prizes will be won by answering weekly SMS questions.

Pre-launch marketing describes BeeAwina as a "project where there are NO LOSERS, that uplifts the Community Organisations with ONGOING funds". It goes on: "It's a national paperless system where everybody, and especially Community Organisations, benefit, while keeping it simple."

Unlike U-Care (*nose101*), which arranges unsolicited donations for charity organisations, BeeAwina participants will nominate charity beneficiaries.

However, the pre-launch marketing overview – poorly written and full of spelling errors – describing how communities would allegedly benefit, contradicts the repeated suggestion that the whole business is "simple". Any organisation approached by BeeAwina to function as a "Leader Organisation" will "be required" to register a series of "Member Organisations", organise a launch, solicit prizes from sponsors, hold regular strategy meetings to ensure that new members are constantly recruited and actively participating in the monthly SMS competitions, and so on.

BeeAwina members will register by sending an SMS to a premium number,

A 'social loyalty
networking' scheme
promises participants
they can earn over
R50 000 a month
simply by using their
cellphones

at a cost of R3. This earns the participant "loyalty" points – though it's not stated how many points per rand will be earned. Each point will be worth 1c and, to qualify for them, participants must recruit more people under their own registration network. Participants earn points for each person they recruit, and for each person whom that person in turn recruits – this builds up levels, or tiers, of participants all contributing to each others' points.

The tiering system of recruiting members whose payments contribute to enriching those in the levels above them is the typical basic feature of pyramid schemes. And the success of BeeAwina, as in pyramid schemes, will entirely depend on a constantly expanding membership and millions of members participating regularly in the weekly competitions.

The main source of points to any member will come from other members answering a weekly multiple choice question, also at R3 a time. To earn any decent number of points, everyone in a network will have to be participating as often as possible.

A good look at the mathematics of the system, and what must be in place for anyone beyond the first few levels of recruitment to earn anything at all, shows the true nature of the scheme – i.e. that it simply isn't designed to make everyone a winner (such a claim should in itself trip the alarm).

As an incentive to joining, BeeAwina's marketing material announces that "five levels down you will have 100 000 people



Not a pyramid: Teletainment chairman MK Mohlala

in place”, and then gives “a guideline of what you can expect once the SMS competition is up and running”. It explains that with five levels and 100 000 people in place you would be earning almost R52 000 a month if everyone in your network were spending R12 a month participating in all four monthly SMS questions.

Now that’s for one person at level one. But let’s take the first 100 people in the scheme, i.e. at level one, and ask what their chances are of earning the mythical R52 000, bearing in mind that, as the first joyriders in on the scheme, they have the optimum chance. For them all to earn that amount, there would have to be 100 x 100 000 people in the scheme, i.e. ten million participating members.

Now, if there are 100 members at the first level, then at the second level there would have to be 1000 people: so if you come in at the second level, for you to earn R52 000 per month, there would have to be 1000 x 100 000 members, i.e. 100 million people participating fully in the scheme. In other words, nobody outside of the first few members recruited stands any chance of earning that R52 000 per month, even if the scheme were fully functional.

Yet that’s the figure BeeAwina highlights to entice prospective recruits. You can do the maths on earning R1000 per month if you like – there are still going to have to be a LOT of really committed people in the scheme for anyone beyond the first two levels to earn much at all. And – how do you ever know what level of the system you are being recruited to?

The other main factor influencing how well such a scheme can function is the nature of the recruitment population itself. Say you recruit ten friends, who must each then recruit ten friends, who must each recruit ten friends. Very quickly everybody in a given locality is absorbed into the network. For the ideal level of recruitment, people would have to be free to recruit without the hindrance of the actual numerical barriers.

All of which explains why pyramid schemes are illegal – to entice recruits, they suggest potential earnings that are actually impossible for anyone but the first very small group of members.

It’s the initiators of such schemes who earn the big money, which they do off the first couple of thousand suckers who join – and before the scheme grinds to a halt. Which is perhaps why BeeAwina “loyalty” points won’t be redeemable during the first three months of operation.

BeeAwina is the brainchild of Stefanus Leroux Pienaar, who registered Teletainment Interactive (Pty) Ltd in 2004, two years later inviting to join him Prof Koos Koen, part-time lecturer at the Wits School of Entrepreneurs and an associate at Nigeria’s Kaduna Business School.

Asked by *noseweek* to explain the BeeAwina concept, Prof Koen said he didn’t know much about it: “Apart from being a director, I am just a consultant on interactive technology to be used. The marketing and management is not my role.”

Other partners are Teletainment chairman MK Mohlala, (“Impumelelo 2002 Businessman of the Year”), Ezzanne Swanepoel (also a part-time lecturer at Wits) and Marthinus Matthyser. The board further includes Mandla Ndimande and Tumi Masemola, both of Black Brain TV Productions.

When asked if he thought BeeAwina might be a pyramid scheme, Mr Mohlala, a former CEO of Johannesburg City Power, told *noseweek* that it was his “democratic right” not to answer questions.

Marketing consultant Helene Calitz, who signs off part of the pre-launch publicity material, tells *noseweek* that BeeAwina is definitely not a pyramid scheme: “Pyramid schemes are illegal, but this is very legal.”

Easy BIG money, LOTS of prizes, NO LOSERS, COMMUNITY upliftment – fantastic marketing equations.

And fantastical mathematics. **W**

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Toxic cocktail

ANOTHER PENSION FUND rip-off – but this one’s a little different in that it came to *noseweek* in the form of a report by the Financial Services Board to the Registrar of Pensions.

The report, dated 29 August 2007, features a crowd of corporate and legal heavyweights, including Sanlam, Aspen Pharmacare Ltd, attorneys Webber Wentzel, Sonnenberg Hoffman & Galombik (now Edward Nathan Sonnenberg) and Routledge Modise, and accountants Ernst & Young and PricewaterhouseCoopers.

Some don’t come out looking too good.

Around 2001, Aspen, Africa’s largest pharmaceuticals manufacturer, and the largest generic medicines producer in the southern hemisphere, woke up to the fact that if it did not quickly find a black empowerment partner, it would lose its government contracts.

What ensued was an interesting little deal in which the Chemical Industries National Provident Fund, in which Aspen is a participating member, was persuaded to lend money to an investment company set up by the industry union, so the union could buy Aspen shares.

In exchange, the Provident Fund would get a bundle of preference shares in the union investment company. It was because these shares were never issued that the Registrar of Pensions asked the FSB to investigate.

The deal was set in motion in November 2001, when the union established the Ceppwawu Development Trust, with the union and its members as

Chemical industry pensioners have lost a whopping half billion rand as a result of corruption and shocking professional incompetence

beneficiaries.

The union trust then established Ceppwawu Investments (actually consisting of two separate entities), which would buy Aspen shares. What was missing at that point was money – enter the Chemical Industries National Provident Fund, which has 24 trustees, and, like most provident funds, has (or had) loads of money.

On 29 January 2002, the Provident Fund trustees signed an agreement providing Ceppwawu Investments with R108m to buy Aspen shares (around 18 million of them). In return, the Fund would get 2000 redeemable preference shares in the investment company.

The shares were to be secured in two ways: firstly, Ceppwawu Investments granted the Provident Fund a so called “Put Option”, which required Ceppwawu Investments to purchase a certain number of the shares from the Provident Fund in the event that Ceppwawu Investments couldn’t redeem the shares and, secondly, the Aspen shares were pledged to the Provident Fund.

From the outset, there was a disturbing lack of disclosure. The agreement was signed on behalf of the Provident Fund by Motlalepula Krismis Tsolo, Principal Officer of the Fund and a Fund trustee. Except that Tsolo didn’t bother to disclose that he was also a trustee of the union’s trust, and a director of Ceppwawu Investments – thus contravening section 3 of the Financial Institutions Act.

Furthermore, prior to signing the first agreement, Aspen, the union

The real problem, however, was that the preference shares themselves never materialized

trust and Ceppwawu Investments had entered into a “lock-up” agreement, in terms of which Ceppwawu Investments agreed not to sell the Aspen shares for seven years. This was not disclosed to the Fund, which was assured that it could redeem its shares after five years.

The real problem, however, was that the preference shares themselves never materialised. It's quite extraordinary that no one seems to have picked this up. The Fund trustees never seem to have queried why Ceppwawu Investments didn't issue the preference shares to the Provident Fund, nor why its directors hadn't amended the company's articles to allow for such shares to be created.

In 2004, when the Provident Fund trustees received an offer from another of the union's companies to buy the Fund's preference shares, they still didn't check whether they had in fact ever received them.

That deal fell through when the union men were unable to raise the money – which should have raised a red flag about Ceppwawu Investment's ability to exercise the Put Option. But didn't.

In fact, until 30 January 2007 (one day before the redemption date) the Provident Fund trustees had still not noted the absence of the preference shares. They only reacted when attorneys Mendelow-Jacobs, acting for Ceppwawu Investments, wrote making an astonishing claim – that the obligation to issue the shares to the Provident Fund had lapsed, since the three-year “prescription” period had passed. This implied a loss to the Fund (and therefore the industry's pensioners) of some R551m – which is what the Aspen shares were by then worth.

Only then did the Provident Fund hurriedly ask the Registrar of Pension Funds to intervene.

And what of the Provident Fund's professional advisors? From 2002 till 2004 NBC Fund Administration Services reported to the trustees that the Fund had invested in Aspen shares. This was not the case. The Provident Fund had actually invested in Ceppwawu Investment shares (which never materialised). In 2005 and 2006 NBC reported to the trustees that the Fund had invested in “unlisted equities” (in Ceppwawu Investments) and not in Aspen shares, with the investment being valued at R551m in February 2006. NBC thus also failed to notice that there were no such shares.

Sanlam, with whom the Fund entered into an investment management agreement in May 2002, fared little better. Sanlam reported to the Provident Fund trustees annually, but it was only in 2006, when the Fund asked Sanlam to investigate exit strategies from the investment, that it reported that the preference shares had not been issued, and that attorneys Sonnenberg Hoffman & Galombik had sagely suggested the Provident Fund should “insist” that the certificates be issued “immediately”. Sanlam also reported that auditing firm J R Hollis & Co had been instructed to issue the shares, but this never took place.

The conduct of the Provident Fund's auditing firm, Ernst & Young, was even worse. These bean counters simply relied on Sanlam's certificates and reports when compiling the annual financial statements of the Fund – for the first year the payment was reflected as a deposit for an insurance policy, for the next two years it was reflected as shares in Aspen, and for the following two years it was reflected as unlisted equities. Incredibly, the Ernst & Young partner responsible for the audit, Karen Biggs, did not look at the agreements to understand the true nature of the transaction, did not ask for the Aspen share certificates, and did not verify the existence of the Ceppwawu Investment preference shares.

Interestingly, the law would have been broken whether it had been an investment in Aspen or an investment in Ceppwawu Investments – either because the Pensions Funds Act says that a pension fund can't invest in a participating employer, either directly or indirectly, or because the regulations say that a fund can't invest more than 5% of its assets in unlisted shares.

When the Provident Fund took advice from attorneys Routledge Modise, they were told that the Pensions Funds

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Act had not been breached because the investment had been in Ceppwawu Investments, not directly in Aspen, a participating employer.

[Routledge Modise's advice was, at the very least, controversial. Noseweek was not that surprised, therefore, to learn that there is considerable unhappiness in fund circles about Routledge Modise's R1,7m bill in relation to this matter. – Ed.]

Another interesting aspect is that the Fund did receive most, but not all, of the Aspen dividends paid to Ceppwawu Investments, as a result of the pledge and cession of Aspen shares. The report found evidence that, during the period 2002 to 2006, Aspen declared dividends to Ceppwawu Investments of almost R31m, and that over R26m of this was deposited into an Absa account opened by Sanlam in the name of the Provident Fund.

And the missing R4m? Apparently, one of the Provident Fund trustees (*noseweek* has his name) is suspected of skimming that off. But no charges have been brought...

The report has some harsh things to say in its conclusion – and offers some quite dubious legal advice of its own.

It concludes that:

■ As the preference shares were not issued, the money advanced to Ceppwawu Investments should be seen as a loan (no reason is advanced for this) and not as an investment, and that, as the issue of the shares was a suspensive condition, the whole agreement is null and void.

(This interpretation could have a dramatic impact, as Ceppwawu Investments would then simply need to repay the R108m – plus interest, presumably – rather than the value of the Aspen shares. It seems the FSB men weren't up to contemplating a damages claim based on either breach of contract or reckless negligence.)

■ Ceppwawu Investments negotiated with the Provident Fund in bad faith, as the lock-up agreement locked the investment in Aspen for seven years, which meant that the trustees could not make an informed decision when they entered into the agreement.

■ The whole deal was done for the benefit of Aspen and Ceppwawu Investments, and not in the interests of the Provident Fund, and the Fund trustees may have contravened the law in allowing the Fund's assets to be used for the improper advantage of a third party at the expense of the Fund.

■ The Provident Fund trustees did not act with sufficient care, and they may have contravened certain sections of the Financial Institutions Act.

*As they say in
the trade: Let the
pensioners take the
pain! They'll be gone
before anyone gets
to court*

■ Mr Tsolo may have contravened the law by not disclosing his interest in the Trust.

■ NBC furnished incorrect information to the Fund trustees.

■ Ernst & Young were grossly negligent.

■ Sanlam's role "should be investigated". Unfortunately the report is not clear on this, but it seems that Ceppwawu Investments created another investment company, Ceppwawu Pharmaceuticals Investments Two (Pty) Ltd, which owns a further 8 620 690 shares in Aspen. The report says that Sanlam invested heavily in this company, using a policy which the Provident Fund concluded with Sanlam. (Another front to get around the prohibition on a Provident Fund investing in an employer's business?)

Noseweek attempted to get comment from Ceppwawu general secretary Welile Nolingolo, but he did not return the call.

However, an attorney acting for Ceppwawu Investments (who asked not to be named), claimed he was unaware of the FSB report, but said his client had been much maligned in this matter. Extraordinarily, he alleged that the Provident Fund itself was to blame for Ceppwawu Investment's failure to issue the preference shares – because it didn't "push the issue".

But why then did they raise the defence of prescription? The attorney declared that this was a shield to defend Ceppwawu Investments from an "unfair" claim, which, if accepted, would require it to go into liquidation. Ceppwawu Investments, he claimed, always intended to pay the pension fund what it was due, but it requires the agreement to be rectified to reflect the parties' "true" intention – namely that, on termination, the Provident

Fund would be entitled to 75% of the net realizable value of the assets of CPI, i.e. the Aspen shares. Which, said the attorney, meant that capital gains tax, secondary tax on companies, income tax and brokerage charges would first need to be deducted.

The Fund, on the other hand, advised by Webber Wentzel, denies that any taxes should be taken into account.

According to the Ceppwawu Investments attorney, the parties had reached agreement as to specific points but the Provident Fund reneged on this deal in early 2008, largely because Aspen's share price had by then dropped dramatically.

The Pension Fund then referred this matter to full arbitration, which is scheduled for 3 November 2008 before advocate JG Wasserman SC. The Fund is holding out for some R550m, a figure endorsed by PricewaterhouseCoopers, but which the Ceppwawu Investments attorney says is "disingenuous", as it assumes that the Fund would have redeemed the preference shares when Aspen's shares were most valuable. The attorney says that the investment company had offered a settlement of R375m, which would require it to sell some, but not all of its Aspen shares.

That way, while the scheme was entirely funded by the Provident Fund, Union leaders and, possibly, members of the Union who don't belong, and don't contribute, to the Fund, also benefit.

There's now controversy in the union surrounding attempts by some of the Provident Fund trustees to move the administration of the Fund from NBC to a company called TriStar, without the consent of the other trustees.

All in all, it seems that a group of people who are totally out of their league, and in some cases also corrupt, have been allowed to play fast and loose with workers' pension money.

The main beneficiary is a large "white" corporation, which on its website now boasts a 13% black ownership – and of securing a significant portion of the Department of Health's ARV tender. And, of course, some highly-paid professionals, including financial services providers.

And no-one will do a thing about it. As they say in the trade: Let the pensioners take the pain! They'll be gone before anyone gets to court – the lawyers will see to that, for another large fee.

Or perhaps those respectable men and women at Sanlam and Ernst and Young would get the ball rolling by saying how they intend righting their "slip-ups". Would they – as a gesture of goodwill – care to refund the fees they received for an unprofessional job? **W**

Thembela's ghost walks

THE SPIRIT OF THEMBELA Matiwane still haunts the corridors of the Mowbray Maternity Hospital, crying out for attention (*noses91&102*). But nobody is yet ready to take responsibility for the 33-year old pregnant mother's untimely death.

Soon after *noseweek's* second report, Dr David Bass, the Western Cape Health Department medical advisor, wrote dismissing *noseweek's* claims, and alleging that an autopsy had in fact been performed (*nose103*). Yet neither the health department nor the hospital have been able to provide any autopsy report.

What is available instead is a reconstructed pathology report based on the medical file – similar to the reconstruction commissioned by *noseweek*. Accompanying it is a sworn affidavit by Dr Linda Liebenberg, a UCT Medical School colleague of Dr Susan Fawcus.

Apparently Dr Liebenberg requested the court file after *noseweek's* first report, and then provided her own medical opinion.

What she says leaves the court unable to prosecute the case – unless expert medical opinion can be found to counter her opinion.

Yet various statements and claims in both the pathologist's reconstructive report and in Dr Liebenberg's affidavit demand careful interrogation.

Dr Liebenberg states, for example, that: "The deceased was a 33-year old black female who presented to Mowbray Maternity Hospital in about the 36th week of her second pregnancy, on 29/03/2004." *Noseweek* can trace no record of an earlier pregnancy, and Thembela's husband Paul Mkhize denies there was one.

Furthermore, while Dr Liebenberg confirms that Thembela was suffering from Gestational Proteinuric Hypertension, her report does not question why Dr Fawcus prescribed induction of labour for a patient in this condition.

A gynaecologist, who prefers not to be named, tells *noseweek* that labour should not have been induced. "Induction of labour should not be considered with even a slightly high blood-pressure reading. This patient should have been sent right into caesarean. Or the doctors should have tried to control her blood pressure."

The gynaecologist also explained that the medics at Mowbray Maternity should have tried to control the blood pressure, instead of being in a hurry to

deliver before full term.

"The medical file doesn't show any such attempts. Drugs for induction of labour would undoubtedly enhance blood pressure – with nearly fatal consequences."

The government pathologist concludes her reconstructive report thus: "The doctors diagnosed that the patient had massive intraventricular haemorrhage of the brain. She was kept on ventilator despite having a very poor prognosis.

"Her family was counselled with regard to her poor prognosis and she was kept on the ventilator for all sedation



The late Thembela Matiwane and baby Makaziwe

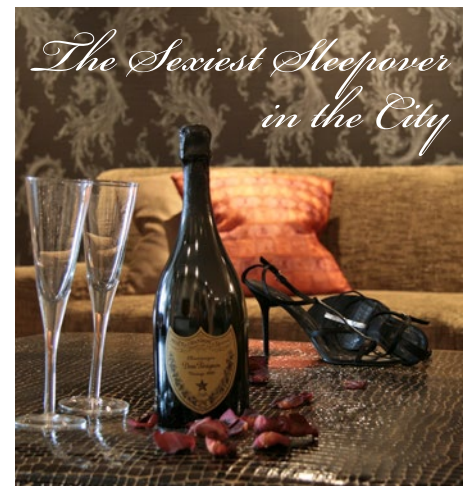
to wear off. On 1/04/2004, formal brain stem reflex test confirmed that she was brain dead, the family was counselled and the respirator was turned off. She died at 12h08 that day. Her grandmother signed consent for an academic autopsy to be performed."

Yet, at the time of the alleged family "counselling", husband Paul Mkhize had not yet arrived in Cape Town, and Thembela had no relatives in the city – so who was counselled? As for the grandmother who allegedly signed consent – she passed away years before Thembela was born; did she rise from the dead to sign her name, and on what document did she do so? And where is that "academic autopsy" report?

The search for independent medics to assist the Inquest Court has halted, as the Department of Justice and Constitutional Affairs has not provided the requested funds to "import" medical experts to assist the courts.

With the exodus of frustrated staff from the courts, one wonders how justice will ever be served in cases like this, where doctors appear to be protecting each other, secure in the knowledge that no medical expert will come forward to cross-examine their allegations. **■**

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Mondi shows the finger

THE KZN LANDOWNER who inherited an alien-infested mess from a former tenant, Mondi Shanduka Newsprint (*nose105*), has finally received a response from timber industry watchdog the Forestry Stewardship Council. And he's not happy.

Iain Buchan, who bought the 180ha farm shortly before Mondi Shanduka's lease expired, has been trying for years to get the corporation to clean up the invasive aliens, felled trees and damaged roads it left behind.

Last October, the Forestry Stewardship Council agreed to include Buchan's property in their annual sample audit of accredited timber-growers. These are plantation owners, like Mondi Shanduka, who are entitled to carry the council's yellow stamp of approval on their products as proof of origin in sustainably-managed plantations. You'll probably find one on your printing paper wrapping.

After months of delay, for reasons cryptically referred to as "issues raised during the review process", the auditors, SGS, have completed their report. But they won't let Buchan, or anyone else outside Mondi Shanduka, see it. The rest of us must be satisfied with a "public summary".

From this, it appears the auditors have ignored all written and photographic evidence submitted by Buchan, including an independent environmental assessment, and cleared Mondi Shanduka of any responsibility for the state of the property.

Among their claims:

- "... it was clear that MSN had invested considerable resources and effort into the rehabilitation of the property".

- "Minimal weed growth was evident."

- "Roads were to an acceptable standard."

And here's a clue to where they got their information: "A small area of timber was left behind which, *according to MSN*, they were unable to harvest as the owner would not allow access by road and/or skyline harvesting" (our emphasis).

They neglect to mention that this area should never have been planted in the first place, and that Mondi Shanduka have in fact harvested the trees, but failed to come up with a way of removing

the logs without doing permanent damage to the natural bush.

The auditors note Buchan's concerns about alien infestation and piles of rotting lumber, but decline to address them since "MSN have ongoing consultations with the stakeholder via telephone and meetings. The issues are being resolved through a mutually agreed plan".

If there is a plan, it certainly wasn't agreed to by "the stakeholder", who knows nothing about it. Buchan immediately fired off an email to the SGS's head of forestry certification, Gerrit Marais, challenging the audit. He is demanding to know whether the auditors actually visited



the farm, why he is not allowed to see the full report, why they ignored the EIA, and who told them he had "ongoing consultations with MSN".

He points out that the very reason he called for an audit was because he was getting nowhere with his former tenants. "It appears to me that your company has not addressed any of my main concerns".

Buchan called on SGS to arrange a "correct and proper audit" where he could be present to point out the problems.

The answer from Gerrit Marais was that the auditor responsible was "out of the country and we will have to wait for his return before we will be able to fully respond to all the questions you raised".

Marais claims both he and the auditor had tried to call Buchan "to discuss these matters and with a view to have you present at the audit".

"I left messages on your cell phone and at a number which I assumed to be your private address. I received no response until your next email dated 31 October 2008 [sic]."

Buchan says he conducts all his business through his cellphone and is meticulous about returning calls. And this was a call for which he had been eagerly waiting.

In the end, the only action the SGS took which affects Mondi Shanduka was the removal of accreditation from the timber grown on Buchan's land – but not because the plantations were badly managed. According to FSC standards, wood from an "exit plantation", one which will not be replanted, does not qualify as a sustainable source. **W**

De Lange: still behind bars

MORE THAN a year ago (*nose92*) *noseweek* told the story of Jimmy de Lange, presently serving a thirty-year murder sentence for what independent forensics expert Dr David Klatzow declared "should have been a clear case of justifiable homicide".

Jimmy's case has had a fair bit of attention from various quarters since – none of it leading to any change in his situation.

Not long after *noseweek's* first report on the De Lange case, an email arrived from Advocate Willem van Zyl of the National Prosecution Authority's Pretoria office to say he was he was prosecuting Henry Beukes and Jasper Johannes Prinsloo on charges of fraud, and asking for copies of any previous *noseweek* stories about the duo.

(Prinsloo and Beukes were the officers whose highly suspect investigations led to Jimmy's conviction.)

Some time later *noseweek* called the advocate to ask what the NPA was doing about Jimmy's case. "Nothing," replied Van Zyl. "I don't have that brief ... All I am doing is to prosecute them on charges of fraud.

"My case revolves around other issues, but it might be interesting to see who I am up against."

The fraud case involved charges that Beukes and Prinsloo, while serving in the South African Police, enriched themselves by making arrangements to collect various cash rewards offered by the police for information leading to the arrest of crime suspects.

The pair were acquitted on all counts early this year.

Jimmy has in the meantime had his own troubles with the judicial system – the Parole Review Board wouldn't consider his case until he got a court order against them. But the Board still refused to hear his case because a SAP62 form, which had been completed by the original investigating officer in the case, Prinsloo, was missing from De Lange's prison file.

Noseweek finally got hold of a copy of this document, dated 30 August 1998, and it makes for unsettling reading.

In it Prinsloo describes Jimmy as a "pathological liar", as "manipulative", and as a "drug dealer". According to Prinsloo, Jimmy spent his leisure time taking drugs, his "hobby"

was “taking drugs” and his “social activity” was “selling drugs”. None of which squared with the evidence *noseweek* has seen.

Prinsloo also claimed that Jimmy “never attended any church”, and was very sober during the attack (medical records indicated that Jimmy was under the influence of alcohol), and described the motive for the crime as “revenge” – presumably against another drug dealer.

Prinsloo went on to conclude, without presenting evidence, that Jimmy’s friends were all drug users and criminals.

This was all the Parole Review Board needed to refuse Jimmy an early release, despite the fact that the Leeuwkop prison authorities considered him a model prisoner, and despite the tangle of unresolved issues surrounding his conviction.

Then Miles Bhudu of the SA Prisoners’ Organisation for Human Rights got interested in Jimmy’s case, and called *noseweek*.

After investigations by his organisation, Bhudu announced their intention



Jimmy de Lange

to apply for a presidential pardon on behalf of Jimmy.

Bhudu was convinced that justice would finally come to the unfortunate De Lange.

But when the human rights group submitted Jimmy’s application for a presidential pardon, they were shocked to hear from Justice Department officials that it could not reach the presidency without endorsement of a [particular? – Ed] political party.

“Convicts must be affiliated to a political party to be considered,” Bhudu reported, “This is so unfair ... nobody wants to listen to

his matter.”

An angry Bhudu tells *noseweek* that, from his experience, the Parole Board are an “incompetent lot who don’t care about justice or the wellbeing of the prisoner. The board members are still using the Prison Services Act of the previous regime instead of the Correctional Services Act of 1998. They have not taken time to read the new Act. They treat prisoners worse than animals, even the innocent ones who shouldn’t be there.”

Cell C sort of pays up

ALMOST AS SOON AS *noseweek* hit the stands, *noseweek* received a friendly call from Cell C. How could they get hold of their former subscriber, Ketsia Motlhabane?

Motlhabane had accused Cell C of refusing to hand back R6 000 she had deposited by mistake into their bank account.

With Motlhabane’s permission, *noseweek* gave Cell C her contact details and asked her to let us know how things turned out.

Not so well, it seems – Cell C offered Motlhabane just R1 000. They intend keeping the rest as payment for the two-year contract she took out – even though she’d never used it because the phone that came with it didn’t work.

After refusing to replace the phone, Cell C then terminated the unused line after less than a year, for non-payment.

They also cut off Motlhabane’s other two lines, although she had regularly paid those bills.

The only reason they have R6 000 to bargain with is that Motlhabane mistook the Cell C account number for her bond account number while making an electronic transfer more than a year after her service was discontinued.

“I told them I want a full refund,” Motlhabane says. “My family needs the R6 000. It is our money. It’s a drop in the ocean for them.”

The company recently posted a profit of

more than R320m.

While Cell C’s alacrity in responding to *noseweek*’s story is to be commended, the company has yet to answer, months later, an emailed request for an official explanation.

Anyone holding their breath? **W**



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Everything to lose

A SLEEPY RURAL BACKWATER in Kwazulu Natal has been roused to fury by plans to build a highly hazardous chemicals factory in the neighbourhood.

Nseleni, about 15km inland from the industrial hub of Richards Bay, prides itself on its clean air and peaceful country atmosphere.

The district falls under the Mbonambi Municipality and is a mixture of rich farmland, timber plantations and small businesses, but includes a densely populated and rapidly expanding township. It also boasts a nature reserve and an exclusive private school.

In May last year, residents were informed that a local property had been earmarked as a potential site for a "Major Hazard Installation" which would produce hundreds of thousands of tons of deadly aluminium fluoride, hydrogen fluoride and sulphuric acid a year.

There was an outcry. The public participation process, such as it was, was marked by heated meetings and passionate letters of objection.

All to no avail. When the environmental consultants SRK issued their Final Scoping Report a few weeks ago, only one site had made the final cut: Nseleni.

It's a surprising choice since it's the only property on the list not zoned for industry. Unfortunately, three of the alternatives were eliminated because of "air quality concerns" meaning the pollution is already so bad that even normal emissions from the new plant would push things over the edge.



The road to Nseleni

**Hazard lights
are flashing in a
rural
KwaZulu-Natal
backwater
which has been
earmarked as the
site for a toxic
chemical factory**

Better to spread the toxic load to an as-yet-unsullied area and hope nothing dreadful happens.

It's a risk the people of Nseleni are understandably unwilling to take. And their concerns cannot be dismissed as Not-In-My-Back-Yard hysteria.

In November 2006 the Nuclear Energy Corporation, which kick-started the project, commissioned a site selection analysis from the environmental and health consultants Ishecon.

The selection criteria which Ishecon used, based on a US government study into hydrogen fluoride, would seem to rule Nseleni out of the picture altogether.

For a start, there's the requirement that a Major Hazard Installation be at least 3km away from any housing and at least 10km from schools, hospitals or dense residential development.

The report warns that a major release of hydrogen fluoride could be fatal within a distance of 2km, and cause long-term damage to the health of anyone within 10km.

The Nseleni site is just 2km away from a crowded settlement of 15 000 people, including schools and a small hospital. Even more at risk are the hundreds of workers who live on the grounds of the nearby tree nursery and saw mills.

The Ishecon report says populated areas within the danger zone should be "well organised, formal settlements" so that an ordered response plan can be implemented. That is hardly the case in Nseleni with its burgeoning population of shackdwellers.

The report concludes that Nseleni is "quite sensitive in terms of exposure to the risks. It will become even more sensitive in future, as population encroachment will continue. There is no guarantee that any restriction on development in this area can be enforced".

But the final scoping report doesn't mention the Ishecon recommendations. Instead, it relies on the less pessimistic opinions of risk consultants, RisCor.

According to RisCor, 540m is all you need between your house and a "worst-case unmitigated risk scenario".

For a high density neighbourhood, 684m is deemed sufficient. These figures are curiously exact.



The neighbours are not reassured. According to Jack Miyeni, owner of a local farm-security company, "99% of the community don't want the thing. Everyone is panicking".

"If it goes ahead, the farmers will sell their land and move away. More than a thousand jobs will be lost."

According to the scoping report, the factory will employ between 150 and 200 people, 80% of whom will be highly skilled.

"I don't know how it got the green light. I don't know if it is a government decision, a political thing.

"They only think about themselves. The whole community can go to hell," Myeni says.

Seven kilometers down-wind is Grantleigh School, which offers a healthy, outdoorsy education to 700 privileged kids.

Principal Shaun McMurtry says the factory threatens the school's existence.

"We market ourselves as a country school in a natural, healthy environment. Why would people pay a premium to send their children to a school down the road from a hazardous factory?"

"Apart from the possibility of an accident, we don't know enough about these emissions and their long-term effects. We don't know how the different chemicals react with each other in the air."

David Davidson, secretary of the Kwambonambi Farmers and Timber Growers Association, farms litchis and macadamias just over the N2 from the Nseleni site, on land owned by his family for 70 years.

His organisation has been actively

Principal Shaun McMurtry says the factory threatens Grantleigh School's existence

campaigning against the proposed site on a number of grounds. Apart from the threat to the health of people, plants and animals, they fear the factory will change the character of the area, increase traffic problems and put added strain on the already-stretched water and electricity supply.

He accuses the SRK of ignoring their objections. "No matter what we say, there's an excuse for it."

Mike Hancock, owner of the Nseleni Tree Nursery a couple of hundred metres from the site, said the public participation process had amounted to little more than a marketing and publicity exercise by the developers, Alfluorco.

"People were not allowed to ask questions. Comments were noted, but there was no discussion.

"And it was misleading. Alfluorco kept talking about Richards Bay. They never mentioned Mbonambi." He added that

the scoping report underplayed the community's concerns and anger.

"I have had lots of supportive feedback from the community. There is growing resistance."

Less concerned are their local political leaders. The rural Mbonambi municipality, which has little experience of heavy industry, never mind Major Hazard Installations, has always been an enthusiastic supporter.

The next door municipality of Umhlathuze, which includes Richards Bay and Empangeni, was initially opposed to the Nseleni site, but is now firmly on board, in spite of strenuous objections from its own residents.

Everything now hangs on the outcome of the Environmental Impact Assessment. And since Alfluorco has everything riding on a single site, it's expected to fight hard to ensure that Nseleni gets the nod.

But they may not have counted on the fierce opposition of the local community which has everything to lose. **■**

Mineral beneficiation drive

THE ALFLUORCO FACTORY is a pet government project, kick-started two years ago by the Nuclear Energy Corporation.

The plant, which will process raw fluorspar mined north of Tshwane, is part of a national "mineral beneficiation drive", and regarded as the first element in a chain of fluorochemical industries.

Hydrogen fluoride is used for uranium enrichment, aluminium smelting, refrigeration, pharmaceuticals and electronics.

Alfluorco was formed specifically for this project. It is owned by the local minerals group Metorex, which also owns the fluorspar mine.

If the project gets the go-ahead, Metorex hopes to sell 50% of the company to the Tunisian firm Industries Chimiques du Fluor (ICF), one of the biggest producers of aluminium fluoride in the world. Another 25% will go to the Industrial Development Corporation. **■**

Corrosive, toxic acid

NOT EVEN THE SRK scoping report tries to hide the deadly nature of the chemicals that will be produced at the planned Nseleni Alfluorco plant.

Hydrogen fluoride, for instance, is described as "a corrosive, toxic inorganic acid".

"Exposure to HF through ingestion, inhalation or direct contact with the skin (even in small amounts or on small sensitive areas) can be fatal".

Then, in the very next sentence, it states: "A plant with an initial capacity of 30 000 tons per year and a potential final capacity of 60 000 tons is planned for this project".

But we are assured that, according to their models, the day-to-day emissions of hydrogen fluoride will be well within human safety limits, although

they will reach or exceed the limits for sensitive vegetation.

Broad leaved and coniferous trees are particularly susceptible, which is a worry in an area dependent on farming and timber growing.

The factory is also expected to release tons of other nasty molecules, like sulphur dioxide, sulphur trioxide, aluminium hydroxide and aluminium fluoride.

Recent research on rats indicates that the presence of fluorides makes it much easier for the body to absorb aluminium, which has been linked to degenerative brain conditions like Alzheimer's disease.

And if that's not enough to worry about, there's always the chance of a "worst-case unmitigated-risk scenario". **■**

Bites & Pieces



Clockwise from far left: Snowy Franschhoek: The Solms Delta staff's elephant float procession; The Boschendal float; Moreson wine-maker Hannes Meyer pours bubbly for Josephine Buys and Nicolene Hahn; and Prof Mark Solms (left)



IT'S THE BOULES RUN we're headed for today, and I don't mean Wall Street. I mean the game played by all those men in berets you see in village squares in France fondling their silver balls.

But the runs are seriously over-booked by the time we get to Franschhoek's Bastille Day Festival. We've been sitting in a 5km queue on the outskirts of town for half the morning. There's only one road in, and it's been blocked by a slowboat float parade.

You'd think the smart brains of the high-flyers who've turned this valley into the country's most desirable fancypants destination would by now have come up with some cool way of handling this ugly traffic situation. They've been doing their Bastille Day thing for years now, for goodness' sake, and it means moola for the traders and restaurateurs. Even when there's no float parade it's a



stop-start nightmare. So what about a shuttle service or something?

And it's time they got a bigger Food and Wine marquee. You pay R100 to get in – which doesn't buy you anything to eat – and it's the usual bunfight. You can barely squeeze your way through the boozing red berets cluttering up the stalls.

Today for example everyone wants Margaux Janse's sheet bread with three pepper salami and tapenade and rocket – a deliciously gussied-up version of matzos. But here's Le Quartier Francais's award-winning chef wedged with her restaurant minions in a tiny space, eyes wide like a deer caught in the headlights as the hordes descend.

I elbow my way to the front to say

hello and she tells me she's just back from making biltong in the Amsterdam kitchen of a two-Michelin-star restaurant where they couldn't get enough of her Franschhoek food – like now, where table manners are going out of the window. Fallen bits of sheet bread litter the ground, and giant rocket leaves dangle from the mouths of these starving rabbits.

Not many celebrity chefs are in evidence. Reuben Riffel got married two weeks ago, so he could be anywhere. And the winelands' culinary phenomenon, the indomitable *kyk-noord-en-fok-voort* veteran Topsi Venter, is doing lunches in that open-plan restaurant kitchen of hers that the *Lonely Planet* loves.

TV cookery star Matthew Gordon has made it however, and the mussels his stall is serving are divinely plump and juicy in a sauce to die for. But he looks as if he can't wait to get back into a helicopter and go checking out the snow on the surrounding peaks. With luck he'll be flying around the skies in his next *BBC Food* show, he tells me.

With him is his Haute Cabriere nemesis, the fearsome-browed Achim von Arnim. A caged lion. He was performing a savage *sabrage* feat on a bottle of Pierre Jourdan last time I saw him, but there's no chance here to whack off a bubbly bottle top with a sabre.

A still centre of the turning chaos is Le Quartier Francais's Susan Huxter, unofficial mayor of Franschhoek, who knows everyone's doings. She's been

Hilary Prendini Toffoli



involved in organising this shindig, and she says the record turn-out was helped by our winning the rugby, not to mention the fact that e.tv's Yank weatherman heartthrob Derek van Dam gave the festival a punt onscreen, and has actually pitched up today.

The star though is that mad green-eyed neuropsychology professor Mark Solms. Not because his wine farm Solms Delta has won the festival's Best Float trophy for two years running, but because this international authority on dreaming is so supportive of his farm workers he even got David Kramer to sing at their *Oes Fees* in April. Last year he put their portraits all over his float, and this year they and their families are dressed in blue-and-white satin klopse outfits – all 180 of them – to accompany the float. It's a lifesize paper elephant in

memory of the animals that once roamed the valley.

Best of all, he and his family are here parading as klopse too. Also in raccoon grease paint is his partner in the Solms-Astor wine range, Richard Astor, the lanky, eccentric trumpet player from the British branch of the Waldorf Astoria clan.

And where is the much-publicised Bastille Day patron Tokyo Sexwale? Last year, as one of Franschhoek's newer residents, he hijacked the festival. He brought in his own PR agency, led the Long Walk in the morning and even initiated a much talked-about Guillotine for Crime. Yet this year he chose not to be involved at all, and no-one can tell me why. Perhaps he's decided it's too elitist.

Certainly there aren't too many of the emerging *volk* in the marquee, though there are quite a few at the boules runs



Clockwise from top left: Achim von Arnim and Matthew Gordon of Haute Cabriere; Annika Clements, Colinda Wijnants, Ploni Bekker, Michele De Munck, Georgina Simpson and Alexa Keymer; Jonathan Cronje and Seronja van Antwerpen at the Ricketty Bridge stand; and Susan Huxter with Keryn Malgas



where the camaraderie is booze-fuelled and noisy. Lots of spitting on balls for luck. Shouts of "Focus, my bru!" And measuring the distance with feet to see whose ball is the nearest. Some pot-bellied wannabes even go as far as yelling "Deux!" every five minutes, though everyone knows they're probably from Elgin. **W**



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Some like them big

O KSO I KNOW I'VE WRITTEN about online romance before – but that was more than a year ago, which is an eternity compared to the pace of innovation on the Internet. These days when I tell people I met my husband online I feel a certain disappointment when they no longer express surprise or amusement. It's by now almost acceptable.

The cyber dating world is booming. And where people are using the Internet in a novel way, creative entrepreneurs will not be far behind. Isn't that wonderful?

Still holding on to a residual fascination for online romance, I typed "online dating" into my search engine and got over 26 million hits. Not all are dating sites, of course. Many will help choose the site that's right for you, give you relationship advice, or offer Internet dating safety tips – for a fee, of course.

Having trouble writing a profile to attract that special someone? Hire a consultant.

And why not? We have professionals who can spruce up your curriculum vitae, revamp and restyle your home, your car and your garden. There are surgical specialists who can enhance your face and body – so why not get someone to write your dating profile to ensure that your initial introduction attracts the "right kind" of person?

There are literally hundreds of such services available to the discerning and the insecure.

I checked out E-Cyrano (www.e-cyrano.com). "Make your personal ad more personal", their slogan enticingly suggests.

Cyrano? Wasn't he the guy who fell in love with the beautiful and intellectual Roxane, but was afraid to show his feelings because he had a proboscis complex? The poor fellow poured his heart out writing eloquent love letters on behalf of his intellectually-challenged friend, who was also in love with Roxane...

But I digress.

At E-Cyrano, they understand it's a tough cyberworld out there. Can't string a sentence together? Don't know how to describe yourself? Not sure how to work the spell-check? Have the IQ of a fruit-fly? Then this is the service for you. Nowadays the first bit of advice you get from the "professionals" is that you need all the help you can get.

Evan Katz, the site's "personal trainer for people who want to fall in love", says: "Anyone can go to the gym. Those who want the best results work with a personal trainer. Whether I'm writing you a world-class profile, hooking you up with a professional photographer, or

The cyber dating world is booming. And where people are using the Internet in a novel way, creative entrepreneurs will not be far behind

coaching you on how to handle the complexities of modern dating, the work we do together makes a tangible difference. My clients are married, engaged, in love, and dating prolifically. You can be too."

Well, I'm not sure I'd like to be all of those at the same time, but thanks anyway.

Depending on the depth of your pocket or the degree of enhancement you desire, you can choose from E-Cyrano's silver, gold or platinum package. They will critique your boring old profile and skilfully weave scintillating prose sure to attract the opposite sex, like politicians to a television camera.

They'll even sift through all your responses for you and make initial contact with prospective dates.

If you aren't creeped out yet, there are further options. E-Cyrano will link you up with a professional photographer able to air-brush your wrinkles, pare down your stubborn belly-fat, smooth out your cellulite or trim down that embarrassing shnoz.

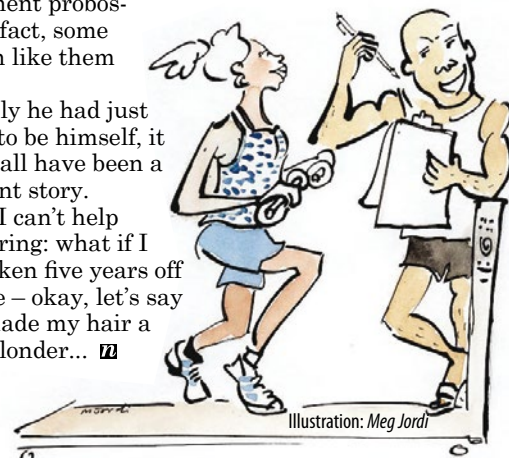
But isn't this cheating? Isn't it just trickery and illusion? As Herman Melville warned: "It is better to fail in originality than to succeed in imitation." Surely it's just a matter of time before the facade falls apart and disillusionment sinks in?

It reminds me of a half-remembered song about a young man who marries a beautiful woman. On their wedding night, she takes off her wig, removes her false teeth, her padded bra, her wooden leg. When she beckons him to bed, the young man says: "No chuffing fear, I'd rather stay out here, among your souvenirs."

And it makes me think of poor Cyrano, that silly man with the complex about his enormous nose. Roxane was a woman of depth and intellect; she wouldn't have cared about his prominent proboscis. In fact, some women like them big.

If only he had just dared to be himself, it would all have been a different story.

But I can't help wondering: what if I had taken five years off my age – okay, let's say 10 – made my hair a little blonder... **W**



Water into wine

TURNING WATER INTO WINE is a great party trick, of course, and a lot of invitations would come to its practitioner, quite apart from possible veneration. On a much larger scale, in a world starting to be appalled by its own profligate way with natural resources, it's a less appealing idea. In the average winery it takes between two and ten litres of water to produce one litre of wine – and that is after the grapes have done all the growing business, which uses vastly more.

With cleanliness next to godliness in a winery (and often more zealously observed), water is vital. It's needed for a multitude of cleaning operations, and sometimes for drizzling continuously over stainless steel fermenting tanks to keep the temperature down while sweaty little yeasts are converting sugar into alcohol and generating potentially wine-damaging heat. Most of all this water, whether contaminated or not, runs down the nearest drain.

Yet not always, fortunately, as wineries get more responsible. I remember being told at Boschendal that the water I saw spraying onto the lawns was recycled from winery business, while some other wineries are now also gathering their effluent, cleaning it up and re-using it – sometimes to irrigate the vines.

Irrigation is the big user of pumped, often drinkable, water. The culture of the vine in old Europe spread in areas which needed no supplementary watering, except when the vines were young. Even now, except in the hotter Mediterranean parts, this remains the general rule – though not absolutely so, especially as temperatures rise. But in much of the warm “New World” viticulture depends on artificial watering. Sustainably so? Ah, that's the question, and one that's asked with increasing urgency as the reality of climate change becomes clearer.

Reports about the problems involved come in from around the world. In California, the levels of aquifers are falling. In Australia, unprecedented years of drought are killing off vineyards, and dwindling water supplies are allocated ever more parsimoniously in hot, intensively cultivated and irrigated areas.

Imagine, analogously, what would happen to the high-yielding vines along the Orange River in the Northern Cape if the producers of grapes for the table, for raisins, for cheap wine, were denied water? Disaster, simply. And imagining such things is just what we must do, if we're not bound to experience them instead.



It's almost heresy to say so, but a judicious dash of water can sometimes make a glassful of wine altogether more appetising

It's not just the bulk producing areas either. Winegrowers decided a decade ago to start pumping in treated city effluent from Adelaide. Doesn't sound pretty, but in those areas of the region that lack irrigation the scorched earth conjures up a vision of the dry apocalypse.

Climatically, the Cape winelands have been doing quite well in recent years, but let's not be complacent.

The swathe of Breede River Valley vineyards, for example, depends on irrigation, and some climate-change scenarios suggest gloomy times ahead.

Yet drive around most parts of the wine-lands and you can still see unacceptably wasteful overhead spraying, rather than more sensible drip irrigation. Maybe it's also time to look to a return to more of the dryland farming which used to be the dominant practice in the coastal regions. Does the world really need the higher yields that prod many farmers into irrigation dependency?

The famous bibulous biblical winemaker wouldn't have recognised this situation when he confronted some (admittedly temporary) radical climate change. “I don't care where the water goes if it doesn't get into the wine” says Noah to his wife, as he sits down to dine in GK Chesterton's fanciful verses.

I wonder if Noah wouldn't have been tempted to splash a bit of H₂O into his glass if the Ark's cellar yielded the opaque, soupy, ultra-ripe and alcoholic wines increasingly on offer these postdiluvian days. It's almost heresy to say so, but a judicious dash of water can sometimes make a glassful of such a wine altogether more appetising. “Humidification”, as some Americans call it, would, however, really be better done by a clever winemaker at an earlier stage – the practice is illegal here (not in the USA), though it's arguably a better way of reducing alcohol than some of the high-tech methods now allowed.

Best of all is to resolve the situation in the vineyards – and, who knows, less irrigation might even be part of an intelligent viticultural strategy. Meanwhile, especially with powerful wines, match them glass for glass with tumblerfuls of water, and it can usefully delay the effects of all that alcohol. If Noah had realised that, he'd have avoided at least one bit of trouble. **W**



ASA's bum decisions

ON 4 JULY 2008, the Advertising Standards Authority handed down two decisions, both dealing with claims of offensive advertising. In the one case the complaint was upheld, in the other it wasn't. If you understand why, please do write in.

In the first case, ten complaints were received about a billboard advert for a

strip club called Lollipop Lounge. The ad features a woman who is holding a lollipop and leaning against a car. She's in a black swimsuit and her buttocks are exposed. The pay-off line is "Come ... Treat your Lolli". Confirming the view of some that they're all w-k-rs at the ASA, the directorate said it "has often come across advertising showing the female

buttocks", but felt that this ad did not demean or objectify women. It took various factors into account in its decision, for example that strip clubs are legal, that the use of the woman was "product relevant", and that the image wasn't particularly sexually explicit.

It went on to say the ad wasn't likely to harm children either, because most kids have already seen bums on beaches and in magazines. Finally the ad didn't offend against good taste and decency – the telling factor being the small number of complaints. Hm-mm!

The second decision dealt with a Virgin TV ad featuring a caged gorilla which has a face which is not dissimilar to Robert Mugabe's. The ad features the words "Zim Zoo" and "Vote me out",

The Directorate 'has often come across ads showing the female buttocks'

and a song which goes "Hey robber Mugabe, you robber the country, you robber the money, you robber the people".

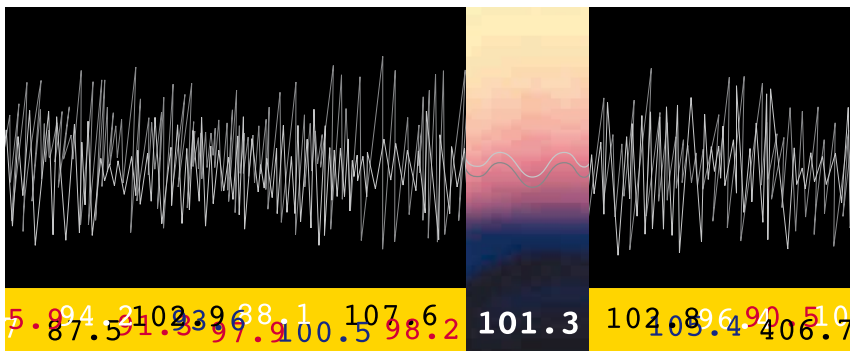
Complaints were received, apparently, from two people, who claimed that the ad was likely to cause serious or widespread sectoral offence, as it was degrading and encouraged xenophobia.

The directorate reiterated that it can't pander to hypersensitivity – the incredibly insensitive example given is that lawyers must accept that they will often be portrayed as snakes – but said there was nothing light-hearted or humorous about depicting a human being as a gorilla, especially if that person happens to be a president (more especially, a president who can't be removed by anyone except God, and even He'd better not get too big for his boots).

So yes, this was offensive as it was demeaning and lowered Mr Mugabe's dignity (an oxymoron surely!) And yes, a hypothetical reasonable person would be offended by the ad. More Hm-mm-mm-mm.

Arse-creeping all around, isn't it. **W**

calm in chaos



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Sweetlips

U.U.U.U. SAYS EULABIA “Sweetlips” Stampova. Not uuuuu, all smooth, but one thousand u’s to the minute, a sort of brrrr like the Uzi machine pistol. Whenever she is about to speak to me she makes this sound. U.u.u.u.uHaarold, says she, youdontunderstaand. I must understand I don’t understand anything at all in this wide world, before she tells me what I should understand, and I think the Uzi is to let me know what I’ll get if I claim already to have understood something off my own bat, know what I mean?

Now Sweetlips hails from the Department of Omniscience at the ancient and august People’s University of Carburettogorsk, just up and to the left a bit from Magnetogorsk in the Yužni Ural of the Respublika Bashkhor-tostan, where from the tip top of the topmost tower one e’en today can see clear down to the Ndumu Nature Reserve, KZN, where presently we stand around a braai with an Australian gas dingus called The Barbiemaster. I mean Sweetlips understands everything round here, see, from the geomorphology to the tsetse fly.

We are five disciples of Saint Kvetch the Mouth of the South, affectionately known as Vuvuzela the Great Gob, plus myself as guest, forsooth. The sun sets. Creaks, croaks and groans fill the night as Mother Nature’s children creep and leap and eat one another. We thrill to the Romance of Africa, the virgin wilderness where the hand of Man has never set foot. Crickets chirp, frogs squeak. And suddenly there’s the incongruous pop of a modern assault rifle. Bloody Hell! I exclaim, they’re shooting Mozambican aliens at the river! U.u.u.u.u says Sweetlips, youdontunderstaand, we can’t forever allow them to steal jobs from our honest workers. Well, say I, if a man is ready to walk through two wildlife reserves by night with hunting lions all about, carrying nothing but a bottle of water, and cross the Maputo full of hippos, the worst killers of people in all Africa, he must have some enterprise about him, hey, not to mention guts. U.u.u.u.youdontunderstaand, says she, these are criminals who run gangs to steal our motor cars.

Well the flood of aliens into the US brought the Mafia along with them all right, say I, but think of a few American names and tell me their ancestors were all cow-thieves and gangsters. Start with the Vanderbilts, then the Roosevelts and the Eisenhowers and



We are five disciples of Saint Kvetch the Mouth of the South, affectionately known as Vuvuzela the Great Gob

Kennedys plus the slave Cassius Clays. The comet-hunters Shoemaker and Levy who found that great big one all busted up and told us it was going to hurtle straight into Jupiter, which it did, bang on time. How’s that for a contribution, then? And doesn’t it strike you as ironic that you yourself are a Gastarbeiter, like the Turks in Germany and Algerians in France, whom nationalist yobbos hate?

U.u.u.ubut in South Africa true guest workers are much loved, says Sweetlips, as I presently am. Ja, say I, as Professor Emeritus of Mumbo Jumbo in the Fourth Reich Palæolithic University of Qwa Qwa, and what if some peevish Qwaqwan or

Qwaqwess accused you of stealing her/his job in that august institution because you’re makwerekwere? And anyway why did you leave Carburettogorsk? U.u.u.u.uto escape from the tyranny of the Soviet Union says Sweetlips. Well you got all your education, that doctorate and stuff for free there, didn’t you? say I. U.u.u.uthat’s part of the tyranny, says she, they provided all those things so they could brainwash me.

I give best. Hey look! I cry, the boerewors is aflame! Indeed it is now just slim cylinders of pure carbon with little strings of meat inside. This is too much! cry all Vuvuzela-disciples, had we not been obliged to use gas because the electricity supply for our electric Braaimeester is so unpredictable, our sausages would now be a nice crisp brown outside and all spicy and juicy inside! But fear not, we will further email the British media about this ANC tryanny, just watch the internet, you’ll see!

Another distant crack. They’re picking them off one by one, sniper style. A Zulu wildlife ranger appears from the darkness with a fire extinguisher; he fears the cascade of glowing boeries-cinders will descend upon the thatched rooves of the chalets. He blasts The Barbiemaster in a great white puff. Sorry, says he, why don’t you buy some nice soup at the camp restaurant for supper and have your braai tomorrow with fresh nyala steaks? We’re culling them now, he says, and we’ll hang them until tomorrow afternoon before butchering. But why cull at night? I ask. Because they get hypnotised by the searchlight then they don’t get afraid and traumatised, says he. Trauma makes the meat tough, you see. You calculating swine! cries the kvetch-club in unison. Next you’ll be culling elephants!

I sidle up to him. What about Mozambicans? say I. No, says he, sometimes our poacher patrols have to rescue them when they get lost, then we give them some nyala meat and they go on. Where to? I ask. He shrugs. We are not Immigration, says he. **W**

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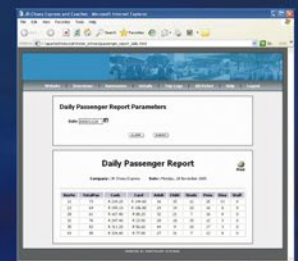
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