



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 435

Pretoria, 28 September 2001

No. 22709



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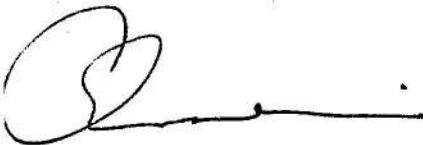
GENERAL NOTICE

NOTICE 2097 OF 2001

DEPARTMENT OF TRADE AND INDUSTRY

CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1988

I, Alexander Erwin, Minister of Trade and Industry, do hereby, in terms of section 10(3) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988), publish the report of the Consumer Affairs Committee on the result of an investigation made by the Committee pursuant to General Notice 4671 of 2000 as published in Government Gazette No. 21894 dated 15 December 2000, as set out in the Schedule.



A ERWIN

MINISTER OF TRADE AND INDUSTRY

SCHEDULE

CONSUMER AFFAIRS COMMITTEE

REPORT IN TERMS OF SECTION 10(1) OF THE CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1988 (ACT No. 71 OF 1988)

Report No 84

**MESSENGER OF HOPE MARKETING CC,
ANTHONY SUZE AND
LAYTEN FRANKS**

1. Introduction

The Consumer Affairs Committee⁽¹⁾ (the Committee) held its sixth meeting on 21 July 2000. On 26 July 2000 the Committee received a fax from a consumer who wanted to know whether an entity called Messenger of Hope Marketing CC (MesHop) was "... legally acceptable". The next meeting of the Committee was held on 25 and 26 August 2000 and at this meeting it was resolved that a section 4(1)(c)⁽²⁾ investigation, in terms of the Act, should be undertaken into the business practices of MesHop. On 12 September 2000 the Committee also received a fax from the Head Office of the Commercial Branch of the South African Police Services enquiring whether the Committee could inform them of the result of the investigation.

It appeared that MesHop operated at least in Pretoria and Mafikeng and to avoid a duplication of efforts, the Consumer Affairs Office (CAO) of the North West Province (North West) proceeded with the investigation. An official of the CAO of North West proceeded with the investigation and visited the offices of MesHop in Mafikeng. During the investigation, the CAO received a legal opinion, dated 30 August 2000, from the attorney (the attorney) of MesHop, about its legality. This opinion was prepared by the attorney for and on behalf of MesHop. The attorney asked the CAO of North West for its comments about the "... legality or otherwise of our client's operation". In his legal opinion, the attorney referred to multiplication schemes and pyramid schemes. These schemes or business practices were declared unlawful by the Minister of Trade and Industry on 9 June 1999 in terms of section 12(6) of the Act⁽³⁾. Any person who contravenes a notice published or given under the Act or who fails to comply therewith shall be guilty of a criminal offence.

2. Multiplication and pyramid schemes

A multiplication scheme exists when a person or entity offers or promises or guarantees an effective annual interest rate of 20 per cent and more above the REPO rate, as

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- (1) This statutory Committee, within the Department of Trade and Industry, was established in terms of section 2 of the Consumer Affairs (Unfair Business Practices Act), 1988 ("the Act"). The purpose of the Act is to provide for the prohibition or control of unfair business practices and for matters connected therewith. Unfair business practices are business practices which, directly or indirectly, have or are likely to have the effect of harming the relations between businesses and consumers, unreasonably prejudicing consumers, deceiving consumers or unfairly affecting consumers.
 - (2) In terms of the Act the Committee could undertake a section 4(1)(c) or a section 8(1)(a) investigation into the business practices of a particular entity or individual. A section 4(1)(c) investigation enables the Committee to make such preliminary investigation as it may consider necessary into, or confer with any interested party in connection with, any unfair business practice which allegedly exists or may come into existence. Notice of section 4(1)(c) investigations are not published in the Government Gazette as opposed to section 8(1)(a) investigations. The purpose of a section 4(1)(c) investigation is to enable the Committee to make a more informed decision as to whether a section 8(1)(a) investigation is called for. The Minister of Trade and Industry is not empowered to make any decisions on the strength of a section 4(1)(c) investigation. He may do so in terms of a section 8 investigation.
 - (3) See Notice 1135 published in Government Gazette 20169 dated 9 June 1999.

determined by the South African Reserve Bank, to any investor. An important feature of a multiplication scheme is that "investors" are lured to participate because on the "pay-out" date their "investments" are "multiplied" by a certain number. Typical promises are "Multiply your money by 3 in 14 days" and "Invest R110 and get R300" (2.7272 times the amount invested). Another multiplication scheme proclaimed "We pay out, twice a week, i.e. Monday and Wednesday. Come our people, money earns more interest, if you come to us all your dreams will come true with us, you can also be assisted".

Sun Multiserve was a well-known multiplication scheme. The following are examples of the returns promised in 11 to 12 weeks: R1 200 would grow to R4 000 (multiplication of 3.33), R5 000 to R20 000 (multiplication of 4) and R58 000 to R200 000 (multiplication of 3.45). The effective interest rates, implicitly promised by most multiplication schemes, and which a few lucky investors receive, often exceed 1 000 per cent per annum. Multiplication schemes usually flourish among the less sophisticated and poorest sectors of the community. People participating in these schemes would be familiar with stokfels, which are run on a basis of trust. Experience has demonstrated that the majority of the participants do not have the financial education to understand the nature of these schemes and to appreciate that even over a relatively short period of time these schemes are bound to collapse. The amounts promised are grandiose and utterly unattainable for the vast majority of participants.

A pyramid is a scheme in which a participant pays money (the "investment") to the promoter for the opportunity to receive compensation which is derived primarily from the participant's introduction of other persons into the scheme. The more recent participants again introduce others to the scheme, who in turn introduce yet others to the scheme. The scheme consists of various layers or levels and participants usually derive an income from all those in their downline. Participants are also lured into pyramid schemes by alleged "huge returns" which could be earned on their "investments". There is, however, not a specific amount which is promised to all participants, as is the case in multiplication schemes. Periods in which the returns can be achieved are normally not set, although it does occur in some cases.

3. The response by the CAO to the legal opinion of the attorney

On 6 September 2000 the CAO informed the attorney as follows:

"It would appear from your submission that the activities of your client are different from the information that was given to me by one of the consultants based in the Mmabatho Regional Office. The said consultant had only explained to the writer that a participant in the scheme pays a certain amount to wit R110 and wait for a number of other participants to join before she could be paid a certain amount promised, at no stage did she mention any products as part of the activities.

It is my opinion that the consultants based at the Mmabatho office should be thoroughly informed of the activities of your client since information given was not proper leading to an insinuation that there was a possibility of contravention

of Government Gazette No. 20169 Notice No. 1135 of 1999. Based on the information submitted at this stage there is no contravention of the notice referred to above".

4. The enquiries by the Consumer Affairs Committee

Officials of the Committee visited the offices of MesHop's attorney on 6 November 2000. Present at this meeting were the attorney, Mr Anthony Suze (Suze), the only member of MesHop, and Mr Layten Franks (Franks), the "spokesperson" of MesHop. At the commencement of the meeting, the attorney told the officials that he had learned 10 minutes before that an urgent application for the liquidation of MesHop was brought by a creditor of MesHop and that the application was granted. The attorney posed the question whether, under the circumstances, it served any purpose to continue with the investigation. The officials explained to the attorney that, if the Committee were to find that a liquidated entity was involved in an unfair business practice, the Minister could prohibit the persons concerned from becoming involved in similar schemes in future.

The officials also explained to the attorney, Suze and Franks, that there were two questions to consider. The first question related to the legality or otherwise of MesHop's activities or past activities. The Committee was not the appropriate body to make a decision in this regard because, in the final analysis, only the courts could decide whether particular activities, such as business practices, were legal or illegal. Other parties, such as attorneys, lawyers, businesspeople and the Committee could express opinions about the legality of such activities.

The second question was whether the business practices of an entity constituted unfair business practices as defined in section 1 of the Consumer Affairs (Unfair Business Practices) Act, 1988. In terms of the Act the Committee may, after the necessary investigations, and if it found that an unfair business practice does exist, recommend to the Minister of Trade and Industry what powers he should exercise to ensure the discontinuance of that particular business practice. This question was not addressed by the CAO of North West.

4.1 The mechanics of the MesHop scheme

MesHop operated offices in Boksburg, Durban, Johannesburg, Kuruman, Pretoria and Mafikeng. Regional managers directed these offices. The entity commenced "business" during the first week in March 2000. One became an "active participant" (hereafter called "participant"), the term used by Franks, by buying a book at R110 from an existing participant, an agent, a freelance agent (called "freelancers" by MesHop) or MesHop itself. The book contained recipes and "life tips"⁽⁴⁾. Another option was to buy

(4) The title of this "book", with 25 recipes, was "Life Tips & Recipes". It consisted of 30 pages and the contents or chapters were 1. Vegetarian; 2. Chinese; 3. Braai-dips; 4. Hors-d'oeuvre; 5. Life Tips on: Health; 6. Life Tips on: Home; and 7. Life Tips on: Clothing.

a book on "stress management"⁽⁵⁾ that sold for R900. The positions of the regional managers, the agents and the freelances will be explained below.

A major incentive to become a participant in the MesHop scheme was that R7 290 could be earned by buying the R110 book and R8 100 by buying the R900 book. Further discussion will concentrate on the R110 book. Assume "A", became a participant and paid R110. She then had an obligation to "spread the word", or do "word-of-mouth" advertising for MesHop. If "A" felt so inclined, she could also directly canvass new participants. MesHop participants who excelled at directly canvassing new participants, could also become part-time freelancers or full-time agents. Freelancers and agents received R11.65 and R15 respectively for every book sold. The freelancers and agents were also participants of MesHop. The regional managers and their personnel, who were also participants of MesHop, received various bonuses if they attained certain budgeted turnovers in their areas.

The new participants canvassed by existing participants, freelancers or agents were allocated by a computer program to existing participants on a "first-in, first out" basis. Thus, the first batch of new participants were allocated to the first person who became a MesHop participant. This allocation continued until 243 new participants (27 new participants in the case of the R900 book) were designated to this person. As soon as this event occurs, the first participant received R7 290 (R8 100 in the case of the R900 book). The second batch of 243 new participants were allocated to the second person who became a MesHop participant. According to Suze, people who became participants when MesHop started doing business, received their R7 290 towards the end of May 2000. The official put it to Suze that there could have been persons who each paid R110 for the book during the first week in March 2000 and each received R7 290 towards the end of May 2000 without doing anything. He confirmed and the attorney added that the persons might have done word-of-mouth advertising. A brochure of MesHoP stated:

"The Messenger of Hope Marketing Network is based on the principle of network marketing, which provided great opportunities for people to earn commission amounting to R7 290.00 every four to five weeks".

4.2 Further enquiries

At the end of the meeting it was agreed that the attorney would furnish the name of the liquidator to the officials. The officials would then arrange with him/her to have access to the MesHop computers and documents. Suze and Franks undertook to answer any questions resulting from a perusal of the information stored on the computer(s).

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- (5) The title of this 30 page book was "Health, well-being & happiness". The following 12 chapters make up the book: What is STRESS!!!!, How to check if you are stressed, Cause of Stress: GENERAL OUTLINE, The Effects of Un-managed Stress, How do you know if your stress levels are too high, Tested stress Controlling Methods, Suggestion of Type of Exercise, Actions to Control Stress Level, Suggested steps to resolve interpersonal conflict, Aroma therapy, Massage and A few points on how to lead a healthy balanced life.

5. The meeting of the Committee on 10 November 2000

At its meeting on 10 November 2000, the Committee resolved to undertake a section 8(1)(a) investigation into the business practices of Messenger of Hope Marketing CC, Anthony Suze and Layten Franks. In terms of the audi alteram partem rule, Suze and Franks were invited to address the Committee at its meeting on 1 December 2000.

The following was published under Notice 4671 of 2000 in Government Gazette 21894 dated 15 December 2000.

"In terms of the provisions of section 8(4) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988), notice is herewith given that the Consumer Affairs Committee intends undertaking an investigation in terms of section 8(1)(a) of the said Act into the business practices of -

Messenger of Hope CC, Anthony Suze (ID 420324 5384 082) and Layten Franks (ID591224 5119 087) and any member, employee, agent and/or representative of any of the aforementioned in respect of the activities of Messenger of Hope CC.

Any person may within a period of fourteen (14) days from the date of this notice make written representations regarding the above-mentioned investigation to: The Secretary, Consumer Affairs Committee, Private Bag X84, PRETORIA, 0001. (T) 012-310-9562 (F) 012-320-0579 Ms L van Zyl [Ref. H101/20/10/51(00)].

6. The meeting with the Committee on 1 December 2000

Suze and Franks addressed the Committee at its meeting on 1 December 2000. They were accompanied by a second attorney and it appeared that the former attorney was no longer their attorney of record. The proceedings were recorded by an independent stenographer. The following is a summary of the most important issues raised by members of the Committee as well as the explanations of Suze and Franks. They explained the mechanics of the scheme which have already been set out in section 4.1 above. To make for easier reading, the use of words such as "said" and "alleged" will be minimised in the summaries of the proceedings.

6.1 Suze

Suze said that he wanted to create opportunities for people to earn an extra income and the best manner this could be achieved was to sell something and earn a commission. To sell something one requires a product, which is inexpensive, and meaningful and which the client will be proud to sell and be proud to associate with. That is when he decided to write two booklets. One contained life skills and the other recipes⁽⁶⁾. When the application for the liquidation of MesHop was brought, he still had approximately 70 000 books in stock.

(6) He said that he "created" the recipes himself. He was given the "life tips" by a doctor friend of his.

He did not know how many people received R7 290, but his guesstimate was that at the time of the liquidation, MesHop had paid over R8 million to participants. Approximately R2.3 million was paid to participants as "assistance". This "assistance" was for school fees, death and illness in the families of participants, payment of bonds and electricity accounts. The "assistance" was treated as advanced payment or a type of a loan and against the expected commission payout to the participants concerned. Suze said that: "So as long as the client was on the system and had a very, very serious visible problem, financial problem, we assisted".

Meshop only allowed a maximum of two of each product to be sold to a participant. Suze said this was done because some participants were not able to sell the books themselves. MesHop therefore had agents who assisted in the selling on behalf of those participants. "So we said that a client who buys more than two books will actually be having people working for her more than they work for other people. So we were sort of socially system and say we do not want work for one person, we'd rather want to spread the work among as many clients as possible". When asked whether people were earning their income mainly from other people coming into the scheme, Suze replied "From other people buying into, buying the product".

He said MesHop had become insolvent because of burglaries and fraud. The fraud was committed by people who printed false MesHop receipt books. A contributing factor to the insolvency was that

"... we tended to pay clients outside the system, in other words, we paid clients who would not qualify, because the clients became greedier and greedier and greedier and abused, and tended to abuse the system and in that way to try and quell emotions and that sort of thing, we ended up paying clients who did not actually qualify in terms of the number of sales that they were supposed to have achieved. So that undermined the system also".

When asked why the one book "sold" for R110 and the other for R900, Suze replied:

"Okay, the thinking was the entry, or the buying of the R110 book, that book was meant to service the market of people who could not afford, in other words the unemployed, the poorer people and so on. And then the understanding was that when this person, when, anybody gets paid, the fair commission on the R110 product, then that person would then be able to afford the R900 product. Now, the R900 product, the person had to sell fewer products of the R900 to qualify for a commission which is, which was slightly more than the commission paid for the R110 product. So for the R900 product, the client would be, the customer would then be paid R8 100 after a sale of 57⁽⁷⁾ books".

Suze was asked whether the people who bought the books did so solely to sell them, he said:

"I want to be quite frank with this committee that people participate in anything that makes money for them, not for the value of the product, but for the end product which is making money. So a lot of people did not really care, some

(7) In a MesHop brochure it was stated that 27 other participants were required. See also section 4.1.

people did even forget to take the book. They would pay R110 and we'd demand them to take the book, because that is the product that brought them here. But what they have had was an end product, the fact that the person can make that kind of commission out of that kind of book, I mean I'm being quite open with this committee, because the people are interested financially, they'd do anything".

It was put to Suze that the whole concept of the book being a product was a smokescreen. The objective of the scheme was to recruit participants and pay them for recruiting other members. He replied that:

"I didn't look at it that way. I said I want to create stock and I'll keep the stock and people who participate will be shareholders in the stock that I created and that's exactly what I did".

Suze said that MesHop was "... not only based on my simple thinking, what I did was also based on legal opinions. I paid money to verify via legal opinion whether what I was doing was legal or not".

The attorney stated in the legal opinion referred to in the introduction to this report as follows:

"The recommendations of the Business Committee and the Notice by the Minister of Trade and Industry discussed above, does not affect the activities of the consultant (the consultant being MesHop). Consultant sells products and people who introduce other people to buy the products of the consultant receive a commission. The commission structure is clearly defined and the products by those who buy them. The business operation of the Consultant, in my opinion does not contravene any law, whether common law or a statutory law".

6.2 Franks

Franks said that his duty was to encouraged people to become involved in MesHop. His message to potential participants was:

"... simple, it has related now for the committee that when people need something to eat, rather than to make them lazy and not teach them how to fend for themselves, why don't they go out there and sell a product, so that they can get something out of their own labours, now this I what they've worked for, how about getting something out there, because nobody out there is employing them to put food on their table, so the best thing here is a simple product, go out there and market a program".

It was put to Franks that the message participants understood was that if they pay R110, they would get R7 290 in a few weeks' time. He replied:

"In fact it could be construed that's the message that they were getting, but now in the presentation or marketing the program, two messages were given to the people, before it gets to when do you get is how do you get it. Now most of the time clients understood the how of getting to the what, that's where the problem was".

6.3 The second attorney

The second attorney said that the Committee should keep in mind that MesHop was creating job opportunities and that MesHop was a legitimate business that was run on a legitimate basis. He argued that MesHop was not a pyramid and "... the fact of the matter was that a legitimate product was sold and its was properly explained to participants".

7. Conclusion of the investigation

On 8 December 2000 officials of the Committee, accompanied by Suze, visited the storeroom of the auctioneer appointed by the liquidator of MesHop. The intent was to establish what information was available on the MesHop computers. The computers were put at the disposal of the investigating officials but due to time constraints and other factors, it was agreed that the officials would return the following week together with experts of the Directorate: System Design and Integration (SDI) of the Department of Trade and Industry to access the data on the computers.

On 13 December 2000, officials of the Committee and the experts from the SDI, again visited the storeroom of the auctioneer. There were 12 MesHop personal computers and a server connected to a local area network. Suze had no objection to the data being copied and he volunteered the password to an official of the Committee. The data on the hard disks of six computers had been deleted and it appeared that data and programs on the server had also been deleted. The data on the remaining computers was incomplete and did not lend itself to further analysis. Some of the files contained the names and telephone numbers of some MesHop participants. A participant was called and he told an investigating official that he and his wife and their two children each paid R126 to MesHop. It appeared that participants were also required to pay VAT. The participant added that he and his family received nothing from MesHop, although they were promised that they would each receive R7 290 after three months.

Since 2 January 2001 an official of the Committee has tried to contact Suze, but it appears that his telephone numbers are no longer in use. On 10 January 2000 the official called the second attorney to enquire whether he still had contact with Suze. The attorney said that Suze called him about once a week. A letter was written to the attorney in which he was requested to obtain the telephone numbers of Suze or to ask Suze to call the official. No response was forthcoming from either the second attorney or Suze at the time this report was completed on 31 January 2001.

On 22 January 2001 the Committee received a fax from a consumer who participated in MesHop. She wrote:

"I hereby write this letter to inform, about the reasons why I had joined Messenger of Hope; it was all due to my financial situation and thought that by investing into it, would be certain that it would back me up financially.

After a while I learnt that it was one of those 'get rich quickly' schemes, and regret because I have lost so much.

May my request be kindly taken into consideration, as I am hoping to be refunded where possible".

It appeared that this lady and two of her family members "invested" R1 230 with MesHop.

9. Consideration

9.1 The scheme

The nature of multiplication and pyramid schemes are set out in section 2 above. The operation of any of these schemes is a criminal offence for the promoters as well as the participants. In summary, a multiplication scheme exists when a person or entity offers or promises or guarantees an effective annual interest rate of 20 per cent and more above the REPO rate, and a pyramid is a scheme in which a participant pays money to the promoter for the opportunity to receive compensation which is derived primarily from the participant's introduction of other persons into the scheme. The scheme operated by MesHop had the characteristics of both a pyramid scheme and a multiplication scheme.

MesHop could be regarded as a pyramid scheme because the buyers of the "book", which was obviously a smokescreen⁽⁸⁾, received compensation which was derived primarily from the introduction of other persons into the scheme. An interesting feature of this scheme was that MesHop did not require new participants to canvass their quota of 273 other participants themselves. MesHop remunerated "agents" to perform this task, although a new participant was free to canvass new members. This feature, however, does not take away from the fact that the incomes of the participants were derived primarily from the introduction of other persons into MesHop. A feature that distinguishes MesHop from other pyramid schemes is that MesHop promised participants R7 290 for their investments of R110 each. It was stated above⁽⁹⁾ that pyramid schemes usually do not promise specified amounts or "returns" to participants.

MesHop could also be regarded as a multiplication scheme. Participants were not obliged to introduce other persons into the scheme (pyramid). They could merely sit back and await their turn in the queue to receive R7 290 each. The lucky buyers of "books" received R7 290, promised on a price (investment) of R110, every four to five weeks⁽¹⁰⁾. This is equal to an effective annual interest rate of 67 883.63 per cent, assuming a pay-out period of five weeks. This is outrageously higher than 20 per cent above the REPO rate. The amount lost by the investors is obviously equal to the unknown amount pocketed by Franks and Suze, MesHop's costs and the amount paid to the lucky few who received their returns.

(8) The reader will recall that some "buyers" of the book did not even bother to take it.

(9) See section 2 - Multiplication and pyramid schemes.

(10) See section 4.1 - The Mechanics of the MesHop scheme. "The Messenger of Hope Marketing Network is based on the principle of network marketing, which provided great opportunities for people to earn commission amounting to R7 290.00 every four to five weeks".

9.2 The legal opinion of the attorney

The attorney stated in his legal opinion that the Notice 1135 did not affect the activities of MesHop. He cited as reasons for this point of view *inter alia* the fact that MesHop sold a product, people who introduce other people to buy the products receive a commission and the commission structure is clearly defined.

It seems that the attorney has failed to comprehend the purpose of either the Consumer Affairs (Unfair Business Practices) Act, 71 of 1988 or Notice 1135. The existence of a book (leaflet) merely served as a smokescreen. The scheme's continued survival did not depend on the book, but on the ever increasing number of new participants whose participation and contributions were required to remunerate the existing participants. The "commission" which was received by the participants is not relevant. The participants received compensation which was derived directly and primarily from the introduction of other persons into the scheme.

It appears that Suze and Franks contravened Notice 1135⁽¹¹⁾. This report and the available data, such as the names and telephone numbers of a few hundred MesHop participants, will be presented to the Commercial Branch Unit of the South African Police Services for investigation and possible prosecution.

9.3 General

A study of the numbers involved indicates that it is impossible for the participants to have achieved the promised returns. Assume that there were at some stage only 1 000 MesHop participants who paid R110 each, with the expectation of each receiving R7 290 in five weeks. To reap this rich reward would have meant that 243 000⁽¹²⁾ other consumers were required to each buy the book at R110. For each of these 243 000 participants to receive their promised R7 290, a further 59 049 000⁽¹³⁾ consumers had to participate in the scheme. It was only a matter of time before the entire scheme collapsed.

10. Recommendation

The "business" practices of MesHop, Suze and Franks constituted unfair business practices in terms of the Act. There are no grounds justifying the practices in the public interest. The Committee therefore recommends that the Minister under section 12(1)(b) of the Act,

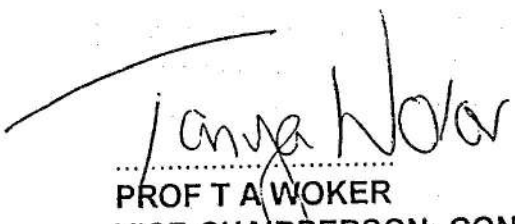
(a) declare unlawful the business practice whereby Messenger of Hope CC, Anthony Suze (ID 420324 5384 082) and Layten Franks (ID591224 5119 087), directly or indirectly

(11) See footnote 3.

(12) 1 000 times 243.

(13) 243 000 times 243.

- (i) offer or promise or guarantee an effective annual interest rate of 20 per cent and more above the REPO rate to participants and/or
 - (ii) operate a scheme whereby people are canvassed by others to invest in any type of scheme.
- (b) in terms of section 12(1)(c) of the Act directs Anthony Suze and Layten Franks to refrain from applying the unfair business practice.



PROF T A WOKER

VICE-CHAIRPERSON: CONSUMER AFFAIRS COMMITTEE

NOTICE 2099 OF 2001**DEPARTMENT OF TRADE AND INDUSTRY****CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1988**

I, Alexander Erwin, Minister of Trade and Industry, after having considered a report by the Consumer Affairs Committee in relation to an investigation of which notice was given in Notice 4671 of 2000 published in Government Gazette No. 21894 of 15 December 2000, which report was published in Notice 2097 in Government Gazette No. 22709 of 28 September 2001, and being of the opinion that an unfair business practice exists which is not justified in the public interest, do hereby exercise my powers in terms of section 12(1)(b) and (c) of the Consumer Affairs (Unfair Business Practices), Act, 1988 (Act No. 71 of 1988), as set out in the Schedule.

**A ERWIN****MINISTER OF TRADE AND INDUSTRY****SCHEDULE**

In this notice, unless the context indicates otherwise -

"unfair business practice" means the business practice whereby the parties, directly or indirectly

- (i) offer or promise or guarantee an effective annual interest rate of 20 per cent and more above the REPO rate to participants and/or
- (ii) operate a scheme whereby people are canvassed by others to invest in any type of scheme.

"the parties" means Messenger of Hope CC, Anthony Suze (ID 420324 5384 082) and Layten Franks (ID591224 5119 087).

1. The unfair business practice is hereby declared unlawful in respect of the parties.
 2. The parties are hereby directed to -
 - (a) refrain from applying the unfair business practice;
 - (b) cease to have any interest in a business or type of business which applies the unfair business practice or to derive any income therefrom; and
 - (c) refrain from at any time applying the unfair business practice.
 3. This notice shall come into operation upon the date of publication hereof.
-

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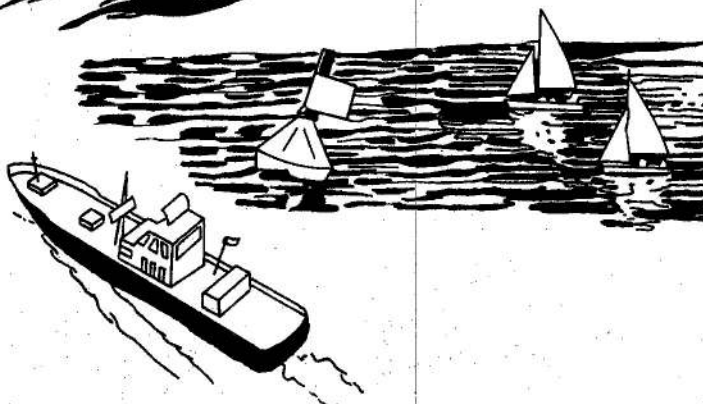
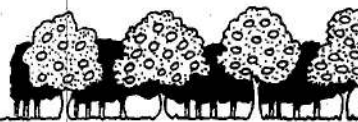
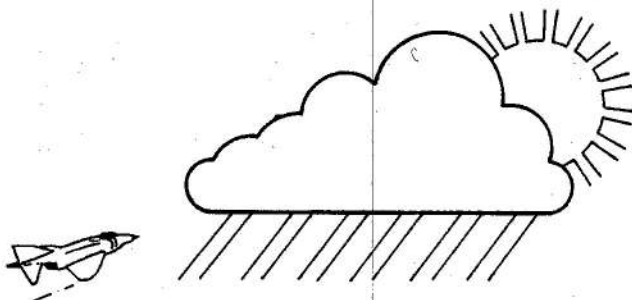
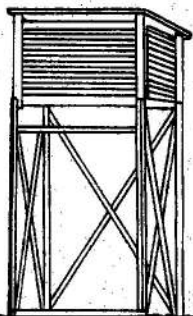
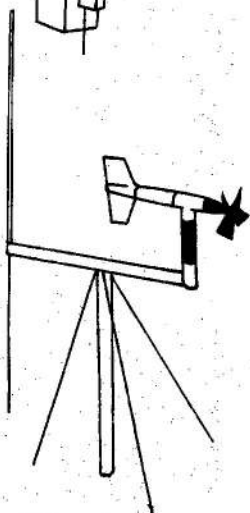
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