

# Sorisha Naidoo vs. Daily Maverick

Ruling by the acting Press Ombud  
9 September 2021

## Particulars

**Complaint number:** 9033

**Lodged by:** Nike Pillay Inc

**Date of article:** 28 July 2021

**Headline:** *Tarina Patel, Sorisha Naidoo and Nonkanyiso Conco – The Real Housewives of State Capture*

**Print and online:** Yes

**Author of article:** Rebecca Davids

**Respondent:** Jillian Green, managing editor

## 1. Complaint

1.1 Ms Sorisha Naidoo complains that the:

- headline:
  - was intentionally misleading and created an unwarranted negative perception of her;
  - unfairly and incorrectly associated her with state capture; and
  - intended to, or at least had the effect of, doing harm to her; and
- article made a remark that was derogatory to both her and her husband, Vivian Reddy (insinuating that she had married him for his money) and adds that the reportage has caused them reputational harm.

1.2 She asks for a retraction or a correction, as well as for an apology.

## 2. Sections of the Press Code complained about

The relevant sections of the Press Code are:

- 1.1: *“The media shall take care to report news truthfully, accurately and fairly”;*
- 1.2: *“The media shall present news in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarization”;*

- 1.3: *“The media shall present only what may reasonably be true as fact; opinions, allegations, rumours or suppositions shall be presented clearly as such”*;
- 3.3: *“The media shall exercise care and consideration in matters involving dignity and reputation”*; and
- 10.1: *“Headlines ... shall not mislead the public and shall give a reasonable reflection of the contents of the report or picture in question.”*

To this, I add Sect. 7.2: *“Comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it ... is presented in a manner that it appears clearly to be comment.”*

### **3. The text**

3.1 The article was about three women who were dubbed, “the real housewives of state capture”. Naidoo was one of these women.

3.2 Rebecca Davids wrote that “a number of our Real Housewives appear to be benefiting from money from questionable sources” (read: state capture). Naidoo (who was starring in the TV series, Real Housewives of Durban) was mentioned in this regard.

3.3 The journalist reminded her readers that Naidoo’s husband, Mr Vivian Reddy, was a Durban mogul who lent former Pres Jacob Zuma money to pay for Nkandla.

3.4 She added: “[Reddy] has financially supported the ANC since the 1980s and, entirely coincidentally, has also benefited from lavish state contracts – including a R1-billion tender from Johannesburg’s City Power in 2012. Reddy’s wheeler-dealings with ousted ANC secretary-general Ace Magashule are compellingly recorded in Pieter-Louis Myburgh’s *Gangster State*.”

3.5 Davids noted that Naidoo’s house made the Palace of Versailles look drab and unambitious; the forecourt of the house was chock-a-block with Rolls-Royces and car brands “that only rich people know”.

3.6 Naidoo was quoted as saying that she and her husband had met at an opening of a casino, but that there had not been an “instant connection” – after which Davids commented, “This is no shocker, because Naidoo is literally a former beauty queen two-and-a-half decades younger than Reddy, who has the face of a man who needed to become a billionaire to get laid.”

### **4. The complaint in more detail**

#### *4.1 The headline*

4.1.1 Naidoo complains that the headline misleadingly, falsely, and unfairly linked her with state capture – while neither she nor her husband have ever been:

- called before the Commission of Inquiry into State Capture; or

- accused of, or implicated in state capture, nor has any evidence of such involvement ever been produced.

4.1.2 She adds that the headline did not reasonably reflect the content of the article.

4.1.3 Naidoo submits that the term “state capture” evokes a universally negative emotional response from ordinary South African citizens, as it elicits almost immediate thoughts of distrust, dishonesty, fraud and corruption – which spill over onto the associated individuals and their respective business interests.

4.1.4 She says she conducts business *inter alia* in the USA – and now her name (and by implication, her businesses) was linked with the distasteful images of state capture. She says it is now the top result in a Google search of her name.

## 4.2 *Gold digger*

4.2.1 Davids wrote that Reddy “needed to become a billionaire to get laid”.

4.2.2 She complains this was demeaning, derogatory and insulting to both her and her husband, arguing that this offensive content clearly implied that she had only entered into a relationship with her husband on the basis of his wealth – painting her as the proverbial “gold digger”.

## 5. Response to the complaint

### 5.1 *The headline*

5.1.1 Green replies the headline is wordplay relating to the title of the TV show in which Naidoo stars (*The Real Housewives of Durban*). The point of the article, she submits, “which is humorous in tone”, is that what binds the three women named in the headline, other than their appearance in the TV show, is that their wealth is allegedly derived in part from the proceeds of corruption on the part of their male partners.

5.1.2 She says the term “state capture” is generally understood as a form of corruption in which businesses and politicians conspire to influence a country’s decision-making process to advance their own interests. “It is a political term which is much wider in definition and scope than merely referring specifically to matters connected with South Africa’s Zondo Commission, which focused largely on issues relating to the Gupta family,” she submits.

5.1.3 The managing editor adds that Reddy has been accused on numerous occasions, as a simple Google search will confirm, of “buying” political influence (with the ANC and with former president Jacob Zuma) precisely in order to “influence a country’s decision-making process to advance [his] own interests”. The decision-making processes at stake here are, for example, the award of tenders. It is telling, she notes, that Naidoo is *not* taking issue with the part of the article which states: “Reddy, to remind you, is the Durban mogul who lent Zuma money to pay for Nkandla. He has financially supported the ANC since the 1980s and, entirely coincidentally, has also benefited from lavish state contracts – including a R1-billion

tender from Johannesburg's City Power in 2012. Reddy's wheeler-dealings with ousted ANC secretary-general Ace Magashule are compellingly recorded in Pieter-Louis Myburgh's *Gangster State*."

5.1.4 Green concludes: "Inasmuch as state capture refers to the collusion of elites – businessmen and politicians – to abuse processes for their own ends, its application to Mr Reddy – and by extension to Ms Naidoo, who benefits from his wealth – is perfectly apt."

## 5.2 *Gold digger*

5.2.1 Green says the article in question was clearly tongue-in-cheek in tone and would be understood as such by any reasonable reader. In any functional democracy, the rich and powerful are considered fair game for jokes – precisely because they are insulated from true harm by their wealth and influence. This, she submits, is to employ a popular metaphor, "punching up" rather than "punching down".

5.2.2 The managing editor says the question of whether Naidoo is a "gold-digger" is explicitly dealt with and dismissed later in the article, where it states: "But over the course of the first season of *Real Housewives of Durban*, I found myself reluctantly – and then passionately – warming to Naidoo and LaConco, both of whom ultimately come across as smart, funny, interesting, and deeply ambitious. It was possible to weave around them both a comforting feminist fantasy in which they were knowingly milking their male partners for resources and connections while planning a swift exit when the Hawks came knocking."

5.2.3 She concludes that the latter was not the case, at least, not according to Naidoo – she made a point in practically every episode that she was devoted to Reddy.

## 5.3 *Protected comment*

5.3.1 Green submits that both the article and its headline clearly fell within the parameters of Sect. 7 (she wrongly refers to Sect. 1.7) of the Press Code which deals with "protected comment".

5.3.2 She also argues that that Naidoo's status as a star of a reality TV show, as well as her marriage to a tycoon who has allegedly benefited from public funds, puts her firmly within the public realm. "It should be remembered that the catalyst for the publication of this article was Naidoo's decision to open her life to cameras as part of a reality TV show – a choice that inevitably invites scrutiny and public discussion."

5.3.3 Sect. 7.2 of the Press Code that states, "Comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it is without malice, is on a matter of public interest, has taken fair account of all material facts that are either true or reasonably true, and is presented in a manner that it appears clearly to be comment". Green argues that both the article and its headline fit the bill on all accounts.

## **6. Naidoo replies to DM's response**

6.1 Naidoo says:

- the DM's remark that the headline was "humorous in tone" is "entirely subjective", and completely misses the point that, irrespective of the intention and tone of the headline, it has the direct and intentional result of linking her with state capture;
- the allegations against her husband are unfounded and unproven and a "simple Google search" does not make it true;
- an educated, honest and ethical journalist should not base his/her reporting on speculation – nor should such speculation be used as proof of the correctness of his/her reporting;
- the response also implies that she should have taken issue with other parts of the article relating to her husband; unfortunately, though, the reporter was unable to separate the wife from her husband – and for whatever reason believes that they should be viewed as one for the purposes of the complaint;
- she deliberately avoided aspects of speculation relating to her husband;
- in a functional democracy, everyone has the right to be protected by the law – and not be stripped of its protection because of their "wealth"; and
- the implication that she is a "gold digger" is insulting.

6.2 In conclusion, she questions DM's use of Section 7 of the press Code as a defence.

## 7. Analysis

### 7.1 *Headline*

7.1.1 The question cannot be if the headline linked Naidoo with state capture – it clearly did; the only question is whether DM was justified to do so.

7.1.2 Green's submission boils down to the argument that, even though Naidoo was not directly involved in state capture, she benefitted from it through the actions of her husband.

7.1.3 This shifts the focus away from Naidoo to Reddy (albeit for a short while). Clearly, DM's assumption is that the latter was involved in state capture. The litmus test, then, is if it was true, or reasonably true, that her husband was indeed involved in state capture.

7.1.4 At the centre of this issue is the following excerpt from the article: "*Reddy, to remind you, is the Durban mogul who lent Zuma money to pay for Nkandla. He has financially supported the ANC since the 1980s and, entirely coincidentally, has also benefited from lavish state contracts – including a R1-billion tender from Johannesburg's City Power in 2012. Reddy's wheeler-dealings with ousted ANC secretary-general Ace Magashule are compellingly recorded in Pieter-Louis Myburgh's Gangster State.*"

7.1.5 I note, with interest, that Naidoo did not complain about these statements (as Green also points out), submitting that she "deliberately avoided issues regarding speculation about her husband". Unfortunately, she did not say why she "deliberately avoided" such.

7.1.6 Be that as it may, given:

- these statements (and the lack of a complaint against them), it seems to me that Reddy’s involvement in (parts of) state capture may reasonably be true (I am not stating this as a fact); and
- the fact that Naidoo benefitted directly from her husband’s wealth, the headline was also reasonably true – and therefore justified.

## 7.2 *Gold digger*

7.2.1 After Davids quoted Naidoo as saying that she had met Reddy at the opening of a casino and that there was no instant connection with him, the journalist commented: “This is no shocker, because Naidoo is literally a former beauty queen two-and-a-half decades younger than Reddy, who has the face of a man who needed to become a billionaire to get laid.”

7.2.2 This, she complains, was offensive as it painted her as a “gold digger”.

7.2.3 DM uses Section 7 of the Press Code as a defence. Let me quote that section in full:

- “*The media shall be entitled to comment upon or criticise any actions or events of public interest*”; and
- “*Comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it is without malice, is on a matter of public interest, has taken fair account of all material facts that are either true or reasonably true, and is presented in a manner that it appears clearly to be comment.*”

7.2.4 I have little doubt that the reference in question was indeed offensive to Naidoo. The question is if the DM was justified in making such a comment.

7.2.5 It certainly would have been acceptable *in an opinion piece* of sorts. The problem, though, is that the article was not “presented in a manner that it appears clearly to be comment”, as required by Sect. 7.2 of the Press Code – there is no reference to a column, an editorial or a satirical piece. Moreover, at the bottom of the article the DM refers to the text as a “story”.

7.2.6 On the other hand, Davids did write the piece in the first person, albeit in small parts of her text only. Therefore, the article does not come across as a normal news report either.

7.2.7 This ostensibly leaves me between a rock and a hard place:

- If the text was an opinion piece, the reference in question would have been in order (given the protection given by Sect. 7.2 of the Code) – however, in that case DM has breached the Code in that it did not clearly present the article as comment; or
- If the text was not an opinion piece, the protection afforded by Sect. 7.2 of the Code does not come into play. In that case, Sect. 3.3 of the Code (regarding dignity and reputation) becomes relevant.

7.2.8 But no, this is not really a dilemma. Even if the text was an opinion piece, the Press Code says that such a text should “clearly” appear to be comment. Even though some readers might have interpreted the article as an opinion piece, it certainly was not “clear” that that was the nature of the text.

7.2.9 The best, and possibly the only way, to indicate that a text is comment, is to indicate it as such – which, in this case, has not happened.

7.2.10 The tongue-in-the-cheek-argument does not hold water either. Far from being “humorous”, it rather was insulting and demeaning (with specific reference to the sentence in question).

7.2.11 I agree with Green that Naidoo was a public figure and as such chose to invite scrutiny and public discussion.

## 8. Finding

### 8.1 The headline

This part of the complaint is **dismissed**.

### 8.2 Gold digger

The statement that Naidoo was “a former beauty queen two-and-a-half decades younger than Reddy, who has the face of a man who needed to become a billionaire to get laid” was **in breach** of the following sections of the Press Code:

- 1.1: “*The media shall take care to report news ... fairly*”; and
- 3.3: “*The media shall exercise care and consideration in matters involving dignity and reputation.*”

## 9. Seriousness of breaches

9.1 Under the headline *Hierarchy of sanctions*, Section 8 of the Complaints Procedures distinguishes between minor breaches (Tier 1 – minor errors which do not change the thrust of the story), serious breaches (Tier 2), and serious misconduct (Tier 3).

9.2 The breaches of the Press Code as indicated above are all **Tier 2** offences.

## 10. Sanction

10.1 Daily Maverick is directed **to apologise** to Naidoo for:

- unfairly implying that she had married him for his money; and
- unnecessarily tarnishing her dignity and reputation in the process.

10.2 The publication is directed **to publish** the apology with a headline containing the words “apology” or “apologises”, and “Naidoo” on all the platforms where the article was published.

10.3 The text should:

- be published at the earliest opportunity after the time for an application for leave to appeal has lapsed or, in the event of such an application, after that ruling;
- refer to the complaint that was lodged with this office;
- end with the sentence, “Visit [www.presscouncil.org.za](http://www.presscouncil.org.za) for the full finding”;
- be published with the logo of the Press Council (attached); and
- be prepared by the publication and be approved by me.

## **11. Appeal**

The Complaints Procedures lay down that within seven working days of receipt of this decision, either party may apply for leave to appeal to the Chairperson of the SA Press Appeals Panel, Judge Bernard Ngoepe, fully setting out the grounds of appeal. He can be contacted at [Khanyim@ombudsman.org.za](mailto:Khanyim@ombudsman.org.za).

**Johan Retief**

*Acting Press Ombud*