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The Public Advocate

Latiefa Mobarra

Office of the Press Ombudsman

By email: mobarra@ombudsman.org.za

3 February 2015

Dear Ms. Mobarra

Complaint against The New Age newspaper

I would like to submit a complaint to the Office of the Press Ombudsman regarding the article published on the front page of The New Age yesterday, 2 February 2014.

It is my view that the article (attached) has breached The Press Code in the following ways:

1. It does not reflect a multiplicity of voices

The preamble to the Press Code states:

“As journalists, we commit ourselves to the highest standards of excellence, to maintain credibility and keep the trust of our readers. This means always

striving for truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing a special concern for children and other vulnerable groups, and acting independently.”

The article did not reflect a multiplicity of voices. The only persons quoted in the story were the Minister of Communications, Faith Muthambi, and the Chief Executive of The New Age newspaper, Nazeem Howa. Both Ms. Muthambi and Mr. Howa were united in their condemnation of the DA and myself.

The article did not carry any comment from the DA or myself, despite there being two DA press statements in the public domain on this issue (attached). In fact, no attempt was made to carry any view contrary to the views of Ms. Muthambi and Mr. Howa.

It is worth noting that, to our knowledge, The New Age did not cover the revelation that government spent a disproportionate amount on advertising when the DA broke the story on Thursday 29 September. This means that, to date, The New Age has not covered the DA’s side of this story at all.

2. The New Age did not seek the views of the subject of critical reportage

Section 2.5 of The Press Code states:

“A publication shall seek the views of the subject of critical reportage in advance of publication; provided that this need not be done where the publication has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or sources intimidated. Reasonable time should be afforded the subject for a response. If the publication is unable to obtain such comment, this shall be stated in the report.”

It is clear from the opening sentence of the article that I, as a representative of the DA, am the “subject of critical reportage.” It reads: “The DA’s Gavin Davis

has been accused of..." The article goes on to make a number of allegations against the DA and me.

The allegations include that:

- I have an "obvious prejudice" against The New Age newspaper.
- I have a "shallow understanding of advertising" and need to be "tutored" by media-buying staff in the Department of Communications.
- I "see conspiracies where there is none".
- The DA is on a "constant drive to delegitimise the ANC-led government."
- The DA is colluding with other sections of the media to bring down The New Age.
- The DA does not support the "drive for media diversity."
- The DA is not committed to Black Economic Empowerment and the narrowing of the urban-rural divide.

Not one of these allegations was put to me or any other DA representative in advance of publication.

3. The headline does not reasonably reflect the contents of the report

Section 10.1 of the Press Code states:

"Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or picture in question."

The headline of the story reads as follows: **DA sees conspiracies where there are none**

The claim in the headline is not a matter of fact; it is the opinion of Minister Faith Muthambi as set out in the article. In order to reasonably reflect the

contents of the report, the headline would need to clearly indicate that it is a claim made by the Minister.

Some options commonly used to do this include:

1. Using quotation marks (e.g. “DA sees conspiracies where there are none”)
2. Indicating who said it (e.g. DA sees conspiracies where there are none says Muthambi)
3. Using quotation marks and indicating who said it (e.g. “DA sees conspiracies where there are none” – Muthambi)

In the absence of such a device to indicate that the headline is an opinion, the reader is left with the impression that what is conveyed in the headline is an established fact when it is not.

4. The influence of political and commercial considerations on reporting

Section 3.1 of The Press Code states:

“The press shall not allow commercial, political, personal or other non-professional considerations to influence or slant reporting. Conflicts of interest must be avoided, as well as arrangements or practices that could lead audiences to doubt the press's independence and professionalism.”

That the majority of the New Age’s revenue comes from government advertising is not in dispute.¹ And, as the Minister revealed in her reply to the DA’s question (attached), a disproportionate amount of government advertising goes to The New Age compared with other newspapers with a far greater reach across the county.

¹ See, for example: ‘New Age Advertising: Who you gonna call?’, *Mail & Guardian* 10 February 2013; ‘Parastatals bullied into supporting The New Age’, *Mail & Guardian* 25 January 2013; The New Age: A growing media empire built with your money, *Daily Maverick* 19 April 2013.

It is clearly in The New Age's commercial interest to continue receiving a disproportionate share of government advertising. Publishing a one-sided story that reflects positively on the Minister's decision to spend a disproportionate amount on The New Age can only increase the likelihood of more government money flowing to the newspaper in future.

It also appears that political considerations slanted reporting in this case. It is common cause that the owners of The New Age are close friends of President Zuma. It is also common cause that The New Age's editorial policy is to put a positive gloss on the performance of the ANC government. Such political considerations are manifest in the quotes attributed to the Chief Executive, Nazeem Howa, including:

- "Since the ANC's overwhelming victory in the past election, the DA has been on a consistent drive to delegitimize the ANC-led government..."
- "Howa said it must be remembered that the ANC returned to power with 60% of the vote in last year's election which must mean that the majority of South Africans have a positive view to where our government was taking our country."

* * *

In conclusion, we contend that the article in question contravened The Press Code in at least four ways. The story failed to reflect a multiplicity of voices on the issue, the reporter did not attempt to solicit the views of the subject of critical reportage, the headline presented the opinion of the Minister as fact, and the reporting was slanted as a result of political and commercial considerations.

We believe that the appropriate remedy for this manifold breach of the Press Code is a an apology published on the front page of The New Age in the same position as the article in question, and of the same proportions. The text

of the apology would need to be agreed to by the complainant prior to publication.

Kind regards

A handwritten signature in black ink, appearing to read 'Gavin Davis', with a horizontal line extending to the right from the end of the signature.

Gavin Davis MP
Shadow Minister of Communications