JUDGMENT OF THE INDEPENDENT MEDIA OFFICE OF THE OMBUD

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| **Complaint** | |
| Complaint number | 3 |
| Independent Media Publication | The Star |
| Journalist/s | Bongani Nkosi |
| Complaint lodged by | Amathole Forestry Company (Pty) Ltd |
| Date complaint lodged | 20th April 2018 |
| Type of complaint | Alleged inaccuracy and misleading reporting. |
| **Ruling** | |
| Date Ruling delivered | 4 June 2018 |
| Applicable version of the Independent Media Press Code | 1.0 |
| Clauses considered by the Ombud Panel | 2.1, 2.3 |
| Related complaints considered | N/A |
| Sanction / Remedy | Apology to be published |
| Complaint fee | Yes (refundable) |
| Is this report notable? | Yes |
| Summary of notability | Non-applicability of other Press Codes  Nature of publication to be ignored when considering whether Independent Media Press Code contravened. |

(JOHANNESBURG)

# Complaint

1. On 20 April 2018 Mr Davron Swift, the group services manager at Amathole Forestry Company (AFC), lodged a complaint against The Star in connection with an article - published on Page 2 - on 09 April 2018.
2. Mr Swift complained that:

2.1: The Star refused to engage AFC and provide any further information that led to the serious allegations made by the publication.

2.2: AFC was only provided opportunity to respond to limited issues but deprived of a chance to respond to “certain subjects of critical reportage prior to the publication of the article.

2.3: Failure as outlined above resulted in inaccurate, misleading and distorted information being published and amounted to unfair reporting.

2.4: Sources of information were withheld and or refused by The Star

The complaint was, as required by Independent Media’s Complaints Procedure, referred to the national executive editor for mediation. The matter was not resolved at this stage and referred for adjudication. The complainant fulfilled the requirements of the Complaints Procedure as reflected in submitted Forms A and paid the deposit.

The panel analyzed the detail of the complaint, the response from The Star (reporter and Editor) as well as a copy of the reply tabled by the Minister of Agriculture and Forestry, Senzeni Zokwana, in  Parliament.

2.1 - The Star was in communication with AFC regarding the allegations of destruction and the company’s views were extensively used in the article. This complaint has no basis is dismissed.

2.2 - The panel was satisfied that The Star article accurately reflected the Minister’s reply in Parliament. The panel also noted that there has been no complaint from the office of the minister regarding the article.

In its final analysis the panel concluded that the heart of the complaint is the headline “State moves to end timber theft from protected forests”.

The headline does not reflect the reply from the minister. It reflects the sentiments of Nazier Paulsen, a member of parliament representing the Economic Freedom Fighters. Mr Paulsen told The Star that private timber companies were now systematically stealing from the country’s protected forests. He said the AFC matter was the  tip of the iceberg.

It’s the pane’s view that AFC main complaint is that, to the extend that EFF MP was allowed to make the allegations of theft against the company, that it should have been given an opportunity to respond to this specific allegation.

The panel finds that while The Star fulfilled its duty to seek comment from AFC to the minister’s parliamentary reply, the publication failed in its duty to give AFC to respond specifically to the allegations of theft.

Additionally, it is the panel’s view that the headline did not reflect the story. The minister’s reply is crystal clear that the state will take action to stop the destruction of indigenous forests. There is no mention of the word “theft” in the minister’s reply.

It is the duty of the Editor, as reflected in the Independent Media Press Code, to ensure that all stories and headlines published are accurate.

The Star is thus found guilty of publishing a misleading headline is ordered to publish a correction.

Additionally, The Star, in wrong headline, associated AFC with theft of from protected forests. Accordingly, The Star should have, as required by Clause 3 of the Independent Media’s Press Code, given AFC an opportunity to respond to the specific allegation of theft.

The Star is therefore found in contravention of Clause 3 of the Code and is thus ordered to publish an apology for associating AFC with theft and not giving the company a right of reply.

The panel also found that the Editor of The Star could have been more courteous rather than telling AFC to “go ahead and do whatever pleases you”.

2.3 - Given the above, The Star is in violation of the Clause 2.1 of the Code and is ordered to apologize

2.4 - The Star does not have to provide its sources to AFC. In any case, the source of the contentious allegation of theft was revealed in the article. This complaint therefore has no merit and is dismissed.

The Star is ordered to publish the following apology on Page 2 within seven days of this decision:

“On April 20, 2018, The Star published an article headlined “State moves to end timber thefts from protected forests”. Following a complaint by the Amathole Forestry Company, the Office of the Group Ombudsman has ordered The Star to apologize for publishing an inaccurate and misleading headline. The Ombudsman also found that The Star, in its headline, associated AFC with theft from the forests. This is not borne out by the article. AFC responded to allegations of damage to the protected forests that were put to it by The Star. The company’s response was adequately reflected in the article. The headline was based on comments by an member of parliament and had nothing to do with AFC.

The Star apologizes to AFC for publishing a misleading headline.”

According to the Independent Media Press Code, parties unhappy with the findings have seven days to lodge an appeal with the Chair of Appeal Panel, Judge Zak Yacoob within seven days.