



ADJUDICATION NO: 26/A/2026

NAME OF PROGRAMME: TOUCHDOWN
DATE AND TIME OF BROADCAST: 22 JUNE 2026
BROADCASTER: SABC METRO FM
COMPLAINANT: DLAMINI

COMPLAINT

A complaint was lodged regarding hate speech.

APPLICABLE CLAUSES

FREE-TO-AIR CODE:

- 4.2 Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence; or (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.
- 12.2 Comment must be an honest expression of opinion and must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated and referred to.
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ADJUDICATION

- [1] A complaint was lodged with the BCCSA against Metro (FM) concerning statements made about Zimbabweans during the programme, *Touchdown with Tbo Touch*.

[2] The complaint reads as follows:

"I am compelled to raise serious concerns regarding the recent comments made by Tbo Touch about Zimbabweans. He claimed that Zimbabweans chased away foreigners in their country, which is factually incorrect and dangerously misleading.

Zimbabwe has historically welcomed and integrated nationals from Malawi, Zambia, Mozambique, and beyond. Many of these communities have lived peacefully in Zimbabwe for generations, contributing to its economy and culture. To suggest otherwise is to distort history and fuel xenophobic narratives that South Africa is already struggling with.

Such rhetoric is not only irresponsible but also undermines the values of unity and solidarity that Metro FM, as a national broadcaster, should uphold. Allowing these comments to go unchallenged risks normalizing prejudice and alienating communities who deserve respect and dignity.

I urge Metro FM to take immediate steps to address this matter publicly, correct the misinformation, and reaffirm your commitment to inclusivity and factual broadcasting. South Africans and our brothers and sisters across the continent deserve better than divisive and false narratives.

I am submitting my formal complaint in line with your requirements.

Programme: The Touchdown with Tbo Touch (Metro FM)

Date of Broadcast: 22 June 2026

Approximate Time: 3:15 PM

Broadcaster: Tbo Touch

Content: "Zimbabweans chased away foreigners in their country."

Clause Contravened: Clause 12 (News – accuracy and fairness) and Clause 13 (Comment – must not misrepresent facts) of the BCCSA Free-to-Air Code of Conduct.

Clause 13 (Comment – must distinguish fact from opinion and avoid misrepresentation)

Reasons: The statement is factually incorrect. Zimbabwe has historically welcomed nationals from Malawi, Zambia, and Mozambique, many of whom have lived peacefully in Zimbabwe for generations. Suggesting otherwise distorts history and fuels xenophobic narratives, which is harmful to both Zimbabweans and foreign nationals in South Africa. As a national broadcaster, Metro FM has a duty to ensure factual and responsible commentary.

I request that the BCCSA investigate this matter, obtain the broadcast recording, and require Metro FM/SABC to respond"

[3] The Broadcaster responded as follows:

"BCCSA COMPLAINT: MR DLAMINI - METRO FM - THE TOUCHDOWN - 22.06.2026 - 15:15

With regard to the above-mentioned complaint, please find our comments as follows:

1. The broadcast in question was not a news bulletin or factual news report, but a live talk discussion dealing with the topical and highly contested issues of immigration, illegal migration, regional migration, and xenophobia. The programme was opinion-driven and intended to facilitate public debate on matters of significant public interest.
2. The programme interviewed Mr Richard Eiberg, an immigration specialist with over 25 years' experience in the Department of Home Affairs, including service at the Beitbridge Port of Entry. The segment formed part of a live, unscripted exchange during the discussion and was made as commentary within a broader regional context. It was neither introduced nor presented as a researched historical account or definitive factual statement regarding Zimbabwe's migration history.
3. The programme did not present the impugned statement as a news report or verified historical fact. The discussion was clearly conversational in nature, with participants expressing opinions and observations on the broader subject of immigration. The remarks were plainly made as commentary during a live discussion on a matter of public interest. The presenter did not represent the statement as an established fact, nor did the programme purport to provide a comprehensive historical analysis of migration patterns in Zimbabwe.
4. The Code recognises that commentary and opinion may be expressed, provided they are not deliberately misleading or presented as factual News. The overall discussion centred on immigration policy, regional migration, and the public discourse surrounding xenophobia in South Africa. At no stage did the presenter or guest advocate hostility, discrimination, or prejudice against Zimbabweans, foreign nationals, or any other nationality. The programme did not encourage xenophobic conduct or promote intolerance.
5. While METRO FM acknowledges that immigration is an exceptionally sensitive subject and appreciates that some listeners may have interpreted the remarks differently, disagreement with a presenter's commentary or opinion does not, without more, establish a contravention of the Code."

[4] The Complainant replied as follows:

"I acknowledge receipt of the response from Metro FM dated 15 July 2026. While the broadcaster argues that the remarks were "commentary" and not presented as factual news, I must respectfully disagree.

The statements in question were deliberately misleading and lacked any factual basis. By uttering misguided claims about Zimbabweans and immigration, the presenter demonstrated a clear ignorance of research and the realities on the ground. Given the sensitivity of migration in South Africa, such remarks have the potential to fuel unnecessary hostility and xenophobia towards fellow Africans.

Contraventions of the SABC Code of Conduct

1. Clause on Accuracy and Truthfulness. The Code requires that broadcasters avoid presenting false or misleading information, whether in news or commentary. Even in opinion-driven segments, presenters must not misrepresent facts.
2. Clause on Avoiding Prejudice and Discrimination. The Code prohibits content that could encourage prejudice or discrimination against individuals or groups. By making unfounded

statements about Malawians, Zimbabweans, etc, the presenter risked reinforcing xenophobic stereotypes, thereby contravening this clause.

3. Clause on Responsible Commentary. Commentary must be made responsibly, with due regard to its impact on public discourse. The presenter's irresponsible remarks, lacking factual grounding, failed this test and undermined Metro FM's duty to foster constructive debate.

Immigration is a highly sensitive issue in South Africa. Misleading commentary on such topics does not simply amount to "disagreement"; it can actively shape public perceptions and inflame tensions. The SABC, as a public broadcaster, has a heightened responsibility to ensure that its platforms do not become vehicles for misinformation or intolerance

Thank you for your correspondence. I note your clarification that Clause 11 (News) does not apply to discussions or interviews. However, I maintain that the remarks made by Tbo Touch on 22 June 2026 contravened the BCCSA Free-to-Air Code of Conduct under the clauses you have identified.

Without dragging this further, it would be a good thing if SABC had to implement training for presenters on responsible commentary, particularly on sensitive issues such as migration.

EVALUATION

- [5] I have perused the complainant's submissions, the broadcaster's response, and listened to the relevant clip of the impugned broadcast.
- [6] There is some uncertainty on the part of the complainant as to whether the broadcast constituted news or commentary. I begin by clarifying this distinction, since the Code's requirements differ depending on how the broadcast is defined, e.g. commentary or news.
- [7] The impugned broadcast is part of a fast-paced drive-time show with elements of sport and news bulletins. The news bulletins aside, the programme features interactive talk, debate and music. In the segment concerned, the host is not reading a structured, fact-verified news report. The focus is on discussion, the sharing of ideas and the exchange of information. It is therefore clear that the impugned broadcast is not to be categorised as a news item; I agree with the broadcaster's response, that "The remarks were plainly made as commentary during a live discussion on a matter of public interest."

- [8] The applicable BCCSA provision is Clause 12.2. It states: “Comment must be an honest expression of opinion and must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated and referred to.”
- [9] In terms of this clause, comment ought to (a) be clearly recognisable as an honest opinion, (b) be presented clearly as comment and be based on facts truly stated or fairly indicated or related to.
- [10] Mr Dlamini’s complaint that the report is not “factually correct” is therefore not an allegation that can be entertained under the Code.
- [11] The second aspect of Mr Dlamini’s complaint relates to “fuelling xenophobia”, which under the Code is addressed under the heading of Violence and Hate Speech.
- [12] The applicable part of the Code that deals with this is Clause 4.2 of the Free to Air Code, which holds that broadcasters must not broadcast information that constitutes “the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.” For a finding of hate speech, the requirement is two elements – advocacy of hatred plus incitement to harm – to be present simultaneously.
- [13] I have listened to the text of the impugned broadcast. Firstly, the statement “Zimbabweans chased away foreigners in their country”, the words Mr Dlamini refers to, was not found in the Touchdown broadcast of 22 June. Nonetheless, in evaluating the broadcast, I focused on comments relating to Malawians’ attitudes to Zimbabwean non-nationals.

The relevant transcript is as follows:

Thabo "Tbo Touch" Molefe: *So, Richard, mainstream media is winning with this idea that South Africans are xenophobic, okay? There's this narrative across the continent that we are xenophobic, but the very same crisis is happening [sic – sentence ends abruptly]. Zimbabweans are tired of Malawians. There's a problem right now in Zimbabwe [where they] are saying, "We are also crying foul because we got these guys who are jumping the border and they're, you know, they're taking ordinary Zimbabwean jobs. There's a problem in Tanzania, same thing. There's a problem in other countries. Why when it's South Africa we cry xenophobia?"*

Richard Eiberg: *Okay, so I believe that the term xenophobia has always been incorrectly used whenever South Africans have actually stood up against or taken a stance, peaceful protests, etc., when it comes to illegal foreigners. I mean, if you really look at what the term xenophobia means, it's almost like a hatred for foreigners. And I don't believe that South Africans have a hatred for foreigners.*

Thabo "Tbo Touch" Molefe (interjecting): *No*

Richard Eiberg: *Um, you can even look even, Morena [Sports reporter on the programme, Morena Mothupi], with the sports, you know, when other African teams are playing around the world and so forth, whereby we support them and in many other instances as well. But I honestly do not believe that South Africans are xenophobic. I don't believe that the issues that we're encountering at the moment in South Africa are as a result of xenophobic tendencies from South Africans. There are much greater issues at stake ...*

- [14] In the above clip, the host and the interviewee are sharing ideas and perceptions. The interviewee uses the terms “so I believe” and “I don’t believe”. The host refers to a “narrative” that is afoot and offers an interpretation of public sentiment (“mainstream media is winning with this idea”). He is also drawing geopolitical comparisons (“there's a problem in other countries”). In reviewing the manner in which the information is presented, it can be expected that the listener understands that the specific information communicated by the host, “Tbo Touch,” is not presented as verified facts but rather as believed facts; in other words, as facts the host believes to be true but which can or may be challenged.
- [15] The complainant also expresses concern related to “fuelling” of xenophobia. As already indicated, such an allegation is covered in Clause 4 (2) of the Free to Air Code. In terms of the applicable section, for a finding of hate speech, the requirement has two elements – advocacy of hatred based on grounds of

discrimination and prejudice plus incitement to harm – to be present simultaneously for a finding of hate speech.

[16] It is noted that the context for the discussion in the segment of the programme was immigration policy, regional migration, and the public discourse surrounding xenophobia in South Africa, topics which, in the current period, often engender robust discussion and disagreement. The impugned comments appear to be Mr Thabo Molefe's view that while similar concerns are being raised in other African countries, only South Africans are called xenophobic.

[17]. Having evaluated the broadcast in its context, it is found that, while the complainant may have found the remarks controversial or objectionable, the host's commentary does not meet the strict threshold established by Clause 4.2 (c) of the BCCSA Free to Air Code, as it contained neither the advocacy of hatred nor an incitement to cause harm.

[18] **I do not find a violation of the Code, and the complaint is dismissed.**

A handwritten signature in black ink, appearing to read 'FM' followed by a stylized flourish.

DR FRANK MEINTJIES
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION