



30<sup>th</sup> March 2020

The Honourable Minister of Health Western Cape  
Dr. Nomafrench Mbombo  
c/o  
Unathi Mayinje  
Private Secretary  
Email: [Unathi.Mayinje@westerncape.gov.za](mailto:Unathi.Mayinje@westerncape.gov.za)

## **HEALTH SHOPS ARE ESSENTIAL SERVICES PROVIDORS: SOUTH AFRICA**

Dear Dr. Nomafrench Mbombo

The HPA represents the majority of the **Health, Wellness, Functional Medicine and Complementary Medicine and Health Supplement** Companies in South Africa.

The monitoring of COVID-19 has received the Association's full attention and we are fully committed to being of service to the National Department of Health (NDOH); the South African Health Products Regulatory Authority (SAHPRA) and Complementary and Alternative Medicines (CAMs) and Health Supplements industry in South Africa during this time of crisis.

The HPA's 120 member companies provide essential services and products to all South Africans as relates to the entire paradigm of Complementary and Alternative Medicines (CAMs) and Health Supplements. These products providing **essential medicinal and health supplements** products are governed under The Medicines and Related Substances Act, 101 of 1965 (Regulations, 2017).

Health Shops, Functional Medicine and Dispensing Doctors are currently involved in the distribution and supply of certain critical services and products to support the health and safety of South Africans, namely, health-related products, supplies, devices, equipment, and MEDICAL PRODUCTS, which include **Complementary Medicines and Health Supplements; and including food and essential products, as well as essential inputs thereto.**

Complementary Medicines are included in the broad rubric of "medical and hygiene products" in so far as, practically, a complementary medicine may be deemed to be a medical product with reference to its inclusion in the provisions of the **Medicines & Related Substances Act No. 101 of 1965, as amended, the General Regulations to that Act (GNR 859, dated 25 August 2017)** and the various guidelines published by the Medicines Control Council (as it then was) and the South African Health Products Regulatory Authority. Accordingly, Complementary Medicines and Health Supplements, as defined in the General Regulations, should also be included.

**Health Shops** providing **Complementary Medicines, Health Supplements and specialized foods for special needs**, provide a vital and critical Essential Service to millions of South Africans and this is supported by the fact that pharmacies remain open. In so far as Pharmacies are allowed to sell Medicines, there can be no basis on which to discriminate between Pharmacies and Health Shops as natural health outlets as being distinct from a licensed pharmacy.

Health Shops remain committed to continue to provide **Complementary Medicines and Health Supplements** as governed by The **MEDICINES AND RELATED SUBSTANCES ACT, 101 OF 1965 (REGULATIONS 2017)** as well as **specialized health foods and services**. On an ordinary day, these products play an important role for the health and well-being of consumers, and it is critical that we ensure continued consumer access to these products during this public health pandemic. This is not the time to jeopardize consumer access to these products. Simply put, they matter more than ever right now.

Health Shops provide specialized services and products which can be classified as an **essential service provider** during the **lockdown** period, based on the following:

- 1) Health Shops are specialized retail business dedicated to supplying South Africans with a wide range of speciality health foods, complementary medicines, health supplements, hand sanitiser, disinfectants, household cleaning and personal hygiene products, among other things.
- 2) Some Health Shops have a national presence and play a role in preventative and primary healthcare.
- 3) The Minister of Trade and Industry, Mr. Ebrahim Patel has announced that all businesses that will be allowed to provide essential services are required to seek approval from the **Department of Trade, Industry and Competition (the DTIC)** in order for them to trade during the period of the lockdown in terms of the **regulations published on Friday, 27<sup>th</sup> March 2020** by the Minister of Cooperative Governance and Traditional Affairs, **MS Nkosazana Dlamini-Zuma in Regulations Gazette No: 11062**.
- 4) Such businesses operating within the **Complementary Medicines, Health Supplements and Foodstuffs and ancillary businesses** are therefore required to apply to the **Companies and Intellectual Property Commission (CIPC) Bizportal website at : [www.bizportal.gov.za](http://www.bizportal.gov.za)** – and then obtain a certificate from the Commission that allows them to continue trading. This facility is therefore open to Health Shops.
- 5) Health Shops play a critical role that our industry plays in preventative healthcare at a time when our reason for existence is greater than ever. The products available within Health Shops are not commodities easily available in supermarkets or pharmacies, nor is the advice that their trained health consultants provide to millions of South African Customers.

**6) Examples of the roles fulfilled by Health Shops:**

Supply of Medicines (Complementary Medicines and Health Supplements), and functional foods, including organic, non-GMO, gluten-free, sugar-free, lactose free, dairy free, bio-medical foods that help people manage their chronic health issues, such as:

- Allergies
- Food Intolerances
- ADHD
- Digestive disorders
- Hormonal, metabolic and neurological problems
- Auto-immune disorders
- Celiac and Crohns

- 7) Health Shops supply certified specialty food products that address very specific dietary and lifestyle needs, like plant-based diets and intolerances that many standard retail environments do not supply (e.g. gluten and dairy) To put this into context with an example, the wrong foods for celiac are life-threatening.
- 8) Millions of South Africans trust these specialised Health Shops for the products on which they depend.
- 9) Health Shops as specialised retailers provide an important and critical secondary supportive health system for the community they service – and thereby taking pressure off a health care system which is now under immense pressure.
- 10) The Lockdown was instituted under the authority of Disaster Management Act, No 57 of 2002. This, together with the Government Gazette issued by the Minister of Co-operative Governance and Traditional Affairs on 25 March 2020 (“the Gazette”) govern the terms of the Lockdown. In Annexure B of the Gazette “any food product, including non-alcoholic beverages” is listed under essential goods (category A). So are “cleaning and hygiene products” and “medical and hospital supplies”. Under essential services, the “production and sale of the goods listed in category A” are permitted.**

**This clearly applies to the Health Shop businesses throughout South Africa and therefore cannot be excluded from providing these essential services in a responsible way.**

Health Shops fully support the objectives of the national lockdown, and take their roles and responsibility to limit the spread of COVID-19 very seriously.

Accordingly, they have structured their respective businesses to only allow critical staff to work through this time to serve the country and its people and remain committed to preserving and protecting their health care delivery system, including their health care workforce, so they can care for the least healthy individuals in the community for any medical condition, not just COVID-19 – and they are intent in being actively and collaboratively engaged in, and being part of, the Health care delivery system to continue to manufacture, distribute and provide good health, health products to millions of South Africans in order to effectively and collectively help to minimize the social and economic impacts of COVID-19.

**This is evident in the responsible measures which have been put in place, which include:**

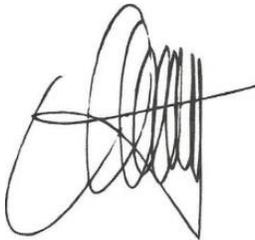
- Reduced trading hours and days to ensure that only a single shift with few people is required to run their stores, thereby minimising the staff complement and social contact
- All recommended cleaning and social distancing protocols are being followed, including limiting the number of people in their stores at any point in time
- They have provided their staff with guidelines for optimising their own health and have provided free access to immunity-boosting and sanitiser products
- They have provided their staff with a daily allowance so that they are able to use private modes of transport where possible

We would be grateful for your assistance in how we can communicate constructively with the NDoH; the DTIC; the SAPS and local government to resolve this.

We are deeply concerned that millions of South Africans are being excluded by the (apparently) arbitrary approach that favours large, multi-national grocery and pharmacy chains at a time when we are all playing our part to serve our country during this time of crisis.

**We await your valued and urgent feedback please.**

Sincerely

A handwritten signature in black ink, appearing to read 'MARIA ASCENCAO', with a long horizontal line extending to the right.

**MARIA ASCENCAO**

Chairperson

Health Products Association of Southern Africa

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