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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 6438

Mr R W T Chance (DA) to ask the Minister of Trade, Industry and Competition:

What (a) are the reasons that the National Consumer Commission has failed to issue specific guidelines for cannabis consumer protection and/or complaint mechanisms in respect of (i) contaminated edibles and (ii) mislabelled cannabidiol products, despite increasing reports since the enactment of the Cannabis for Private Purposes Act, Act 7 of 2024, and (b) urgent remedial measures will he implement within the next three months to address the emerging public health and safety risks? NW7213E

REPLY:

The **National Consumer Commission (NCC)** has advised as follows.

(a) (i)&(ii)

The cannabis sector in South Africa is still at its infancy, primarily regulated in terms of the Cannabis for Private Purposes Act, 2024 (Act 7 of 2024) which provides parameters on the private use of cannabis. The Act only allows cannabis to be cultivated, possessed and used for private purposes. The Cannabis Masterplan also recognises the complexities of regulating the sector.

The National Consumer Commission (NCC), can, in line with Section 55 of the Consumer Protection Act No.68 of 2008 (CPA) investigate any potential contraventions of the CPA in this respect. Section 55(2)(b) and (d) of the CPA provides every consumer with the right to receive goods that “are of good quality, in good working order and free of any defects” and

comply with any applicable standards set under the Standards Act (now Act 8 of 2008) or any other public regulation.

Regulation of cannabis is a function of the Department of Health (DoH) under the South Africa Health Products Regulatory Authority (SAHPRA) through the Medicines and Related Substances Act No. 101 of 1965. Labelling of all cannabis products is also regulated by the Medicines and Related Substances Act as well as Foodstuffs, Cosmetics and Disinfectants Act No 54 of 1972.

(b)

The enforcement approach on the quality of goods is often informed by the applicable standards in a sector. In this regard, the NCC deems it appropriate to await the regulatory standards by the relevant regulatory authorities, before taking any proactive investigative measures. It is worth noting that, to date, the NCC has not received any consumer complaints related to the sale or use of cannabis products in South Africa.

The Minister of Trade, Industry and Competition may in future consider regulations, similar to the Clothing Textiles Footwear and Leather goods regulations, in terms of Section 24(4) and (5) of the CPA in relation to product labelling, trade description or other considerations. However, this is not under consideration at this stage of the development of the sector.

The circulation of cannabis products in the unregulated market is a contravention of the law as the trade in cannabis is still illegal. Such products must be reported to the South African Police Services for contravention of the Act.

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