



# FREE SA

FOUNDATION FOR RIGHTS OF  
EXPRESSION AND EQUALITY

11 March 2025

**To:** Honourable Minister Dr. Pakishe Aaron Motsoaledi  
Minister of Health

Per Email: [minister@health.gov.za](mailto:minister@health.gov.za)

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Honourable Minister Motsoaledi,

**RE: Request for Public Notice and Justification for Urgent Implementation of Regulations on Hemp and CBD in Foodstuffs**

1. I write to you on behalf of **Free SA**, a civil rights organisation dedicated to ensuring transparency, accountability, and public participation in governance. Our mission is to advocate for democracy, equality, and fairness, ensuring that government actions reflect the will and rights of South African citizens.
2. This letter concerns the recently published *Regulations Relating to the Prohibition of the Sale, Importation and Manufacture of Foodstuffs Containing Any Part of the Plant or Component Derived from the Genus Cannabis Sativa L, Hemp, Hemp Seed Oil or Hemp Seed Flour* (Government Gazette No. 52227, Notice No. 5960, dated 7 March 2025).
3. We have carefully reviewed section 15(6) of the *Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)*, which mandates that:  
  
*"The Minister shall, not less than three months before making any regulation under this Act, cause the text of the proposed regulation to be published in the Gazette together with a notice declaring his intention to make such a regulation and inviting interested persons to furnish him with any comments on, or representations they may wish to make in regard to, the proposed regulation."*
4. Despite our efforts, we have been unable to locate any such public notice inviting comment on these regulations. We hereby request that you provide us with a copy of the notice and evidence of its publication.
5. Alternatively, if the regulations were made without prior public consultation under section 15(7)(b) of the Act—on the basis that the public interest required their urgent enactment—then we request a detailed explanation of the grounds on which this determination was made.

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6. Public participation is a fundamental principle of our democracy, enshrined in Section 195(1)(e) of the *Constitution of the Republic of South Africa, 1996*, which requires public administration to be responsive, accountable, and participatory. The requirement in section 15(6) of the Act exists to ensure that affected stakeholders—including consumers, businesses, and health professionals—are afforded an opportunity to provide input before regulations with significant economic and social implications are enacted.
7. Failure to comply with the public consultation requirement, absent a valid justification, undermines democratic governance and the rule of law by sidelining the voices of affected stakeholders and disregarding principles of transparency and accountability. Regulatory decisions that impact businesses, consumers, and public health must be subject to meaningful public engagement to ensure that diverse perspectives are considered and that regulations serve the best interests of society. When government bypasses these legal safeguards, it erodes public trust, weakens participatory democracy, and sets a dangerous precedent for unilateral decision-making without due process.
8. In light of the above, we request that you provide:
  - 8.1. A copy of the public notice inviting public comment on these regulations, with details of when and where it was published; or
  - 8.2. A written explanation justifying the urgency of these regulations under section 15(7)(b) of the Act.
9. We request that this information be provided to us and all relevant stakeholders within **14 days** of receipt of this letter. Should we not receive a satisfactory response, we will be urged to consider appropriate legal and public action to ensure compliance with statutory and constitutional obligations, in accordance with the constitution of the Republic of South Africa.
10. We look forward to your urgent response.

Yours sincerely,

Paul Maritz

Executive Director