

**MEDICINES AND  
RELATED SUBSTANCES  
CONTROL ACT 101  
OF 1965**

**Apartheid Laws  
Protecting the  
Pharmaceutical  
Investment  
Business  
Across Africa**

[ASSOCIATED WITH THE ACT OF 1965]  
[DATE OF COMMENCEMENT: 1 APRIL 1965]  
(Afreikaans text signed by the State Pr...

## **APARTHEID LEGISLATION PROTECTING THE PHARMACEUTICAL INVESTMENT BUSINESS**

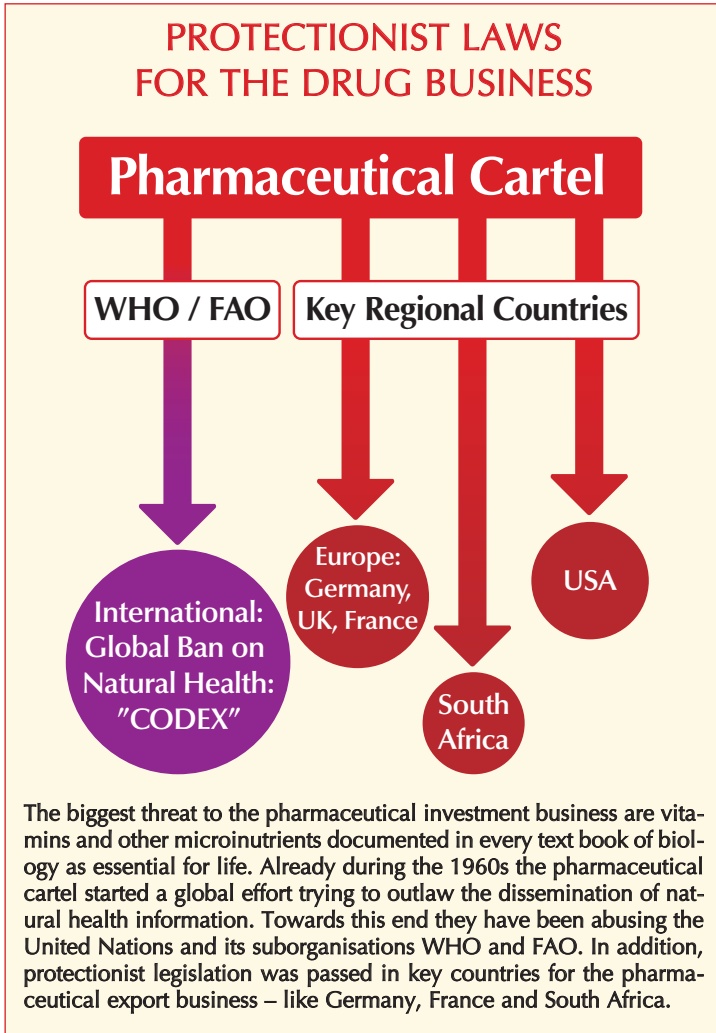
By 1963 the pharmaceutical interests had again taken firm control over the Federal Republic of Germany. Under the leadership and auspices of the German government, an international effort was undertaken to protect the global pharmaceutical markets from the rising threat of science based natural health, namely the advances in vitamin research. Abusing the United Nations and its World Health Organisation (WHO) as well as the Food and Agricultural Organisation (FAO) the German government began to spearhead the so-called “Codex Alimentarius Commission” – and continues to do so until today.

Under the pretext of setting international “food standards” and “consumer protection” the focus of this “Codex” Commission has been to protect the global health “monopoly” for pharmaceutical drugs by outlawing any preventive or therapeutic health statements in relation to vitamins and other natural health approaches – for all member countries of the United Nations, i.e. worldwide.

Other nations in which the pharmaceutical interests control the government followed suit. In 1965 the South African Apartheid regime passed the so-called “Medicines and Related Substances Act 101 of 1965,” legislation that – whilst purported to be for “consumer protection” – effectively protected the market monopoly of patented drugs on behalf of the pharmaceutical investment business in South Africa.

The provisions of this legislation provide no scientific rationale why the people of South Africa should be “protected” from natural, nutritional and other non-toxic health approaches – while, at the same time, they continued to be exposed to toxic chemicals, promoted to them in the form of “chemotherapy” and other questionable pharmaceutical drugs.

It is precisely this “drug protection” legislation, the “Medicines and Related Substances Act 101 of 1965,” which is being used as



the basis for this Application. By doing so, the SAMA and the TAC functionaries, both active in the promotion of “chemotherapy” drugs for AIDS – are using a “protectionist” pharmaceutical law from 1965 in order to fight off the threat of micronutrients for the multi-billion Rand pharmaceutical investment business with ARVs.

During the Apartheid regime South Africa was in fact, built into a “fortress” of the globally operating pharmaceutical investment business. The South African society was equipped with all the “instruments” previously developed by the pharmaceutical cartel in other countries and needed to control its health monopoly based on patented drugs. These “instruments” included tight control over the registration of medicines (“MCC”), medical research (MRC), influence on medical education, medical practice (SAMA), on the media and many other sectors of society.

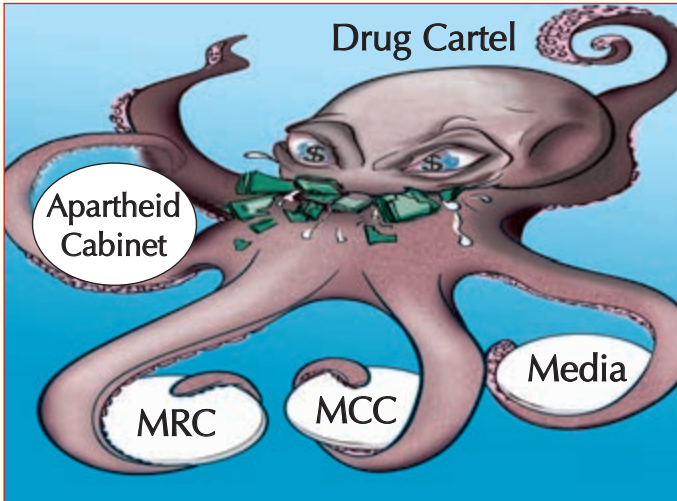
Through these “control instruments” of the pharmaceutical business, South Africa was, in fact, turned into a “bridgehead” for the pharmaceutical export business throughout Africa. Generally speaking, if a drug was “registered” in South Africa, it was exported into most other African countries without any further “drug approval” process required. Thus, “Apartheid South Africa” served as a “clearing house” for the conquest of the African continent by the globally operating pharmaceutical interests.

Until the end of the Apartheid regime in 1994, the stakeholders of the pharmaceutical investment business sat at the cabinet table of the Apartheid regime and used it as political arm to promote its interests. The advent of democratic South Africa in 1994 marked a cut in this close relationship. In democratic South Africa the pharmaceutical stakeholder no longer had direct access to the executive level of government.

It is no surprise that the pharmaceutical stakeholders observed the advent of the Dr Rath Foundation in South Africa with great concern. Our Foundation had already established a track record to publicly address the nature of the pharmaceutical “business with disease” and its stake holders in the US, Europe and other parts of the world, i.e. the “home turf” of this export dependent investment industry.

Only 3 months after I and our researchers had been invited by Prof. Anthony MBewu to give a seminar at the MRC in Cape Town on the advances in micronutrient research in the area of cardiovascular disease, cancer and immune deficiencies, the “Trojan horses” of the

## KEY INSTRUMENTS OF DRUG CARTEL IN APARTHEID SOUTH AFRICA



The pharmaceutical drug cartel was an economic pillar of the apartheid regime. This is reflected by the fact that the entire health sector was tightly controlled by rigid instruments that had one goal only: to secure the monopoly of the drug industry on health care in South Africa. The Medicines Control Consul (MCC) was turned into a "gate keeper" for health products, allowing only patented drugs as medicines. The Medical Research Council (MRC) was turned into a drug testing facility for the drug cartel. All this was only possible, because the drug cartel was sitting at the cabinet table of the Apartheid regime.

Today, in democratic South Africa, the drug cartel is hiding behind so-called opposition parties, namely the Democratic Alliance (DA).

pharmaceutical industry in South Africa positioned themselves. Leading the attack was the "Medicines Control Council" ("MCC") of South Africa under its then chairwoman Precious Matsoso. Without the support of the South African Government the "MCC" on its own proposed "protection laws" to shield the multi-billion rand market of patented drugs in South Africa against the serious

threats inevitably associated with the dissemination of public health information about the advances in vitamin research and other science-based natural health information.

Towards this end Matsoso and “her” “MCC” prepared legislation which the pharmaceutical stakeholders in other countries had tried before with doubtful results: In July 2004 the “MCC” – not the South African government (!) – officially proposed the so-called “Amendment of the Regulations to the Medicines and Related Substances Act.” Hidden behind this innocent title was the fiercest legal attack on natural health approaches in the history of South Africa. So afraid were the pharmaceutical investment business about losing their multi-billion rand business with ARVs and other patented drugs that it seriously tried to impose a ban on the dissemination of information about the preventive and therapeutic health benefits of vitamins and other science based non-patentable natural health approaches.

Under the pretext of “protecting” the people of South Africa from allegedly harmful side-effects of natural health approaches the “MCC” tried to protect the multi-billion rand market with ARVs and other toxic patent-based drugs from effective, safe, non-patentable vitamins and other natural health approaches. This ruse is yet another example of the deceptive and heinous nature of the pharmaceutical business. If these unscrupulous business interests are not exposed, they will cause health damages to the people of South Africa and beyond in genocidal proportions.

Since the Dr Rath Foundation had been exposing similar ruses of the pharmaceutical “business with disease” in other countries before, the natural thing for us to do in the summer of 2004 was to publicly reveal the interests behind the “MCC’s” so called “Amendment of the Regulations to the Medicines and Related Substances Act.” Through newspapers and media we helped to initiate the necessary public debate about this legislative proposal by the “MCC” under Matsoso.

With the following legislative proposals made by the stakeholders of the pharmaceutical cartel in July 2004 they intended to protect their drug markets in South Africa:

### Suggested Amendment to the Medicines and Related Substances Act

1. Vitamins, food supplements and traditional medicines would be arbitrarily classified in the same category as toxic pharmaceutical drugs.
2. Access to information about the health benefits of vitamins and other forms of nutritional and traditional medicine would be restricted for millions of South Africans.
3. The violation of this malicious act would be a criminal offence and the practitioners in natural health and traditional medicine would risk prison.

**Most significantly, this devious legislative proposal in 2004 was not prepared by the government of South Africa or with the intent to protect the health interests of the South African people. This deceitful legislation was prepared by the stakeholders of the pharmaceutical multinationals in South Africa in order to protect the multibillion rand business with ARVs and other patented, synthetic drugs.**

Moreover, on October 14, 2004, we sent a public “Submission to the Minister of Health” on behalf of the Dr Rath Health Foundation concerning the proposed “Amendment of the Regulations to the Medicines and Related Substances Act.”\* The opening paragraph of this letter read:

“It is the position of the Dr Rath Health Foundation that the ban on natural health and traditional medicine proposed by the Medicines Control Council must be rejected and replaced with legislation that makes unrestricted access to natural health and traditional medicine a constitutional right for the people of South Africa.”

Now under intense public scrutiny, Matsoso left her post as head of the “MCC” in late 2004. She immediately assumed a new role as a staff member and “coordinator” at the WHO headquarters in Geneva, Switzerland, one of the cities with the highest density of pharmaceutical lobbyists.

It would not have been necessary to make Precious Matsoso a subject of this response if there were not the – yet unexplained – “statements” by the WHO against micronutrients, about the work of our Foundation in the global fight against AIDS. These allegedly “official statements” – made part of this litigation by SAMA and TAC figureheads – were written by WHO “staff” people and, as documented above in detail, openly contradict the emphasis on nutrition and micronutrients in the global fight against AIDS by the WHO’s highest governing body, the World Health Assembly.

This restructuring paved the way for the “MCC” – previously an “instrument” of the pharmaceutical interests embedded inside democratic South Africa – to become democratised and finally serve the interests of the South African People.

Nothing documents this historic shift of the “MCC” to become a democratically controlled body within the South African government better than the fact that the “TAC” and the “South African Medical Association” – previously allies of the old “MCC” – now filing this Application against the chairperson of the new “MCC”. In other words, as long as the “MCC” served as an instrument of the “pharmaceutical business with disease” it was a staunch ally of the SAMA and TAC functionaries, but after the pharmaceutical cartel lost its control over the “MCC”, this body is now being brought to court by its old allies.

With the “MCC” no longer serving as an “instrument” of the pharmaceutical interests inside South Africa, other individual and organisational stakeholders of the pharmaceutical investment business had to speak out and make themselves known to the people of South Africa.



If the pharmaceutical interests had been successful with their “Amendment of the Regulations to the Medicines and Related Substances Act” and had been able to ban vitamins and other natural health approaches across South Africa – this Application would not have been filed and this litigation would not take place.

In light of these facts it is no surprise that the functionaries of SAMA and the TAC

- use the same deceptive and insidious arguments (i.e. “consumer protection”), and
- try to reinterpret or “amend” the “Medicines and Related Substances Act”

to reach precisely the same goal as that of Matsoso and her “MCC” in 2004: To obstruct the dissemination of life-saving, effective, safe and affordable natural health approaches for one purpose only – to protect the multi-billion Rand pharmaceutical markets with patented drugs.

Just as it was important to publicly expose the background of the previous “MCC” as a stakeholder of pharmaceutical interests, so does this litigation expose the background of those individuals and organisations named in this Application – because their goals are the same.

More importantly, by providing this important background information not only to the High Court, but also to the people of South Africa, they are enabled to initiate the necessary changes to the benefit of this and future generations.

The promoters of the ARV drug business create the impression that they are acting independently of the multibillion Rand pharmaceutical drug business in South Africa.

The facts on the following pages reveal these connections.