

**BOARD NOTICE 101 OF 2002****THE SOUTH AFRICAN PHARMACY COUNCIL****INVESTIGATION IN TERMS OF SECTION 4(K) OF THE PHARMACY ACT, 1974 (ACT 53 OF 1974) ("the Act") OF THE PRINCIPLE OF FRANCHISING OF RETAIL PHARMACIES IN SOUTH AFRICA AND THE USE OF TRADING TITLES OR TRADEMARKS OR LOGOS OR "BRAND NAMES" BY RETAIL PHARMACIES****1.**

Please take note that the South African Pharmacy Council ("the Council") has resolved to investigate the principle of franchising of retail pharmacies in South Africa and of the use of trading titles or trademarks or logos or "brand names" by retail pharmacies.

**2.**

To achieve this objective, the Council has resolved to appoint its Registration and Permits Committee ("the Committee") to conduct an investigation into the above issues.

**3.**

The Committee will meet at the offices of the South African Pharmacy Council on a date to be determined for such investigation.

## 4.

The issues which the Committee shall consider, will include the following:

- 4.1 Whether the franchising of retail pharmacies constitutes a contravention of the provisions of the Pharmacy Act, 53 of 1974 ("the Act") and, if so, in what respect. The legality or not of the use of trading titles, trademarks, brand names or logos by pharmacies where the lawful owner of the trading title, trademark, "brand name" or logo is not a registered retail pharmacist?
- 4.2 Whether the concept of franchising of retail pharmacies and the use of trading titles, trademarks, "brand names" or logos in circumstances as set out in paragraph 4.1 above constitute a contravention of the provisions of rule 21 of the *Rules relating to acts or omissions in respect of which the Council may take disciplinary steps* (GN R. 599 of 31 March 1999, as amended) or not?
- 4.3 The setting of guidelines and/or criteria in order to determine the conditions upon which the franchising of retail pharmacies should be allowed, should it be concluded that franchising is in fact permissible in terms of the Act.
- 4.4 The setting of guidelines and/or criteria in order to determine the conditions upon which the use of trading titles, trademarks, "brand names" or logos in the circumstances as set out in paragraph 4.1 should be allowed, should it be concluded that the use of such trading titles, trademarks, "brand names" or logos is in fact permissible in terms of the Act.

## 5.

All stakeholders are invited to make written submissions regarding the above investigation. The written submissions should be directed to the Registrar at the

following address: P O Box 40040, Arcadia, 0007 or Fax: (012) 321 1492 and should reach the Registrar by not later than 15 January 2003.

6.

Please note that all persons/entities who have submitted written representations as aforesaid will be afforded the opportunity to verbally elucidate their written representations at the meeting of the Committee on a date and time to be announced.

7.

All persons who wish to make such written representations should provide the Registrar of the Council with an address at which they will accept notification of the subsequent meeting of the Committee as aforesaid.

**J S DU TOIT**  
**REGISTRAR**  
**THE SOUTH AFRICAN PHARMACY COUNCIL**

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
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