

**TOBACCO PRODUCTS CONTROL
AMENDMENT BILL 2006, SOUTH
AFRICA**

National Department of Health
31 October 2006
Briefing of Portfolio Committee on
Health

Introduction

- Tobacco is a leading preventable cause of death worldwide
- It kills 4,9 million people annually. This is predicted to rise to 10 million per year by 2030
- 70% of future deaths will be in the developing world.

Introduction



The tobacco companies are targeting developing countries.

Tobacco contributes to the gap between rich and poor countries.

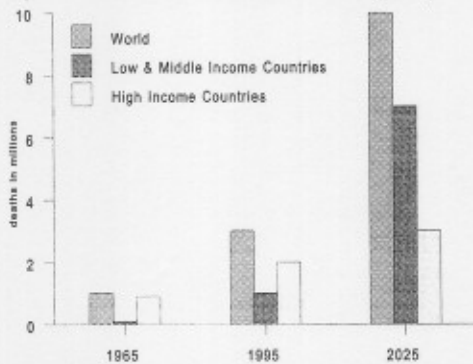
- In South Africa, tobacco related diseases kill about 25 000 people a year or 80 people every day.
- This is double the number of deaths caused by motorcar accidents (about 10 000 annually).

Introduction cont.

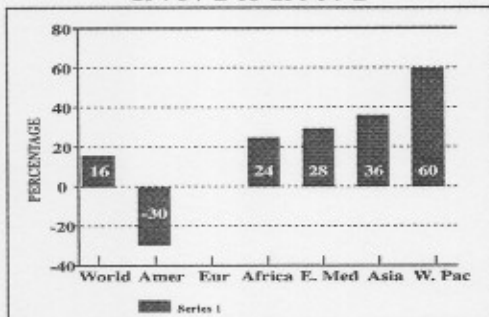


- About 60% of all admissions to Groote Schuur Hospital are from tobacco related illnesses
- The WHO has called this a "global public health emergency".
- Tobacco use causes over 40 preventable diseases.
- Cigarettes, cigars, snuff are all harmful
- A smoker with TB is more likely to die than a non-smoker with TB.

Figure 1: Annual deaths attributed to tobacco globally



Global changes in cigarette consumption 1970 / 2 to 1990 / 2



Benefits of Smoking Cessation

- Stopping smoking has major and immediate health benefits for people of all ages, with or without smoking-related diseases
- Former smokers live longer than continuing smokers

Economics of Tobacco Use

- Tobacco use slows our economic development because it places a huge strain on the economy.
- The costs of treating sick smokers are enormous.
- Tobacco is bad for business. It reduces productivity. Millions of days are lost to industry because workers are sick from tobacco use.
- Tobacco keeps poor people poor.

Tobacco Control in South Africa- The Background

- **Tobacco Products Control Act no.12 of 1993:**
 - Health warnings,
 - No smoking on public transport.
 - No sales to children under age 16
- **Excise increases (1994 - present):**
 - Tax to rise to 50 per cent of retail price
- **Tobacco Products Control Amendment Act (1999):**
 - Clean indoor air policy
 - Ban advertising

**Tobacco Control in South Africa-
The Background**



The purpose of the Tobacco Products Control Act is to:

- Ensure that young people don't start smoking;
- Protect people from pollution by tobacco smoke;
- Help smokers quit and to reduce the risks for those who continue to smoke.

The impact of the current Act



- Fewer adults and children are smoking
- 22% of adults now smoke. In 1995, 35% smoked.
- The number of 12 to 14 year old children who have never even taken a single puff on a cigarette increased to 62% by 2002.

Framework Convention on Tobacco Control (FCTC)



- The WHO FCTC is an international treaty for controlling tobacco marketing and use.
- SA is among 140 countries that have ratified the treaty.
- The country has legal obligations under the treaty.

**Tobacco Products Control Amendment
Bill 2006**

The Bill was split into two sections

- **Section 75**
- Which deals with environmental issues
- Regarded as a national competency
- **Section 76 -**
- Which deals with trade
- Regarded as joint competency between National and provincial governments

**Tobacco Products Control Amendment
Bill 2006**

Reasons for amendments

- The 1993 Act (as amended in 1999) contains uncertainties that makes enforcement difficult.
- There are also gaps in the Act that have been exploited to circumvent it.
- It brings SA law into line with the WHO FCTC.
- The Tobacco Products Control Amendment Bill 2003 was published for public comment from 17 October 2003 to 17 November 2003.

**Tobacco Products Control
Amendment Bill 2006 (The Bill)**

- Over 2 000 submissions were received - mostly in support of the Bill
- The DOH has revised the Bill in the light of these comments.

The Bill



The main provisions of the Bill B24 -2006 are:

- to amend the Act so as to strengthen the sections which regulate smoking in public places;
- to establish manufacturing standards for tobacco products; &
- to increase fines for breaking the law.

Section 2 Continues



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Examples of a gap that needs to be corrected

- A retailer of tobacco products may indicate the availability of tobacco products and their price only by means of signs that -

(a) do not exceed one square meter in size; and

(b) are placed within one meter of the point of sale.



Wall to wall advertising at eye level of a child
Under the sweets and next to the ice cream

Section 2 Continues



Regulatory approach

The Bill strengthens the existing laws by:

Increasing the fine for owners of a public place that allow smoking and for an individual who smokes in a public place;

Prohibiting smoking in a private dwellings if used for any commercial childcare activity, e.g. crèches, after-school centers

Young children including babies are allowed into smoking areas.

Section 2 Continues



- No one under-18 is allowed into an area where smoking is permitted;

- Regulating smoking in specified outdoor areas; and

- Protecting the rights of workers.

Section 3 A – Product Regulation



Cigarette is not simply tobacco wrapped in paper. It is a highly engineered product.

Over 4000 chemicals are found in tobacco smoke ,

The manufacturers add up to 600 chemicals to tobacco.

Chemicals are added to tobacco for many reasons including increasing nicotine delivery to smokers, and reducing the harsh taste of smoke to make cigarettes more appealing to youth.

Section 3 A – Product Regulation



Substances commonly used in tobacco products.

- Chocolate, licorice, honey, sugars, menthol, and other flavorings are added to mask the harsh taste of tobacco.

- Sweeteners make cigarettes more attractive to kids and make it easier for them to start smoking. Menthol for instance numbs the throat and reduces coughing.

- *On 11 October 2006, a U.S tobacco company agreed in a legal settlement to stop marketing candy and alcohol flavored cigarettes in the U.S because they appealed to children.*

Section 3 A – Product Regulation



The addictive "kick" of nicotine can be increased by making the smoke less acid.

This provides higher levels of "free" nicotine to smokers.

Increasing the nicotine "kick" of cigarettes makes it more difficult to quit.

Section 3 A – Product Regulation



The purpose of the Bill is to reduce the harmful chemicals in tobacco products. It requires tobacco manufacturers to produce the least harmful product possible.

The Bill allows the Minister to issue regulations regarding the constituents (what is in the product) and emissions (what is produced when the product is used) of tobacco products marketed in South Africa and to prescribe methods to test tobacco products.

Section 3 A – Product Regulation



The use of chemicals which are harmful, or which increase addictiveness, or increase the appeal will be controlled.

New guidelines for product regulation and testing are being developed by the WHO FCTC.

Section 3 A – Product Regulation



The Bill:

- Requires the disclosure of additives and ingredients;
- Controls the components in, and emissions from, tobacco products; and
- Authorises the testing of tobacco products

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Section 7 – Offences and Penalties



Penalties have not had the desired effect.

A more meaningful series of penalties, considering the extent of harm and potential loss of life that can result from contraventions of tobacco products control measures, are proposed.

Section 7 – Offences and Penalties



The penalty for an individual smoking in a nonsmoking area has been increased from R200 to R500 (maximum).

For employers and those in control of a public place do not comply with the law the fine is increased from R200 to a maximum of R 50 000.

Conclusion

- Principal Act allowed necessary reform to Tobacco Control in the country.
- However with legislation it can never been complete that is why we need to adjust it to be in line with our transformation agenda
- SA is a signatory to the FCTC, and therefore supports international best practices to ensure that our legislation is aligned
- The leadership, of the Minister of Health need to be recognized in this regard
