

## Tobacco Products Control Amendment Bill

### Oral Presentation to the Health Portfolio Committee Parliament of South Africa

**Dehran Swart**

Chairperson and Honourable members, thank you for affording me the opportunity to make this oral submission with respect to the latest amendment to the Tobacco Products Control Act of 1993. I would like to make two brief points before I start:

1. I am making this presentation in my personal capacity even though I am employed by the Paraffin Safety Association of Southern Africa as indicated on the programme)
2. My presentation that you may have in your possession is outdated so I will leave a copy of the latest version behind with the organisers

I am a father of three beautiful children and they are the reason for motivating me into making this submission. I have to look them in the eyes every day and ask myself if I am making their lives as safe as possible. I have to face future questions from them asking what I had done to ensure their safety and to protect them from obvious dangers. And so this is my attempt.



It does not make sense for those of us who love this country, who have decided to remain in South Africa in order to contribute to its development, who have strived to see the demise of apartheid, through adverse conditions of victimisation and incarceration, not to support this amendment. Support for this amendment means continuing the noble fight to ensure the very best conditions exist in South Africa so that all citizens can realise their true potential.

We are talking about a unique product that has extraordinary consequences. A product that produces a nett loss to the economy and this is according to both the World Health Organisation as well as the World Bank. We are talking about a product that has been implicated to smuggling and devious methods of marketing.

Just as people are passionate to find ways of protecting our nation against the ravages of poverty, malnutrition, malaria and HIV & AIDS, we should also protect our nation, especially our young children from being tricked / coerced into a lifetime of nicotine addiction. Tobacco is presently responsible for over 5 million deaths world wide and is estimated to cause about 8% of all adult deaths in South Africa (more than 20 000 deaths a year) (Sitas et al; <http://tc.bmjournals.com/cgi/content/abstract/13/4/396>)

We are talking about a unique product with extraordinary consequences. The 2004 USA Surgeon General's Report specifies diseases and other adverse health effects for which smoking is identified as a cause.

([http://www.cdc.gov/Tobacco/sgr/sgr\\_2004/pdf/executivesummary.pdf](http://www.cdc.gov/Tobacco/sgr/sgr_2004/pdf/executivesummary.pdf))

The latest statistics in SA 36% of men smoke at least one cigarette per day; 10% of women smoke at least one cigarette per day (AMPS 2006 RA). Most of these smokers have begun smoking during adolescents and half will probably die of a tobacco related disease in their middle ages. Let us not allow the tobacco industry to play Russian roulette with the lives of our young ones.



This bill is not infringing on personal liberties. This bill is not proposing fines to be given to those parents who consistently smoke in their vehicles thus creating a "gas chamber" for their children. But why does it not address this problem. Presently, young children are taken into smoking sections at restaurants – again "gas chambers" are suitable for children without them having a choice in the matter. Who is protecting vulnerable children in this country? So there is so much talk about child abuse. Let us re-look at the definition of "abuse" and "child abuse". Let government ensure that their policies show synergy across departments as well e.g. health and social development and security.

The Bill sets out to:

1. Strengthen the existing Act by increasing fines for smoking in public place, and removing ambiguities that made enforcement difficult (e.g. there was no clear fine for smoking in public places);

It makes no sense to have legislation in place but the enforcement of the regulations is not possible. The present fines are laughable and I support their substantive increase.

2. Remove misleading labels like "light" and "mild" from cigarette packaging, because they create a false impression of safety;

Unscrupulous advertising and marketing by the tobacco industry has to stop. These terms have been used by them to imply that certain brands are "safer". Many scientific studies have shown that consumers have assumed that is the case when purchasing cigarettes with these descriptors on the packaging. Many scientific studies have also shown that the consumption of these products is just as lethal.

3. Control the ingredients and emissions from cigarettes and to establish manufacturing standards;

Surely it is not unusual for products to list the ingredients they contain? There are regulations and guidelines that pertain to the labelling of food. Why should the ingredients of tobacco products not be disclosed? Cigarettes, after all, are unique nicotine delivery devices that contain numerous chemicals, emit a toxic chemical cocktail of smoke, many of which are known carcinogens. It is possible for manufactures to abide to standards related to the production of tobacco products.

4. Set safety standards so that cigarettes are less likely to start fires;

Far too often to members of the general public, like myself, see smokers tossing their cigarette butts out of their car windows. Just ask "Working on Fire" about the resources needed to deal with fires. There have been many reported cases of fires being started by this neglectful behaviour with one unfortunate incident that led to the death of a tourist. Technological advances exist that make lit cigarettes self-extinguishing items when not being consumed after a period of time. These standards will eventually result in making cigarettes less likely to start fires.

There is nothing unusual or out of the ordinary with this Bill. It is in line with international legislative changes as it will result in the convergence of South African laws with the WHO Framework Convention on Tobacco Control ([http://www.who.int/tobacco/fctc/text/en/fctc\\_en.pdf](http://www.who.int/tobacco/fctc/text/en/fctc_en.pdf)).

I believe that positive results, as a consequence of our public health / tobacco control policies, are evident when we look at the two national school-based surveys conducted in 1999 and 2002. The Global Youth Tobacco Survey (GYTS) was conducted by the Medical Research Council where I was employed as the project director. (Refer to:

<http://www.mrc.ac.za/healthpromotion/GYTS2002part1.pdf> and <http://www.mrc.ac.za/healthpromotion/GYTS2002part2.pdf>)

The response rates for the two surveys were as follows:

#### **1999**

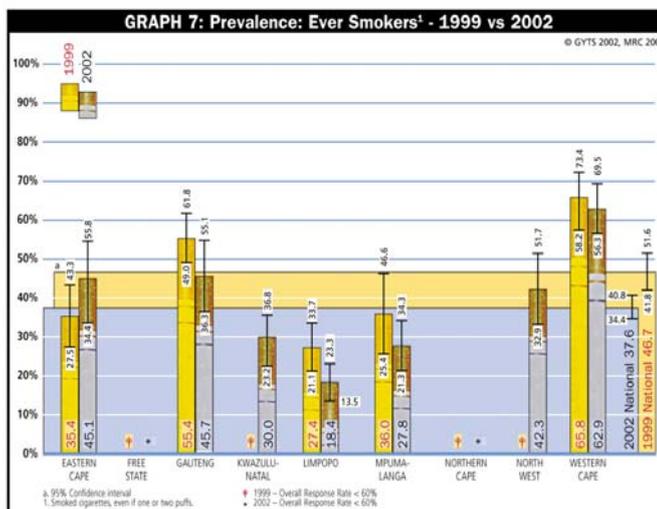
- 123 / 160 schools participated (76.9%)
- 6045 / 7074 learners participated (85.5%)

- Overall response rate: 65.7%

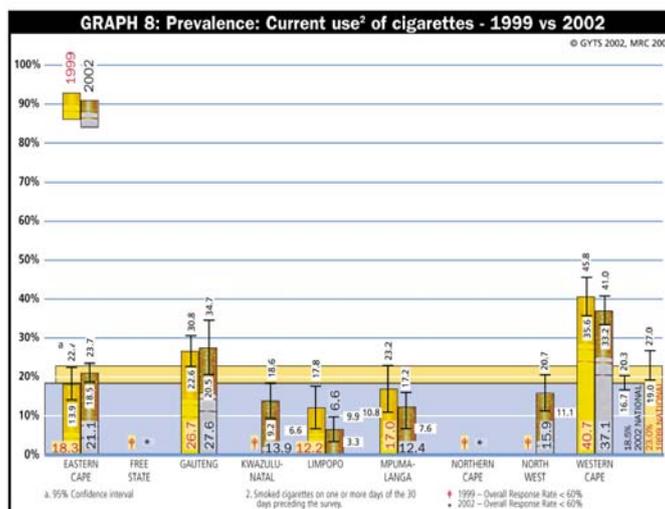
2002

- 191 / 206 schools participated (92.7%)
- 8935 / 13114 learners participated (68.1%)
- Overall response rate: 63.2%

It must be noted that the 1999 GYTS was conducted before the 1<sup>st</sup> amendment act and its regulations were implemented. The following graph shows that there was a significant decrease in the number of learners who smoked cigarettes (even one or two puffs) from 1999 (46.7%) to 2002 (37.6%)

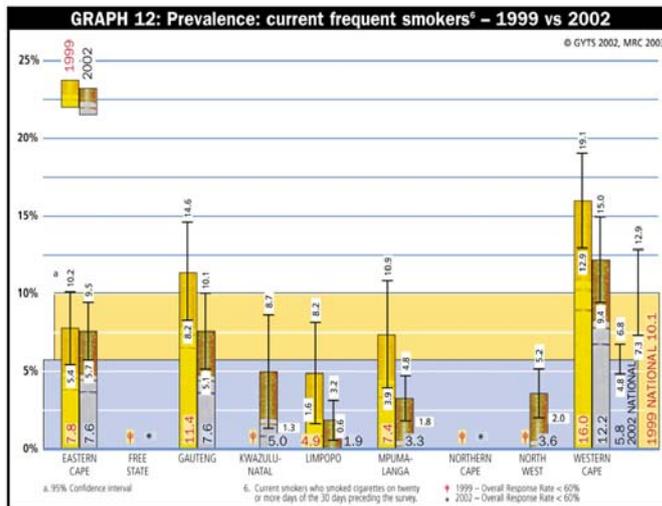


The next graph clearly shows that the prevalence of current use of cigarettes decreased from 23% in 1999 to 18.5% in 2002. Current use of cigarettes is defined as having smoked cigarettes on one or more days of the 30 days preceding the survey.



The next graph shows that there was a significant decrease in the number of current frequent smokers (“heavy smokers”) from 10.1% to 5.8%. “Current frequent

smokers” is defined as current smokers who smoked on 20 or more days of the 30 days preceding the survey.



Other results from these school-based surveys include the following:

- A significant decrease in the number of tobacco advertisements seen:
  - in papers and magazines
  - on billboards
- Young people possess items with cigarette logos on them
- A decrease in exposure to cigarette smoke from others
- An increase in current smokers expressing support for banning smoking in public places
- Many current smokers want to stop smoking & many have tried to stop smoking
- Learners remain unaware about the harmful effects of cigarette smoke from others

Nationally, tobacco control interventions have had a positive effect on young learners in South Africa. Let us continue to improve upon our public health legislative mechanisms so as to improve the health of our nation.

I will end with the following:

Constitution of the Republic of South Africa, 1996, Ch2. Section 24

“Everyone has the right to an environment that is not harmful to their health and well-being...”

Thank you once again for this opportunity.