

Court spares small Dutch cafe over smoking ban

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A Dutch court on Friday rejected a bid by prosecutors to punish a small cafe for defying the smoking ban, arguing it was too small to be subject to the country's tough restrictions.

The Victoria cafe, in Breda, near the Belgian border, escaped prosecution demands for a 1,200-euro (1,600-dollar) fine and closure for a month, after the [court](#) decided the prosecution was unjustified.

The cafe, run by its owner with no other employees, and others like it were suffering disproportionately from the [smoking ban](#), which came into effect in July 2008.

Several thousand small bars and cafes in the Netherlands united in late 2008 to flaunt the smoking ban and create a joint legal defense fund, arguing that they lacked the floorspace and money to erect separate smoking-only areas.

In its ruling, the court said it was likely that smokers would go to the bigger cafes that could afford separate smoking areas, which could lead to a big drop income for the smaller venues.

Prosecutors said they intend to appeal the acquittal.

Sixty-two percent of Dutch cafes saw a drop in business in October and November 2008, compared with a year earlier, on account of the smoking ban, according to a study by the Dutch health ministry.

In February, the owners of a cafe with no employees in the northern Dutch town of Groningen was fined 1,200 euros in the first-ever trial involving the smoking ban in the Netherlands.

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