S.Africa looks to toughen anti-smoking laws

June 24 2012, by Susan Njanji

Health authorities are working at tightening South Africa's anti-smoking laws, proposing a total ban on indoor smoking and even making it illegal to puff away in open spaces such as beaches.

Stadiums, zoos, parks, outdoor eateries and beer gardens would all be affected. At beaches, smoking would only be allowed at least 50 metres from the closest person.

But before introducing any new law, the health ministry will throw open the proposals to the public in discussions next week.

It is the second time in five years that South Africa has tried to amend its legislation to make it even harder for smokers to indulge in their habit.

Even before the regulations are debated and final decisions made however, many smokers are fuming, labelling the plans as "extreme", "shameless" and an intrusion on people's rights.

"It's a kind of hysteria, a kind of peculiar semi-religious fundamentalist puritanism," said Leon Louw, director of the Free Market Foundation, a think tank pushing for an open society free of regulations.

"It's a kind of vicious assault on other peoples' choices and lifestyles."

If the regulations went through they could constitute a breach of freedom and even result in job losses, the foundation suggests.

"The anti-tobacco fanatics... the nicotine nazis or nico-nazis obviously will not stop until it's full prohibition," he added.

In 2007, lawmakers approved a litany of changes that sought to close loopholes in the Tobacco Products Control Act of 1993.

On Wednesday, the Supreme Court of Appeal upheld that law's blanket ban on tobacco ads.

It rejected a lawsuit brought by British American Tobacco SA, which had argued that the restrictions infringed on the company's free speech rights.

Buoyed by that case, anti-smoking lobbyists are rejoicing at the latest stringent proposals.

"It goes the next step to protect health and we think it will work practically," said Peter Ucko, director of the National Council Against Smoking.

Pro-smoking lobbyists argue that enforcing such a broad ban would be impossible, but Ucko insisted the laws will work.

Since the 2007 regulations, "no one smokes in shopping malls anymore," he said.

Hoteliers appear unfazed by the pending changes.

"There may be certain discomfort for restaurants and pubs, but for the hotels, I don't think there will be an impact from the revenue point of view," said Eddie Khosa of the Federated Hospitality Association of Southern Africa. If the changes are adopted, South Africa would become the first African country to go smoke-free.

There were some 7.7 million adult tobacco users in South Africa last year, lighting up an estimated 27 billion cigarettes, according to the Tobacco Institute of Southern Africa.

But these numbers are 30-percent down on those from 10 years ago.

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