

# The lone 'sheriff' of the ashtray of Europe

April 18 2013, by Simon Sturdee

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Cancer sufferer Dietmar Erlacher's lonely anti-smoking campaign in Austria, one of Europe's last bastions of the habit, has won him insults, enemies and even several assaults.

But despite this, and even though his band of marshalls has shrunk, the "[Smoking Sheriff](#)", as the press calls the retiree, is not about to hang up his badge.

"Addicts are not happy when their drugs are taken away from them," the 63-year-old, who has never smoked, told AFP. "I am not expecting anyone to thank me, not smokers and not the media."

Following him around on one of his patrols in Vienna, Austria seems stuck in a nicotine time warp, with some of the laxest regulations in the EU—which some venues don't even adhere to.

According to Eurobarometer, 33 percent of Austrians smoke, one of the highest rates in the EU and well above France (28 percent), Britain (27 percent) and Germany (26 percent).

Rates of [lung cancer](#) among women are growing, and will hit "dramatic levels" if the number of girls smoking continues to buck the European trend by rising, said Manfred Neuberger, professor at Vienna's Medical University and a member of the Austrian Council on Smoking and Health.

Even in the restaurant on the ground floor of Austria's health ministry,

patrons can puff away—in a separate room.

Under Austrian law, this room must be less than half the size of the whole venue, it cannot be not the "main room" and the smoke cannot drift into the non-smoking area.

Exceptions abound. Venues under 50 square metres (540 square feet) can allow smoking, as can those up to 80 square metres if a separate room is impracticable.

The result is confusion. Many establishments either manage to get around the ban, or simply flout the rules. Erlacher calls his country the "ashtray of Europe".

A 2011 Vienna Medical Association investigation found 61 percent of venues in breach, with either the areas not separated or properly marked, the smoking area larger—or just a free-for-all.

[Air samples](#) taken for the probe found that even when the smoking area is separated, this does little to stop smoke, with its deadly cocktail of carcinogenic chemicals, wafting wherever it pleases.

Try cycling on the pavement, jaywalking or not cleaning up after your dog, and the Austrian authorities will soon be on your case.

But another of the flaws of the Alpine nation's anti-smoking legislation is that according to Erlacher no one checks—not the police, not health and safety inspectors—that venues are sticking to the rules.

This leaves it to up to members of the public such as Dietmar Erlacher to act. He and his organisation have filed 18,000 official complaints since the law came into force in 2009, despite it being an onerous process.

Someone doing so has to give their name and address, meaning that the proprietor of an offending location can find out who complained, and then bar them from their premises—or worse.

"I am barred for example from the Donauzentrum, Vienna's biggest shopping mall," Erlacher said. He has been beaten up a number of times, and comments on the Internet liken him to a Nazi informer.

In a further twist, data protection laws mean that someone making a complaint is even unable to discover whether the owner has had to pay a fine.

Franz Pietsch, a senior [health ministry](#) official, conceded to AFP that "in some areas there are some problems" implementing the law, but he said that fines have been levied and even licences revoked, and that checks do take place.

Owners also fear a drop in business.

"My venue is only 35 square metres so I can allow smoking," the owner of a smoky Greek restaurant in central Vienna told AFP. "I don't like the smoke but if I made the whole place non-smoking no one would come."

Josef Bitzinger from Vienna Chamber of Commerce says that matters have improved considerably since the 2011 study, and that the number of complaints has fallen sharply.

"There is no need to change anything," he told AFP. "There are practically no more complaints ... I think that the solution we have in Austria really isn't bad."

"Smokers have become very considerate people."

But Erlacher says the reason the number of complaints has fallen is because many like-minded "sheriffs" have simply given up hope. And the fact that the places he complains about continue to break the law shows that the authorities don't care.

"Obviously, hardly anyone does end up paying a fine," he said. "In Salzburg the grand total is one letter by registered post."

Those who light up are also breaking the law, although Erlacher usually refrains from filing complaints against individuals.

Exceptions include public figures like the cigar-chomping former California governor Arnold Schwarzenegger (an Austrian) and a minister who lit up at a ball raising money for cancer sufferers.

Another was a Vienna city councillor—responsible for sport and youth, of all things—who reached for a tab at the opening of a swimming pool.

"We don't want to play at being smoking sheriffs any more. We want the authorities to enforce the law," Erlacher said.

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