



TOBACCO — GOVERNMENT GOES FOR THE JUGULAR

The government will 'consider' appropriate amendments to further anti-tobacco legislation after a flood of objections from tobacco retailers and producers to a clause banning them from making financial contributions to any worthy projects.

However Ms Zanele Mthembu, Director of Health Promotions in the national department of health warned that the drafters of the bill, which will probably be ready for tabling in parliament late this year, viewed sponsorship as 'just another business tool'.



Polluted philanthropy?

The wide-ranging clause has left retail giants such as Pick 'n Pay and Shoprite-Checkers scratching their heads at being swept up in the anti-tobacco legal net while sources in the health department were divided on whether it was intentional.

Pick 'n Pay deputy chairman Dave Robins told the *SAMJ* his group will fight any moves that directly affect their wide-ranging corporate social investments while petrol companies such as BP, Caltex and Shell have also expressed alarm.

At stake — simply because companies include tobacco among the products they sell — are tens of millions of rands donated annually to initiate or maintain scores of social transformation and upliftment projects.

One well-placed source in the health department admitted that the drafting of the clause had 'possibly been too wide' when it came to retailers, but added that tobacco company sponsorships 'gloss over the fact that their products are actually harmful'.

'It's almost like accepting blood money, taking money (made) from a product that makes people sick, to help others,' she explained.

Mthembu said national and international health organisations had called for a total ban on tobacco advertising, promotion and sponsorship, adding that in 'unguarded moments' the industry had provided 'more honest testimony' about their sponsorship intentions.

Simon Millson, corporate and regulatory affairs director at British American Tobacco South Africa (BATSA) told the *SAMJ* that manufacturers were motivated by 'a genuine desire to make a difference in our communities and the country in which we operate'. Mthembu scoffed at this.

She quoted Cynthia van Maerestetten, vice president of corporate affairs for Rothmans in 1987 as saying sponsorship was 'part and parcel of the marketing of your product', and adding, 'it is one of a range of tools. No one hands over big cheques just to give themselves a warm fuzzy feeling'.

Two years later an RJ Reynolds spokesman had admitted publicly, 'we're not in the sports business. We use sports as an avenue for advertising our products'.

Mthembu said that in 1989, Anton Rupert had threatened to withdraw his

company's support for the Cape Town Symphony Orchestra because the city's Medical Officer of Health had wanted to regulate smoking in restaurants. That same year, the US Surgeon General had said that indirect mechanisms for increasing tobacco consumption included discouraging full and open public discussion of the hazards of smoking by creating media dependence on advertising revenues.

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Other 'tools' included muting opposition to controls on tobacco by creating a dependence of organisations upon receiving sponsorship from tobacco companies. Advertising, sponsorship and other methods helped create an environment in which tobacco use was seen as 'familiar and acceptable' and health warnings were undermined.

'We are very mindful of these statements', said Mthembu.

The government's intention was to reduce mortality and morbidity caused by tobacco. The aim of the draft clause was to 'further close loopholes' in the 1999 Tobacco Products Control Amendment Act.

Asked whether the intention behind the disputed clause was to force local tobacco companies to diversify (and retailers not to sell tobacco), Mthembu said the Department of Health's job was to protect public health, not to 'encourage or discourage' industrial diversification.

SAMJ health department sources said the drafters of the controversial clause 'want to discourage any PR or legitimacy'. When tobacco companies said they provided sponsorships without seeking any publicity there was



nothing to stop them revealing this at any time it suited them.

The Tobacco Institute of South Africa (TISA), claims that provisions in the bill requiring tobacco to go 'under the table or behind closed doors', will explode a burgeoning illegal tobacco market and cost the government over R466 million in annual excise revenue.

Government raises more than R6 billion in excise and VAT annually from cigarette sales to an estimated five million adults.

One SAMJ health department source asked, 'if it's costing us in terms of treating people for using these products, then is it (sponsorship, job creation, tax revenues, sales) really such a boon to the economy?'

Mthembu said there was flimsy evidence to support TISA's claims that the bill would encourage counterfeit selling and 'associated criminal activities'.

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'Many motorists buy counterfeit motorcar spare parts, despite the fact that legal parts may be advertised and publicly displayed — the issue is more complex than suggested.'

She said mass displays of cigarette cartons within retail stores were being used to 'create billboards'.

The draft law sought to prohibit product stacking and the use of packaging as a means of getting around the existing advertising ban.

It also:

- introduces prominent picture-based warnings on tobacco packages that Canadian research has shown are effective in reducing smoking
- removes misleading descriptions like 'light' and 'mild' which create the impression that smokers can reduce the health risk from smoking by switching to lower-tar brands — a study published in the *British Medical Journal* in January found that lower-tar smokers did not have a lower risk of lung cancer than medium-tar cigarette smokers
- controls the ingredients in, and emissions from, cigarettes — up to 600 chemicals may be added to a cigarette during manufacture, none of whose safety when burnt has been established.

Mthembu said the Tobacco Products Control Amendment Bill (2004) would bring South Africa in line with WHO recommendations and the world's first public health treaty — the Framework Convention on Tobacco Control.

It was in the interest of public health that the Bill became law 'as soon as possible'.

Cabinet would decide when it was tabled in parliament after the bill had been through the Health Portfolio Committee. With budgets and elections pending, this is most likely to happen in the latter half of the year.

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Mthembu said the Medical Research Council (MRC) had reported a 'high reliance' by sections of the media on tobacco advertising. This made them vulnerable to financial pressures to 'suppress information that might hurt tobacco sales'.

A review of South African magazines before the advertising ban revealed that the more a magazine depended on cigarette advertising revenues, the less likely it was to publish articles about smoking and health.

Chris Bateman