Business as usual for smoke-free places

Nearly two years after Ireland became one of the first countries to strictly enforce a comprehensive ban on smoking in indoor public places, including bars, cafes and restaurants, more countries are taking tough — and not-so-tough — action against passive smoking.

A few weeks before the ban came into force in Ireland, Dublin banker Jimmy Fogarty asked the barman at his local pub: "What are you going to do when the ban comes in?" "Breathe," the barman replied.

The ban has since been embraced — albeit reluctantly — by Ireland's hospitality industry, though wholeheartedly by staff working in the sector. However, some studies have shown to be unfounded industry representatives' fears that business would dip.

A study partially funded by Ireland's Office of Tobacco Control (OTC) that was published in the *Irish Journal of Medical Science* in July reported that the number of customers in 38 Dublin public houses had increased by 11% since the ban. Predictably, tobacco industry-sponsored studies say otherwise. But for publicans and clients, it's still business as usual.

At Mulligans pub in the centre of Dublin, manager Gary Cusack said that the number of clients dipped during the first three months after the ban, but soon picked up to the usual levels after that: "As for our staff, they're delighted, as the work environment is a lot healthier now."

Mulligans is one of the many pubs that created an outdoor area to keep smokers happy and now welcomes a new clientele: families with children.

The Irish ban, which came into force in March 2004, was not so much to encourage people like Fogarty to give up smoking, but to protect people like his barman, according to Nigel Fox, an OTC spokesman.

According to OTC statistics, there has been a slight reduction in the proportion of the population that smokes since the ban, from 25.5% in March 2004 to 24% in June 2006. An OTC study published in November 2005 showed a decline in exposure to second-hand smoke and a decline in respiratory symptoms in non-smoking bar staff in pubs.

The tough measures were taken after **Ireland** signed up to WHO's Framework Convention on Tobacco Control, the world's first legally binding public health accord, in September 2003. It was not the first to be tough on smoking.

Singapore introduced laws restricting smoking in public places and prohibiting tobacco advertisements in the 1970s. In 1986, the Ministry of Health launched a programme for smoking control, with the motto: "Towards a Nation of Non-Smokers".

Bans have been strictly enforced in two US states: **California** (1998) and **New York** (2003). **New South Wales** in Australia banned smoking in public places in 2000.

But since the treaty's adoption, the number of countries taking tough action has grown fast. As of November 2006, 139 plus the European Union bloc of 25 countries had become parties to the treaty. These countries are required to impose a comprehensive ban on tobacco advertising, promotion and sponsorship within five years. The treaty requires parties to adopt and implement effective legislative and other measures providing for protection from exposure to tobacco smoke in public places.

Failure to comply with the Convention's terms can expose countries and individuals in those countries to potentially costly criminal or civil legal action.

In 2001, **Israel** became one of the first countries to impose a ban on smoking in public places, but enforcement has been weak. This year Israel, as party to the WHO Framework Convention, became one of the first countries to see successful legal action based on the treaty, when a pregnant woman sued a restaurant owner for allowing smoking.

The list of countries with smoking bans in public places is growing. But facing pressure to enact weaker prohibitions, some have imposed only partial bans that allow smoking in limited circumstances in bars, cafes and restaurants.

In the **UK**, a comprehensive ban was finally agreed after a lengthy debate over whether smoking should be allowed in private members' clubs and in pubs that don't serve food, and is being phased in by summer 2007. In **France**, the debate is still raging over whether exceptions should be made to the list of public places.

In **Spain**, a recent law bans smoking in all indoor workplaces since January of 2006 except in the hospitality sector, where it allows bars, cafes and restaurants of less than 100 square metres to choose whether to go smoke-free or not.

There have also been problems with implementing the ban in restaurants, cafes and bars, according to Dr Armando Peruga, the WHO Tobacco-Free Initiative's Acting Coordinator for National Capacity Building. These implementation problems are due to uneven enforcement, as regional governments have wavered between being lax and strict.

Smoking bans are not just the preserve of the wealthy, developed world. Several developing countries are joining the club. **Thailand** has some of the strictest anti-smoking laws in Asia.

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>
> *Gary Cusack, manager of Dublin pub, Mulligans.*

In **Uruguay**, a new law banning smoking in public places was pushed through by the country's president, oncologist Tabaré Vázquez. **Uganda** pushed a ban through too, despite tobacco farming interests in the north-west of the country, and **Rwanda** has also implemented a ban on indoor smoking in public places.

The Himalayan kingdom of **Bhutan** is the only country to date that has banned the sale of tobacco products altogether. However, Peruga said that other countries need to reduce demand by banning smoking in work and public places and making it socially unacceptable, because an all-out ban risks creating a black market for tobacco products.

Wealthy industrialized countries have long campaigned against tobacco

For Ireland's smokeless pubs, it's business as usual.

Sheila Stanley

to protect people's health. To compensate for shrinking markets in affluent countries, the tobacco industry has turned its sights to Asia, eastern Europe, and countries of the former Soviet Union to promote their products and undermine tobacco-control efforts.

The antics of the fictional tobacco industry lobbyist Nick Naylor in the movie *Thank You for Smoking* have been described as tame compared to real life. In reality, the industry has used its wealth to influence politicians to create favourable environments for industry efforts to promote smoking.

The tobacco industry has formed alliances with the hospitality industry, arguing that establishments will lose customers if they do not allow smoking in restaurants, cafes and bars. Tobacco interests have sponsored restaurant owners' associations as front groups to campaign against the ban on smoke-free public places. The industry does this despite the growing body of evidence that smoking is harmful not just to smokers' health, but to secondary smokers as well.

Previously secret British American Tobacco company documents showed that the company considered investing in a £2.25m ($4.2m) action film with a heroine who smoked, for distribution in Europe as part of an aggressive marketing campaign, according to an article published in the *European Journal of Public Health* in May.

The tobacco industry is also trying to penetrate markets in developing countries that, unlike many developed countries, lack strong public health campaigns and anti-smoking measures. In **Uzbekistan**, it successfully lobbied for the replacement of the advertising ban, required for countries that sign up to the treaty, with an industry-led "voluntary practice code". In **Mexico**, tobacco interests obtained immunity from future taxation and maintained a voluntary code of advertising practice in exchange for donations to the public medical insurance fund.

Facing the prospect of falling demand, the tobacco industry has started promoting non-smoked products, such as snuff and chewing tobacco, and promoted the use of ventilator systems as an alternative to smoke-free environments. The latter measure has found favour in **Belgium,** where a partial ban allows smoking in bars and cafes with ventilation and an area for non-smokers.

However, citing a 2004 study by the American Society of Heating and Air Conditioning Engineering, WHO's Peruga said that ventilators need "the force of a hurricane" to reduce the concentration of toxins from tobacco smoke to a safe level because "the scientific consensus is that there is no safe level of exposure to tobacco smoke." ■

Sheila Stanley, *Dublin*

> 66 The scientific consensus is that there is no safe level of exposure to tobacco smoke. 99
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> *Dr Armando Peruga, the WHO Tobacco-Free Initiative's Acting Coordinator for National Capacity Building.*