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SWEDISH MATCH

13 August 2007

Select Committee on Social Services,
Attention: Mr Arico Kotze,
 Box 15,
 Cape Town, 8000

Fax: (021) 403-2808
 Email: akotze@parliament.gov.za

Our Reference: Mr. Johnny Ghosal

Dear Sirs,

**SWEDISH MATCH REPLY TO CALL FOR WRITTEN SUBMISSIONS ON THE
 TOBACCO PRODUCTS CONTROL AMENDMENT BILL [B 24B – 2006]**

- 1 We wish to make submissions about the tobacco product known as Swedish Snus and how it can be useful for tobacco harm reduction. This is relevant to the insertion of section 6A in the Tobacco Products Control Act, No. 83 of 1993, as we will explain below.
- 2 The most important advantage of Swedish Snus is that it is not used by smoking. That means that it does no harm to the consumer by comparison with cigarettes. It is inhaling the smoke produced by burning cigarettes that causes harm to people. Swedish Snus is consumed without any smoking. Instead it is simply placed in the mouth (between gum and lip) and the nicotine is absorbed through the gums. It can therefore be very useful to help people quit smoking. Especially those who try to quit but cannot succeed.
- 3 It is important to understand the following facts about Swedish Snus:
- 3.1 It is a much more intelligent way for the tobacco-consumer to absorb nicotine, without suffering the collateral damage done by smoking cigarettes.
- 3.2 It addresses the fact that many tobacco-addicts wish to quit smoking but are unsuccessful, and revert to smoking after trying and failing to give it up. It is no good insisting that tobacco addicts have only two choices - quit smoking or die. This is typically the approach of anti-smoking lobbyists, but that

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 (*Swedish)

means that many unsuccessful quitters die unnecessarily from tobacco-smoking diseases. Swedish Snus offers smokers a much safer alternative than simply reverting to smoking after trying to quit.

3.3 It is important to let smokers become aware of the better alternative offered by Swedish Snus. It is their constitutional right to have information important to their health. If they want to quit but cannot stop smoking, then they are entitled to know that they have a safer alternative that will be much more beneficial to their health than to simply carry on smoking.

3.4 Only by informing the smoker of the existence of Swedish Snus and the advantages that it offers over smoking, can he or she make an informed choice to use it. If the smoker is denied all knowledge of the advantages of Swedish Snus simply because all tobacco products are hit indiscriminately by the ban on advertising, then he or she is condemned to continue smoking simply because of ignorance about his or her real options. This is unconstitutional and unfair to smokers who want to quit smoking but keep failing to succeed.

3.5 This is the reason why Parliament in its wisdom made the following insertion in the Bill:

Insertion of section 6A in Act 83 of 1993

5. The following section is hereby inserted in the principal Act after section 6:

Exemptions

6A. The Minister may by notice in the *Gazette* exempt any tobacco product from a provision of this Act on such conditions as the Minister may determine in the notice, provided that it is in the public interest for the particular tobacco product to be so exempted."

3.6 It did so in order to give the Minister and the Department of Health the opportunity to study the merits of Swedish Snus, which is a product with a long history in Sweden that is still being researched by many health scientists today (see for example <http://www.tobaccoharmreduction.org>).

3.7 If the Minister is convinced after studying the product that it has merit in terms of helping smokers to quit, then she can exempt it from the prohibition against advertising tobacco products. Naturally she can apply conditions to such exemption in her discretion.

3.8 This will enable manufacturers such as Swedish Match South Africa, to inform smokers of the existence and advantages offered by Swedish Snus compared to cigarettes. In the absence of such exemption however it will not be possible to educate smokers (especially those who cannot successfully quit smoking) about the safer option offered by Swedish Snus, because of the indiscriminate ban on advertising tobacco products, that hits even useful products like Swedish Snus.

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- 3.9 This is why it is important for the Legislature to create the opportunity for the Minister, duly advised by the Department of Health, to exempt certain tobacco products in her discretion. The Minister can be entrusted to exercise her discretion sensibly and wisely in the public interest.
- 4 We urge you to encourage research, understanding and rational debate about Swedish Snus for the reasons explained above. It will not be democratic and in the public interest to suppress Swedish Snus or the publication of information about it without first fully understanding its merits. We request you not to accept arguments that it should be treated the same way as cigarettes just because it is made of tobacco, or that it will be misused to convert non-smokers to nicotine use. Proper investigation will show that there is simply no merit in these arguments.
- 5 We appreciate and thank you for this opportunity.

Yours sincerely,

pp: Mr. Johnny Ghosal,
for: **Swedish Match South Africa (Pty) Ltd**

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