

**EASTERN CAPE PROVINCIAL LEGISLATURE**

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**PORTFOLIO COMMITTEE ON HEALTH**

Negotiating mandate of the Tobacco Products Control Amendment Bill (B7B-2008)

1. ***Terms of reference***

The Tobacco Products Control Amendment Bill (B7B-2008), hereinafter referred to as the Bill, was referred to the joint Portfolio Committees on Health and Social Development by the NCOP Business Committee for consideration.

2. ***Consideration of the Bill***

The joint Portfolio Committees were briefed on the content and effect of the Bill by the Special Delegate Hon HH Malgas and the officials from the Department Health. The joint Portfolio Committees conducted public hearings in all the districts and Metro in the Province of the Eastern Cape from the 11<sup>th</sup> to the 15<sup>th</sup> of August 2008.

3. ***Negotiating mandate***

The joint Committees, after due consideration of the inputs received from public hearings, resolved to support the Bill and to confer the following negotiating mandate:



### 3.1 Clause 1 of the Bill –

#### Definition of 'advertising'

It is proposed that clause 1(c) be amended to read as follows:

(c) excludes commercial communication between a tobacco manufacturer or importer and its trade partners, business partners, employees, [and] share holders and consumers where such communication is restricted to communication with existing individual adult, consenting tobacco users and any communications required by law;

and advertise has a correspondence meaning.

### 3.2 Clause 1 of the Bill –

#### Definition of 'package'

It is proposed that the definition of package as it appears in clause 1 be amended by the deletion of the words "wholesale or" so that the definition will read as follows:

'package' means the container, receptacle or wrapper in which tobacco products are sold, supplied or distributed [wholesale] or at retail.

### 3.3 Clause 3(9) on page 4 of the Bill

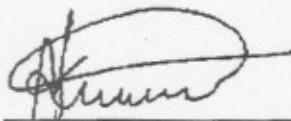
It is proposed that a clause be inserted after clause 3(9)(b) which will give the Minister power to exempt certain retailers or categories of retailers from the provision of section 3(9)(a),(b) and (10) if compliance proves uneconomical for such retailers.

### 3.4 Other proposals

The following further proposals are made:

- That tobacco industry not be allowed to make any charitable donations as this helps to promote the sale and use of tobacco products albeit in an indirect manner.
- That the display of tobacco products at the point of sale be prohibited as this is nothing but advertisement and promotion.

4. The Portfolio Committee further resolved that Hon M Basopu represent the Province of the Eastern Cape in a meeting to consider the negotiating mandate.



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**N. KIVIET:**  
**SPEAKER EASTERN CAPE PROVINCIAL LEGISLATURE**