

MEDIA STATEMENT

TOBACCO PRODUCTS AND ELECTRONIC DELIVERY SYSTEMS CONTROL BILL: DISREGARDS SCIENTIFIC EVIDENCE IN ITS CLASSIFICATION OF VAPING PRODUCTS

Pretoria 6 June 2023: The Vapour Products Association of South Africa (VPASA) has taken note of the briefing to the Portfolio Committee on Health (PCoH) on the Tobacco Products and Electronic Delivery System Bill on 31 May 2023. Coinciding with World No Tobacco Day, the briefing provided Parliament with a first glimpse of newly proposed regulations to control vaping, and to tighten tobacco laws.

While VPASA has been at the forefront of calls for government to introduce regulations around vaping to curb youth usage, we are deeply disappointed by the draft law that has been tabled in Parliament as it fails to account for the major differences between smoking and vaping. To be sure, VPASA encourages sensible and scientifically grounded regulations aimed at curbing youth vaping, whilst keeping channels open for smokers to reach for harm-reduced alternatives to smoking.

Where the Bill intends to control youth vaping and to discourage never smokers from vaping, it will achieve the exact opposite, by keeping smokers smoking through deprivation of access to information about tobacco alternatives. It will also encourage the proliferation of an illicit vape market similar to the catastrophic tobacco illicit market.

VPASA is concerned that government has deliberately ignored its obligation to consult with the constituencies of the National Labour and Economic Development Council, in keeping with the NEDLAC Act No.35 of 1994, as well as government's own commitment made to NEDLAC in June 2022 to table the Bill for consideration prior to introduction in Parliament. The absence of a NEDLAC report outlining NEDLAC engagements is testament to the glaring failure of government to take seriously its duty to consult earnestly with social partners on policy and legislation with a significant impact on labour, business, and communities. We are encouraged by calls from the Portfolio Committee on Health for government to table the Bill for NEDLAC's consideration, as failure to do so is tantamount to government ignoring its statutory duties.

VPASA reiterates that the current Bill is not supported by credible science. There is overwhelming, non-industry evidence that vaping is a less harmful alternative to smoking. We are hopeful that Parliament will interrogate the science of vaping thoroughly, relying on more than just the views of the Department of Health and the Anti-tobacco lobby, which have made clear their disdain for scientific conclusions not in keeping with their ideological positions.

We also encourage our Parliament to closely study the example of Sweden and the United Kingdom, both of which have made massive strides in their fight against smoking, with Sweden being the first country in the world to achieve the elusive goal of 5% smoking rates and having the lowest incidence of smoking-induced diseases.