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Media Statement

BATSA hopeful of swift end to failed tobacco ban

British American Tobacco South Africa (BATSA) vows to continue to fight the tax-evading illicit cigarette trade and win back the consumers' right to purchase legal tobacco products of their choice.

BATSA's application to set aside the ban on the sale of tobacco products was heard in the Western Cape High Court this week and judgment has been reserved.

"We look forward to a swift end to this excessive, unconstitutional and unworkable prohibition, which is impoverishing decent citizens, enriching criminals and destroying jobs and livelihoods," said BATSA Head of External Affairs Johnny Moloto.

BATSA and nine other parties, including the South Africa Tobacco Transformation Alliance, Limpopo Tobacco Processors, Japan Tobacco International, consumers and retail outlet owners, were forced to approach the courts for relief after numerous attempts to engage the government on the reasons for the ban and possible alternatives were rebuffed.

BATSA has demonstrated that the Government's ban is not justified in either law or science, and would result in freeing up only 16 ICU beds -- less than 0.5% of a national total of more than 3,300 -- based on the government's own "best case" scenario figures. Meanwhile the ban, which has been in force for 132 days, has cost more than R4.5 billion in lost excise tax revenue, put 300,000 jobs at risk and forced smokers to buy unregulated products from the underground market at exorbitant prices.

The latest research by experts at the University of Cape Town (UCT) found that 93% of smokers are still able to buy illegal cigarettes despite the ban. Consumers are having to pay prices on average more than three times higher than before lockdown, generating huge profits for syndicates from organised crime, who become deeper entrenched by the day.

Even more concerning, the UCT research shows that high prices have led to five times as many smokers now regularly sharing single cigarettes, thereby helping to spread the virus and defeating the stated objective of the ban.

“This has been a long and extremely frustrating battle for all of us and we’d like to express our appreciation for the overwhelming support we’ve received from our consumers – some of whom were with us in court this week,” Moloto said.

“We believe consumers have the right to access the brands of their choice, and that businesses and individuals have a right to earn an honest living. This is why we have taken the legal route, after it became clear we had exhausted every other avenue.

“We look forward to the day when the ban is lifted and consumers are free to buy legal products at normal market prices.”

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