

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
TOBACCO PRODUCTS
CONTROL AMENDMENT BILL**

[B 7—2008]

*(As agreed to by the Portfolio Committee on Health
(National Assembly))*

[B 7A—2008]

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AMENDMENTS AGREED TO

TOBACCO PRODUCTS CONTROL AMENDMENT BILL
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CLAUSE 1

1. On page 2, from line 8, to omit the definition of “advertisement” and to substitute:
 - “ **‘advertisement’** in relation to a tobacco product—
 - (a) means any commercial communication or action brought to the attention of any member of the public in any manner with the aim, effect or likely effect of—
 - (i) promoting the sale or use of any tobacco product, tobacco product brand element or tobacco manufacture’s name in relation to a tobacco product; or
 - (ii) being regarded as a recommendation of a tobacco product;
 - (b) includes product placement; and
 - (c) excludes commercial communication between a tobacco manufacture or importer and its trade partners, business partners, employees and share holders and any communications required by law;
 and “advertise” has a correspondence meaning.”.
2. On page 3, from line 6, after “product” to insert “designed to promote tobacco use”; and
3. On page 3 in line 22, to omit the words “or is likely”.

Clause 2

1. On page 3, in line 54, after “(1)” to insert “(a)”,
2. On page 4, after line 4, to add the following paragraph:

“(b) A commercial communication between a tobacco manufacturer or importer and its trade partners, business partners, employees and share holders, must contain no other information except for factual information about the tobacco product, its characteristics, its availability or price, pictures of the tobacco products, the component parts and their packaging.”.
3. On page 4, from line 20, to omit the words “A manufacturer or importer of a tobacco product shall not make any charitable financial contribution or sponsorship unless such contribution or sponsorship is made anonymously” and to substitute:

“A manufacturer or importer of a tobacco product may make a charitable financial contribution or sponsorship, provided that such contribution or sponsorship is not for the purpose of advertisement.”;
and
4. On page 4, from line 43, to delete subsection (7).

Clause 4

1. On page 5, in line 36, after “(5)” to insert “(a)”; and
2. On page 5, after line 38, to add the following paragraph:

“(b) The prohibition contained in paragraph (a) does not apply to any commercial communication between a tobacco manufacturer or importer and its trade partners, business partners, employees and share holders.”.

Clause 7

1. On page 6, in line 50, to omit “subparagraph (iii)” and to substitute:

“(iii) other health-related messages such as advice on how to stop smoking”, and

2. On page 7, from line 4, to omit paragraph (bB).

Clause 8

1. On page 7, in line 21, to omit “3(7)”; and
2. On page 7 in line 26 omit “4(4)”.

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