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**Victory against the tobacco industry in South Africa during the COVID – 19 pandemic: A source of inspiration for WHO Afro parties to uphold public health**

**Statement of Leonce SESSOU, Executive Secretary, African Tobacco Control Alliance (ATCA)**

Lomé 30 June, 2020

"The fact that a substance is addictive does not render it essential." This is a unanimous conclusion by Judges Mlambo, Molefe and Basson on Friday 26 June 2020 while passing their judgment on the case between [Fair Trade Independent Tobacco Association's \(FITA\)](#) and the Government of South Africa regarding the ban on sale of cigarettes, e- cigarettes and other tobacco products ban during the COVID-19 lockdown. The decision of the North Gauteng High Court to dismiss the case is in line with efforts of the tobacco control community to ensure the health and wellbeing of the population. The WHO and several other global public health institutions have established that [smokers are predisposed to more severe COVID-19 complications](#). It is disheartening to know that while the South African government did its very best to protect citizens by temporarily halting the sale of tobacco products during this period of lockdown, the tobacco industry, true to its tradition of only caring about its commercial interest, fought back with court cases.

FITA describes itself as "an independent non-profit company formed by Southern African cigarette manufacturers demanding a fair trading environment – free of competitor harassment and unfair competition." It challenged the decision of the government criticising the promulgation of regulations which outlaw the sale of cigarettes and other tobacco products, claiming the health hazards associated with tobacco use or smoking were misguided.

It is soothing to know, however, that the South African government did not let itself be distracted by the pressure from FITA.

The African Tobacco Control Alliance (ATCA) commends the South African judiciary, and especially the Gauteng High Court for taking a responsible decision which contributes to limit the impact of COVID-19, save lives and the health system. The alliance is glad that the court understood the exact motives behind the government's decision, and behind tobacco industry actions. ATCA also congratulates the South African government for its resilience following several court cases brought against it for taking actions to protect South African citizens and appreciates Civil Society partners and all other stakeholders who stood by the government during this trying moment. This is indeed an example worth emulating.

Once again, FITA attempted a well-known tobacco industry tactic, saying that they were not consulted prior to the decision to ban the sale of cigarettes and other tobacco products. The industry is known to use this claim to advance their selfish objectives at the expense of the health of nations.

As the tobacco control community awaits the hearing of a [second case](#) involving British American Tobacco and other tobacco entities against the South African government, ATCA exhorts the courts to continue to put public health ahead of tobacco industry interest. Indeed, as Judge President Dunstan Mlambo highlighted in the FITA case, cigarettes cannot not be deemed essential goods, because they do not, "by their nature, fall into the same category as goods which are life-sustaining or necessary for basic functionality."

ATCA expresses its support to the temporary ban on the sale of tobacco products as part of efforts to stem COVID-19 in South Africa. The situation presents an ideal atmosphere for quitting smoking and vaping; an opportunity which ATCA encourages smokers or vapers who are trying to quit, not to miss.

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*ATCA is a non-profit, non-political Pan-African network of civil society organizations headquartered in Lome, Togo. With membership in 39 countries, ATCA is dedicated to promoting public health and preventing the tobacco epidemic in the continent.*