



29 October 2025

Consolidated Matrix of Public Submissions on the Tobacco Products and Electronic Delivery Systems Control Bill [B33–2022]

Clause / Theme	Summary of Input	Recommendations / Proposals	Committee Considerations
Preamble	• Submissions diverged sharply, reflecting fundamentally different perspectives among stakeholders on the objectives and implications of the Bill. • Some stakeholders strongly support the Bill as necessary for public health protection, while others questioned the Bill's feasibility and potential social and economic effects. • Stakeholders raised concerns about procedural fairness in the NEDLAC process, citing unilateral additions to the final report and lack of transparency. • While others supported the Bill's development process, noting its evidence-based approach and alignment with international tobacco control standards.	• Retain harm reduction debate but ensure regulation remains strict to protect youth and non-smokers. • Ensure proper stakeholder consultation and economic assessment before adoption. • Include clear distinction between smoking and vaping. • Define verification methods and establish transparent monitoring systems.	• Committee to note procedural concerns and ensure future legislative consultations adhere to principles of good faith and inclusivity.



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	- Urged Parliament to adopt the Bill to strengthen public health protections and meet international commitments. - Multiple stakeholders argued that the Bill conflates smoking and vaping despite scientific distinctions between combustion and vapourisation. This conflation undermines harm-reduction and risks overregulation. Others supported uniform treatment to close regulatory loopholes. - Recognise ENDS/ENNDS, heated tobacco, and oral nicotine pouches as harm reduction tools under separate regulation.		
Clause 1: Definitions	“Component Definition improperly includes rolling papers, filters, and tubes, which are accessory products not containing tobacco. This creates regulatory overreach and conflicts with WTO-TRIPS obligations. “Ingredients” definition is confusing.	Redraft the “ingredients” definition to remove repetition.	Align definitions with legal standards and scientific distinctions.



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	“Nicotine” - Wrongly described as a <i>toxic</i> substance, while others maintained it is addictive but not toxic. “Promote” - Definition is overly broad, potentially restricting any positive discussion of harm-reduction products by academics, health professionals, or consumers. This may infringe on free speech and shield cigarette companies from liability. “Relevant product” - Treats all tobacco and smoke-free products alike, ignoring vast differences in risk, which undermines harm-reduction strategies. “Smoke” - Misclassifies aerosol inhalation from smoke-free products as “smoking,” blurring critical distinctions between high-risk combustible products and lower-risk alternatives.	“nicotine” to reflect that it is addictive but not carcinogenic. - Promote” - narrow the definition to apply only to commercial marketing or advertising, excluding academic, policy, or consumer discussions. “Relevant product” - Differentiate between products based on risk profile (combustible vs. non-combustible), rather than grouping all tobacco and smoke-free products together. - Restrict the definition of “smoke” to combustion products only. - Exclude aerosol from ENDS, ENNDS, and heated tobacco products, to preserve the critical	



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	“Tobacco product and tobacco device” • Fails to distinguish between combustible and non-combustible products, leading to undifferentiated regulation that may not reflect relative health risks. Define “related product”. Distinguish “vaping” from “smoking”. Include definitions for “aerosol”, “vapour”, and “use” – to reflect technical distinctions. Introduce a definition for “brand name” to ensure legal clarity.	public health distinction between high- and low-risk products. • “Tobacco Product and tobacco device” - Redefine to differentiate combustible vs. non-combustible products rather than tobacco vs. non-tobacco or traditional vs. novel products. • “Tobacco products” should include e-cigarettes.	



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	Remove outdated terms like “distinguishing guise” Replace “trademark” with “trade mark” to align with the Trade Marks Act. Requests clarification on the use of “symbol” and its origin in advertising law. Retain separate definitions for “advertisement,” “promotion,” “product placement,” “brand stretching” and “brand sharing” as per existing legal frameworks. Suggests grammatical corrections to definitions (e.g., “rolling papers,” “nicotine-containing”). Define “public place” and “prescribed distance” clearly.		
Clause 2: Regulation of Smoking /	Strong support for 100% smoke-free indoor and certain outdoor areas to protect non-smokers and vulnerable groups from second-	Specify measurable distances (e.g., 5m from entrances).	Committee to ensure alignment with public health imperatives while maintaining



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Prohibition in Certain Areas	hand smoke, citing its link to cancers, heart disease and stroke. - Others had reservations about enforcement feasibility, especially in informal and hospitality sectors. - Stakeholders cited impracticality of enforcing “prescribed distance” and harmful to small businesses. - Some submissions also objected to prohibitions on smoking in private dwellings used as workplaces, citing privacy and property rights. - Cautioned of enforcement challenges in informal settings. - Overly restrictive measures could hinder smoking cessation, especially among disadvantaged groups, and infringe on property rights. - Argued aerosol exposure from vaping is minimal and should not be treated as smoke.	- Maintain smoke-free intent but allow regulated, ventilated indoor smoking areas for adult use. - Amend private dwelling rules to apply only when others are present. - Reserve legislated bans for high-risk settings such as public transport, schools and healthcare facilities. - A balanced approach would allow property owners or managers to set vaping policies, supported by clear signage. - Maintain protection of non-smokers but review practicality in township contexts.	enforceable and practical provisions. - Assess proportional enforcement mechanisms. - Consider urban realities and private property rights.



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	Others emphasised that blanket bans stigmatise harm reduction and reduce smokers' incentive to switch.		
Clause 3: Advertising, promotion, sponsorship and distribution	- While many submissions supported a comprehensive ban on advertising as key to preventing youth uptake, some opposed a total ban and suggested adult consumer information under regulated conditions. - Concerns were raised that identical regulation of tobacco and vapour products undermines harm-reduction potential. - Others argued it infringes on freedom of trade and expression. - Claus 3(1): Vague and uses potentially unconstitutional language regarding "cross-border" advertising. - Clause 3(4)(b) and 3(4)(c) are vague and may have unintended retrospective effects on existing trademarks and brand elements. - Clause seen as harmful to small retailers, hospitality venues, and consumer choice.	- Retain advertising ban but permit factual product information at licensed points of sale. - Differentiate between tobacco and vapour products in advertising rules. - Clause 3(4)(c): Move definitions of "brand stretching" and "brand sharing" to Definitions for better readability.	The Committee may assess international models that balance health protection with freedom of commercial communication.



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	• Bans on advertising smoke-free products unintentionally protect incumbent cigarette companies and limit market entry for innovative, lower-risk alternatives. • Stakeholders warned that it will criminalise legal marketing, block adult consumer information, and harm hospitality and retail sectors. • Opposes the ban on displaying tobacco products, especially for informal traders who lack formal infrastructure. • Argues that removing products from shelves does not reduce demand and may increase it, similar to prohibited substances. • Questions the assumption that visibility drives consumption; data suggests otherwise. • Cautioned that total display bans at airports would harm tourism and international competitiveness.	• Maintain comprehensive bans on advertising, promotion, and sponsorship for combustible tobacco products. • Allow risk-proportionate advertising controls for smoke-free and lower-risk alternatives. • Retain restrictions on advertising to minors but allow limited factual communication and educational campaigns for adult consumers. • Encourage messaging highlights smoking cessation and harm reduction, while ensuring public health safeguards against youth uptake. • Prohibit vending machines in all public spaces; enforce penalties for non-compliance.	



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	Widespread support for total ban of vending machines; vending machines near schools identified as a major access point.	- Ensure definitions of “hospitality” and “retailer” are clear and consistent. - Proposed regulated advertising codes for harm-reduction products rather than blanket bans. - Exempt duty-free outlets and vaping stores from full display bans. - Recognise the Advertising Regulatory Board’s self-regulatory role.	
Clause 4: Standardised Packaging and Labelling	- Several submissions raised concerns about the impact of standardised packaging, particularly around enforcement and trade. However, there was broad support for measures strengthening youth protection and improving public awareness. - Endorsed plain packaging as necessary to reduce product appeal and deter youth initiation.	- Uphold advertising ban consistent with FCTC Article 13. - Conduct a detailed impact and legal assessment before implementation. - Apply plain packaging only to combustible tobacco products. - Permit distinct labelling for reduced-risk or vapour products. Conduct an	Consider economic impact and illicit trade risks.



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	• Other stakeholders argued deprives companies of property rights, violates rights to trade and expression, and distorts competition. • Consumers will opt for cheaper products, encouraging manufacturers to source from less reputable suppliers. • Argued that it will facilitate counterfeiting, fuel illicit trade, and destroy brand value and employment. • Extending plain packaging to all products disregards variations in health risk and limits the ability to convey accurate risk information to consumers. • Concerns also noted over its constitutionality and limited proven impact.	updated socio-economic impact assessment. • Allow brand names in standard fonts.	



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Clause 5 & 6: Packaging and Labelling of ENDS/ENNDS and other products	- Stakeholders supported proportional safety labelling for vaping devices and liquids. - Supporters said visibility drives consumption, especially among youth. - Concerns that marketing of vaping products promotes early substance use among children. - Current approach omits helpful information guiding consumers toward safer products. - May harm legal manufacturers, reduce brand competition, and fuel illicit trade. - Small retailers complained it will limit customer convenience and exclude low-income smokers.	- Limit ministerial discretion through procedural safeguards and require prior public consultation and parliamentary scrutiny for all regulations. - Implement standardised packaging with clear multilingual warnings. - Introduce trace-and-track technology to prevent counterfeit products. - Enforce display bans but provide retailer education and transitional support. - Require opaque storage behind counters. - Avoid identical warnings for all product types.	Committee to verify regulatory proportionality and ensure differentiation is supported by scientific justification.
Clause 7: Health Warnings	Broad support for clear, visible health warnings and inserts with pictorial content on all tobacco products.	Empower Minister to regulate warning size and form to reflect true relative risk.	Committee may examine scientific evidence to ensure warnings are both



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	- Warnings should be proportionate to product risk and consistent with existing chemical hazard standards. - Some stakeholders warned that applying identical warnings to reduced-risk products could mislead consumers and deter harm-reduction transitions. - Some noted practical challenges for small products (e.g., rolling papers, filters) with limited surface area. - Some submissions also questioned the feasibility of multilingual warnings. - Environmental concerns about printing waste were also raised.	- Distinguish health warnings between combustible and non-combustible products based on scientific evidence. - For ENDS/ENNDS, require proportionate text warnings or digital QR-code links. - Include child-specific warnings for tobacco products. - Exempt small components from label printing.	accurate and effective.
Clause 8: Manufacturing and Import Standards	Support for strict standards for product composition, emissions and flavours appealing to youth.	Clarify Minister's role in regulation vs standard setting.	Evaluate evidence on flavour use and addiction among youth.



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	- Others opposed flavour bans, arguing that adult-oriented flavours support smoking cessation. - Clarity was sought on how standards will be developed and whether international benchmarks will apply. - Requested clarity on the scope and scientific basis for standards, noting that accessory products (papers, filters) should be excluded. - Over-regulation may stifle innovation, push users back to smoking and encourage illicit trade. - Others raised concern over implementation capacity.	- Require ingredient listing, safety certification and local inspection protocols. - Align export standards with WHO-FCTC Article 9–10. - Permit adult-oriented flavours while prohibiting youth-appealing ones. - Establish safety and quality standards for e-liquids and mandate manufacturer licensing. - Reference international best practice when setting standards.	
Clause 9: Restrictions of Sales	Broad consensus on restricting underage access, as they easily access tobacco products and vapes through spaza shops and online platforms.	- Retain e-commerce channels with certified digital verification. - Allow regulated online trade with age verification.	Request legal opinion on parity between online and physical sales.



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	- Others opposed a total e-commerce/online sales ban, noting it supports access for adults and small enterprises using digital platforms. - Broad agreement that free samples entice youth and new users. - Opposition to outright bans on online sales citing digital trade rights and consumer convenience. - Some stakeholders strongly objected to prohibitions on single-stick sales and harsh penalties, citing affordability and livelihoods. - Impose strict age-verification requirements for both physical and online sales. - Ban sales near schools; revoke licences for repeat offenders. - Stakeholders urged differentiation between legitimate and illicit trade channels. - All agreed on age restrictions for vaping products.	- Ban free distribution and branded giveaways. - Restrict sponsorships of youth events. - Permit the use of pharmacies and health outlets to communicate harm-reduction information. - Clarify obligations for retailers and adjust penalties to be proportionate. - Develop a national registry of licensed vendors.	



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Clause 10 & 11: Disclosure, Research and Transparency	- Concerns were raised over administrative burden on small manufacturers and lack of clarity on reporting frequency. - Others supported stronger disclosure obligations for transparency and to promote scientific exchange. - Calls for independent research, inclusion of consumer perspectives, and publication of harm-reduction data.	Establish independent scientific review panels.	
Clause 12–14: Establishment of Monitoring Committee	- General support for transparency and oversight mechanisms. - Concerns arose about duplication, autonomy and bureaucratic inefficiency. - Many questioned composition, appointment process and cost implications. - Some favoured community-based oversight.	- Clearly define monitoring structures, scope, and reporting duties. - Ensure transparency, inclusiveness, and cost-effectiveness in committee establishment. - Ensure inclusion of diverse expertise - public health, enforcement, civil society and regulated industry for technical oversight.	Review composition to ensure inclusivity and compliance with public accountability principles.



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	Committee composition may limit diversity of perspectives and expertise.	Propose public reporting, online complaint portals, and whistleblower protections.	
Clause 15: Regulations	- Multiple stakeholders warned against broad, discretionary powers vested in the Minister without parliamentary oversight and consultation. - Others supported strong powers for regulation and enforcement. - Concerns were raised over the phrase “the Minister may make regulations”, with stakeholders requesting clarity on process, scope, and consultation requirements. - Opposition to clause15(4)(b), which allows the Minister to issue regulations “without delay”, could limit parliamentary oversight and public input. - Requested flexibility for signage and compliance.	- Require public consultation and parliamentary scrutiny before regulations take effect. - Amend clause to embed procedural safeguards and periodic review by Parliament. - Establish multi-departmental input (Health, Environment, Trade).	Reconsider clause15(4)(b) to ensure checks and balances.



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Clause 16: Offences and Penalties	• Broad consensus that proposed prison sentences are excessively harsh and disproportionate. • Strong view that 5-10 years' imprisonment for contraventions is excessive, particularly for individuals and informal traders. • Penalties ignore the realities of informal trade and may criminalize millions of ordinary smokers or vapers. • The Bill's punitive approach was seen as socially unjust and counter-productive to harm-reduction goals. • Others demanded stricter sanctions for youth sales and advertising breaches. • Some warned of corruption or selective enforcement.	• Prefer administrative fines and licence revocation over imprisonment. • Review and reduce penalties to ensure proportionality and fairness. • Emphasise public education, not criminalisation.	



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Clause 17: Enforcement and Inspections	- Concern about over-broad enforcement powers being delegated to undefined persons. - Concern about weak enforcement of existing laws and corruption within police ranks.	- Strengthen coordination among health inspectors, SAPS, and local government. - Limit enforcement authority to designated law-enforcement and health officials under clear legal mandate. - Establish trace-and-track system and public reporting hotline.	Committee to review current enforcement capacity and recommend strengthening collaboration across agencies.
Clause 18: Repeal of laws	No input		
Clause 19 & 20: Transitional Arrangement and Commencement	- Submissions indicate strong support for phased implementation to allow small retailers to adjust and for public education. - Requests for clarity and adequate implementation timelines. - Highlighted the need for sufficient adjustment periods for compliance.	- Provide a phased implementation schedule and transitional provisions in the regulations. - Run awareness campaigns prior to enforcement.	Consider recommending a transitional subclause under clause 20



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CROSS-CUTTING THEMES			
Procedural and Consultation Process	- Numerous submissions highlighted inadequate consultation and engagement. - Informal traders and rural communities feel excluded. - Bill fails to meet constitutional standards for public participation. - The absence of a finalised NEDLAC report. - Reliance on an outdated 2018 Socio-Economic Impact Assessment (SEIAS) given post-Covid reality.	- Ensure transparency and good faith engagement. - Refer the Bill to NEDLAC. - Conduct an updated SEIAS.	
Economic and Employment Impact	- Many emphasised potential job losses, economic decline, and social unrest if livelihoods are disrupted. - Others countered that health costs exceed revenue gains as well as long-term savings from improved health.	- Conduct updated SEIAS and cost-benefit analysis. - Develop alternative-livelihood programmes for affected workers.	



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Constitutional rights and Individual Freedoms	- Multiple submissions argued that the Bill violates rights to freedom of expression, trade and privacy. - Others cited overregulation.	- Allow adult consumer choice - Ensure legal clarity and proportionality.	Align with constitutional protections.
Illicit Trade and Enforcement	- Broad agreement that enforcement, not new legislation, is the core challenge. - Stakeholders warned the Bill may worsen illicit trade by reducing competitiveness of legal operators and reduce revenue. - Bill fails to address illicit trade, which dominates the market and undermines compliant businesses. - Others believed that effective enforcement and regulations would curb illicit trade.	- Strengthen enforcement capacity, border management, and product-track and trace technology. - Introduce digital tax stamps and unique identification codes for traceability. - Better cooperation between Health, SARS, and SAPS.	
Cultural and Religious Practices	Traditional leaders and some communities raised concerns over restrictions on snuff and tobacco used in rituals.	Consider limited exemptions for recognised cultural and religious practices.	



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Education and Awareness	Broad agreement that information and community education campaigns are essential for behaviour change.	Integrate tobacco control into school curricula, community health initiatives and media.	
Environmental Considerations	- Environmental groups highlighted the contribution of plastic cigarette filters to ocean pollution and climate impact. - Proposed an “eco-rating” system and sustainability standards for materials.	- Ban or tax plastic filters. Require eco-labelling on packs. - Mandate compostable, non-plastic packaging and unbleached paper. - Include environmental warnings alongside health warnings.	
International Perspectives	Submissions from Kenya and Nigeria supported South Africa’s Bill as a continental benchmark for strong tobacco control, promoting public health and inspiring similar laws across Africa.	Pass the Bill swiftly to reinforce South Africa’s leadership in African tobacco control.	Committee to note international alignment and regional public health solidarity as a supportive context for adoption.