

SOUTH AFRICA

TOBACCO INDUSTRY INTERFERENCE INDEX

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AUTHOR

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ENDORSEMENTS

This report is endorsed by:

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FOREWORD

Tobacco use remains one of the leading preventable causes of death and disease in South Africa. Despite decades of public health progress, our efforts to advance strong tobacco control policies continue to face an insidious and persistent threat: interference by the tobacco industry and its allies. The **Tobacco Industry Interference (TII) Index 2025** for South Africa is not merely a scorecard, it is a crucial accountability tool and a call to action.

This fifth national report, informed by the globally recognized methodology of the Southeast Asia Tobacco Control Alliance (SEATCA), provides an evidence-based assessment of how well South Africa is protecting its health policies from the vested interests of the tobacco industry in line with Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC). The findings are deeply concerning: a stagnant national score of 64 signals that government efforts to insulate public policy from tobacco industry influence remain insufficient, and that the systemic risk to public health persists unabated.

Over the review period (2023–2025), we have seen continued lobbying by the tobacco industry to delay key legislative reforms such as the Tobacco Products and Electronic Delivery Systems Control Bill. There has also been strategic targeting of professional health spaces through industry-funded education campaigns that distort scientific evidence. Such tactics are not just attempts to influence regulation; they are calculated maneuvers to shape public perception and disrupt democratic processes. The industry's expanding footprint among local manufacturers, its manipulation of public consultations, and its partnerships with entities across government sectors as reported, further highlight the need for urgent structural reforms.

This report makes it unequivocally clear: unless South Africa takes decisive and coordinated steps, including ratifying the Protocol to Eliminate Illicit Trade in Tobacco Products, finalizing the long-delayed code of conduct for public officials, and passing comprehensive tobacco legislation, we risk entrenching the very interference that undermines our constitutional obligation to protect the right to health.

We thank the stakeholders across civil society, government, and academia who have contributed to the evidence presented here.

As we reflect on the findings of this report, we are reminded that the integrity of public health policy must never be compromised by commercial interests. The road ahead demands vigilance, transparency, and unwavering political will. Only by confronting tobacco industry interference head-on can we ensure a healthier future for all South Africans.

Prof Lekan Ayo-Yusuf
Executive Director: National Council Against Smoking

BACKGROUND AND INTRODUCTION

This report presents the fifth Tobacco Industry Interference Index for South Africa, providing an update covering the period from 2023 to 2025. It builds on the previous four national reports and draws on the framework developed by the Southeast Asia Tobacco Control Alliance (SEATCA), which monitors how governments are responding to tobacco industry interference as guided by Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).

Article **5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC)** obligates governments to protect public health policies from the vested interests of the tobacco industry. However, South Africa continues to face significant challenges in implementing this obligation effectively. Since the initial index assessment, the country has consistently scored above 60, signaling ongoing and systemic tobacco industry interference in public policy. In this latest reporting cycle, South Africa's score is **64** and remains the same as 2023.

This is still higher than the **61** recorded in 2021. This overall score remains unacceptably high and reflects upon the persistence of industry influence, the fragility of government accountability mechanisms, and the continued absence of robust institutional safeguards needed to fully implement Article 5.3. The data indicate that without decisive and coordinated action, South Africa remains vulnerable to industry tactics that undermine public health objectives.

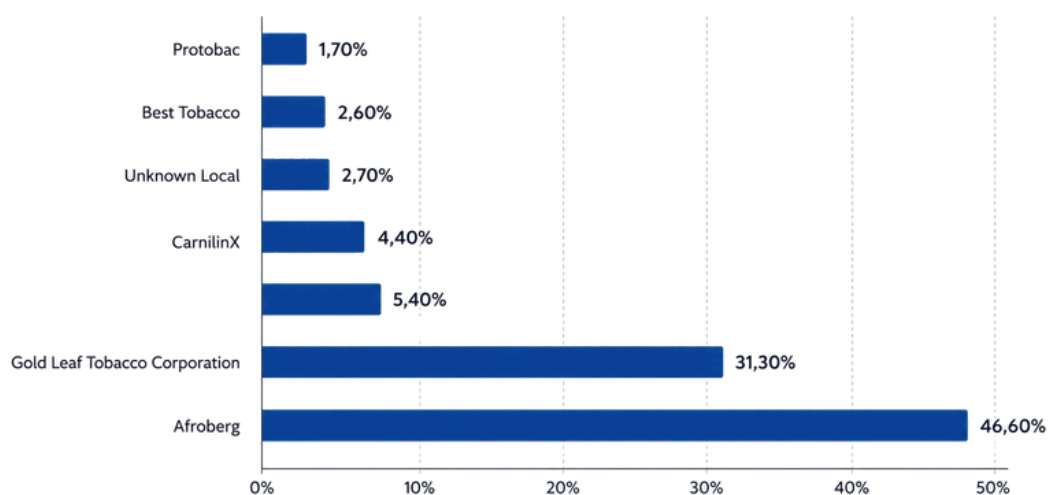
Notably, there has been no significant advancement in implementing the WHO FCTC guidelines for Article 5.3. The Protocol to Eliminate Illicit Trade in Tobacco Products, first signed by South Africa in 2013, remains unratified. Over a decade later, the absence of this critical policy tool has undermined national efforts to combat illicit trade and secure the tobacco supply chain issues that the tobacco industry continues to exploit in opposing legislative reforms to its advantage.

The Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022], first introduced in 2018, has been stalled for years amid intense lobbying and opposition from industry-aligned groups.

Despite strong public health justifications and broad stakeholder support, the legislative process has been repeatedly delayed, illustrating how industry interference disrupts meaningful reform. This continued stagnation represents not only a loss of legislative momentum but also a missed opportunity to reduce tobacco use and protect future generations from tobacco-related harm.

Since the temporary ban on tobacco sales in 2020 during South Africa's COVID-19 lockdown, the country's tobacco market has experienced a notable shift. Local manufacturers, like Gold Leaf Tobacco Corporation have expanded their footprint, capturing a substantial share of the market. These dynamics have further fragmented the tobacco control landscape, complicating enforcement and the government's ability to implement uniform and effective public health protections. See Table below for details of estimated national market shares.

ESTIMATES FOR NATIONAL MARKET SHARE BY PRODUCER



source: NIDS-CRAM Wave 3
<https://southafrica.tobaccocontroldata.org/en/home/tobacco-industry-interference>

The industry's tactics remain consistent: leveraging economic arguments, overstating the impact of taxation on illicit trade, and framing public health regulations as threats to employment and small businesses.

SHAPING PUBLIC NARRATIVES

These narratives, while misleading, have been effective in shifting the policy discourse away from health and towards economic fearmongering thereby influencing public opinion and regulatory decisions. Government officials, particularly those outside the health sector, remain vulnerable to such influence in the absence of a robust code of conduct and systematic transparency measures including those recommended in Article 5.3 guidelines.

The tobacco industry intensified efforts to influence public health discourse during legislative junctures. These efforts included attempts to shape narratives around smoking trends and to co-opt professional medical education platforms. The industry sought to take credit for declining smoking rates, despite robust evidence that shows a downward trend in smoking prevalence began well before the introduction of e-cigarettes and nicotine pouches.¹ Public health experts, including Dr. Catherine Egbe from the South African Medical Research Council (SAMRC), have refuted these claims, highlighting that smoking rates were already falling prior to the emergence of e-cigarettes around 2010.



Moreover, Dr. Egbe and Professor Lekan Ayo-Yusuf, Director of the National Council Against Smoking (NCAS), have noted a concerning rise in smoking rates among young people, particularly young women since the introduction of these products, effectively reversing hard won progress in tobacco control.²

Concurrently, Philip Morris South Africa (PMSA) sponsored continuing professional development (CPD) webinars targeting healthcare professionals.³ These events were positioned as educational initiatives on "harm reduction" and coincided with parliamentary deliberations on the Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022].

The timing and sponsorship suggest an intent to influence public health professionals and weaken support for stronger regulation. In November 2023, during parliamentary hearings on the Bill, a CPD seminar hosted by the Alliance of South Africa Independent Practitioners Associations (ASAIPA) featured V Manyeki, an advocate of electronic nicotine delivery systems (ENDS) affiliated with the African Harm Reduction Alliance (AHRA), a group known to promote industry-friendly messaging.³

A follow-up CPD event held in April 2024 included Dr. K Letlape, former president of the Health Professions Council of South Africa (HPCSA) and co-founder of the AHRA. Both seminars were cancelled following a formal complaint by NCAS to the HPCSA, citing potential violations of ethical standards and conflicts of interest.⁴ Similar attempts were made in 2022 by the Emerging Market Healthcare (EMC), a network of over 200 doctors operating in under-resourced areas of the Western Cape. EMC's CPD programme was facilitated by Professor P. Valodia, identified as a PMSA consultant. Due to advocacy pressure from NCAS, EMC ultimately cancelled the second instalment of the series to distance itself from tobacco industry influence.³

These examples reflect a broader strategy by the tobacco and related industries to infiltrate professional health spaces under the guise of education and harm reduction. Such tactics not only distort evidence-based health messaging but also risk compromising the ethical standards of the medical profession. The continued targeting of public health practitioners underscores the urgent need for clear policies and accountability measures that are aligned with Article 5.3 of the WHO FCTC to prevent industry interference in the health sector.

The score of 64 in this 2025 report sends a clear message that industry interference persists, and government efforts to insulate policymaking processes from such influence are currently insufficient. The repeated delays in both ratifying the Illicit Trade Protocol and enacting comprehensive tobacco control legislation suggest a broader lack of political will or competing interests that continue to undermine national tobacco control objectives.



Given the score of 64 and the ongoing challenges, there is an urgent need for decisive, coordinated government action. This includes:

- Immediate ratification of the Illicit Trade Protocol to address the long-standing regulatory vacuum and to strengthen enforcement efforts.
- Adoption of a national code of conduct for all public officials, that limits interaction with the tobacco industry to only when strictly necessary and ensuring transparency and accountability when interactions do happen.
- Expedited passage of the Tobacco Control Bill, closing the regulatory gaps on new and emerging products such as e-cigarettes and heated tobacco products.

South Africa's public health priorities must not be dictated by the vested interests of an industry responsible for widespread illness, death, and economic loss. The findings in this report should serve as a call to action for policymakers, civil society, and the public health community to collectively demand stronger protections against industry interference. Only through firm commitment to the WHO FCTC principles and Article 5.3 implementation can South Africa reclaim control of its tobacco control agenda and safeguard the health of its people.

METHODOLOGY

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on Article 5.3 guidelines. Information used in this report is obtained from the public domain only.

A scoring system is applied to make the assessment. The score ranges from 0 to 5, where 5 indicates the highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or is not applicable. Where multiple pieces of evidence are found, the score applied reflects an average.

The report covers information on incidents from March 2023 up to March 2025, but also includes incidents prior to 2023 that still have relevance today.

SUMMARY FINDINGS

INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

There was no direct evidence that government accepted offers of support, assistance, or collaboration from the tobacco industry in setting or implementing public health policies. However, the tobacco industry actively attempted to influence policy development and public opinion, particularly through engagements with health professionals during key legislative processes. While the government did not adopt industry-drafted policies, the tobacco industry submitted proposals opposing key measures and excise tax increases. Industry-aligned organizations also participated in public hearings and lobbied against the bill, citing economic and legal concerns. Although there is no evidence of the tobacco industry serving on formal public health policy-making committees, the government continues to engage in multi-sectoral collaborations with business coalitions which include members with direct links to the tobacco industry. These partnerships, while not health-sector focused, provide indirect channels for industry proximity to government decision-makers.

INDUSTRY CSR ACTIVITIES

Although the current tobacco legislation prohibits contributions for advertising purposes, it still allows charitable donations, leaving a loophole that permits the tobacco industry-sponsored CSR activities to occur. During this reporting period, there was one instance of direct government engagement in an industry-branded CSR activity which was used by the industry for media promotion, raising concerns about potential image enhancement and public influence.

While no evidence was found of government receiving direct CSR contributions from the tobacco industry, several partnerships with industry-linked organizations raise indirect concerns. These collaborations spanned non-health related areas such as energy reform, infrastructure, and skills development which serve to increase the risk of normalization of tobacco industry actors in government spaces.

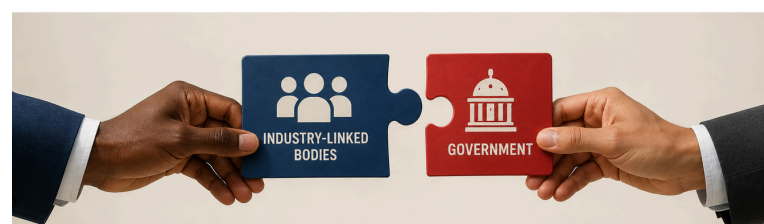
BENEFITS TO THE INDUSTRY

Key tobacco control measures have faced prolonged delays due to persistent tobacco industry interference. Notably, the ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products has been stalled for over a decade, and the Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022], introduced in 2018, remains blocked by widespread industry opposition. These delays hinder efforts to curb illicit trade, secure the tobacco supply chain, and enforce comprehensive regulation. The failure to ratify the protocol enables continued unregulated trade, which benefits the industry. While the industry claims that higher taxes fuel illicit markets, the primary driver is weak enforcement. By framing the issue as an economic concern rather than a health imperative, the industry diverts attention from necessary regulatory action. The lack of strict trade restrictions and effective tax measures have contributed to a favourable operating environment for the tobacco industry, despite ongoing efforts to strengthen tobacco control policies.

UNNECESSARY INTERACTION

While there is no direct evidence of top government officials engaging with the tobacco industry, indirect connections exist through industry-linked bodies like the Thompson Trust (TT) and Business Unity South Africa (BUSA). TT reported influencing national policy discourse and delaying tobacco control legislation; and BUSA and Business Leadership South Africa (BLSA), which represent tobacco interests, were part of the South African delegation to the World Economic Forum 2025, potentially offering the industry access to senior officials under the guise of economic diplomacy.

Whilst there is no direct funding or assistance from the tobacco industry to the government for enforcement, the South African Revenue (SARS) has acknowledged collaboration with "tobacco industry experts" to detect illicit cigarettes, with limited transparency.



TRANSPARENCY

The government does not disclose any interactions with the tobacco industry, even when such engagements are necessary for regulation. There is no publicly accessible record of meetings or correspondence, and no obligation to report such interactions. This absence increases the risk of undue influence on public health policymaking.

CONFLICT OF INTEREST

There is no prohibition on political contributions from the tobacco industry to political parties or candidates. While the Political Party Funding Act (PPFA) of 2018 initially improved transparency, recent amendments under the Electoral Matters Amendment Bill (2023) have weakened disclosure requirements, increasing the risk of undisclosed funding from tobacco-related entities and potential policy influence.

As a result, while a formal prohibition is still lacking, the rollback of transparency measures poses a serious risk to preventing tobacco industry interference in the political sphere. Political parties can now accept large sums of money from undisclosed sources, which increases the risk of corporate capture by industries like tobacco. This could delay or weaken public health policies and allow for favorable regulations for tobacco companies, at the expense of public health and democratic accountability.

There is no new evidence of direct employment of retired senior officials in the tobacco industry. However, former officials like the ex-supreme court judge and former HPCSA president have been active in tobacco industry-aligned initiatives, promoting harm reduction narratives and legitimizing industry positions, raising concerns about indirect influence. There is also no publicly available evidence of current government officials or their relatives' holding positions in the tobacco industry during the reporting period.

PREVENTIVE MEASURES

The government has made no progress in enhancing transparency or accountability regarding its interactions with the tobacco industry. There is no formal procedure to disclose meetings or engagements, and the 2015 draft code of conduct for public officials remains unfinalized, leaving officials without clear guidance on managing industry interactions. The continued lack of transparency enables the tobacco industry to engage with government departments and officials without public scrutiny, creating significant opportunities for undue influence in policy and regulatory decision-making.

The tobacco industry is not required to disclose lobbying, political donations, or marketing and CSR activities. Enforcement of existing regulations is weak, with efforts like SARS's monitoring system being blocked by domestic manufacturers.

There is no internal program to raise awareness among public officials about their obligations under WHO FCTC Article 5.3, increasing vulnerability to industry influence. Additionally, no comprehensive policy exists to ban all forms of contributions or gifts from the tobacco industry, allowing influence through permitted "charitable" donations. The new tobacco control bill aiming to address these gaps is delayed due to industry interference.



RECOMMENDATIONS



1 STRENGTHENING TOBACCO CONTROL LEGISLATION

- ✓ Finalize the Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022] and close loopholes.
- ✓ Ban all forms of industry CSR and EPR activities; clarify and expand definitions to capture all forms of support, partnership, and engagement (direct or indirect) with industry-linked bodies.



2 COMBAT ILLCIT TRADE

- ✓ Ratify the Protocol to Eliminate Illicit Trade in Tobacco Products to strengthen mechanisms to address illicit trade.



3 SAFEGUARD POLICYMAKING

- ✓ Monitor and publish registers of companies with affiliations to the tobacco industry.
- ✓ Implement a mandatory disclosure and transparency policy for all government officials on industry or affiliated entities interaction, including indirect partnerships.
- ✓ Prohibit sponsorships and CPD credits for health professionals funded by industry-linked groups.
- ✓ Disseminate counter-narratives from credible public health experts to refute industry misinformation.



4 SCREEN AND REGULATE INDUSTRY-AFFILIATED ENTITIES

- ✓ Adopt a “risk-based due diligence” policy for partnerships and funding that screens for tobacco industry links.
- ✓ Develop and enforce guidelines that exclude tobacco-affiliated organizations from public-private partnership frameworks, advisory boards, or technical support arrangements.
- ✓ Re-evaluate existing collaborations (e.g., TAMDEV, BUSA programs) and create safeguards to prevent policy capture.



5 STRENGTHENING TOBACCO CONTROL LEGISLATION

- ✓ Finalize and implement the Code of Conduct for the whole-of-government (including non-health) on limiting interactions with the tobacco industry to only when strictly necessary.





TOBACCO INDUSTRY

INTERFERENCE INDEX

RESULTS AND FINDINGS

RESULTS AND FINDINGS

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INDICATOR 2: INDUSTRY CSR ACTIVITIES

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INDICATOR 5: TRANSPARENCY

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INDICATOR 7: PREVENTIVE MEASURES

ADDITIONAL QUESTIONS

A. LIABILITY

B. KH RESOURCE DATABASE

RESULTS AND FINDINGS

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INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry <u>or any entity or person working to further its interests.</u> ² in setting or implementing public health policies in relation to tobacco control ^[3] (Rec 3.4)		1				
There is no evidence to indicate that the government accepted any offers of support, assistance, or collaboration with the tobacco industry in the setting or implementation of public health policies related to tobacco control.						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)		1				
<p>There is no evidence to show that government accepted any proposals that were submitted by the tobacco industry. The tobacco industry made recommendations and raised objections to government, however there is no evidence to indicate that these were accepted.</p> <ul style="list-style-type: none"> British American Tobacco South Africa (BATSA) made recommendations for: <ul style="list-style-type: none"> -A Weighted Average Price (WAP) for excise policy -a Minimum Retail Price (MRP) -moderate excise increases -harm reduction products.^{5, 6} The tobacco industry and affiliated organizations voiced opposition at the provincial public hearings on the proposed tobacco bill. They argued that the legislation could lead to job losses, negatively impact the economy, and potentially increase illicit trade in tobacco products.⁷ They argued that plain packaging has the potential to infringe on trademark laws and representatives of the ENDS industry called for differentiation between vapes and tobacco products, which they argued is conflated by the proposed new bill.⁸ The National Informal Traders Alliance of SA (NITASA) argued that the bill is procedurally wrong, disregarded the democratic process and the spirit of consensus that the new Government of National Unity (GNU) is supposed to uphold. NITASA expressed their strong opposition in writing to the deputy president of the country and the chairpersons of the health, finance, small business, employment and labour committees, in parliament. They called for the development of the bill “to start afresh” with consideration for the current state of the illegal trade.⁹ 						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)				3		
<p>There is no evidence of government departments (health and non-health) allowing the tobacco industry to serve on committees that set public health policy. However, the government works closely with organizations that are directly linked to the tobacco industry, as listed below:</p> <ul style="list-style-type: none"> National Business Initiative (NBI) was established in 1995 by former President Nelson Mandela, as a voluntary coalition of nearly 100 South African and multinational businesses. NBI prioritizes Environmental, Social, and Governance (ESG) issues, sustainable growth and development through collective action. 						

¹ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

² The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

- NBI's membership includes PMSA.¹⁰ NBI collaborates with multiple government departments and agencies to advance its objectives and its Technical Assistance, Mentorship, and Development (TAMDEV) programme has established a working relationship with government on various projects, with access to the local municipalities and national and provincial institutions. The partnerships involves interactive workshops, dialogues, events and conference to address service delivery, economic development and infrastructure issues and to promote collaboration between the private and public sector.¹¹ The government partners listed in the NBI Annual Report 2023 include:
 - Department of Higher Education and Training
 - Department of Water and Sanitation
 - Department of Cooperative Governance and Traditional Affairs
 - Department of Forestry, Fisheries, and the Environment
 - Department of Mineral Resources and Energy
 - South African Local Government Association (SALGA)
 - Department of Small Business Development¹²
- Business Unity South Africa (BUSA) partnered with government in April 2023, to focus on three priority areas: energy; logistics and transport; and crime and corruption.¹³ BUSA members include the South African Tobacco Transformation Alliance (SATTA) which represents the tobacco value chain. BUSA is a member of NBI ¹² and BUSA's membership includes the Consumer Goods Council of South Africa (CGCSA).¹⁴ One of the statutory board member's on CGCSA, is the General Manager of BAT Sub-Saharan Africa.¹⁵ BUSA influences policy and legislative development by facilitating dialogue between businesses and the government and represents SA business in the Southern African Development Community (SADC) Private Sector Forum; SADC Business Council: The Brazil, Russia, India, China, South Africa, Egypt, Ethiopia, Indonesia, Iran and the United Arab Emirates (BRICS) Business Council; Business Africa and the Bussiness20 (B20).¹⁶
- Business for South Africa (B4SA) is an alliance of business leaders that includes BAT, Remgro, BUSA and CGCSA that works with government and other social partners on economic growth and social development. B4SA allocated funding, resources, expertise and capacity to assist the government to accelerate structural reforms and interventions to drive economic growth and job creation. ¹⁷

<p>4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ⁴(Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.</p>	1					
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There were no tobacco industry representatives in the South African delegation to COP 10 and to the second session of the Meeting of the Parties (MOP3) on the Protocol to Eliminate Illicit Trade in Tobacco Products that was held in Panama City, Panama from February 5–10, 2024

INDICATOR 2: Industry CSR Activities

<p>5.A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as socially responsible. For example, environmental programs. (Rec 6.2)</p>				3		
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⁴ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

	0	1	2	3	4	5
<p>B. The government (its agencies and officials) receives CSR contributions (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (eg political, social, financial, educational, community or other contributions (Rec 6.4) including environmental or EPR activities (COP10 Dec).</p> <p><i>NOTE: exclude enforcement activities as this is covered in another question</i></p>		1				
<p>The status is the same in this reporting period with the current Tobacco Products Control Act (TPCA) 83 of 1993 (as amended) that bans contributions but permits charitable contributions provided they are not for the purpose of advertising [Section 3(2)]. This loophole persists.</p> <p>5A. There was evidence of the government being involved in an environmental event with the tobacco industry as is illustrated here: The local councilor of Ekurhuleni, K Klassen from Gauteng province participated in the PMSA commemoration of the World Clean Up Day at Cinderella Dam on 20 September 2024 (Annex A). PMSA partnered with this councilor, local businesses and the community to clear waste and debris from the dam and surrounding areas. The councilor appeared in the media, highlighting these efforts as an urgent environmental priority. The post and content on this news was sponsored, written and produced by PMSA.¹⁸</p> <p>5B. There is no evidence on government receiving any direct corporate social responsibility (CSR) contributions from the tobacco industry. However, the government partnered with organizations that have links to the tobacco industry on non-CSR activities as illustrated here:</p> <ul style="list-style-type: none"> • BUSA and government: A notable outcome of the partnership and collaboration between government and BUSA was the establishment of the Resource Mobilization Fund (RMF). This fund provided support and expertise to the National Energy Crisis Committee (NECCOM) in the Presidency.¹³ • NBI (PMSA as a member) and government: NBI collaborated with the government on various non-tobacco-related activities, including technical advisory support to the Department of Public Enterprises and initiatives aimed at addressing energy crises, water awareness, and drought mitigation. While NBI's partnership with government has contributed to addressing national infrastructure challenges, there is no clear record that government accepted direct CSR contributions (monetary or otherwise) from the tobacco industry for these projects.¹⁹ 						
INDICATOR 3: Benefits to the Tobacco Industry						
<p>6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</p>				3		
<p>While there may not always be direct requests for extensions, industry opposition to comprehensive regulatory measure such as those mandated by the Protocol to Eliminate Illicit Trade in Tobacco Products and the Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022] has significantly contributed to delays. The industry argues that more stringent controls would drastically affect legitimate businesses and increase the risk of counterfeit products and illicit trade.</p> <ul style="list-style-type: none"> • The Protocol to Eliminate Illicit Trade in Tobacco Products: SA has had a 12-year delay (since 2013) in ratifying the protocol, despite the need to combat illicit tobacco trade. The country loses a large amount of revenue annually due to illicit trade, exacerbated by the lack of effective supply chain control measures. The protocol provides mechanisms to secure the supply chain and hold producers accountable, however despite the urgent need, implementation remains stalled.²⁰ 						

⁵ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

- The Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022]:⁵ Since the introduction of bill in 2018, the bill still faces persistent delays. There has been industry interference and opposition campaigns to stop the processing of the bill:
 - In 2023, the Limpopo Tobacco Processors, a member of the South African Tobacco Transformation Alliance (SATTA), launched the "Stop the Bill" campaign to mobilize public opposition through an online petition, under the pretense of preventing illicit trade. The industry also strategically leveraged black farmers to garner public sympathy for its cause.²¹
 - In PMSA's submission on the tobacco bill to parliament, they argued that non-combusted alternatives (e-cigarettes and heated tobacco products) should be regulated separately from traditional cigarettes due to their differing risk profiles, which they claim is supported by scientific evidence. The industry raised concerns about restrictions on commercial speech, suggesting that adult smokers should have access to information about supposedly "better alternatives." PMSA criticized the bill for lacking nuance and scientific justification and called for regulatory distinctions, further research and debate. This created grounds for prolonged discussions, legal disputes, and potential revisions which ultimately slows down the legislative process.²²
 - The Gauteng Liquor Traders Association (GLTA), which represents over 35,000 liquor traders, opposed the tobacco bill and aligned themselves with the tobacco industry. The GLTA argued that the bill will harm small businesses, particularly township tavern owners, by banning the sale of single cigarettes, restricting product displays, and prohibiting vending machines. They claimed that the proposed measures will drive consumers to the illicit market and are impractical for township settings. Additionally, they criticized the public consultation process, alleging that many traders were excluded from the public hearings on the bill. GLTA framed the bill as economically damaging and unworkable and reinforced the tobacco industry narratives.²³
 - Parliament held a total of 27 public hearings across all nine provinces as part of the consultation process, starting in August 2023. The tobacco industry actively participated in these hearings, raising concerns about potential industry interference.
 - The chairperson of the Parliament's Portfolio Committee on Health (Dr. Sibongiseni Dhlomo) alleged that participants in a KwaZulu-Natal provincial hearing were paid R350.00 to oppose the bill, however, these claims remain unverified.²⁴
 - The tobacco industry strategically manipulated its employees to oppose the bill during public consultations. The workers were misled with claims that the bill's passage would result in significant job losses, creating fear and uncertainty. In a coordinated effort, employees were transported in large numbers to consultations, where they collectively voiced objections based on these threats and the industry used fearmongering to protect its interests.²⁵
 - At a public hearing on the tobacco bill in Heidelberg, the Lesedi local municipal mayor (M N Nkosi) opposed the bill, citing BATSA's declining contributions to the municipal revenue (from R18m to R4m per month) due to market losses. The mayor linked job cuts at BATSA's Heidelberg factory to the bill, reinforcing economic concerns. The Lesedi Black Business Forum (LBBF), supported by the South African Spaza and Tuckshop Association (SASTA) and the Food and Allied Workers Union (FAWU), backed the mayor, arguing the bill would criminalize informal traders and worsen unemployment. A BATSA commissioned study was cited to highlight the factory's R3.2 billion GDP contribution, further positioning the bill as a threat to livelihoods. LBBF submitted a memorandum urging the mayor to intervene with parliament to halt hearings and to refer the bill to National Economic Development and Labour Council (NEDLAC) for broader consultation, accusing the Ministry of Health of limited consultation. NEDLAC, a consensus-seeking body that represents business, government and the labour sectors, is required by the NEDLAC Act to consider policies and legislation with socioeconomic implications, before Members of Parliament (MPs) begin their deliberations. BATSA reiterated claims that the bill would drive consumers to illicit trade.²⁶ These political and community groups echoed the tobacco industry narratives, shifting the debate from public health to economic concerns to oppose regulation.

- The Vapour Products Association of South Africa (VPASA) highlighted concerns over the public hearing process of the bill, citing logistical issues, lack of public education, and inadequate venues that hindered meaningful participation. VPASA argued that misinformation and equating vaping with traditional smoking, has compromised the legislative process. VPASA supported the delay with the bill's progression by advocating for its referral to NEDLAC for further deliberation. VPASA aligned with the broader industry narratives seeking to stall the bill by emphasizing procedural flaws and the need for extended consultations.²⁷
- BUSA also urged NEDLAC to halt parliamentary proceedings on the bill, citing the need for further review. The Ministry of Health had previously submitted the bill to NEDLAC, however, BUSA and others claim that the consultation was limited. The Congress of South African Trade Unions (COSATU), the largest trade union federation, echoed the call made by BUSA and warned that inadequate consultation could expose the government to legal challenges. In response to this, NEDLAC called for further review of the bill.²⁸
- Following the pressure from BUSA, COSATU and political factions within the government, parliament agreed to refer the Bill back to NEDLAC for additional review, further delaying its progress.²⁹
- BATSA raised concerns about threats to jobs and economic stability that arise from illicit trade. BATSA portrayed this as a direct consequence of regulatory policies, arguing that restrictions on the legal market result in job losses and economic decline. The industry claimed that it has been forced to cut deliveries due to competition from illicit trade and discussions with staff about retrenchment. BATSA also claimed that jobs at third-party logistics companies were at risk due to declining sales and regulatory pressures rather than broader market dynamics. This narrative served to shift the focus away from the tobacco bill and instead position the economic consequences as a key concern.³⁰

7. The government gives privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry (Rec 7.3)

3

- **World Trade Organization (WTO):** Since SA joined the WTO in January 1995, its commitments under the WTO framework have created opportunities for the tobacco industry to benefit from government privileges thereby sustaining industry profitability.³¹ Under the WTO, SA is committed to:
 - reduce and simplify its tariff structure to eliminate many quantitative restrictions on imports.³² This liberalization facilitates the importation of raw materials, including tobacco, at more competitive rates, thereby reducing production costs for the tobacco industry. Additionally, WTO membership limits the government's ability to impose strict trade restrictions on imports and exports, ensuring that tobacco companies benefit from international trade agreements.³³
 - the General Agreement on Tariffs and Trade (GATT), trade regulations that must be non-discriminatory, limiting governments' ability to enforce strict tobacco control measures that could restrict market access.³⁴ The tobacco industry have used these provisions to challenge regulations like plain packaging laws, arguing they violate trade agreements.³⁵ This protection helps sustain the industry's profitability by preventing trade barriers that could reduce sales.
 - Legal Protection under WTO Agreements: Multinational tobacco companies operating in SA benefit from investment protections that prevent sudden regulatory changes. This reduces financial risks for the industry, ensuring stable profit margins despite potential regulatory threats.³⁶

The WTO provides significant benefits to the tobacco industry by ensuring lower production costs through trade liberalization, protecting market access from restrictive regulations under GATT, and offering legal safeguards against abrupt regulatory changes, thereby sustaining industry profitability.

- **Free Trade Agreements (FTAs):** The government does not explicitly provide direct subsidies to the tobacco industry, but certain trade policies, tax structures, and investment protections may indirectly benefit the industry. The following FTAs are in force and have relevance:
 - **Southern African Customs Union (SACU)** was established in 1910 and comprises of SA, Botswana, Lesotho, Namibia, and Eswatini. The member countries maintain a common external tariff and share customs revenues. Goods, including tobacco products, move freely between member states without the imposition of tariffs, facilitating intra-regional trade and ensuring uniformity in customs duties applied to imports from non-member countries.³⁷
 - **Southern African Development Community (SADC) Free Trade Area** was established in 2008. The agreement seeks to eliminate tariffs on a wide range of goods, including tobacco, may be classified as sensitive and could be subject to specific duties or exemptions. The exact treatment of tobacco products varies by country within this region, depending on national policies and negotiated terms.³⁸
 - **Economic Partnership Agreement (EPA) with the European Union (EU).** In this agreement SA, as part of the SADC EPA Group, has an EPA with the EU. The agreement, which came into effect provisionally in October 2016, provides preferential access for various goods between the EU and SADC- EPA states. However, tobacco products are often excluded from tariff reductions or eliminations in such agreements due to health considerations and domestic policy regulations. Therefore, imports of tobacco products from the EU into SA, or vice versa, may still attract standard duties and are subject to stringent regulations.³⁷
 - **African Continental Free Trade Area (AfCFTA)** is operational since January 2021. While the agreement seeks to reduce tariffs on 90% of goods, individual member states have the discretion to designate certain products as sensitive or excluded. Many countries opt to exclude tobacco products from tariff liberalization under the AfCFTA. As a result, intra-African trade in tobacco products may still be subject to existing tariffs and regulations, depending on bilateral agreements and national policies.³⁹
 - **SACU-MERCOSUR Preferential Trade Agreement:** This agreement between SACU and the Southern Common Market (MERCOSUR) aims to promote trade by granting preferential tariff rates on a list of agreed products. This agreement has been enacted into SA law in terms of the Customs and Excise Act, 1964 by publication in Notice R1288 (GG 40356 of 21 October 2016) and came into effect on the same day. The agreement covers various goods; however, tobacco products are typically sensitive items and may not benefit from tariff concessions. Traders are advised to consult the specific tariff schedules to determine the applicable duties on tobacco products under this agreement.⁴⁰

FTAs generally aim to reduce trade barriers and promote economic integration; tobacco products often remain subject to tariffs and regulations due to public health considerations.

- **A mixed excise tax system** is used on tobacco products in SA, combining both specific and ad valorem taxes. The total tax burden (including excise tax, value-added tax, and other applicable taxes) on the most sold brand of cigarettes is between 50% and 55% of the average retail price of the most-sold legal brands. This figure falls short of the WHO's recommended 70% threshold. This relatively lower tax burden keeps cigarettes more affordable, sustaining consumer demand and benefiting the tobacco industry.⁴¹

In February 2025, ahead of the national budget announcement, Tax Justice South Africa (TJSA) recommended that Finance Minister refrain from increasing 'sin taxes' on tobacco and alcohol but to address trade of tobacco products.^{42, 43}

However, the following adjustments to excise duties took effect from 1 April 2025⁴⁴

Product	Product Current Excise Duty Rate	Proposed Excise Duty Rate	Percentage Change (Nominal)
Cigarettes	R21.77 / 20 cigarettes	R22.81 / 20 cigarettes	4.75
HTPs sticks	R16.33 / 20 sticks	R17.10 / 20 sticks	4.75
Cigarette tobacco	R24.47 / 50g	R25.63 / 50g	4.75
Pipe tobacco	R7.53 / 25g	R8.03 / 25g	6.75
Cigars	R125.91 / 23g	R134.40 / 23g	6.75
ENDS/ENNDS	R3.04 / ml	R3.18 / ml	4.75

- **The De Minimis** threshold is zero for all imported goods, including tobacco products, which are subject to customs duties and Value Added Tax (VAT), regardless of their value. This ensures that tobacco products cannot enter the country without being taxed.
- **Duty-free allowances** for travellers are for personal use and is 200 cigarettes, 20 cigars, and 250 grams of tobacco. Any amounts exceeding these limits are subject to duties and taxes. This ensures that tobacco products cannot enter the country without being taxed.⁴⁵
- **Internet sales:** The current Tobacco Products Control Act 83 of 1993 prohibits the sale of tobacco products via the internet and in health institutions, educational institutions, and pharmacies.⁴⁶
- **Government partnerships with organizations that have links with tobacco industry** such BUSA and NBI: These partnerships may provide indirect benefits, such as business networking opportunities, access to policy discussions, and potential economic incentives.

INDICATOR 4: Forms of Unnecessary Interaction						
	0	1	2	3	4	5
<p>8. Top level government officials (such as President/ Prime Minister or Minister⁶) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)</p>				3		
<p>Although there is no direct evidence of top-level government officials, such as the President, Ministers, or the Prime Minister attending tobacco industry-sponsored events or engaging overtly with tobacco companies, there were instances of indirect engagement through industry-linked organizations.</p> <ul style="list-style-type: none"> One such organization is BUSA, which represents the interests of various industries, including tobacco, in which government officials and political leaders engage with. The Thompson Trust (TT), an entity linked to the tobacco industry openly reported its influence at the 2024 BUSA workshop and outlined how it successfully influenced policy and high-level political discourse in favor of the tobacco industry. TT reported on how it : <ul style="list-style-type: none"> -monitored and delayed the progression of the Tobacco Control Bill, contributing to its lapse in 2019 when parliament adjourned. - advocated for the integration of harm reduction and "healthy lifestyle" narratives (a framing often used by the tobacco industry to weaken regulatory measures) into national policy discussions. These narratives were adopted at the African National Congress (ANC) Elective Conference in December 2022, a major political event where the State President, as head of the ruling party, presided. <p>Through such efforts, the Thompson Trust furthered the interests of PMSA. This indirect engagement with government and political leaders exemplifies tobacco industry interference in a high-level political and policy platform.⁴⁷</p> <ul style="list-style-type: none"> The recent inclusion of Business Unity South Africa (BUSA) and Business Leadership South Africa (BLSA) in Team South Africa's delegation to the World Economic Forum (WEF) 2025, alongside 11 Ministers and the State President, raises serious concerns about potential undue influence by the tobacco industry. Both BUSA and BLSA represent broad business constituencies that include tobacco companies and their affiliates, creating an avenue for the industry to gain proximity to high-level decision-makers under the guise of economic diplomacy.^{48,49} 						
<p>6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</p>					4	
<ul style="list-style-type: none"> The SARS website states that it is "working with tobacco industry experts to develop a way of detecting illicit cigarettes."⁵⁰ This suggests a form of engagement with the industry on enforcement-related matters, however there is no publicly available information detailing the nature, scope, timeline, or impact of this collaboration, nor whether it adheres to the principles of transparency and independence required under Article 5.3 of WHO FCTC. This raises concerns about potential conflicts of interest, especially when enforcement efforts are shaped by entities that may have vested commercial interests in the outcome. The government entered a partnership with Business Against Crime South Africa (BACSA) to mobilize private sector support in combating crime. BACSA's network of partners includes organizations with known links to the tobacco industry, such as BUSA, BLSA, and CGCSA. The partnership includes government entities such as the National Prosecuting Authority (NPA), Gauteng Provincial Government, Department of Community Safety, and the Department of Tourism.⁵¹ BACSA also serves as the primary liaison between the business community and the Joint Initiative on Crime and Corruption (JICC), a high-level initiative led by the Presidency that coordinates collaborative efforts to fight crime. BACSA acts as the primary point of contact on behalf of business in the Joint Initiative on Crime and Corruption (JICC), a presidency-led initiative that coordinates collaborative crime-fighting efforts. One of JICC's key workstreams is aimed at strengthening law enforcement capacity, with a focus on modernizing infrastructure and operational systems.⁵² While there is no indication of direct funding or operational control by the tobacco industry, the inclusion of its affiliates in such strategic partnerships raises transparency and conflict-of-interest concerns, in light of Article 5.3 of the WHO FCTC. 						

⁶ Includes immediate members of the families of the high-level officials

<p>10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1)</p> <p><i>NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i></p>					3	
<p>The government entered into non-binding agreements with multinational tobacco companies, BAT, PMI, JTI and Imperial Brands, through memoranda of understanding (MoUs) with law enforcement and customs agencies. The MoUs were framed as collaborative efforts to address the illicit tobacco trade; however the details of these MOUs are not available.^{53, 41}</p>						
<p>INDICATOR 5: Transparency</p>						
<p>11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)</p>					4	
<p>There has been no change in transparency during this reporting period. The government is not obligated to disclose or report interactions with the tobacco industry and there is no publicly accessible record of meetings, correspondence, or consultations with the tobacco industry, making it difficult to assess the nature, frequency, or purpose of these engagements.</p>						
<p>12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)</p>				3		
<p>There are no changes during this reporting period. The tobacco industry is still required to:</p> <ul style="list-style-type: none"> • register /license with SARS (Excise) before starting to manufacture or deal in tobacco products.⁵⁴ • report to the government on standards used for the manufacture of reduced ignition propensity (RIP) cigarettes. The regulation requires re-certification of products every three years.⁵⁵ <p>However, there is no publicly available register or database documenting these submissions, nor is there evidence of systematic oversight or transparency in the implementation of this requirement.</p>						
<p>INDICATOR 6: Conflict of Interest</p>						
<p>13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)</p> <p>1 Never 5 Yes</p>					5	
<p>The government does not have a specific policy prohibiting contributions from the tobacco industry or its affiliates to political parties, candidates, or election campaigns. Previously, the Political Party Funding Act (PPFA), 2018 (Act No. 6 of 2018), which came into effect on 1 April 2021, represented a major step forward in ensuring transparency and accountability in political financing. Under the PPFA, all political parties were required to disclose the sources and amounts of private funding received; provide audited financial statements to the Electoral Commission (IEC); declare donations above R100,000 (a donor could contribute no more than R15 million per year to a single party); and foreign donations were restricted. This legal framework provided the public with greater access to funding information and helped limit undue influence from private entities, including the tobacco industry, in political decision-making. However, since the last reporting period, this progress has been undermined. In late 2023, parliament passed the Electoral Matters Amendment Bill, which amended several pieces of legislation, including provisions of the PPFA, to accommodate the participation of independent candidates in elections.⁵⁶ These amendments weakened the PPFA's transparency mechanisms and opened new avenues for undisclosed political contributions, potentially including those from tobacco industry actors.</p>						

	0	1	2	3	4	5
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)				3		
<p>There is no documented evidence of retired senior government officials directly joining the tobacco industry during this reporting period.</p> <p>However, former high-ranking public officials continue to engage in activities that support the interests of the tobacco industry, which raises concerns about the revolving door between public service and private sector influence.</p> <ul style="list-style-type: none"> The former judge (N Pillay) of the Supreme Court of SA has been a member of the PMI IMPACT Project Council since 2017. PMI IMPACT is an initiative funded by Philip Morris International that claims to support projects addressing illegal trade but has been widely criticized as a vehicle for the company to gain legitimacy and influence policy under the guise of public interest.⁵⁷ The former president (Dr. K Letlape) of the HPCSA, former president of the SAMA, and co-founder of the AHRA continues to actively promote the tobacco industry's "harm reduction" narrative in the country.⁴ This includes public advocacy in support of new and emerging tobacco products, aligning with industry narratives. 						
15. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
<ul style="list-style-type: none"> There are no publicly available records of government officials and relatives holding positions in the tobacco industry during this period. 						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
<p>There has been no progress since the previous reporting period. The government has not established any formal policy or procedure for the mandatory disclosure of interactions with the tobacco industry or its representatives. This includes the absence of requirements to publicly disclose key details such as meeting agendas, attendees, minutes, or outcomes of such engagements.</p>						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); Yes - for whole of government code; Yes but partial if only MOH						5
<p>There has been no progress since the last reporting period. The draft code of conduct developed in 2015 remains unfinalized, reflecting a 10-year delay in establishing clear, enforceable standards for public officials in their interactions with the tobacco industry.</p>						

⁶ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other TAPS activities such as CSR or EPR (COP10), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and 10 Decision)					4	
<p>There has been no progress since the last reporting period.</p> <ul style="list-style-type: none"> Although existing legislation empowers the Minister of Health to request information on ingredients and additives, the regulations to implement Articles 9 and 10 of the WHO FCTC (tobacco product contents and disclosures), remain undeveloped and unenforced. The 2020 SARS excise policy requires tobacco manufacturers and traders to submit certain operational data and obtain licenses; however, transparency around enforcement remains weak, and details on the extent of compliance are not publicly available. The tobacco industry is not legally required to disclose information on lobbying activities, philanthropic contributions, political donations, Tobacco Advertising, Promotion and Sponsorship (TAPS), Corporate Social Responsibility (CSR), Extended Producer Responsibility (EPR), or affiliations with third parties acting on its behalf, including researchers or marketing agents. To strengthen oversight, SARS introduced surveillance CCTV cameras in 2022 to monitor production, storage, and loading in tobacco warehouses. However, this initiative was challenged and halted in May 2024 after the Fair-trade Independent Tobacco Association (FITA), representing several domestic manufacturers such as Best Tobacco Company, Carnilinx, Folha Manufacturers, Home of Cut Rag, and Protobac, successfully obtained a court interdict. SARS's appeal to the Supreme Court of Appeal was dismissed, marking another regulatory setback.⁵⁸ The involvement of smaller domestic tobacco producers further demonstrates that industry interference is not limited to multinationals but extends to domestic manufacturers who are against stricter regulations. 						
19. The government has a program / system/ plan to consistently ⁷ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
<p>There has been no progress since the last reporting period. There is no evidence of a government program, system, or plan to consistently raise awareness of the WHO FCTC Article 5.3 Guidelines among public officials or within government departments, leaving them vulnerable to influence from the tobacco industry.</p>						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)						5
<p>There has been no progress since the last reporting period, and the status quo remains unchanged. While existing legislation prohibits certain forms of contributions from the tobacco industry, it permits charitable donations provided they are not used for advertising purposes. However, there is no comprehensive government policy that explicitly and uniformly disallows all forms of contributions (monetary or otherwise) from the tobacco industry to the government, its agencies, officials, or their relatives. This legislative loophole creates a pathway for the tobacco industry to exert influence under the pretence of philanthropy or goodwill. Although the proposed new tobacco control bill seeks to close this loophole and strengthen protections against industry interference, progress has been delayed, with the industry playing a role in stalling its advancement.</p>						
TOTAL					64	

⁷ For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

ADDITIONAL QUESTIONS

Based on COP9 and COP10 Decisions highlighting Article 5.3 recommendations

A. LIABILITY: Government has adopted or enforced mandatory penalties for the tobacco industry in case it provided false or misleading information (Rec 5.4)

[5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.]

There are legal provisions to penalize the tobacco industry for providing false or misleading information, particularly concerning packaging and labelling. Under the current Tobacco Products Control Act 83 of 1993, as amended, it is an offense to package or label tobacco products in a manner that is false, misleading, deceptive, or likely to create erroneous impressions about the product's characteristics, health effects, or safety. Violations of these provisions can result in fines of up to R1,000,000.⁵⁴ However, the enforcement of these penalties is primarily focused on packaging and labelling infractions. There is no comprehensive system in place that mandates the tobacco industry to disclose information on lobbying activities, political contributions, or other forms of influence, nor are there specified penalties for providing false or misleading information in these areas.

B. KH RESOURCE DATABASE: Government adopted and implemented measures to ensure public access to information on TI activities

[5.5 Parties should adopt and implement effective legislative, executive, administrative and other measures to ensure public access, in accordance with Article 12(c) of the Convention, to a wide range of information on tobacco industry activities as relevant to the objectives of the Convention, such as in a public repository.]

In this current reporting period, no policy, legislation, or administrative mechanism exists that requires mandatory disclosure of tobacco industry activities, nor is there a government-maintained database accessible to the public for oversight purposes. This lack of access impedes civil society, academia, and policymakers from monitoring industry interference and holding both industry and government accountable.

ANNEX A: SOURCES OF INFORMATION



Kathrine Klassen Ekurhuleni ward councillor participated in the PMSA commemoration of the World Clean Up Day at Cinderella Dam, Gauteng on 20 September 2024.



The City of Cape Town's Facilities Management Department partnered with the National Business Initiative (NBI) on an artisan development programme.
<https://www.nbi.org.za/city-of-cape-town-nbi-partner-on-artisan-skills-development-programme/>

BUSINESS UNITY SOUTH AFRICA (BUSA)



BUSA meets with the President to discuss the National Health Insurance (NHI) to persuade him to allow a bilateral engagement process between the government and business to address the areas of concern regarding the NHI.

<https://www.busa.org.za/wp-content/uploads/2050/01/Busa-Bulletin-V5.pdf>



Khulekani Mathe, CEO Designate and Cas Coovadia, CEO speaking at the local government crisis meeting.

Picture Credit - Sizwe Maswanganye

BUSA meets with the Minister of Home Affairs to address key issues impacting business and streamline collaborative efforts.

Picture Credit - Department of Home Affairs

	TOP MULTINATIONAL TOBACCO GROUPS	MARKET SHARE	BRANDS	SOURCE
1	BAT	46.6%		CRAMS - NIDS Wave 3
2	PMI	5.4%		
3	JTI	2.6%		

	TOP LOCAL TOBACCO	MARKET SHARE	BRANDS	SOURCE
1	Gold Leaf Tobacco Corporation	31.3%		CRAMS - NIDS Wave 3
2	Afroberg	1.7%		
3	Carnilinx	4.4%		
4	Amalgated Tobacco	2.7%		
5	Unknown Local	2.7%		
6	Best Tobacco	-		
7	Pacific Cigarette Company	-		
8	Protobac	-		

	TOP TOBACCO INDUSTRY ALLIES/FRONT GROUPS	TYPE (FRONT GROUP, AFFILIATE, INDIVIDUAL)	SOURCE
1	National Informal Traders Alliance of SA (NITASA)	Affiliate	https://nitasasa.org.za/
2	National Business Initiative (NBI)	Industry linked Business Group	https://www.nbi.org.za/
3	Business Unity South Africa (BUSASA)	Industry linked Business Group	https://www.busasa.org.za/
4	Business for South Africa (B4SA)	Industry linked Business Group	https://www.businessforsasa.org/
5	Business Leadership South Africa (BLSA)	Industry linked Business Group	https://blsa.org.za/
6	The Vapour Products Association of South Africa (VPASA)	Affiliate /Front Group	https://vpasa.org.za/
7	Thompson Trust (TT)	Affiliate	https://www.facebook.com/ThompsonTrustZA/
8	Business Against Crime South Africa (BACSA)	Industry linked Business Group	https://bacsa.org.za/

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