



Japan Society for Tobacco Control

日本禁煙学会

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To the presidents of convenience store companies

Please observe the revised Health Promotion Act by removing ashtrays from convenience storefronts and please stop using smoking rooms inside of stores.

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Honorable company leaders, we trust that all is well with you.

We are an academic organization that protects citizens from the harms of tobacco, provides education nationwide about the prevention passive smoking, and provides support to smokers for smoking cessation. Presently, the organization has more than 5,000 active members from various occupations and locations—including doctors, dentists, nurses, pharmacists, lawyers and regional and local legislators.

According to the revised Health Promotion Act, "Considerate duties while smoking" became effective on 24 January of this year, and an indoor smoking ban became mandatory at type 1 facilities on 1 July. Therefore, we formally ask that you follow the aforementioned request to protect the health non-smokers (who make up of 85% of the population) from passive smoking, as well as to educate smokers and to promote smoking cessation. Thank you kindly for your consideration.

Chronicle

1. Please contact the member stores where smoking areas and ashtrays have been installed at storefronts to promptly remove both. And to clearly display that member stores have become non-smoking, you may contact our organization about non-smoking signs.
2. When renewing or starting a new contract with each member store, please include a clause to prohibit ashtrays and smoking inside of the facility.
3. Any smoking rooms inside the store emit toxic substances from tobacco, thereby harming the health of customers and employees. Therefore, they need to be completely removed.

We kindly ask that you respond to our request within one month.

[Regarding the reason of the request]

1. Revised Health Promotion Act, Article 25-3 (Considerate duties while smoking)

1. No smokers should cause unwanted passive smoking, and all smokers need to be considerate of their surroundings.

2. When determining the places where smoking is permitted, managers of facilities should ensure that they do not allow unwanted passive smoking.

This clause has already come into effect since 24 January of this year, so compliance is required at your company and franchise stores. (From the report of the health director at the Ministry of Health, Labor and Welfare: regarding the enforcement of regulations from “a law to revise part of the Health Promotion Act” (passive smoking measures)

<https://www.mhlw.go.jp/content/10900000/000482378.pdf>

2. Although installing ashtrays in storefronts is now illegal in many convenience stores, stand ashtrays are still placed in many storefronts. As a result, both customers and non-customers stop by the stores to smoke. In municipal areas, common areas around storefronts have effectively become public smoking places. As a result, this association has received many complaints about passive smoking at convenience stores.

With mandatory no smoking indoors at type 1 facilities (for example, schools / parks / colleges, clinics / hospitals), "convenience stores that are furnished with ashtrays" will attract smokers solely for smoking and displace customers. Not just customers in general but also employees, children, students, pregnant women, sick people and other pedestrians must deal with the harmful tobacco smoke that is emitted at the storefront.

From 1 April of next year, no smoking indoors will be enforced at type 2 facilities as well. Relative to the national law, Tokyo and other municipalities will enforce more stringent passive smoking regulations to further restrict passive smoking. As facilities that continue to allow passive smoking, "convenience stores that are furnished with ashtrays" will seem like outdated opium dens from previous generations. Because convenience stores are supposed to provide goods and services conveniently and safely to multiple types of customers, we fear that by allowing ashtrays and passive smoking at the storefronts, convenience stores will not satisfy many customers.

Smokers can infer from the installation of ashtrays that active and passive smoking in the immediate area is permissible and acceptable. Will your companies continue to accept this situation?

As the revised Health Promotion Act and municipal passive smoking regulations are implemented and become more widespread, banning ashtrays according to the laws and regulations will become more popular. Because intentionally causing passive smoking constitutes an injury analogous to physical assault or criminal negligence (whereby an employer or other responsible party neglects its “duty of care”), enforcement of the law could expand beyond penal complaints and civil lawsuits to police reports (110 calls) and criminal lawsuits filed by employees and customers.

<https://www.sankei.com/west/news/170201/wst1702010003-n1.html>

3. Legal compliance takes priority over contracts to allow the use of ashtrays

Considering social attitudes and the need for legal compliance, the revised Health Promotion Act and the Tokyo regulations for passive smoking should take priority over any contracts with tobacco or other companies that allow the installation of ashtrays.

4. Even with the former Health Promotion Act, the installation of ashtray in storefronts remained a concern

Under the former Health Promotion Law, the Ministry of Health, Labor and Welfare issued the following notice from July 2010:

Because "passive smoking" contains tobacco smoke from other people's active smoking that flows into a facility when a smoking area is established near the entrance of the facility, managers of the facility should strive to establish the smoking area as far away from the facility's entrances and exits as possible. In addition, people who visit the facility are exposed to tobacco smoke at its entrances and exits, so please consider this point as well.

https://www.mhlw.go.jp/seisakunitsuite/bunya/kenkou_iryuu/kenkou/tobacco/dl/renraku-100730.pdf

This notice is still valid.

5. This society's initiatives heretofore

This society recommends that "ashtrays should not be installed outdoors except when a smoke-free circle with a diameter of at least 14 meters can be maintained".

<http://www.nosmoke55.jp/action/0603okugai.html>

Since May 2015, this society has repeatedly requested convenience store companies "to remove ashtrays from convenience stores", but with little visible improvement. However, due to potential lawsuits, complaints from customers and nearby residents, and necessary repair work from smoke damage; some stores now appear to have removed ashtrays voluntarily. (See the aforementioned 2.)

Due to this society's recommendation, Seven-Eleven Japan Company, Ltd. requested that franchise stores in Tokyo remove ashtrays from storefronts in December 2018. If the stores fulfill this request, they receive letter of appreciation from this society.

<http://www.jstc.or.jp/uploads/uploads/files/essay/71120181203.pdf>

6. Take care not to degrade the air quality of common areas around the storefront

There is no reason to put ashtrays at storefronts that allow toxic substances to spread to common areas. Passive smoking also occurs outdoors.

Even if tobacco customers request an ashtray, protection against passive smoking for other customers should take priority. Does not installing an ashtray in the facility violate good sales practices?

Leaving ashtrays in front of stores neglects the health needs of people like children, pregnant women and disabled people and acts against public welfare. A decline in your company's brand image might thus occur.

7. International events and promotions to prevent passive smoking are the foundation for further development

While preparing for the Tokyo Olympics and the Osaka-Kansai World Expo and while accepting many tourists who visit Japan, removing ashtrays from storefronts improves the beauty and air quality in the surrounding neighborhoods. We will also believe that it would help to improve the image of your company and franchises and to improve the local economy.

In sum, please completely remove ashtrays at storefronts of convenience stores.

Sincerely yours