

Smoking ban deserves better

By Bruce Nichols

Four years ago, city restaurant and tavern owners helped block legislation that would have made Philadelphia's eating and drinking establishments smoke-free. Our position was clear: Don't tell us how to run our businesses; we know how to accommodate our patrons.

A city-only ban, we believed, would send smokers to our competitors in the suburbs, forcing bars and restaurants to close in Philadelphia. Our workers who enjoyed smoking at work also would be denied that freedom. And secondhand smoke? Well, who really knew how much of a negative impact it had on health?

Now, a new bill, which would ban smoking in nearly all indoor public spaces, has been introduced in City Council. All indications are that restaurant and tavern associations once again will vigorously fight this legislation.

But

while our free-enterprise "butt out of our businesses" rationale sounded like a trump card in 2001, much has changed since then. While we and others successfully halted a smoking ban here, entire parts of the globe have since passed smoke-free legislation. Ten states, including Delaware, are smoke-free, along with New York City, Ireland and Italy.

(Can

France be far behind?) And a growing list of Philadelphia restaurateurs and caterers now favor across-the-board smoke-free legislation for the city.

I

am one of them.

Beyond the health issues, we do not accept the hospitality industry folks'

rationales for promoting indoor smoking, or their continued insistence that "we know best how to run our own businesses." Do we?

Some of us have argued this point by showcasing how our market-based, individual solutions have created a smorgasbord of smoking options around the city: smoke-free establishments, designated smoking sections, smoking at the bar only, etc. This seemed to be fully responsive to the needs of our guests in a libertarian, free-enterprise kind of way.

However, the percentage of adult smokers in America continues to decline. It is currently about 22 percent. That leaves a pool of 78 percent of the market who will gravitate to smoke-free environments. The real issue in running all our businesses lies in accommodating this new super-majority.

What about this argument: "Restaurants and bars will have unfair competition from smoke-friendly competitors in the suburbs"? This is the so-called "City Avenue" argument. If a smoker is choosing between the new smoke-free Friday's restaurant on the Philadelphia side of the avenue or the smoking section of Houlihan's across the street in Bala Cynwyd, Montgomery County, he or she would choose Houlihan's. Therefore, Friday's would go out of business.

Actual evidence of business failures due to conflicting smoke-friendly/smoke-free jurisdictions is anecdotal, and one of only a thousand factors that can potentially sink a restaurant. From a business perspective, why don't our colleagues focus on the 78 percent

of nonsmoking suburbanites - a pool of potential new customers who might just choose newly smoke-free restaurants and bars in Philadelphia over smoky suburban alternatives?

Then there's this statement: "A smoking ban will be unfair for our workers, who tend to be heavier smokers than people in other industries." This workers' rights argument sounded almost paternal four years ago, but today there is a two-word answer to it: airline attendants.

In late December, a state appeals court in Florida awarded \$500,000 to a flight attendant because of health problems caused by working in closed, smoke-filled airplane cabins. A tobacco-industry source said this "could clear the way for damage trials on up to 3,000 similar claims." For the financial health of our businesses, we need a smoking ban as soon as possible!

In 2005, these industry arguments against a smoking ban sound thinner than those of a 1905 Philadelphia saloon owner defending spittoons because using them was healthier than spitting on the floor.

A century ago, spitting in and around food service still was accepted as a matter of course. Smoking in restaurants and bars was just as acceptable 20 years ago, but that era is over.

Let's all get on the right side of reality and support a clean bill for a smoke-free Philadelphia - no ifs, ands or butts.

Bruce Nichols (bruce@museumcatering.com

[<mailto:bruce@museumcatering.com>](mailto:bruce@museumcatering.com))

is president of Museum Catering Co. in Philadelphia. He was president of the Greater Philadelphia Restaurant and Purveyors Association from 2000 to 2003.