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No smoking...!

Despite laws prohibiting smoking in public places, in Tel Aviv's cafes, bars and nightclubs enforcement is lax.

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When Steve Hanoch goes out to a bar with his friends, it's usually for a night of good music, pleasant company and great drinks. And for Steve, there's one thing that goes unequivocally well with that scenario - a cigarette. Luckily for Steve, smoking in bars in Tel Aviv, the city he calls home, is a widely accepted habit.



There's only one problem: It's illegal.

Steve and his friends are participants in a growing problematic trend. Despite stricter anti-smoking laws which were passed in 2007 forbidding smoking in public closed places - such as pubs and bars, restaurants, cafes and nightclubs - public smoking in Tel Aviv, and Israel at large, continues often as though the law ceased to exist.

"It hasn't been effective at all," Hanoch said of the law. "In New York, no-smoking laws actually made a difference because violating them pulls a place's liquor license, and without a liquor license bars don't work. Here, they don't do that because they just want the money; they don't want to close the place."

"It's in [the authorities'] best interest to let it happen again and again and again," he continued. "I think here it's an issue of being a moneymaker instead of actually being concerned with anybody's health."

And that's only if a fine is actually given, which according to frequent public smoker Hanoch, rarely happens.

"It's just not going to happen," he boasted confidently of the likelihood that he'd be fined. "Here in Tel Aviv, I think that those who want to pay off the municipality, they don't get fined. People are still smoking for the most part in the places I go. And nobody cares. In New York the waitresses and bartenders wanted people to stop smoking because it affected their health. Here, there's not that much of a concern for their health."

"The smoking laws in Tel Aviv only apply to certain places in Tel Aviv. You can go to some places where there will be ashtrays on the bar and you can smoke even though there is a huge no smoking sign in front of you," Hanoch said.

However, according to Hanoch, sometimes fines are imposed, albeit rarely.

"I was at my favorite place, Frieda Kahlo, not too long ago. My friend lit a cigarette at about 1 a.m. and asked the bartender if we could smoke, and he gave us an ashtray. About 20 minutes later, a policeman came in and my friend got fined NIS 1,000," he said.

Though Hanoch's friend was rightfully fined, the bar owner got away with just a NIS 1,000 penalty for having an ashtray present. Yet, the law states that bars that fail to ask a smoker to stop smoking, and don't call police to report it, are liable for a NIS 5,000 fine.

That's why an owner at the English Pub, a bar on Rehov Allenby, has a plan. The owner, who wished to remain nameless, told the Jerusalem Post that to avoid incurring these fines and keep his smoking customers happy, he doesn't use traditional ashtrays, he posts all the required no-smoking signs, and if he sees smoking, he makes the routine speech that it's not allowed - but permits the patron to go on smoking.

"We tell everybody smoking isn't allowed, and if someone calls the police to complain, we can say we told them not to, and then they will get fined, not us," he said. "They've come to inspect us three times since the law came out, and we've never been fined because we don't have ashtrays. You can call the cops to report it when it happens, but they mostly won't pick up the phone. They just don't have the manpower to enforce it."

About twenty minutes later, he lit up a cigarette himself alongside a fellow customer inside the bar.

AS IT seems, smoking is actually good for business.

"Smokers will just look for another place to go. I lose business if I don't let people smoke," the owner of the English Pub said. "If the law were enforced fairly and evenly, I'd agree with it and make people go outside. But no one in town enforces it."

"[If I enforced the law], it would hurt my business because those customers would just go to another bar where they're permitted to smoke. Cigarettes and beer just go together," he added. "No one follows the law because [smoking is] still so accepted. People in America follow the rules. Israelis don't and it's not as strictly enforced."

So what's it like for an American non-smoker living in Tel Aviv? Former New Yorker Pam Susman finds it to be quite the change.

"It's definitely been an adjustment," she said. "I don't find people smoking in New York bars at all."

"You find it a lot more in the smaller bars [in Israel], and I'd rather go somewhere that's not smoky," Susman continued. "I don't think it's something Israelis care about because people are smoking in most bars and the law isn't enforced. It's more of a risk in New York to let people smoke."

"I think the hardest is in restaurants," she said. "I can't tolerate eating in restaurants where people are smoking, that's not something I've been around in years. I don't care that people smoke, but when I'm eating I don't want to be around it. In New York restaurants and bars do just fine with no smoking rules; it's weird that that's not the case here."

Rebecca Schwartz was a waitress at the beachfront Buzz Stop restaurant before it closed last month, and watched first-hand as diners lit up cigarettes inside - sometimes right alongside the establishment's owners.

"There were signs up everywhere saying 'no smoking,' but everyone in there would smoke inside, including the managers and bosses," she said. "We would put ashtrays on all the tables, even the outside ones, and we also had a cigarette machine for customers. There were never any worries over fines at all. Police would come - but not to inspect anything, they were friends with the owners."

This laissez-faire approach held by police is exactly the problem that anti-smoking advocates feel inhibits the law from being effective.

"Here, it's like local authorities gave up on the law, which is very frustrating," explained Rivka Froelich Velcer, a spokeswoman for the Israel Cancer Association. "We're working to keep laws like this in existence, but it's very difficult because even though the Knesset passed it, it's now in the hands of law enforcement and isn't being carried out as it should be. Now it's just a matter of public pressure."

"It's not that the law isn't good enough," she continued, "it's that the local authorities don't have any regard for it."

According to Froelich Velcer, the biggest culprits in this trend are the bars and pubs in the nightlife scene.

"Years ago people used to smoke in the theater, on the bus, and in planes, but then laws changed that, and Israelis are able to follow those laws today. So it's not an 'Israeli culture' thing," she said. "Since this law passed two years ago, people almost don't smoke in restaurants anymore. But that same law is also for pubs, which is the most problematic one to enforce. They can't say it's Israeli, because in England the pub scene is much stronger than in Israel; everyone goes to the pub and the law is enforced because the authorities take it seriously."

The Israel Cancer Association continues to lobby the Knesset for stricter law enforcement, and recently successfully appealed to the prime minister to raise the tax on cigarettes in order to discourage smoking. The group has carried out public media campaigns and outreach, but Froelich Velcer holds steadfast to the claim that the only thing standing in the way of smoke-free bars in Israel are the people whose job it is to uphold it.

"We're trying to find ways to encourage [abiding by the law] but we really need the Israeli state and government to pressure local authorities to enforce it," she said. "Smoking is the most avoidable leading cause of death in the world, and it kills 10,000 people a year in Israel, 1,500 of which are from second-hand smoke."

"More people die in Israel a year from smoking than car accidents, terror attacks, and AIDS combined," she said. "It's a number that's unbelievable, and one that we put on ourselves."

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