

14.11x18.94	1	7 עמוד	the jerusalem post - front	12/05/2015	47810602-8
האגודה למלחמה בסרט - 90336					

Supreme Court allows class-action suits against public exposure to smoking

• By JUDY SIEGEL

The Supreme Court accepted on Monday an appeal of a lower-court ruling and made it possible for people exposed to tobacco smoke in public places to file class-action suits over the issue. The claims against owners of premises that do not enforce the no-smoking law could total millions of shekels in each case, as each individual in the suit is entitled to a NIS 1,000 fine against violators.

The Israel Cancer Association, represented by attorney Amos Hausner, appeared as a friend of the court in the suit (Efrati vs Espresso Bar Ltd).

The appeal was heard by

Supreme Court President Miriam Naor with Justices Neal Hendel and Noam Solberg. The ruling overturned a previous Tel Aviv District Court decision by Judge Drora Pilpel and determined that it is possible for those exposed to tobacco smoke in public places to file class-action lawsuits against the owners of offending premises.

The district court had reasoned that because an individual can sue businesses, entertainment venues, or banquet halls for this, it ruled out powerful class-action suits. But according to the Supreme Court, anyone complaining about secondhand smoke exposure can make a claim on behalf of other suf-

ferers to file a class-action suit.

The ICA welcomed this ruling principle. "The association had encouraged private claims and encouraged law students to assist individuals to file such claims. When private lawsuits' success was only partial, class actions have become an important component in the enforcement of the law prohibiting smoking in public places, which is unfortunately ignored by many business owners who do not enforce it."

"This has removed the doubt about the principle in the district court," said Hausner on behalf of the ICA "in any case of exposure to smoke, one can sue in a class action."



A SCOFFLAW woman lights up a cigarette illegally at a Tel Aviv cafe. (Reuters)