

# Making Money with New Technologies

## New Air Purifiers can Eliminate Need for Smoking Bans

**AMOOANY Leads the Battle to Amend NY State Smoking Ban**  
By Frank Seninsky(AEM) & Scott Borowsky(TAP)

Most of us can agree that smoking is bad for your health. Eliminating smoking in workplaces is not a bad idea either, but is it necessary to destroy the taverns, bars, and nightclubs of America where smokers are a significant percent of the business? You may have been led to believe that ridding the American landscape of these establishments is a sacrifice that 'must' be made because government must protect the workers and non-smoking patrons from 'second hand smoke.' Well the time has come to wake up and smell the roses' because technology has once again come to the rescue and can help us all come to a logical and prudent evaluation of this issue! Let me go on record that I am not a smoker, was never a smoker, and my business is 99 percent family entertainment center related -Frank Seninsky.

Air purifiers have been around for decades and used in hospitals to prevent the spread of bacteria and germs. They are expensive, bulky, and not completely efficient to eliminate the small particles of second hand smoke. Twelve months ago, Airistar Technologies, Waukegan, Ill.(yes, an American company) finalized the development of the Airistar A1000, a \$3500 gismo that cleans 1000 cubic feet of air per minute and eliminates 99.97 percent of cigarette smoke in a matter of minutes as one unit changes air in a 7,500 cubic foot room 8 times per hour. The new 'hexaflow' technology removed microscopic contaminants-germs, spores, and even anthrax and SARS from the air. In addition, the A1000 will relieve illness and discomfort associated with Sick Building Syndrome and Building Related Illness. It is only 21"W x 22"D x 34"H and it really works.

So why did New York State and several other states pass the nation's most strict 100 percent smoking ban law when the bars and taverns were in the process of installing approved ventilation systems, building separate smoking rooms, and making every effort to save their business? Why is the Amusement & Music Operators Association of New York (AMOOANY) along with tavern and night club associations working so hard to amend the year old smoking ban law which has to date cost the businesses and the state more than \$120 million in business, lost jobs, and lost economic activity?



Could it be because the media and the governments do not give us correct information or present information to us in an accurate manner? Could we, the public, once again not get balanced news reporting from our major media sources? Read on and you be the judge.....

### The Truth Behind the Smoking Bans

Advocates of the smoking bans claim to be protecting the public and the workers in bars and restaurants from the deadly effect of second hand smoke. Anti-smokers claim that the average non-smoker inhales anywhere from 1-5 packs of passive smoke each week. Opponents dispute the exaggerated evidence and the unintended consequence of hurting many businesses and the livelihood of the workers they are trying to protect. The advocates usually prevail because they are the 'sneaky wheel' and we all know the media needs to report only negative news.

Second hand smoke or passive smoke is now officially called environmental tobacco smoke (ETS).

The British medical journal now reports that their 39-year study of 35,561 Californians who had never smoked showed "no casual relationship between exposure to tobacco smoke and tobacco related mortality."

The New England Journal of Medicine study in 1975 (when smokers puffed smoke right into your face) showed that in cocktail lounges, the concentration of smoke (without any ventilation systems) was equal to smoking merely 0.004 or one

cigarette an hour.

The US Department of transportation found that airline flight attendants would have to spend 48,000 hours of in-cabin duty in order to inhale the smoke of 1(ONE) cigarette.

The independent and well-respected Covance Laboratories (a UK research facility) found in 1998 that "passive smokers inhale an average of 6 cigarettes per year of 0.02 cigarette/day, a number so small that it is insignificant."

The American Cancer Society has recently released a report regarding their own previous study that reported increased levels of breast cancer among women married to smokers: "In contrast to the results of previous studies, this study found no association between exposure to ETS and female breast cancer mortality." (Their new information is based on independent medical reports of the actual women who died of breast cancer while the American Cancer Society's previous results were based only on the information provided by the surviving male spouses).

The Government of Holland has recently completed a study on ventilation and air purification as a real solution for the 'smoking annoyance' by their combined committee of the Dutch OSHA (TNO) and their equivalent of the US EPA (RIVM). Their report states that up to 99 percent of smoke can be filtered out when using replacement ventilation.

### **AMOANY Leads The Battle to Amend NY Smoking Ban Law**

AMOANY is working very hard to amend Chapter 13 of the smoking ban Law that bans smoking statewide in all indoor workplaces. Led by President Frank Calland (E & S Music), VP Joe Bossolina (McGee Amusements), VP Kenny Goldberg (P.L.K. Vending), and Attorney Cary Kessler (Farley & Kessler, Jericho, NY), in a courageous effort to save their livelihoods, AMOANY has recently met with a majority of the NY Assembly and Senate, including private meetings with Governor Pataki and Senate Majority Leader Joseph Bruno(R). Both leaders and also Assembly Speaker Sheldon Soler (D) have gone on record stating that they are 'open to making changes in the Law.' Through AMOANY's efforts and those of the Empire State Tavern Association and the New York Nightlife Association, two legislative proposals will soon be introduced. Assembly sponsor RoAnn Destito(D) currently has 30 co-sponsors and sponsor Senator Raymond Meier(R) has 16 co-sponsors. This is the first time in New York State history that a rollback bill has sponsors from the majority party in each house.

Assemblywoman Destito wrote to her colleagues on April 28, 2004: "This proposal would allow smoking in bars where there is an air purification device that is approved by the New York State Department of Health for those areas where smoking is permitted. In addition, this measure will allow smoking in bowling recreation centers and billiard recreation centers that have a separate room designed for smoking which also contains an approved air purification device."

If enough co-sponsors sign on, the bills would then move on to the 24-member Assembly Health Committee, where Assembly Speaker Silver (the state's most powerful Democrat) would be the person whose nod must be given to release the bill. AMOANY has a special meeting scheduled with Speaker Silver in late June. Prior to that very important meeting, AMOANY has a meeting scheduled with Richard Gottfried, Chairman of the Assembly Health Committee.

Three of the Democrats who are considering running for mayor of New York City have all said that 'they will make the smoking ban a serious issue in their campaigns' according to the NY Daily News. They are Rep. Anthony Weiner, Controller William Thompson, and Fernando Ferrer, who nearly won the nomination in 2001.

Here are some of the most recent quotes that show that there is a good chance that AMOANY may see their efforts prevail:

Senate Majority Leader Joseph Bruno: "We're looking at alternatives and we're very mindful of the [harmful] business conditions. I don't want to sound callous and uncaring. Yes, we're open minded."

"In a perfect world it would be best if no one smoked, but to tell someone they can't have a cigarette in their favorite neighborhood bar, I think, is kind of outrageous." -State Conservative Party chairman Mike Long.

Fernando Ferrer, ex-Bronx borough president (may run for mayor): "We definitely need to reexamine this law and see if we can come to a reasonable way to both protect health and business. Make no mistake about it-the restaurants and bars are getting killed by this...law has nothing but fake science to support it." And this leads us to the "fake science" that Mr. Ferrer is referring to:

### **The Accurate 'Economic Impact Study' - "Let the Truth be Told"**

AMOANY (Amusement & Music Operators Association of New York), the Empire State Tavern Association, and the NY Night Life Association have sponsored an independent Economic Impact Study (EIS) that clearly shows a loss of \$71,5 million or economic activity plus a loss of \$50 million in worker earnings (a loss of 2650 jobs to date) related exclusively from bars, taverns, and nightclubs from the statewide smoking ban that went into effect July 24, 2003. This is the first study of its kind that separates out the bars and taverns from the way that all of the States commonly analyze the economic impact of the combined revenue and job totals from BOTH the restaurant and bar industries.

"When you break out the bars and taverns you can clearly see that the 19,000 bars have been devastated and the the 225,000 restaurants completely hide the true facts about the bars lost revenues and lost jobs when the data is combined." stated Frank Calland, President of AMOANY (E & S Music). Added Kenny Goldberg, Vice President (P.L.K Vending), "The average bar (in NY) has 5 employees while the average restaurant employs three times that or 15 employees. Over the past 30 years the number of bars has decreased while the number of restaurants has almost doubled from 125,000 to currently 223,000."

One year after the ban, New York City and Mayor Bloomberg issued a report that showed that tax receipts in bars and restaurants had increased by almost 9 percent and that more than 10,000 new jobs had been created in bars and restaurants. We all know that since 9-11 New York City has been gradually coming back to life, so naturally restaurants would be hiring back people that had been laid off in the aftermath of 9-11 and it should be quite obvious that the restaurant business would be increasing. The increase in business after 9-11 was not stated in these reports but twisted to make the smoking ban effects look exactly opposite of what they actually are.

Tobacco still remains a legal product. There are currently 21,000 New Yorkers employed in tobacco related jobs. New York tobacco sales generate \$2.3 billion in sales each year. There are still plenty of smokers around. Many are now forced to smoke outside and/or in their homes that most likely don't have the latest air purification technology. The latest poll reports that 68 percent of NY State residents say the smoking ban law went too far. What do you think?