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# In Barrooms, Smoking Ban Is Less Reviled

By JIM RUTENBERG and LILY KOPPEL

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**B**ack in 2002, when the City Council was weighing Mayor Michael R. Bloomberg's proposal to eliminate smoking from all indoor public places, few opponents were more fiercely outspoken than James McBratney, president of the Staten Island Restaurant and Tavern Association.

He frequently ripped Mr. Bloomberg as a billionaire dictator with a prohibitionist streak that would undo small businesses like his bar and his restaurant. Visions of customers streaming to the legally smoke-filled pubs of New Jersey kept him awake at night.

Asked last week what he thought of the now two-year-old ban, Mr. McBratney sounded changed. "I have to admit," he said sheepishly, "I've seen no falloff in business in either establishment." He went on to describe what he once considered unimaginable: Customers actually seem to like it, and so does he.

By many predictions, the smoking ban, which went into effect on March 30, 2003, was to be the beginning of the end of the city's reputation as the capital of grit. Its famed nightlife would wither, critics warned, bar and restaurant

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Stephanie Keith for The New York Times  
Smoking outside Donovan's Pub in Queens.

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businesses would sink, tourists would go elsewhere, and the mayor who wrought it all would pay a hefty price in the polls. And then there were those who said that city smokers, a rebellious class if ever there was one, simply would not abide.

But a review of city statistics, as well as interviews last week with dozens of bar patrons, workers and owners, found that the ban has not had the crushing effect on New York's economic, cultural and political landscapes predicted by many of its opponents.

Employment in restaurants and bars, one indicator of the city's service economy, has risen slightly since the ban went into effect, as has the number of restaurant permits requested and held, according to city records, although those increases could be attributed in part to several factors, including a general improvement in the city's economy.

City health inspectors report that 98 percent of bars and restaurants are in compliance with the rules, though some critics question those statistics. Wrath at Mr. Bloomberg, at least pertaining to the smoking ban, seems to be abating.

There are still those cursing the ban as an affront to their civil liberties, and some bar and restaurant owners say that it has undoubtedly caused a decline in business. City officials say they doubt that contention, pointing to data from the first year of the ban showing that restaurant and bar tax receipts were up 8.7 percent over the previous year's. They said they were still waiting for more detailed and current data from the state.

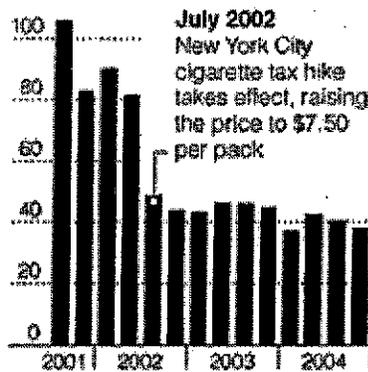
But a vast majority of bar and restaurant patrons interviewed last week, including self-described hard-core smokers, said they were surprised to find themselves pleased with cleaner air, cheaper dry-cleaning bills and a new social order created by the ban.

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### No Smoking

Since a 2002 tax increase, New York City cigarette sales have declined by more than half, but the drop has been significantly less since a March 2003 law banned smoking in public spaces.

CIGARETTE SALES IN NEW YORK CITY  
120 million packs



Source: N.Y.C. Office of Management and Budget

The New York Times

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Stephanie Keith for The New York Times

Kate Bly and her husband, Joe, smoked in a tent at the Bohemian Hall and Beer Garden in Queens.

All of this comes as great relief to Dr. Thomas R. Frieden, commissioner of the city's Department of Health and Mental Hygiene, who took his job on a promise from the mayor that the smoking ban would be given priority. "It was not a pleasant time," he said of the initial uproar over the ban. "There was a myth that this was very unpopular."

Dr. Frieden credits the apparent success of the new smoking rules here with encouraging other seemingly unlikely places to follow suit, or at least to consider doing so. Among them are Boston, Virginia, Australia, Ireland and Italy. Last week, the City Council in Philadelphia began reviewing a newly proposed bill to make bars and restaurants smoke-free.

The councilman who introduced the bill in Philadelphia, Michael A. Nutter, cited New York as an inspiration. "This is kind of the epitome of the song: 'If you can make it there,'" he said in an interview. "What people are saying is, 'If New York can deal with clean-air legislation, why can't we?'"

Mr. Nutter said he was not worried about the political ramifications.

Mr. Bloomberg's Republican critics have indicated they will raise the smoking rules during the Republican primary campaign as an example of what they call his Democratic tendency toward regulation. But many of the mayor's staunchest opponents said they thought the ban would have no effect on his re-election bid. One of his Democratic challengers, Gifford Miller, the City Council speaker, helped secure the ban's passage. And a leading contender for the Democratic mayoral nomination, Fernando Ferrer, has said he would not seek to overturn it.

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