

## TRENDS urges Health Ministry to examine facts and consult industry before rushing to ban E-Cigarettes

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**> Coalition makes representation to Secretary, MoH&FW; asks Health Ministry to consult and examine and consider example of other countries - “Regulate - not Ban” policy.**

**> Ban will open up the black market and create room for substandard unregulated products: Health Ministry will not want to be seen as creating such a market scenario.**

INVC NEWS

New Delhi,

The voluntary association of Trade Representatives of ENDS in India [TRENDS] today submitted a representation to the government, urging it to refrain from rushing into any proposals to ban E-Cigarettes without consulting stakeholders or examining the facts.

The representation with the association’s views and request was formally made to the Secretary, MoH&FW, Ms.Preeti Sudan, with a copy to Dr. Harshvardhan, Hon’ble Minister for Health and Family Welfare, Government of India.

In the representation made to the Secretary, MoH&FW, TRENDS pointed out their concerns based on recent media reports which suggest that the Drugs Technical Advisory Board (DTAB) may move a proposal to prohibit the manufacture, import, sale and distribution of ENDS, including e-cigarettes, as well as their import under Sections 26A and 10A of the Drugs and Cosmetics Act, 1940.

The representation highlights the fact that ENDS are not “drugs” as they are not promoted or intended to be of any therapeutic value. They do not mitigate or prevent smoking but are an option for a habitual smoker who would like to switch to a non-combustible version.

ENDS, [which is an abbreviation for Electronic Nicotine Delivery Systems] are micro-battery-powered devices [commonly known as E-Cigarettes] that simulate the sensation of smoking. In the last few years, these products have emerged as a viable substitute to combustible cigarettes as they do not contain tobacco and do not involve combustion, and consequently, have significantly lower or negligible tobacco residue (commonly 'tar'), carbon monoxide or other known carcinogens that are present in cigarette smoke.

The TRENDS association, which consists of importers, distributors, and marketers of Electronic Nicotine Delivery Systems (ENDS) devices urged the Government to consider the view points of all concerned stakeholders and suggested that a consultative process be initiated so that everyone's opinions could get a hearing and facts could be placed in correct perspective before rushing into bans which are liable to be challenged and may not stand legal scrutiny.

Praveen Rikhy, Convener of TRENDS said, "We believe that strong reasons exist for the Government to re-examine its stand vis-à-vis ENDS. We would request the Government to objectively consider the benefits and harms related to the product and initiate open consultation, which will help to better inform its decision for the ENDS category. We are also ethically committed not to market our products to minors and pregnant women and are ready to work with the Indian Government to ensure enforcement of legal purchase age and valid label warnings, training and awareness against harmful use."

The TRENDS association argued that such a consultation should consider all voices on the issue including industry players, civil society organizations, NGOs, medical experts (both who are in opposition and support), and other relevant organizations with a view to develop an appropriate regulatory framework that must be adhered to by the industry.

"Asking for a ban on E-Cigarettes and not cigarettes or beedis," Rikhy said, "would mean asking for a ban on a less harmful nicotine delivery system while allowing a more harmful one free market availability. This is fundamentally unsustainable as policy or a public health imperative or even in law and consumer rights. This is also in stark contrast and regressive when compared with the fact that developed economies are regulating ENDS and many see the category as complementary to their tobacco control goals. Today, all G7 countries and 34 out of 36 OECD countries have regulated and formalized sale, distribution, marketing and manufacture of ENDS."

Studies conducted by Public Health England, Cancer Research UK and the Royal College of Physicians have observed that vaping is at least 95% less harmful than smoking and is of negligible risk to bystanders, she said.

"A ban will end up opening up the black market and create room for substandard unregulated products. It would be of utmost importance to the Health Ministry to not be seen as creating such a market scenario", she added.

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