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**Unveiling the E-Cigarette Enigma Explores the Aftermath of India's E-Cigarette
Ban, Emphasizing Health Hazards and Legal Dimensions**

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Abstract

This research paper provides a comprehensive examination of the emergence and regulation of electronic nicotine delivery systems (ENDS), commonly known as e-cigarettes, with a specific focus on India. The study explores the advertising tactics employed by ENDS manufacturers to target youth, the adverse health effects associated with e-cigarette usage, and the challenges in enforcing regulatory measures. Through a descriptive research design, trends in e-cigarette use, public awareness of the prohibition, and adherence to regulatory policies are analyzed. Additionally, explanatory research is conducted to understand the decline in e-cigarette usage following the ban and assess the effectiveness of enforcement measures. A diverse range of sources, including government reports, academic studies, news articles, and survey data, are utilized to compile comprehensive information. The study underscores the urgent need for comprehensive awareness campaigns targeting diverse demographic groups, especially youth, to educate the public about the health risks and legal prohibitions associated with e-cigarettes. Additionally, stricter enforcement measures are essential to curb the illicit sale and distribution of these products. Further research is warranted to assess the long-term health effects of e-cigarettes and evaluate the effectiveness of regulatory interventions. By addressing these challenges, policymakers and public health authorities can safeguard the well-being of individuals and mitigate the public health risks associated with e-cigarette use

Keywords: *E-cigarettes, vaping, public health, regulation, India, advertising, youth, health effects, enforcement measures*

Introduction

Tobacco consumption claims the lives of over 8 million individuals annually, with a majority of these fatalities occurring in low and middle-income nations stated in World Health Organization report on the global tobacco epidemic 2019. Despite the coordinated endeavors of these countries to diminish smoking rates, the tobacco industry has intensified its efforts in creating and marketing novel tobacco alternatives, including electronic cigarettes, also known as e-cigarettes (Sheila Jessica Claudia, 2024). E-cigarettes, also known as electronic nicotine delivery systems (ENDS), emerged in the global market around 2003-2004 in China with the intention of assisting in smoking cessation and reducing tobacco use and has become popular since (Vishal Rao US, 2020).

The 2014 (Shu-Hong Zhu, 2014) paper states that in most cases, e-cigarettes are unregulated. Some nations have enforced limitations on the sale of particular e-cigarette models, however, it is challenging to enforce these laws because e-cigarettes are readily available online in all varieties. A decade has passed since the paper was published however the dynamics have more or less remained the same, with the increase in online sales and distribution of e-cigarettes and prominent under the hood dealing, the recently enacted laws are facing enforceability challenges and suggesting a more stringent application.

What exactly are e-cigarettes?

Electronic cigarettes, or e-cigarettes for short, are devices powered by batteries that heat a liquid (often nicotine) to produce an aerosol that is inhaled into the lungs. They go by various names as vape pens, e-hookahs, and e-cigs (Dr. Alpana Vaidya, 2024). Use of e-cigarette, or vaping, products is sometimes referred to as “vaping” or “juuling.” E-cigarette, or vaping, products used for dabbing are sometimes called “dab” pens. ENDS are not the same as "heated tobacco products" (HTPs) or "heat not burn" devices (HNBs) because ENDS are tobacco-free. HNBS work by heating a tobacco stick, leaf, or sheet to release nicotine; they do not contain nicotine solutions. The tobacco gets heated just enough to produce an aerosol without burning it. As a result, HNB devices don't emit any of the smoke or ash that comes with burning beedis or cigarettes (M.V. Rajeev Gowda, 2023).

These vaping devices, which run on batteries, inhale an aerosol that usually contains flavourings and humectants, either with or without nicotine. When the atomizer heats the liquid, the aerosol (vapour) creates a tobacco cigarette like smoking sensation, but it is said to have no negative consequences. On the other hand, it has been noted that heating can produce new, potentially dangerous breakdown chemicals

(Marques, 2021). E-cigarette liquid has been known to poison both adults and children who have inhaled it, swallowed it, or absorbed it through their skin or eyes. The disposal of e-cigarette waste, as well as their manufacture, may pose environmental risks (Khara, 2023).

E-cigarette marketing and promotion

The number of cases of serious lung disease linked with or directly attributable to vaping has increased in tandem with the rise in popularity of E-cigarette use. In August 2019, the first official fatality in America linked to e-cigarette use occurred in Illinois (Daniel Tamas, 2020). Young people are attracted to and influenced by new trends that are widely available on digital media, which is why e-cigarettes have become popular among teenagers and young adults. One of the main pillars of the e-cigarette industry's marketing plan for both its goods and business is digital media. Additionally, social media facilitates more direct, peer-to-peer connection with users—a tactic that tends to draw in younger users—and the direct integration of e-commerce platforms (Murukutla N, 2022). The white paper on ENDS by ICMR mentions various ways by which ENDS are advertised in a variety of media (print, television, and the internet), with youth as the target demographic. These items are marketed as a socially appealing trend for recruiting young people, and they have already garnered significant traction on social media. What is concerning is that the market for ENDS continues to expand fast, aided by relatively low entry barriers that have enabled many enterprises to provide a wide collection of items to consumers via a variety of channels (ICMR, 2019). CDC (Centers for Disease Control and Prevention) presents an extensive data on the several kinds of E-cigarette models with their anatomical details. E-cigarette, or vaping, products can also be used to deliver nicotine, cannabis (THC, CBD, compounds found in cannabis plant), flavorings, chemicals, and other substances. Devices may be referred to as:

Comparative analysis of cigarettes and e-cigarettes: health risks, public perception, and policy implications

(Brooke Campus, 2021) defines two stances on cigarettes versus e-cigarettes. First, the countries that worried about minimizing the number of new users who become addicted to nicotine (i.e., health protection) by enacting prohibiting. Second, the countries more concerned to mitigate harm from traditional tobacco cigarettes (i.e., harm reduction) and enact less stringent laws. The proponents of health protection typically say that e-cigarettes are dangerous, normalise smoking behaviour, and act as a gateway to nicotine addiction whereas the proponents of harm reduction frequently claim that people will

always use hazardous items, thus the goal should be to divert them to less harmful options. In a survey by (Tsai M, 2019), the findings imply that e-cigarette usage causes less lung inflammation than combustible tobacco use. A few epidemiological studies have investigated the link between e-cigarettes and cardiovascular disease portraying that vaping is related to an increased risk of unfavourable cardiovascular conditions such as chest discomfort, coronary heart disease, arrhythmias, and myocardial infarctions (Wang JB, 2018). Notably, many of these correlations rely on vaping frequency and lose statistical significance as e-cigarette use declines (Ashraf, 2023).

E-cigarettes hold potential as tools for aiding cigarette cessation however the lack of long-term data on their health impacts necessitates caution. Unlike the well-established dangers of smoking, the full extent of vaping's health effects remains uncertain due to its relatively recent emergence. Therefore, a comprehensive comparison between vaping and smoking is currently unfeasible. The focus must remain on preventing young individuals from developing vaping habits, as well as educating the public about the potential risks associated with e-cigarette use.

International laws

In 2014, the WHO Tobacco Free Initiative presented findings from a survey on Electronic Nicotine Delivery Systems (ENDS) and novel tobacco products to the Sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (FCTC). The Conference of the Parties acknowledged the diverse regulatory strategies employed by parties, ranging from bans on sales to regulations akin to medicines, treating them as tobacco products, or having no regulation at all (Ryan David Kennedy, 2017).

In 2019 PRS Legislative Research India provided a stark comparison between the various international legislations on E-cigarettes. The table is mentioned below:

Table 1: Comparison of International Laws (PRS, 2019)

Parameter	USA	UK	Canada	Singapore	France
Extent of regulation	Regulates manufacture, trade,	Regulates manufacture, trade,	Regulates manufacture, trade,	Prohibits import, advertisement,	Regulates manufacture, trade,

	advertisement, and packaging.	advertisement, packaging, and ingredients.	advertising, and packaging.	sale, purchase, and possession.	advertisement, packaging, and ingredients.
	Prohibition of flavoured e-cigarettes in states such as New York, Michigan, Massachusetts, Oregon, and Montana.	Can license e-cigarettes as medical products.	Can license e-cigarettes as therapeutic products.		Can license e-cigarettes as medical products.
Ban of sale to minor	Yes.	Yes.	Yes.	Yes.	Yes.
Restriction on use	No.	No.	Prohibited in public places and workplaces.	Not applicable.	Prohibited in public transport, workplaces, and areas with minors.
Packaging restrictions	Mandatory warning statement disclosing that product	Mandatory warning statement disclosing that product	Mandatory warning statement. Requirement to disclose information	Not applicable.	Mandatory warning statement disclosing that product

	contains nicotine.	contains nicotine. Requirement to disclose information on adverse health impacts, ingredients, and list of addictive substances.	on health impacts of the e-cigarette and its vapour.		contains nicotine. Requirement to disclose information on adverse health impacts, ingredients, and list of addictive substances.
Ban on possession	No.	No.	No.	Yes.	No.

The regulation of e-cigarettes varies among the USA, UK, Canada, Singapore, and France, with each country implementing diverse measures to address public health concerns. While common areas of regulation include manufacturing, trade, advertising, and packaging, specific policies diverge significantly. Advertising restrictions are widespread, prohibiting false claims, free samples, and specific marketing tactics. However, enforcement mechanisms and penalties for non-compliance may vary. Overall, while global efforts to regulate e-cigarettes are evident, there's a pressing need for international laws to standardize regulations and enhance enforcement to tackle emerging public health issues associated with these products.

National Smoke Cessation Laws

Paper by (Harashish Jindal, 2019) has methodically created a timeline charting the progress of smoke cessation regulations in India. The table is mentioned below.

Table 2: Tobacco Cessation Laws in India (Harashish Jindal, 2019)

Year	Tobacco cessation laws in India
1989	The Railways Act prohibits smoking if objected to by another passenger and imposes a maximum penalty of 100 Rupees.
1991	Issued pursuant to Section 5B (2) of the Cinematograph Act of 1952, required the Central Board of Film Certification to ensure that “scenes tending to encourage or glamorize consumption of tobacco or smoking” do not appear in movies.
1995	The Cable Television Networks (Regulation) Act, 1995 (Act No. 7 of 1995) required that all advertisements comply with a prescribed advertisement code in the 2009 CTNA Rules.
2003	Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Act No. 34 of 2003) (COTPA) is the principal law governing tobacco control in India. COTPA is comprehensive, covering topics including, but not limited to: definitions of key terms; restrictions on smoking in public places; advertising, promotion and sponsorship; sales to minors; packaging and labelling; and enforcement and penalties.
2008	The Prohibition of Smoking in Public Places Rules, 2008.
2009	Substitute language regarding health warnings on retail packaging, requiring warnings to be printed on external packaging such as cartons.
2010	Substitute language on the issue of rotation, requiring that health warnings be rotated every 24 months instead of one year. The rule also re-establishes the May 2009 health warnings, ensuring that pictures of a lung x-ray and diseased lungs continue to be displayed on smoked tobacco product packages.
2011	Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 prohibit, among other things, tobacco and nicotine from being used in any food products.
	Rules for television and film including a prohibition on tobacco product placement and a requirement for health warnings when tobacco products or their use are displayed.
	New graphic health warnings for packages of smoked and smokeless forms of tobacco. Increase the number of warnings for smoked tobacco products from two to four.
2012	Amend provisions governing the display of tobacco products or their consumption in film and television
2013	New health warnings for tobacco product packaging, effective April 1, 2013
2016	New health warnings to cover 85% of the front and back of tobacco product packaging. These Rules were to have gone into effect on April 1, 2015, but the

	MOHFW has issued a subsequent notification establishing April 1, 2016 as the implementation date of the new warnings
2017	Second of the two health warnings is to be used on product packaging beginning April 1, 2017. Prohibiting service in any smoking area and requiring signage with health warning
2018	The next round of pictorial health warnings, which will be required to appear on tobacco product packaging beginning on September 1, 2018. The new health warnings will also include a Quitline phone number.

Ater the COTPA the major regulation in the smoke cessation sector came via a ban on the broad category of Electronic Cigarettes through the promulgation of a Presidential Ordinance –The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 on September 18, 2019. Dr. Harshvardhan remarked in the Rajya Sabha that passing the Bill was crucial due to a "very, very strong threat from tobacco companies" preparing to launch ENDS products in India. He claimed that ENDS devices should be banned before they gain a significant user base among children and youth. The Prohibition of Electronic Cigarettes Act, 2019. On december 2, 2019, superseded the prior ordinance. Several members of parliament expressed worries about the encompassing ban on ENDS devices during the parliamentary debates (M.V. Rajeev Gowda, 2023).

Section 3(d) defines "electronic cigarette" as an electronic device that heats a substance, with or without nicotine and flavors, to create an aerosol for inhalation and include sell forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940. The Union Health Ministry clarified that possessing e-cigarettes and related devices in any form, amount, or manner is a violation of the Prohibition of Electronic Cigarette Act (PECA) of 2019. The explanation was given to the Ministry of Civil Aviation (MCA) last month, according to official sources, and will help to enforce the prohibition more effectively (PTI, 2023). In a recent 2022 PIL the Delhi High Court under the division bench of Chief Justice Satish Chandra Sharma and Justice Subramonium Prasad said, “The state is directed to ensure compliance of The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 by conducting more periodical checks in all localities in and around Delhi to

ensure the product is not available for sale.” Authorities were further directed to “take all possible steps to ensure that online sale of e-cigarettes does not take place, the HC directed (Prasad, 2022).

Rationale behind E-cigarettes ban in India

ENDS were sold in the Indian market without prior regulatory approval. In August 2018, the Union Ministry of Health and Family Welfare (MOHFW) advised state governments to control e-cigarettes, including halting new product approvals and limiting sales and advertising (M.V. Rajeev Gowda, 2023).” Then in 2019 the Narendra Modi government announced a nationwide ban on e-cigarettes, prohibiting their sale, storage, and manufacture in India. Justifying the move, Sitharaman cited concerns that e-cigarettes were not effectively helping smokers quit but rather leading to addiction, especially among youth (Rawat, 2022). The main rationale from ICMR for banning of e-cigarettes was that cigarette smoking has decreased in India due to tobacco control efforts implemented in recent years and marketing a product-like ENDS, which has unproven benefits and great potential for addiction and health concerns, is not an appropriate tobacco control method. Further International experience and Indian media reports indicate a high danger of juvenile addiction. Cigarette smoking has a negative influence on the population as a whole, outweighing any potential benefits for individuals (ICMR, 2019). The International Association for the Study of Lung Cancer does not suggest using e-cigarettes to treat nicotine dependence, even in cancer patients, due to insufficient evidence of efficacy and safety. The Indian Medical Association deemed ENDS an unhealthy kind of tobacco addiction with negative long-term health consequences and unsuitable for smoke cessation (Khara, 2023).

Methods

The current research paper, entitled " **Change needed title here,**" is based on doctrinal research and is a theoretical study relying predominantly on secondary sources for data acquisition and analysis. Within this framework, secondary data comprises an exhaustive examination of research data via two methods of research design i.e.; Descriptive research where trends in e-cigarette use, public knowledge and comprehension of the e-cigarette prohibition and the extent of adherence to the prohibition by merchants, customers, and other relevant parties have been determined, and Explanatory research where the decline in the use of e-cigarettes due to the ban, difficulties in implementing the e-cigarette ban and the efficiency of the enforcement has been determined and light has been shed on the ban's wider effects on public health and tobacco control initiatives.

The dissertations research setting includes a variety of situations pertinent to the analysis of India's e-cigarette prohibition which includes the review of the pertinent laws, rules, and directives from the government on the prohibition, impact of e-cigarettes in healthcare context, the social and political environment leading to the ban and post ban ramifications as well as the worldwide viewpoint. In order to compile conclusive information on the effects of the prohibition, the research sample for this study is going to include a wide variety of people and sources. The Data analysis portion in a secondary data-based research project entails the following examining and evaluating prior research as well as theoretical frameworks and conceptual models, the researcher creates a conceptual framework, or theoretical model, that directs the investigation based on the literature review. Interpreting the results in light of the goals and research questions is the last stage of data analysis. This entails combining the analysis's findings to derive conclusions and offer suggestions based on the secondary data.

Result and Discussion

This chapter provides a comprehensive overview of the facts and findings related to the e-cigarette ban in India, focusing on surveys conducted by researchers to understand the ban's impact. The paper being a review paper, relies solely on secondary data to outline and summarize similar findings, aiming to reveal the true impact of the ban. Several studies have provided insights into the prevalence and perceptions of e-cigarette use in India, despite the ban.

- Simone Pettigrew's study revealed that 10% of young adults were current e-cigarette users, with 14% having used them in the past, and only 2% reported daily use. This suggests that the legislation has had an impact on reducing regular use. Among those aware of e-cigarettes, only 61% considered them harmful, and only 62% understood that they contain chemicals. Furthermore, while almost half of current tobacco users (46%) reported using e-cigarettes to help them quit smoking, only 20% of past users reported having used them for this purpose. (Simone Pettigrew, 2023).
- Beladenta Amalia's research showed that 35.6% of Internet e-cigarette vendors delivered products to New Delhi, violating the ban, and 75% of them did not use age verification methods. This indicates a significant gap in enforcement and regulatory oversight. Half (50.0%) of the non-compliant IEVs sold e-liquids, with seven of them selling both nicotine-containing and nicotine-

free e-liquids. Additionally, four (25.0%) IEVs offered illegal recreational drugs in India, such as cannabidiol juice and marijuana seeds, for purchase. (Beladenta Amalia, 2020).

- Deepika Bahl's study found that 55.4% of participants were aware of e-cigarettes, with females showing higher awareness than males. Fruit/dessert/candy flavours were the most advertised, suggesting a targeted marketing strategy to attract young consumers. The study's findings highlight the lack of awareness among youth about the 'PECA (2019)' and emphasize the importance of raising awareness among youth about the regulations surrounding e-cigarettes. (Deepika Bahl, 2023).
- Dr. Alpana Vaidya's study indicated that 88.2% of respondents knew that e-cigarettes lacked approval from the health ministry, and 72% were aware of the risk of explosions. However, the availability of various flavors and easy accessibility were identified as major reasons for continued use. Regarding the perception of e-cigarettes and passive smoking, about half of the participants believed that e-cigarettes help in reducing passive smoking, while around 47% believed otherwise. (Dr. Alpana Vaidya, 2024).
- Nandita Murukutla's study highlighted the use of WhatsApp for discreet e-cigarette sales, despite bans. Direct harm reduction messaging was found to be minimal and was most common in Mexico (8%), followed by Indonesia (0.3%), and was not observed in India (0%), emphasizing the need for more effective communication strategies to educate the public about the risks associated with e-cigarettes (Nandita Murukutla, 2022).

The research findings highlight various aspects of e-cigarette usage and regulation in India. While public awareness of the hazardous consequences of e-cigarettes and regulatory rules is insufficient, particularly among children, e-cigarette goods are nevertheless available through online merchants, raising concerns regarding enforcement and age verification. Targeted marketing efforts, ease of access, and the appeal of flavored products all contribute to long-term usage, despite understanding of the risks. To address these issues and protect public health from the risks associated with e-cigarette use, effective communication tactics, and strict enforcement measures are required.

Conclusion

The thesis *"Unveiling the E-cigarette Enigma"* explores the aftermath of India's e-cigarette ban, emphasizing health hazards and legal dimensions." It underscores the need for awareness about e-cigarette risks and legalities, aiming to address public health concerns effectively. Despite the ban, significant e-cigarette use persists, especially among young adults, underscoring the necessity of comprehensive awareness campaigns to educate the public.

The thesis elucidates the enforcement challenges of the e-cigarette ban, notably the widespread availability of e-cigarette products online despite regulatory restrictions, indicating a significant enforcement gap. Moreover, targeted marketing, especially of flavored e-cigarettes, entices young consumers, perpetuating e-cigarette use. These findings underscore the imperative of restraining the digital marketing practices curb their appeal to youth and non-smokers.

Vital suggestions include comprehensive awareness campaigns targeting diverse demographic groups, especially youth, are essential. These initiatives should utilize various communication channels like social media, schools, and healthcare facilities to educate the public about the health risks and legal prohibitions associated with e-cigarettes. Additionally, stricter enforcement measures, including increased monitoring of online vendors and penalties for non-compliance, are necessary to curb the illicit sale and distribution of e-cigarettes and ensure effective implementation of the ban.

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