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OPINION | COMMENTARY

What's Really Killing India's Smokers

Misinformation about e-cigarettes and vaping presents a growing threat to public health.



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By **SALLY SATEL**

April 25, 2016 12:06 p.m. ET

Earlier this month, Parvesh Kumar was sentenced to three years in jail and fined \$1,500. His crime? Selling e-cigarettes.

To be precise, e-cigarettes, battery-powered devices that heat a nicotine solution to produce a vapor. In 2013, the state drugs controller declared them an “unapproved drug” under India’s 1940 Drugs and Cosmetics Act. A medical license is now required for any device that emits vapor containing nicotine—unless it’s in the form of tobacco smoke, of course.

The following year, a drug inspector walked into Mr. Kumar’s shop in Punjab and found an e-cigarette and eight unused nicotine liquid cartridges. Though Indian authorities have arrested others for selling e-cigarettes, Mr. Kumar is the first to be sentenced.

The district-court judge who ruled on the case emphasized nicotine's dangers. "E-cigarette contains nicotine in chemical form, which is highly addictive and potentially lethal," said Judge Saru Mehta Kaushik.

That's an exaggeration. As an undiluted chemical, nicotine is indeed very toxic. But the dose makes the poison, as pharmacologists say, and the nicotine concentration in tobacco products and e-cigarettes are not toxic to adults.

Nicotine may be the reason people smoke but it is the smoke, not the nicotine, that kills them. Smoking-related cancers, lung disease and cardiovascular illness arise from tar and gases released by standard, combustible cigarettes.

E-cigarettes, and vaping products more generally, don't burn tobacco, allowing them to deliver the nicotine that smokers crave with negligible levels of harmful chemicals. The nicotine solution contains flavoring and propylene glycol which, based on current evidence, are safe when inhaled over the short term. (Follow-up is needed to observe if propylene glycol or flavorings have harmful long-term effects.)

The product Mr. Kumar was selling was 95% safer than legal packaged cigarettes, according to a 2015 analysis by Public Health England. Indeed, in the U.K., the Royal College of Physicians, the government health service and antismoking groups are trying to encourage smokers to switch to vaping.

Though Mr. Kumar didn't have the valid sale licenses for the e-cigarette and nicotine liquid cartridges he displayed, his punishment is disproportionate. He is a first-time offender and the only breadwinner of his family, according to court records.

The draconian response is part of Punjab's increasingly strict approach to tobacco use. Last year, the state won the World Health Organization's World No Tobacco Day award for banning the sale of loose cigarettes, loose tobacco and flavored, smokeless tobacco, such as *gutkha*.

Discouraging the use of combusted tobacco is warranted, as are safety standards for e-cigarettes. But Punjab still permits packaged cigarettes to be sold and prohibits e-cigarettes, which have been established as safer nicotine substitutes.

In response to the three-year sentence and hefty fine, Health Secretary Vini Mahajan praised Punjab for setting an example "to the entire country to end the nicotine-delivery devices sold in the form of e-cigarettes."

On the contrary, Punjab has deprived citizens of low-risk alternatives to smoking. “It shouldn’t even be a crime in the first place, but a three-year jail sentence is so extreme and unjust it amounts to a serious and arbitrary abuse of human rights,” says David Sweanor, a law professor and expert in tobacco control at the University of Ottawa.

That vaping is as risky as smoking is a popular falsehood in other countries, notably Australia and Canada, and is spreading in the U.S. In 2014, the WHO “invited [countries] to consider prohibiting or regulating ‘electronic nicotine delivery devices.’ ”

India’s unsubstantiated opposition to vaping is a travesty. Allowing smokers to seek healthier alternatives does not warrant imprisonment. Misinformation about vaping led to the injustice of Mr. Kumar and presents a growing threat to public health everywhere.

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