



Health Ministry notice to 15 websites for selling e-cigarettes; social media sites under scanner

The Health Ministry had in February written to all States and Union Territories to ensure effective compliance with the ban on e-cigarettes

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The Union Health Ministry has sent notices to 15 websites selling e-cigarettes, which are banned in India, directing them to stop advertisement and sale of the products, official sources said.

Six more websites are on the radar, they said, adding the Ministry is also closely monitoring the advertisement and sale of e-cigarettes on social media and might issue notices to them soon.



Of the 15 websites which have been issued the "takedown notice", four have stopped operations while the rest have not responded yet, an official source told PTI.

"If they don't respond and comply with the law, the Health Ministry will write to the Ministry of Electronics and Information Technology for taking down these websites. Legal action will also be taken against these websites accordingly," the source said.

The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act came into force in 2019.

The Health Ministry's notice to the websites said, "We have identified that information relating to online advertisement and sale of illegal e-cigarettes, which is unlawful under Section 4 of the Prohibition of Electronic Cigarettes Act is being hosted, displayed, published, transmitted and shared on your platform."

"In light of the above, and under section 79(3)(b) of the Information Technology Act, 2000 (IT Act), and in pursuance of the government notification dated November 15, 2021, the undersigned is hereby authorised to direct you to disable access and or remove any information identified in the enclosed document without vitiating the evidence in any manner," it said.

The notice warned that failure in complying with the directive "may amount to aiding/abetting the transmission of such unlawful information or conduct of such unlawful activity, as the case may be, and you may be prosecuted for hosting such information, data, or communication links".

Further, failure to take necessary action may attract penalties under the IT Act and/or Prohibition of Electronic Cigarettes Act, the notice said.

The online entities were asked to respond within 36 hours of receiving the notice.

"Four of the 15 online entities have responded and shut down their operations. We are still waiting for the remaining to respond, failing which further action will be initiated," the official source stated.

The Ministry had in February written to all States and Union Territories to ensure effective compliance with the ban on e-cigarettes and had expressed concern that these devices were still available online and with local vendors.

In a letter to chief secretaries, Union Health Secretary Rajesh Bhushan had said instances of devices like e-cigarettes being sold at convenience or stationery stores and near educational institutions have also been reported which is resulting in these products being easily accessible to children.

In May, the Health Ministry issued a public notice for stricter implementation of the Act and directed all producers, manufacturers, importers, exporters, distributors, advertisers, and transporters, including couriers, social media websites and online shopping websites, produce, procure or sell e-cigarettes directly or indirectly.

Source: <https://www.thehindu.com/news/national/health-ministry-notice-to-15-websites-for-selling-e-cigarettes-social-media-sites-under-scanner/article67093190.ece>