

Open letter to the President of Argentina

in relation to provision 3226/2011 of the National Administration of Medicines, Food and Medical Technology (ANMAT) which prohibits the sale of e-cigarettes

Buenos Aires, December 12th 2023

Dear President of Argentina, Mr. Javier Gerardo Milei:

Tobacco use is the leading preventable cause of illness and death in Argentina. Every year around [225,000](#) Argentines fall ill and almost [60,000](#) Argentines die from smoking-related diseases.

Despite this, [24.5%](#) of the Argentinean population still smokes. Argentina has the second highest smoking rate in Latin America, second only to Chile. Although the trend is positive and Argentina has reduced this rate significantly over the last decades, the smoking problem remains very serious and urgent action is needed.

The price of smoking for Argentina is unaffordable, not only in terms of public health and human lives, but also in financial terms. The cost of treating the health problems of smoking-related diseases amounts to [33 billion](#) Argentinean pesos, while tobacco taxes cover only 67.3% of the expenditure.

However, although Argentina has one of the highest smoking rates in the world, one of the solutions to tackle the problem is prohibited. [Provision 3226/2011](#) of the National Administration of Medicines, Food and Medical Technology (ANMAT) banned on 6 May 2011 the importation, distribution, marketing, advertising and promotion of e-cigarettes under several erroneous premises, including the following:

- The idea that e-cigarettes were designed to be used as a replacement for cigarettes in places where smoking is banned.
- The belief that nicotine is a highly toxic drug.
- The argument that there is a lack of scientific evidence that e-cigarettes do less harm to health than traditional or combustion cigarettes and that they are useful for smoking cessation.

This ban has proved to be disastrous and has brought enormous damage to Argentina. Firstly, the ban constitutes a frontal attack on the rights to free development of personality, information and health of users and smokers.

Secondly, the ban has failed. The ban has failed to achieve its original purpose, i.e. to prevent the use of e-cigarettes in Argentina. The Argentine state has been unable to implement it, and all prohibited activities have moved into illegality. It has encouraged

the emergence of a considerable informal market where products are not subject to safety and quality controls or ingredient regulations of any kind; where users are unprotected; where minors are not restricted in their access to the products; where the products do not pay any taxes. In short, the trade in these devices has been pushed into the black market, with all the risks that this entails.

Thirdly, the premises on which the ban was based, namely the idea that nicotine is highly toxic and the argument that there is no lack of scientific evidence on e-cigarettes, have been discredited. The UK Department of Health's public health agency Public Health England estimated that using e-cigarettes is [95% less harmful](#) than smoking, and [systematic reviews](#) of the scientific evidence by Cochrane - which is considered the gold standard for scientific health evidence - have confirmed the significantly reduced level of harm and the effectiveness of e-cigarettes in aiding smoking cessation. On the latter aspect, researchers at Queen Mary University have estimated that the use of e-cigarettes is [more than twice as effective](#) in smoking cessation as traditional nicotine replacement therapies. As for nicotine, the scientific evidence is extensive and agrees that, while it is a highly addictive substance, it is virtually harmless to health.

Fourth and finally, the international experience of several countries has shown the absurdity of such a ban. Countries such as Sweden and the UK have allowed, and even actively promoted among smokers, the use of alternative nicotine products such as nicotine pouches, snus, e-cigarettes or heated tobacco products. These products, given their ingredients and the fact that they do not require combustion for use, while not harmless, have significantly lower risk profiles than combustion cigarettes while allowing nicotine to be consumed in similar quantities. These two qualities have enabled millions of smokers in these countries to consume nicotine safely, minimising the impact on their health, public health and health expenditure. Thus, Sweden has become the first smoke-free country to achieve a smoking rate of less than 5% and the UK has reduced its smoking rate by 55% between 2012 and 2021.

All of the above makes it possible to qualify the ban on electronic cigarettes as a serious mistake and an anachronism. Not only has it not worked, but it has worsened the situation and prevents millions of Argentines from consuming nicotine in a safer way every day. It also restricts the freedom of Argentine adults and treats them with an unacceptable paternalism, which is clearly incompatible with the belief in individual freedom.

For all of the above reasons, we call on the new executive of the Argentine Republic to repeal the ban. Less harmful nicotine products have the necessary characteristics to enable millions of nicotine-dependent people to consume nicotine in a less harmful way, with enormous benefits for their health, the public health of the country and the finances of the State.

We hope that Mr. Javier Gerardo Milei will take our letter into consideration and we put ourselves at his disposal to work together to improve the lives of Argentines.

Regards,



Juan Facundo Teme, President of Asovape Argentina



Alberto Gómez Hernández, Policy Manager of the World Vapers' Alliance



Michael Landl, director de la World Vapers' Alliance