

~~PROHIBITION~~
DOES NOT WORK

**VAPES AND
VIOLENCE:
MEXICO'S
PROHIBITION
PROBLEM**

EXECUTIVE SUMMARY

Mexico's constitutional ban on vapour products has failed — fueling a violent black market, worsening public health, and exporting risk abroad. This report analyses the consequences of prohibition, documents its effects on crime and public health, and outlines principles for an evidence-based regulatory framework that would better protect consumers.

The current situation in Mexico is summarised as follows:

- **Unregulated Market Growth:** Despite varying levels of prohibition since 2009, the vapour market has grown significantly, now valued between USD 658 million and USD 1.39 billion. Adult use has surged to 1.8 million people – quadrupling since 2018 – while youth vaping has skyrocketed by more than 400%.
- **A Policy Failure:** Banning safer nicotine alternatives does not eliminate their use — it pushes them into informal, illegal markets. This undermines consumer safety, reduces regulatory oversight, and reverses progress on smoking cessation.
- **Public Health Crisis:** Outlawing a legal market hands the entire sector to illegal actors, removing consumer protections. Instead of protecting health, prohibition has made products more dangerous, easier for minors to obtain, and may be reversing progress on smoking rates.
- **Unprecedented Crime Wave:** Criminal cartels, including Los Chapitos and CJNG, have entrenched themselves in the vapour trade, using existing drug-smuggling and enforcement networks to dominate distribution. Retailers face extortion, violence, and arson if they refuse to sell cartel-approved products — with many products even being exported to the United States.

Mexico's approach hasn't just failed – it is actively subsidising organised crime, exporting risk abroad, and creating exactly the kind of public health crisis it set out to avoid. Evidence suggests that Mexico would benefit from shifting away from prohibition toward an evidence-based regulatory model. Such an approach would improve consumer safety, restore market oversight, and support public health goals.

It is time for a change, for Mexico to accept reality, reject the failures of prohibition, and implement an evidence based regulatory regime. Millions of lives depend upon it.

HOW REGULATION REDUCES HARM

Vapour products contain no tobacco and produce no smoke — the primary drivers of smoking-related disease.¹ Nicotine is addictive, but it is not the cause of smoking-related illness,² and scientific reviews consistently conclude that vaping carries a small fraction of the health risks associated with smoking.³

Figure SEQ Figure * ARABIC 1: Current (i.e. at least once monthly) Smoking (red) and vaping (black) in the United Kingdom (1,2)

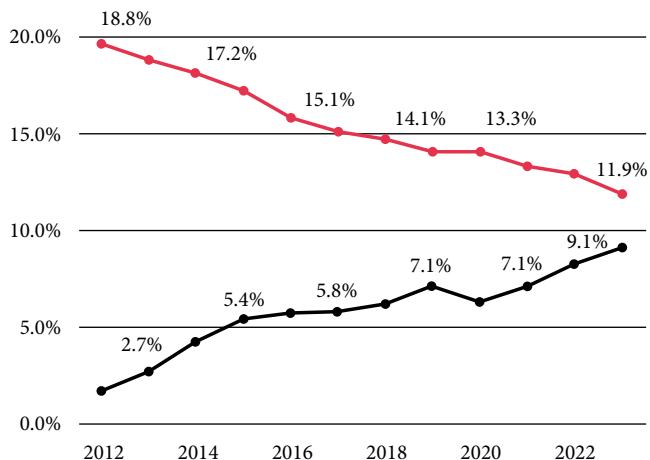
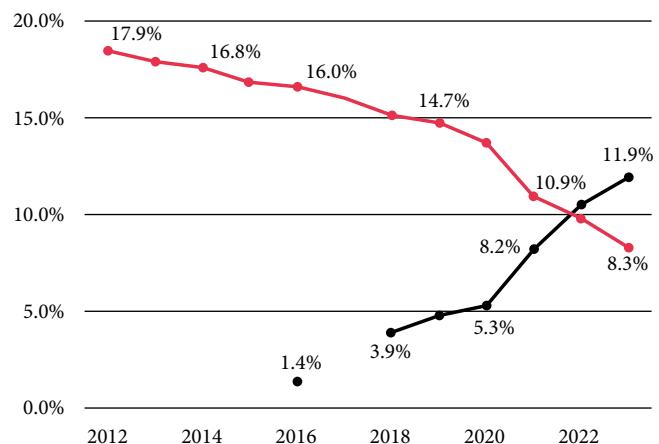


Figure SEQ Figure * ARABIC 2: Current (i.e. at least once monthly) Smoking (red) and vaping (black) in New Zealand (1)



Public health authorities in several jurisdictions, notably including the United Kingdom and New Zealand, have recognised these products' potential to reduce tobacco harms and integrated vaping into broader strategies to reduce smoking. Both countries provide clear evidence that enabling access to safer alternatives drives significant improvements in population health. Reviews by respected bodies, such as the UK's Office for Health Improvement and Disparities⁴ and New Zealand's Ministry of Health,⁵ affirm that these products are substantially safer than smoking and effective in helping smokers quit, with independent research showing vaping outperforms traditional nicotine replacement therapies.⁶

¹ Content of toxic components of cigarette, cigarette smoke vs cigarette butts: A comprehensive systematic review, Science Direct, 2022

² Nicotine Without Smoke, Royal College of Physicians, 2016

³ Nicotine Vaping in England: An Evidence Update Including Health Risks and Perceptions, Office for Health Improvements and Disparities, 2022

⁴ Nicotine Vaping in England: An Evidence Update Including Health Risks and Perceptions, Office for Health Improvements and Disparities, 2022

⁵ Our Position on Vaping, New Zealand Ministry of Health, 2022

⁶ Electronic cigarettes for smoking cessation, Cochrane Library, 2022

**“WE’RE ALLOWING THESE
PRODUCTS ONTO THE
MARKET TO GIVE ADULT
SMOKERS LESS HARMFUL
OPTIONS, WHILE ALSO
PROTECTING YOUNG PEOPLE.”**

Health Canada (2025)

These outcomes are not accidental: they are the product of deliberate regulatory design. In both the UK and New Zealand, vapour products are available through a legal, regulated market that ensures adults can access a range of products meeting strict safety and quality standards.^{7,8} This framework is supported by public health messaging that communicates the relative risks of vaping and smoking,^{9,10} alongside measures to restrict youth access. The impact of this approach is evident: Smoking rates in both the UK and New Zealand have fallen to record lows, dropping in parallel with rising vapour product use.

Canada has taken a similar regulatory approach. Health Canada acknowledges that for adults who quit smoking completely, switching to regulated vaping products is less harmful than continued smoking, while stressing that vaping is not risk-free and that nicotine should not be used by youth, pregnant people, or non-smokers.¹¹ Regulation is implemented through the Tobacco and Vaping Products Act (TVPA), which sets strict rules on nicotine concentrations, marketing, labelling, and age-of-sale.¹² Canada's framework demonstrates how adult access and youth protection can coexist within a controlled legal market.

Taken together, the UK, New Zealand, and Canada show that, while regulatory designs vary, successful jurisdictions share a common principle: vaping is not abandoned to the black market. Instead, oversight, quality standards and communication of relative risks allow adult smokers to access safer alternatives while limiting youth uptake.

⁷ [Regulation of Vaping, herbal smoking and smokeless tobacco, New Zealand Ministry of Health, 2025](#)

⁸ [E-cigarettes: regulations for consumer products, UK Government, 2024](#)

⁹ [Vaping Myths and the Facts, UK National Health Service, 2024](#)

¹⁰ [Vaping Facts, New Zealand Ministry of Health, 2025](#)

¹¹ [Vaping: The New Frontier for Tobacco Control, Health Canada, 2018](#)

¹² [Tobacco and Vaping Products Act, Canadian Government, 2024](#)

A HISTORY OF POLICY FAILURE

In sharp contrast, Mexico's regulation of vapour products has been marked by placing ideology above evidence, legal reversals, and regulatory inconsistency, producing a regime driven more by prohibitionist zeal than by science-based effective public health policy.

The first recorded appearance of vapour products in Mexico dates back to 2008, when early-generation devices were presented to the Health and Education Committee of the Legislative Assembly of the Federal District¹³ to consider their potential to reduce tobacco harm by encouraging switching to safer alternatives. However, rather than embrace the public health benefits that proper regulation of the products could offer, authorities issued a sanitary alert in 2009 banning the sale, distribution, and commercialization of vapour products by classifying them as "imitation tobacco products" according to the tobacco control law.¹⁴

Predictably, this initial prohibition did not succeed in preventing the products from slowly gaining popularity. Authorities including the Federal Commission for Protection against Sanitary Risks¹⁵ and the Ministry of Health¹⁶ responded to this with heavy-handed and often deceptive messaging on the products' health risks, contradicting all available scientific evidence on vaping's public health benefits.

2009

- Vapour products effectively banned through a Sanitary Alert that classifies them as imitation tobacco products.

2020

- 1st Presidential Decree prohibits imports of vapour products.
- Select retailers and manufacturers secure Amparo exemptions from ban.

2021

- 2nd Presidential Decree that prohibits imports and trade of vapour products.

2022

- 3rd Presidential Decree explicitly prohibits vapour product sales.
- President Lopez Obrador publishes an amendment to the Imports and Exports Tariffs Law that prohibits imports and exports of vapour products.

2024

- Former President tables a Constitutional vapour product ban, Congress approves it in December.
- Presidential Candidate Claudia Sheinbaum pledges to fully prohibit vapour products during campaign.
- Number of vapers reaches approximately 1.5 million.

2025

- President Sheinbaum publishes
- Constitutional Vapour Ban that amends the constitution to enable comprehensive prohibition.
- All sales from this point are illicit.

¹³ Smokers will now have an electronic cigarette, La Salud, 2008

¹⁴ General Law on Tobacco Control, Mexican Parliament, 2009

¹⁵ Cofepris rules out granting health registration to electronic cigarettes, 24 Horas, 2012

¹⁶ The Ministry of Health issues an epidemiological warning regarding the use of electronic cigarettes or vaping Mexican Government, 2019

Rather than reconsider the evidence and accept the science, the Mexican Government doubled down: In 2020, a Presidential Decree¹⁷ sought to strengthen the prohibition by banning imports of vapour products, citing concerns about the EVALI incident¹⁸ in the US and the presence of heavy metals in some illegal products' aerosols.¹⁹ In 2022, this was reinforced by a ban on the products' use in public places²⁰, a further Presidential Decree that clearly and explicitly prohibited the sale of vapour products and an amendment to the Imports and Exports Tariffs Law that prohibits import and export of vapour products.²¹

While the Supreme Court upheld the import ban in 2021 – after the Government reissued the 2020 Decree with revised language²² – authorities proved less successful in defending the broader prohibition. Numerous Amparo proceedings – a form of constitutional challenge designed to protect individual rights against government actions – were initiated by both individuals and corporations, arguing that the bans violated rights such as freedom of commerce and personal autonomy.²³ These allowed several retailers such as 7-Eleven and Sanborns as well as major manufacturers including big tobacco industry to secure exemptions from the ban applicable only to themselves or their products.^{24 25 26}

The resulting market was bifurcated: while dominated by illegal, untaxed products, a limited number of regulated products remained legally available through these few protected channels.

This regulatory ambiguity persisted until 2024, when the President Andres Manuel Lopez Obrador tabled at the Congress a Constitutional amendment to ban vapour. Also, Presidential candidate Claudia Sheinbaum pledged to resolve the issue by approving the former President proposal of prohibition into Mexico's Constitution²⁷ – a promise fulfilled in January 2025, shortly after her election and inauguration. With this amendment the Constitution ban the production, distribution, import, and sale of all vapour products and "similar devices," thus neutralising legal challenges and eliminating remaining narrow exemptions.²⁸

As of 2025, no vapour product can legally be sold in Mexico. However, this has done little in practice to stop sales, instead succeeding only in driving the market underground.

¹⁷ DECREE amending the Tariff of the General Import and Export Tax Law, Mexican Government, 2020

¹⁸ A brief outbreak of novel lung disease caused by a batch of THC-containing vapour products adulterated with vitamin E acetate, purchased primarily by young consumers through illicit online vendors. No case of EVALI is known to have been caused by regulated, nicotine-containing vapour products (CDC)

¹⁹ By presidential decree, the importation of electronic cigarettes is prohibited starting tomorrow, Mexican Government, 2020

²⁰ Tobacco Control Success Story: Mexico Amends Its Tobacco Control Law, Campaign for Tobacco-Free Kids, 2022

²¹ Decree prohibiting the circulation and sale within the Republic, regardless of their origin, of electronic nicotine delivery systems, Mexican Government, 2022

²² AMLO publishes another decree halting the sale of vapes and e-cigarettes, Expansion, 2021

²³ Notably, if successful, Amparo challenges secure exemptions from the law only for the plaintiff and their business. They do not automatically suspend its application for all concerned parties.

²⁴ Vapeadores de México v. Mexico, Tobacco Control Laws, 2017

²⁵ Judge admits injunction against decree banning sale of vapes, MILENIO, 2022

²⁶ Amparo in Appeal File 636, Tobacco Control Laws, 2023

²⁷ Humberto Aldana supports Claudia Sheinbaum's proposed measures against vaping and chemical drugs, Cancun Mio, 2024

²⁸ DECREE adding a fifth paragraph to article 4 and a second paragraph to article 5 of the Political Constitution of the United Mexican States, regarding health protection., Mexican Government, 2025

THE MARKET UNDER PROHIBITION

Mirroring global trends, demand for vapour products by smokers attempting to quit or reduce their consumption of cigarettes in Mexico has continued to rise despite the blanket prohibition. However, with no legal avenues for purchase, consumers have necessarily turned to a rapidly expanding black market. That market is not only sizeable, but also highly profitable, unregulated, and deeply embedded in both informal and organised criminal networks.

“ORGANIZED CRIME IS A BUSINESS... AND THEY HAVE THE CAPACITY TO FINANCE WEAPONS, CRIMINAL GROUPS AND VEHICLE THEFT TO CARRY OUT ALL THE WARS THEY HAVE IN THE TERRITORY.”

Óscar Balmen, award-winning Mexican Journalist (2024)²⁹

Estimates on the size of the black market vary significantly due to methodological diversity: Industry data provider Tamarind Media Limited reported that the market reached USD 658 million in 2025, nearly four times its 2016 size.²⁹ Mexican journalist Óscar Balderas instead pegged the 2024 figure at USD 268 million following an investigation into the topic,³⁰ while a 2025 academic study from the Colegio de México instead reported a market value of over USD 1.39 billion.³¹

Despite differing estimates, all sources confirm that prohibition has created one of the largest unregulated nicotine markets in Latin America. Indeed, the market has grown so large that according to research by economists from Colegio de México in 2025, if sales were legalised and subject to excise taxes comparable to those applicable in Spain,³² Government revenues would be boosted by between USD 240 million and USD 370 million annually.³³

²⁹ ECigIntelligence Vapour Market Database

³⁰ Mexico to ban vapes by the end of the year, Clearing the Air, 2024

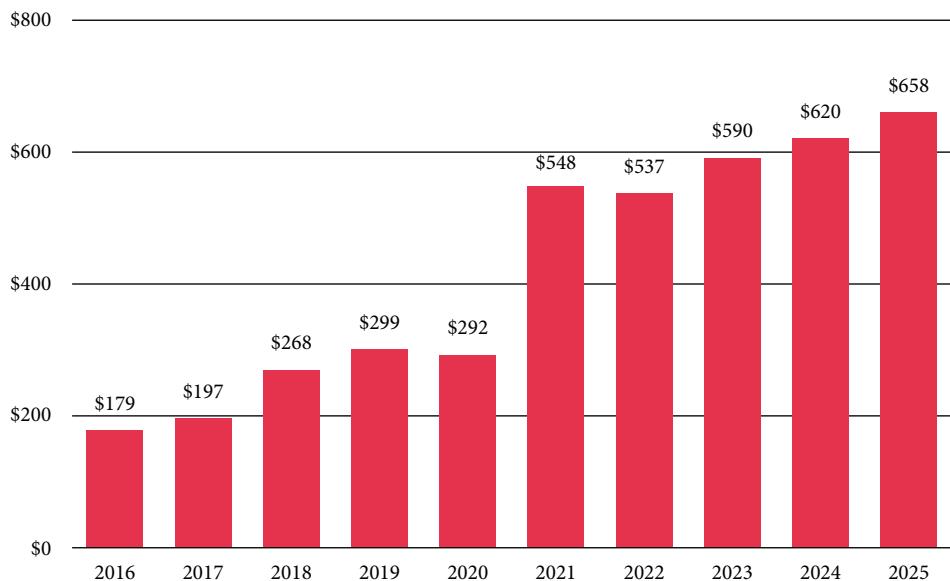
³¹ The Mexican Electronic Cigarette Market in Mexico: Market Value and Tax Potential, El Colegio de Mexico, 2025

³² In Spain, e-liquids are taxed at between EUR 0.15 and EUR 0.20 per millilitre, depending on nicotine content (KPMG). For products containing 2 millilitres of e-liquid, this would amount to a price increase of between MXN 5.70 and MXN 7.60.

³³ The e-cigarette market in Mexico: Market value and revenue potential, REPEC, 2025

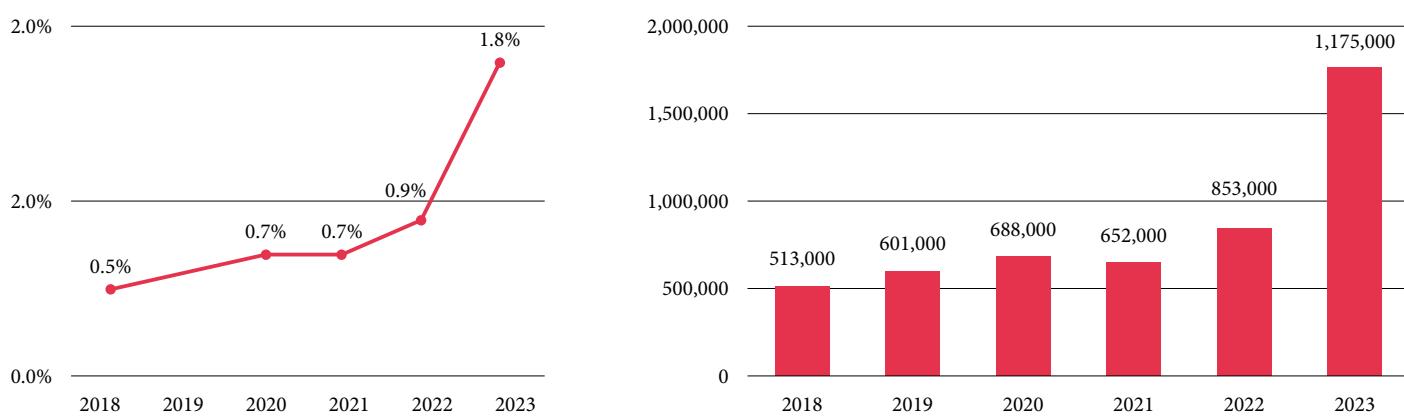
The extent of the products' popularity is also reflected in prevalence figures. According to the Mexican Ministry of Health, the adult (over 15) vaping rate nearly quadrupled from 0.5% in 2018 to 1.8% in 2023.³⁴ The 2023 figures amount to approximately 1.8 million people – a number comparable to the total number of vapers in a country like Canada.³⁵

Figure SEQ Figure 1*
ARABIC 3; Tamarind Media
Limited estimates of the
Mexican vapour product
market (in USD millions)



However, while vapers in nearby countries such as the US and Canada enjoy rigorous consumer protections guaranteed by regulatory oversight, which allow smokers to switch to safer alternatives and benefit public health, this is not the case for Mexico. Owing to the country's prohibitive approach, consumers are increasingly exposed to the harmful substances and dubious practices of a runaway illicit market, opening the prospect of serious public health consequences.

Figure 4: Vapour product prevalence among Mexicans aged 15 and older (left) & Number of Mexican vapers aged 15 and older (right) (Mexican Ministry of Health)



³⁴ Trends in exclusive and dual use of combustible tobacco and e-cigarettes in the Mexican population, Mexican Ministry of Health, 2025

³⁵ Canadian Tobacco and Nicotine Survey (CTNS): summary of results, Canadian Government, 2022

CRIMINAL INFILTRATION OF THE VAPOUR PRODUCT MARKET

Perhaps the most alarming consequence of prohibition has been the seamless absorption of vapour product distribution by Mexico's criminal economy. While criminal infiltration has also been observed in other prohibitionist environments like Brazil³⁶ and Australia,³⁷ the scale, organisation, and violence associated with Mexico's black market are alarming. Multiple investigations and media reports suggest that major criminal syndicates – including Los Chapitos, La Mayiza, the Jalisco New Generation Cartel (CJNG), and Unión Tepito – now play a dominant role in the illegal vapour market.^{38 39 40}

These syndicates are not novices in illegal trade – they are deeply embedded in Mexico's most significant criminal economies. Their increasing involvement in the vapour product trade reflects patterns seen in other areas where criminal groups exploit regulatory gaps and high-demand markets:

Los Chapitos

A faction of the Sinaloa Cartel led by the sons of the infamous Joaquín “El Chapo” Guzmán, known for overseeing the group's expansion into synthetic drugs, particularly fentanyl and methamphetamine.⁴¹

La Mayiza

A splinter group from the Sinaloa Cartel, involved in violent territorial disputes with Los Chapitos, particularly over control of synthetic drug routes in northwestern Mexico.⁴²

Jalisco New Generation Cartel (CJNG)

One of the country's largest criminal groups, CJNG operates across multiple states, trafficking synthetic drugs, firearms, and people, with a centralized command and military-grade gear.⁴³

Unión Tepito

A Mexico City-based group with a strong local presence. The group has been associated with activities including extortion, arms trafficking, counterfeit goods, and the control of informal retail markets.⁴⁴

³⁶ Police seize over a thousand e-cigarettes and arrest man identified as Rio de Janeiro's largest distributor, *O Globo*, 2025

³⁷ Underworld vape wars: Crims swap cocaine for black market trade, *Daily Telegraph*, 2024

³⁸ Vaping ban by decree expands black market in Mexico, *MILENIO*, 2024

³⁹ Cartels enter the vape business after the ban, *El Financiero*, 2025

⁴⁰ Violence as a market regulator, *ARDT Iberoamerica*, 2025

⁴¹ Los Chapitos, *InSight Crime*, 2025

⁴² La Mayiza, *InSight Crime*, 2025

⁴³ Jalisco New Generation Cartel (CJNG), *InSight Crime*, 2025

⁴⁴ La Unión Tepito, *InSight Crime*, 2022

Figure SEQ Figure * ARABIC 8: Examples of various bulk vapour product shipments seized by Mexican authorities (1, 2, 3)



Figure SEQ Figure * ARABIC 7: Cartel deals with Chinese vapour product manufacturers are so large and frequent that some firms have begun manufacturing products for the Mexican market. (MILENIO)

These organisations reportedly source untested products from unscrupulous Chinese manufacturers in large bulk shipments. To avoid detection at policed Mexican ports, the products are typically delivered to countries in Central America where their sale is legal and are subsequently shipped overground into Mexico.⁴⁵ Once in the country, products are integrated into cartels' existing distribution networks for illegal goods.⁴⁶

There have been many reports of cartels using violence to enforce their regional monopolies on the illegal vapour product trade. In merely one example of many, an investigation into the Unión Tepito cartel's dealings in Mexico City found that the vapour product trade had been seamlessly integrated into the syndicate's traditional distribution networks. Cartel enforcers are reportedly tasked with intimidating local retailers into selling illicit vapour products, charging extortionate "rents" for

"MOST [RETAILERS] PAY WITHOUT ANY FUSS, BECAUSE MY GROUP IS THE ONE THAT BRINGS IN THE VAPES. IF THEY DON'T PAY, THEY'LL BE BEATEN UP AND PUT OUT OF BUSINESS... BUT NO ONE LEAVES, BECAUSE THE PROFITS ARE SO GOOD. THEY CALL [THE ILLEGAL VAPOUR PRODUCT TRADE] THE 'GOLD OF THE NEIGHBOURHOOD'."

"Gael", an enforcer for the La Unión Tepito cartel, speaking to newspaper MILENIO under anonymity (2024)

[THE LOS CHAPITOS CARTEL], WERE THE ONES WHO TOOK OVER AND SAID, 'YOU KNOW WHAT? THIS [VAPOUR PRODUCT] MARKET IS MINE NOW.' THEY WENT ALL OVER THE CITY OF CULIACÁN, ONE BY ONE, KIDNAPPING MERCHANTS... IF YOU DIDN'T [COMPLY], THEY WOULD JUST SEND THEIR HITMEN WITH MACHINE GUNS TO TAKE YOUR THINGS.

Mexican retailer from Culiacán, Sinaloa, speaking to newspaper MILENIO under anonymity (2024)

the privilege of doing so. Those who refuse are subjected to violence or have their places of business raided or burned.⁴⁷ These controls extend to the street level, where local actors must operate with explicit approval. Those who defy this informal system risk harsh reprisals designed to reinforce cartel authority and discourage unauthorised competition.⁴⁸

Online storefronts offer another avenue for black market. Despite prohibition, vapour products remain widely and openly available on Mexican e-commerce platforms. These websites often offer national delivery, bulk discounts, and operate with apparent impunity, echoing patterns seen in other black markets where organised networks may operate behind legitimate-seeming fronts.

⁴⁵ Black market for vapes brings millions in profits to drug traffickers: this is how they bring them from China, *Telediario*, 2024

⁴⁶ The 'vaping cartel' employs thousands, but only in Tepito, *MILENIO*, 2024

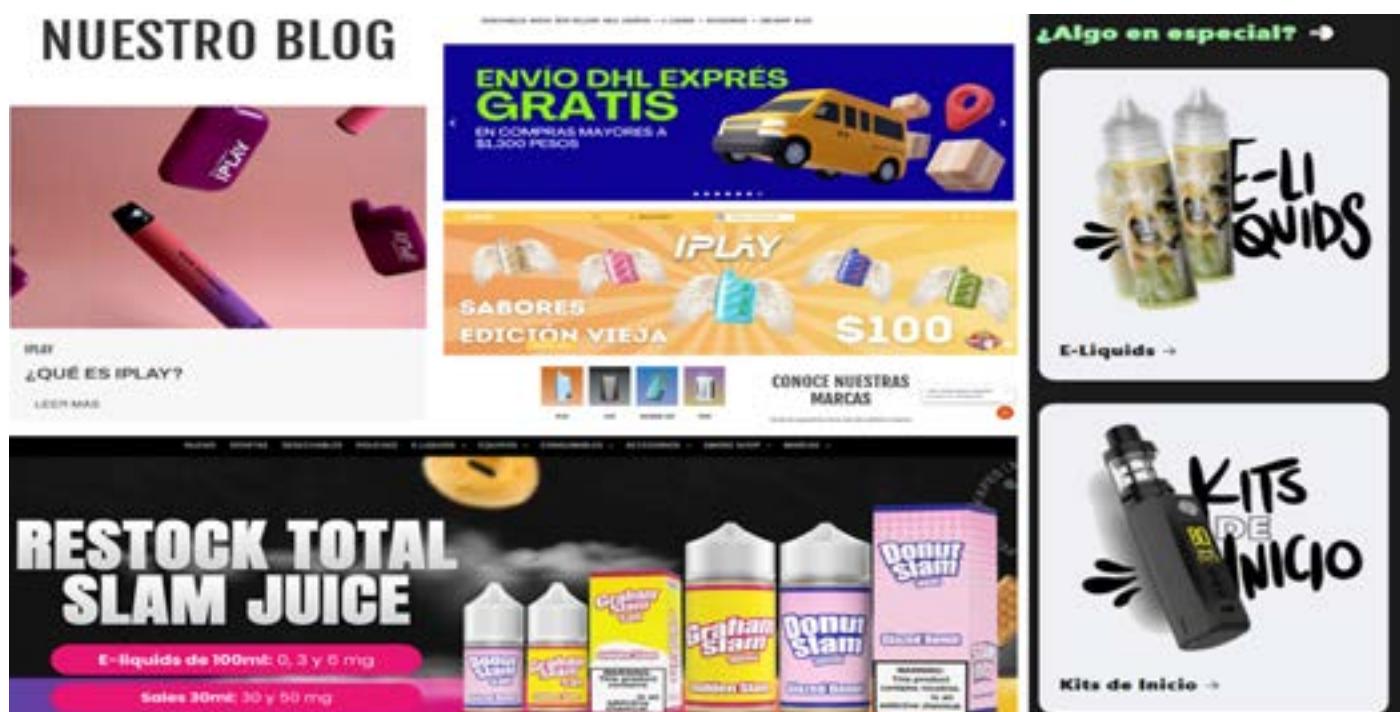
⁴⁷ The 'vaping cartel' employs thousands, but only in Tepito, *MILENIO*, 2024

⁴⁸ Drug traffickers contaminate vapes with fentanyl to hook new users, *InfoBae*, 2024

Cartel violence over control of the vapour product trade is also intensifying. In the state of Sinaloa, for example, the Mayiza and Los Chapitos factions – already locked in a broader territorial conflict over narcotics routes – have reportedly turned their attention to the vapour market. Retailers selling rival groups' products have been targeted, with reports of arson attacks and threats against vendors.⁴⁹ This situation is beginning to resemble Australia, where prohibition has created a lucrative black market and turf wars between rival groups have escalated into a campaign of firebombings⁵⁰ and, in one case, even targeted killings. These precedents suggest that as Mexican cartels tighten their grip on the illicit vapour trade, similar patterns of brutality could become entrenched.

The consolidation of organised criminal control over the vapour market in Mexico is not only reshaping the domestic landscape – it is also beginning to generate cross-border implications, particularly in the United States. Figure 9: A selection of Mexican websites openly advertising and selling prohibited vapour products, with wide product variety, bulk discounts and even cannabis-containing products on offer. (1, 2, 3)

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U.S. authorities now warn that cartels, especially Los Chapitos and CJNG, are driving the American illegal vapour product trade.⁵² Leveraging existing smuggling infrastructure and ties to Chinese producers, they reportedly trafficked over 200 million illegal vapour products into the U.S. in 2024 alone,⁵³ likely reinvesting the financial gains to fund their wider U.S. narcotics networks and fuelling the opioid and synthetic drug crisis.

⁴⁹ [Sinaloa Cartel Turf War Between Chapitos and Mayiza Expands to Mexico's Contested Vape Market, 2024](#)

⁵⁰ [Vape shops at war in Australia: Why so many are going up in flames, Daily Mail, 2024](#)

⁵¹ [Craigieburn drive-by shooting linked to Melbourne's tobacco war, Daily Mail, 2023](#)

⁵² [Behind the vapor veil: the CCP's illicit vape trade, Polaris, 2025](#)

⁵³ [Behind the vapor veil: the CCP's illicit vape trade, 2025](#)

**“MEMBERS OF CJNG HAVE
TORTURED, BEATEN, AND
THREATENED TO KILL THOSE
VENDORS WHO REFUSE TO
ONLY SELL TIH PRODUCTS.”**

U.S. Republican Senators call out Mexican cartels for smuggling tobacco and vapour products (2023)

This has had serious consequences for public health. The United States has regulated vapour products through the FDA's rigorous pre-market review system, aiming to provide adult smokers with safer alternatives to combustible tobacco while imposing strict controls on youth access and marketing. Several products, such as those from NJOY and Juul,⁵⁵ have received FDA authorisation after scientific review concluded they could help adult smokers transition away from cigarettes. Most legal vapour products in the U.S. enter the market through the Premarket Tobacco Product Application (PMTA) pathway, which requires manufacturers to submit detailed chemical, toxicological, and behavioural evidence demonstrating that their products are appropriate for public health. While not without faults – the PMTA pathway is complex, costly, and can slow the availability of new, safer products – this regulated system is now being undermined by the influx of illicit products driven by Mexico's prohibitionist stance. In addition to exposing countless adult consumers to potentially dangerous and unregulated products, evidence shows that seven of the ten most used vapour product brands among US youth are illegal imports.⁵⁶ More tragically, some of the products used by teens have been found to contain narcotics such as fentanyl⁵⁷ and PCP,⁵⁸ leading to hospitalisations and prolonged stays in intensive care.

U.S. policymakers have begun calling for stronger enforcement, not just to stem the domestic health crisis, but to address what many now view as a consequence of policy failure abroad. While many have focused on the role of Chinese manufacturers and the enforcement authorities' slow response, cartels themselves have begun receiving more attention as well. For example, in 2023, then-Senator (and current Secretary of State) Marco Rubio and four further senators urged sanctions on Tobacco International Holdings for ties to CJNG, noting that "Since at least 2018, the Cártel de Jalisco Nueva Generación (CJNG), a cartel sanctioned by the United States for its role in trafficking narcotics and fentanyl, has been involved in the sale of [tobacco and vapour products] to generate a new revenue stream."⁵⁹

This was followed in late 2024 by the launch of an inquiry into imports of illicit products into the USA, and in 2025 by an announcement by Health Secretary Robert F Kennedy Jr. pledging sweeping enforcement action against all illicit vapour products.⁶⁰

Ultimately, the U.S. experience shows that while enforcement is essential, prohibition is not the answer. Regulation that provides legal, safer alternatives – combined with strict oversight – offers a far more effective strategy for protecting public health than policies that push consumers toward unregulated and criminal markets.

⁵⁴ [FDA Authorizes Marketing of Four Menthol-Flavored E-Cigarette Products After Extensive Scientific Review, US Food and Drug Administration, 2024](#)

⁵⁵ [FDA Authorizes Marketing of Tobacco-and Menthol-Flavored JUUL E-Cigarette Products, US Food and Drug Administration, 2025](#)

⁵⁶ [Behind the vapor veil: the CCP's illicit vape trade, 2025](#)

⁵⁷ [Lee Co. 12-year-old hospitalized from drug-laced vape, Walb News, 2023](#)

⁵⁸ [13-year-old Georgia boy injured after reportedly smoking a drug-laced vape pen, Atlanta News First, 2023](#)

⁵⁹ [Cassidy, Rubio, Colleagues Urge Biden to Sanction International Tobacco Company with Ties to Mexican Drug Cartels, 2023](#)

⁶⁰ [Ranking Member Krishnamoorthi Launches Inquiry into Illegal Vape Imports from the People's Republic of China, House of Representatives, 2024](#)

⁶¹ [A Review of the President's Fiscal Year 2026 Budget Request for the Department of Health and Human Services, House Appropriations Committee, 2025](#)

A PUBLIC HEALTH FAILURE

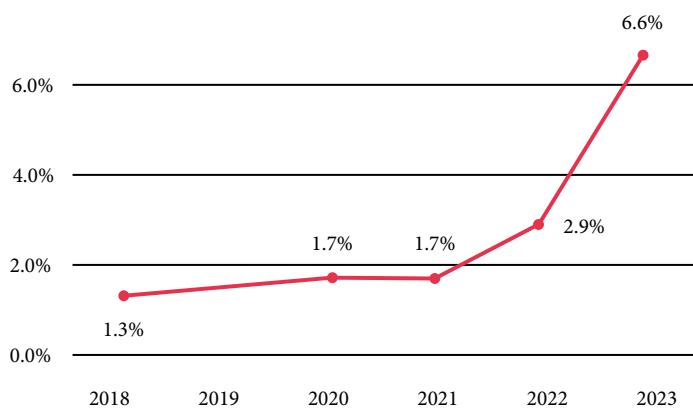
The complete ban has removed all regulatory safeguards, leaving consumers exposed to untested and potentially dangerous products. With no ingredient standards, no age-of-sale enforcement, and no quality controls, the market is now entirely governed by criminal networks rather than public health authorities. This has created an environment where unsafe formulations, undisclosed ingredients, and youth access flourish — the exact opposite of what tobacco control policies are meant to achieve. As such, a product ban represents a complete abdication of the government's responsibility to regulate the market and protect its citizens. With all vestiges of a legal market erased, Mexico's vapour supply is now entirely illicit. No ingredient standards are enforced. No age-of-sale restrictions are possible. Labelling is absent or uncontrolled. Product quality is unsupervised.

Numerous independent studies confirm that a total lack of regulatory oversight has led to a proliferation of harmful and potentially toxic products. Laboratory testing by the Mexican Federal Commission for Protection against Health Risks (Cofepris) and the National Commission against Addictions found that illegal products could contain heavy metals, including “significant levels of cadmium, nickel, and lead, among others”,⁶² as well as potentially dangerous undisclosed.⁶³

Perhaps more worryingly, and possibly owing to the involvement of organised crime in the vapour product supply chain, some products have even been found to contain narcotics such as THC (the active ingredient in cannabis), methamphetamine,⁶⁵ and even the dangerous synthetic opioid fentanyl.⁶⁶ These substances are undisclosed on the products' packaging, meaning that unwitting consumers cannot tell whether they are inhaling potentially dangerous drugs and running the risk of poisoning or death.

Furthermore, because illegal vendors are already breaking the law by selling the products in the first place, they see no need to follow any age of sale restrictions. Consequently, Mexico's prohibition has made underage access to vapour products easier, with use among 15- to 19-year-olds more than quadrupling from 1.3% in 2018 to 6.6% in 2023.⁶⁷

Figure SEQ Figure * ARABIC 5: Vaping prevalence among Mexican 15- to 19-year-olds (Mexican Ministry of Health)



⁶² Cofepris and Conadic issue health alert for vapers and emerging tobacco products: they cause serious health damage, Mexican Government, 2021

⁶³ An international scientific journal publishes a Cofepris study revealing serious health risks from vaping, Mexican Government, 2024

⁶⁴ Marijuana-laced candy and CBD and THC vapes were seized at Cancun Airport, InfoBae, 2023

⁶⁵ Vaping ban by decree expands black market in Mexico, MILENIO, 2024

⁶⁶ Drug traffickers contaminate vapes with fentanyl to hook new users, Infobae, 2024

⁶⁷ Trends in exclusive and dual use of combustible tobacco and e-cigarettes in the Mexican population, Mexican Ministry of Health, 2025

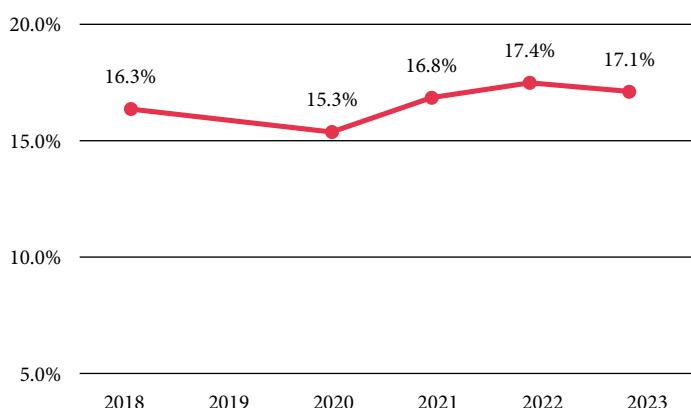
Mexico's prohibition of safer alternatives may be undermining progress in reducing smoking. Data shows that smoking rates have been rising since 2020⁶⁸ – coinciding with the entry into force of the prohibition on vapour product imports. While vaping has risen despite the ban, population-level prevalence remains well below that of regulated markets. Instead, nicotine consumers are pushed toward dangerous illegal vapes or back toward cigarettes – the only widely available and legal nicotine option.

This dynamic is not unique to Mexico. Similar patterns have emerged in other prohibitionist environments, notably Australia⁶⁹ and Brazil.⁷⁰ In both countries – where safer nicotine products are either banned or restricted to the point of legal non-availability – long-standing declines in smoking have stalled. Rather than continuing downward and mirroring global trends, smoking rates in these markets have essentially plateaued.

In contrast, countries that have allowed safer nicotine alternatives to compete with and displace cigarettes – such as the UK and New Zealand – have experienced their steepest reductions in smoking rates since 2020,^{71 72} and are on their way to reaching smokefree national targets.

Unfortunately, public health harms are only one of the results of Mexico's prohibition. By abrogating control of the market, Mexican authorities have allowed organised criminal groups – including some of the country's most notorious cartels – to play a central role in the vapour product supply chain.

Figure SEQ Figure * ARABIC 5: Smoking prevalence in Mexico



⁶⁸ Trends in exclusive and dual use of combustible tobacco and e-cigarettes in the Mexican population, Mexican Ministry of Health, 2025

⁶⁹ Current Vaping and Smoking in the Australian Population aged 14 years or older, Australian Department of Health, 2023

⁷⁰ Smoking Prevalence, Brazilian Ministry of Health, 2025 New Zealand Health Survey, New Zealand Ministry of Health, 2025

⁷² Adult smoking habits in the UK, Office for National Statistics, 2024

KEY RECOMMENDATIONS

Mexico now faces a choice: continue with a policy that fuels crime and worsens public health, or adopt a regulatory approach that restores oversight and protects consumers. Based on the evidence presented in this report, the following principles offer a roadmap for reducing harm, regaining control of the market, and advancing national health goals:

- **Create a Legal Market:** Establish a regulated channel for vapour products with strict age-of-sale enforcement and product registration requirements.
- **Ensure Safety Standards:** Mandate ingredient disclosure, product testing, and labelling to protect consumer health and build trust.
- **Educate the Public:** Pair regulation with public campaigns that communicate the relative risks of vaping versus smoking, empowering smokers to make informed choices.
- **Target Criminal Networks:** Focus enforcement resources on dismantling organised criminal supply chains rather than penalising consumers.

CONCLUSION

Fifteen years of prohibition have not eliminated demand for vapour products in Mexico – they have simply driven it underground, fuelling a sprawling illicit market dominated by organised crime, unsafe products, and rising youth access, while depriving the government of significant tax revenues. What began as a well-intentioned public health policy has instead created new public health risks and a powerful criminal economy. If this trajectory continues, Mexico risks further following the experiences of Australia and Brazil, where prohibition entrenched black markets and sparked escalating and violent turf wars.

A regulated market offers a better path. Legalisation would allow the government to impose age limits, quality standards, and marketing restrictions, ensuring safer products for adults while reducing youth access. It would also give smokers viable lower-risk alternatives, driving down cigarette consumption and improving population health. At the same time, regulation would cut off a major revenue stream for organised crime and generate an estimated USD 240–370 million annually in tax income — resources that could strengthen public health programmes and enforcement capacity. After fifteen years of failure, the conclusion is clear: prohibition does not work. Regulation is the only way to protect consumers, restore order, and deliver real health and economic benefits.

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