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Gaining access to Vietnam's cigarette market: British American Tobacco's strategy to enter 'a huge market which will become enormous'

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Abstract

British American Tobacco (BAT) has made concerted efforts since the late 1980s to establish a major presence in Vietnam, among the world's 10 fastest growing tobacco markets. Until 2000, Vietnam's tight regulation of the industry has been largely driven by trade and investment policy, resulting in a stronger domestic industry but increased production and consumption of tobacco products. BAT gained market access, and achieved a dominant market share among TTCs, through leaf development, licensed manufacturing, and the contraband trade. With impending trade liberalization in Vietnam, the company is now well placed to further expand sales. The ambitious National Tobacco Control Policy, adopted in 2000, signals a shift in political priority towards the protection of public health. Effective implementation and enforcement of its comprehensive measures will depend on the public health community's ability to draw support from regional and global experience, notably the Framework Convention on Tobacco Control (FCTC).

Keywords: *Vietnam, tobacco control*

Introduction

The expansion of transnational tobacco companies (TTCs) into low- and middle-income countries in Africa (Pendleton 2003), Asia (MacKay 2004), Latin

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America (Shepherd 1985), and the former Soviet Union (Gilmore and McKee 2004, Gilmore et al. 2006), and the concomitant burden from tobacco-related disease and death (MacKay and Crofton 1996, Bettcher et al. 2000, Gajalakshmi et al. 2000), constitutes an enormous threat to global public health (Barry 1991, Connolly 1992, MacKay 1994). Of the predicted 10 million annual deaths related to tobacco consumption by 2020, seven million will occur in the developing world (Shafey et al. 2003). Efforts to implement the Framework Convention on Tobacco Control (FCTC) are focused on mitigating this looming threat.

The Asia-Pacific region is central to the ambitions of an increasingly global tobacco industry. With 56% of the world's population, 25% of gross national product, and 22% of international trade (European Commission 2003), the region offers three of the world's top five cigarette consuming countries (China, Japan, and Indonesia; MacKay et al. 2006) and accounts for over half of global cigarette sales (Dreyfuss 1999, Milenkovic 2006). Moreover, the scope for growth is enormous, given rapidly growing economies and low rates of female smokers.

Previous studies have shown how TTCs have actively sought market entry into Asia. Japan (Lambert et al. 2004), South Korea (Callard et al. 2001), Taiwan (Wen et al. 2005), and Thailand (Chitanondh 2001, Vateesatokit 2003), were compelled in the late 1980s to drop restrictions on cigarette imports under the General Agreement on Tariffs and Trade (Campaign for Tobacco-Free Kids 2002). In Cambodia, British American Tobacco (BAT) exploited state incapacity, and the government's need for foreign direct investment (FDI) to negotiate an advantageous joint venture (JV). Research on China has documented the tactics employed by TTCs, including reliance on contraband, to gain market access (Lee et al. 2004a, Lee and Collin 2006). Evidence shows that, where TTCs have established a market presence, increased marketing and price competition have led to rises in tobacco consumption (Taylor et al. 2000). Better understanding of the strategies used by TTCs to gain market access is, thus, critical for stemming the predicted health impacts from tobacco in Asia (Asia Pacific Cohort Studies Collaboration 2005).

Analysis of the tobacco industry in Vietnam remains scarce, despite being targeted by TTCs from the late 1980s. Vietnam is among the world's 10 fastest growing tobacco markets (Milenkovic 2004), worth over US\$960 million in 2004, an increase of 9% over the previous year. Annual cigarette consumption totalled around 68 billion sticks in 2000, increasing 25% to 87 billion sticks by 2004 (Anon 2005b, Euromonitor 2005). The market has been traditionally dominated by the state monopoly, Vietnam National Tobacco Corporation (Vinataba), and provincial tobacco companies. Local brands account for roughly 80% of cigarettes sold officially by volume. Since the mid 1990s, licensed manufacturing by Vietnamese companies of foreign brands, such as Craven A, Marlboro, and State Express 555, has accounted for 20% of the official market. Furthermore, since the introduction of an import ban on foreign brands since 1990, contraband sales have grown steadily, to reach 19% of total volume sales by 1999 (Euromonitor 2005, Le 2006). This overall growth in consumption heralds

a looming public health crisis. Tobacco use causes around 40,000 deaths annually in Vietnam, and is predicted to eventually kill 10% of the country's 83 million population (Jenkins et al. 1997, Rossel 2004). In 1997, the smoking prevalence rate among males in Vietnam ranked highest in the world, at 76%. More recent data suggest a rapid rise among youth and women who strongly favour foreign brands (Ministry of Health 2003, Euromonitor 2005).

This paper analyses the market entry strategy of BAT, the leading TTC in Vietnam. Using internal tobacco industry documents, released through litigation in the USA, this paper explains how the company penetrated the cigarette market in Vietnam through a dual strategy of legal and illegal supply. While the government successfully protected and strengthened the domestic industry through restrictions on foreign manufacturing and investment, and agreements to enhance leaf development and processing (Anon 2001), BAT circumvented market entry barriers through licensed manufacturing and the contraband trade. In this way, the company built a 14% share of the legal cigarette market by 2001, compared with Philip Morris at 1% (Anon 2005b). The company supplies the country's leading foreign brands, Craven A and State Express 555, with 8.4% of legal retail volume in 2003 (Euromonitor 2005). State Express 555 is also among the most popular smuggled brands. Given Vietnam's integration into the Association of Southeast Asian Nations (ASEAN) Free Trade Area (AFTA) by 2012, and membership in the World Trade Organisation (WTO) in December 2006, the public health community requires a more comprehensive approach to tobacco control that takes particular account of the diverse strategies deployed by TTCs, to penetrate emerging markets.

Methodology

This paper analyses documents from the BAT Depository in Guildford, UK, and the British American Tobacco Documents Archive (BATDA). The provenance, mechanics, and limitations of using tobacco industry documents have been described elsewhere (Malone and Balbach 2000, Balbach 2002, Bero 2003, MacKenzie et al. 2003, LeGresley et al. 2005), as have the particular difficulties of accessing and working with documents at the Guildford Depository (Collin et al. 2004b, Lee et al. 2004b, Muggli et al. 2004).

Document searches, conducted between 2003 and 2005, followed an iterative model, initially using broad terms such as *Viet**, *Vinataba*, and *New Business Development*. This was followed by more specific searches, using names of BAT and Vinataba personnel and specialist terms. More complex searches were conducted using Boolean operators, including established euphemisms for smuggling defined within BAT documents (George-Perutz 1989, O'Keeffe 1994), such as transit, general trade (GT), duty not paid (DNP), and free market sales (Collin et al. 2004a, Lee and Collin 2006). All relevant documents were analysed to create an historical and thematic narrative. Industry publications, newspapers, academic journals, policy documents, and legislation were used to contextualize and triangulate findings.

Findings

Targeting Vietnam for ‘priority action’¹ and a ‘head start’² on the competition

TTCs operated in Vietnam until Viet Cong forces triumphed in 1975, and the tobacco industry was placed under state ownership. BAT returned in the late 1980s, to initiate JV negotiations amid the government’s *doi moi* (‘renovation’) process of economic reform (Davis 1989), that sought to open the economy and allow private sector development (Schaumberg-Muller 2003). Under Project Vietnam, BAT initially planned to develop a low-cost brand to compete with Hero and Jet, which sold around 550 million sticks per month (Cameron 1990), as ‘solely transit [smuggled] brands’ from Indonesia (Cousins 1990b, Salter 1990). A ban on cigarette imports introduced in 1990 (Cousins 1990a), however, forced BAT to pursue licensing of a Vietnamese company to manufacture BAT brands locally or to purchase equity in a local factory. BAT’s long-term goal, to supply a third of the market (21–24 billion cigarettes) by 2000 (Salter 1991b, Watterton 1992c), was ‘a fully integrated tobacco business’ encompassing leaf development, cigarette manufacturing, sales, and distribution (Watterton 1992b).

Early negotiations coincided with the establishment of a New Business Development (NBD) Unit within BAT, responsible for developing investments in emerging markets worldwide (Gilmore and McKee 2004). NBD’s initial focus on the former Soviet Union (FSU) and Eastern Europe (Salter 1991a) was then extended to Asia, where Vietnam, Cambodia, and Myanmar, were identified as priorities (Salter 1991b), given market size and potential profitability (Barton 1992). Vietnam was described by the company as ‘relatively undeveloped [but with] . . . the potential to become the next Thailand towards the end of the decade’ (Salter 1991b), an apparent reference to the forced opening of that market following pressure by the US Trade Representative. Notably, BAT was keen to conclude an agreement before the lifting of the US trade embargo that barred American companies from investing in Vietnam from 1975. The objective was to gain a ‘head start’ (Watterton 1992a), establishing a JV to secure both a ‘pre-emptive position’ in the market and ‘priority investment status’ (Watterton 1992b).

Despite signing a Memorandum of Understanding (MOU) in June 1991 (Cannar 1991), negotiations foundered. First, disagreement arose over the specific brands and quantities to be produced (Anon 1990), with Vinataba’s suggested limit of four billion sticks (Johnson 1996c) falling far short of BAT’s planned annual production of 24 billion (Salter 1991c). Second, ownership of the JV proved contentious (BAT 1992d, Johnson 1996a), as BAT sought ‘over 2/3rds shareholding so as to acquire management control’, and a general director ‘nominated by BAT’ (BAT 1992c, d). Third, BAT requested an exclusivity clause with guarantees to include a ‘binding agreement that Vinataba will not enter into any other JV with a competitor [and] . . . not issue a licence for any other tobacco industry investment in the South of Vietnam for at least 10 years’ (Watterton 1992b). Julian Manning, of BAT’s subsidiary Singapore Tobacco Company

(STC), acknowledged the restrictive clause as inconsistent with 'Vietnamese current open door investment policy'.

As negotiations stalled, senior management began to question Vinataba's commitment (Sheehy 1992), their suspicions heightened by a May 1992 government announcement that further tobacco consumption should not be encouraged (BAT 1992a), and that JVs and foreign investment in the industry would be banned, unless for export production (Watterton 1992e, BAT 1992f). While BAT planned to seek 'an exemption from the Decree restricting tobacco investments' (Johnson 1992a), privately senior management described Vietnam as 'a difficult business environment' because of its weak economy, lack of infrastructure, and what was described as 'entrenched corruption' (BAT 1992f).

A foot in the door via leaf development

Vietnam historically imported tobacco leaf due to inadequate quantity and quality of domestic supplies. Recognizing the government's desire to reduce imports, BAT used leaf development to leverage JV discussions. A 1989 MOU, between STC and Vinataba for a pilot leaf growing project (Esmerk 1991), claimed BAT would make 'a significant contribution to the Vietnamese economy' by providing 'foreign exchange savings or export sales' of around US\$3 million in year one, rising to US\$40 million within 10 years (BAT 1992f). BAT also agreed to finance the purchase of US\$2 million of Vietnamese tobacco leaf (Taylor 1992a). Stuart Watterton (then head of NBD) reported that Vinataba believed BAT could 'obtain an exemption from the decision [1992 ban on foreign investment] if the proposal strongly emphasizes leaf development for import substitution and export' (Watterton 1992e).

Negotiations, nonetheless, failed to progress over the next 3 years, despite BATs concerted efforts (Faasen 1992, Johnson 1996b). In October 1992, a leaf expert within NBD reported that Vinataba Director Thuy was 'negative about us' (Taylor 1992c), feelings ascribed by the managing director of leaf merchants Intabex, acting as intermediaries in the negotiations, to:

illegal imports of [BAT brand] State Express 555 and BATs exclusivity requirement (Taylor 1992b).

To assuage these concerns, Bui Van Tai (Vinataba Leaf Manager), described as 'effectively number three in the organization ... [and whose] cooperation will be necessary to successfully progress BAT's joint venture proposal' (Taylor 1992d), was invited to visit BAT's Brazilian subsidiary Souza Cruz in January 1993, to observe the company's leaf production capabilities (BAT 1992e). Nick Brookes (Watterton's successor as director of NBD) reported that the delegation were impressed, 'and promised to do everything possible to re-start talks with BAT on their return' (Brookes 1993b).

Licensed manufacturing as 'an interim measure'

While negotiations between BAT and Vinataba remained ongoing, other TTCs advanced their own plans in Vietnam. In February 1994, Rothmans agreed to terms for the local manufacture of Dunhill cigarettes. RJ Reynolds (RJR) followed in June 1994, with a US\$21 million shared equity JV with the provincial Da Nang Tobacco Company, covering leaf growing and licensed manufacture of the Winston, Salem, and Camel brands (Reich 1995, BAT 1994b). BAT finally concluded its own licensing agreement in August 1994, for the manufacture of State Express 555 by Vinataba (Adams 1994). Pressure from competitors played a clear role:

Obviously a strategy which led to a JV would have been preferred but the actions of our major competitors, PMI [Philip Morris International] and Rothmans, forced our hand. If they had been allowed to work unchallenged in Vietnam and with Vinataba a very large question mark would have to be placed against our ability to maintain the existing State Express franchise (Fry 1994).

While the licensing agreement was described as a 'critical venture' (Adams 1994) for BAT, it remained 'an interim measure' (Aiken 1993) towards a 'full joint venture covering tobacco growing and processing and production of other brands' (Tobacco Merchants Association 1995). Senior management remained keen on concluding such an agreement as soon as possible (Brookes 1993a), although a deal remained frustratingly elusive (BAT 1994a). In a 'somewhat acrimonious meeting' (Johnson 1996d) in August 1995, BAT was told by Vinataba that any JV would be limited to premium brands with a 10 billion production limit, that a major leaf development programme to supply Vinataba would be expected, and that foreign ownership would be limited to 49% (Johnson 1996a). With negotiations at an impasse, further meetings were not held until the following year (Johnson 1996d).

'Strategically ... protecting BAT's market position'³: The use of contraband to gain market access

Faced with limited progress in negotiating a shared equity JV, documents describe BAT's sense of urgency to secure a greater market presence in Vietnam before the lifting of the US trade embargo. Watterton (1992d) reported that discussion of major outstanding issues, including 'land lease, excise, brands to be licensed, shareholders' participation and tax concessions', were being given emphasis to accelerate the process. Should negotiations continue to stall, it was proposed that BAT Chairman, Sir Patrick Sheehy, would pay a 'high level visit' (BAT 1992e), while Vinataba Director Thuy and his wife were invited to the men's final of the Wimbledon tennis tournament (Herter 1993).

Within this context, large-scale cigarette smuggling became intertwined with BAT's market entry strategy, described by Joosens as a 'twin-track strategy to maximize its earnings from Vietnam' (Joosens 2003). Cigarette smuggling was a long-standing problem for the government, estimated at 12–18 billion sticks (worth hundreds of millions of US\$) annually prior to the 1990 import ban

(Anon 2000, Pham and Nguyen 2005), and increasing thereafter (BAT 1992f). One media report claimed that approximately 10 million sticks, with a street value of US\$350,000, were smuggled into Vietnam's southern provinces daily from Cambodia in 1999 (Watkin 1999). The Cambodian Ministry of Commerce estimated that 80% of cigarettes imported into the country were subsequently smuggled onward into Vietnam, transported from warehouses in 'no man's land' at the Vietnam-Cambodia border 'stocked with cigarettes supplied by trucks driven through the Cambodian check point' (Ministry of Commerce n.d.).

BAT's complicity in the contraband trade in Asia has been previously described (ASH 2000, Beelman et al. 2000, Campbell et al. 2000, UK House of Commons 2000, International Consortium of Investigative Journalists 2001, Collin et al. 2004a, Lee and Collin 2006). Documents analysed here detail the role of contraband within the company's market entry strategy for Vietnam specifically, prior to the 1990 import ban and after the agreement of licensed manufacturing in 1994. Throughout this period, BAT brands were among those most heavily smuggled (Pham and Nguyen 2005). For example, State Express 555, along with Hero (Sumatra Tobacco Company) and Fine (Seita), are described in documents as the top brands in Ho Chi Minh City in 1991, with 'the majority of stock . . . smuggled into the country' by sailors (5%), fishermen (15%), and by road through Thailand and Cambodia (80%) (Kwok 1991). In 1989, Michael Downham, Executive Director Far East, BAT UK Exports (BATUKE), reported that the bulk of smuggled cigarettes came through Cambodia, and that the Vietnamese army was allegedly a key player. The scheduled 'pull out' of Vietnamese troops from Cambodia in September 1989 was described as a concern for BAT, although he cited 'alternative routes' (Downham 1990) available to BAT via Myanmar and China (BAT 1991, 1994c). A BAT regional plan in 1991 noted that '[u]nless Vietnam lift [sic] the ban on foreign cigarettes, Cambodia will serve as an important transit point for foreign companies' (BAT 1992b).

Cigarette smuggling advanced BAT's market entry strategy in two principal ways. First, smuggling supplied BAT brands to the Vietnamese market despite the import ban and slow progress of JV negotiations. Ensuring brand awareness among Vietnamese smokers was seen as critical for building demand prior to any opening of the market and competition from other foreign brands. Documents describe BAT's incorporation of contraband into the company's business plan:

For the Business Plan 1992-97, we have included two scenarios (see attached)

(1) VIETNAM GT [general trade or smuggling]

(Assumption: Market will not liberalize over the Plan Period)

(2) VIETNAM DIRECT IMPORTS

(Assumption: Market will liberalize in 1993).

Our current view is that the market will not liberalize in 1992, therefore, Scenario 1 should be incorporated in the Company Plan (Combe 1992).

Second, smuggling was used by BAT to leverage greater market access. In a letter to Nick Brookes in October 1991, Nick Manning observed that the government had given Vinataba 'an immediate objective to cut down smuggling and increase

revenue through the early establishment of contract manufacture of international brands with MNCs [multinational corporations]' (Manning 1993). A 1992 report described how local brands faced 'competition from smuggled foreign brands and are also hit by the high level of tobacco tax', while tobacco companies had engaged in 'lobbying the government' to reduce such tax' (BAT 1992f). A 1993 BAT feasibility study for a JV stated that a key objective was 'to assist the Vietnamese Government in discouraging illegal imports of cigarettes by means of an appropriate price structure for these locally manufactured international cigarettes' (BAT 1993c).

Interestingly, efforts to use smuggling to leverage negotiations were seemingly not well received by the government. Anne Johnson, of BAT's Legal Department, for example, stated that Thuy was aware of the involvement in contraband of Singapura United Tobacco Limited (SUTL), BAT's principal distributor in the region (Collin et al. 2004a): 'Thuy made it clear . . . that he "knows" of the close relationship between BAT and SUTL and that the State Express 555 smuggled into Vietnam originates from STC and SUTL' (Johnson 1992b). While BAT remained committed to establishing a JV in which it would have majority equity and management control (Manning 1993), its strategy of 'emphasizing the country losses with smuggled cigarettes' (BAT 1993d) appears to have adversely affected negotiations. For the Vietnamese government, it was hoped that licensed manufacturing would reduce demand for smuggled cigarettes by creating local supply.

The problem of 'cannibalization': Controlling the price of locally produced and contraband cigarettes

By the time licensed manufacturing commenced in 1994, 'systems volumes' of State Express 555 defined as 'profits from BAT Vietnam [subsidiary established to handle licensed manufacturing and proposed JV], the sale of kit sets and GT [contraband]' (Kemball 1995) had risen from 717 million sticks in 1993 to 900 million sticks in 1994 (Da Costa 1995). Supplying the market through licensed manufacturing thus required careful management alongside the lucrative smuggling trade. While local manufacture of BAT brands was seen as beneficial, the company remained committed to establishing a JV for two reasons. First, there was a perceived need by the company 'to guarantee stability of business' (BAT 1997a), given the long-term vulnerability of the contraband trade (Collin et al. 2004a). Second, BAT became concerned about potential 'cannibalization' of one area of the company's business on the profitability of another. In this case, there was concern that the lucrative earnings from contraband (Robertson 1994) would be jeopardized by licensed manufacture: '[W]e are already selling more in GT than we would versus local manufacture. We cannibalize our existing business' (Owen 1993b). This risk was also acknowledged by BAT's financial adviser, Andrew Whitehouse of Schrodgers Investment Banking, whose review of the draft business plan for the licensing agreement, noted that 'there is no reference

anywhere to lost transit [smuggling] revenues which are surely integral to any full evaluation of the [contract manufacture] project' (Whitehouse 1993).

The documents indicate that some cannibalization was acceptable to BAT which intended to simultaneously supply the market through both legal and illegal channels to maximize profits: 'the achievement of MIV [Made in Vietnam] volume objectives will enhance total State Express 555 in market sales volume, irrespective of source' (Robertson 1994). Dual supply channels were similarly viewed by STC's Malcolm Fry as an 'opportunity to brand the market and increase the range and depth of distribution', serving 'as an investment for the brand, irrespective of source' (Fry 1994).

Optimizing sales depended on careful coordination of pricing and labelling of smuggled and locally produced BAT brands (Owen 1993a). Almost immediately, this task was complicated by the perception among consumers that smuggled BAT cigarettes were superior to the MIV version. A marketing report described this as common 'within an emerging country where consumers have real reason to mistrust local manufactured goods' (Anon 1999b). Moreover, restrictions on tobacco advertising, adopted by the Vietnamese government in 1995, limited BAT's ability to counter such perceptions and 'communicate reassurance and added value through "traditional" mass media' (Anon 1999b).

This situation was further complicated by a burgeoning counterfeit market, which further undermined consumer confidence in MIV brands. BAT's Counterfeit Market Team began investigating fake State Express 555 produced in Vietnam as early as 1992 (Hirji 1992). Monitoring by the company found authentic 'Made in England' (MIE) versions entering the country as contraband, rewrapped for sale alongside poor quality counterfeits traced to Vinataba (Havercroft 1993). BAT considered how to use packaging to 'ensure that the consumer believes that State Express 555 made in Vietnam is identical in quality to international product' (BAT n.d. b). Plans to use English labelling only, however, were not pursued further when BAT staff became concerned about the possible intentions by Vinataba to engage in 'parallel imports' (i.e. smuggling onwards to other markets without BAT permission) (McPhail 1993):

... there is a concern that Vietnamese State Express 555 could be illegally exported to other territories, notably China. However as the license will specifically exclude freedom to export and all [local] manufacture will therefore be duty paid, exports will be uncommercial. It is proposed that the packs and the cigarettes will be clearly marked 'Made in Vietnam' (or equivalent marking) to prevent any possibility of confusion in the Vietnamese market. This will also have the effect of identifying the origin of the cigarettes should any unauthorized exports of cigarettes occur (Brookes 1993c).

The government's own efforts to address the soaring contraband and counterfeit problem led to new labelling laws in January 1997, which required all foreign cigarettes produced in Vietnam to be labelled as 'Made in Vietnam', either in English or Vietnamese, 'to help consumers differentiate between legal and contraband products' (Shook, Hardy and Bacon 1997).

When labelling proved ineffective at limiting 'cannibalization', BAT sought to control the relative price of locally produced and smuggled cigarettes to overcome

consumer preference and optimize profits. A 1993 report indicates BAT's detailed knowledge of pricing along the contraband supply chain:

Ex factory price *should* be such that retail price falls at parity with GT (not fully controllable). GT price structure is:

(In US\$ per case)

BATUKE to SUTL: \$245

SUTL to Importer (Cambodia): \$290

Importer to Wholesaler (Cambodia): \$348

Wholesaler to Trader (Cambodia border): \$350

Therefore GT exiting Cambodia at US \$350

(Laos route also appears to exit at US \$350) (McPhail 1991).

The end price of contraband (US\$350 per case) undercut the price of the local version by evading a 30% tax on imported materials for local manufacture and a further 50% consumption tax (BAT 1992f). Three detailed financial schedules were drawn up based on the relative shares held by 'legal' and 'transit' (contraband) sales. Schedule 1, BAT's proposed business plan, was expected to

Box 1. Timeline of key events.

Date	Event
1975	Vietnam's tobacco industry nationalized
late 1980s	BAT initiates negotiations to enter the Vietnamese tobacco market
1989	Singapore Tobacco Company and Vinataba sign MOU for pilot leaf growing project
1990	Vietnamese government enacts ban on cigarettes imports
1991	BAT and Vinataba sign MOU to negotiate joint venture
1992	Vietnamese government announces ban in foreign investment in tobacco industry unless for export production
February 1994	US trade embargo on Vietnam is lifted
February 1994	Rothmans signs licensing agreement for local manufacture of Dunhill cigarettes
June 1994	RJR signs licensing agreement with Da Nang Tobacco Company for leaf growing and local manufacture of Camel, Winston, and Salem cigarettes
August 1994	BAT signs licensing agreement with Vinataba for local manufacture of State Express 555 cigarettes
December 1994	Philip Morris signs licensing agreement with Vinataba for local manufacture of Marlboro cigarettes
1997	Vietnamese government introduces new labelling law to combat cigarette smuggling
1997	Negotiations commence over potential takeover of RJR agreement with Da Nang Tobacco by BAT
1999	BAT and Rothmans merge to become second largest TTC in the world
1999	Vietnamese government announces tighter regulation of new foreign investment in the tobacco industry
2000	Vietnamese government adopts 10-year national tobacco control policy
2001	BAT and Vinataba sign a shared equity joint venture agreement for leaf processing
2004	Vietnam ratifies the FCTC
2007	Vietnam accedes as a member of WTO under which domestic tobacco companies are allowed to import certain quota of cigarettes and cigars
2012	Vietnam to accede to ASEAN Free Trade Agreement

earn the most returns with an optimal balance of legal and 'transit' sales over 1994–1999 (O'Keefe 1993). It envisaged '[t]ransit volume of State Express 555 to supplement the demand' at a rate of between 462–533 million sticks per annum. (BAT 1993a). To achieve this, the contraband price (VND11,000) had to be set just above the local version (VND10,000). This was deemed important because 'Local State Express 555 must be perceived to be a top quality product as per GT [general trade or contraband] . . . We need to be very careful in controlling the price structure to ensure that a minimum degree of cannibalization results' (Owen 1993a). Careful communication among BAT Vietnam, BATUKE, and SUTL was established to control 'in-market pricing' (Mansoor 1994).

Documents describe BAT plans to shift the balance between legal and illegal sales over time towards the former. A 5-year business plan (see Table 1), drafted in September 1993, describes local production by BAT Vietnam rising from 600 million in year one to 1.7 billion by year five (1999), with marketing strategies over this period to incorporate estimates of '[t]ransit volume of State Express 555 to supplement the demand'. Contraband, in turn, was expected to rise from 462 million to 533 million annually over this period, but falling in proportion to total supply, given 'declining pressure of transit product during the period (for all manufacturers)' (Da Costa 1993).

Despite these careful plans, control over the relative price of smuggled and locally produced cigarettes proved difficult for two reasons. First, as other TTCs sought to establish local demand for their brands, legal and contraband BAT cigarettes increasingly faced competition from other foreign brands. Locally produced Marlboro, for example, 'would be sold at 8,000 Dong, significantly below the current transit price of 13,000' because 'PMI . . . had no interest in profits for at least 5 years and are willing to buy market share' (BAT 1993b). Second, BAT officials were aware that 'importers' (smugglers), wholesalers, and retailers, preferred to sell contraband because of higher profit margins (van Waay 1993). The difficulties of managing the dual supply of the market were reflected in BAT's decision, in April 1995, to temporarily halt local production of State

Table 1. Projected sales of local manufactured and contraband cigarettes by BAT for joint venture in Vietnam.

	Year 1	Year 2	Year 3	Year 4	Year 5
S.E. 555:	600	700	800	900	900
Lucky strike:	–	60	75	110	135
Players Gold Leaf:	–	400	500	600	700
Total (Volume in millions)	600	1160	1375	1610	1735
Note: Transit volume of S.E.555 to supplement the demand estimated as follow:					
Millions p.a.	462	403	489	426	533

Source: BAT (1993a) BAT-Vietnam Business Plan, 10 September, British American Tobacco, Bates No. 203472867 (203472863-881). <http://bat.library.ucsf.edu/data/1/n/s/lms54a99/lms54a99.pdf>

Express 555 after ‘[a]bout 20 mn [million] smuggled cigarettes flooded the market, priced at one-third of the price of those made in the country’ (Anon 1995a). A month later, BAT had taken steps to bring greater coherence between the two sources of supply:

A monthly Sales Operations Planning team has been established in Singapore to ensure greater coordination over volumes. As a result, stocks have been reduced in the market, prices have been firmed and MIV sales are recovering ... (Kemball 1995).

Overall, consistent with BAT strategy elsewhere (Collin et al. 2004a, Gilmore and McKee 2004, Lee and Collin 2006), contraband has been integral to the company’s market entry strategy in Vietnam, initially serving to circumvent the import ban. The government’s policy of licensed manufacturing aimed to protect and enhance the domestic industry, and was not driven by the goal of tobacco control. As a result, the contraband trade boomed during the 1990s (Pham and Nguyen 2005). For BAT, smuggling earned the company huge profits, as well as ensured its brands a market presence to compete with other brands. Once licensed manufacturing was achieved, BAT sought to optimize the sale of legal and smuggled cigarettes through the control of supply and price:

... trade marketing strategies should not be constrained by current volume restrictions placed upon local manufacture. We must vigorously pursue strategies designed to *achieve and sustain* measurable competitive advantage. Accordingly, total in market volume, irrespective of source, channel presence marketing, market intelligence, and share of the international segment should be the primary measures of achievement (Robertson 1994).

However, rapid growth of the contraband trade undermined the company’s ability to exert control, interfering with the company’s desire to establish a more secure legal presence.

BAT emerges as leading TTC in Vietnam

Cigarette production in Vietnam grew exponentially from the early 1990s (see Table 2), under the government’s policy of strengthening domestic industry. For most TTCs, however, despite the flurry of licensing agreements granted by the government, economic gains proved modest. Documents describe sales of PMI’s Marlboro and Rothman’s Dunhill, manufactured by Vinataba, as 3 million sticks per month each in 1996 (Johnson 1996a). By 1999, market share by volume

Table 2. Cigarette production in Vietnam (millions of packs).

Year	Millions of packs
1985	515
1989	1,164
2000	2,600
2002	3,354
2004	3,000

Source: Compiled from Government of Vietnam, General Statistics Office, *Statistical Yearbook* (Hanoi: various years).

remained disappointing, at around 1.6% for PMI, 2% for RJR, and 3.5% for Rothmans (BAT n.d. a).

In contrast, BAT doubled total sales volume (legal and contraband trade) of State Express 555 in 1996 (Maxwell 1996), and increased sales again by 42% over the previous year in 1998. With 85% of the premium brand market (Ghosh 1998), and 15% of the total Vietnamese market by 1999 (BAT 1999a), Hans Niedermann (Head of the Trade Marketing and Distribution Department) commented, 'it is very motivating to visit Vietnam—I felt proud to be part of BAT. We have excellent brand position ...' (Niedermann 1997). Vietnam was expected to deliver 'long term sustainable profitable growth and reduced volatility of earnings'. The 1999 global merger of BAT and Rothmans, the second largest TTC in Vietnam, clearly benefited this goal:

The merger has provided the volume and portfolio appropriate to the largest international company in Vietnam. State Express 555 remains the flagship brand in the market and growth momentum will be maintained. Craven A, White Horse, and Virginia Gold will leverage their regional strengths in Vietnam and provide the opportunity for State Express 555 to secure wider distribution (BAT 1999a).

An opportunity to further consolidate this lead position arose in 1997, with the possible takeover of RJRs JV with Da Nang Tobacco. There was growing pressure from Vinataba to 'get the JV moving' (Homan 1998b) following delays in the construction of a planned 6–10 billion stick factory and leaf exports (Johnson 1996a, Homan 1998c). Initially, RJR discussed contract manufacturing with PMI, Japan Tobacco International, Rothmans, and BAT (Homan 1997). With Vietnam seen as 'a huge market which will become enormous in 10 years time' (BAT 1997b), BAT negotiated to buy RJR's stake outright. Project Wildlife was initiated to influence key individuals in Vietnam and the UK (Homan 1998a, Massey 1998), such as 'the [British] Ambassador [to Vietnam]', who was described as willing to 'do whatever we wanted' (Massey 1998). In October 1998, RJRs Vice President of External Relations and General Counsel, Stettler, wrote to Nguyen Ba Thanh of the Da Nang City People's Committee, emphasizing that the involvement of an 'additional partner' (BAT) would 'satisfy the demands of the Vietnamese consumer and fight illegally smuggled products', as well as 'contribute to rural economies' and 'generate foreign currency' (Stettler 1998).

Despite concerted lobbying, further tightening of government regulations on new investments in the tobacco sector in May 1999 prevented approval of the takeover (Philip Morris 1999). Despite this setback, BAT remained committed to Vietnam as a 'critical growth' market (BAT 1998), in which the company aimed to secure a 'dominant position' (BAT 1999b). Of particular importance was the expected liberalization of the Vietnamese economy with the country's accession to regional and multilateral trade agreements. Regionally, it was identified as 'the focus for investment going forward' in leaf investment among ASEAN countries (BAT 2000). Tariff reductions on tobacco products are included under the ASEAN Free Trade Agreement (AFTA), with Vietnam's Ministry of Finance

conceding that restrictions on access to the domestic tobacco industry would be replaced by ‘a more rational strategy’ (Anon 2005a). Globally, the country was cited among nine of BATs ‘strategic markets’ for building manufacturing units, in order to provide BAT ‘leading positions’ within key ‘trading blocs’ (BAT 2001b). Expectations focused on Vietnam’s planned accession to the WTO (WTO 2006c), with the country reportedly committed to reducing restrictions on trading rights for some ‘sensitive products’, including tobacco (WTO 2005), in exchange for access to foreign markets for Vietnamese exports. With accession granted in January 2007 (WTO 2006a), Vietnam allowed domestic companies to import an agreed-upon quota of cigarettes and cigars for the first time since 1990 (Anon 2006b).

In 2001, BATs long resolve to establish a shared equity JV in Vietnam culminated in a US\$40 million agreement with Vinataba, to build a leaf processing plant in Dong Nai province (BAT 2001a, Tran 2001). The agreement attracted substantial attention in the UK media, coming 2 months after a visit to Vietnam by BATs deputy chairman, Kenneth Clarke, then Conservative Party leadership candidate and a former Minister of Health (Anon 2001, Barnett 2001, ASH 2005). With Vietnam reported as continuing ‘to deliver good profit and volume growth’ (BAT 2005), a further agreement was reached in 2006 to produce 150 million packs per annum of Pall Mall and Viceroy cigarettes for domestic sales, and an additional 50 million packs per annum for export. In doing so, BAT affirmed itself as the clear frontrunner among TTCs to take advantage of one of the world’s fastest growing tobacco markets.

Discussion

From the initiation of *doi moi* in the mid 1980s to the present day, the Vietnamese tobacco industry has remained tightly regulated by the government. The 1990 ban on cigarette imports, high tariffs on imported leaf and other inputs, and restrictions on foreign investment have all been effective at protecting Vinataba and other domestic producers. Tobacco control measures, aimed at protecting public health, have been more gradually introduced. In 1989, the Vietnam Committee on Smoking and Health (Vinacosh) was created, under the management of the Ministry of Health, to undertake tobacco control activities (Government of Vietnam 1989). Limited resources meant that most activities centred on World No Tobacco Day. From 1995, the government adopted a series of restrictions on the marketing, advertising, and promotion of tobacco products. Restrictions encompassed all print and broadcast media, billboards, signs, and sporting events, but enforcement remained problematic (i.e. many venues continued to display tobacco logos and trademarks), and tobacco companies turned increasingly to indirect marketing methods. Restrictions on smoking in public places were similarly introduced over many years, beginning in 1989 (Government of Vietnam 1989, Anon 1995b, Government of Vietnam 1995, Ministry of Foreign Affairs 1995, Ministry of Health 1995, People’s Committee of Hanoi 1995, Ministry of Defence 1996). A more comprehensive approach to

tobacco control was initiated by the government with the adoption of the 'Government Resolution on Tobacco Control Policy for the period 2000–2010' (Government of Vietnam 2000), followed by ratification of the FCTC in 2004 (Government of Vietnam 2004, WHO 2007).

This paper argues that, despite restricted access to the Vietnamese market, BAT deployed two main strategies to successfully establish itself as the lead TTC in the country. First, it sought to appeal to the government's desire to strengthen the domestic industry by offering leaf development and processing expertise. The documents suggest that the agreements earned goodwill for BAT, and helped pave the way for licensed manufacturing. It is notable, however, that contrary to claims by BAT that 20,000 farmers would be employed in leaf growing activities, only around 10,000 workers were employed in all cigarette production in 2001 (Kinh and Bales 2001), far short of the promised 'significant contribution to the Vietnamese economy' (BAT 1992c).

Second, contraband played an integral role in the company's strategy. This complicity further challenges the contention that BAT has contributed positively to Vietnam's economic development, and that smuggling harms its business (BAT 2007). As demonstrated in the authors' previous work (Gilmore and McKee 2004, Lee et al. 2004a, MacKenzie et al. 2004, Gilmore and McKee 2005), this analysis demonstrates how foreign investment, import substitution, and export earnings were used by BAT to entice the Vietnamese government, at the same time the company was supplying the market through contraband channels. This enabled BAT to establish a substantial market presence, and build a dominant market share among TTCs (Anon 2000).

Government efforts since 1999 to tackle cigarette smuggling (Combe 1998, Government of Vietnam 1999, Anon 2002) have achieved some success, with contraband falling from 18.7% (1999) to about 12.2% (2004) of overall volume sales (Ministry of Trade 2001, Euromonitor 2005). However, reports suggest that seizures represent only a small fraction of this trade and that actual levels of smuggling continue to rise, increasing by 100 million packs between 2005–2006 (Anon 1999a, Phuoc 2007). Cigarettes remain 'among the most smuggled goods in Vietnam,' led by State Express 555 estimated at one billion sticks (US\$10 million) annually. As well as cigarettes, unprocessed leaf, costing 35–40% of the domestic Vietnamese price, is believed to be smuggled from China (Mekong Research 2001).

The significant presence of foreign brands in Vietnam, despite tight regulation, legally supplied or otherwise, raises concerns for public health. In the context of regional and multilateral trade liberalization, there are fears that Vietnam may follow other Asian countries in opening their markets to TTCs. Opening previously closed markets, Japan, Taiwan, South Korea, and Thailand saw per capita consumption increase by an average of 10% (Chaloupka and Laixuthai 1996, Taylor et al. 2000). In Vietnam, the import ban has been replaced by quotas above which higher tariff rates will apply (WTO 2006b). Amid rising smoking prevalence, TTCs will seek to expand their market share through direct

and indirect marketing aimed particularly at youth and female smokers (Morrow and Barraclough 2003). In South Korea, the smoking rate among female teenagers quintupled (from 1.6% to 8.7%) during the year following market opening (US General Accounting Office 1990), while liberalization was similarly associated with increased smoking prevalence among young women and adolescents in Japan (Honjo and Kawachi 2000).

For tobacco control in Vietnam, there are important lessons to be drawn from this analysis. First, regulation of the tobacco industry must be undertaken foremost to protect public health, not domestic economic interests. Foreign investment by TTCs has helped to modernize leaf production and cigarette manufacturing facilities. As a result, despite restricting foreign manufacturing, there has been a rapid increase in domestic cigarette production. Second, regulating the tobacco industry to further trade and investment has meant inadequate attention by the government to the contraband trade. Effective supply-side measures must include appropriate means of tracking legal and illicit tobacco products, along with commensurate sanctions against responsible parties, including TTCs. BAT Vietnam's financial contribution to the government's anti-smuggling agency Commission 127, announced in 2006, must be questioned in light of the company's apparent complicity in this trade over many years (Anon 2006a). Given the transborder nature of the smuggling issue, the commitment by states parties to a dedicated protocol, under the auspices of the FCTC (WHO 2003), holds the most promising way forward.

Finally, the Vietnamese government's adoption of comprehensive tobacco control measures in 2000 offers an encouraging shift in priority towards public health protection. The ambitious National Tobacco Control Policy (NTCP) includes the target of dramatically reducing smoking rates among men from 50% to 20% within a decade (Morrow and Barraclough 2003). Ongoing efforts to raise tobacco tax rates, and to introduce a wide range of additional measures (Nhung 2005), further demonstrate Vietnam's strengthening commitment to tobacco control. Towards achieving these goals, fuller understanding of TTC activities is essential. Much will hinge on the public health community's ability to prevail over trade and investment policy, supporting the government to meaningfully implement and enforce restrictions over both domestic and foreign tobacco companies. Additional support will come from the FCTC as a valuable institutional framework to advance co-ordinated international action.

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Notes

- ¹ Clarke (1991)
² Watterton (1992a)
³ Ettedgui (1996)

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