

MEASURES TO PREVENT AND COMBAT SMUGGLED CIGARETTES AND COUNTERFEIT CIGARETTES IN VIETNAM

MEDIDAS PARA PREVENIR E COMBATER O CONTRABANDO E A FALSIFICAÇÃO DE CIGARROS NO VIETNÃ

Article received on: 7/21/2025

Article accepted on: 10/27/2025

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The authors declare that there is no conflict of interest

Abstract

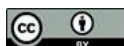
Vietnam is a country with a huge number of smokers. The harmful effects of tobacco cause severe damage to health, the economy, and the environment in Vietnam. Therefore, the Party and State of Vietnam always give great attention to the prevention and control of tobacco harm. In particular, the prevention of smuggled cigarettes and counterfeit cigarettes plays an important link in the prevention and control of tobacco harm in Vietnam. However, after several years of implementation of the Law on Prevention and Control of Tobacco Harms in 2012, the regulations on measures to prevent and combat smuggled cigarettes and counterfeit cigarettes have revealed many limitations and inadequacies, so they have not effectively prevented the smuggling and production of counterfeit cigarettes. The article researches measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam, points out the limitations and inadequacies, and proposes several solutions to improve the law and improve the effectiveness of the prevention and control of smuggled cigarettes and counterfeit cigarettes in Vietnam.

Keywords: Tobacco. Vietnam. Health Law. Policy. Smokers.

Resumo

O Vietnã é um país com um grande número de fumantes. Os efeitos nocivos do tabaco causam graves danos à saúde, à economia e ao meio ambiente no Vietnã. Portanto, o Partido e o Estado do Vietnã sempre dedicam grande atenção à prevenção e ao controle dos danos causados pelo tabaco. Em particular, a prevenção do contrabando e da falsificação de cigarros desempenha um papel importante na prevenção e no controle dos danos causados pelo tabaco no Vietnã. No entanto, após vários anos da implementação da Lei de Prevenção e Controle dos Danos Causados pelo Tabaco, em 2012, as regulamentações sobre medidas para prevenir e combater o contrabando e a falsificação de cigarros revelaram muitas limitações e inadequações, não conseguindo, portanto, prevenir eficazmente o contrabando e a produção de cigarros falsificados. Este artigo pesquisa as medidas de prevenção e combate ao contrabando e à falsificação de cigarros no Vietnã, aponta as limitações e inadequações e propõe algumas soluções para aprimorar a lei e aumentar a eficácia da prevenção e do controle do contrabando e da falsificação de cigarros no Vietnã.

Palavras-chave: Tabaco. Vietnã. Legislação sanitária. Políticas públicas. Fumantes.



1 INTRODUCTION

Currently, smoking is quite common in Vietnam. Recent research shows that “Vietnam is still 1 of the 15 countries with the highest tobacco use in the world” (Dan Tri e-Newspaper, 2023_2). “The smoking status of a group of the population is widespread in Vietnam” (Pham Thi Hong Nhung et al., 2024, p. 02). This is a very alarming situation and needs to be resolutely prevented, handled effectively and promptly because the serious damage of tobacco not only causes great economic loss and waste but also affects the health, environment and long-term impact on the living habits of young people.

Aware of the adverse effects of tobacco, the Law on Prevention and Control of Tobacco Harms in 2012 was promulgated and has been implemented for several years. However, practice shows that the effectiveness of the prevention and control of tobacco harms especially the prevention of smuggled cigarettes and counterfeit cigarettes is still not effective. “Smuggled cigarettes are currently a sore problem in Vietnam and the situation is becoming more and more complicated. Billions of bags of smuggled cigarettes seized every year not only damage the economy but also directly harm the health of consumers” (Online Newspaper Financial Magazine, 2020). Continuously, “shipments of counterfeit cigarettes detected and of great economic value” (Tuoi Tre e-Newspaper, 2020) are causing frustration and severely affecting Vietnamese society. The situation of smuggled cigarettes and counterfeit cigarettes easily entering Vietnam comes from many reasons, in particular, the Law on Prevention and Control of Tobacco Harms 2012 and the related legal system still have legal loopholes, so the subjects of smuggling, production of counterfeit cigarettes can be exploited and exploited. Thus, it is crucial to do a study on ways to stop and fight counterfeit and smuggled cigarettes in Vietnam.

2 LITERATURE REVIEW

Research on the harmful effects of tobacco is quite popular in Vietnam. This is a familiar topic in many scientific disciplines from health, economics, sociology, law, etc. This is manifested when there are many research works in the form of scientific articles, monographs, and reference books. However, research from the perspective of jurisprudence, specifically in the field of health law on measures to prevent and combat smuggled cigarettes and counterfeit cigarettes, does not seem to have received attention

and attention. If there is research related to measures to prevent and combat smuggled cigarettes and counterfeit cigarettes, it is mainly approached from the perspective of criminal law science because it is related to the crimes of smuggling cigarettes or producing counterfeit cigarettes. The approach from the perspective of health law on measures to prevent and combat smuggled cigarettes is still not paid attention and focus in Vietnam. Therefore, within the scope of limitations, the following studies have a number of contents related to measures to prevent and combat smuggled cigarettes and counterfeit cigarettes into Vietnam such as: Online newspaper of the Ministry of Finance in 2013 with "Improving the effectiveness of tobacco smuggling prevention and control in the ASEAN region"; Financial Magazine e-newspaper in 2020 with "Smuggled cigarettes cause great harm to Vietnam's economy and consumers"; Tuoi Tre e-newspaper in 2020 with "More than 1 million packs of counterfeit cigarettes of brand 555 'ownerless'"; Propaganda e-newspaper in 2022 with "Status, challenges and solutions to prevent the harms of tobacco in Vietnam"; The online newspaper of the Hanoi Department of Health in 2022 with "Alarming the current situation of e-cigarette smoking and cigarette heating among young people is increasing: Dangers to health"; Ha Tinh Provincial People's Committee e-newspaper in 2022 with "Raising awareness of tobacco harm prevention and control for youth"; The web portal of Hung Ha - Thai Binh district in 2022 with "Warning of e-cigarette smoking at school age"; Vnexpress online newspaper in 2022 with "Smoking 20 cigarettes a day still denies being addicted"; Dan Tri e-newspaper in 2022 with "Alarm: E-cigarette smoking rate increases 18 times after 5 years"; Ha Tinh Portal online newspaper in 2022 with "Lung cancer has an increased risk due to smoking"; Dan Tri e-newspaper in 2023 with "Warning: E-cigarettes enter schools, causing many students to be hospitalized"; Ho Chi Minh City Police e-newspaper in 2023 with "Ho Chi Minh City: Destroying nearly 42000 packages of smuggled cigarettes"; Le Thi Thu and Nguyen Hanh Nguyen in 2023 with "The benefits of increasing tobacco taxes - experiences in some countries around the world and lessons for Vietnam"; Pham Thi Hong Nhung and Nguyen Vinh Hung in 2024 with "Policy on the prevention and control of tobacco harm in Vietnam"; etc.

3 METHODOLOGY

To research the measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam, the author has used traditional research methods of the social sciences and legal sciences, such as legal analysis, the legal efficiency evaluation, legal comparative, and sociological investigation method.

In general, the above research methods are used in close and harmonious combination by the author to achieve the research purposes of this article.

4 RESULTS AND DISCUSSION

4.1 System of legal documents regulating measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam

The legal system regulating measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam is currently quite complete, detailed, and strict. In particular, the law with the highest legal value related to the prevention and control of tobacco harm is the Law on Prevention and Control of Tobacco Harms in 2012. In addition, with closeness, initiative, and flexibility, the State of Vietnam has also issued quite a lot of documents under the law such as Decrees, Circulars, Directives, and Decisions... As a result, Vietnam's legal document system about tobacco harm prevention and control is somewhat varied. Specifically, at present, the following legal documents are related to the prevention and control of tobacco harms in general and measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in particular:

- + Law on Prevention and Control of Tobacco Harms 2012: In Vietnam, this rule is crucial for preventing and reducing the negative effects of tobacco use. Regulations on measures to prevent and combat smuggled cigarettes and counterfeit cigarettes are fully and strictly, detailed and stipulated in Article 26.
- + The 2015 Criminal Code (amended and supplemented in 2017) has great relevance to the prevention and control of smuggled cigarettes and counterfeit cigarettes. Because this is a system of sanctions for violators related to tobacco issues.
- + The Prime Minister's Decision No. 229/QĐ-TTg dated 25/01/2013 approving the "National Strategy for Prevention and Control of Tobacco Harms to 2020".

- + Directive No. 05/CT-BYT dated 28/5/2013 of the Minister of Health on "Strengthening the implementation of the provisions of the Law on Prevention and Control of Tobacco Harms in the Health Sector".
- + Decree No. 67/2013/ND-CP dated June 27, 2013, of the Government "Detailing several articles and measures to implement the Law on Prevention and Control of Tobacco Harms on Tobacco Business".
- + Decree No. 77/2013/ND-CP dated July 17, 2013, of the Government "Detailing the implementation of the Law on Prevention and Control of Tobacco Harms on several measures to prevent and control tobacco harms".
- + Decree No. 185/2013/ND-CP dated 15/11/2013 of the Government "Regulations on sanctioning administrative violations in the field of trade, trading in counterfeit goods, prohibited goods and protection of consumer rights".
- + Decision No. 20/2018/QĐ-TTg dated 26/4/2018 on "Regulations on the destruction of confiscated imported cigarettes that are counterfeit cigarettes, cigarettes that do not ensure quality and pilot auction of confiscated smuggled foreign cigarettes to ensure quality for export abroad".
- + Decree No. 117/2020/ND-CP dated September 28, 2020, of the Government "Regulations on sanctioning administrative violations in the health sector".

However, as is known, smuggled cigarettes and counterfeit cigarettes are still relatively easy to transport into Vietnam. In particular, not only traditional cigarettes, but e-cigarettes have also appeared and had a great impact on health, the economy, and the environment. It is alarming that “the rate of e-cigarette smoking increased 18 times after 5 years” (Dan Tri e-Newspaper, 2022). Therefore, the prevention of smuggled cigarettes and counterfeit cigarettes into Vietnam is not only implemented for traditional cigarettes but also extends to e-cigarettes. Moreover, with the land and sea borders quite long, tobacco smuggling activities from border areas with neighboring countries such as Cambodia and China are always very troublesome and complicated. This is another reason why the State of Vietnam is constantly aggressive and adaptable when it comes to enforcing laws on the prevention and control of counterfeit and smuggled cigarettes.

4.2 Regulations on measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam today

Currently, measures to prevent and combat smuggled cigarettes and counterfeit tobacco in Vietnam are very detailed and stipulated in Article 26 of the Law on Prevention and Control of Tobacco Harms 2012. The contents of measures to prevent and combat smuggled cigarettes and counterfeit cigarettes are as follows:¹

Firstly, propagating and educating people to raise awareness so that people do not participate in trading, transporting, storing, and using smuggled cigarettes and counterfeit cigarettes:

From theory to practice, it has been shown that the prevention and control of smuggled cigarettes and counterfeit cigarettes in Vietnam can only be effectively implemented with the consensus and support of all levels of people. Along with strengthening the inspection, examination, and supervision of cross-border tobacco trading and transportation activities in Vietnam, propaganda and education to raise awareness so that all people do not participate in trading, transporting, storing, and using smuggled cigarettes, Counterfeit cigarettes are always particularly important and bring great effectiveness in the prevention and control of tobacco harms. Because, if people have a common sense of protection and comply with the law, the trading, transportation, storage, and use of smuggled cigarettes and counterfeit cigarettes may not exist in Vietnam. Therefore, the first measure that needs to be taken is to focus on and strengthen propaganda and education activities to raise awareness so that people do not participate in trading, transporting, storing, and using smuggled cigarettes and counterfeit cigarettes.

However, partly because propaganda, education, and awareness-raising activities for people have not been innovated in terms of methods and forms of implementation, most people do not feel excited or attract attention to these activities. On the other hand, due to the huge profits from the trading of smuggled cigarettes and counterfeit cigarettes and the disproportionate criminal sanctions, many people still defy the provisions of the law to participate in the transportation of smuggled cigarettes and the production of counterfeit cigarettes. Therefore, it is necessary to affirm that the propaganda and education to raise awareness so that people do not participate in trading, transporting,

¹ Article 26 of the Law on Prevention and Control of Tobacco Harms 2012.

storing, and using smuggled cigarettes and counterfeit cigarettes has not achieved the expected effect and it is very necessary to change the way and form of implementation to be more suitable to the practical situation.

Secondly, to organize and ensure sufficient human resources, funds, and means for the force to prevent and combat smuggled cigarettes and counterfeit cigarettes:

The prevention and control of smuggled cigarettes and counterfeit cigarettes is arduous, difficult, strenuous, and expensive work. Moreover, the prevention and control of smuggled cigarettes and counterfeit cigarettes not only takes place for some time but can also last until it ends unknown. This requires very large human, material, and financial resources for the prevention and control of smuggled cigarettes and counterfeit cigarettes. Typically, cigarette smuggling cases across the Vietnam-Cambodia border often take place at night and in illegal trails and openings. Therefore, it is required that the forces participating in the arrest must be very large, elite, and have all the necessary supporting facilities. In addition, the organization preventing the production of counterfeit cigarettes and smuggled cigarettes so that they cannot enter Vietnam always plays a particularly important role in the prevention and control of tobacco harm. Conducting this activity can be likened to repelling "pathogens" so that they cannot penetrate, penetrate, and destroy people's health, the economy, and the environment. Smoking brings bad health harms to smokers and if they smoke counterfeit cigarettes, cigarettes produced without ensuring safety and hygiene, it will leave even more serious consequences. So if counterfeit cigarettes can be prevented, it will more or less ensure safety for smokers. Not only that, the prevention of imported cigarettes also contributes to the State more strictly controlling the production and trading of cigarettes and in addition, the state budget collects a larger source of taxes from tobacco manufacturers who are allowed to do business. Thus, preventing and repelling the production of counterfeit cigarettes and smuggled cigarettes into Vietnam has an impact on many different issues. This requires human resources, funds, and means to be fully prepared with the ability to meet and be able to solve the requirements and tasks of preventing smuggled cigarettes, production, and trading of counterfeit cigarettes. In other words, the State must calculate and prepare to ensure sufficient human resources, funds, and means for the force to prevent and combat smuggled cigarettes and counterfeit cigarettes. This is a very important issue, so the Law on Prevention and Control of Tobacco Harms in 2012 ranks this content as the second

place among measures to prevent and combat the harmful effects of tobacco fight against smuggled cigarettes and counterfeit cigarettes.

Thirdly, periodically and regularly inspect, examine, and handle acts of trading in smuggled cigarettes and counterfeit cigarettes:

The inspection, examination, and handling of acts of trading in smuggled cigarettes and counterfeit cigarettes plays a very important role in the prevention and control of tobacco harm. Because it must be admitted, that it is very difficult to prevent the smuggling of cigarettes or the activities of counterfeit cigarette production and trading establishments. Along with the organization of preventing smuggled cigarettes and counterfeit cigarettes, the inspection, examination, and handling of violations need to be carried out regularly and continuously. Only in this way can the effectiveness of tobacco harm prevention and control be enhanced.

However, the practice of tobacco trading in Vietnam shows that the situation of tobacco trading is still sophisticated, complicated, and very difficult to manage and supervise. When there is a need to use cigarettes, customers can buy cigarettes relatively easily, everywhere with diverse and rich quantities and types. From cigarettes licensed by tobacco production and trading establishments to smuggled drugs are sold relatively publicly. Even middle and high school students can buy cigarettes to use quite easily. Or like e-cigarettes, which have not been allowed to be produced and traded in Vietnam, are also quite popular in society and are used relatively much by young people. Research shows that e-cigarettes are gradually replacing traditional cigarettes among young Vietnamese (Hung Ha - Thai Binh district Web portal, 2022). “Even young students blatantly smoke e-tobacco in school or in public places” (Pham Thi Hong Nhung et al., 2024, p. 13). However, e-cigarettes also have a very serious impact on the health of pupils and students. “According to the results of a study on tobacco use among students by the Ministry of Health, for secondary school students, the rate of e-cigarette use is 2.15% and 3.1% for high school students. However, the percentage of female students using cigarettes shows signs of increasing, mainly using new tobacco products such as e-cigarettes, heated cigarettes, and even banned substances "hiding" e-cigarette essential oils (Dan Tri e-Newspaper, 2023_1). Therefore, the effectiveness of inspection, examination, and handling of smuggled cigarettes and counterfeit cigarettes is not high and needs to be quickly improved.

Fourth, confiscate and destroy counterfeit cigarettes; confiscate and destroy machines and equipment used to produce counterfeit cigarettes. The destruction must use measures to ensure the safety of the environment. Funds for destruction shall be paid by the violating individuals and organizations. In case the violating individual or organization cannot be identified, the destruction fund shall be paid by the state budget:

Every year, the number of counterfeit cigarettes and smuggled cigarettes into Vietnam is detected to be very large. Along with that, during the inspection and examination, the authorities discovered a large number of machinery, equipment, and means used to produce counterfeit cigarettes. These are all types of goods and production tools that are not allowed to circulate because they affect social security and safety, so they “need to be destroyed” (Ho Chi Minh City Police Online Newspaper, 2023). However, their destruction can cause adverse effects on the environment and incur additional costs for disposal. Therefore, to have a legal basis for the destruction of counterfeit cigarettes, smuggled cigarettes, and tools and means of producing counterfeit cigarettes, the Law on Prevention and Control of Tobacco Harms 2012 stipulates this measure and the destruction will be carried out by the “provisions of Decision No. 20/2018/QĐ-TTg”.² Thus, the destruction will take place smoothly, by the law and effectively. On the other hand, to ensure responsibility for entities producing and trading counterfeit cigarettes, the destruction budget must be borne by the violating individuals and organizations. This is very reasonable and also has the meaning of deterrence and punishment for producers, trading in counterfeit cigarettes and smuggled cigarettes. In principle, only in case the violating individual or organization cannot be identified, the destruction fund will be paid by the state budget.

Fifthly, the handling of smuggled cigarettes shall comply with the Government's regulations:

In Vietnam, the Government is the executive agency and the highest authority in economic and social management and administration. The management of tobacco is under the jurisdiction of the Government. Therefore, the Government promulgates regulations on the prevention and control of tobacco harms in general and the handling of smuggled cigarettes in particular. In addition to the destruction of smuggled cigarettes

² Decision No. 20/2018/QĐ-TTg dated 26/4/2018 on "Regulations on the destruction of confiscated imported cigarettes as counterfeit cigarettes, cigarettes with no quality assurance and pilot auction of confiscated smuggled foreign cigarettes to ensure quality for export abroad".

that are determined to be toxic to users, many times smuggled cigarettes can be produced at reputable foreign tobacco production facilities. It can also be tobacco products that meet hygiene and medical standards and have a clear origin. Their destruction also does not bring economic benefits. Many times, their destruction causes great economic waste. Therefore, the Government of Vietnam always listens, considers, and comes up with optimal solutions to both ensure social security and safety while saving and combating waste. In the general spirit, the Government will settle in the direction of “determining that the confiscated smuggled foreign cigarettes are counterfeit cigarettes, cigarettes that do not ensure quality, and cigarettes that ensure quality are carried out by the competent agency issuing the confiscation decision in coordination with the specialized agency in charge of quality assessment; The confiscated smuggled foreign cigarettes are counterfeit cigarettes or cigarettes that do not ensure quality and are handled and destroyed in accordance with law; Smuggled foreign cigarettes confiscated to ensure quality shall be auctioned for export abroad.”³ According to regulations, “the proceeds from the auction of smuggled foreign cigarettes confiscated to ensure quality assurance shall be remitted to the custody account opened at the State Treasury and used to serve the supervision, management, prevention and combat of tobacco smuggling”.⁴ It can be seen that the Vietnamese Government's solution is very reasonable and brings positive effects to the prevention and control of tobacco harms.

Sixth, material and spiritual encouragement for agencies, organizations, and individuals that have detected, denounced, and denounced acts of trading in smuggled cigarettes and counterfeit cigarettes:

To effectively detect and handle acts of trading in smuggled cigarettes and counterfeit cigarettes, it is necessary to use many different methods and measures. In particular, the use of material and spiritual rewards for agencies, organizations, and individuals who have detected, denounced, and denounced acts of trading in smuggled cigarettes and counterfeit cigarettes has always brought great results. The use of material and spiritual incentives contributes to creating more motivation for subjects to denounce and denounce acts of trading in counterfeit cigarettes and illegal cigarettes to actively

³ Clauses 1, 2 and 4 of Article 3, Decision No. 20/2018/QĐ-Ttg dated 26/4/2018 on "*Regulations on the destruction of confiscated imported cigarettes as counterfeit cigarettes, cigarettes without quality assurance and pilot auction of confiscated smuggled foreign cigarettes to ensure quality for export abroad*".

⁴ Clause 5 of Article 3, Decision No. 20/2018/QĐ-Ttg dated 26/4/2018 on "*Regulations on the destruction of confiscated imported cigarettes that are counterfeit cigarettes, cigarettes that do not ensure quality and pilot auction of confiscated smuggled foreign cigarettes to ensure quality for export abroad*".

participate. Since then, the competent agencies have more useful and valuable information to promptly prevent and handle the act of trading in smuggled cigarettes and counterfeit cigarettes. If you know how to exploit appropriately, the use of this measure contributes greatly to the prevention and control of smuggled cigarettes and counterfeit cigarettes.

Seventh, coordinate at the provincial and national levels with countries sharing borders and relevant countries in preventing and combating the trading of smuggled cigarettes and counterfeit cigarettes:

As is known, Vietnam is a country with land and sea borders stretching thousands of kilometers and adjacent to neighboring countries such as China, Laos, and Cambodia. In particular, in the provinces adjacent to the above three countries, there are long borders and mainly in very rugged terrain, causing great difficulties and complications for the management and supervision of goods exchange activities or cross-border travel. Therefore, the prevention and control of smuggled cigarettes and counterfeit cigarettes in Vietnam is always carried out right from the border provinces. Therefore, the requirement for provinces with borders is to coordinate at the provincial level with countries sharing borders. At the moment, Vietnam is a reputable subject and position in the international arena, the State of Vietnam always attaches great importance to strengthening coordination with relevant countries in the prevention and combat of trading in smuggled cigarettes and counterfeit cigarettes. “Together with many countries, Vietnam has signed the Framework Convention on Tobacco Control (FCTC) since January 1, 2005. The Framework Convention has set out regulations on prevention and control of tobacco harms, policy orientations on prices and taxes to reduce demand for tobacco as well as measures to control tobacco smuggling, etc. Combating tobacco smuggling is currently of interest to Vietnam and many countries in the ASEAN region” (Ministry of Finance e-newspaper, 2013). In addition, with the trend of international integration, “Vietnam has been a member of organizations such as ASEAN, APEC, ASEM, WTO, CPTPP, EVFTA, etc” (Hung, N, V. et al., 2022, p. 01). Vietnam's participation in international commitments will be increasingly focused and strengthened. Thus, the coordination, support, and help from neighboring countries in providing information and organizing inspection and examination of counterfeit cigarettes and smuggled cigarettes is effective. This is a measure that brings long-term and sustainable effectiveness to Vietnam in the

prevention and prevention of the fight against smuggled cigarettes and counterfeit cigarettes.

In summary, “countries around the world, including Vietnam, have been actively implementing measures to prevent and control the harms of tobacco” (Le Thi Thu et al., 2023). Initially, measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam brought very remarkable results. However, in reality, the smuggling and production of counterfeit cigarettes are still popular and increasingly sophisticated, troublesome, and complicated. This requires appropriate and comprehensive solutions to improve the law and improve the effectiveness of measures to prevent and combat smuggled cigarettes and counterfeit cigarettes.

4.3 Some recommendations

To enhance the effectiveness of measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam, the authors believe that it is necessary to consider the following solutions:

Firstly, it is necessary to further strengthen propaganda and education to raise awareness so that people do not participate in trading, transporting, storing, and using smuggled cigarettes and counterfeit cigarettes and strengthen sanctions in the Criminal Code:

This is probably the key link in the prevention and control of tobacco harm in Vietnam. If people do not carry out or abet the activities of trading, transporting, storing, and using smuggled cigarettes and counterfeit cigarettes, the smuggling of cigarettes and the production of counterfeit cigarettes cannot take place in Vietnam. After all, without someone to do it, all activities cannot be carried out, and of course, including cigarette production and smuggling activities. The authors said that on the one hand, it is necessary to promote propaganda and dissemination to the people about the harms of tobacco and strictly prohibit acts of trading, transporting, storing, and using counterfeit cigarettes and smuggled cigarettes. Along with propagating and disseminating the law on mainstream media channels, it is necessary to change and expand the form of propaganda through social networks and forms of organizing entertainment combined with propaganda, promotion, and legal education. In addition, psychological propaganda forms can be used such as statistics on the number of people suffering from tobacco-related diseases right at

offices, schools, crowded public entertainment spots, etc. Current practice shows that if we do not drastically prevent smuggled cigarettes and counterfeit cigarettes, the consequences of tobacco on society will become more and more serious. Research shows that on average, “smokers in Vietnam smoke more than 20 cigarettes per day” (Vnexpress online newspaper, 2022). Recent statistics, “in Vietnam, there are more than 22,000 deaths from lung cancer every year, this is an alarming number. Which, tobacco causes 90% of lung cancer cases... Not only are smokers at risk, but passive smokers are equally affected” (Ha Tinh Portal, 2022). Or “there are 25 diseases related to tobacco use such as Stroke, coronary arteries, chronic obstructive pulmonary disease, lung cancer, etc. These are all the leading causes of death in Vietnam” (Propaganda e-newspaper, 2022).

On the other hand, the Criminal Code 2015 (amended and supplemented in 2017) needs to further strengthen sanctions for crimes in Article 188 - smuggling and Article 189 - illegal transportation of goods across the border. Thus, the subject of trading in counterfeit cigarettes and smuggled cigarettes feels afraid and contributes to limiting illegal activities from tobacco.

Secondly, strengthen the management of tobacco trading activities:

Among the measures to prevent and combat smuggled cigarettes and counterfeit cigarettes, measures to strengthen inspection and examination of tobacco trading activities have a great impact on the effectiveness of the prevention and control of smuggled cigarettes and counterfeit cigarettes. Because the tobacco business is a direct supply for people who need to use tobacco. If closely supervised, this activity contributes greatly to the state management of tobacco and also avoids the loss of tax revenue for the state budget.

According to the provisions of Vietnamese law, “tobacco trading is a conditional business line. Organizations and individuals buying, selling, processing and importing tobacco raw materials; producing, trading and importing tobacco must have a license issued by a competent state agency”.⁵ However because the tobacco business brings great profits, many individuals always find ways to illegally produce, transport and trade illegal cigarettes. Cases of transporting smuggled cigarettes in very large quantities from the Vietnam-Cambodia border are still continuously detected (Online newspaper of the Ministry of Public Security, 2023). Moreover, with a large number of people participating

⁵ Clause 1, Article 19 of the Law on Prevention and Control of Tobacco Harms 2012.

in the trading of tobacco products, sophisticated, troublesome, and complicated activities, it causes great difficulties for the management and supervision of the State. However, if the above situation is allowed to continue, it will lead to many heavy losses to the economy, and society and especially, seriously affecting the youth who are not yet able to cognitively. Therefore, the authors believe that, on the one hand, it is necessary to further strengthen inspection, and examination and drastically handle acts of trading in counterfeit cigarettes and smuggled cigarettes. The direction of handling violators needs to be strict and thorough. Violating goods detected and seized shall be handled by the provisions of the Law on Prevention and Control of Tobacco Harms and relevant legal documents. As for violators, if the consequences are less serious, they will be administratively sanctioned, but the penalty level should be higher than the current level. If the consequences are serious, they shall be examined for penal liability. For violating organizations, it is necessary to withdraw business licenses and handle penal liability against the organization's legal representative. In addition, it is essential to strictly prohibit the act of selling cigarettes to minors. In particular, it is necessary to strengthen and expand inspection, and examination, and encourage the denunciation and denunciation of acts of trading and trading in counterfeit cigarettes, illegal cigarettes, and the act of selling cigarettes to minors. On the other hand, continue to study and expand channels to receive information related to denunciations and denunciations of trading and trading in counterfeit cigarettes and smuggled cigarettes. According to the authors, appropriate sanctions should be stipulated for the act of selling cigarettes to minors. Thereby, ensuring social order and enhancing the effectiveness of tobacco harm prevention and control in Vietnam.

5 CONCLUSION

Measures to prevent and combat smuggled cigarettes and counterfeit cigarettes are an important legal basis for competent state agencies in Vietnam to carry out activities to prevent and combat smuggled cigarettes and counterfeit cigarettes. For these measures to be effective, relevant legal documents must be synchronized, consistent, and in line with reality. Therefore, on the one hand, it is necessary to review current legal documents on measures to prevent and combat smuggled cigarettes and counterfeit cigarettes and implement solutions such as: Further strengthening propaganda and education to raise

awareness so that people do not participate in trading, transporting, storing and using smuggled cigarettes and counterfeit cigarettes and strengthening sanctioning sanctions in the Penal Code; and strengthening the management of tobacco trading activities. Thus, the measures to prevent and combat smuggled cigarettes and counterfeit cigarettes in Vietnam are in line with reality and bring about substantive effects.

REFERENCES

- DAN TRI E-NEWSPAPER (2022). “Alarm: The rate of e-cigarette smoking has increased 18 times after 5 years”. Access source: <https://dantri.com.vn/suc-khoe/bao-dong-ty-le-hut-thuoc-la-dien-tu-tang-18-lan-sau-5-nam-20221124094744939.htm>, accessed date: July 7, 2025.
- DAN TRI E-NEWSPAPER (2023_1). “Warning: E-cigarettes enter schools, causing many students to be hospitalized”. Access source: <https://www.24h.com.vn/giao-duc-du-hoc/canh-bao-thuoc-la-dien-tu-xam-nhap-truong-hoc-khien-nhieu-hoc-sinh-nhap-vien-c216a1458371.html>, accessed date: July 7, 2025.
- DAN TRI E-NEWSPAPER (2023_2). “A new "pandemic" lurking young people”. Access source: <https://dantri.com.vn/suc-khoe/mot-dai-dich-moi-rinh-rap-gioi-tre-20230427145935463.htm>, accessed date: July 7, 2025.
- ELECTRONIC NEWSPAPER OF THE HANOI DEPARTMENT OF HEALTH (2022). “Warning of the increasing situation of e-cigarette smoking and cigarette heating among young people: Health dangers”. Access source: https://soyte.hanoi.gov.vn/chuong-trinh-y-te/-/asset_publisher/4IVkx5Jltnbg/content/bao-ong-thuc-trang-hut-thuoc-la-dien-tu-va-nung-nong-trong-gioi-tre-gia-tang-hiem-hoa-voi-suc-kh-1, accessed date: July 13, 2025.
- FINANCIAL MAGAZINE (2020). “Smuggled cigarettes cause great harm to Vietnam's economy and consumers”. Accessed source: <https://tapchitaichinh.vn/thuoc-lanhap-lau-gay-hoa-lon-cho-nen-kinh-te-va-nguoi-tieu-dung-viet-nam.html>, accessed date: July 7, 2025.
- HA TINH PORTAL (2022). “Lung cancer at increased risk due to smoking”, Access source: <https://hatinh.gov.vn/tin-tuc-su-kien/tin-bai/14256/hut-thuoc-la-va-nguy-co-cao-ung-thu-phoi#>, accessed date: July 7, 2025.
- HA TINH PROVINCIAL PEOPLE`S COMMITTEE E-NEWSPAPER (2022). “Raising awareness of tobacco harm prevention and control for young people”. Access source: <https://hatinh.gov.vn/vi/tin-tuc-su-kien/tin-bai/14502/nang-cao-nhan-thuc-ve-phong-chong-tac-hai-thuoc-la-cho-tuoi-tre>, accessed date: July 13, 2025.
- HO CHI MINH CITY POLICE E-NEWSPAPER (2023). “Ho Chi Minh City: Destroyed nearly 42000 packages of smuggled cigarettes”. Access source: https://congan.com.vn/an-ninh-kinh-te/tieu-huy-gan-42000-bao-thuoc-la-nhap-lau-bang-ep-huy-dinh-dang-dung_147273.html, accessed date: July 7, 2025.

- HUNG HA - THAI BINH DISTRICT WEB PORTAL (2022). “Warning of school-age e-cigarette smoking”. Access source: <https://hungha.thaibinh.gov.vn/tin-tuc/giao-duc-y-te/canh-bao-tinh-trang-hut-thuoc-la-dien-tu-lua-tuoi-hoc-duong.html>, accessed date: July 13, 2025.
- HUNG, N. V., THINH, T. C., LY, N. T. K. (2022). “General Partnership in the Vietnamese commercial environment”. *International Transaction Journal of Engineering, Management, & Applied Sciences & Technologies*, 13(3), <http://TUENGR.COM/V13/13A30.pdf>, DOI:10.14456/ITJEMAST.2022.57 , p. 01.
- LE THI THU & NGUYEN HANH NGUYEN (2023). “The benefits of increasing tobacco taxes - experiences in some countries around the world and lessons for Vietnam”. *Journal of Legislative Studies*, No. 01+02.
- MINISTRY OF HEALTH (2013). “Directive No. 05/CT-BYT dated 28/5/2013 of the Minister of Health on *Strengthening the implementation of the provisions of the Law on Prevention and Control of Tobacco Harms in the Health Sector*”.
- MINISTRY OF FINANCE E-NEWSPAPER (2013). “Improving the effectiveness of tobacco smuggling prevention and control in the ASEAN region”. Accessed source: https://mof.gov.vn/webcenter/portal/vclvcstc/pages_r/l/chi-tiet-tin?dDocName=BTC357287, accessed date: July 19, 2025.
- ONLINE NEWSPAPER OF THE MINISTRY OF PUBLIC SECURITY (2023). “Fighting against the trade and transportation of smuggled cigarettes”. Access source: <https://bocongan.gov.vn/tin-tuc-su-kien/tin-an-ninh-trat-tu/dau-tranh-voi-hoat-dong-buon-ban-van-chuyen-thuoc-la-lau-d22-t34227.html>, accessed date: July 7, 2025.
- PROPAGANDA E-NEWSPAPER (2022). “Status, challenges and solutions to prevent and control tobacco harms in Vietnam”. Accessed source: <https://tuyengiao.vn/van-hoa-xa-hoi/phong-chong-tac-hai-thuoc-la/thuc-trang-thach-thuc-va-giai-phap-phong-chong-tac-hai-thuoc-la-tai-viet-nam-142067>, accessed date: July 13, 2025.
- PHAM THI HONG NHUNG & NGUYEN VINH HUNG (2024). “Policy on the prevention and control of tobacco harm in Vietnam”. *Revista de Gestao Social e Ambiental*, Vol.18 No. 9 (2024), p. 02, DOI: <https://doi.org/10.24857/rgsa.v18n9-010> , <https://rgsa.openaccesspublications.org/rgsa/article/view/6447/2538>
- THE GOVERNMENT (2013). “Decree No. 67/2013/ND-CP dated 27/6/2013 of the Government, *Detailing a number of articles and measures to implement the Law on Prevention and Control of Tobacco Harms on tobacco trading*”.
- THE GOVERNMENT (2013). “Decree No. 77/2013/ND-CP dated July 17, 2013 of the Government, *Detailing the implementation of the Law on Prevention and Control of Tobacco Harms on several measures to prevent and control tobacco harms*”.
- THE GOVERNMENT (2013). “Decree No. 185/2013/ND-CP dated 15/11/2013 of the Government, *Regulations on sanctioning administrative violations in the field of trade, trading in counterfeit goods, prohibited goods, and protection of consumer rights*”.

THE GOVERNMENT (2020). “Decree No. 117/2020/ND-CP dated September 28, 2020 of the Government, *Regulations on sanctioning administrative violations in the field of health*”.

THE NATIONAL ASSEMBLY. “Law on Prevention and Control of Tobacco Harms in 2012”.

THE NATIONAL ASSEMBLY, “Criminal Code 2015 (amended and supplemented in 2017)”.

THE PRIME MINISTER (2013). “The Prime Minister's Decision No. 229/QD-TTg dated 25/01/2013 approving the *National Strategy for Prevention and Control of Tobacco Harms to 2020*”.

THE PRIME MINISTER (2018). “Decision No. 20/2018/QD-TTG dated 26/4/2018 on *Stipulating the destruction of confiscated imported cigarettes that are counterfeit cigarettes, cigarettes with no quality assurance and pilot auction of confiscated smuggled foreign cigarettes to ensure quality for export abroad*”.

TUOI TRE E-NEWSPAPER (2020). “More than 1 million bags of counterfeit cigarettes of brand 555 "unowned"”. Access source: <https://tuoitre.vn/hon-1-trieu-bao-thuoc-la-gia-nhan-hieu-555-vo-chu-20200911201039604.htm>, accessed date: July 17, 2025.

VNEXPRESS E-NEWSPAPER (2022). “Smoking 20 cigarettes a day still denies being addicted”, Access source: <https://vnexpress.net/hut-20-dieu-thuoc-moi-ngay-van-phu-nhan-bi-nghien-4462065.html>, access date: July 13, 2025.

Authors' Contribution

Both authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

How to cite this article (APA)

Nhung, P. T. H., & Hung, N. V. (2025). MEASURES TO PREVENT AND COMBAT SMUGGLED CIGARETTES AND COUNTERFEIT CIGARETTES IN VIETNAM. *Veredas Do Direito*, 22(4), e223743. <https://doi.org/10.18623/rvd.v22.n4.3743>