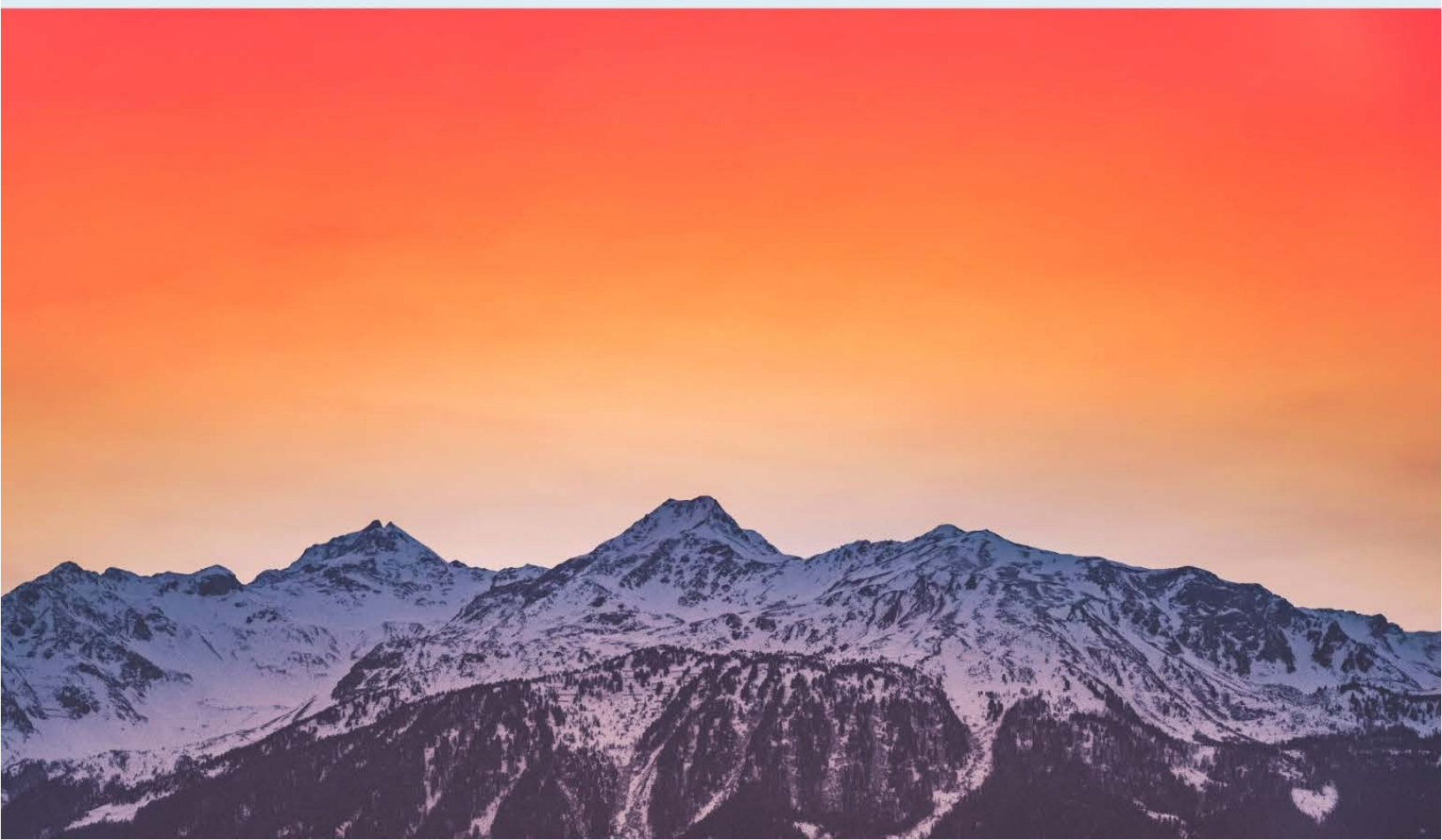


Annual Report

From Advocacy to Action:
Advancing the Tobacco Endgame





“Through collaboration, dedication, and cutting-edge policies, we can *end* the tobacco epidemic within our lifetime.”

- LAURENT HUBER
Executive Director of ASH

TABLE OF CONTENTS

| | |
|--|----|
| Executive Director’s Message | 5 |
| Catalyzing Interventions to Phase Out Commercial Tobacco Sales | 8 |
| Ensuring Tobacco Industry Accountability Through Legal Action | 11 |
| Applying Global Norms to Drive Local Communities Toward Tobacco-Free Goals | 13 |
| Inspiring Action with Strategic Communications to End Tobacco | 15 |
| Financial Statement | 19 |
| Call to Action | 21 |



ASH BOARD OF TRUSTEES

Doug Blanke, J.D. (Chair)
Bunyan Bryant
Dr. Carolyn Dresler
Stanley Harmon, J.D.
Dr. Cheryl Heulton
Professor Stephen P. Marks
John Mirisch
Dr. Alfred Munzer

ASH STAFF TEAM

Chris Bostic
Liz Furgurson
Nichelle Gray
Laurent Huber (Executive Director)
Megan Manning
Carol Maytum
Kelsey Romeo-Stuppy
Jayme Zupo

2023

IMPACT

TRAINING & TECHNICAL ASSISTANCE

5,305

advocates trained

34

jurisdictions received end-game and communications technical assistance

6

jurisdictions received media campaign technical assistance

31

webinars

686

individuals from 69 countries and 42 US states plus D.C. registered for the 9-week Tobacco Endgame Policy and Advocacy Training Course

8

endgame training resources

With a committed team of eight, Action on Smoking and Health (ASH) makes meaningful contributions to public health, achieving more than our size might suggest.

ADVOCACY

3

advocacy reports

8

submissions to UN bodies

1

U.S. Tobacco Industry Lobbyist and Lobbying Firm Registration Tracker, covering all 50 states and DC

2

UN treaty negotiations on plastic pollution

4

major sign on campaigns gaining support from 100s of partner organizations

1

federal menthol rule being monitored



EXECUTIVE DIRECTOR'S MESSAGE



This has been another fast-paced year in ASH's fight to protect society from the harm caused by the tobacco industry; a year where we have seen much progress, reached new milestones, and marked major anniversaries. Unfortunately, 2023 was also a year where we faced painful setbacks as the tobacco industry has remained extremely active in its efforts to counter public health measures and keep its lethal tobacco products on the market. As a result, the tobacco industry remains a key threat to our right to health and our right to a healthy environment.

Today, thanks to the efforts of ASH and our partners around the world, we have seen impressive progress towards curbing the tobacco epidemic, with some jurisdictions achieving

tobacco use prevalences of 5% or below. The concept of phasing out the commercial sale of tobacco products, a concept once seemed unattainable, is now becoming an objective for not only civil society but also numerous governments.

This is progress, but far from full success, as too many people are still harmed by tobacco products.

That's why ASH welcomes the pending implementation of new measures to protect the rights of citizens from tobacco products such as the [Food and Drug Administration \(FDA\)'s proposed rule banning menthol cigarettes](#) and the [New Zealand Tobacco Endgame Law](#) that included denicotinization of

smoked tobacco products, a major reduction in tobacco retail outlets, and a **ban on the commercial sale of combustible tobacco products to anyone born after 2008**. But unfortunately, both of those major steps forward for public health hit roadblocks in late 2023. The comprehensive commercial tobacco endgame Act in New Zealand came [under threat](#) and was [repealed a few months later](#) while the White House quietly delayed the [menthol rule](#).

ASH took a leadership role in support of the New Zealand endgame policy with a [joint op-ed and full page newspaper advertisement calling on the new government to prioritize human life over tobacco industry profit](#), and we will continue to work with partners to push the FDA to promulgate the menthol ban as quickly as possible.

Government representatives from countries all over the world tell us time and again that the main obstacle to the implementation of life-saving tobacco control measures is the tobacco industry. [ASH's 2023 U.S. Tobacco Industry Lobbyist and Lobbying Firm Registration Tracker](#) identified hundreds of tobacco lobbyists at every level of government and our [2023 U.S. Tobacco Industry Interference Index](#) identified their tactics.

So, while we are making progress, much still needs to be done in 2024 and beyond if we want to see the effective implementation of life-saving comprehensive commercial tobacco endgame strategies in the U.S. and around the world.

Fortunately, 2024 also provides many opportunities.

In 2023, ASH worked to ensure that the Committee on the Elimination of Racial Discrimination includes tobacco in its draft for a new General Recommendation on Race and the Right to Health. This process will move forward in 2024 and our engagement can help ensure that tobacco measures are included in the final document that will guide countries on how to best protect the right to health of racial minorities.

We will also continue to submit reports to UN Human Rights mechanisms like the [2023 report submitted to the UN Committee on the Elimination of Discrimination against Women \(CEDAW\)](#) which asked France to take greater steps to protect the right to health of women and girls from the harms of tobacco.

We will also continue to provide support to the [Stop Tobacco Pollution Alliance \(STPA\)](#) to ensure the Intergovernmental Negotiating Committees (INC) tasked with developing a UN treaty on plastic pollution do include a ban of cigarette filters in the final text of the treaty.

These are just some of the front-line initiatives in our broader strategy to build a world where no one dies because of tobacco.

If as a society we have been able to send humans to the moon, we should be able to remove from the market the only consumer good that kills when used as intended.

Join ASH in our efforts to achieve our vision of "a world free from the harm caused by tobacco."

Laurent Huber
Executive Director

PUBLIC MESSAGING

21

mainstream presentations to
diverse audiences

5

Tobacco Endgame Matters
Podcast episodes

14

press releases

31

blogs



GOAL 1



Serve as an incubator and
catalyst for
interventions that *phase
out* the sale of commercial
tobacco products

I.E. PROJECT SUNSET

Momentum and interest for tobacco endgame policies – Project Sunset – continued to increase in 2023. ASH was asked to present on endgame at multiple scientific conferences, state advocacy coalitions, and state and local health boards. ASH also spoke before the National Association of County and City Health Officials (NAACHO), the Association of State and Territorial Health Officials (ASTHO), and the Centers for Disease Control and Prevention’s (CDC) National Partners group. When we launched Project Sunset over six years ago, few groups were interested.

The tide is clearly turning in our favor.

California held on to its position at the leading edge of tobacco endgame in the United States. ASH continued to serve on the state-wide advisory board and to

provide direct technical assistance to cities and counties interested in pursuing endgame strategies. The first California Tobacco Endgame Summit was held in Long Beach in November, foreshadowing a National Summit to be held by ASH in April 2024. At the state level, a Nicotine-Free Generation (NFG) bill – permanently banning sales to anyone born after a specified date – was submitted after extensive collaboration with ASH, but failed, as nearly all cutting-edge ideas do the first time.

Another state-wide tobacco endgame bill was introduced in Nevada, calling for a rapid phase-out of the sale of combustible tobacco products and a slower phase-out of other nicotine products, among other improvements to tobacco policy. As in California, the Nevada legislature was not yet ready, but the sponsor of the bill is determined to try again.

The tobacco industry continued its assault on the world’s first jurisdiction to implement an NFG law: Brookline, Massachusetts. Having quickly lost their lawsuit, the industry appealed to the Massachusetts Supreme Judicial Court; the hearing was held in November 2023. Spoiler alert – Brookline wins.

Globally, Project Sunset saw great progress and a few dark clouds. Unfortunately for New Zealand’s best-in-the-world endgame law, in November 2023 a right-wing coalition took control of the government and vowed to repeal. ASH and its allies launched a rigorous public relations campaign in December, which seemed to delay action. Spoiler alert: they

repealed the law in February 2024. But in some ways, the horse was out of the barn. Several countries had already vowed to follow New Zealand’s lead.

In October 2023, United Kingdom Prime Minister Rishi Sunak announced the intention of the Tory party to push for a Smoke-Free Generation law (like NFG but aimed at combustibles only). The Labour party quickly offered its support, and King Charles endorsed it in his annual address to Parliament. Spoiler alert: the bill was introduced in April 2024.

Given all the spoilers, you can already see that 2024 promises a lot of endgame activity. Stay tuned.



Carol Maytum (on the right), ASH Project Director, addressed Endgame policies at a Sacramento press conference with Councilman Eric Guerra and SOL.



GOAL 2



Hold the tobacco industry *accountable* through the rule of law

ASH continues to find novel and effective ways to hold the tobacco industry accountable through the rule of law. ASH and our plaintiff partners continue to monitor the U.S. FDA as the menthol rule progresses. We're extremely concerned about the current delay from the White House and we continue to offer education and advocacy support to streamline implementation of the rule sooner rather than later. We continue to highlight why menthol is a [social justice issue](#), as well as supporting local flavor bans, such as in our home city of Washington, D.C.

ASH has supported the Global Alliance for Tobacco Control's work and preparations for Article 19 advocacy at the Framework Convention on Tobacco Control (FCTC) Conference of the Parties (COP10). We are pleased that Article 19, which focuses on liability, will be on the agenda.

ASH continues to monitor other opportunities for strategic litigation. A lawsuit in the Netherlands is utilizing human rights arguments as a case against "rigged filters." This is an exciting development that could be instructive for other cases in the future. We follow jurisprudence in other subject areas such as environmental, opioid, and food cases, to find links that may be useful for tobacco control. We are confident that holding the tobacco industry legally accountable is an important step towards a world free from the harms of tobacco.

"To safeguard public health interests, it is imperative that tobacco companies are actively excluded from the policymaking process."

- NICHELLE GRAY

Manager of Engagement and Special Programs, Action on Smoking and Health



GOAL 3

2023 ANNUAL REPORT

Use global norms to move
local communities toward
zero tobacco-use prevalence



An overarching goal of our work is to protect the human rights of people around the world; specifically, the right to health. ASH advocates for that protection at the international level, all the way down to the local level.

In exciting news at the international level, the Committee on the Elimination of Racial Discrimination issued its draft for a new General Recommendation on Race and the Right to Health. Due in large part to ASH's advocacy, tobacco is included in the draft! ASH then organized a campaign to publicize this victory as well as to encourage advocates to stay engaged as the process moves forward, to ensure that tobacco is included in the final draft. [208 organizations from 61 countries joined the sign on campaign, demonstrating human rights as a priority in our field.](#) In addition, in 2023, ASH submitted 8 reports to different UN bodies, including the [UN Committee on the Elimination of Discrimination against Women](#) (CEDAW) and written and oral statements to the Human Rights Council. We also provided technical assistance to teach other advocates to do the same.

In addition to international advocacy, we use human rights concepts to advocate locally. For

example, ASH staff testified at a hearing on using human rights concepts to remind the DC government of their responsibilities to enforce the flavored tobacco ban law in DC.

In addition to the right to health, ASH works to ensure that all people have the right to a healthy environment. Tobacco harms the environment at every stage of its lifecycle. ASH works to educate both the tobacco control community and the environmental community on these harms, through webinars, blogs, and speaking engagements at conferences. We will also continue to provide support to the [Stop Tobacco Pollution Alliance \(STPA\)](#) to ensure the Intergovernmental Negotiating Committee (INC) tasked with developing a UN treaty on ending plastic pollution includes a ban of cigarette filters in the final text of the treaty.

ASH will be very active at COP10 in early February 2024, particularly in the areas of Liability, Human Rights, and the Environment and is co-hosting or speaking at several side events. [Review our COP10 priorities and events here.](#) 2023 was an important year for this program, and 2024 is shaping up to be even more influential.



GOAL 4



Ensure effective communications that create a desire to *end* the tobacco epidemic

2023 was a year of expansion and improvement for ASH’s communications efforts. We saw considerable interest in the delayed FDA rule on menthol and the growing global tobacco endgame movement.

ASH staff presented at dozens of local, national, and global events, for example the UN Human Rights Council, an ASTHO webinar, the Truth Initiative Impact Series, the European Conference on Tobacco or Health, and a webinar for the Public Health Law Center on amplifying human rights and equity while strengthening tobacco endgame policies.

ASH’s webinar series continued to expand by hosting 31 webinars with prominent co-hosts, such as the US FDA, the WHO FCTC Articles 17 and 18 Knowledge Hub, the Global Alliance for Tobacco Control, DC Health, NYU, UNC Chapel Hill, the Stop Tobacco Pollution Alliance, and UpEnd Tobacco. Having trained 5,305 advocates in



2023, ASH continues to receive positive feedback and strong attendance at our substantive training webinars.

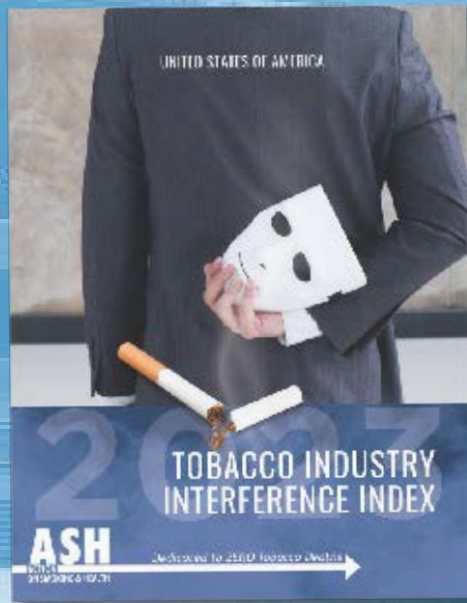
As a trusted resource, ASH’s website traffic and social media engagement grew, with peaks in engagement around the two rounds of negotiations for the United Nations Treaty to End Plastic Pollution and the U.S. Tobacco Industry Lobbyist and Lobbying Firm Registration Tracker.

And, ASH coordinated 4 major sign on campaigns that gained support from hundreds of partner organizations around the world, calling for stronger tobacco control regulations.

The ASH team published several important journal articles and the 2023 U.S. Tobacco Industry Interference Index. ASH’s blog remains an active source of information on current events, treaty negotiations, partners’ experiences on the ground, and achievements in our field.

“States and localities are the incubators of tobacco policies with a significant impact on the health of their communities, and we need to be on top of the industry’s efforts to water down those policies. This platform shines a light on the industry’s activities and helps us blunt the tobacco industry’s lobbying work, and we’re grateful to ASH for their important work on this front.”

truth initiative
INSPIRING LIVES FREE FROM SMOKING, VAPING & NICOTINE



ENDING THE TOBACCO EPIDEMIC, TOGETHER

ASH is privileged to work with amazing advocates and researchers around the world who give their time selflessly to help end the tobacco epidemic. We are not the biggest anti-tobacco group in the world (far from it), but we have been very impactful by leading the way into new horizons of tobacco policy.

To give just a few examples, ASH blazed the trail to get radio and TV ads banned, helped start the smokefree indoor air movement and smokefree planes, led the global Framework Convention Alliance during and after the negotiations of the Framework Convention on Tobacco Control, pressed to ensure tobacco was included in the global noncommunicable disease agenda and Sustainable Development Goals, and was the first to take on the tobacco industry to protect tobacco policy in trade agreements.

ASH does not have the most researchers, attorneys, or lobbyists. **Our great strength is in identifying new solutions, kickstarting their implementation, and building consensus to seize these opportunities.** In all of the above examples, the rest of the public health world eventually joined us.

Almost a decade ago, ASH set out on its most ambitious – some said audacious or even reckless – campaign yet: **To end the tobacco epidemic permanently.** Project Sunset is rooted in our human rights-based approach to tobacco. From that perspective, Sunset became obvious.

It has not been easy or quick. To succeed in something that was considered impossible, we had to build the broadest coalition yet. ASH made the argument that tobacco is not merely a public health issue. The tobacco industry also exacerbates societal challenges like the environment, poverty, equity, economic and human development, social justice, and culture. And people listened.

Today, our coalition includes individuals and groups that are sick of cigarette butts littering beaches, people – even people who smoke – who don’t want their kids to start smoking, community leaders fighting poverty, inequities, and for access to health care.

We know that the world is ready to end the tobacco epidemic for good. We just need to keep fighting a bit longer, and hopefully put ourselves out of business.



ACTION ON SMOKING AND HEALTH

STATEMENTS OF FINANCIAL POSITION DECEMBER 31, 2023 AND 2022

| | 2023 | 2022 |
|---|---------------------|---------------------|
| ASSETS | | |
| Current Assets | | |
| Cash and cash equivalents | \$ 75,289 | \$ 345,394 |
| Grants and contributions receivable | 163,534 | 48,545 |
| Prepaid expenses | 9,176 | 12,189 |
| Investments | 75,011 | 74,501 |
| Total Current Assets | 323,010 | 480,629 |
| Property and Equipment, net | 1,140 | - |
| Other Assets | | |
| Security deposit | 5,085 | 5,085 |
| Restricted cash | 451,406 | 660,765 |
| Restricted investments | 3,901,748 | 3,787,442 |
| Total Other Assets | 4,358,239 | 4,453,292 |
| Total Assets | <u>\$ 4,682,389</u> | <u>\$ 4,933,921</u> |
| LIABILITIES AND NET ASSETS | | |
| Current Liabilities | | |
| Accounts payable | \$ 41,229 | \$ 39,490 |
| Accrued expenses and other liabilities | 149,545 | 201,203 |
| Total Current Liabilities | 190,774 | 240,693 |
| Net Assets | | |
| Without donor restrictions | | |
| Undesignated | 118,461 | 245,021 |
| Board-designated | 536,747 | 499,789 |
| Total Without Donor Restrictions | 655,208 | 744,810 |
| With donor restrictions | 3,836,407 | 3,948,418 |
| Total Net Assets | 4,491,615 | 4,693,228 |
| Total Liabilities and Net Assets | <u>\$ 4,682,389</u> | <u>\$ 4,933,921</u> |

The Notes to Financial Statements are an integral part of these statements.

ASH is privileged to collaborate with organizations around the world, including:

| | |
|--|--|
| <p>Action on Smoking and Health Canada Advancing Tobacco Free Communities African American Tobacco Control Leadership Council African Tobacco Control Alliance Alliance Contre le Tabac American Academy of Pediatricians American Cancer Society American Cancer Society Cancer Action Network American Heart Association American Medical Association Americans for Nonsmokers' Rights American Lung Association ASH Finland ASH London/UK ASH Scotland Association of State and Territorial Health Officials Bill & Melinda Gates Foundation Bloomberg Initiative Californian Department of Public Health Campaign for Tobacco-Free Kids Canadian Cancer Society Center for Black Health and Equity Center for International Environmental Law Centers for Disease Control and Prevention Office on Smoking and Health Cigarette Butt Pollution Project Comité National Contre le Tabagisme Corporate Accountability Craigslist Charitable Fund DC Department of Health DC Tobacco-Free Coalition Dominican Anti-Tobacco Alliance Earth Day European Network for Smoking Prevention F.M. Kirby Foundation Fragasso Financial Advisors Fundación Interamericana del Corazón Argentina Georgetown University Law Center – Harrison Institute Georgetown University Law Center – O'Neil Institute for National and Global Health Law Global Alliance for Tobacco Control Global Center for Good Governance in Tobacco Control G.R.E.E.N. Foundation Harvard School of Public Health Hawaii Public Health Institute Human Rights and Tobacco Control Network Institut Català d'Oncologia InterAmerican Heart Foundation International Centre for Tobacco Cessation International Development Research Centre</p> | <p>Johns Hopkins University Menzies University National Association of Attorneys General National Association of County and City Health Officials National Cancer Institute National LGBT Cancer Network National Medical Association NCD Alliance New York University School of Global Public Health Nofumadores.org Non-Communicable Disease Roundtable Norwegian Cancer Society Oklahoma Tobacco Research Center Otago University Pan American Health Organization Parents Against Vaping E-Cigarettes Public Citizen Public Health Advocacy Institute Public Health Law Center Robert Wood Johnson Foundation San Diego State University Seaway Valley Prevention Council Smokefree Partnership Southeast Asia Tobacco Control Alliance Stop Tobacco Pollution Alliance The State University of New York, Potsdam The Ohio State University Moritz College of Law Tobacco Free Association of Zambia Truth Initiative The South Centre The University of Maryland Francis King Carey School of Law Thoracic Foundation Unfairtobacco Union for International Cancer Control University of Bath University of California-Davis University of California, San Francisco Center for Tobacco Control Research and Education University of Maryland Francis King Carey School of Law University of Michigan University of Nevada-Reno University of Waterloo University of Wisconsin-Madison, Wisconsin in Washington United Nations Economic and Social Council United Nations Human Rights Council Vital Strategies WHO FCTC Knowledge Hub for Articles 17&18 World Health Organization</p> |
|--|--|

STAY INVOLVED IN
OUR MOVEMENT

SHARE THIS REPORT

There's a reason why you stand with ASH. Let your friends, family, and coworkers know why ending the tobacco epidemic is important to you. www.ASH.org

SHARE YOUR STORY WITH ASH

We want to know how tobacco has impacted your life and what motivates you to stay involved with our work. Email your story to hq@ash.org and we can feature your experiences on our website, social media, and future reports. Your story may be the tipping point to get more people involved in the fight against big tobacco!

SIGN UP FOR NEWSLETTERS

Email us at [HQ@ash.org](mailto:hq@ash.org) to begin receiving our quarterly newsletter of progress and ways to get involved.

FOLLOW US ON SOCIAL MEDIA

Your daily updates on the latest successes in our movement can be found on Facebook, Twitter/X and LinkedIn.



MAKE A GIFT

You are the reason we can stand up to big tobacco every day. Your generosity and dedication allow ASH to be the catalyst for innovative concepts and groundbreaking programs which improve health for all. Without your help, we would not be the incubator pushing for a tobacco-free future. www.ASH.org/donate



hq@ash.org
(202) 659 – 4310
1250 Connecticut Ave, NW
Seventh Floor
Washington, DC 20036