



CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

From: Marvel, Nellie

Sent: Tuesday, November 14, 2023 2:04 PM

To: dwjolley@gmail.com; Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Cc: Fitch, Olga <Olga.Fitch@vermont.gov>

Subject: RE: PRA 10/25

Hi Bill,

I'm truly sorry for the delay in responding to your request. The records you've requested are attached to this email. The file name is dated to your request date, but the records are current.

Thanks,

Nellie

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Nellie Marvel

Outreach & Education Manager

Cannabis Control Board

From: dwjolley@gmail.com <dwjolley@gmail.com>

Sent: Friday, November 3, 2023 4:13 PM

To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>; Marvel, Nellie <Nellie.Marvel@vermont.gov>

Cc: Fitch, Olga <Olga.Fitch@vermont.gov>

Subject: RE: PRA 10/25

Hey Gabe,

This is great - thanks for the extra detail!

Next week for the PRA is fine.

Best,

Bill



From: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Sent: Friday, November 3, 2023 2:55 PM

To: dwjjolley@gmail.com; Marvel, Nellie <Nellie.Marvel@vermont.gov>

Cc: Fitch, Olga <Olga.Fitch@vermont.gov>

Subject: Re: PRA 10/25

Bill,

I should have reached out to you earlier this week. I have your usual data request. Nellie was called away from the office this week. Would it be alright to get this round to you early in the coming week? If it's time-sensitive, I can ask someone else with access to the reporting function is free to produce it.

In reference to your November 1 question, most illustrative information is publicly available. By far the most common reason audience demographics are rejected is that required data is omitted entirely. That's how we get to a 40% send-back rate. A substantial majority of sincere efforts to present required demographic information succeed.

What we usually see by way of evidence resembles a third-party readership analysis for print media, a Nielsen or similar report for broadcast media, or web analytics breakdown for online media. Interesting questions about methodology and validation can arise in web advertising and drive-by advertising. For print media, we see few close calls: The State population is so old, and youth print readership so low, that one can almost answer his own question relative to <21 readership by asking whether there's ink involved. (We insist on credible analytics nonetheless.)

A simple example of an acceptable demographic analysis for print media is attached. *[State law requires that I tell you I've obscured the publication's name in case it considers the information a trade secret it wants shared only with real advertising prospects or pushy regulators. 1 V.S.A. § 317(c)(9). You have a legal right to appeal that judgment to Executive Director Brynn Hare by writing her at brynn.hare@vermont.gov.]*

The best example I can think of illustrating acceptable versus unacceptable demographics is a single case involving an online ad-buy. Because contemporary online advertising is overwhelmingly mediated by instantaneous matching marketplaces—think: Google AdSense—audience demographics are not stable by publication or subscriber pool; that is, two readers of the same article on sevendays.com or nytimes.com will see different advertisements, based on factors such as IP address, background logins, and prior browsing behavior. An ad buyer will specify its target audience; the marketplace will try to deliver; and ultimate costs are calculated as a function of hits and accuracy, with revenue shared between broker and platform. In the case I've attached, we rejected a less-than-credible graph concerning an online campaign that arrived with no information concerning methodology, had a detailed discussion with the ad-seller's third-party analytics team to understand how their data are validated and what they have in greater detail, and ultimately did approve the more detailed information, which we asked them to memorialize in a post-meeting submission. The before-and-after submissions are attached by way of illustration. Regrettably, the persuasive information came in what we learned on a six-person video call, which was not recorded, and the post-meeting memo reflects little of it.



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Formally, the obligation to supply credible demographics rests with the cannabis establishment submitting an advertisement. In a market this small, many outlets are used repeatedly by licensees. So, when an outlet is cleared as obviously having acceptable audience demographics, we'll often send a letter saying it's good for a period of time. I've attached an example sent to the Addison Independent.

I hope this offers you some insight into the process. Call any time if you'd like to discuss, and do please let me know if you need your usual monthly request hurried up, which I'll be happy to do.

Best,

Gabe

Gabriel M. Gilman

General Counsel

Vermont Cannabis Control Board

89 Main Street, Montpelier, VT 05620-7001

(m) 802.261.1510

<https://ccb.vermont.gov/>

From: dwjolley@gmail.com <dwjolley@gmail.com>

Sent: Wednesday, November 1, 2023 3:07 PM

To: Marvel, Nellie <Nellie.Marvel@vermont.gov>

Cc: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Subject: PRA 10/25

Hi Nellie,

Just a friendly follow-up to the PRA request submitted last week.

Also, referring to the Director's Report from that same board meeting, there was a 40% denial rate of submitted ads primarily due to "insufficient data to meet 15% youth audience composition threshold." Assuming such information collected by the CCB is considered in the public record unless specifically excluded by an exception (e.g., the phone numbers of license applicants) would you please send me an example of a denied ad showing the failure to meet 3rd-party verification of the 15% youth audience composition threshold and an approved ad from the 58% that satisfied the 3rd-party verification?

Thanks,

Bill





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From: noreply@vermont.gov <noreply@vermont.gov> on behalf of No Reply <noreply@vermont.gov>

Sent: Thursday, October 26, 2023 12:00 PM

To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>; Senter, Isabel <Isabel.Senter@vermont.gov>; Lashua, Kimberley <Kimberley.Lashua@vermont.gov>; Marvel, Nellie <Nellie.Marvel@vermont.gov>; Fitch, Olga <Olga.Fitch@vermont.gov>

Subject: Webform submission from: Public Records Request Form

Name

Bill Jolley

Email

dwjjolley@gmail.com

Please describe the records you are requesting and provide as much specificity as possible, including applicable date ranges.

Please respond per 1 V.S.A. § 318 (a)(1) to the 10/25/2023 cannabis licensing register information request for (a) applicants according to 7 V.S.A. § 901(h)(1)(A) and 7 V.S.A. § 881(a)(1)(b)(i)(I) and (b) issued licenses according to 7 V.S.A. § 901(h)(1)(B).

Thank you.

PS: Nellie, I understand your decision to stop including contact phone numbers in the PRAs. At the time I first encountered their omission, I thought the list from Gabe inadvertently left out the numbers.

