



Advertising Assessment

in 3 steps

1

Ensure that any communication arranged by your establishment avoids the nine categorical prohibitions below. A commercial communication by a cannabis establishment that does one of the following is advertising and is **prohibited in all cases:**

- ⊘ Appeals to persons under 21
 - Contains child-attractive content, such as anthropomorphic animal cartoons, children's candy, or allusions to children's literature or media
 - Targeted to underage population, such as sponsorship of little league
- ⊘ Promotes overconsumption
 - Portrays conspicuous cannabis intoxication in a humorous or favorable light
 - Encourages co-administration with other intoxicants
- ⊘ Is deceptive, false, or misleading
 - Leads readers to believe something untrue
 - Mimics or invites confusion with an unaffiliated brand or product
 - Makes unverifiable charitable claims
- ⊘ States, suggests, or implies that cannabis has curative or therapeutic effects
 - Implies that cannabis cures or mitigates a disease, disorder, syndrome, or condition, improves performance, or has beneficial health effects
 - Exploits scientific or medical credentials of speaker or staff to imply therapeutic effects
- ⊘ Offers free samples of cannabis or cannabis products
 - Promotes penny sales or receipt of cannabis other than for a genuine exchange of value
- ⊘ Depicts a person under 21 consuming cannabis
- ⊘ Promotes products on social media other than by means of a link to the establishment's age-gated site.
- ⊘ Contradicts the approved label of a registered product, including by contradicting the mandatory health warning.



If a communication from your establishment complies with the above requirements, determine whether it is an advertisement.

2

An advertisement is a communication in any medium that would reasonably have the effect of inducing sales of cannabis or cannabis products.

If unsure, submit the communication for review.

Not Advertisement

- Building-attached signs and on-premises sandwich boards that help visitors looking for the establishment to find it
- A directory listing that passes the **four-part test (listed on the next page)**
- A sponsorship that passes the four-part test
- The label affixed to a registered product
- Branded merchandise offered inside the establishment or offered only to those 21 or older at an approved promotional event
- Uncompensated and non-commercial reference to an establishment in a periodical or newspaper that the establishment does not direct

Advertisement Requiring Approval

- Window displays, unattached outdoor signs, and outdoor displays that call attention to the sale of cannabis at a location, promote specials, products or events, make claims, or convey slogans
- A directory listing that fails the four-part test
- A sponsorship that fails the four-part test
- Product promotions extrinsic to the product package
- Branded merchandise targeted at underage populations or health-associated populations
- Compensated publications of an educational nature that tend to induce sales at an establishment; promotional content published by proxies and affiliates



Four part test

A civic sponsorship or directory listing will not be regarded as advertising for regulatory purposes if:

- 1. The featured cannabis establishment is one among multiple other non-cannabis businesses (a) sponsoring an activity with a community purpose unrelated to promotion and unrelated to the sale of cannabis, or (b) featured in a directory;**
- 2. The establishment is identified by name, logo, location, hours, and contact information only;**
- 3. The listing is accompanied by no offer, claim, substantial tagline, or product listing; and**
- 4. The publication is not reasonably expected to drive foot traffic to the establishment by persons other than those already interested in locating a cannabis establishment.**



If a communication is advertising

3

- a. ensure that it is accompanied by the **mandatory health warning**,
- b. see if the forum has been previously approved based on audience composition;
 - If not, submit credible data demonstrating that not more than 15% of the audience will be composed of persons under 21.

Mandatory Health Warning:

*Cannabis has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.** Possession or use of cannabis may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.*

It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

Submit your advertisements to:

ccb.advertising@vermont.gov

