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# ADVERTISING GUIDANCE

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## Introduction

This guidance summarizes statutes and administrative rules governing marketing and promotion by licensed cannabis establishments and addresses frequently asked questions and special circumstances. Its purpose is to reduce ambiguity and improve consistency and fairness in the effective enforcement of those statutes and rules. A final section sets out the procedure for licensees to obtain prompt and orderly review of advertising submissions. An appendix provides a three-step approach to analyzing public communications for advertising compliance.

Licensees should read the relevant sections of [7 V.S.A. Chapter 33](#) and [Board Rule 2](#) to fully understand advertising requirements. Cannabis Establishments should also review the Cannabis Control Board's Labeling Guidance, available [on our guidance page](#).

This guidance is not legal advice. If cannabis establishments have questions regarding their legal responsibilities, they are encouraged to consult their legal counsel.

## Analyzing Advertising for Compliance

Vermont law defines cannabis establishment advertising broadly and requires that advertising be pre-approved for publication, based upon compliance with requirements governing audience composition, content, and required health warnings.

A cannabis establishment contemplating a promotional activity should first assess whether the activity is advertising. See 7 V.S.A. § 861(2) and further explanations in this guidance. If a promotion or activity is advertising, it must be submitted for review according to the procedure explained in this guidance.

Non-compliant advertising is a Category III violation pursuant to Rule 4.5.3(h). Administrative penalties for advertising violations can be substantial. See Rule 4.5.3(t)-(w). If in doubt about whether an activity is advertising requiring approval, it is advisable to submit it for review.

### What Constitutes Advertising

*"Advertisement" means any written or verbal statement, illustration, or depiction that would reasonably have the effect of inducing sales of cannabis or cannabis products, including any written, printed, graphic, or other material; billboard, sign, or other outdoor display; other periodical literature, publication, or in a radio or television broadcast; the Internet; or in any other media.*

### [7 V.S.A. §861\(2\)](#).

Consequently, any public material or display created by or on behalf of a cannabis establishment that tends to drive sales—including by steering foot traffic to a cannabis establishment with representations other than its location—is an advertisement. This includes window displays or other outdoor signs (including sandwich boards) that are not purely directional or for the sole purpose of location identification. It also includes printed material and presentations inside a cannabis establishment to promote products and their sale.

### Distinguishing Art from Advertising

Particularly in respect to outdoor illustrations, unattached signage, and displays, the Board sometimes encounters claims that a giant cannabis leaf or other cannabis iconography—e.g., “KIND,” “420,” or

“Weed” signage—is a form of artistic expression rather than a regulated advertisement. The point of distinction given by the definition of “advertising” at 7 V.S.A. § 861(2) remains the same: An illustration or display that tends to make passers-by aware that cannabis is available for sale at or near a location “would reasonably have the effect of inducing sales of cannabis or cannabis products” and therefore is an advertisement subject to the health-warning and audience-composition requirements applicable to any other. Artistic content does not exempt an advertisement from regulation.

### What is Always Prohibited Advertising

Regardless of medium or other characteristics, activities by a cannabis establishment that violate the principles set out in Rule 2.2.11(a)-(c) or 7 V.S.A. § 864(b) always have the intent or effect of inducing sales and always are prohibited advertising, even if the activity is otherwise exempt. Specifically prohibited are promotional activities that:

- Appeal to minors or persons under 21.
- Promote overconsumption.
- Are deceptive, false, or misleading.
- State, suggest, or imply that cannabis has curative or therapeutic effects.
- Offer free samples of cannabis or cannabis products.
- Depict a person under 21 consuming cannabis.
- Promote products on social media other than by means of a link to the establishment’s age-gated site. QR codes linking to age-gated sites are permitted.
- Contradict the approved label of a registered product, including by contradicting the mandatory health warning.

An activity or display that offends one of the eight criteria above is prohibited even if undertaken in a context that otherwise would not constitute advertising and even if undertaken on a cannabis establishment’s behalf by third-party confederates, partners, or other affiliates.

### What is Not Advertising

The following types of media and expression are not advertising pursuant to [7 V.S.A. §861\(2\)\(A\)-\(D\)](#).

#### Registered Product Labels

*“(A) any label affixed to any cannabis or cannabis product or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards.”*

- The label of a registered cannabis product is not advertising, because labels are separately regulated under provisions concerning product registration.

#### Non-commercial Expression

*“(B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee.”*

- Genuinely independent publications, such as third-party articles and news releases about a cannabis establishment, which the establishment does not finance, influence, or control

directly or indirectly, are not advertisements. Educational content does not exempt an advertisement from regulation.

*“(C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an economic transaction but that merely provides information to the public in an unbiased manner”*

- Instructional or educational materials are not advertisements if limited to general information about cannabis that is not calculated to induce sales and if the publication, presentation, or display is not paid-for or compensated in any manner. To provide materials in an “unbiased manner” means to do so without influence by an establishment’s commercial or pecuniary interests.

### Directional Signs

*“(D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment.”*

Sandwich boards and other directional signs on the property of a cannabis establishment are not advertisements if they assist persons already interested in locating the establishment in finding its location without otherwise promoting the establishment or its products.

## Special Contexts

It can be challenging for a cannabis establishment to comply with advertising requirements in contexts other than conventional print and broadcast. The guidance below explains common scenarios.

### Participation in Civic Activities and Business Directories

A cannabis establishment is a business like any other and generally may participate in local chambers of commerce, civic events, regional tourism and tourist-information promotions, and other collaborative activities of area businesses. Similarly, a cannabis establishment may be listed in visitor guides, area business maps, and business directories as provided in this section.

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.*

Business sponsors of civic activities often receive benefits from organizers that mix non-advertising content, such as name-and-logo-only promotion alongside other sponsoring businesses, with advertising content, such as social media campaigns. It is the responsibility of each cannabis establishment to know what promotional benefits it will receive and to obtain pre-publication approval of those that meet the regulatory definition of advertising.

### Sandwich Boards & Detached Signs

On-premises sandwich boards and detached signs are not advertising if purely directional. Purely directional means that a sandwich board displays no more than an establishment's name, logo, address, hours, and a directional indicator.

Sandwich boards with substantive promotional content, such as substantive taglines or information about products, events, or discounts, are advertisements and must comply with audience-composition and content requirements.

### Foot Traffic Promotions

Retailers commonly undertake activities calculated to drive foot traffic to a store, based on the expectation that increased traffic will mean increased sales. Consequently, promotional activities such as giveaways of non-cannabis items and merchandise or inducements to visit to enter no-purchase-necessary prize drawings or raffles, are advertisements and must comply with audience-composition and content requirements.

### Event Booths and Off-premises Displays

Promotional participation in event booths or displays, such as those at a farmer's market, concert, or fair, are advertisements. Such displays must be approved based on audience-composition and content, and each must display the mandatory health warning.

### Window Displays

Rule 2.2.12(c) provides that "window displays, or items, text, or objects inside a Cannabis Establishment that are visible to a person standing outside the establishment, will be considered an outdoor advertisement for the purposes of this rule." More than 15% of Vermont's general population is under the age of 21. Unless a window display is approved based on a showing that its audience complies with composition requirements—for example, if the window can be seen only from an age-restricted area--cannabis products, pictures of cannabis or cannabis products, or advertisements in the store should not be visible to passers-by in a window display.

### Non-cannabis Branded Merchandise

In most cases, logo-branded cannabis-establishment merchandise, such as t-shirts, water bottles, apparel, and stickers will not tend to induce sales of cannabis or cannabis products. Merchandise available for sale inside a cannabis establishment or at an approved promotional event will reach an age-appropriate audience already interested in the cannabis establishment and therefore is not advertising for regulatory purposes.

Although-logo-branded merchandise in most contexts is not advertising, consistent with the heading above, "What is Always Prohibited Advertising," offers of merchandise or logo-branded apparel or collateral *are* advertisements if they target audiences or feature messaging that violates Rule 2.2.11 or or 7 V.S.A. § 864(b). For example, t-shirts bearing an establishment's logo *are not* advertising if sold at the establishments or given exclusively to persons 21 or older at an approved promotion. However, the same t-shirts *are* prohibited advertisements if offered to a little league or targeted to a population selected for a particular medical condition.

## Billboard Law Compliance

Like all businesses, cannabis establishments must comply with Vermont's Billboard Law, [10 V.S.A. Ch. 21](#).

## Content Requirements

Once an establishment has determined that an activity, display, or publication is an advertisement, it must ensure that the advertisement's content avoids the following statutory and regulatory prohibitions. See 7 V.S.A. § 864(b) & Rule 2.2.11.

### False or Misleading Content

Content is prohibited as false, misleading, or deceptive if it would tend to lead a reader of ordinary intelligence to believe something that is untrue, if it is calculated to confuse the reader, or if it contradicts or undermines the representations on the label of a registered product. Similarly, content is misleading if it contradicts or undermines the mandatory health warning, for example, by suggesting that cannabis improves performance or is associated with a healthy lifestyle.

### Mimicry and Intellectual Property Infringement

Cannabis establishments must refrain from advertising that infringes the copyright, trademark, or business identity of an unaffiliated company or brand. As a regulatory matter, infringement and mimicry are objectionable to the Board because they tend to mislead consumers. As a matter of business liability, infringement is to be avoided because it could make a cannabis establishment liable to the rights holder.

Beware not only brand mimicry, but also the use of popular characters from film and entertainment, as well as collegiate and professional sports players, logos, and iconography. Norms around intellectual property are unsettled in the relatively new regulated cannabis industry, and what was normal in the illicit market can be a source of liability in aboveboard commerce. For example, a popular glue brand has aggressively (and successfully) pursued infringement claims against commercial cannabis interests selling a strain that appropriated its tradename. The Cannabis Control Board assesses mimicry and potential infringement only by reference to potential to deceive; consult an attorney for advice on managing intellectual-property risk.

### Charitable Claims

The Cannabis Control Board encourages good corporate citizenship; however, a cannabis establishment that promotes itself on the basis of charitable giving must retain on premises, and must present on demand, financial records from which claims can be verified. Claims must not be so vague as to lead observers to infer that an establishment's contributions are more generous than they are in fact. An establishment may not promote itself on the basis that it "donates" to a cause that directly or indirectly benefits its principals.

### Promotion of Overconsumption

Content promotes overconsumption if it tends to encourage pathological use or disorienting impairment. For example, content that glamorizes consuming as much cannabis as possible, portrays ataxia or forgetfulness in a favorable or humorous light, or that otherwise promotes conspicuous cannabis consumption and impairment as attractive or appealing, is content that promotes



overconsumption. Similarly, content that depicts or encourages co-administration with alcohol or other drugs promotes overconsumption.

### Curative or Therapeutic Claims

Vermont law recognizes that cannabis may have therapeutic effects. The therapeutic use of cannabis is governed by laws separate from those applicable to adult-use cannabis establishments. Laws governing the therapeutic use of cannabis specify the medical diagnoses for which cannabis may be indicated and the medical professionals who may verify such diagnoses for a patient to become registered with the Cannabis Control Board medical program.

Adult-use licensees may not state or imply that cannabis cures or mitigates any physical or psychological disease, disorder, syndrome, or condition, or that cannabis otherwise has beneficial health effects. Cannabis establishments may not coordinate with others to make therapeutic claims on their behalf or with their approval. Neither may cannabis establishments invoke the professional medical training or credentials of a principal, employee, contractor, agent, affiliate, or proxy to suggest to the public that cannabis is indicated as a therapy for any physical or psychological disease, disorder, syndrome, or condition.

### Giveaways and Free Samples

Ordinary sales, such as percent-off promotions, buy-one-get-one-free promotions, and local discounts, are permissible if otherwise lawful in retail commerce.

Free samples of cannabis and cannabis products are prohibited by 7 V.S.A. § 864(b)(5). Gift cards and certificates may be sold for value but may not be given away for promotional purposes. Prices must reflect a genuine exchange of value. So-called penny sales are simply prohibited cannabis giveaways.

Cannabis establishments should be careful not to confuse what is *permissible* with what is *advertising*: A prize, award, or non-cannabis giveaway that induces sales may be permissible under sections 864(b), but the promotion of it by a retail establishment almost always is an advertisement under [7 V.S.A. §861\(2\)](#). Consequently, promotional materials concerning special events that attract customers must be pre-approved based on the requirements applicable to all advertising. See also, "Foot Traffic Promotions," above.

### Appeal to Persons Under 21

"Cannabis Establishments are prohibited from using objects, such as toys, inflatables, movie characters, cartoon characters, child-friendly depictions of food or other consumables, or include any other display, depiction, or image designed in any manner likely to be appealing to minors or anyone under 21 years of age. This includes, but is not limited to, brand logo development and any advertising used for the purposes of marketing the licensee's dispensary and/or products." Rule 2.2.11.

## Mandatory Health Warning

Vermont law requires that each cannabis establishment advertisement include a warning label developed by the Cannabis Control Board in consultation with the Department of Health.

*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.*

Information about the warning label is available in Rule 2.2.10 and [Labeling Guidance](#). Vector and raster files of the warning label are also on the [Guidance Page](#) of the Cannabis Control Board website. The warning must be printed in at least 10-point font and must be legible to the unaided eye from the same distance the advertising copy is legible. The words and capitalization of the warning text must be reproduced exactly as they appear. An advertiser may adjust the margins, typeface, and background color to better match the advertising copy or to make more economical use of space; however, such adjustments must not diminish the legibility of the text.



Cannabis establishments may decide how to position the warning in their advertising, so long as it is clearly visible. The warning cannot be a watermark, nor may it have a watermark or other images over it. The warning cannot be obstructed. If the warning is presented in a series of rotating slides, it must be visible in each one. If the warning is presented in a video, it must be displayed long enough for the average reader to complete it—approximately fourteen seconds in most contexts and display sizes.

### Audience Composition for Publications & Broadcasts

"Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to but under 21 years of age." 7 V.S.A. §864(c).

Because more than 15% of Vermont’s general population is under 21, CCB Rule 2.2.12 and 7 V.S.A. § 864(c) create a presumption that advertisements to the general public will not comply with the 15% rule. To obtain approval, an advertiser must show that the audience for a particular advertising submission complies with § 864(c) using “reliable, verifiable, and current audience composition data.” Data must be credibly derived from empirical analysis, not supposition or counting methods that rely

upon small samples or otherwise cannot be reproduced. Most commercial advertising platforms study their audience composition carefully and happily share this information with potential advertisers.

### Pre-approved Advertising Platforms

Once a periodical or broadcast medium with a static audience has been verified as having an age-compliant audience fit for cannabis advertising, the CCB treats the medium as presumptively approved for a period of three years, in order that each establishment using the medium need not make a showing that already has been made. The CCB maintains [a list of pre-approved advertising media here](#).

### Online Marketing Campaigns

Unlike conventional print and broadcast media, in which a publisher or broadcaster's entire audience encounters the same advertisements, contemporary online advertising can be purchased through services that broker demographically-targeted campaigns, such that two readers of the same online article may encounter wholly different advertising based on probabilistic calculations about the demographic characteristics of each reader. Google AdSense and Surfside are examples of such services.

To meet the audience composition requirement relative to a targeted media campaign, a submitter must demonstrate that:

- 1) *validated data demonstrate that the broker has the technical capacity to estimate accurately the actual age of viewers, and*
- 2) *the campaign that will convey the submitted content has been tuned to target persons 21 or older and to exclude those younger.*

## Audience Composition for Signs & Displays

"Except for signage as defined in 7 V.S.A. § 861(2)(D), window displays, or items, text, or objects inside a retail Cannabis Establishment that are visible to a person standing outside the establishment, will be considered an outdoor advertisement for the purposes of this rule." Rule 2.2.12(c).

Signs affixed to storefronts or buildings that merely identify the location of a Cannabis Establishment are not advertising and needn't meet the 15% audience-composition requirement. However, window displays (*see the section Special Contexts: Window Displays, above; Rule 2.2.12(c)*) and unaffixed or redundant on-site signs and displays evoking cannabis or cannabis products, or otherwise calling attention to the establishment for the purpose of attracting traffic and promoting sales, must comply with advertising requirements, including the audience-composition requirement and the mandatory health warning.

## Websites and Social Media


Cannabis Establishments may have websites and social media presences. Cannabis establishment websites and social media posts must comply with general advertising requirements, including pre-publication review for compliance with the audience-composition requirement, content requirements, and the mandatory health warning. If inclusion of the mandatory health warning is impractical for a particular digital post, the warning may be featured as the first comment that follows.

## Age-gating

Cannabis establishment websites must be age-gated to comply with the audience-composition requirement. This means websites must require that readers affirm they are over the age of 21 to access the site. The age-gated page should be the first landing page for the Cannabis Establishments website. Visitors must encounter the age-gate at each unique site visit; consequently, age-gating systems may not rely on persistent cookies that prevent the age-gate from operating at subsequent visits by the same device. The CCB recommends featuring the mandatory health information warning in the age-gate, as this ensures the warning is observed by all visitors regardless of the subsequent subpages they may view.

Cannabis Establishments cannot advertise on websites managed by other entities unless those sites are age-gated or shown to meet the 15% rule. Advertising on popular sites such as YouTube or streaming services is prohibited unless the Cannabis Establishment can demonstrate that the audience reliably and verifiably meets the 15% rule.

**Example of Age-Gating**



Are you over 21 years of age?

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.

## Social Media Posts

Cannabis establishments must submit promotional posts as advertising submissions. Cannabis establishments may only promote products using links to their age-gated websites.

Unlicensed parties may not sell cannabis or broker cannabis sales. Consequently, cannabis establishments cannot use "shop now" buttons that bring users to social media marketplaces and cannot use third-party social media sites to feature products for sale.

Cannabis establishments may not advertise or sell cannabis or cannabis products via social media instant messaging platforms.

Cannabis establishments may use their logo and branding on social media. Images and text on social media platforms may direct users to the Cannabis Establishment's website. Further, Cannabis Establishments may use social media platforms for general consumer information and education.

Retail establishments that lawfully collect customer contact information may send text or email messages only to age-verified customers who have expressly consented to receive promotional messaging. Messages that meet the definition of "advertising," by tending to promote sales, must be submitted to the Board for review and approval.

## Submitting Advertising to the Board

Cannabis establishments must submit all advertisements to the Cannabis Control Board "in a format prescribed by the Board, prior to the dissemination of the advertisement." 7 V.S.A. 864(e). In addition to approving or denying the submission, the Board may:

- (1) *Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the Board determines that the advertisement would be false or misleading without such a disclosure; or*
- (2) *Require changes that are necessary to protect the public health, safety, and welfare of consistent with dispensing information for the product under review."*

*Id.*

### What to Submit

Cannabis establishments must submit all advertisements at least 15 days before intended publication. The CCB will compute time as specified in Rule 2.1.5.

*To obtain advertising review:*

- Email the submission to [ccb.advertising@vermont.gov](mailto:ccb.advertising@vermont.gov), using the subject line "Advertisement Submission, [Your Cannabis Establishment License Number]."
- Attach any graphic or print advertising in PDF format, or if necessary, another commercially accepted file format accessible with standard office computing software.
- Attach any audiovisual media in a commercially accepted file format accessible with standard office computing software. Voice media may be presented in the form of a transcript.
- Specify the locations where the ad will run and the dates of publication or broadcast; and
- Unless the medium is pre-approved, include current, reliable, and independently verifiable data demonstrating compliance with the 15% audience-composition rule.

## What to Expect

Within ten business days of a submission, the Cannabis Control Board will notify a submitter that its advertising proposal is approved, denied, or requires additional information. An advertisement must be published exactly as submitted and approved. Material modifications or changes in forum require re-submission.

## Seeking Reconsideration

It is important to the Board that advertising assessments be prompt, fair, impartial, objective, and consistent. When a submission is found to be non-compliant, denial will be explained in a short memorandum identifying the statutory or regulatory reason. The memorandum will specify how to challenge a denial the submitting establishment believes to be in error.

To ensure fair and consistent review, a cannabis establishment must use the challenge-and-reconsideration process specified. Board members and staff will not entertain communications about approvals that ignore or evade the established review process.

## Appendix: Advertising Assessment in Three 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.

2. If a communication from your establishment complies with the above requirements, determine whether it is an advertisement. 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	Advertisement Requiring Approval
Building-attached signs and on-premises sandwich boards that help visitors looking for the establishment to find it	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 passes the four-part test	A directory listing that fails the four-part test
A sponsorship that passes the four-part test	A sponsorship that fails the four-part test
The label affixed to a registered product	Product promotions extrinsic to the product package
Branded merchandise offered inside the establishment or offered only to those 21 or older at an approved promotional event	Branded merchandise targeted at underage populations or health-associated populations
Uncompensated and non-commercial reference to an establishment in a periodical or newspaper that the establishment does not direct	Compensated publications of an educational nature that tend to induce sales at an establishment; promotional content published by proxies and affiliates

3. If a communication is advertising
- ✓ ensure that it is accompanied by the mandatory health warning,
  - ✓ 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.