

# Adult Use Cannabis Advertising and Marketing Self-Regulatory Guidelines for Licensed Producers

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## Introduction

In July 2016, seventeen of Canada’s Licensed Cannabis Producers (LPs), representing approximately 90% of the current legal medical cannabis market, together with the [Canadian Medical Cannabis Council](#) and [Cannabis Canada Association](#), joined together to develop Guidelines for the responsible branding and promotion of cannabis. They were assisted in this endeavor by Advertising Standards Canada (Ad Standards), the national, independent, not-for-profit advertising self-regulatory body.

With the legalization of adult consumer use of cannabis anticipated in summer 2018, LPs developed these Guidelines with an overriding goal of protecting young people and the safety of all Canadians, while also ensuring legal cannabis producers are able to compete effectively with the black market. Deloitte estimates Canada’s illegal adult use cannabis market to be worth between \$5 and \$8 billion<sup>1</sup>. Accordingly, LPs believed it was vital for the legal industry to have the tools necessary to push back against Canada’s thriving illegal market, while at the same time educating adult consumers about various product strains, responsible use, and how to differentiate between high and low quality cannabis product.

The agreement to develop Guidelines built on the advocacy efforts of the participating LPs and their respective associations, urging federal, provincial, and territorial governments to ensure that cannabis regulations include allowances for responsible branding and promotion as tools required to combat the illegal market. All participating LPs agreed on the need for adult-focused branding – such as coloured lettering and logos for cannabis products. They were aligned that these elements should not appeal to those under a province’s designated legal age.

The development of branding and promotional Guidelines was underpinned by the principle that legal, licensed, cannabis companies – whether they be small, medium or large producers – must be allowed to explain

to consumers why the products they develop are better and safer than those offered by the illegal market.

Participating Associations (representing 27 Licensed Producers with 38 licenses):

- Cannabis Canada Association
- Canadian Medical Cannabis Council

Licensed producers, and both Cannabis Canada and Canadian Medical Cannabis Council, are confident that these guidelines strike the necessary balance between protecting public health, while ensuring a fair playing field for the legal cannabis industry to effectively counter the illicit market.

## Guidelines Development

The Guidelines were informed and developed with reference to: *A Framework for the Legalization and Regulation of Cannabis in Canada – The Final Report of the Task Force on Cannabis Legislation and Regulation*, Bill C-45 *The Cannabis Act*, the *Tobacco Act*, the CRTC *Code for Broadcast Advertising of Alcoholic Beverages*, provincial alcoholic beverage advertising guidelines, and US state legislation governing cannabis advertising.

## Guiding Principles

1. Marketing by LPs will only promote brand preference, and will not attempt to influence adult non-consumers of psychoactive cannabis products to become consumers.
2. Marketing by LPs will not be directed to persons under 18 years of age or under a province’s or territory’s designated legal age for purchase.
3. All advertising messages will contain responsible use statements.
4. To facilitate compliance with these Guidelines, LPs may voluntarily opt to submit their advertising messages to Ad Standards for preclearance prior to dissemination.

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<sup>1</sup> Deloitte, 2016, “*Recreational Marijuana: Insights and opportunities*”, p. 5. [www2.deloitte.com/content/dam/Deloitte/ca/Documents/Analytics/ca-en-analytics-DELOITTE%20Recreational%20Marijuana%20POV%20-%20ENGLISH%20FINAL\\_AODA.pdf](http://www2.deloitte.com/content/dam/Deloitte/ca/Documents/Analytics/ca-en-analytics-DELOITTE%20Recreational%20Marijuana%20POV%20-%20ENGLISH%20FINAL_AODA.pdf)

- LPs agree to adhere to the provisions of the *Canadian Code of Advertising Standards*.

## Guidelines Application

The Guidelines apply to advertising and marketing of adult use cannabis products, accessories and services that are permitted to be sold as of the coming into force of the *Cannabis Act*. They are intended to help advertisers develop messages that are responsible. They do not have the force of law. These Guidelines may be revised or added to when other types of cannabis products are permitted to be sold, such as edible cannabis products.

These Guidelines apply to advertising of cannabis in all types of media, including print, television, radio, out-of-home, digital, and social media platforms.

## Media Restrictions

- LPs will ensure that they use a method of age-verification for adult consumers to access their websites.
- LPs will only advertise on television, radio, or on any websites or social media platforms where at least 70% of the audience is over 18 years of age or over a province's or territory's legal age for purchase, measured on a pre-media buy basis.

## Guidelines Content

### Brand Preference

- Advertising can only promote a brand, not cannabis in general.
- Advertising cannot attempt to influence adult non-consumers to try cannabis.

### Responsible Use

- Advertising cannot imply consumption.
- Advertising cannot use imperative language to encourage consumption or purchase of cannabis products or accessories.

### Adult Focussed

- Advertising cannot be directed to or appeal particularly to young persons.
  - Advertising and branding cannot depict characters, animals, real or fictional that may appeal particularly to young persons.
  - LPs will not use activities or content that may appeal particularly to young persons.

### Skilled Activity

- Advertising cannot associate cannabis with driving or any skilled activity while impaired.

### Educational Information

- Advertising cannot, directly or indirectly, suggest that adult use cannabis has therapeutic or health related effects. Advertising can promote a brand's or strain's flavour and taste, aspects (e.g. day or night usage), and may make factual comparative claims regarding non-therapeutic product attributes.
- LPs may provide educational information regarding the historical and genealogical provenance of cannabis strains offered to consumers in advertising.

### Strain Names

LPs will not use strain names that are sexual in nature, sexist or present violent imagery for any newly developed strains of cannabis.

### Identification and Licensure

- Advertising must accurately and legibly identify the licensed producer.
- LPs may say in advertising that they have been licensed or authorized by Health Canada.

## Complaint Handling

LPs support the ability of the public to make complaints regarding any advertising messages sponsored by a LP that they believe do not conform to these Guidelines. Complaints will be handled by Ad Standards and adjudicated by the independent Standards Council.

