



## **NYCU's Suggested Comments for the Packaging, Labeling, Marketing and Advertising Regulations (Part 128 and 129)**

- **Support** prohibiting false or misleading information in any branding, labeling, packaging, marketing or advertising of cannabis products.
- **Support** prohibiting targeting branding, labeling, marketing, and advertising towards individuals under the age of 21 years old.
- **Support** requiring all cannabis products are clearly marked as unsafe and unsuitable for pets, animals, and persons under the age of 21 years old.
- **Support** making packaging child resistant to the extent practicable.
- **Support** prohibiting single-use plastics in all aspects of product packaging. Plastics have invaded our oceans, our landfills, our lakes, and rivers, and are polluting the global ecosystem. Allowing a new industry to utilize packaging materials that are already proven to be unsustainable and environmentally detrimental is foolish and short sighted.
- **Support** encouraging, including through tax incentives and regulations, the use of biodegradable and compostable packaging within the industry.
- **Support** using safety inserts to list all ingredients used in all cannabis products throughout production of the product -from seed to sale, even if the ingredients do not fall under the allergen act. All consumers and patients should be fully informed of what they are consuming and what chemicals or nutrients were used in growing and processing the plant and flower. Specifically, if plant growth hormones and other chemicals, compounds, and nutrients were applied to the plant during cultivation, drying, curing, and process, both natural and synthetic, it should be listed on the insert.

- **Support** allowing for specific icons for "gluten free", "kosher", "vegan" and requiring uniform placement for such icons.
- **Support** listing major and minor cannabinoids and terpene profile in addition to THC and CBD % ratios. Directing consumer focus solely on the percent of intoxicating substance by listing only the two major cannabinoids is misleading to consumers and perpetuates a false understanding of the product. Such simplistic labeling requirements can result in inferior products and be appealing to persons under the age of 21 years old.
- **Support** allowing for logos and brands of third-party certifications, including but not limited to third-party certifications on regenerative, pesticide-free, GMO-free, all natural, etc.
- **Oppose** requiring cannabis brands, packages, advertisements, and marketing materials to be subjected to stricter regulations than that of tobacco products or alcohol.
- **Oppose** limitations on artwork, colors, or prohibiting the use of graffiti-type art on cannabis products and marketing material. Graffiti is a cultural street art popularized in the Black and Latinx neighborhoods of NYC, it is culturally biased to prohibit it.
- **Oppose** listing the poison control phone number on packaging. Such requirements perpetuate an ignorance and negative stereotype of cannabis.
- **Oppose** prohibiting the depiction of cannabis leaves, flower, or plant on branding and packaging. This is akin to prohibiting grapes, grape vines, and grape leaves on wine bottle labels.
- **Oppose** prohibiting more than one brand, logo, or name on cannabis retail packaging. Like every other product sold in other industries, both parent companies and brands and/or partnership brands should be allowed to be listed. Such unjustified limitations prevent co-branding and prevent strategic brand growth and partnerships within the cannabis industry and thus would constitute an unfair limitation and economic restriction on this industry over others.
- **Oppose** the prohibition of pictures, images or graphics on all packaging. Packaging that depicts a photograph of the product can help prevent

mis-dispensing. Showing a Vape cartridge versus a POD is useful and helpful to consumer.

- **Oppose** requiring the primary purpose of advertising and marketing materials to be to displace the illicit market or for informing consumers of dispensary location. It is not the licensee's responsibility to displace the illicit market and restricting advertising and marketing to location information only violates freedom of speech, restricts business growth, and puts unfair and unwarranted restrictions on this industry over other industries.
- **Oppose** requiring the statement that "cannabis may be habit forming" to be included on cannabis products. Cannabis should not have stricter regulations imposed on its industry than that of alcohol, tobacco, or sugar all of which are empirically proven to be addictive.
- **Oppose** requiring "There may be health risks associated with consumption of this product" to be listed on cannabis products, marketing materials, or advertising materials. This is an unqualified statement, and its assertion is unsupported by empirical research. Statements of risk should mirror those in tobacco and alcohol.
- **Oppose** requiring cannabis products, cannabis marketing materials or cannabis advertising materials to list emotional support phone numbers. This is not required in tobacco, alcohol, sugar, or pharmaceutical industry products or marketing materials. Providing consumers with information on where to access emotional support programs and hotlines should be a focus of government funded programs and addiction and mental health organizations.
- **Oppose** prohibiting cannabis products from making health or curative claims. Cannabis is a medicine, and some products will assist with sleep, relaxation, anti-stress, pain reduction, help reduce depression, increase appetite etc. Cannabis should not be restricted from claims as a natural medicine provided that such claims are not false or misleading. In addition, such a restriction is not enforceable due to its allowable use in other wellness products.
- **Oppose** prohibiting brands and businesses from sponsoring events.