

Advertising Requirements

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As responsible licensed operators, we want to ensure all marketing and advertising endeavors demonstrate our **commitment to Youth Prevention** and responsible consumption. In order to accomplish this, we must adhere to all CCC requirements with regard to responsible marketing and advertising at all times.

This includes ensuring that at least **85% of the demographic** we're communicating with is *reasonably expected to be* 21 years of age or older, maintaining documentation demonstrating that this is the case, and following all CCC guidelines regarding the messages we're sharing and the way we're sharing them.

We are required to ensure that our advertising does not target individuals under the age of 21 or include any **imagery that may be appealing to a child**.

Always be sure to include all required and **applicable warning statements**, making sure each is written verbatim according to the rules.

Below you can find detailed CCC rules regarding advertising. A CCC bulletin with Frequently Asked Questions about advertising can be found at the bottom of this document.

500.105: General Operational Requirements for Marijuana Establishments

(4) Advertising Requirements.

(a) Permitted Practices. The following Advertising activities are permitted:

1. A Marijuana Establishment may develop a Brand Name to be used in labeling, signage, and other materials; provided however, that use of medical symbols, images of Marijuana or Marijuana Products or related Paraphernalia images that are appealing to persons younger than 21 years old, and colloquial references to Marijuana and Cannabis are prohibited from use in the Brand Name
2. Brand Name Sponsorship of a charitable, sporting or similar event, so long as the following conditions are met.
 - a. Sponsorship of the event is limited to the Brand Name.
 - b. Any Advertising at or in connection with such an event is prohibited, unless such Advertising is targeted to entrants or participants reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data, and reasonable safeguards have been employed to prohibit Advertising from targeting or otherwise reaching entrants or participants reasonably expected to be younger than 21 years old, as determined by reliable, current audience composition data;
3. Brand Name Sponsorship of a charitable, cultural or similar event both held and organized by the city or town in which the sponsoring Marijuana Establishment or CMO is licensed to conduct business, so long as the following conditions are met:
 - a. Sponsorship of said event shall be included in its Positive Impact Plan submitted in accordance with 935 CMR 500.101(1)(a)11;
 - b. Sponsorship of the event is limited to the Brand Name;
 - c. Any Advertising at or in connection with such an event is prohibited, unless such Advertising is targeted to entrants or participants reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data, and reasonable safeguards have been employed to prohibit Advertising from targeting or otherwise reaching entrants or participants reasonably expected to be younger than 21 years old, as determined by reliable, current audience composition data;
4. A Marijuana Establishment engaging in Brand Name Sponsorship under 935 CMR 500.105(4)(a)2. and 3. shall retain documentation of reliable, reasonable audience composition data that is the basis for allowing any such Advertising or branding for a period of one year, or longer if otherwise required by the Commission, or a court or agency with jurisdiction.
5. A Marijuana Establishment may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 500.110. These display cases may be transparent. An authorized Marijuana Establishment Agent may remove a sample of Marijuana from the case and provide it to the Consumer for inspection, provided the Consumer may not consume or otherwise use the sample, unless otherwise authorized herein;

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6. The Marijuana Establishment may post prices in the store and may respond to questions about pricing. The Marijuana Establishment shall provide a catalogue or a printed list of the prices and strains of Marijuana available at the Marijuana Establishment to Consumers and may post the same catalogue or printed list on its website and in the retail store;

7. A Marijuana Establishment may engage in reasonable Advertising practices that are not otherwise prohibited in 935 CMR 500.105(4)(b) that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of Marijuana or Marijuana use in individuals younger than 21 years old or otherwise promote practices inconsistent with the purposes of M.G.L. c. 94G or 94I. Any such Advertising created for viewing by the public shall include the statement "Please Consume Responsibly", in a conspicuous manner on the face of the advertisement and shall include a **minimum of two of the following warnings in their entirety** in a conspicuous manner on the face of the advertisement:

- a. "This product may cause impairment and may be habit forming.";
- b. "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.";
- c. "There may be health risks associated with consumption of this product.";
- d. "For use only by adults 21 years of age or older. Keep out of the reach of children."; or e. "Marijuana should not be used by women who are pregnant or breastfeeding."

8. All Advertising produced by or on behalf of a Marijuana Establishment for Marijuana or Marijuana Products shall **include the following warning, including capitalization**, in accordance with M.G.L. c. 94G, § 4(a½)(xxvi): "This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of Edibles may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA."

9. A Licensee may utilize employee discounts as part of the Marijuana Establishment's operating policy and procedure for prevention of diversion pursuant to 935 CMR 500.101(1)(c)8.b. Institution of an employee discount program under 500.101(1)(c)8.b. shall not be considered a prohibited practice under 935 CMR 500.105(4)(b).

(b) Prohibited Practices. The following Advertising activities are prohibited:

1. Advertising in such a manner that is deemed to be is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
2. Advertising by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor Advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data;
3. Advertising that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old;
4. Advertising including, but not limited to, mascots, cartoons, and celebrity endorsements, that is deemed to appeal to a person younger than 21 years old;
5. Brand sponsorship including, but not limited to, mascots, cartoons, and celebrity endorsements, that is deemed to appeal to a person younger than 21 years old;
6. Advertising, including statements by a Licensee, that makes any false or statements concerning other Licensees and the conduct and products of such other Licensees that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
7. Advertising by a Licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a½)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
8. Advertising on any billboards, or any other public signage, which fails to comply with all state and local ordinances and requirements;
9. Use of any illuminated or external signage beyond the period of 30 minutes before sundown until closing; provided, however, that the Commission may further specify minimum signage requirements;
10. The use of vehicles equipped with radio or loudspeakers for the Advertising of Marijuana or Marijuana Products;

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11. The use of radio or loudspeaker equipment in any Marijuana Establishment for the purpose of Advertising the sale of Marijuana or Marijuana Products;
12. Brand Name Sponsorship of a charitable, sporting or similar event, unless such Advertising is targeted to entrants or participants reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data, and reasonable safeguards have been employed to prohibit Advertising from targeting or otherwise reaching entrants or participants reasonably expected to be under 21 years of age, as determined by reliable, current audience composition data;
13. Operation of any website of a Marijuana Establishment that fails to verify that the entrant is 21 years of age or older;
14. Any Advertising, including the use of Brand Names, of an improper or objectionable nature including, but not limited to, the use of language or images offensive or disparaging to certain groups;
15. Any Advertising, solely for the promotion of Marijuana or Marijuana Products on Marijuana Establishment Branded Goods including, but not limited to, clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
16. Advertising on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles not owned by the Marijuana Establishment;
17. The display of signs or other printed material Advertising any brand or any kind of Marijuana or Marijuana Products that are displayed on the exterior of any licensed Premises;
18. Advertising of the price of Marijuana or Marijuana Products, except as permitted above pursuant to 935 CMR 500.105(4)(a)6.;
19. Display of Marijuana or Marijuana Products so as to be clearly visible to a person from the exterior of a Marijuana Establishment; and
20. Advertising through the marketing of free promotional items including, but not limited to, gifts, giveaways, discounts, points-based reward systems, customer loyalty programs, coupons, and "free" or "donated" Marijuana, except as otherwise permitted by 935 CMR 500.105(4)(a)9. and except for the provision of Brand Name take-away bags by a Marijuana Establishment for the benefit of customers after a retail purchase is completed. (c) Nothing in 935 CMR 500.105(4) prohibits a Marijuana Establishment from using a mark provided by the Commission which uses images of Marijuana or Marijuana Products. CMOs shall comply with the requirements of each 935 CMR 500.105(4) and 501.105(4) with respect to the applicable license. A CMO may develop a single marketing campaign; provided, however, it shall apply the most restrictive requirements applicable under either license.

501.105: General Operational Requirements for Medical Marijuana Establishments

(4) Advertising Requirements.

(a) Permitted Practices.

1. A Marijuana Establishment may develop a Brand Name to be used in labeling, signage, and other materials; provided however, that use of medical symbols, images of Marijuana or Marijuana Products, or related Paraphernalia, images that are appealing to persons younger than 21 years old, and colloquial references to Marijuana and Cannabis are prohibited from use in the Brand Name
2. Brand Name Sponsorship of a charitable, sporting or similar event, so long as the following conditions are met:
 - a. Sponsorship of the event is limited to the Brand Name.
 - b. Any advertising at or in connection with such an event is prohibited, unless such advertising is targeted to entrants or participants reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data, and reasonable safeguards have been employed to prohibit advertising from targeting or otherwise reaching entrants or participants reasonably expected to be younger than 21 years old, as determined by reliable, current audience composition data; unless such advertising is targeted to entrants or participants reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data, and reasonable safeguards have been employed to prohibit advertising from targeting or otherwise reaching entrants or participants reasonably expected to be younger than 21 years old, as determined by reliable, current audience composition data;
3. A Medical Marijuana Establishment engaging in Brand Name Sponsorship under 935 CMR 501.105(4)(a)2. shall retain documentation of reliable, reasonable audience composition data that is the basis for allowing any such advertising or branding for a period of one year, or longer if otherwise required by the Commission, or a court or agency with jurisdiction.

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4. A Medical Marijuana Establishment may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 501.110 for Medical Marijuana Establishments. These display cases may be transparent. An authorized Medical Marijuana Establishment Agent may remove a sample of Marijuana from the case and provide it to the Registered Qualifying Patient for inspection, provided the Registered Qualifying Patient may not consume or otherwise use the sample, unless otherwise authorized in 935 CMR 501.000.

5. The Medical Marijuana Establishment may post prices in the store and may respond to questions about pricing. The Medical Marijuana Establishment shall provide a catalogue or a printed list of the prices and strains of Marijuana available at the Medical Marijuana Establishment to Registered Qualifying Patients and may post the same catalogue or printed list on its website and in the retail store.

6. A Medical Marijuana Establishment may engage in reasonable advertising practices that are not otherwise prohibited in 935 CMR 501.105(4)(b) that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of Marijuana or Marijuana use in individuals younger than 21 years old or otherwise promote practices inconsistent with the purposes of M.G.L. c. 94G or 94I. Any such advertising created for viewing by the public **shall include the statement "Please Consume Responsibly", in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings** in their entirety in a conspicuous manner on the face of the advertisement:

- a. "This product may cause impairment and may be habit forming";
- b. "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug";
- c. "There may be health risks associated with consumption of this product"; or
- d. "Marijuana should not be used by women who are pregnant or breastfeeding".

(b) Prohibited Practices. The following advertising activities are prohibited:

1. Advertising in such a manner that is deemed to be is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
2. Advertising by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older or comprised of individuals with debilitating conditions, as determined by reliable and current audience composition data;
3. Advertising, including statements by a Licensee, that makes any false or statements concerning other Licensees and the conduct and products of such other Licensees that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity;
4. Advertising on any billboards or any other public signage which fails to comply with all state laws and local ordinances;
5. Installation of any illuminated signage or external signage beyond the period of 30 minutes before sundown until closing; provided however, that the Commission may further specify minimum signage requirements;
6. The use of vehicles equipped with radio or loudspeakers for the advertising of Marijuana or Marijuana Products;
7. The use of radio or loudspeaker equipment in any Medical Marijuana Establishment for the purpose of attracting attention to the sale of Marijuana or Marijuana Products;
8. Operation of any website of an Medical Marijuana Establishment that fails to verify that the entrant is a Qualifying Patient or Caregiver or the entrant is 21 years of age or older;
9. Use of unsolicited pop-up advertisements on the internet or text message; unless the advertisement is a mobile device application installed on the device by the owner of the device who is a Qualifying Patient or Caregiver or 21 years of age or older and includes a permanent and easy opt-out feature;
10. Any advertising, including the use of Brand Names, of an improper or objectionable nature including, but not limited to, the use or language or images offensive or disparaging to certain groups;
11. Any advertising solely for the promotion of Marijuana or Marijuana Products on Medical Marijuana Establishment Branded Goods including, but not limited to, clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
12. Advertising on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles not owned by the Medical Marijuana Establishment;
13. The display of signs or other printed material advertising any brand or kind of Marijuana or Marijuana Products that are displayed on the exterior of any licensed Premises;
14. Advertising of the price of Marijuana or Marijuana Products, except as permitted above pursuant to 935 CMR 501.105(4)(a)5.;
15. Display of Marijuana or Marijuana Products so as to be clearly visible to a person from the exterior of a Medical Marijuana Establishment;

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16. Advertising, marketing or branding including any statement, design, representation, picture, or illustration that encourages or represents the use of Marijuana for any purpose other than to treat a Debilitating Medical Condition or related symptoms;
- (c) The Commission shall maintain and make available a list of all Medical Marijuana Establishments, their dispensing location, and their contact information.
 - (d) Nothing in 935 CMR 501.105(4) prohibits a Medical Marijuana Establishment from using a mark provided by the Commission which uses images of Marijuana.
 - (e) CMOs shall comply with the requirements of each 935 CMR 500.105(4): Advertising Requirements and 935 CMR 501.105(4) with respect to the applicable license. A CMO may develop a single marketing campaign; provided, however, it shall apply the most restrictive requirements applicable under either license.

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Frequently Asked Questions About Advertising

1. How does the Commission define “Advertising”?

The Cannabis Control Commission’s (Commission) regulations define advertising as: “A form of marketing communication that employs a sponsored, non-personal message to sell or promote Marijuana Establishment or Medical Marijuana Treatment Center’s (ME or MTC) Brand Name, Branded Good, service, or idea.”¹

“Brand Name” is a brand name (alone or in conjunction with any other word), registered trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other identifiable marker associated with an ME or MTC.² A “Branded Good” is merchandise offered for sale by an ME or MTC that is identifiable by the ME or MTC Brand Name on the item.³ A Branded Good does not include Marijuana, Marijuana Products, or Marijuana Accessories; and may be an apparel item, a water bottle, or other similar non-edible merchandise.

2. What types of Branded Goods can a licensed ME or MTC sell?

The Commission’s regulations limit the type of items that MEs and MTCs can sell as Branded Goods. A Branded Good may include apparel, water bottles, or other similar non-edible merchandise, but may not include Marijuana, Marijuana Products, or Marijuana Accessories. For the purposes of this document, packaging and labeling created by an ME/MTC is not considered a Branded Good. Licensees are allowed to include their Brand Name and/or logo on their packaging.

This means an ME or MTC may use its Brand Name on and sell the following Branded Goods: t-shirts, water bottles, cups, drink holders, key chains, hats or other apparel items, electronic equipment or accessories, sporting equipment, novelty items, and similar portable items. However, Marijuana, Marijuana Products, or Marijuana Accessories (e.g., vaporizers, pipes, bongs, or any item used to introduce Marijuana to the human body)

¹ See 935 CMR 500.002 and 935 CMR 501.002.

² See 935 CMR 500.002 and 935 CMR 501.002.

³ See 935 CMR 500.002 and 935 CMR 501.002.



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may not be sold as Branded Goods. A grinder, lighter, or rolling tray, for example, are not considered Marijuana Accessories and therefore may be sold as a Branded Good.

3. What kind of messages are prohibited on Branded Goods like t-shirts?

While a licensee may use advertising to promote its business and Brand Name on non-Marijuana related goods, it cannot sell a Branded Good with Marijuana or a Marijuana Product advertised on it. In other words, an ME or MTC may not use Branded Goods to promote Marijuana or Marijuana Products. For example, a t-shirt with “Try Blue Dream X Pineapple Express at ABC Dispensary” printed on it would be prohibited. However, a t-shirt with “ABC Dispensary” printed on it would be allowed because it only promotes the entity’s Brand Name. MEs and MTCs should ensure that their advertising does not focus on Marijuana, or a specific Marijuana Product, available for sale.

Please note that Branded Goods do not include Marijuana Accessories. Therefore, an ME or MTC may not use its Brand Name on a Marijuana Accessory.

Please refer to the regulations at [935 500.105\(4\)](#) and [935 CMR 501.105\(4\)](#) for additional limitations on advertising practices.

4. Can a Branded Good include the name of a business and/or business logo?

Yes, a Branded Good may include an ME or MTC Brand Name, registered trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other identifiable marker associated with the licensee.

When developing Branded Goods, licensees should maintain compliance with the restrictions on advertising outlined above to ensure that they are not promoting Marijuana or Marijuana Products.

5. Are licensees allowed to sell a Branded Good and use the proceeds to support a charity or non-profit as part of a Plan to Positivity Impact Areas of Disproportionate Impact?

Yes, this is allowed. However, prior to making any donation to a charity or non-profit as part of a Plan to Positivity Impact Areas of Disproportionate Impact (Positive Impact Plan), the licensee must obtain written correspondence from the recipient organization indicating that they will accept the donation. This relationship should be disclosed within



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the Positive Impact Plan and the certified letter should be included in the license application.

For more information about Positive Impact Plans and their requirements, please refer to the [*Guidance on Plans to Positively Impact Disproportionately Harmed People*](#) and the [*Guidance on Licensure*](#).

6. Can licensees provide branded apparel containing their business name and/or logo to employees?

Yes, licensees may give branded apparel to their employees as a workplace uniform, provided that it does not appeal to anyone under the age of 21.

7. When advertising using different mediums (e.g., radio, podcast, broadcasting, spoken word, or video), what should be considered?

Before an ME or MTC seeks to advertise, they should ensure that the medium – such as television, radio, internet, mobile application, social media, or other electronic communication; billboards or other outdoor advertising; or print publication – targets an audience of which 85% of the population is reasonably expected to be 21 years of age or older. Licensees should use reliable and current audience composition data to determine audience makeup. The Commission may request to see and/or verify the information used for these purposes.

In addition to the requirements highlighted above, there are further limitations on advertising noted in the adult- and medical-use cannabis regulations. Please refer to [935 CMR 500.105\(4\)](#) and [935 CMR 501.105\(4\)](#) for more information.

8. Can standalone Marijuana Product Manufacturers, Microbusinesses, Craft Marijuana Cooperatives, or Cultivators sell Branded Goods?

Yes, standalone Marijuana Product Manufacturers, Marijuana Microbusinesses, Craft Marijuana Cooperatives, and Marijuana Cultivators can sell Branded Goods wholesale to another ME in compliance with the Commission's regulations. Additionally, Marijuana Product Manufacturers, Marijuana Microbusinesses, Craft Marijuana Cooperatives, and Marijuana Cultivators may sell their Branded Goods via their own e-commerce platforms, however, they may not sell such items directly to consumers from their physical location. Marijuana Couriers and Marijuana Delivery Operators may sell Branded Goods to consumers as part of completing a delivery order. Additionally,



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licensees must ensure customers are 21 years of age or older when they purchase the item and continue to maintain compliance with all advertising requirements set forth in [935 CMR 500.105\(4\)\(b\)\(15\)](#).

9. Can a logo or company name include the words “Cannabis”, “THC”, or “Marijuana”?

Yes, the Commission allows the terms “Cannabis”, “THC”, and “Marijuana,” which describe the regulated product, to be used in logos and business names. However, colloquial references to Marijuana, including terms commonly used in pop culture to describe Marijuana, are not allowed, and will be evaluated for compliance.

10. Can an ME use descriptive clauses or phrases such as “Recreational Marijuana Dispensary” or “Cannabis Dispensary” on store signage?

Yes, these descriptive clauses on store signage do not violate the Commission’s advertising regulations. MEs and MTCs must also comply with local ordinances pertaining to the types of allowable descriptive text on store signage.

11. Can an ME offer free or discounted Marijuana or Marijuana Products or offer promotions, giveaways, coupons, or rewards programs that offer free or reduced-price Marijuana or Marijuana Products?

No, an ME may not offer free or reduced-price Marijuana or Marijuana Products as part of a marketing scheme or rewards program. However, MTCs may offer free or reduced Marijuana or Marijuana Products and may offer rewards programs, coupons, or other discounts of Marijuana or Marijuana Products to Registered Qualifying Patient.

