

Study: US cannabis advertising policies suffer from a lack of consistency

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There is a stark contrast between the U.S. and Canada in how each regulates cannabis. Most notably, the government of Canada legalized the drug at the federal level several years ago. In the U.S., however,

cannabis remains illegal at the federal level, even as 37 states now have legalized it for medical and/or recreational use.

When it comes to policies regulating [cannabis advertising](#) and marketing, the two countries are even further apart, according to the findings of a new University at Buffalo study that compared cannabis marketing policies in Canada and among U.S. states.

In fact, most states do not address many of the cannabis advertising activities that are prohibited in Canada, the study, published in the journal *Cannabis and Cannabinoid Research*, found. There are 11 illegal advertising tactics—such as glamorization and testimonials—in Canada's [policy](#) that are not specifically addressed in any of the state policies in the U.S.

"The United States has inconsistencies compared to Canada when it comes to cannabis marketing and advertising regulations. While Canada has a federal Cannabis Act that provides structured guidance for those in the cannabis industry to communicate about the product in a way that protects vulnerable populations, many states in the U.S. tend to be vaguer in their policies," says Natasha C. Allard, the paper's lead author and a Ph.D. student in the Department of Community Health and Health Behavior in UB's School of Public Health and Health Professions.

"This lack of guidance makes things confusing for advertisers and also opens up the potential for public health harms, such as youth being targeted with messaging or the spread of misinformation and false claims," adds Allard, whose research focuses on health communication and young adult cancer prevention.

Allard's co-authors are Jessica Kruger, Ph.D., clinical assistant professor, and Daniel Kruger, Ph.D., research associate professor, both in the Department of Community Health and Health Behavior at UB. Daniel

Kruger is also affiliated with the Population Studies Center in the Institute for Social Research at the University of Michigan.

Canada's cannabis marketing laws certainly aren't perfect, the researchers point out, but they are significantly better than the policies that exist in various states, where inconsistencies and a lack of guidance on prohibited advertising tactics leave [young people](#) and other vulnerable populations open to being exposed to cannabis advertising.

That's a problem because previous research on alcohol, cigarettes and e-cigarettes has shown that kids who are exposed to marketing messaging about these substances are more likely to take them up or increase their use.

"Responsible cannabis advertising policies should ensure that marketing messages do not reach a younger demographic," says Jessica Kruger.

To see how the two countries' policies differ, researchers reviewed Health Canada's 2018 Cannabis Act and 2019 Cannabis Regulations. Then, they compared those guidelines with the 36 U.S. states where cannabis was legal for medical and/or adult use at the time of the research.

Because there's no federal policy, cannabis advertising regulations vary greatly across the U.S., with some states prohibiting advertising altogether and others putting forth minimal documented regulations. Among the 31 states that did allow some form of cannabis advertising, 74% explicitly prohibit targeting or appealing to minors, and 68% prohibit making false or misleading claims. Just over half the states have restrictions on where advertisements can be placed, and 42% have restrictions on building signage.

State cannabis regulations should more strongly ban false claims,

especially given the increasing frequency with which cannabis is touted as a "wonder drug," Allard says. The researchers also recommend that states should consider requiring the U.S. Food and Drug Administration to approve any health benefit claims made in cannabis advertising, and advertisements should be monitored and regulated to avert false and misleading claims.

Canada, however, is much stricter in its approach. For example, its policy extensively and comprehensively outlines and prohibits 18 marketing strategies at a national level, including targeting/appealing to minors, offering coupons and giveaways, promoting [health](#) or cosmetic benefits, endorsements and testimonials, false claims, and association with alcohol or tobacco products.

When it comes to television and radio commercials, the United States' 30% rule—whereby an ad can't be aired on a show if minors account for 30% or more of the audience—doesn't adequately protect young people because 30% could still mean that millions of children will see the ad if it is on a popular channel or show.

In contrast, in Canada, all forms of communication must be information only and on a channel that is geared only to adults of legal age.

Moreover, the researchers say, the U.S. could benefit from having nationwide consistency for digital ad requirements, such as age-gating websites (which require visitors to check a box indicating they are 21 or older).

Most states also often overlook laws and policies around cannabis advertising, instead implementing such regulations after legalization has occurred.

"Many states could benefit from thinking through cannabis marketing

and advertising activities and structuring these in a clear way for those in the cannabis industry as legalization spreads," Allard says.

More information: Natasha C. Allard et al, Cannabis Advertising Policies in the United States: State-Level Variation and Comparison with Canada, *Cannabis and Cannabinoid Research* (2022). [DOI: 10.1089/can.2022.0068](https://doi.org/10.1089/can.2022.0068)

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