

# Medicinal Cannabis advertising

Do's / don'ts and everything in between

v1.0



**Disclaimer:** This is not intended to be a substitute for legal advice. Please seek independent legal advice and / or pre-approval from a Therapeutic Advertising Pre-vetting Service (TAPS by ANZA)

# Why can't it be advertised?

Even if a product meets the "NZMQS" requirements, Medicinal Cannabis is still classed as an "Unapproved Medicine" under Medicines Act 1981.

This means no advertising, including publicly or privately.

Medsafe specifically list / include: newspapers, brochures, websites, social media, TV, radio, presentations, word of mouth, price lists, stock availability, anecdotal experiences or testimonials, just to name a few.

**§78 of the Medicines Act 1981 means you could have a 3 month prison term, or a \$500 fine plus \$50 per-day you continue the offence.**

This applies to everyone, not just Medicinal Cannabis licence holders, though it seems unlikely that Medsafe would pursue individual members of the public for individual offenses unless they were doing things repeatedly.

# But you talk about Cannabis lots?

Yes! I talk about Cannabis a lot, I've even run billboards!

There are a lot of things you *can't* do, but still a number of things you can do.

Advertising as a “public good” without mentioning a product is one such thing we even had an independent therapeutic pre-vetting service advise on. They even pre-approved the flower.



***All doctors in New Zealand can prescribe medicinal cannabis  
Have you asked you GP if it's right for you?***

No products, no soliciting, nothing. Falls within the restrictions!

# What about patient testimonials?

Not at all. Completely prohibited. No medical or therapeutic claims may be made about an “unapproved medicine”. This includes things such as “cannabis may help with insomnia” or even “Sally takes this for back pain”.

Sadly, mentioning what Terpenes *may* be beneficial for certain ailments is considered advertising, and especially when it comes to NZMQS products it’s something that Medsafe are likely to get upset about in the future.

This includes cannabis-specific doctors / clinics mentioning what a lot of their patients come to them for technically falls afoul of this. Thankfully we’ve not yet seen Medsafe attempt to prosecute over this, or at least, not that any clinics have publicly admitted to.



# Can we see what goes into making it?

Absolutely!

There is nothing preventing cultivators, manufacturers etc showing what goes on behind the scenes, they can show you almost anything they want to.

They cannot however mention “This is going in to our cannabis oil 100 product”, because then it becomes advertising. They can however mention “We’re extracting cannabis to put into tablets to get out to patients” because it’s not a product itself then which is being discussed.

**Cultivation?** Most certainly!

**Manufacturing process?** Sure can, as long as the product isn't named or shown!

**Showing final / packed products?** Nope, definitely not.

**Product unboxings?** Not permitted.

# What about new product announcements?

Technically no, companies aren't permitted to make announcements about their newly approved products under the NZMQS scheme.

Again though, Medsafe don't appear to have prosecuted any companies over publicly mentioning "Yay us we have Product X and Y now verified", nor have they said anything to us as Chill Division when we've congratulated other companies on Instagram.

*In reality, they could if they wanted to.*

Companies also can't even mention on their own website, "We make CBD oil 9000".

They could however mention "we grow and manufacture medicinal cannabis products" as a broad / non-descriptive statement that doesn't advertise their products.

# Why don't you email doctors?

Any unsolicited emailing, phone calls, brochures, all prohibited. This includes general educational resources and / or international peer-reviewed research.

Information cannot be proactively be provided unless GPs etc have asked for it directly. Even stating "Contact us for more information" may be in breach of Medsafe restrictions.

This doesn't just apply to doctors, but also to companies approaching / informing the general public about Medicinal Cannabis products / effects.

It can't be provided without the recipient asking, certainly not publicly.

Only privately, only if requested by the recipient.

However, if end-users have opted in to a mailing list, you *should* be able to notify them of a newly approved product (as the Agency does this too), but definitely can't advertise availability / pricing or other information.

# Can you give out samples?

Sadly no. Nobody is allowed to provide any product / cannabis / seed samples at all.

The law doesn't even have provision for any compassionate care, though some companies have circumvented this by liaising directly with local pharmacies to ensure that patients can get their products paid for by a company (which oddly enough is totally fine).

No samples of any kind, to doctors, clinics, patients or the public.

Merch however is totally fine, be it given away or sold, so long as it doesn't mention a product.

It may mention the company name, but not "Our XYZ flower".

T-shirts, mugs, pens, all fine, just nothing that's cannabis (or derived), and no product hints.



# What about price-lists?

Even this is in breach of advertising restrictions.

We're aware that there are some spreadsheets circulating around Reddit etc, but if Medsafe wanted to pursue people for this, they likely could, including subreddit moderators, owners / creators of the spreadsheet or even contributors to it.

Medsafe is very unlikely to, but theoretically could.

This unfortunately falls under the "advertising availability" aspects of the legislation.

You cannot publish something such as "Dank Bud 25% for \$420/oz from X pharmacy".

This applies to individuals as well as licensed companies, pharmacies etc

# So what can you talk about?

Chill Division as cultivators and consultants can still talk about a lot of things! Despite all these restrictions there is still a vast area where we can show everything that goes into the build / fit-out of a cultivation facility, talk about the licensing process, and show everything from start to finish for cultivation.

If another company were to purchase that dried-flower, they could even show that too, just not mentioning the product that it's going to be "manufactured into" (be it a packed dried flower or extracted oil product).

We're hopeful things will improve, but we understand that Medsafe don't want unverified medicinal claims or advice such as "this medicine lets your live forever". Similarly, they definitely don't want medicinal cannabis products being shown on the jerseys of the All Blacks.

**We've got thoughts on Alcohol advertising etc for another day.**