

# Medicinal Cannabis advertising

Do's / don'ts and everything in between

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**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 as a whole is still classed as an "Unapproved Medicine" under the Medicines Act 1981.

As such, advertising is very limited.

This means no advertising, including publicly or privately.

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

**§20.2(c) of the Medicines Act 1981 means you could have a 6 month prison term or a \$20,000 fine for an individual, or \$100,000 fine for a group / company / organisation.**

This applies to everyone, not just Medicinal Cannabis licence holders, though it seems unlikely that Medsafe would pursue individual members of the public for one-off offences 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 huge 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 in the background of the billboard.



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

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

# What about patient testimonials?

Completely prohibited about a product, even just talking about "cannabis" as a whole.

No medical or therapeutic claims may be made about an "unapproved medicine". This means things such as "cannabis may help with insomnia" or even "Jason takes this Flower20™ for back pain". That's a complete no-no.

Unfortunately even just mentioning what Terpenes *may* be beneficial for certain ailments may be considered advertising. "Linalool, found in Lavender, may promote relaxation & sleep" is likely to be an issue. Lavender is an "unapproved medicine" when taken for a therapeutic use.

First-hand or 3rd-party references, it doesn't matter, Medsafe restrictions capture them all.

However, a GP could say "I've had people come to me for back pain, and treat it", which doesn't mention any product / cannabis itself so should be alright.



# Can we see what goes into making it?

Absolutely!

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

They cannot however mention “This is going in to our Cannabis Oil 9000™ 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 at all.

# 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 (yet) appear to have prosecuted any companies over publicly mentioning "Yay us we have Product X and Y now verified" when there's no availability or location it can be obtained from, 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 websites "We make THC Oil 250™".

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

# Why don't you simply email & inform doctors?

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

Information cannot be proactively 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 specific Medicinal Cannabis products / effects.

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

Only privately, only if requested by the recipient.

However, if end-users have opted in to a company mailing list, you *should* be able to notify them of your newly approved product (as the Agency does this too), but can't advertise availability such as where to buy it.

# 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 prescription products paid for by a company (which oddly enough is totally fine).

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

Merch however is absolutely fine, be it given away or sold, so long as it doesn't mention any specific product / name.

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

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



# What about public price-lists?

Even this is in breach of advertising restrictions, despite the major "public good" we think it is.

We're aware that there are some spreadsheets circulating around Reddit etc, but if Medsafe wanted to pursue people for this, they likely could as far as the regulations are concerned, 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. So can you! 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, including details of the lineage and genetics.

If another company were to purchase that dried-flower, they could even show that too, just not mentioning the product name 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.**

