

ADVISORY UPDATE ON ADVERTISING STANDARDS

Hello Cannabis Licensee:

The Cannabis Control Division is reaching out to you to provide an advisory update on advertising standards for all advertising mediums (particularly billboards). Current advertising practices and standards can be found in the New Mexico Register at 16.8.3.8 NMSA 1978 (<https://www.srca.nm.gov/parts/title16/16.008.0003.html>). 16.8.3.8(A)(3) NMAC 1978 states that all advertisement or marketing materials must include the statement, "Please Consume Responsibly" in a conspicuous manner on the face of the advertisement along with the following five warnings that must be in a type size at least 10% of the largest type used in the advertisement:

- For use only by adults 21 and older;
- Keep out of reach of children;
- This product is not approved by the FDA to treat, cure, or prevent any disease. FDA has not evaluated this product for safety, effectiveness, and quality;
- Do not drive a motor vehicle or operate machinery while under the influence of cannabis.
- There may be long term adverse health effects from consumption of cannabis, including additional risks for women who are or may become pregnant or are breastfeeding.

The Division recognizes that in some instances due to the size or complexity of an advertisement, it may be difficult for an individual to make out all of the information required by the current wording of 16.8.3.8(A)(3) NMAC 1978. Particularly for billboards, these five warnings often cannot be clearly read by a vehicle traveling on a freeway. To ensure that viewers of cannabis ads are alerted to and understand the required warnings, the Division is allowing for the following warning icons to be inserted below the required "Please Consume Responsibly" disclaimer, with the icons taking the place of the 16.8.3.8(A)(3) NMAC 1978 text.



The "Please Consume Responsibly" required disclaimer and the warning icons should be placed within a box that must make up not less than 10% of the total area of the advertisement.

Licensees may continue to use the warning text in advertisement mediums if they so choose but are permitted to utilize the icon format as an alternative to the written warnings.

If you have any questions, please reach out to the Cannabis Control Division at RLD.CannabisControl@rld.nm.gov or (505) 476-4995.