

# **Cannabis Legalization: Industry & Regulatory Failure in Public Health Protection**

**Mike DeVillaer**

Dept Psychiatry & Behavioural Neurosciences  
Peter Boris Centre for Addictions Research  
Centre for Medicinal Cannabis Research  
McMaster University & St Joseph's Healthcare  
Hamilton ON

**CPHA 2018 #PHSP2018 Montreal QC May 29**

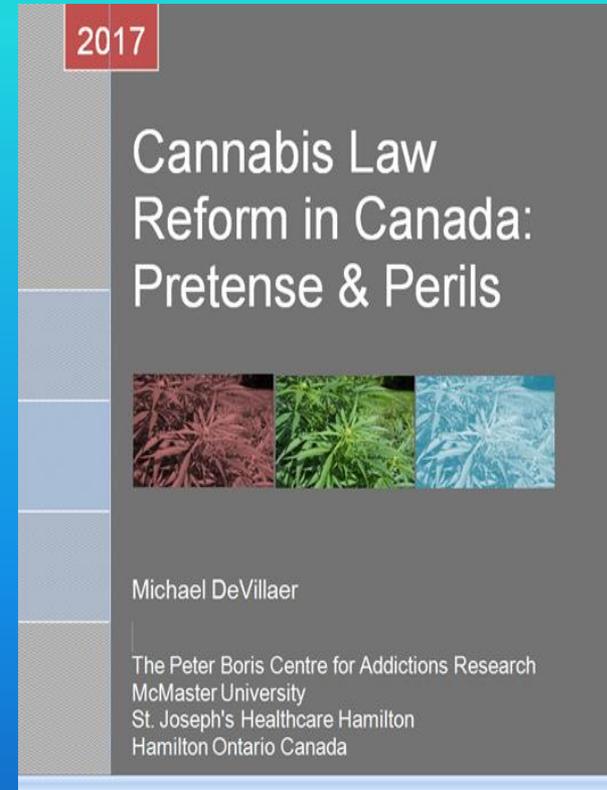
# All-inclusive Disclosure

No funding:

- alcohol
- tobacco
- pharma
- cannabis
- illegal drug cartels

- 3 legal, govnt-regulated, commercial drug industries
- 3 public health crises
- do not balance revenue with public health
- break the law
- legacy of inadequate regulation
- cannabis similar trajectory

# Context



# Task Force on Cannabis Legalization & Regulation: Industry-friendly?

Chair: Anne McLellan

- Sr. Advisor Bennett-Jones Law Firm: “go-to advisors” for cannabis industry
- Anne hands out BJ business cards at industry mtgs

# Task Force on Cannabis Legalization & Regulation: Industry-friendly?

Co-chair: Mark Ware

- physician, academic, pain & cannabis researcher
- consulting contracts with cannabis industry before & after role with Task Force

# Health Canada Product Recall Site

- May 23 2018: 15 medical cannabis recalls from govnt-licensed cannabis growers
- recalls: contamination with bacteria, mold, or banned pesticides
- recall: unspecified “production practices”; patients instructed “to immediately discontinue use”



# Mettrum, Govnt-licensed Producer

- had used banned pesticide for 2 yrs
- hid pesticide containers during HC inspections
- HC zero tolerance for banned pesticides, punishable by license suspension
- not testing for banned pesticides
- HC: mere threat of losing license would be sufficient deterrent

*(Robertson, 2016a; Robertson, 2017)*



# Grounds for license suspension?

- deliberately poison patients (some immuno-compromised)
- conceal evidence
- Mettrum consequence: unannounced HC inspections
- HC damage control mode  
(Robertson, 2016a; Robertson, 2017)
- just wks before release of Task Force Report



# Task Force should have known

What the Task Force said

*“Task Force members had the opportunity to visit some of these producers and were impressed by the sophistication and quality of their work.” (p9)*

Recommendation:

*“Regulate the production of cannabis ... drawing on the good production practices of the current cannabis for medical purposes system.” (p 33)*

# Task Force: Public Health Perspective on Product Promotion

*“The Task Force agrees with the public health perspective that, in order to reduce youth access to cannabis, strict limits should be placed on its promotion.” (p19)*

- public health authorities did not ask for “strict limits” on promotion
- CMOH, CPHA, CMA, CPS, CAMH called for full ban
- TF disregarded & misrepresented public health expert advice in their report

# Promotion: Undaunted by the Data

- Promotion alcohol, tobacco incr. use in adults
- increased use associated with increased problems
- TF recommended; Bill C-45 allows:
- cannabis advertising in adult venues: cannabis retail stores, alcohol retail stores, bars, casinos, “adult” businesses, ads shown before adult rated films in movie theatres
- lots of advertising; big victory for industry

# Advertising Expands Markets

## Recreational drug alcohol

- 77% Cdn adults used in past year

## Recreational drug cannabis

- 13% Cdn adults used in past year  
(CTADS, Health Canada, 2016)
- OPPORTUNITY!
- 77% becomes target for cannabis

# Tweed & Snoop Dogg Partnership

- Tweed CEO Bruce Linton: *'key icon advisor'* for moving to recreational cannabis market (CBC, 2016)
- illegal possession of firearms, other weapons & various illegal drugs, vandalism, assault & homicide (acquitted)
- banned from UK, Australia & Norway
- Why partner? Tweed's values ?



# Why does govnt want to legalize cannabis ?

*“Every day, our kids turn to dealers, gangs and criminals to buy marijuana, putting them in harm’s way.”*

*(Canadian Liberal Party, 2016)*

Disconnect?



# Cannabis Industry's Smart Phone Plan

- no, not that kind

Plan to game plain pkg regulations:

- trigger on plain pkg visible only through smart phone lens
- when clicked, plays promo video for product  
(Ligaya, 2018)
- exactly what plain pkg intends to avoid

# *“Don’t sell the steak, sell the sizzle”*

- guide for assessing info in a product ad or label
- practical info to help consumer ? **OR**
- *sizzle* to seduce consumer into a purchase ?
- cannabis practical info: producer’s name (plain standard font), THC & CBD levels; hlth warnings; recall dates
- everything else is *sizzle*

# Regulatory Risks for Product Promotion in Bill C-45

- allows *sizzle* (logo or slogan on plain pkg)
- allows promotion to adults; many venues
- industry emboldened by govnt permissiveness
- publicly declaring intent to game regulations
- Tweed/Snoop partnership continues (2+ yrs)  
in violation of regulations for Bill C-45

# Take Home Thought

Jonathon Caulkins, Professor, Carnegie Mellon University & former Co-director of RAND's Drug Policy Research Center

*...there's a good chance that people in 25 to 40 years will look back and shake their heads and ask, 'what were you thinking? Why did you think it was a good idea to create an industry of titans to market this drug?' (2016)*

devilla@mcmaster.ca

@mikedevillaer