Signs of the Times: Cannabis-related Advertising After Retail Legalization, Oregon

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Advertising and promotional activities by tobacco companies have been shown to cause the onset and continuation of smoking among adolescents and young adults.
Objectives

- Describe exposure to retail cannabis advertising in Oregon, following legalization
  - Adults
  - Youth

- Discuss state regulatory approaches
  - Specific elements
Oregon cannabis legalization

November 2014
Measure 91 legalizes retail marijuana/cannabis

October 2015
Limited retail sales through medical marijuana dispensaries

October 2016
Retail cannabis stores sales begin

Regulations about advertising created and clarified through HB 3400 (2015)

Adult surveys 2015-16

Youth survey 2017
Adult Exposure

Surveillance system

Oregon Public Health Division Online Survey (BRFSS complement)

Conducted 2x per year
Oregon adults aged 18+
~2,000 respondents
Professional online panel
Raking weights
Advertising questions in 2015
In the last 30 days, how often have you seen or heard advertising for marijuana products or stores in your community (include TV, radio, signs, billboards, newspapers, pamphlets, or streetside marketing)?

- I have not seen or heard marijuana product advertising in the last 30 days
- A few times in the last 30 days
- Several times in the last 30 days
- Nearly all of the last 30 days
Survey questions

“In the last 30 days, have you seen or heard advertising for marijuana products or stores in your community.”

- On the radio
- On billboards
- In a magazine or newspaper
- On streetside marketing, like sandwich boards
- On storefronts
- In pamphlets or flyers
- On signs being held by people on sidewalks (sign wavers)
- Online, on your cell phone, tablet, or computer, or social media
- At an outdoor event, like a concert, fair, rodeo, parade
Exposure to marijuana advertising and health risk messages, OR adults, 2015-2016

Data source: Oregon Public Health Division Online Survey, 2015-2016
Adult exposure to marijuana advertising, 2015-2016

No differences
- Gender
- Age group: 52% among young adults (18-24)
- Race/ethnicity
- Education level
- Home ownership
- Metro area resident
- Marijuana use status

Differences
- Marijuana store in neighborhood (self-report): 63% vs. 53%
- Presence of marijuana store (registered dispensary): 57% vs. 33%

Data source: Oregon Public Health Division Online Survey, 2015-2016
Youth exposure

Thurston County, WA 2017.
Conducted every odd year
Oregon 8th and 11th graders
~16,000 8th grade respondents
~14,000 11th grade respondents
Hard-copy and computer-based survey formats
Completed in schools
Grade-specific weights
During the past 30 days, have you seen an advertisement for marijuana products or stores:

- In a magazine or newspaper
- On a storefront
- Online, on your cell phone, tablet, or computer
- On a billboard
- On the sidewalk (like signs or people wearing or waving signs)
Youth exposure to marijuana advertising, 2017

8th graders

- Any exposure: 67%
- Storefronts: 38%
- Online: 37%
- Billboards: 33%
- Streetside: 29%
- Mag/news: 18%

11th graders

- Any exposure: 72%
- Online: 49%
- Storefronts: 44%
- Billboards: 38%
- Streetside: 35%
- Mag/news: 21%

Prevalence of adult ad awareness was 55% in 2015-16.

Data source: Oregon Healthy Teens Survey (OHT), 2017
Relatively greater* exposure (percentages for 11th grade)

- **Females** (82% vs. 73% male)
- **LGB** youth (83% vs. 77% straight)
- **Urban** community (81% vs. 65% in frontier)
- Youth who **use marijuana** (84% vs. 77%), or live with adults **who use marijuana** (83% vs. 77%)
- Youth in communities with **greater retail presence** (87% among youth in districts with average < 1.0 mile from retailers, vs. 72% among youth in districts with average 5+ miles)

*Indicated differences were significant after adjustment for multiple covariates
Regulatory Approaches
Current **First Amendment protections for corporate speech** would likely prevent advertising regulations aimed at adult consumers but would allow restrictions on advertising aimed at adolescents and children. The other two criteria should be demonstrated to exist for the marijuana market in order for the states to be marked down as failing to have them in place.  

*American Public Health Association, 2014*

Further, **federal illegal status** may negate such protections, allowing greater restrictions on marketing.
State context matters

- Alaska bans billboard of all types
- Oregon has additional state constitutional protections for free speech (including advertising)
State regulatory approaches

- **Retail site ad limits**: limit to 2-3 signs onsite, may limit size (AK, WA).

- **Community ad placement**: limit advertising where more than 30% of audience is under age 21 (OR, WA); not within 1,000 feet of locations serving children/youth, families, people in treatment (AK, WA).

- **Formats**: no internet pop-up ads (CO, WA), no sign-waving/motorized signs (WA), no signs – including billboards - aside from retail location (CO).

- **Prohibited content**: no false, misleading statements, including health claims (AK, OR); cannot appeal to underage/children (all 4 early adopter states); no images of pot leaves (WA); no cartoons on outdoor signs (WA), but may be allowed on logos or brands (CO); no promoting intoxicating effects, or encouraging excessive consumption (OR).

- **Required content (warning statements)**: specified statements must be included (some specify font size).

- **Restrict advertising purchasers**: only licensees can advertise (CO).

*Early adopter (first 4 legalized states) that used such an approach are identified in parentheses.*
Unexpect-ad messaging

- Associated product markets
- Interest group marketing
- Ads targeting areas with bans
- News/media
Limitations & critical gaps

**Surveillance**

- Better ways to monitor “exposure”?
- Will approaches and visibility change over time? (novelty may fade; marketers may get more sophisticated)

**Policy and regulation**

- Could a comprehensive ban (e.g., WHO Framework Convention on Tobacco Control) be applied?
- How can we define “appeals to youth”?
- How to effectively regulate social media?
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