

**Advertisement:**

Humboldt's Finest Vodka Infused with Hemp Seed (Cannabis Sativa L.) marketing materials

**Advertiser:**

Humboldt Distillery (Non-Council member)

**Complainant:**

Industry member

**Complaint Summary:**

The complainant believes that the marketing materials associated with Humboldt's Finest Vodka Infused with Hemp Seed (Cannabis Sativa L.) violate Responsible Content Provision No. 19 providing that "[b]everage alcohol advertising and marketing materials should not imply illegal activity of any kind," as well as Responsible Content Provisions Nos. 23 and 15 of the Council's Code.

In support of the complaint, the complainant points to Humboldt's Finest Vodka Infused with Hemp Seed as being marketed as "Cannabis-Infused Vodka" and the name of its signature cocktail, "Well it's High Thyme." While the product does not contain THC, the complainant states that its marketing materials strongly suggest an association with marijuana, which remains illegal under federal law.



Although the cocktail recipe includes the herb "thyme" in its name and list of ingredients, the complainant notes that "high time" is a descriptor associated with High Times magazine that has long been influential in the marijuana using counterculture and has hosted yearly Cannabis Cup festivals for almost three decades.

For these reasons, the complainant believes that these marketing materials violate Responsible Content Provision No. 19.

Further, the complainant states that the association between this vodka product and the "high" from illegal marijuana is irresponsible and in bad taste; therefore, in violation of Responsible Content Provision No. 23 providing that "[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste."



Separately, the complainant believes that the reference to “high” in the “Well it’s High Thyme” cocktail recipe violates Responsible Content Provision No. 15 providing that “[b]everage alcohol advertising and marketing materials should not...in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of beverage alcohol consumption.”

**Code Review Board Decision:**

In response to the complaint, the advertiser stated that “[t]he cannabis that we use is a legal food grade hemp, which is separate from marijuana. Hemp products are, and will continue to be, legal in the United States. In recent years the Federal Government itself has legalized the domestic cultivation of hemp and specifically identified it separately from marijuana. The 2014 Farm Bill is a good example of recent federal action on the matter.”

The advertiser noted that their “research has shown the vast majority of our consumers understand the difference between hemp and marijuana, and are already familiar with some of the many food, textile, and industrial uses of hemp. They realize ‘cannabis’ is a generic term that can accurately describe hemp rather than marijuana. Of course we are not ignoring the fact that hemp and marijuana both belong to the same species *Cannabis Sativa*, and the possibility that some consumers may make associations between our product and marijuana. With that in mind, we have been very careful to make sure our marketing does not make any explicit drug references or condone the use of marijuana.”

The advertiser emphasized that their “highest priority is to make sure we comply with all state and federal laws and regulations, and to maintain a positive image with our consumers. We’re not interested in selling a drug-related product, and we specifically avoid using any ‘pot leaf’ type imagery, drug paraphernalia, intoxication or other common associations with drug culture. We especially avoid the use of the term ‘marijuana,’ unless it’s an explanation that our product is unrelated to it.”

Regarding the component of the complaint pertaining to the “Well it's High Thyme” cocktail name, the advertiser responded that “[w]hen we came up with the cocktail name we were mindful of how it might be perceived, and specifically avoided the plural ‘High Thymes,’” because it may be associated with the High Times magazine. Regarding that point, the advertiser stated that “‘(it's) high time’ is also a very common non-drug idiom with a meaning that fits with our cocktail [and] made the decision that this was an acceptable use and did not constitute ‘bad taste.’”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board did not find the marketing materials referenced in the complaint in violation of Responsible Content Provision Nos. 19, 23 and 15 of the Council’s Code.

In arriving at its decision, the Board took account of the fact that “Humboldt’s Finest Vodka Infused with Hemp Seed (Cannabis Sativa L.)” has an approved COLA issued by the Tax and Trade Bureau. The Bureau requires that a beverage alcohol product referencing hemp or hemp components on its label cannot contain a controlled substance (tetrahydrocannabinol (THC)) and must be tested for the presence of a controlled substance.

The Board also took account of the fact that hemp is a distinct variety of the plant species cannabis sativa L., while noting that hemp frequently is confused with marijuana in that both plants are from the species cannabis.

With respect to the specific components of the complaint, the Board did not find a violation of Responsible Content Provision No. 19 that provides “[b]everage alcohol advertising and marketing materials should not imply illegal activity of any kind” regarding the marketing of Humboldt’s Finest Vodka Infused with Hemp Seed (Cannabis Sativa L.) as “Cannabis-Infused Vodka.” Standing alone, the Board concluded that this description of the product did not imply illegal activity.

In the Board's view, the marketing materials did not suggest that the product was infused with marijuana, nor were they evocative of a marijuana-laced product. These materials did not utilize graphics, designs, slang, or puffery implying or referencing the presence of marijuana or any psychoactive effects, devices or paraphernalia associated with marijuana and/or imagery or symbols used in connection with marijuana, which continues to be illegal under federal law. For these reasons, no violation was found.

Regarding the use of "Well it's High Thyme" as a cocktail name separately or in combination with the marketing of Humboldt's Finest Vodka Infused with Hemp Seed (Cannabis Sativa L.) as "Cannabis-Infused Vodka," the Board did not find a violation of Responsible Content Provision No. 19. In that regard, the Board noted that the ingredient thyme is used in the drink recipe and the phrase "high time" is used in many contexts and is not necessarily associated with High Times magazine; therefore, did not imply illegal activity.

For the same reasons that a violation of Responsible Content Provision No. 19 was not found, the Board did not find that the marketing materials in question violated Responsible Content Provision No. 23, which provides that "[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste."

As to the last component of the complaint regarding the reference to "high" in the "Well it's High Thyme" cocktail recipe, the Board did not find a violation of Responsible Content Provision No. 15 since the word "high" can have several meanings and its usage does not necessarily promote the intoxicating effects of beverage alcohol consumption. This provision of the Code provides that "[b]everage alcohol advertising and marketing materials should not...in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of beverage alcohol consumption."

In rendering its decision, the Board noted that, while no Code violations were found in the instant complaint, particular care should be taken in any future marketing

or advertising executions and/or associations with Humboldt's Finest Vodka Infused with Hemp Seed (Cannabis Sativa L.) to avoid any implication of illegal activity. The advertiser agreed with this cautionary note and will ensure future marketing materials do not conflict with Responsible Content Provision No. 19 or the other provisions of the Council's Code.

**Action by Advertiser:** None required.

**Status:** Not applicable.