



ADVISORY BULLETIN

April 13th, 2022

Marijuana-Infused Edibles: Enforcement Guidance

The intent of this bulletin is to provide applicants and licensees with written and pictorial guidance regarding marijuana-infused edible packaging and products. Producers, sales locations, and microbusinesses who manufacture or sell marijuana-infused edible products should take note of the following rule requirements. This list is not all-inclusive and merely highlights some key areas that should be considered.

R 420.403(9) & (10) in the Marijuana Infused Products and Edible Marijuana Product Rule Set says, A producer of edible marijuana product may not:

- Produce an edible marijuana product in a shape or with a label that would appeal to minors aged 17 years or younger.
- Produce an edible marijuana product that is associated with or has cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
- Package edible marijuana products in a package that can be easily confused with a commercially available food product. The use of the word candy or candies on the packaging or labeling is prohibited.
- Produce edible marijuana products in the distinct shape of a human, animal, or fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Edible marijuana products that are geometric shapes and fruit flavored are permissible.
- An edible marijuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in [16 CFR 1700.15](#). An edible marijuana product containing more than 1 serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.

This advisory bulletin does not constitute legal advice. Licensees should seek legal counsel to ensure their operations comply with all applicable laws and administrative rules.



ADVISORY BULLETIN

April 13th, 2022

Non-Compliant Marijuana-Infused Edibles in the Market

The CRA is aware of many non-compliant marijuana-infused edible packaging and products available in the market today. Some of the marijuana packages that appeal to children have images of fruit, animals, or food on the packaging. Others use words that are commonly used in commercial candy such as milk chocolate, peanut butter, gummies, or chews without using the words THC, marijuana, or cannabis as modifiers. Producers of non-compliantly packaged product have the following options:

- Repackage the products into new, compliant packaging
- Place non-transparent stickers on the package to clearly label the product as a marijuana product, THC product, or cannabis product using the same or larger font as the words commonly used in commercial candy
- Place non-transparent stickers on non-compliant portions of the packaging for marijuana infused edible products
- Voluntarily destroy the non-compliant product

The CRA's administrative rules prohibit provisioning centers (medical marijuana sales locations) from transporting marijuana products back to processors in the supply chain. As a result, provisioning centers and adult-use retailers have the following options:

- Place non-transparent stickers on non-compliant portions of the packaging for marijuana infused edible products
- Voluntarily destroy the non-compliant product
- Adult-use retailers can compliantly send marijuana products back to adult-use processors via a secure transporter

Marijuana businesses choosing to use adhering non-transparent stickers as a solution to fixing non-compliant packaging must ensure the stickers are attached to the marijuana-infused edible product packaging before the product is sold to customers. Adhering stickers to the product after customer purchase is a violation of R 420.403.

The restrictions in this bulletin do not apply to in-store displays that advertise the marijuana-infused edible products to in-store customers. Marijuana businesses may use displays for marijuana-infused edible products if the displays:

- Stay within the business and are not in view of the public outside of the business
- Are not actual marijuana packaging, but a picture image of the packaging

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ADVISORY BULLETIN

April 13th, 2022

Except for products for which there are no acceptable modifications, the CRA Enforcement Division's Field Operations team will educate marijuana businesses regarding the contents of this bulletin and – effective February 2, 2022 – will conduct investigations when necessary for marijuana-infused edible products or packaging not in compliance with the rules. Licensees will need to correct products or packaging that are egregiously non-compliant immediately – or as soon as possible – rather than waiting until February 2, 2022. Examples of products and packaging that must be corrected as soon as possible are provided later in this bulletin.

Examples of Non-Compliant Marijuana-Infused Edibles and Recommended Corrections/Modifications

The examples provided in this bulletin show non-compliant marijuana-infused edible packaging and products, and recommended corrections/modifications for some of these products:

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to images of fruit and the word "GUMMIES" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above product

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of fruit and insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "GUMMIES" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issue for the above products

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Packages are appealing to minors due to images of animals and the words "MILK CHOCOLATE" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above products

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of animals and insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "MILK CHOCOLATE" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issue for the above products

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Packages are appealing to minors due to images of animals.



Acceptable modifications for the above products

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of animals.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to the images of fruit and the word "MINTS" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above product

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of fruit and insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "MINTS" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above products

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to the images of the cookie and crispy rice and the word "COOKIES", "CRISPY RICE" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above products

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of the cookie and crispy rice and insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "COOKIES", "CRISPY RICE" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 12th, 2022



Compliance issue for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to the word "GUMMIES" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above product

Processors, sales locations, and microbusinesses with this type of product in their inventory can insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "GUMMIES" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to the images of edibles and the word "CHEWS" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above product

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of edibles and insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "CHEWS" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issue for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

The entire image is appealing to minors and is similar to images used by Chex Mix Muddy Buddies Peanut Butter and Chocolate Pretzel Bites.



Acceptable modification for the above product

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the entire image.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to the images of animals/caricatures.



Acceptable modifications for the above product

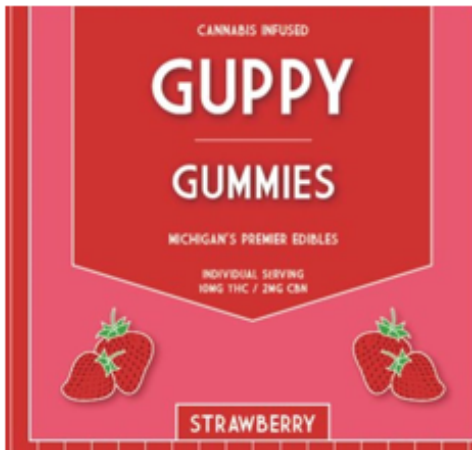
Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of animals/caricatures.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

2

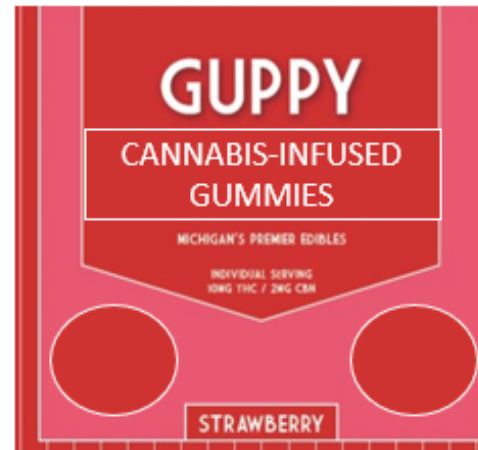


Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Package is appealing to minors due to the images of fruit and the word "GUMMIES" appearing without the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers.



Acceptable modifications for the above product

Processors, sales locations, and microbusinesses with this type of product in their inventory can place non-transparent stickers over the images of fruit and insert the words "MARIJUANA" or "THC" or "CANNABIS" as modifiers using equal or greater text size as the "GUMMIES" text.

All label requirements in the rules still apply; if the sticker covers required words or images, they will need to be placed on the external packaging.

Processors can choose to use stickers over this type of product moving forward or make new compliant packaging.

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Edible marijuana products shall not be easily confused with commercially sold candy. The marijuana-infused edible product is similar to Nerds Gummy Clusters manufactured by the Willy Wonka Company.

There are no acceptable modifications for the above product

THIS PRODUCT MUST BE REMOVED IMMEDIATELY

Stickers alone cannot resolve the compliance issues with this marijuana-infused edible product and packaging. The processor will need to recreate this marijuana-infused edible product and packaging in a compliant manner in accordance with the rules. Marijuana retailers and provisioning centers will need to remove these products from their shelves and adhere to aforementioned guidance in this bulletin.

ADVISORY BULLETIN

April 13th, 2022



Compliance issues for the above product

Edible marijuana product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger.

Edible marijuana products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

Edible marijuana products shall not be easily confused with commercially sold candy. The marijuana-infused edible product is similar to Reese's Peanut Butter Cups manufactured by the Hershey Company.

There are no acceptable modifications for the above product

THIS PRODUCT MUST BE REMOVED IMMEDIATELY

Stickers alone cannot resolve the compliance issues with this marijuana-infused edible product and packaging. The processor will need to recreate this marijuana-infused edible product and packaging in a compliant manner in accordance with the rules. Marijuana retailers and provisioning centers will need to remove these products from their shelves and adhere to aforementioned guidance in this bulletin.



ADVISORY BULLETIN

April 13th, 2022

Questions regarding this bulletin may be referred to CRA-Enforcement@michigan.gov or 517-284-8599. For more information about the Cannabis Regulatory Agency, please visit www.michigan.gov/CRA. This advisory bulletin does not constitute legal advice and is subject to change.

Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marijuana Facilities Licensing Act (MMFLA), Michigan Regulation and Taxation of Marijuana Act (MRTMA), and associated administrative rules.

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