



FOR IMMEDIATE RELEASE
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Yes on Issue 2 Campaign Sends Cease and Desist Letter Over Opposition Television Ads Filled with Lies

New TV ads bought by dark money group make ridiculous, false claims.

[COLUMBUS, OH] - Ohioans will have a chance to make their own decision on Issue 2 this November but with just over a month until election day, a dark money group is filling Ohio's airwaves with TV ads full of lies and scare tactics. This type of purposely misleading and false advertisements are unfair to Ohio voters. That's why today the Coalition to Regulate Marijuana Like Alcohol has sent cease and desist letters to all Ohio and West Virginia stations that are running these ridiculous ads (links can be found below).

"It's incredibly disappointing anytime Ohio voters are lied to but it's clear our opposition sees no other way to defeat Issue 2," said Tom Haren, Campaign Spokesperson. "While our campaign is engaged in a factual, adult conversation with Ohio voters about the importance of regulating and taxing marijuana use for those 21 and over, our opponents are relying on a dark money organization to spread lies and falsehoods about our initiative."

The organization responsible for these misleading ads, "Weed Free Kids," is a dark money group that is not required to file Ohio campaign finance reports that would disclose their donors.

"Ohioans will never know who is responsible for spreading these lies to voters," said Haren. "The voters of our state deserve better than what they're getting from Issue 2 opponents."

If passed, Issue 2 will regulate and tax adult-use marijuana in Ohio. It expressly prohibits advertising to minors, requires all products to be approved by the State of Ohio and limits sales to adults over 21 years of age. Issue 2 will also authorize the Department of Commerce to regulate the industry and impose a new 10% tax on adult-use marijuana sales in addition to local sales taxes. Taxes generated by sales will benefit local communities that house dispensaries, a social equity and jobs fund, addiction services and the administrative cost of overseeing and regulating the industry.

Weed Free Ohio Advertisement 1 - <https://youtu.be/R7vfs0tavC4>

Weed Free Ohio Advertisement 2 - <https://youtu.be/5hXFJeeApwU>

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October 5, 2023

Via electronic mail

Re: Cease & Desist Request

Dear Station Manager:

This firm represents the Coalition to Regulate Marijuana Like Alcohol, the state ballot issue committee that has proposed via citizen initiative petition a state law titled, "An Act to Control and Regulate Adult Use Marijuana." The proposed law is on the November 7, 2023, general election ballot as Issue 2.

Your station may currently be broadcasting advertising by an organization named "Weed Free Kids," which was organized December 12, 2022 to oppose the ballot measure. Its ads are named "Flatline" and "Kids at Risk." These ads contain multiple false or misleading statements about the proposed law. Enclosed is a chart delineating the false statements and claims made in the ads and providing the actual and true language in the proposed law. The full text of the proposed law and the summary of the law certified by the Ohio Attorney General as a "fair and truthful" summary of the proposed law may be viewed at <https://www.sos.state.oh.us/globalassets/ballotboard/2022/petitionfull-textandsummary.pdf>.

Unlike candidate ads, I organizations like "Weed Free Kids" do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you need not air this advertisement, your station bears responsibility for its content when you do grant access. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), *cert. denied*, 314 U.S. 909 (1950).

Moreover, you have a duty "to protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an underlying abdication of licensee responsibility" that can be cause for the loss of a station's license. *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

My client asks that your station cease broadcasting these ads immediately in the public's interest in accurate discourse on the subject of the proposed law.

Yours truly,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a horizontal line that loops back under the 'D'.

Donald J. McTigue

Claim	Statutory Language
<p>Recreational marijuana sold in thousands of Ohio stores.</p>	<p>Issue 2 language:</p> <p>Only licensed dispensaries can sell adult-use marijuana: “[T]he holder of a current and valid adult use dispensary license issued under this chapter may[d]ispense or sell adult use cannabis” § 3780.15(A)(4).</p> <p>Issue 2 does not authorize “thousands” of Ohio stores. Licenses are limited and will only be issued either (a) pursuant to the expressly authorized licenses under Issue 2 or (b) within the discretion of the Department of Commerce after 24 months.</p>
<p>NO protections for children</p>	<p>Issue 2 language:</p> <p>“Adult use cannabis shall only be sold to, or used by, an adult use consumer” § 3780.02(B).</p> <p>“When dispensing or selling adult use cannabis, a licensed adult use dispensary shall[d]ispense or sell adult use cannabis only to those adult use consumers who present a current, valid identification card demonstrating proof that the adult use consumer is twenty-one years of age or older.” § 3780.15(B)(1).</p> <p>“[N]o adult use cannabis operator or adult use testing laboratory shall be located within five hundred feet of the end boundaries of a parcel of real estate having situated on it a prohibited facility.” § 3780.07(A)</p> <p>“‘Prohibited facility’ means any church, public library, public playground, public park, or school.” § 3780.01(35)</p> <p>“The division of cannabis control may adopt rules regulating advertisements of license holders to prevent advertisements that are false, misleading, targeted to minors, promote excessive use, or that promote illegal activity.” § 3780.21(A)</p>

“[T]he division of cannabis control may adopt narrowly tailored time and place restrictions preventing advertising targeted to minors.” § 3780.21(B)

Existing medical marijuana rules promulgated by Commerce which will logically also be included under the adult use program:

“An advertisement for a cultivator, processor, or testing laboratory, regardless of the medium, shall not[i]nclude any image bearing a resemblance to a cartoon character, fictional character whose target audience is children or youth, or pop culture icon; [or m]arket, distribute, offer, sell, license, or cause to be marketed, distributed, offered, sold, or licensed, any apparel or other merchandise related to the sale of medical marijuana, to an individual under eighteen years of age.” OAC 3796:5-7-01(F)(1) & (2)

“No cultivator, processor, or testing laboratory shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana or medical marijuana products, including paraphernalia,[w]ithin five hundred feet of the perimeter of a prohibited facility, a game arcade where admission is not restricted to persons aged twenty-one years or older, or a business where the placement of the advertisement targets or is attractive to children, as determined by the department.” OAC 3796:5-7-01(E)(1)

The advertiser’s claim is false based on the language within Issue 2 as well as the historical approach by Commerce – the adult use program regulator – which already includes protections for children.

ZERO labeling requirements for marijuana edibles

Issue 2 language:

“The division of cannabis control shall adopt, and as advisable and necessary shall amend or repeal, rules on[p]rescribing standards and procedures for product packaging and labeling of adult use cannabis products.” § 3780.03(C)(19).

“When dispensing or selling adult use cannabis, a licensed adult use dispensary shall[o]nly accept adult use cannabis from a licensed adult use cannabis operator that has been prepackaged and labeled in compliance with chapter 3780 of the Revised Code and the rules adopted under 3780.03 of the Revised Code.” § 3780.15(B)(2).

“Adult use cannabis operators and adult use testing laboratories shall adopt operating procedures and comply with operation requirements required by rules under 3780.03 of the Revised Code, which include, but are not limited to,[p]ackage and labeling.” § 3780.20(A)(2).

Existing medical marijuana rules promulgated by Commerce:

Existing labeling rules: cultivators—OAC 3796:2-2-02; processors—OAC 3796:3-2-02; dispensaries—OAC 3796:6-3-09

The advertiser’s claim is false based on the language within Issue 2 as well as the historical approach by Commerce – the adult use program regulator – which already includes protections for children.

The same marijuana edibles that look like candy and are marketed as candy.

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Existing medical marijuana rules promulgated by Commerce:

“An advertisement for a cultivator, processor, or testing laboratory, regardless of the medium, shall not[i]nclude any image bearing a resemblance to a cartoon character, fictional character whose target audience is children or youth, or pop culture icon; [or m]arket, distribute, offer, sell, license, or cause to be marketed, distributed, offered, sold, or licensed, any apparel or other merchandise related to the sale of medical marijuana, to an individual under eighteen years of age.” OAC 3796:5-7-01(F)(1) & (2)

The advertiser’s claim is false and misleading based on the language within Issue 2 as well as the historical approach by Commerce – the adult use program regulator – which already includes protections for children.

Claim	Statutory Language
<p>Stores will be flooded with candy laced with THC and other chemicals</p>	<p>Issue 2 language:</p> <p>Only licensed dispensaries can sell adult-use marijuana: “[T]he holder of a current and valid adult use dispensary license issued under this chapter may[d]ispense or sell adult use cannabis” § 3780.15(A)(4).</p> <p>“Stores” will not be “flooded,” as adult use marijuana products will only be sold in select, licensed retail dispensaries.</p>
<p>Allows marijuana manufactures to market to kids without any safeguards for children</p>	<p>Issue 2 language:</p> <p>“[N]o adult use cannabis operator or adult use testing laboratory shall be located within five hundred feet of the end boundaries of a parcel of real estate having situated on it a prohibited facility.” § 3780.07(A)</p> <p>“‘Prohibited facility’ means any church, public library, public playground, public park, or school.” § 3780.01(35)</p> <p>“The division of cannabis control may adopt rules regulating advertisements of license holders to prevent advertisements that are false, misleading, targeted to minors, promote excessive use, or that promote illegal activity.” § 3780.21(A)</p> <p>“[T]he division of cannabis control may adopt narrowly tailored time and place restrictions preventing advertising targeted to minors.” § 3780.21(B)</p> <p>Existing medical marijuana rules promulgated by Commerce:</p> <p>“An advertisement for a cultivator, processor, or testing laboratory, regardless of the medium, shall not[i]nclude any image bearing a resemblance to a cartoon character, fictional character whose target audience is children or youth, or pop culture icon; [or</p>

	<p>m]arket, distribute, offer, sell, license, or cause to be marketed, distributed, offered, sold, or licensed, any apparel or other merchandise related to the sale of medical marijuana, to an individual under eighteen years of age.” OAC 3796:5-7-01(F)(1) & (2)</p> <p>“No cultivator, processor, or testing laboratory shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana or medical marijuana products, including paraphernalia,[w]ithin five hundred feet of the perimeter of a prohibited facility, a game arcade where admission is not restricted to persons aged twenty-one years or older, or a business where the placement of the advertisement targets or is attractive to children, as determined by the department.” OAC 3796:5-7-01(E)(1)</p> <p>The advertiser’s claim is false on the language within Issue 2 as well as the historical approach by Commerce – the adult use program regulator – which already includes protections for children.</p>
<p>No requirements for proper labeling</p>	<p>Issue 2 language:</p> <p>“The division of cannabis control shall adopt, and as advisable and necessary shall amend or repeal, rules on[p]rescribing standards and procedures for product packaging and labeling of adult use cannabis products.” § 3780.03(C)(19).</p> <p>“When dispensing or selling adult use cannabis, a licensed adult use dispensary shall[o]nly accept adult use cannabis from a licensed adult use cannabis operator that has been prepackaged and labeled in compliance with chapter 3780 of the Revised Code and the rules adopted under 3780.03 of the Revised Code.” § 3780.15(B)(2).</p> <p>“Adult use cannabis operators and adult use testing laboratories shall adopt operating</p>

	<p>procedures and comply with operation requirements required by rules under 3780.03 of the Revised Code, which include, but are not limited to, [p]ackage and labeling.” § 3780.20(A)(2).</p> <p>Existing medical marijuana rules promulgated by Commerce:</p> <p>Existing labeling rules: cultivators—OAC 3796:2-2-02; processors—OAC 3796:3-2-02; dispensaries—OAC 3796:6-3-09</p> <p>The advertiser' false based on the language within Issue 2 as well as the historical approach by Commerce – the adult use program regulator – which already includes protections for children.</p>
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Also, see below for factual data establishing that these ads are inaccurate.

Regulation does not increase youth usage. The data is clear after almost a decade of regulated adult use sales: regulation of adult use marijuana does not lead to an increase in youth usage. In addition, under our proposal, adult use operators are prohibited from marketing and selling products to minors.

- [Association of Marijuana Legalization With Marijuana Use Among US High School Students, 1993-2019](#)
 - "The general takeaway from our research is that there is no evidence that legalization of marijuana for medical or recreational purposes had led to increased teen use," says D. Mark Anderson, PhD, associate professor in the Department of Agricultural Economics and Economics at Montana State University, Bozeman, Montana, and lead author of the research letter. "This is now one of a handful of studies that all reach the conclusion of no effect on teen marijuana consumption." [How legalization impacts teen marijuana use \(contemporarypediatrics.com\)](#)
- [Estimating the effects of legalizing recreational cannabis on newly incident cannabis use - PMC \(nih.gov\)](#)
 - “For those aged 12-20-years-old, the study estimates support the hypothesis that [adult use legalization] did not affect the occurrence of newly incident cannabis use for underage persons.”
 - “[T]here has been no policy influence on cannabis incidence in the underage adolescent population after adults have been allowed to buy cannabis in retail shops.”

- [Racial and Ethnic Differences in Cannabis Use Following Legalization in US States With Medical Cannabis Laws | Substance Use and Addiction Medicine | JAMA Network Open | JAMA Network](#)
 - After adult use legalization, “no changes were observed in any of the cannabis outcomes among participants aged 12 to 20 years of any racial or ethnic group.”
- [Recreational Marijuana Legalization and Adolescent Use of Marijuana, Tobacco, and Alcohol - PubMed \(nih.gov\)](#)
 - “Controlling for other state substance policies, year and state fixed effects, and adolescent demographic characteristics, models found that [adult use laws] was not associated with a significant shift in the likelihood of marijuana use. ... Results suggest minimal short-term effects of [adult use laws] on adolescent substance use, with small declines in marijuana use.”