

SPECIAL ISSUE: IT'S ALL ABOUT THE BRAND

June | 2019

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Inside:

**Retailing
Spiritleaf**

**Business Profile
Outer Elements
Photography**

**Marketing
Customer
Courtship**

Building the Bull Market

From Wall Street to cannabis, David Elias has built an impactful brand around customer loyalty and influence. And he's just getting started.

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Photos: Défoncé, James Banasiak

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Life Imitates Art

ANYBODY REMEMBER THE MOVIE *NETWORK*? The satirical film won several Academy Awards and is preserved in the Library of Congress's National Film Registry. If you haven't seen the picture, it's worth a look if only to watch the late, great Peter Finch elevate a soliloquy to immortality: "I'm a human being, goddamit! My life has value! ... *I'm as mad as hell, and I'm not going to take this anymore!*"

The film premiered in 1976, but Paddy Chayefsky's award-winning screenplay—the worn-out, used-up news anchorman's impromptu on-air rant, in particular—resonate today. Finch's unhinged raving about politics, the economy, and "violence in the streets" is too familiar: It's the same unhinged raving we encounter daily on social media, television, and talk radio. Far from evoking a sense of nostalgia, four decades after *Network*'s debut such tirades are alarming.

The rhetoric about cannabis we hear from some politicians is no less disturbing. Dan Patrick and Kristi Noem are two prime examples.

In April, the notoriously priggish Texas House overwhelmingly passed a measure to reduce possession of up to an ounce of pot from a felony to a low-fine, no-jail-time misdemeanor. Despite the governor's support for the bill and the state Republican Party's plank calling for an even more lenient policy, Republican Lieutenant Governor Patrick promised the bill would be "dead in the Senate." Why? Because he is convinced decriminalizing simple possession would lead to "Colorado-style" depravity.

Patrick hasn't, as yet, demanded "off with its head" for the hemp and CBD bill the Texas House unanimously passed at about the same time. For that kind of behavior, we must look to South Dakota Governor Noem, who vetoed a hemp bill that sailed through the legislature with overwhelming support. Noem said she feared legalizing hemp would lead to legalizing *medical cannabis*.

Heaven forbid anyone legalize substances research and anecdotal evidence suggest actually help people. What were the other states thinking?

Despite their arch-conservative reputations, a significant majority of voters in Texas and South Dakota support cannabis reform. I can tell you what they're probably thinking:

"I'm a human being, goddamit! My life has value! ... *I'm as mad as hell, and I'm not going to take this anymore!*"

Kathee Brewer



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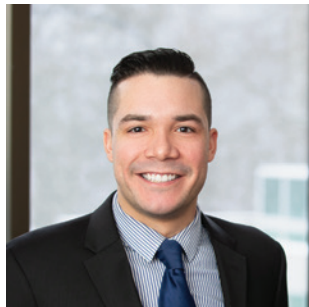
lowellsmokes.com

Ian Stewart



Ian Stewart is a partner in the Los Angeles office of Wilson Elser Moskowitz Edelman & Dicker LLP and is co-founder and chair of the Wilson Elser cannabis law practice. With twenty years of legal experience, he helps clients navigate the legalities around cannabis, CBD, and hemp, and works with licensed cannabis operators, financial institutions, and insurance companies to comply with their obligations under the law.
WilsonElser.com

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Ruben Espinosa is a member of the cannabis law practice at Wilson Elser Moskowitz Edelman & Dicker LLP, advising medical professionals, growers, processors, insurers, distributors, and vendors within the legalized cannabis industry as well as organizations outside the industry impacted by the rapidly evolving state and federal regulatory landscape.
WilsonElser.com

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Seth A. Goldberg serves as a team lead for the Duane Morris cannabis industry group, where he advises core and ancillary cannabis and hemp companies in a wide array of regulatory and business matters pertaining to their legal marijuana activities. He also advises non-cannabis companies as they evaluate the cannabis sector, both hemp and marijuana. His practice includes a particular emphasis on the CBD regulatory framework.
DuaneMorris.com

David T. McTaggart



David T. McTaggart is a commercial litigator with trial and appellate experience. In addition to his work in the cannabis industry, he represents individuals and businesses in a wide range of legal matters, including breach of contract, corporate disputes, employment law, fraud, insurance coverage, intellectual property, and securities law.
DuaneMorris.com

Jared Mirsky



Jared Mirsky and his award-winning cannabis-focused branding and marketing agency, Wick & Mortar, have helped shape the cannabis industry since 2009. Rebranding cannabis is his mission, and he aims to accomplish the goal by helping to educate the industry about the power of successful branding and the impact it has on the world.
WickAndMortar.com

Jason Vegotsky



Jason Vegotsky is an entrepreneur with an extensive background in sales and business development. As chief revenue officer for Kush Supply Co., he leads a team of more than forty-five sales professionals; handles operations, shared services, and project management; and is responsible for expanding the company's nationwide physical presence.
KushCo.com



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NEWS BRIEFING



Don't Mess with Weed in Texas

DALLAS — A 71-year-old woman and a 22-year-old college student were among the people recently charged with felony drug possession at the nation's fourth-largest airport.

Both individuals were arrested in April after Customs and Border Protection officers found CBD oil in their luggage at DFW International Airport, according to the local NBC news affiliate. Officials said on-the-spot tests indicated the presence of THC in the products.

Customs officers arrested a third person after a drug-sniffing dog alerted on the individual's backpack. Inside, officers found a CBD vaporizer the traveler said he

purchased at a shop in Dallas. A field test of the cartridge indicated the presence of THC.

The federal 2018 Farm Bill legalized hemp and hemp derivatives with THC levels at or below 0.3 percent; however, the field-testing equipment law enforcement officers currently use is not capable of accurately determining THC levels.

Seven states, including Texas, still ban CBD pending legislative action. In April, the Texas House passed a hemp bill that would legalize CBD in accordance with federal law. The bill awaits action in the state Senate.



Retail Investors Bullish on Cannabis

NEW YORK — A survey conducted by fifty-year-old corporate communications firm KCSA Strategic Communications discovered retail investors are high on the cannabis industry, with 50 percent pulling money from other sectors to participate in the space.

The inaugural Cannabis Investor Survey also found 40 percent of investors own stock in ten or more cannabis entities. “Cannabis has graduated from being viewed as a high-risk, exotic or fringe investment to a mainstream staple of retail investors’ portfolios,” said KCSA Managing Partner Todd Fromer.

Investors are betting big on the industry, according to KCSA: 80 percent of the ones surveyed indicated they plan to hold onto their investments for between one and ten years. Forty percent said more than one-quarter of their portfolios comprise cannabis stocks.

Perhaps more significant for companies seeking funds, 84 percent of retail investors surveyed said they’re not concerned about weed’s federal status. Most evenly split their funds between entities that touch the plant and ancillary services.

The survey, conducted in March, collected data from more than 250 retail investors with money currently in the space.

KCSA.com

Terpene evaporation will cost cannabis producers tens of millions of dollars in 2019.

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DixieElixirs.com

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KushyPunch.com

USDA Opens PVPO Program to Hemp Growers

WASHINGTON, D.C. — The U.S. Department of Agriculture's Plant Variety Protection Office in late April began accepting applications to protect varieties of seed-grown hemp as intellectual property. Certificates granted under the program function much like patents, granting certificate owners a twenty-year right to exclude others from marketing and selling their varieties, as well as to manage subject varieties' use in breeding programs.

The department also updated import regulations. Farmers may import hemp seed from Canada if the shipment includes Canadian government documentation certifying origin and phytosanitary inspection. U.S. farmers also may import seed from other countries as long as the shipment includes similar government documentation.

In addition to USDA clearance, hemp seed shipments also must pass U.S. Customs and Border Protection inspection.

**GENE SIMMONS ROCKS INFUSED DRINKS**

Bona-fide marketing monster and KISS legend Gene Simmons partnered with Canadian cannabis conglomerate Invictus to produce CBD-infused MoneyBag™ Sodas. The beverages are available nationwide.

36%

of all dispensaries in Canada are located in Alberta, which contains only 12% of the country's population.

(Source: Statistics Canada)

47%

of 124 publicly traded Canadian cannabis companies had U.S. assets or interests in 2018.

(Source: Canadian Securities Exchange)

90%

of people over 61 cite pain as a major motivation for cannabis use.

(Source: University of Illinois study)

84%

of cannabis investors are not concerned about the federal illegality of cannabis.

(Source: KCSA Strategic Communications)



Canada to Base Excise Taxes on THC Content

OTTAWA, Ontario — Under a new Canadian law, an excise tax of 0.01 cents per milligram of THC will be applied to cannabis sales nationwide. According to government officials, the change in regime is an attempt to relieve price burdens on patients who medicate with low-THC CBD products. CBD products with extremely low or no detectable levels of THC will be exempt from excise tax.

The new tax structure went into effect May 1.

Tax rates can have dramatic effects on the industry, as California discovered. According to Jim Marty, CPA, CVA, and chief executive officer for accounting firm Bridge West, local municipalities may add their own taxes on top of state rates, resulting in some consumers paying sales taxes of more than 45 percent. "If taxes are too high, customers may decide to turn to the black market, and that undermines the regulated system," Marty said.

Canadian cannabis tax revenues are split between the federal government and provinces with the feds receiving 25 percent and provinces splitting the rest based on sales.



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Wasting Away in Coral Reefer-ville

Almost as well known for his business acumen as his music, Parrothead-in-chief Jimmy Buffett partnered with Surterra Holdings to release a Coral Reefer-branded product line.

DREAM BIGGIE

C.J. Wallace, son of late hip-hop icon The Notorious B.I.G., launched Think BIG. The brand will support social justice by donating to the Prison Arts Project.

KIM KARDASHIAN EMBRACES CBD

The reality-TV celebrity and husband Kanye West celebrated the pending arrival of their fourth child (via surrogacy) with a baby shower featuring CBD products and yoga.

WOULD YOU LIKE WEED WITH THAT?

Fast-food chain Carl's Jr. tested a potential new product in Denver on 4/20: the Rocky Mountain High Cheese Burger Delight with CBD-infused Santa Fe sauce.



SHEER SHEENIUS?

Bad-boy actor Charlie Sheen debuted a vape oils line under the brand name Sheenius, reportedly to clap back at strains appropriating his name without permission.



So Much for the Munchies

Researchers at Michigan State University discovered not only are cannabis users less likely to be obese than abstainers, but they also gain less weight over time.

4/20 STILL DRIVES SALES

Flower accounted for 54 percent of all sales on cannabis's traditional high holiday. According to Flowhub, stores that employ its software sold 150,000 pre-rolls over the weekend.



JUNE EVENTS

The following is a list of select industry events taking place this month.

HEMPFEST CANNABIS EXPO — HAMILTON JUNE 1-2

Hamilton Convention Centre, Hamilton, Ontario, Canada

Consumers, patients, entrepreneurs, job-seekers, and local leaders attend to learn more about one of North America's fastest growing industries. The expo will feature presentations and exhibits by licensed producers, dispensaries, paraphernalia retailers, nutrient and soil companies, hydroponics manufacturers, medical clinics, and health-and-wellness providers.

HEMPFESTHAMILTON.COM

EASTERN U.S. HEMP CONFERENCE & EXPO JUNE 3-4

Albany Capital Center, Albany, New York

The second annual event for growers, processors, and entrepreneurs will feature an exhibit floor along with workshops and summits addressing the state of the market. A "hemp tasting" will explore flavors, aromas, and textures of hemp-infused beverages.

USHEMPEXPOS.COM

CANNABIS CONSUMER INSTITUTE 2019 SYMPOSIUM JUNE 5

CU Boulder — University Memorial Center, Boulder, Colorado

Bringing consumers, wellness communities, and industry entrepreneurs together, CCI provides an intimate environment for presentations and conversations with industry leaders. The event is health-and-wellness-focused with sessions about veterinary medicine, chemistry and pharmacology, regulations, consumer packaged goods, and more. CANNABISCONSUMERINSTITUTE.COM

THE ECONOMIST'S CANNABIS SUMMIT JUNE 5

Omni King Edward Hotel, Toronto

Network with policymakers, investors, technology thought leaders, scientists, pharma companies, and entrepreneurs from all over the world to dissect and analyze new science and innovations around marijuana. Participants also examine how to shape well-regulated cannabis markets across the globe.

EVENTS.ECONOMIST.COM

LIFT & CO. CANNABIS BUSINESS CONFERENCE JUNE 6-9

Metro Toronto Convention Centre, Toronto

LCBC brings together experts to tackle subject matter from a uniquely Canadian perspective. The conference hosts discussions about the rapidly growing medical and adult-use markets, as well as Canada's position on the world stage. More than 250 exhibitors from around the world and more than 100 speakers are expected.

LIFTEXO.CA

WOMEN GROW LEADERSHIP SUMMIT JUNE 7-8

Washington Court Hotel, Washington, D.C.

Founded in 2014 in Denver, Women Grow serves as a catalyst for women to influence and succeed in the cannabis industry. Connect with, learn from, inspire, and empower other women through dynamic talks, crowd-sourced break-out sessions, and interactive workshops. The 2018 event attracted more than 800 attendees.

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EVENTS



Photo: Mike Rosati

MJBIZCONNEX JUNE 12-14

Ernest N. Morial Convention Center, New Orleans

Bringing together thousands of industry innovators and 250 exhibitors for networking and education; two separately-ticketed events, Hemp Industry Daily Conference and MJBizConNEXT Executive Summit, will take place concurrently. Includes special sessions for cultivators and extractors, multiple education tracks, and more.

MJBIZCONFERENCE.COM

WEEDCON WEST JUNE 19-20

West Los Angeles

A by-invitation-only event, WeedCon hosts distributors, brands, farms, and dispensary buyers to buy, sell, and network. The event includes a farmers market, dab bar, infusion bar, health-and-wellness area, and more. Music, food, a VIP lounge, after party, pairing dinner, and the 2019 WeedCon Cup Awards also are part of the mix.

WEEDCON2019.COM

DETROIT CANNACON JUNE 21-22

Cobo Center, Detroit

Network with like-minded professionals in fields from cultivation and compliance to regulations, business and legal advice, retail insights, extraction technology, scientific and financial trends, marketing, and branding. CannaCon mixes pioneers and entrepreneurs with investors and experts discussing the latest industry developments. Exhibitors introduce next-gen cannabis technology and products.

CANNACON.ORG

SPRINGFIELD CANNABIS CONVENTION JUNE 22-23

Mass Mutual Center, Springfield, Massachusetts

Organized by New England Cannabis Network, this combined consumer and business conference and

exhibition invites medical marijuana, cannabis, and hemp entrepreneurs, advocates, patients, and caregivers to learn from dozens of speakers. More than 100 exhibitors will offer demos, soil and growing samples, and an array of smoking, vaping, storage, and accessory products for sale.

NECANN.COM

HEMPFEST CANNABIS EXPO – SASKATOON JUNE 22-23

PrairieLand Park, Saskatoon, Saskatchewan, Canada

The expo welcomes consumers, patients, industry members, entrepreneurs, job seekers, and local leaders to attend educational presentations and view exhibits showcasing products and services from licensed producers, dispensaries, cannabis paraphernalia retailers, nutrient and soil companies, hydroponics manufacturers, medical clinics, and health-and-wellness providers.

HEMPFESTSASKATOON.COM

CANNABIS BUSINESS LATIN AMERICA JUNE 25-26

Santiago Courtyard, Santiago, Chile

With a focus on global markets—particularly Latin America—this conference offers a mix of case-study presentations, interactive roundtable discussions, Q&A sessions, networking, and hands-on workshops. The program is divided into two tracks: Best Practices from Production to Distribution, and Regulation and Business Strategy.

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A SAMPLING OF KEY REPORT INSIGHTS



June 2013
Justin Trudeau publicly endorses legalizing adult-use cannabis

November 2015
Justin Trudeau becomes Prime Minister

April 2017
Bill C-45 (the Cannabis Act) introduced in Parliament

Late 2017–Early 2018
Provinces draft and approve adult-use regulations

June 2018
Final vote on Bill C-45

October 2018
Bill C-45 took effect. Adult-use sales began.

2013

2014

2015

2016

2017

2018

2019

April 2016
Trudeau government announces plans to introduce adult-use cannabis legislation in spring 2017

July 2016
Additional exemptions under Section 56 of CDSA

August 2016
Access to Cannabis for Medical Purposes (ACMPR)

October 2019
Edibles, concentrates to become legal on or before this date

Source: Arcview Market Research/BDS Analytics



Legal cannabis spending in Canada is set to grow at a Compound Annual Growth Rate (CAGR) of 44.4% from \$569 million in 2018 to nearly \$5.2 billion by 2024.



On October 17, 2018, the Canadian legal cannabis market grew from 359,292 medical patients to roughly 29 million adults — each of whom became a prospective cannabis consumer.



In addition to physical retail, Canada allowed online sales of adult-use cannabis through various private and government-run websites, providing access to customers across rural Canada.



Government agencies manage wholesale and online distribution, and some retail stores in some provinces. Other provinces allow privately owned stores, most importantly Ontario, the nation's largest province.



In 2018, Alberta generated nearly 38% of total cannabis sales in Canada — despite the fact it has slightly less than 12% of the nation's total population.



This infographic was created exclusively for **mg Magazine** readers

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These insights are featured in the *Canada Leads the Way on Global Cannabis Legalization* report

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SAFE Banking Act Advances to the House and Senate

Bill offers safe harbor to banks and insurance companies.

On March 28, the House Financial Services Committee approved H.R. 1595, a bill designed to create protections for banks and insurers providing financial services to cannabis-related businesses. The 45–15 committee vote will advance the legislation before the House of Representatives and Senate in coming weeks. The Secure and Fair Enforcement (SAFE) Banking Act prevents federal banking regulators from punishing financial institutions that assist a “cannabis-related legitimate business” (CRLB) legally operating under state, local, or American Indian tribal laws. Even though CRLBs are licensed by states that have legalized medical and recreational cannabis, many operate on a cash-only basis because most financial institutions won’t provide banking services for fear of potential racketeering and trafficking charges attached to handling monies generated by activity still illegal at the federal level.

BANKING PROTECTIONS

The bill would create a safe harbor for depository institutions, including banks and credit unions, to the extent they would not be liable or subject to federal forfeiture action for providing financial services to a CRLB. Such businesses include not only manufacturers, producers, and any person or company engaging in a cannabis-related business pursuant to the law of a state or political subdivision, but also businesses that provide financial services to those organizations.

Key protections of the bill include prohibiting a federal banking regulator from 1) terminating or limiting the deposit insurance or share insurance of a depository institution solely because the institution provides financial services to a CRLB; 2) prohibiting or otherwise discouraging a depository institution from offering financial services to such a business; 3) recommending, incentivizing or encouraging a depository institution not to offer financial services to an account holder solely because the account holder is affiliated with such a business; and 4) taking any adverse or corrective supervisory action on a loan made to a person solely because the person either owns such a business or owns real estate or equipment leased to such a business.

LENDING PROTECTIONS


The SAFE Banking Act prevents regulators from taking a corrective supervisory action on a loan made to a person or entity solely because the loan is affiliated with a cannabis-related business. Loans designed for leasing real estate and equipment to cannabis businesses are explicitly protected. The bill also prevents financial regulators from incentivizing banks not to offer services to account holders solely because the account holder is affiliated with a legitimate cannabis-related business.

INSURANCE PROTECTIONS

Congress is expected to include additional protections for insurance companies once the House of Representatives reviews the bill. Ohio Representative Steve Stivers has advocated previously for insurance companies to obtain similar protections for the same scope of services afforded financial institutions under the bill’s banking provisions. Representative Stivers has proposed an amendment, which passed in a voice vote, that expands the legislation’s protections to insurance companies. A joint statement praising Stivers’s amendment has been issued by the American Property Casualty Insurance Association, The Council of Insurance Agents & Brokers, the American Land Title Association, the Reinsurance Association of America, and the Wholesale & Specialty Insurance Association.

BROADER PROTECTION MAY BE NEEDED

The SAFE Banking Act is designed to address public safety concerns for marijuana businesses operating under the protection of state laws. Better access to insurance similarly protects the businesses and the public. While the SAFE Banking Act, if enacted in its current form, could be a significant step toward gaining access to badly needed financial services for CRLBs, it remains to be seen whether the bill provides enough protection for financial institutions to offer services widely. On one hand, the bill arguably addresses the issue of liability under anti-money-laundering (AML) laws, but on the other hand it doesn’t appear to address liability under other federal laws such as RICO and the Controlled Substances Act. Without broader protections, financial institutions may continue to defer providing bank services to cannabis-related businesses.

It is expected banks and other financial institutions will be provided further guidance about how to work lawfully with legal cannabis businesses. The bill directs the Secretary of the Treasury to ensure new Financial Crimes Enforcement Network (FinCEN) guidance is consistent with the purpose and intent of the SAFE Banking Act. The bill currently has 152 co-sponsors in the House, making it the most supported cannabis reform legislation to be reviewed by Congress to date. Although no official date has been scheduled, the bill is expected to be reviewed by the House in the coming weeks. 



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Canadian by Design

Spiritleaf's new-fashioned, emotion-driven model is franchising its way across Canada.

Calgary, Canada-based dispensary chain Spiritleaf aims to franchise nationwide. With eight locations open in Alberta, Ontario, and Saskatchewan and another thirty-six expected to open soon in those provinces plus British Columbia and Manitoba, the company is well on its way to achieving its goal. All stores celebrate Canada, from the country's unique spirit to its storied landscape.

The flagship store sets the standard. Rugged floors combine gray tile and dark, distressed vinyl plank—not only for aesthetics, but also because the materials provide durability during harsh Canadian winters. A sleek mix of track and pot lighting voguishly highlights product cabinets and display benches, which in their previous life served as kitchen tables in ski chalets. The tables do more than add charm: By law, shops may display only fifteen flower jars at a time, so the tables provide spots where





 SPIRITLEAF

EXIT





Sleek shelving units display products and accessories.

“We have created a brand and a modern retail model that offer legitimacy, reputability, professionalism, and confidence.”

—Darren Bondar, president and CEO, Spiritleaf

groups of customers may experience the look, fragrance, and feel of the strains.

Photos, murals, and utilitarian items like canoe paddles punctuate eggshell-colored walls, and nests of arty sconces display top brands. Dozens of custom tablets allow consumers to review product details and read previous purchasers' reviews. A massive Spiritleaf logo behind the checkout desk anchors the shop.

“Our stores celebrate Canadiana in many forms,” said Spiritleaf President and Chief Executive Officer Darren Bondar. “Our design encourages customers to explore and is an open-spaced opportunity that reimagines the typical retail environment of a dispensary. This concept uses contemporary motifs but balances the inherent starkness with personable illustration as well as accenting greenery. We wanted the design to take customers on a journey—an experience that leverages consumers' existing assumptions of what a dispensary should feel like.”

Bondar is no stranger to the retail world. Twenty years ago, he started his own retail company and scaled it to a thirty-store network across Canada. As a longtime advocate

incredible Wellnesstm



“incredible Wellness THC products are a safe and healthy way to relax at the end of a long work day or even a long day of running in the mountains. Often times after a 6 - 8 hour run your muscles are still in full drive and need a little help being put to rest for the night so recovery can begin.”

— Avery, Colorado @runninhigh



In a previous life, display benches served as kitchen tables in ski chalets.

and medical user, he decided to apply the same model to the cannabis space. All Spiritleaf franchises have the same look and feel but are not exact replicas. From experience, Bondar knew maintaining design unity while allowing local identity can be tricky, so he turned to two firms that frequently work together: Seven Point Interiors and Tricarico Architecture and Design. “Tricarico is a phenomenal design studio that has worked with some of the world’s top brands,” he said. The firm’s international client roster is impressive—Levi’s, Rag & Bone, Valentino, and Footlocker, among others—but willingness to collaborate with Spiritleaf’s internal creative team was the deciding factor.

According to Tricarico Design Manager Jessica Archeval, the attraction was mutual. “Upon reviewing the brand package and meeting with the team, I immediately felt a strong connection and couldn’t wait to tell the Spiritleaf story,” she said. “We wanted to create something completely unique, so when a customer walks inside they immediately feel the positive energy and are embraced by the natural feeling of the dispensary.

“Within the confines of the walls, a new community is







Rugged floors combine gray tile and dark, distressed vinyl plank—not only for aesthetics, but also for durability during harsh Canadian winters.

All Spiritleaf franchises have the same look and feel but are not exact replicas.

established where all are welcomed,” she continued. “The crisp white walls help brighten the space and create an extension from the fresh outdoors. Distressed woods and metals were carefully selected to add unique character to the space. We wanted to allow the walls to tell the stories of the brand, so Spiritleaf’s community members will always embrace their journey and never forget where they started.”

Bondar added, “It was all about working jointly to evoke emotion and bring customers together in an inviting, engaging atmosphere where people can gather, share unique experiences, and ascertain knowledge about the products.”

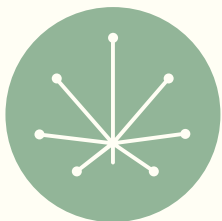
To accomplish part of its objectives, Spiritleaf leverages a partnership with Up Cannabis, which is backed by popular Canadian rock band The Tragically Hip. Every Spiritleaf location features an Up Cannabis lounge showcasing the history of cannabis and the Canadian music scene. According to Bondar, the Up Cannabis lounges enable customers to experience how weed, music, education, and community can come together and have a positive impact.

The company also collaborates with visual artists. One of the first things Bondar did during the concept stage was commission an Alberta artist to hand-draw a very detailed,



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six-foot cannabis plant. “She spent over 100 hours on the details, and it turned out beautifully,” Bondar said. In fact, he liked the work so much the company not only uses it in stores but also features the design on carry-out bags and custom rolling papers packaging.


Not all design details will appear in each shop. For instance, Bondar and his team wanted to outfit all the stores with cabin-like wooden ceiling beams but soon discovered differences in ceiling types and local environments made chain-wide incorporation impractical.

One thing that will not change: A subtle pattern on the walls mimics Spiritleaf’s logo. “The origin of the logo is simple,” Bondar said. “The name Spiritleaf came from our ‘spirit’ and from the experience cannabis gives, and ‘leaf,’ from the plant. Our symbol was created by turning the initials into the texture of a leaf, and then [offsetting them] slightly to represent a change of perspective.”

But it’s not all about cosmetics for Spiritleaf. One thing Bondar learned from his many years in retail is the coolest, hippest store on the block will fail if it isn’t a people-first, customer-service-oriented organization. “All we’ve done so far would not be possible without our amazing staff,” he said. “Cannabis is a revolutionary industry, and our people on the front lines are some of our biggest assets in navigating this journey.”

With that in mind, Bondar and his creative team worked exhaustively to make sure they got the checkout process right from the start. The idea hit late one night: multiple point-of-sale stations throughout the shops. In addition, cash-wrap fixtures were designed to provide employees and customers with easy access to product. “This makes for a seamless process from assembling the order to taking payment,” he said. “It’s been a huge asset in providing a quick and enjoyable checkout experience.”

According to Bondar, Spiritleaf’s parent company, Inner Spirit Holdings, has signed more than 100 franchise agreements across Canada. The company was the first retail cannabis entity to be granted Canadian Franchise Association membership and the first recreational chain to close an initial public offering on the Canadian Stock Exchange, where it lists as ISH. All this has Bondar excited about the journey ahead.

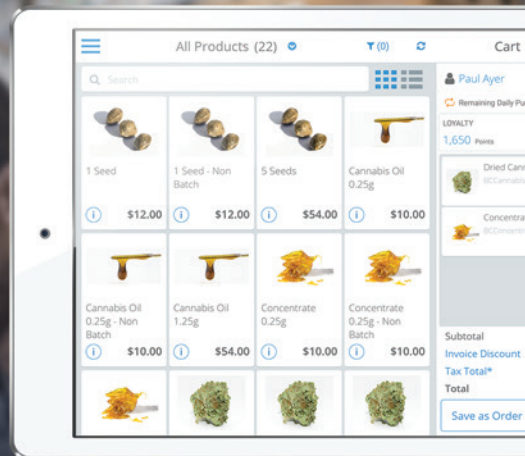
“We have created a brand and a modern retail model that offer legitimacy, reputability, professionalism, and confidence,” he said. “Many of our competitors don’t have any retail experience or come from a medical cannabis model and are just now pivoting their brands to appeal to the recreational market.”  —Rob Hill

spiritleaf.ca



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The POWER of a BRAND

STARBUCKS FOUNDER HOWARD SCHULTZ once was asked what made his brand one of the most recognized in the world. Without hesitation, he answered, “Authentic brands don’t emerge from marketing cubicles or advertising agencies. They emanate from everything the company does.” With those few words, Schultz encapsulated the essence of branding. Branding, as a concept, is much more than eye-catching packaging, clever advertising, or even a great product. The most powerful and enduring brands are built from the heart. They are real and sustainable. Their foundations are stronger because they are built on the human spirit, not simply an ad campaign. Companies that are authentic last.

“Authenticity” is easier said than done, or even defined. Components include the brand’s heart and soul, personality, and backstory. Those, coupled with a well-defined target demographic, will help a brand position itself in the market. Consumer research comes into play at all points in the process of identity creation. Consumers seek functional, emotional, experiential, and self-expressive benefits from the products they buy. One often-subconscious question lies at the root of their purchasing decisions: “What’s in it for me?” Answering that question honestly—through consumers’ eyes, not the brand’s—can help determine the “face” that will resonate most with the public.

In today’s maturing cannabis market, where acquisitions, mergers, and partnerships are on the uptick, creating a memorable brand is essential for survival. Jared Minsky, founder and chief executive officer of branding and marketing consultancy Wick & Mortar, advises clients to invest in their brand, hype up what makes it unique, and put the brand’s story at the center of every promotional effort. “It’s so easy for a brand to feel derivative in the cannabis industry,” he said. “Cannabis is an industry that contains a ton of passion, which is transformational in creating a memorable brand. Most of the clients we work with are in this business because they genuinely care about the craft, the benefits, and the customers.”

Here we present some companies—large and small, new and mature—that have invested significant time, thought, and money in creating and nurturing their brands.

BY ROB HILL, DANNY REED, AND TOM HYMES

Prana Principle

EUROPEAN MYSTIQUE

FOR PRANA PRINCIPLE, branding was not about creation but translation. The company leveraged the reputation and history of its twenty-five-year-old corporate parent, APAX Nutrition Europe Ltd. The corporation played up its European heritage—which many Americans find exotic—when it launched the American division, APAX USA Inc., under which Prana operates. “Our experience in Holland, and now in Colorado, provides the perfect synergy for innovation,” said founder and chief executive officer Sebastien Hebbelinck.

Prana Principle portrays itself as “the experienced CBD company” that regards consumers with respect. “We don’t want to just sell a trendy product at a time when CBD is all the buzz,” Hebbelinck said. “Using any of our products is a very personal choice for our consumers. We respect that. We want Prana to be a trusted name that customers believe in.”

As part of an effort to dispel conflicts between perception and reality, the company has partnered with groups including Hemp History Week, U.S. Hemp Roundtable, and Hemp Industries Association. “Through these relationships, we are working to change [the image of] the entire CBD industry,” Hebbelinck said

PranaPrinciple.com



Korova

TARGETING A PRECISE DEMOGRAPHIC

BLAKE POWERS AND DANIELLE SEBASTIAN, Korova’s marketing team, have been in the weed game for more than two decades, frequently adapting the company’s messaging to meet evolving demographics and market forces. Powers ascribes much of Korova’s success to company-wide belief in the product. “If we don’t smoke it, you don’t smoke it,” he said. “That’s what drives the brand.”

With roots in the underground, the company successfully merges the hip with the mysterious. Product packaging, with its third-eye cow and graffiti elements, is just esoteric enough to provoke curiosity without rounding the bend into confusion. “We love collaborating with visual artists to create limited-edition apparel products and incorporate our love for graffiti into every jar of our flower,” said Powers. “The [visual] elements are what draw people in. What keeps them loyal is what’s inside [the package].”

Despite its growth, the brand maintains small-company appeal by creating personal relationships with budtenders and investing in slightly wacky in-store events. The “Korova takeovers,” as Sebastian and Powers call them, often include “screaming deals” accompanied by literal screaming contests judged by the company’s street team. On those days, “loyal fans line up before the [host dispensary’s] doors even open,” Powers said. Combined with branded swag for budtenders and consumers alike, the takeovers create a priceless, almost familial link between the company and its well-defined target audience: young consumers with above-average cannabis knowledge and experience and an affinity for street art and culture.

KorovaEdibles.com

Nativ

INSPIRATION AND AFFIRMATION

“BORN IN VENICE BEACH and raised in Palm Springs,” California brand Nativ’s message forms the core of its existence: *You’re not a native of the place you come from. You’re a native of the place where you belong...the place where you can always be yourself.* The words create an immediate reaction within consumers, inspiring, affirming, and creating a bond.

“Nativ seeks to nurture an easygoing, relaxed state of being,” said Inventory Manager Andrew Yeager. “We create experiences where wellness is joy.”

While the company puts an emphasis on social media promotion, it’s the endless time on the road hosting appreciation days at dispensaries that has allowed Nativ to create intimate relationships with consumers. Through meet-and-greets, the company founded a tribe of retail buyers and customers. “Nativ utilizes innovative packaging, uniform branding, and a commitment to clean cannabis to stand out in a competitive marketplace,” Yeager said. “When you see Nativ on the shelf, you know you’re not buying just cannabis but a full wellness experience.”

NativBorn.com





“PACKAGING IS IRRELEVANT”

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Dixie Brands

UNDERSTANDING AND ADDRESSING THE MARKET

WHEN **mg** MAGAZINE featured Tripp Keber on its September 2015 cover, the energetic chief executive officer of Denver-based Dixie Elixirs & Edibles oversaw a company with a solid footprint in a handful of states that had positioned itself as one of a very few national brands in the industry. Fast forward to today and the rechristened Dixie Brands, now helmed by co-founder and Chief Executive Officer Chuck Smith, remains a leading provider of edibles in the U.S., has added more branded product lines, and soon will expand its Dixie-branded offerings to six Latin American markets courtesy of a joint venture with Khiron Life Sciences.

Andrew Floor, vice president of marketing, traced the company's longevity to understanding consumer habits, wants, and needs and then addressing those things with both products and marketing. "The infused cannabis category is driven by exploration and discovery, and our Dixie brand satisfies the needs of that consumer via big, bold flavors and colors across a product portfolio ranging from beverages to gummies, chocolates, mints, and concentrates. Our Synergy brand, on the other hand, is performance-based, crafted for a health-and-wellness consumer looking for a more holistic cannabis experience. Synergy branding is more restrained to reflect that audience and satisfies their needs through a ratio CBD:THC product portfolio that delivers true balance from micro-dosing."

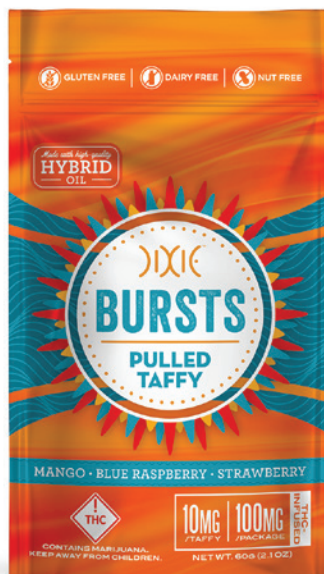
In the future, he added, "We will become even more consumer-centric, using our understanding of our audience's needs and wants to drive every decision we make, from branding to packaging and product development to communication."

The one word that defines the image Dixie wants consumers to have first and foremost in their minds? "Authentic," said Floor.

As far as challenges the company faces as it moves ahead developing national and global brand awareness in such a fast-moving industry, Floor pointed to a "multitude of challenges" faced by "multi-state/multi-country [consumer packaged goods] companies: maintaining consistency of product experience across borders, overcoming consumer misperceptions and stigma, and hugely limited [point-of-purchase] marketing opportunities in highly regulated and restricted retail landscapes, just to name a few. But at the top of that long list of challenges undoubtedly lies the regulations limiting our ability to communicate with our consumers. Those regulations are both regional and fluid, which means our marketing team has to work overtime to keep abreast of what we can and can't do or say.

"Worse," he continued, "the canna-curious consumer is hungry for information, wanting to build relationships with brands they can trust. Despite the fact Dixie Brands wants to be a responsible partner and guide for them on their journey into the category, restrictions on how, where, and when we can communicate with them make satisfying that primary consumer need incredibly difficult."

DixieElixirs.com





KIVA Confections

COMMUNITY OUTREACH

IT SHOULD GO WITHOUT SAYING cannabis edibles companies adhere to strict food-safety standards and efficacy testing. Those, and business integrity, are at the top of KIVA Confections' list of must-dos. But for co-founder Kristi Knoblich Palmer, community and inclusivity are at the center of everything the company does.

"In a medical or recreational market, KIVA's mission remains the same: We want everyone to feel empowered to enjoy our product to enhance life's greatest moments, no matter how large or small they may be," she said.

Thus, the company reaches into the communities it serves. In 2018, KIVA mounted an onsite presence at Outsidelands and hosted a suite of elevated parties for the holidays; in 2019, the company organized a Valentine's Day bash for influencers. "We are constantly searching for new ways to resonate with our current consumers and untapped market segments," she said.

The company's product packaging is outreach of another sort. Each line has its own carefully considered look designed to appeal to a subset of a broad target market: KIVA Bars invoke an eco-conscious vibe; Camino Gummies appeal to the outdoorsy-California set; and Petra Mints and Terra Bites trade on traditional aesthetics and portability. Palmer said she considers packaging a storytelling medium. "We constantly draw inspiration for current and future brand offerings from unexpected sources like art, history, travel, and pop culture," she said.

KIVAconfections.com

Mirth Provisions

DEFINING A CATEGORY

WHEN MIRTH PROVISIONS' founder Adam Stites wanted to create something new in the medical space, he turned to his friend Peter Metz, co-owner and creative director at the Sockeye agency. "I'd seen their ability to get to the essence of what or who a brand is and reflect that in a way that is honest, super-original, and ownable," said Stites. "Sockeye has helped us think about our brands from the ground up."

Metz saw an opportunity for Mirth to pioneer a new kind of product designed for those who enjoy edibles but eschew products "replete with high-fructose corn syrup." The result: Legal, a sparkling infused beverage with an aesthetic reminiscent of hometown brews, backyard cookouts, and soda fountains. The team chose the name Legal to celebrate the repeal of prohibition.

Stites said the brand targets an upscale, health-conscious demographic, which responds well to the product's look, taste, effect, and subtle message about good, clean fun. "The Legal consumer might try other options, but they come back to us," he said.

MirthProvisions.com



Ignite

THE MAVERICK EFFECT

WHEN IT COMES TO UNDERSTANDING BRANDING, gambler, internet celebrity, and Ignite founder Dan Bilzerian has an advantage: His over-the-top lifestyle led him to a position among the top forty Instagram influencers globally. "Dan saw the sea change in cannabis and CBD coming, and how his core audience of 18- to 34-year-olds were over-indexing for interest and use," said Ignite International Inc. President Jim McCormick. Naturally, the pair set out to create a sexy lifestyle brand.

Ignite is a maverick. While the company respects the industry's traditions, Bilzerian and McCormick have no intention of becoming part of the pack. According to McCormick, the brand always is looking for the next peak to climb, because...well, "there's no prize for second place."

"Every brand touchpoint has Ignite's unique viewpoint built in, and every execution has to feel authentic to Dan's lifestyle and worldview," he said. "If other cannabis companies buy billboards, we buy building walls. If other brands throw parties, Ignite

leverages Dan's incredible 32,000-square-foot house and packs it full of celebrities and athletes."

The brand's packaging reflects Ignite's uncommonly in-your-face approach to marketing a premium product: The aesthetic is modern, urbane, and sleek...with a sharp edge. In keeping with its objective of cornering the 18- to 34-year-old-male demographic, the company's social media presence leverages not only Bilzerian's 26.9 million Instagram followers but also takes a bite out of Snap and Twitch. "We market more like Red Bull than we do a typical cannabis company," McCormick said. "We have some of the most popular influencers who post for free because they believe in the products and their benefits, they respect Dan, and they know being associated with Ignite will increase their engagement."

As much as Ignite trades on the testosterone-fueled reputation of its founder, the company also attracts what McCormick described as "unique females" who are confident enough to lean into the Ignite brand. If the company's performance to date is any indication, "unique females" probably will see that as a challenge.

Ignite.co

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IONIC

HELPING CONSUMERS DEFINE THEMSELVES

WHEN IONIC LAUNCHED IN 2012, cannabis was still mostly hiding behind the wall of medicinal treatment. The company intended to reframe the discussion by creating a brand specifically aimed at respectable professionals with families and jobs who also use cannabis. “We were one of the first companies in cannabis to market a brand as a legitimate and socially acceptable product for recreational use by responsible adults,” said Chief Executive Officer John Gorst.

The challenge was creating a corporate persona that celebrated recreational use and demanded to be taken seriously—and convincing target consumers they could adopt the same attitude. “We wanted to bring cannabis out of the dark and reset the bar,” said Gorst. “The IONIC brand was created with a clarity of purpose.”

Back then the company’s most effective tool was understanding the consumer experience—which they did, because IONIC’s founders were exactly the type of consumers they wanted to attract. Education played an important role in the process, and still does. Gorst said the company will continue to invest

significant resources in hosting educational in-store activations for consumers and special events for budtenders.

He also said IONIC understood early on the importance of developing a unique voice in an industry dominated by what the company’s founders perceived as sameness and outdated stereotypes. Gorst and his crew avoided the iconography and verbiage often associated with cannabis at the time. “We don’t feature pot-leaf imagery or use insider nomenclature like 420 or dank or canna-anything,” he said. “We try to avoid things that will instantly, even if subliminally, trigger those deeply rooted stigmas and previously held prejudices generally associated with cannabis.”

The team also insisted the company’s image evoke quality, class, and elegance. The brand sees itself as aspirational: bespoke packaging and timeless design elements reflect Gorst’s view that products make statements about those who use them. “Our products are designed to fit seamlessly into the discerning consumer’s life,” he said. “They don’t feel out of place. Our products aren’t something to hide; rather they are meant to be something one can be proud of and share.”

Ionic.social

Toast

PACKAGE PRIDE

TOAST SET OUT TO

CREATE a brand consumers would embrace in both social and wellness situations. During development, co-founder and Chief Executive Officer Punit Seth and his team focused on the concepts integrity, beauty, sociability, and accessibility. Packaging, they decided, would be crucial, since the look and feel of the product would do most of the marketing for them, at least initially.

Creative Director Gabrielle Rein found design inspiration in Prohibition and the Art Deco style of the 1920s. The elegant pre-rolls box is recyclable, high-quality paperboard with gold-foil details and a magnetic closure. The pre-rolls themselves, referred to as “slices” for market differentiation, bear a gold-foil logo.

The company has expanded its branding efforts with social justice initiatives. “We are well aware of the history of social injustice stemming from the prohibition of cannabis,” Seth said. “Our goal of elevating cannabis also means elevating our local communities.”

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Weekend Unlimited

STRATEGICALLY INVESTING IN FUN

HOW DID WE BECOME WEEKEND WARRIORS in our own lives? Many profess to hate Mondays, and there does not seem to be a lot of love for the rest of the workweek, either. But we're completely different people on weekends.

Weekend Unlimited built its recreational brand around the two days of the week we love most, offering consumers a "weekend feeling" every day. "Weekend's packaging, marketing, and events, through Weekend LIVE, are designed purposefully to connect to those elements that make a weekend what it is, delivering life's highs anytime, anywhere," said interim President and Chief Executive Officer Chris Backus. "We aim to be synonymous with the idea that if you need even a few moments on a Wednesday to feel like it is Saturday, you can with one of our products."

Though it may project a light-hearted image, the company doesn't play around. A powerful aggregator, publicly traded Weekend acquires undervalued entities—including growers, live events, consumer packaged goods, retail stores, and research-and-development facilities—and then folds them into a multinational, vertically integrated operation where everything operates at scale. The company has the clout, and the market capital, to invest in brand-building. It heavily invests in media and public relations, along with consumer events, and has developed considerable name recognition in a relatively brief time.

Of course, the company's playful spirit doesn't hurt. Bright colors, product names like Love Potion, and pop-art-derived visuals make packages a standout on store shelves. "The use of pop art iconography on our packaging indicates a key direction the brand is going [in order] to differentiate itself in the market, one that has a playful, fun element that consumers can recognize and connect with," Backus said.

Under everything lies the implied promise of relief from the weekly grind. "Consumers are people, and people regard their weekends as the best part of their week because there is a sense of freedom, relaxation, fun, and happiness," Backus said.

WeekendUnlimited.com





Lucid Mood

CHANGING THE CONVERSATION

LUCID MOOD'S NAME gets straight to the point: This is a brand designed for effect without the haziness.

Though the company has nothing against wax and shatter, the founders thought surely the market had room for adults with errands to run. They set out to fill that space with products that "elevate your mood without clouding your mind." First on the to-do list: Create a clean, sophisticated public image that embodies the antithesis of the "stoner" stereotype. Lucid Mood's sleek vaporizers, organized by effect, are called "sippers." The website and social media channels bear beautiful, painterly images of people enjoying themselves in everyday ways. The message is clear: Cannabis can play a role in your life without *becoming* your life.

"LucidMood is shaping the evolution of cannabis," National Sales Manager Melissa Leffingwell said. "We are transforming the stigma of the old thoughts of marijuana into a sophisticated cannabis experience."

"LucidMood would like users to feel inclusion—that there are products available that appeal to every level of Cannabis user," Leffingwell said. "We have created six distinct and very precise moods that will allow both new and curious users as well as the most experienced consumer to home in on the right mood for the right moment."

LucidMood.net

Mr. Moxey's Mints

THE MEDIUM IS THE MESSAGE

MR. MOXEY'S MINTS was among the trailblazers in the micro-dosing movement. When the company debuted its tiny medibles in 2015, the idea was to provide a “portable, discreet, and well-dosed” product—a new concept at the time. “This product broke the mold on what people had come to expect from cannabis edibles,” said co-founder Tim Moxey.

Today, the mints are easily among the most identifiable products on dispensary shelves, thanks to clever branding moves. To provide a reference point, Moxey packaged the mints in colorful, Altoids-like tins—which checked the boxes for portable and discreet. The logo design and font choices give a vaguely pharmacy-like impression, and the product description, “herbal pastilles,” harkens to days gone by. Moxey said all those elements were carefully engineered to make consumers feel as though they’re dealing with an old friend...who just happens to embrace a new medical dynamic.

Mr. Moxey's is one of the few cases where the branding effort focused almost exclusively on product packaging, but the tactic has worked. “Existing customers come into a store and point to the product they want, and new customers see a product that looks like it could be on the shelf of a natural grocer and want to learn more,” Moxey said.

MrMoxeys.com



Orchid Essentials

MAKING IT PERSONAL

ORCHID ESSENTIALS' BRAND STORY is intensely personal. Chief Executive Officer Corey Mangold began using cannabis in 2015 to relieve anxiety, residual surgical pain, and other medical issues. After consistently experiencing less relief than he believed possible with vape cartridges and batteries, he decided to tackle the perceived problem himself. The former advertising agency executive knew the value of branding, and he built his on one word: pride.

“Pride is the key word,” Mangold said. “Pride in standing for beliefs that are widely accepted. Safety and efficacy, and a high-quality product, are just as important to the consumer as they are to us. We understand the consumer, the other products on the shelves, and how to create products that line up to the needs and wants of the consumer. We take pride in all those things, and in creating a brand that is intended for the cannabis user who is looking for benefits, a good experience, and a consistent

experience they can count on each and every use.”

With more than twenty years of marketing and branding experience, Mangold used tricks of the trade that had worked for him in the mainstream. From the get-go, he wanted Orchid to stand out on shelves not by screaming, but by quietly insisting to be heard. Packaging is colorful but understated. “I wanted the package to be something a 38-year-old mother of three felt good about putting in her handbag and [at the same time] appeal to cannabis users, fashionistas, and young professionals.”

To help spread Orchid's story, the company dispatches representatives into the field to host retail events for consumers, train dispensary staffs, and educate new users. According to Mangold, it's important for any brand to educate consumers about its key selling points and how the products are different from anything else on the market.

In Orchid's case, the outreach—especially recounting Mangold's personal journey—has created a kinship, of sorts, with consumers who've had similar experiences. “We built the brand with mass-market appeal and a focus on health and wellness,” he said. OrchidEssentials.com



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Wyld

ENCOURAGING AN ADVENTUROUS SPIRIT

“WYLD IS UNTAMED AND TRUE TO ITS VERY NATURE,” said Claire Wilson, marketing manager for the Portland, Oregon-based company. The founders grew up hiking, camping, and snowboarding all over the Pacific Northwest, which provided inspiration for an edibles brand that celebrates the wild, Edenic land.

“WYLD invites you to forge your own path and push yourself beyond the limits,” Wilson said. In doing so, the brand aligns itself with other companies that have similar values and a shared appreciation for the outdoors. The company has sponsored the nonprofit Adventures Without Limits and Banff Mountain Film Festival in Portland, as well as Friends of Trees, which helps develop green spaces in urban areas. The products and the dynamic are a natural fit.

Demonstrating a company-wide vision of adventure, environmental responsibility, and strength of character, Wilson and her WYLD team seem to be everywhere, educating, talking about the brand and the outdoors, and getting to know consumers. “We want to prove cannabis can go toe-to-toe with any industry and provide a model for other businesses inside and outside the cannabis industry,” she said. In fact, working to help eliminate the stigma surrounding cannabis has created exciting challenges for her team. The message they are passionately spreading is that WYLD offers consumers more than just a cannabis chocolate; the brand offers nature’s wildness itself in the flavor of a freshly picked raspberry or huckleberry. “Our ability to produce consistent, reliable products is rewarded by the loyalty and respect of cannabis consumers from all walks of life,” Wilson said. “WYLD is a brand that enhances and adds to your lifestyle. This allows consumers to explore and curate whatever experience they see fit.”

WyldCanna.com



Wana Brands

TAGGING THE RIGHT MESSAGE

NANCY WHITEMAN SET OUT TO CREATE a health-and-wellness brand with a twist. What developed was a living, breathing entity with a memorable tag line that delivers the brand's core message: "Wana Brands: Enhance Your Life."

"When we say, 'Enhance Your Life,' what we're really saying is cannabis doesn't have to be the center of your universe but it can be one way to augment your life," said Whiteman, who serves as the company's chief executive officer. "We chose 'Enhance Your Life' because it speaks to what we try to provide to both medical/wellness and recreational users." The three-word slogan was effective during Colorado's medical days, but it proved to be a genius move when the state legalized recreational use: Medicinal patients use Wana to enhance their lives through symptom management, and Wana helps adult-use consumers enhance the quality of activities they already enjoy.

From the beginning, Whiteman devoted resources to branding initiatives, many of which support dispensary partners. The company invests in extensive product testing to reassure both dispensaries and consumers its products are safe and will produce consistent effects. "We have found that once customers find a consistent product they like, they are

very brand-loyal," she said. More obvious are the point-of-sale displays, videos, and radio and digital ads that keep Wana's name in front of consumers. Influencer programs create a sense of community. Eco-friendly packaging with shelf appeal and customized educational materials with consumption advice reinforce the brand's holistic-health imperative—which applies equally to people and the planet. "Sustainability is one of Wana's core [corporate social responsibility] priorities," Whiteman said. "We led the industry by introducing a new package that cut our waste stream by 60 percent and is both recyclable and biodegradable." The company also adopted a state park in celebration of Earth Day, and staff and their families converged on the area to clean it up. Wana's commitment to environmental responsibility continues to generate goodwill.

The company's profile also benefits from the Wana Athletes Program, through which the edibles maker partners with notables including endurance runner Flavie Dokken and yogi Martha Triantafyllides. "Together, Wana Brands and its partner athletes work to educate the athletic community and beyond about how cannabis can enhance their experience and allow them to enjoy their passion to the fullest extent," Whiteman said.

Everything comes back to the tagline: Enhance Your Life. It's a seemingly little thing, but it packs a punch.

WanaBrands.com



Whether lighting up or building a brand

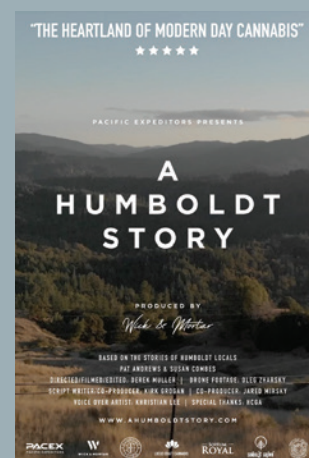
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Willie's Reserve

SHARING, CARING, AND TOKING

THE WILLIE'S RESERVE BRAND STORY is fueled by country music legend Willie Nelson's decades of devotion to the cannabis community. In legal states, the brand appears in homes, rehearsal studios, backstage at concerts, and on Nelson's tour bus—the same places where the legend of “Willie's (not so) secret stash” grew during pre-legalization days.

The company Nelson founded keeps the legend alive. “Many of the musicians we've met really relate to the idea of Willie's Reserve carrying on a tradition so woven into the fabric of American culture and music,” said Vice President of Brands Elizabeth Hogan. “It's that same spirit our marketing teams bring everywhere they go, to create a welcoming environment, bring great people together, and make sure everyone has plenty of weed. After all, it's always worked for Willie.”

Unlike some other celebrity-backed brands, Willie's Reserve has not struggled to find a significant consumer base. A singular focus on authenticity reflects Nelson's own persona, a “my stash is your stash” ethos the icon has presented since well before legalization. (A lengthy rap sheet attests to his penchant for sharing.) Now that cannabis is legal in many places, a broader swath of the American public can discover what all the fuss has been about. The brand also leverages Nelson's outspoken support for family farms by partnering with small growers in local markets.

The company offers a range of products including flower, vapes, accessories, gear, and edibles, enabling Willie's Reserve sales teams to work with each store to tailor the right product mix for their customers. “As budtenders know, it really comes down to offering the right option for what brought the customer into the store in the first place, and we aim to have plenty of options,” Hogan said.

In keeping with the brand's identity, the Willie's Reserve design team takes inspiration from Nelson's albums and art. While there's a lot of innovation in the cannabis world, the brand perceives a “lack of ritual.” That's what Willie's Reserve taps into, Hogan said: a sense of timelessness, of memories and associations that already have meaning to people.

“Willie's Reserve pays tribute to this tradition of sharing, caring, and toking,” she said. “Now that the cannabis revolution is well underway, it should come as no surprise that Willie is one of its most enthusiastic and committed supporters. His vision guides Willie's Reserve.”

WilliesReserve.com



Défoncé Chocolatier

THE LAP OF LUXURY

“DÉFONCÉ EXISTS TO ELEVATE AND DELIGHT, from the taste of our chocolate to the way we make it and the extra care we give to our partners,” said Southern California Regional Manager KeiLani Yanagihara. The upscale brand set about defining itself in a very deliberate way, taking cues from gourmet brands in the mainstream luxury market and attending to detail in both product and packaging. “We focus on stimulating the senses through our rich and varied taste and smell, the look and feel of our packaging and form-factor, and then the after-effect of consumption,” Yanagihara said.

The company revels in creating the kind of joy indulgence brings, celebrating chocolate as a decadent gift of the gods.

Défoncé edibles are designed to be “revealed,” almost as though undressing a lover: gently open the package, visually caress the product, inhale the delicious aroma, and then linger over the taste. Each step of the experience is designed to surprise and pleasure.

The company also caters to high-end expectations, boldly promoting its ingredients as elegant and destined for those who want only the best. Défoncé sources its chocolate from gourmet suppliers TCHO and Guittard Chocolate Company, and the bars include upscale ingredients including vanilla beans, matcha, and hazelnuts. According to Yanagihara, the only essence customers won’t perceive is cannabis. “Défoncé is all about creating the finest chocolate in the world that happens to have cannabis as an ingredient,” she said.

Defonce.com



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mood33

BRAND STORY AS PROLOGUE

FOR MOOD33 CO-FOUNDERS Michael Christopher and Eric Schnell, infusing a beverage with a functional cannabis experience has embodied the journey of a lifetime. A lifelong asthmatic who overcame a debilitating childhood illness, Christopher's adult dream was to develop a line of smoke-free cannabis products he and other "regular people" like him could enjoy without risking their lives. In 2015, he met Schnell through a mutual colleague, and the dream became reality.

"I was crafting home recipes of cannabis-infused herbal tonics and kombuchas in my Brooklyn loft at the time," Christopher said. "I was seeking advice on how to commercialize these early beverage concepts and thankfully met Eric and his team at BeyondBrands, an eco-conscious, New-York-based [consumer packaged goods] brand accelerator and development agency."

That brand backstory grew into a simple, but powerful, mission: selling peace, happiness, and relaxation. The story and the mission resonate with a set of consumers who, in a digitally over-saturated, high-stress world accustomed to artificial satisfaction, turn to cannabis for peace, relaxation, and joy. "As more consumers see cannabis as the next-generation health-and-wellness ingredient it is, we seek for those consumers to identify mood33 as the brand that bottled the power of the plant and shared the happiness," Christopher said.

After creating a fun, sociable corporate personality, the pair had to build an environment in which the personality could shine. Schnell's background taught him one of the keys to winning consumers' hearts and minds was engagement through in-person education and sampling. mood33 has hosted events in diverse environments including the hills of Malibu, yoga retreats and healing ceremonies, "mocktail" bars at book launches, "extra-happy" hours at consumption lounges, and cannabis tourism excursions in San Francisco and San Diego.

Hosting "mood bars" at underground dance parties in Oakland, California, took advantage of mood33's signature marketing appeal: beverages infused with cannabis extracts, functional teas, herbs, fruit, and flowers, producing uncommon flavors and "moodstates."

"We opted to own the power of the word 'mood' and its connotation in our brand name," Christopher said. The company's products follow a naming convention dictated by that choice: Joy, Passion, Calm, Peace, and Energy. "Our goals were to offer consumers an easy way to select and engage with the products, and to determine the best usage occasion for each proprietary formula with a quick glance at the bottle and its label."

And they're always brewing something new. "We are now actually working on an [artificial-intelligence]-enabled facial recognition app that can prescribe the best mood33 product based on a consumer's facial expression or current mood," said Christopher.

mood33.com

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Dr. Norm's

PRESERVING FAMILY TRADITIONS

JEFF AND ROBERTA KOZ founded their company on principles they learned from their parents: a caring bedside manner, a contagious sense of humor, and treatment designed *with* patients, not *for* them. Dr. Norm's is named for their father, an honest-to-goodness old-style physician who made house calls and treated patients as though they were family. Their mother was a pharmacist who also baked wicked-good cookies. Both passed away before the company came to be, but the offspring think the parents would be proud.

The siblings, both of whom enjoyed careers as branding and marketing professionals prior to founding the company, embarked on a mission to create a brand that telegraphs a nostalgic, apothecary impression. Ultimately, they intended to establish the kind of rapport patients enjoyed with their family doctors in the 1950s and '60s, when compassion, comfort, and trust were the norm.

The effort may have been deliberate, but nothing about the brand's expression is contrived. That's important, Jeff Koz said, because a brand is nothing if consumers perceive a lack of authenticity.

"We didn't create a character named 'Dr. Norm,'" he said. "He was our dad. That's his med school photo on the package. The cookie recipe really is Mom's. Our brand communicates all of that."

"Ideally, every cannabis brand should communicate to consumers what to expect when they use the products," he continued. "And when consumers experience what the brand communicates, that's the home run."

Koz said he and his sister—and a brother who's a silent partner—take a great deal of pride in the way Dr. Norm's authenticity resonates with a broad age demographic ranging from 21 to golden-agers in their eighties. The siblings, all in their fifties "and proud of it" according to Koz, have made a priority of maintaining the small-town-doctor, family-owned-company vibe even as the company grows.

Growth may take a sudden leap, in fact, thanks to the branding the Koz family accomplished. Four companies have approached the siblings about partnerships. "The brand and products are what attracted them," said Jeff Koz. All four suitors offered investment with one caveat, he added: "Please don't change what you're doing."

DoctorNorms.com, DrNormsCookies.com

Sunderstorm

CLARIFYING THE MESSAGE

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ACCORDING TO CAMERON CLARKE, a “sunderstorm” is a thunderstorm when the sun shines through the rain clouds. Clarke and Keith Cich coined the term, then realized it perfectly encapsulated the cannabis philosophy they’d developed over years of traveling in India and Asia, studying consciousness, plant medicine, and science.

They co-founded Sunderstorm, a brand built on deliberate consciousness and the harmonious blending of science and nature—with a liberal dash of Eastern mysticism. “We believe the plant can be integrated into one’s day-to-day life to relax, socialize, and heal,” said Clarke, who serves as the company’s chief executive officer. “This philosophy envelopes all our products.”

While Clarke and Cich knew who they and the brand were, the public wasn’t so sure. The corporate image, packaging, and message didn’t resonate; consumers seemed confused by the company’s several product lines that were related but had separate identities, stories, and demographics. So, Sunderstorm underwent an extensive, multifaceted rebranding early this year.

They discovered one hard fact: “Cannabis has something for everybody, but a brand can’t be all things to all people,” Clarke said.

The process was daunting but fruitful. Tinkering with the brand’s personality, expression, and voice forced Cich and Clarke to define their target markets in excruciating detail. They spent many late nights and early mornings working with the team at creative agency Madison 8, concocting ways to portray the brand’s promise through packaging, brochures, ads, billboards, videos, websites, and social media. Everything had to represent Sunderstorm’s motto: “Joyful Journey.”

The result? Four distinct voices with a unified message: “healthy, conscious, and clean.” Kanha infused gummies give off a distinctly Vedic vibe, “reminding adults to enjoy the fruits found on life’s journey.” Wind vapes manifest as both ethereal and dynamic, their packaging an homage to a force of nature. Nano sublinguals take an indisputably scientific approach, and Solara flower is eco-friendly.

“We focused our branding to deliver a message of joy and adventure,” Clarke said. “It’s all about positive vibes for us, and this flows through everything we do and offer.”

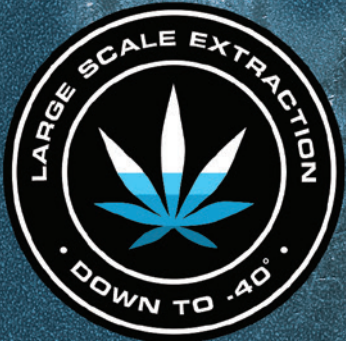
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Capturing Cannabis on Film

Aaron Rogosin and Shayna Goldstein
are reframing the industry's image.





Telling stories through imagery has been a defining human characteristic since the earliest men painted on cave walls. Those drawings eventually lead to oil on canvas. With the development of photography in the early 1800s, a new storytelling medium emerged.

Cannabis is naturally photogenic, but the plant's beauty and the lives and work of those who toil in the fields went largely undocumented until relatively recently. "Cannabis is a beautiful plant with infinite permutations of genetic traits," said Shayna Goldstein, who, with Aaron Rogosin, co-founded Outer Elements Photography. "As the daughter of a biologist, I find it fascinating to be able to document this incredible plant that has intentionally not been documented."

Outer Elements saw its genesis in 2016 while Goldstein and Rogosin were on a month-long bicycle tour through the Czech Republic, Austria, and Switzerland. A professional photographer with clients including South by Southwest and Red Bull, Rogosin wanted to expand his portfolio. "I knew if I really wanted to reach my potential

as a photographer, entrepreneur, and industry leader, we needed a brand that was synonymous with quality so it could scale beyond the limits of a sole proprietor," he said.

Before Outer Elements, Goldstein worked in the film industry, mostly in art departments. While she loved the work and the relationships she forged, film production can be labor-intensive, offering little downtime. "Episodics are a grind," she said of her work on television series. "My relationship with cannabis was solidified during this time as a way to help me relax, sleep, let go of stress, and manage pain."

The pair's personal relationship with cannabis evolved into a solid professional relationship with the people who grow the herb. Initially, they photographed plants for Southern Oregon cultivators but didn't include the

"Within the past two years, Shayna and I realized we have a tremendous opportunity to help define a new visual culture."

—Aaron Rogosin, co-founder, Outer Elements Photography



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images in their professional portfolio for fear they'd alienate other clients. "We've always had one foot in [the industry] but, due to the stigma surrounding prohibition and the potential of alienating our 'mainstream' clients, we never really promoted the work we did through our traditional outlets," Rosogin said. They eventually discarded what turned out to be an erroneous concern. "Within the past two years, Shayna and I realized we have a tremendous opportunity to help define a new visual culture," he said.

CHANGING THE LANDSCAPE

Since that revelation, Rosogin and Goldstein have taken an active role in developing the cannabis industry's image. In their estimation, unsophisticated and often sexist marketing dominated the landscape in the early days. That is changing as marketers understand businesses and consumers compose a diverse population. "One of the first lessons in marketing and branding is 'don't turn people off by using dated and sexist archetypes,'" Goldstein said. Rosogin said he hopes such "low-hanging fruit" is on its way out. "There are so many stories that can be told about this plant," he said. "It has profound potential to impact our world."

Branding is everything in the cannabis industry. Without access to most traditional advertising forums, initial impressions become the first, and often only, opportunity to connect with customers. "In the first five

seconds, people are deciding if they trust you," Goldstein said. Despite other differences between the industries, she sees a parallel between marketing cannabis and films: audiences' short attention span. "It's kind of like set design, where you're helping shape the character of your product by how it's presented," she said.

Although branding is about highlighting stories, Outer Elements is not in the business of fabricating narratives. "Aaron and I seek out people and companies with a clear mission-driven ethos," said Goldstein. "It's very important for us to be moving this industry forward through education." Rosogin added both of them temper their capitalist goals with no small amount of idealism. "We care deeply about the people," he said. "We run a business and of course money is important, but working toward building an industry that is based on stewardship, community, and compassion is just as important as the bottom line."

"Don't turn people off by using dated and sexist archetypes."

—Shayna Goldstein, co-founder, Outer Elements Photography



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THROUGH THE LENS

Outer Elements images frequently are breathtaking, and such artistry is not a lucky coincidence. The partners invest significant effort in every shot. Because they are documenting a controlled substance, their work must be accomplished on-site, and cannabis farms typically are not located in easily accessible settings. “We bring a mobile studio everywhere we go,” Rosogin explained. “We shoot with the Elinchrom ELB 400s and 1200s. These are lithium-ion-battery-powered portable lighting units that eliminate the need for a stationary power source. Being able to move unhindered by long power cords gives us a huge advantage to produce studio-quality work under any circumstances or conditions.”


The team also invests considerable time and effort in helping clients define goals for the shoot. The complex procedure starts with a simple question, according to Rosogin: “Why are we taking this photo?” Far from the subject of existential reflection, the answer informs his strategy. “Where will [the image] be placed?” he continued. “Will there be the potential need for negative space around the subject for copy?” Rosogin said he feels basic forethought helps ensure a successful product.

Because they’d like to improve all cannabis businesses’ access to powerful imagery, the Outer Elements team has devised a new program that will help dispensaries

“Working toward building an industry that is based on stewardship, community, and compassion is just as important as the bottom line.”

—Aaron Rosogin, co-founder, Outer Elements Photography

with modest budgets create their own images. “One of the services we will soon be offering is a studio lighting package that will be relatively affordable and produce consistent, top-quality results,” Rosogin said. He and Goldstein will help clients set up the equipment and instruct them about effective usage. The effort is designed to provide dispensaries with the ability to personalize menus, among other things.

Ultimately, Outer Elements is documenting one of the most unique industries and movements ever. “It’s an honor to do what we do, and that’s why we take it so seriously,” Goldstein said. “Some of the very best people we’ve had the pleasure of meeting work in cannabis. That certainly makes things not only easier, but also genuinely path-reaffirming.”  —Danny Reed

OuterElementsPhotography.com



Catering to the Right Audience

Pay attention to millennials.

They're going to be your biggest customers.

The world is in the thick of the millennial moment. This year, the cohort of Americans who were born between 1981 and 1996, otherwise known as millennials, will replace their parents, the Baby Boomers, as the country's largest living adult generation. There are 71 million millennials in the U.S., a group that outnumbers the entire population of the U.K. or Thailand. On a global basis, these folks also will become the world's biggest spenders at some point in 2020.

That's going to be huge for the cannabis industry. While older Americans are flocking to cannabis to help ease the aches and pains of old age, millennials are poised to be the most important customers in this burgeoning market—especially when it comes to adult-use.

Billions of dollars will be up for grabs. The U.S. market for legal adult-use cannabis

is projected to increase to \$47 billion within a decade as more states legalize the drug. Around 52 percent of the 55 million cannabis users in the U.S. are millennials, and their share of the market is growing.

SPENDING POWER

Although the image of the cash-strapped millennial has become a cultural stereotype, their sheer numbers translate into huge spending power. They're also prepared to spend what money they have on cannabis. For example, millennial cannabis consumers in California spent, on average, \$179 per month on cannabis in 2017, up from \$136 per month in 2016, according to statistics from cannabis delivery company Eaze. Millennials provide strong demand for the whole range of cannabis products, but they are especially keen on vaporizers, pre-rolls, and edibles.

Millennials are not just queuing up for cannabis; they also want to own a piece of the industry. Despite millennials retreating from the stock market in general since the global financial crisis, they're flocking to buy shares in cannabis companies. In fact, cannabis stocks are so popular with this generation that the trading app Robinhood was forced to suspend new buying of Toronto-listed Aurora Cannabis last year due to the sheer volume of orders.

Given all this, it's no surprise that an overwhelming majority of millennials support cannabis legalization. Around 62 percent of Americans believe cannabis should be legalized, according to a recent Pew Research Center survey. However, millennials are easily the most supportive cohort, with 74 percent saying cannabis should be legal.

TARGETED OUTREACH

The size of the group, their willingness to spend, and the fact they live online should make this generation a marketer's dream. While cannabis brands mostly are prohibited from advertising on social media, they still can have a presence there through Facebook, Instagram, and Twitter accounts. Facebook recently relaxed its rules in this regard, and now displays blue or gray verification badges for companies certified as legitimate organizations or businesses. Dedicated cannabis sites such as Leafly also have listings for licensed and regulated brands, which allows dispensaries to grab the attention of local cannabis consumers.

Once you have successfully established a presence, it's worth going on a content drive. Millennials support businesses that strive to provide information along with a product, and they are hungry for e-books, white papers, blog posts, videos, and other how-to information. This generation is 44 percent more likely to trust experts, even if they're strangers, and 247 percent more likely to be influenced by blogs and social networking sites.

Because it's still difficult to advertise online and have your content seen in a saturated online landscape, branding and packaging are critical to ensuring your company stands out and is considered in the decision-making process. Your brand story should be on full display across every

inch of your packaging design. Millennials want to make an emotional connection and seek brands that align with their lifestyle and aspirations. It's also ideal for companies trying to build brand equity to leverage the real estate on their packaging to lead people to social media and email lists so they can engage, market, and spread the brand story. By doing so, you'll be maximizing opportunities to establish a connection and work toward brand loyalty.

WINNING BRAND LOYALTY

Aside from branding that speaks to them, millennial customers also are looking for variety and quality. According to one study, millennials are willing to spend more on cannabis than they do on groceries, because when it comes to cannabis they want to buy the best. That means it's important brands ensure consistent quality—no easy feat when you're dealing with local regulations that make it almost impossible to produce exactly the same product in every region. But for this market the effort will pay off, because millennials also want to be loyal to specific brands.

To win that brand loyalty, companies must not only connect with millennials and offer them a high-quality product, but also clearly communicate their values. According to data from Forrester Research, nearly seven in ten

millennials actively consider a company's values when making a purchase. And they're very good at sniffing out frauds. Make sure your company stands for something and is transparent about its practices and values.

At the retail level, millennials want a unique experience. They don't want to just buy cannabis—they want memories. Retailers should make sure their shops are friendly, welcoming, and tailored to the local environment. Building trust and offering a unique environment are factors as important to millennials as price and selection.

For example, one major U.S. cannabis player is opening a chain of dispensaries that promise an environment "reminiscent of visiting the greenhouse laboratory of a 19th century botanist." This includes botanical walls, weathered wood, and bell jars showcasing the product, as well as educational programs about topics such as cooking with cannabis and throwing CBD-infused mocktail parties. The message is that cannabis is not just a product but a whole way of life.

The prospects look good for cannabis companies that focus on their millennial customers. The size, spending power, and prevailing cultural attitudes of this generation suggest success is not a question of if, but when. 



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David Elias Builds a Bull Market Out West

Lowell Herb Co.'s chief executive officer used lessons he learned as a mainstream serial entrepreneur to co-found a cannabis powerhouse.

For all the talk about vertically-integrated companies with deep pockets moving in to dominate the cannabis industry, leave it to a lean-and-mean upstart with a simple idea to steal the show: Lowell Herb Co.'s pack of fancy-pants pre-roll smokes is one of the first iconic, must-have products in the most competitive weed market in the world.

When the company launched in 2017, Lowell worked with one farm, employed five people, and harbored a grandiose plan to become one of the first household names in the United States. Two years later, it's well on its way. With a 35-percent market share in California's pre-roll market, 350 dispensaries on its distribution roster, and 135 employees across the state, the company named for "Indian hemp" pioneer and proto-counterculture dissident William "Bull" Lowell is staking a claim far and wide.

Co-founder and Chief Executive Officer David Elias, who shares a certain amount of nonconformist ideology with the company's namesake,

BY CHRISTOPHER JONES

Photo: James Banasiak

is no stranger to startups and competitive business environments. With an uncanny ability to create buzz around a brand, he's built and exited two successful startups over the past twenty years. His guiding philosophy boils down to this:

"It's more about the product being loved than the money being spent to convince people to love it."

MARKETING, HACKED

The cannabis industry's origin story is largely a tale of renegades and hippies-turned-farmers going back to the land and growing some weed along the way to help support their maverick, off-grid lifestyle.

Elias is from a different planet altogether. Raised in Long Island, New York, he ran documents around Wall Street as an ambitious teenager, then spent several years as a trader at securities brokerage firm Bear Stearns. In the 1990s he launched his first startup in his pint-sized West Village apartment. The concept was ahead of its time: viral marketing. He said the influencer marketing idea was a natural outgrowth of his lifestyle, which included DJing at various clubs in the city and hanging out in the intermingled arts communities. Connecting artists and other influencers—or "creators," as he prefers to call them—with aspiring brands turned out to be a great business in the capital of all things hip and marketable.

"My experience running that agency was impactful, connecting brands in a meaningful, authentic way, which was imperative at that time," he said. "We knew a lot of people in New York, so we would help connect people from nightclubs, clothing stores, creative agencies, record labels, modeling agencies. We started promoting products, and later we used the internet to do that for big brands like Coke, Bacardi, Intel, Chase, and later Facebook, which was still a small company at the time."

Over the course of his career, Elias has been a marketing, finance, and technology entrepreneur in several successful ventures. But in 2016, he decided to devote all his time and energy to dissecting the cannabis industry. So, he moved to the biggest weed market in the world to begin his journey: California.

"I'm incredibly inquisitive, and there's a part of my brain that is constantly problem-solving, so I excel at that," he explained. "What I learned is that you want to be early on your idea, and there'd better be something special about what you're creating. And then you hire the best and brightest team possible. That's how you take an idea and turn it into reality."

3-2-1... LIFT OFF!

After moving to Los Angeles in 2016, Elias visited farms, met with sales and distribution representatives, and for several months shadowed a friend who owned a dispensary in Studio City. He created a database of SKUs for all the brands he could find on Weedmaps. It was a scorched-earth approach to research, with no nugg left unturned.



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“When we launched [Lowell Herb Co.] in 2017, I felt very confident that I understood the market,” he said. “Like anything else, you can’t just jump in with an idea. You have to have a feel for the market, for the consumers, the store owners, and a sensitivity to proper pricing. We wanted real relationships with great growers so we would have the best possible flower. By the time we launched, we were very ready. But you’ve got to put that time in.”

When ready to build his team, Elias looked for people with meaningful experience and relationships in the cannabis industry. To find a sales team leader, he went looking for the best budtender. “This guy is having 1,000 conversations a month with customers!” he said. He took a similar tack with his top buyer, a veteran farmer from the Emerald Triangle with deep connections to other talented farmers in the region. “He knew what it was like to put time, money, energy, and his life into a grow,” Elias said.

Now, two years into the game, it’s all systems go.

“I think we have a heightened awareness of all the critical components of success,” he said. “There’s the team we’re building, the products, the connections at retail, the social media talking to our fans, the merch we create. And then on the back end, having systems in place, staying on top of compliance and licensing. It’s all a steep curve. My comfort level is nothing less than perfection on our quality and our protocols. All those things are incredibly steep in this industry.”

THE COACHELLA INCIDENT

In the spring of 2017, Elias saw the Coachella music festival on the calendar and decided it was time Lowell made its first big viral media splash. The company announced the now-notorious “weed flower crown” before the festival. With \$55 and a trip to a dispensary in nearby Palm Springs, concert attendees could buy the prized product, composed of one-quarter ounce of the company’s Dog Walker, Single

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It’s more about the product being loved than the money being spent to convince people to love it.



Expansions need to be well-thought-through, and it's not about being in every market.

White Girl, and Chocolate Hashberry strains. BuzzFeed summed it up well at the time: “That’s right folks. You can now wear a flower crown with smokable buds of weed in your hair. 2017, am I right?”

Not long after that marketing home run, Lowell offered a \$300 tasting flight of Lowell flowers to light on the eight nights of Hanukkah. Come Valentine’s Day, the company marketed a bouquet of wildflowers, eucalyptus, and an ounce of prized buds. It was love at first sight for Lowell’s customer base.

At its core, though, Lowell Herb Co. is about creating the perfect pre-roll. Its Smokes packs are sold in a variety of strain configurations and sizes, with detailed descriptions of the flowers, profiles, and farm origins. With a pledge to contract with only organic, pesticide-free farms and “pay our farmers a proper living wage,” Lowell has earned a reputation for high-quality, sun-grown flower in unique and exotic strains. But its anchor product line isn’t the only reason for the company’s success. With its quirky and creative promotions, Lowell continues to enchant a growing crowd of evangelists, who giddily spread the word, and weed, at parties and on social media.

“We wanted to create fantastic products with beautiful packaging that could be marketed and promoted by these great brand

ambassadors sharing their experiences, so that core message of the passion and craftsmanship is translated,” Elias said.

CORPORATE ETHOS

Lowell HQ resides in a nondescript building on a nondescript street in L.A., but walk inside and the brand and its vintage-chic aesthetic are on full display. A conference room doubles as a showroom for the company’s artisanal products and slick merchandise, everything from ashtrays and grinders to ceramic match holders, wooden coins (wait, what?) and humidors. Planted in the hallway is one of the more extravagant cannabis merch indulgences you will find: a Lowell-skinned vintage vending machine that’s offered for a cool \$15,000. (We’ll assume it comes fully stocked.) Walk through the space with Elias, though, and he seems most excited about a new batch of T-shirts he commissioned from several artists, each of whom spun the company’s logo and brand message in a clever way.

“What we’ve seen over the past year is that customers are finding brands they love. The demand we see at retail is not from tricky sales programming; it comes directly from consumers who are excited by the things we create,” said Elias. “We don’t spend any money on marketing or advertising, which is quite shocking for a brand with a



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35-percent market share. Everything is word of mouth. We are solely focused on the customer experience and are always thinking about the decisions we make to wow those customers.”

In short, when Lowell has the likes of Emma Stone, Usher, Diplo, and Miley Cyrus hyping its brand on social media, there’s no need to put money toward plastering the company’s signature bull on billboards around town.

To keep its momentum and viral media presence on the fast track, Lowell has introduced several new products of late, including Chiefs (one-gram, tobacco-free blunts rolled in palm leaves) and a variety pack that includes some of the company’s most popular strains. Sitting on the coffee table in Elias’s office is a pack of Lowell’s new CBD smokes, which he thinks could be a boon for cigarette smokers trying to quit. And he should know: Nicotine sticks are one of a few addictions Elias has kicked over the years. When he starts talking about the opioid epidemic, he clearly has empathy for people still struggling with addictions. He talks about the importance of fighting for social equity in the cannabis industry and communities that have been harmed by the abysmally ineffective war on drugs.

“We’re mindful of getting our name out there, but also being impactful and mindful of people affected by non-violent cannabis crimes,” he said. “We hire a few people [convicted of drug crimes] each quarter in our social equity program and will continue to add them as we grow.”

Staying true to its unconventional marketing strategies, Lowell promoted the social equity program via a billboard down the block from the Men’s Central Jail and Twin Tower Correctional Facility in downtown L.A.: “Recently Pardoned? We’re Hiring.” The company also promoted its jobs initiative on TV, radio, and online outlets. Along with full-time jobs, the program includes internship opportunities, on-the-job training, education, and other resources to help non-violent drug-war victims prepare for careers in the industry.



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You want to be early on your idea, and there’d better be something special about what you’re creating.



Customers are finding brands they love. The demand we see at retail is not from tricky sales programming.

MAINTAINING MOMENTUM

Initially, Lowell sourced products from just one farm, but the family tree now encompasses forty-five farms—and the tree is still growing. To satisfy the company's production goals moving forward, Lowell purchased a sixty-three-acre farm in the Santa Ynez Valley, north of Santa Barbara, California, where Elias plans to give family farmers their own plots to grow prized strains.

"There is a lot of craftsmanship in cannabis that is both science and art, and the farmers we work with have nailed that," he said.

Maintaining market share in an ultra-competitive market is no easy task, but Elias is bullish on Lowell's future and expansion plans. The company recently received approval for a manufacturing license in Los Angeles, and the research-and-development team has been designing and testing new products that meet Lowell's standards for quality and creativity.

"One of the main things we're wary of is taking the trust of our customer for granted," Elias said. "In our R&D, we won't enter a category unless we are sure we can create a better product. What

we've created is a brand platform, so the brand side is not just one component—it's packaging, sales, and an incredible ability to launch the right products at the right time. I'm very excited about 2019."

One of the ways Lowell develops new product ideas is by tapping the people on the retail front lines: budtenders, who say it can be difficult to explain how different strains may impact individual users. Experience depends on a variety of factors beyond anyone's control: health, tolerance, and preferences, among other variables. To help consumers better understand the taste and effects of different strains, Lowell developed a variety pack—seven single-strain hybrids, sativas, and indicas, pre-rolled into half-gram joints. Lowell also invites budtenders into its headquarters to educate them about the nuances of its products and give them an up-close look at the company's work culture and milieu.

About two-thirds of the company's revenues still derive from simple, elegant packs of smokes, but Elias is eager to expand the product line, slowly but surely.

“Expansions need to be well-thought-through, and it’s not about being in every market,” he said. “We spend a considerable amount of time and energy thinking about issues and concerns on products that have not yet been created or haven’t been brought to commercialization. We have a great R&D team working on different product considerations, and we’re taking a close look at those opportunities.”


He said one of the opportunities was a no-brainer: jumping head-first into the exploding CBD market. This spring, the company launched Lowell CBD Smokes, a pack of joints made from “the highest quality, phytocannabinoid-rich hemp containing a full spectrum of cannabinoids such as CBD, CBG, CBN, CBC, and terpenes.” Because the herb contains only trace amounts of THC, the company is able to sell the CBD Smokes through its website and in stores across the U.S.

A WEED LOUNGE FIT FOR THE STARS

As Elias and crew built the Lowell brand over the past two years, they interacted with a diverse community of industry operators, tastemakers, and enthusiasts by hosting harvest parties and tastings. The events provided real-time, real life feedback about new products and plans.

Now Elias intends to open that experience to a wider audience with the launch of a branded weed lounge and café located in one of the hippest ‘hoods on the West Coast. The company recently secured a license to operate a consumption lounge in West Hollywood, and Elias feels certain the destination will become *the* spot to light up when it opens in June. The Cannabis Café will be a “Mediterranean oasis, hidden from the street up a guarded elevator” and offer fresh-pressed juices, artisan roasted coffee, and food sourced from local farms that can be infused, at the guest’s direction, with THC and/or CBD. The chef, Andrea Drummer, has worked for Michelin Star chefs and renowned restaurateurs such as Neal Fraser and Thomas Keller and is a budding star in the cannabis-infused food scene.

As he contemplates rolling out Lowell in more locations along the West Coast—the company recently set up shop in Oregon and has plans for Washington state and Nevada—Elias doesn’t take his early success for granted. With experience at his back, he knows what it takes to keep the ball rolling.

“The past two years have been the most challenging of my life,” Elias said. “In all of my business experience over twenty years, when people ask me about this industry, I say, ‘Take the hardest activity you’ve ever had and multiply it by ten.’ That’s every single day I’m awake.” 



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Reducing Temptation

Inventory control, surveillance, and operational procedures can help prevent theft.

High operating costs, overhead, lack of tax deductions and services available to most small businesses... It sure is tough in the cannabis industry. No one operating in this space can afford to be in competition with their employees. While much of the focus on theft relates to customers and criminals, employees with sticky fingers can be a silent killer.

Analysts estimate employee theft costs businesses in the U.S. approximately \$50 billion per year. Even scarier, it's estimated up to 75 percent of employees have stolen from an employer at least once, though the severity of the infractions varies. Nobody worries about a few missing pens, but routine theft of merchandise valued at even small amounts can lead to a company's demise. In fact, about 33 percent of all bankruptcies are caused in part by employee theft.

Because employees have access to both cash and cannabis, dispensaries face a significant risk from within. We asked several experts to share their best tips for curbing temptation.

DISCOUNTS AND MISSING MERCHANDISE

In the digital age, internal theft can be more complex than someone sneaking their hand into the cash register when no one else is looking. Flowhub Chief Executive Officer Kyle Sherman said one vulnerable area that often goes unnoticed is over-discounting. Some budtenders have an unchecked ability to apply discounts to purchases, and abuse of that system—say, by providing steep discounts or free product to friends and family—can put a severe dent in profits. “Improper discounts are often a great point of loss for dispensaries,” said Sherman, whose company provides a point-of-sale (POS) platform, inventory management tools, and seed-to-sale tracking. “If you are not tracking your discounting, you could be losing a lot of money.” Flowhub's platform provides managers with the ability to oversee and set limitations on the discounts given out by employees.

Of course, theft is not limited to overzealous discounters. Flower and infused products have obvious appeal for both personal use and to sell on the black market. Inventory stored in the back of the shop too easily can disappear on its way to the showroom. “The budtender can be tracked from the vault to the floor,” said Sherman. “Flowhub forces you to track everything.”

For cannabis companies, employee theft presents more problems than simply a sagging balance sheet. Uncomfortable questions inevitably follow inability to explain how a federally banned substance “fell off the truck.” Sherman believes precise inventory tracking is the only way for operators to protect themselves. “When you get audited, you'd better be ready with relevant information such as which employees handled specific products,” Sherman said. Although most employees likely are well-intentioned and trustworthy, the few exceptions can cause more than headaches for dispensary managers. “Your entire license relies on this one individual, often an entry-level employee, to keep you compliant, so it is important to be able to track exactly what is going on in your shop,” Sherman said.

EYE IN THE SKY

Traditional security and surveillance equipment also are essential—and, in the cannabis industry, typically required by law. “In a retail environment, recorded video evidence is essential for forensic investigation and

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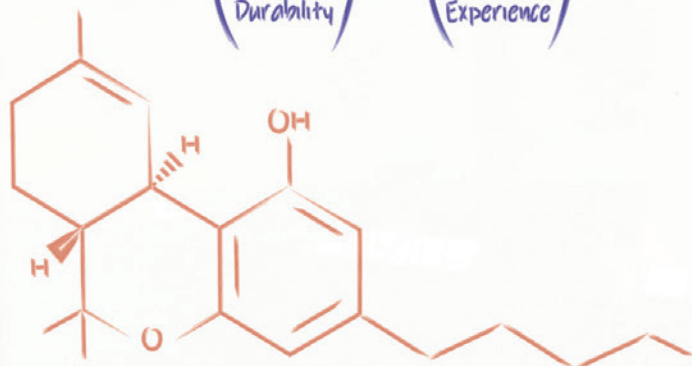
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audit of suspicious events,” said David Raske, chief marketing officer for Bastion Security, which serves the cannabis industry through its subsidiary VideoSurveillance.com. Like a virtual watchdog, VideoSurveillance.com uses the internet to provide protection.

Raske sees surveillance and security equipment playing a more proactive role than some may assume. “Remote video monitoring services use trained security personnel that leverage surveillance systems to provide an additional layer of security,” Raske said. Primarily, such service is employed “in high-risk and outdoor areas, allowing businesses to deter suspicious or illegal activity by employees or outsiders.” The surveillance is continuous and conducted in real-time, which Raske said is more effective than “watch[ing] a video of theft that’s already occurred.”

Remote video monitoring “can also help prevent illegal entry [break-ins] by interacting with suspects when they first approach doors and windows, as opposed to alarm systems that only react once criminals are already inside your business,” Raske said.

Security is all about identifying vulnerabilities and acting to mitigate risk. For cannabis dispensaries, potentially vulnerable locations include inventory storage areas, grow rooms, and retail sales floors. One more key vulnerability exists: people. “It’s an unfortunate truth that, in some cases, theft by non-employees is assisted or coordinated by employees themselves,” Raske said.


PEOPLE SKILLS

Technology such as surveillance systems and POS/inventory managers clearly are essential in helping to reduce theft and maximize profits. According to Veronica Espinoza, human resources business partner at workforce management firm Wurk, operational procedures should be implemented as well. “Ensure procedures are in place for inventory and cash management, as well as register audits,” she said. Also, if your budtenders accept tips, define when these gratuities are counted, how they are divided, and who is overseeing the process.”

Theft requires both motivation and ability. Before an employee ever works on the dispensary floor, procedures can be implemented to reduce the likelihood of conscience crises. “A strong onboarding process can create buy-in for new employees,” Espinoza said. “This is a crucial time to convey the importance of compliance and reiterate

your core values so you can help establish an employee’s dedication to the success of the business.”

Although typical theft involves cash, product, or company resources, Espinoza pointed out another problematic area: time. “Operators can use people data from technology systems to gain insight on employee time theft [people regularly clocking-in late, taking longer breaks, clocking-out early] and to get ahead of possible turnover,” Espinoza explained. In fact, the American Payroll Association estimates time-clock shenanigans cost businesses 1.5 percent to 5 percent of gross payroll.

Of course, the best defensive efforts won’t ward off all unfortunate events. Espinoza said management should act quickly when problems develop. “Any violation of company policy must be handled swiftly and professionally,” she said. “It’s important to carry out a thorough investigation and consistently follow policies [that are] in place. Document details of the occurrence and disciplinary action taken on the employee record.” 

Key Stats

EMPLOYEE THEFT is the number one source of inventory shrinkage.

U.S. businesses lose **\$50 billion annually** in cash and inventory to employee theft.

On average, businesses lose **7 percent of revenue** to employee theft or fraud.

33 percent of bankruptcies are caused by employee theft.

Typically, employers don’t detect employee theft until **two years** after the first event.

About **75 percent** of all employees have committed theft at least once.

(Source: SheerID.com)



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How to Court Your Customers

Good relationships are built over time.

For business owners and customers alike, branding is like dating: Sometimes we think with the wrong part of our anatomy. To make a brand last, as with relationships, we must think about the big picture.

Every time a customer purchases a product, a relationship is formed with that brand. Some of these relationships are based on convenience and thus are brief, and some of the relationships last the remainder of our lives. When you build a strong brand and deliver an equally powerful product, you can win your customer's loyalty for life.

What do you look for when you are selecting a potential romantic interest? For many of us, the first things we notice are purely aesthetic. We judge based on appearance. While appearance may be important, it will never be enough to form a strong foundation or maintain a healthy relationship.

Many of us have entered relationships, possibly many relationships, based on surface-level values. Hopefully, we learned a lot. You may have learned we require far more than just looks. We need to align our future goals, we need to represent ourselves the same way, and we need to know we can grow together with similar interests.

A well-built brand should be no different. It should, of course, be attractive on the outside, but a great brand needs many additional layers to court and win the attention of potential customers. The pursuit requires making yourself memorable and, most importantly, winning a level of trust and connection competitors can't readily replicate.

FIRST APPEARANCES

You probably wouldn't marry a Tinder date after one week. Similarly, you shouldn't rush into a quick logo or name choice. A logo and name are the most memorable parts of any brand, and you want to make sure yours grow with you and your customers.

A logo and name will be the first exposure a potential customer has to your brand. Everything you put forth should be unmistakably you. You don't want your name and logo to get lost in the mix, so it should speak to who you are, what you do, and provide a glimpse into your first style. Are you sleek and sexy? Are you a trusted household name that has existed for millennia? Or perhaps you care about a particular issue around which you have built your entire livelihood.

A good name and logo help set the foundation for a strong, cohesive brand identity, and a well-thought-out and clearly presented brand identity is a must for any company intent on differentiating itself. So, how do you build a compelling brand identity?

When looking for a romantic partner, their wardrobe can tell you a lot about them. Are they party-focused or serious? Do they introduce a wide range of colors and exude a vibrant personality, or do they present themselves as stark and monochromatic? The latest New York streetwear denim jacket and a tuxedo both serve the same basic function of warmth and covering

the body, but they give entirely different impressions to your date. Are you trendy and new, or are you a luxurious, time-tested staple?

Your target customers will have specific preferences and tastes, just like a date. Don't make the mistake of appealing to everyone. Be authentic in showcasing your brand and who you truly are.

Just remember: A strong name and logo are a must. While they alone can't encompass everything your full brand identity can, they should be the focal point of customer memories and provide a cohesive entry point to the entirety of the brand you represent.

WINNING AFFECTION

So, you got their attention... Now what? The honeymoon phase is important for brands and dating. In many relationships, the beginning is where we show our best side, and we try to win over the exclusive love of our significant other. Thoughtful gestures and gifts go a long way for individuals, and incentives go a long way for a brand.

Does your product offer something inherently different, such as strain specification or faster activation time? If so, you will want to put that front and center. Perhaps you are the safest product or independently tested by third-party labs, which can be great additional selling points.

Many brands, however, will be fairly similar to competitors with only slight differentiators. If this is the case, look toward traditional incentives. Promotional giveaway items during budtender visits or an extra joint in your pre-roll packs can be great early-stage offerings to encourage consumers to value your brand.

Every brand ultimately will be unique as to incentives and offerings, but they are always a must. Perhaps you choose a romantic partner based on their shared interest in comic books or their incredible cooking talents or even their future parenting ability. Consumers will choose a brand based on what they receive not only in perception but also tangible benefits. Make sure you define and deliver on your value to encourage the best customer experience.

CONSISTENT PRESENTATION

In dating, few things are worse than people who change their personality depending on who they are around. If you have ever had a significant other who is entirely different when they are alone with you as opposed to when they are around their friends, you are familiar with how jarring that experience is.



Inconsistent branding can have the same effect on consumers.

The way a brand is presented at a conference should be the same way it is presented sitting on a customer's coffee table. A brand should be unmistakably the same across all channels. Your website, your Instagram, and your giveaways all should have the same look and feel and remind customers who you are and what you care about.

From a brand's perspective, this is best accomplished through things like tone of voice and graphic mood boards. Every item your brand creates should be compared against a central tone of voice and mood board to make sure it matches your style. Just like a romantic interest, you want to make sure customers know who they are dealing with

and what to expect. Brands who don't have a clear and consistent message seemingly lack authenticity. Anytime you present your brand to the world, be sure to remind everyone you are the same great brand they fell in love with in the first place.

REMINDING THEM WE CARE

A good relationship should be full of constant small reminders. While dating someone, we might do this with sweet text messages or a spontaneous delivery of flowers. A good brand should do the same with marketing. Just because you won your customer initially doesn't mean there aren't plenty of brands out there trying to take them away.

For a brand, this most easily can be accomplished through email and social media

“Trends can and will change. It is important to allow your marketing and branding to change with them.”


marketing. Customers should feel they are getting relevant and useful information and that they are being included in a unique group by partaking in your brand. Don't hesitate to teach users about new consumption techniques or educate users about the latest CBD research, or do something as simple as reminding them of the unique feelings and experiences they can have while under the influence of your product.

You worked hard to win over your customer. Remember to remind them often that you care about them. While this step seems simple, it is the most frequently overlooked. We seem to worry so much about bringing on new customers we often fail to provide the necessary attention to our existing ones.

AN EVOLVING STYLE

We often hear the death of a relationship occurs when one of the members refuses to change. Growth is good in relationships and brands, and failure to adapt or change can lead to a company's demise. Just ask Blockbuster.

Trends can and will change. It is important to allow your marketing and branding to change with them. Sometimes this requires a full rebrand. Often, though, small and subtle changes will do the trick. You don't need to buy a brand-new house just because the bathroom needs updating.

Much like the denim jacket and tuxedo, your style does not always have to be modern, but your approach should always feel fresh. Connect with your customers in ways they currently engage and bring your own identity and style to the table. If it feels outdated, give it a light refresh through new colors, taglines, and certainly through new products. As cannabis is legalized and normalized, consumers are interested in trying new products. Give them a brand they know and trust, and give them products and experiences that keep them coming back. 



Stand Up to RICO Lawsuits

Courts have overlooked a central issue: Plaintiffs are not victims of a predicate crime.

Imagine a new bakery opens on your block. Every morning, much to your displeasure, you arise to the pungent aroma of baking bread. The bakery is a success, leading to congested traffic, lines around the block, and loud customer noise. “There goes the neighborhood,” you mutter, resigned to either accept gentrification or move out.

But now imagine you learn the bakery doctored its employees’ immigration paperwork in violation of federal law. Though the U.S. attorney did not indict, the acts can be deemed “racketeering activity” under the federal Racketeer Influenced and Corrupt Organizations, or RICO, statute. Suddenly, RICO may give you a path to shut down the neighborhood scourge: Find an expert to testify the odor and foot traffic drove down your property value, and you can sue the bakery as a racketeering enterprise. With RICO’s treble damages and attorneys’ fees provision, you can send a message: “Not in my backyard.”

This thought experiment should sound absurd. Congress did not enact RICO as a weapon for neighborhood nuisance grievances. Yet this is precisely what is happening in states with legalized cannabis. Property owners in California, Colorado, Massachusetts, and Oregon—seizing on the inclusion of the Controlled Substances Act (CSA) in RICO’s definition of “racketeering activity”—have filed approximately a dozen RICO lawsuits against neighboring cannabis businesses, alleging “noxious odor” and foot traffic have driven down their property values. A federal appeals court greenlit such lawsuits when it reopened a RICO lawsuit against a Colorado cannabis operation in *Safe Streets Alliance v. Hickenlooper*.

Cannabis is legal, and highly regulated, in some form in thirty-three states and the District of Columbia. The Department of Justice has refrained from prosecuting legitimate businesses in these states under the CSA, concluding that “strong and effective regulatory” schemes minimize threats to “public safety, public health, and other law enforcement interests.” Current

Attorney General William Barr stated this hands-off approach will continue, recognizing cannabis enterprises have made substantial investments in reliance on the Obama-era DOJ policy.

The *Safe Streets* case, however, undercuts these congruent federal and state policies by empowering property owners to use RICO to disrupt regulated cannabis businesses. Plaintiffs have filed RICO lawsuits against not just growers and distributors, but also their lenders, accountants, and landlords.

We believe these defendants have a strong defense courts have thus far overlooked. Under Supreme Court precedent, lawsuits based on federal statutes may proceed only if plaintiffs allege harm within the “zone of interests” that Congress intended to protect with the statute. Congress did not enact RICO or the CSA to protect property owners from cannabis odor any more than it enacted immigration statutes to protect against bakery aromas. Cannabis businesses sued under RICO should ask the courts to dismiss their cases under the “zone of interests” doctrine.

ACTION AND INTENTION

Congress enacted RICO in 1970 to provide “new remedies to deal with the unlawful activities of those engaged in organized crime.” (See *U.S. v. Turkette*.) RICO is primarily a criminal statute, but Congress added a federal cause of action for legitimate businesses muscled out by organized crime families. In time, RICO’s civil remedy evolved beyond organized crime “into something quite different from the original conception of its enactors,” as plaintiffs’ attorneys began to use civil RICO “as a tool for everyday fraud cases.” (See *Sedima, S.P.R.L. v. Imrex Co.*) Opponents of legalized cannabis seek to further expand RICO into a tool for shutting down the operations of regulated cannabis businesses.

A successful RICO plaintiff must prove it suffered business or property damage caused by a RICO violation, namely 1) conduct 2) of an enterprise 3) through a pattern 4) of racketeering activity. Most participants in the operation or management of a cannabis business are likely to meet all four elements. The statute defines “enterprise” as “any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.” Under the

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statute, “racketeering activity” includes CSA violations, and a “pattern” comprises two or more such acts within ten years of one another. While RICO defendants can push back on specific allegations—e.g., courts have dismissed claims against lenders, landlords, and investors not involved in the operation or management of a cannabis business—a complaint against participants in a regulated cannabis enterprise is likely to satisfy the foregoing elements.

The real fight in these cases has been over whether the alleged RICO violations actually caused any damage. The plaintiffs generally have asserted the same type of RICO injury: a decrease in property value caused by odors from the neighboring cannabis operations and undesirable foot traffic. To date, four federal courts have rejected that theory—two in Oregon, one in California, and one in Colorado—but the *Safe Streets* court reversed the latter on appeal. The Oregon and California courts concluded such damages were not recoverable under the laws of those states, but the *Safe Streets* court concluded otherwise under Colorado law.

One takeaway from these cases is a cannabis operation’s RICO exposure depends on the state in which it operates. This is a peculiar application of a federal statute, especially since those states already have decided the underlying conduct should be legal. We believe, however, courts have overlooked a more fundamental question: Do cannabis odors and foot traffic truly make the plaintiffs victims of CSA violations so as to support a civil RICO claim?

DIRECT CAUSE

Under Supreme Court precedent, a RICO plaintiff must show a direct causal connection between the predicate wrong and the harm. This “directness” requirement leaves RICO enforcement to “the immediate victims” of a crime who “can generally be counted on to vindicate the law as private attorneys general.” (See *Holmes v. Securities Investor Protection Corp.*) Arguably, neighbors of regulated cannabis operations are not—or at least should not be—“vindicating” the CSA when the DOJ has concluded robust state regulation “may affirmatively address” federal enforcement policies. In any event, it is not obvious those neighbors are “the immediate victims” of any predicate crime.

The Supreme Court’s RICO cases center on crimes such as fraud where plaintiffs



Congress enacted RICO in 1970 to provide “new remedies to deal with the unlawful activities of those engaged in organized crime.”


allege financial damages. Those cases do not easily apply to other types of damages. The late Justice Antonin Scalia keyed into this problem in several concurring opinions, remarking RICO does not provide a remedy to a “stockholder who suffered a heart attack upon reading a false earnings report” even if the medical expenses can be traced to fraud. (See *Holmes*, 503 U.S. at 288 [Scalia, J., concurring].) In Scalia’s view, the starting point for analyzing RICO injury is to ask whether a plaintiff is in the “zone of interests” protected by the statute. Congress did not enact fraud statutes to keep medical costs down, so such costs are not recoverable under RICO, according to Scalia.

Under this reasoning, odors emanating from a legitimate business—whether a bakery or a cannabis operation—should not automatically be the basis for a RICO claim just because the business also engaged in a federal crime. Rather, a RICO plaintiff should first show that odorless air was in the “zone of interests” that Congress sought to protect by outlawing the predicate act.

Scalia’s analysis eventually became the centerpiece of the Supreme Court’s doctrine of “zone of interests” test in *Lexmark Int’l, Inc. v. Static Control Components, Inc.* The *Lexmark* court held “a statutory cause of action extends only to plaintiffs whose interests ‘fall within the zone of interests

protected by the law invoked.” At the outset of any federal lawsuit, a court must determine whether such a situation exists. If not, the court should dismiss the case.

The “main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.” (See *Gonzales v. Raich*.) That is, the CSA’s “zone of interests” are protecting communities from the ill effects of addiction and the violent crime that can accompany illicit drug trade. Arguably, addicts suffering from narcotic abuse are within the CSA’s “zone of interests,” but the CSA has nothing to do with protecting neighbors from odors inherent in the highly-regulated cannabis industry. Perhaps those odors should be subject to regulation in legalized states—and, indeed, they are in many jurisdictions—but zoning grievances should not be redressed through RICO.

Plaintiffs in the legal cannabis cases are using RICO in a way Congress never intended: as a tool to upend regulated businesses approved by the voters of their states. Since neither RICO nor the CSA concern themselves with odors emanating from a regulated business, the “zone of interests” doctrine provides cannabis operators a tool to dismiss the RICO nuisance claims at the outset. 



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What Makes A Brand ?

The answer lies beyond the logo.



WHAT COMPANIES HAVE DONE A GREAT JOB WITH BRANDING?

I really like what Canna Bath Co. has done. They were having difficulties getting products into mainstream retailers and sales were flat, so they decided to develop a new logo and packaging for their wonderful infused bath products. With the new high-end look, the product was accepted at several major retail chains and sales have doubled.

Doug's Varin has a unique set of cannabinoids that set it apart from almost everything else on the market. California Cannabinoids, which owns and exclusively markets the strain, needed distinctive packaging to attract attention and let consumers know the product is different from everything else. The beautiful packaging has opened the door to stores California-wide.

Cannadescent is one of my favorite brands; these folks really did it right. They created a beautiful palette and apply it perfectly to their strains and throughout their product lineup.

Kary Radestock, co-founder and CEO
Hippo Premium Packaging
HippoPackaging.com



HOW CAN CANNABIS COMPANIES AVOID COMMON BRANDING MISTAKES?

These days everyone with a computer thinks they are a graphic designer. Everyone with a camera thinks they are a photographer. The sad fact is, they're not. Do yourself a favor and hire professionals. When you go to the store, whether a cannabis retailer or mainstream, look at the successful products, not ones designed by an amateur. Successful companies

know in order to compete in the market, they need to invest in quality branding, marketing, advertising, and design.

Secondly, don't copy someone else's work. I've seen so many look-alike products and logos that it's almost laughable. As the market tightens and gets even more competitive, they will all follow each other right out of business.

Lastly, understand a brand is more than a logo. A brand is what you want your customers to feel about your company and products. Your brand must live within your company as well as on your packaging and marketing materials. Your employees, the way you treat your vendors and customers, and the style in which you write all are part of your brand.

Randall Huft, president and creative director
The Innovation Agency
Innov8.us



WHAT ARE THE KEYS TO SUCCESSFUL CANNABIS BRANDING?

First, understanding how your brand is much more than your logo is imperative. Your brand is the essence of your company and how your target audience will view your company. It is not a one-time process or exercise. Branding is a fluid, ongoing message that emotionally speaks to the public about your experiences, history and, most importantly, services or products. In the beginning, your brand, your logo, packaging, and content must start with a bang. This will create immediate interest.

Second, the key to creating a successful brand is all about relating emotionally to your target audience. You need to do your homework; look into who is engaging with your product or service. If you do not know where to start, hire a branding expert or team to analyze the market and direct the first steps.

Answer content message questions: "Who are we? Why are we? How are we the best?"

Finally, you must consider your brand as an extension of your company. Think about the significance your brand may bring to consumers, businesses, market variety, culture, and community involvement.

Olivia Mannix, founder
Cannabrand
Cannabrand.co



HOW SHOULD COMPANIES APPROACH THE BRAND-CREATION PROCESS?

Initially, drill down on goals and objectives, end-user targeting, pricing structures, and projected growth in the market. Evaluate the potential of each product, and then strategize on brand positioning. This is where the magic begins. Create a background story while establishing a point of difference. Armed with this data, move to creative and a sales-and-marketing plan. More and more brands are recognizing the power of stories to transform their presence and establish their identity.

We love brands where we see a fast-track for growth; however, products that work are a must. Great branding sells products initially, but sustainable growth requires quality and results-driven marketing that delivers on the brand promise. We don't like "me too" companies—generic brands that are mediocre. Unique, innovative, results-driven brands create loyalty and earn customer trust.

Christine King, CEO
Madison 8
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“A lot of people get too homed in on ‘Let’s sell, sell, sell!’ No, no, no. That’s not what [social media] is for.”

—GANJAPRENEUR GAL

1

How has cannabis changed your life?

When I was 19, after about a year-and-a-half of being sick and nauseated and not wanting to get out of bed, I was diagnosed with a rare liver condition. The physician I was with in Phoenix at the time said, “I’m not supposed to say anything like this, but I think your best bet at this point is going to be medical marijuana.” So, I got my card. And it really worked. I started hiking every morning. And I got very active and just felt so good. And it was such a complete polar opposite. My family even says, “It’s the one thing that saved you.”

2

How are your edibles shots so picture-perfect?

I was always the family photographer, and I took excessive amounts of photos. I like to document everything. I like collecting all those memories. When I got this position [at CannaCraft], we only had one photographer on staff. We needed a lot more content; we have three brands. So, I had my dad send out

Juggling Act

Natalie Nicosia, aka Ganjapreneur Gal, is social media manager for CannaCraft, where she runs the Instagram accounts for absoluteXtracts, Care By Design, and Satori. She also frequently updates her own site (GanjapreneurGal.com) and Instagram feed.

@GANJAPRENEURGAL



his professional camera. I had taken a few family photos with it before, but never product photography. And I just started getting very involved and loved it, completely loved it. It’s such an art to me.

3

How can brands increase their engagement?

Focus on who you’re talking to. It’s your community. You want to interact with them. Don’t get too caught up on what’s going to look the best. Just have fun with it. This outlet is to entertain, to make our audience have fun with us. If you make it an experience, I think that’s what people will come back for and they’ll want more of.

Flower Shop Photo: Justin Bowers

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