

December 18 Marijuana Infused Edibles and Packaging and Labeling Updates FAQ

A variety of questions were submitted during the Marijuana Edibles and Packaging and Labeling Updates webinar. Listed below are answers to frequently asked questions.

Alcohol

- Will the WSLCB consider similar restrictions on alcohol product labels and packages that are "especially appealing to children"?
Alcohol labels are not subject to restrictions on colors, but they cannot be designed to be especially appealing to children.
- Are alcohol labels under the same restrictions?
Alcohol labels are reviewed by the federal Alcohol and Tobacco Tax and Trade Bureau. The packaging and labeling is then submitted to the WSLCB for review. It's important to remember that marijuana is federally recognized as a Schedule 1 controlled substance.
- Why doesn't the alcohol industry follow the same "dull" color guidelines?
There are not any restrictions on "dull" color guidelines for alcohol at this time.

Dates

- Does the January 1, 2020 date apply to both edibles and flower?
Yes. To reduce confusion, the compliance date will be extended for all requirements of WAC 314-55-077, WAC 314-55-105, WAC 314-55-106, WAC 314-55-105 and Board Interim Policies (BIP) 10-2018, 07-218, 08-2018, 09-2018 and 10-2018 to January 1, 2020. This applies to all products; those who have received prior approval and products that are new to retail stores.

Colors

- Can text be in a color?
Yes, the text can be one of the colors on the approved colors list. See the color chart for approved colors at lcb.wa.gov.
- Will there be a color chart on the website?
The color chart for [approved colors](#) on marijuana infused edibles packaging and labeling is available on our [website](#).
- Can we still use gradients of the 15 approved colors?
A tint, percentage of gradient of an approved color is allowed. It will count as one of the three allowable accent colors. The neutral color background color does not count as one of the allowable three accent colors.

- What research was done to determine the WSLCB approved colors?
WSLCB did not conduct specific research when choosing the approved colors. Colors were chosen from basic color schemes/palettes in muted tones.
- What if the color of the product itself is bright (for example, a bright colored beverage that shows through the glass bottle)?
Both liquid and solid edibles products are required to be dull in color regardless of the packaging it is contained in.
- Do the approved colors apply to both packaging and the edible itself?
Please see the [approved color chart](#) for allowable packaging and labeling colors. For edible products themselves, they must be dull in color.
- Will exceptions be made for colors on promotional product packaging produced with specific colors that we chose for political speech purposes? For instance, will exceptions be made for a bright pink product for breast cancer awareness or a yellow ribbon to support the troops?
There are no color exceptions for product, packaging and labeling. For additional colors, a request form must be submitted. Requests will be reviewed quarterly.
- Tan, is that the same as Taupe?
Please review the [approved color chart](#) for allowable colors.
- Are you saying 3 color gradients for label art are okay for useable flower?
Color restrictions for packaging and labeling apply to marijuana infused edibles only at this time.
- With respect to "background colors" for packaging, can a silver canister be used for an infused beverage in conjunction with approved background colors?
For liquid edibles, a silver canister or a glass bottle in brown for example can be used for an infused beverage in conjunction with approved background colors on the label.
- Will red, white, and blue be an okay palate? I do not see CREAM defined as a pantone color - will that be open to interpretation? Can you use metallic colors on packaging? Gold or silver, as an example.
Please review the [approved color chart](#) for allowable colors.
- Are there restrictions on printers or how I print my packages/labels?
There is no restriction at this time to the printing processes used for packaging and labeling. The color requirements apply to any process. The LCB does not have authorized printing companies or

label providers.

- Are there samples of packaging and labeling I can refer to?
Samples of packaging and labeling will be available at lcb.wa.gov.

Shapes

- Can you confirm if the approved shapes are just for the products and not for the wrapper/outside packaging?
The shape restriction is for the actual infused edible product and not the physical packaging.

Enforcement

- You indicate all "new" packages will need to have the symbols. Would there be a case where a retailer would have some products without the symbols and some products with? How will enforcement know that all products are compliant?
*The term "new" refers to products, packaging and labeling that have not been previously approved, or that is not currently being sold in the stores, or waiting to go to a store. In this instance, "new" does not consist of any existing product. **Enforcement is aware that for the remainder of this year, there will be product, packaging and labeling compliant under multiple sets of rules. All products must be in full compliance by January 1, 2020 to be allowed in retail stores.***
- Are retail stores expected to make sure all of their current product is compliant?
Retailers should always make sure their current product is compliant.
- We have flower packaging that doesn't have the universal symbol that was created prior to the rule change. When will the Universal Symbol be required for flower packaging?
The Universal Symbol will be required on all marijuana packaging as of January 1, 2020.
- Will retail stores still be able to sell non-resealable beverages that are from before January 1, 2019?
The compliance date for all marijuana packaging is January 1, 2020. This means currently approved products can be sold through this date.
- When you use the term "cartoon," what do you mean?
"Cartoon" means any drawing or other depiction of an object, person, animal, creature, or any similar caricature that satisfies any of the following criteria:
 - a. The use of comically exaggerated features;*
 - b. The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or*
 - c. The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds, or transformation.*

Cost

- The fact that the warning symbol is 3 colors is excessive, it adds a lot of cost to packaging as many packaging manufacturers charge per color on each design. Example: a colored preroll tube with only black ink print on it costs \$0.17 per unit at one print color of ink (black). That same cost with requiring the added yellow and green colors for the diamond shaped warning logo goes up to \$0.32/unit. This can eat up a large amount of room for producers and processors to survive in WA state. Can we use the same exact universal warning symbol in one color or must it be all 3 colors, green, yellow and black?

The universal symbol was developed with input from industry as a part of the packaging and labeling workgroup and is required on all marijuana products.

The Not for Kids symbol is only required on infused edibles.

The universal symbol must not be altered or cropped in any way other than to adjust the sizing for placement on the principal display panel or front of the product package. (Minimum size .75"x.75")

A sticker of the universal symbol can be placed on packaging and labeling.

- Have you considered how expensive and potentially cost prohibitive this is to businesses?
To allow flexibility with implementation and reduce impacts and costs on the industry, the LCB is allowing one year to comply with these changes. This allows licensees to cycle through existing product, packaging and labeling inventory as they phase in new product, packaging and labeling prior to the final compliance date of January 1, 2020.

Approval Process

- How will MIE packaging be approved between now and January 1, 2020? Will it be according to this new policy or based upon the former rules?
Moving forward, infused edible packaging and labeling will be approved based on WAC 314-55-077, WAC 314-55-105, WAC 314-55-106, WAC 314-55-105 and Board Interim Policies (BIP) 10-2018, 07-218, 08-2018, 09-2018 and 10-2018 to January 1, 2020. This applies to all products; those who have received prior approval and products that are new to retail stores. We understand that licensees will need time to redesign products, packaging and labeling therefore approvals that do not meet the January 1, 2020 will be noted as such. Resubmittal will be required.
- If I am in the middle of the label approval process will I need to resubmit next year also?
All infused edible packaging and labeling has to be submitted and approved. Prior approval does not guarantee future approval.
- Many of us have already completely updated all of our packaging across many products to conform with what the updated requirements were; now we have to change them completely again. When can we begin submitting all over again for the new requirements?
Product, packaging and labeling compliant with WAC 314-55-077, WAC 314-55-105, WAC 314-55-106, WAC 314-55-105 and Board Interim Policies (BIP) 10-2018, 07-218, 08-2018, 09-2018 and 10-

2018 to January 1, 2020. This applies to all products; those who have received prior approval and products that are new to retail stores. New submissions can be submitted at this time.

- Does product sitting on the shelf without the symbol need it added to the package?
Products have to be in compliance by January 1, 2020. This means currently approved products can continue through this date.
- When approving packaging, who determines action fonts, or otherwise?
Product submittals are reviewed and approved on a first come first served basis. They are vetted through the program specialist first for compliance of all requirements then presented to the review committee and the board for final decision. The decisions regarding fonts are based on whether or not a font is appealing to children.
- How often does the review committee meet? When will we know about approvals and denials?
The review committee currently meets once a week, based on availability and member schedules. Once available, select product, packaging and labeling approvals and denials compliant with BIP 10-2018 will be posted to the LCB website quarterly.
- Can you release a checklist of the various packaging & labeling requirements?
Checklists are available on the Understanding [Board Interim Policies for Marijuana Packaging and Labeling](#) page at the [WSLCB website](#).
- Is there a full list of "approved products" at this point available by WSLCB or is this something that processors need to have for their own records?
You can locate the Marijuana Approved Infused Product List [here](#).
- Are there restrictions to strain names?
At this time, product strain names do not have any restrictions.

Products

- Are tintured edible products allowed? As in not infused, but dosed with an infused tincture?
There is currently not a ban on any specific type of marijuana infused edible. Products cannot be especially appealing to children.
- Will you judge appealing to children based on the product, meaning will you be more stringent on approving a candy label versus a capsule label?
Products cannot be especially appealing to children and approval will be based on appearance, similarity to commercially available products that are marketed toward children, and color.
- Will gummies and hard candies be allowed if they aren't in shapes or colors that are appealing to children?

There is currently not a ban on any specific type of marijuana infused edible. Products cannot be especially appealing to children.

Packaging and Labeling

- Can the warning symbol be added in sticker format to product already on hand at retail stores?
Stickers of required labels are allowed.
- What fonts are allowed?
All fonts will be judged based on criteria laid out in the WAC and interim policies. The policies outline that packaging and labeling, including fonts, should not appeal to children.
- Will the WSLCB provide basic essential label examples showing warnings, etc., for all product categories?
Examples of basic labels can be found [here](#).
- Will WSLCB seek to apply the newly proposed packaging and labeling rules (especially color restrictions) equitably across all marijuana products?
At this time there is no discussion of applying the rules for marijuana infused edibles packages and labels to other products.