What You Need to Know about Cannabis Edibles Labeling in Oregon

Presented by ESHA Research

Wednesday, August 19, 2020
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ESHA Research was established in 1981 as one of the very first nutrition software solutions. Today, ESHA’s suite of nutritional software products, services, and databases are recognized as the industry’s top choice for food and supplement formulation, recipe development, labeling, nutritional analysis, and regulatory compliance.

**ESHA Solutions**
- Genesis R&D® Food Formulation
- Genesis R&D® Supplement Formulation
- Food Processor® Nutrition & Diet Analysis
- Consulting Services

Our mission is to help remove the complexity of product development and regulatory compliance for the food, beverage, and supplement industries through software, services, and nutritional databases.
Genesis R&D Foods

Genesis R&D Foods, first released in 1991, is designed to help users manage processes, overcome industry challenges, and meet federal requirements. Industry professionals use Genesis R&D for quick and accurate nutrient evaluation, virtual product development, nutrition labeling, and regulatory compliance.

- Product Development
- Recipe Analysis
- Nutrition Reporting
- Regulatory Compliance
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What we’ll cover today

• State Legalization/Regulation Overview
• OLCC Packaging & Labeling Review
  • Required Product Information
  • Required Symbols
  • Nutrition Facts Label
  • Additional Requirements
• Benefits of Nutrition Analysis Software
• Walk through of Genesis R&D
• Q&A
States Where Marijuana is Legal

• 11 states in the U.S. and the District of Columbia have legalized cannabis for recreational use.

• Medical marijuana (prescribed by physicians) is legal in 33 states and Washington, D.C.
# Nutrition Labeling Regulations by State

<table>
<thead>
<tr>
<th>State</th>
<th>Ingredient List</th>
<th>Allergen Statement</th>
<th>Nutrition Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Not Required</td>
<td>Not Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>California</td>
<td>Required</td>
<td>Required</td>
<td>Required* Specific Set of Nutrients</td>
</tr>
<tr>
<td>Colorado</td>
<td>Required</td>
<td>Required</td>
<td>Optional</td>
</tr>
<tr>
<td>Illinois</td>
<td>Required</td>
<td>General Statement</td>
<td>Not Required</td>
</tr>
<tr>
<td>Maine</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Required</td>
<td>Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>Michigan</td>
<td>Required</td>
<td>Required</td>
<td>Not Required unless A Nutrition Claim is Made</td>
</tr>
<tr>
<td>Nevada</td>
<td>Required</td>
<td>Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>Oregon</td>
<td>Required</td>
<td>Required</td>
<td>Required* Specific Set of Nutrients &amp; Label Format</td>
</tr>
<tr>
<td>Washington</td>
<td>Required</td>
<td>Required</td>
<td>Not Required</td>
</tr>
</tbody>
</table>
OLCC - Oregon

- The Oregon Liquor Control Commission (OLCC) oversees the recreational cannabis industry in Oregon.
- OLCC evaluates and approves medical and recreational marijuana and hemp packages and labels.
- Recreational marijuana product forms: edibles, topicals, tinctures, capsules, concentrates, or extracts.
- In Oregon, a “cannabinoid edible” means a food or beverage into which cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.
- In Oregon, recreational edibles have max THC limit of 5mg per serving and 50mg per container.
Required Packaging Information

Every Product Label Must Contain

• A principal display panel (PDP) with:
  • **Product Identity**: The common name for the product that informs consumer what they are purchasing.
  • **Net Weight**: must be listed in both Metric units (i.e. milligrams or milliliters) and U.S. Customary units (i.e. ounces or fluid ounces)
  • **Universal symbol**: must be in color and at least 0.48 inches wide by 0.35 inches high.

• Information Panel OR PDP with:
  • All the information required by rule for the marijuana edibles
Principal Display Panel Defined

A principal display panel (PDP) is the portion of the package that is most likely to be seen by the consumer when on display for sale.
Product Identity Defined

• The common name for the product that informs consumer what they are purchasing.

• Must be listed on the PDP

The August 15, 2018 Packaging and Labeling Update Added:

• The product identity must clearly identify whether the item is derived from marijuana or hemp. An item that contains both industrial hemp and marijuana must identify the item as a marijuana item.

• The product identity for cannabinoid extracts and concentrates must correctly identify whether the product is an extract or a concentrate.
## Packaging Symbols

<table>
<thead>
<tr>
<th>Universal Symbol</th>
<th>Hemp Symbol</th>
<th>Medical Grade Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>The universal symbol indicates that the product contains cannabis. The Universal Symbol is required on all cannabis products being sold in Oregon dispensaries or OLCC retail shops.</td>
<td>If the product contains only industrial hemp, you must use the hemp symbol. However, if your product contains any marijuana as defined by OLCC rule, you must use the universal symbol.</td>
<td>If a licensee is making a medical-grade product (one that is intended for OMMP patients only) the product will need to include the Medical Grade Symbol. The medical-grade symbol is used in addition to the universal symbol.</td>
</tr>
</tbody>
</table>

**Must Be Listed on the PDP**
NOTE! Universal Symbols Vary by State

- **Colorado**: THC
- **Oregon**: Leaf
- **California**: Leaf
- **Massachusetts & Maine**: Leaf
- **Washington**: Leaf (21+)
- **Nevada**: THC
- **Michigan**: MARIJUANA PRODUCT

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Additional Label Information

• Processor’s business / trade name
• Processor’s OLCC license number
• Business/trade name of business that packaged item, if different than processor
• Place of Address for Processor and Packager
• UID number
• Date product was made
• Name of lab that performed any test
• All test analysis dates
• Activation Time
• Amount, in milligrams, of THC and CBD in each serving
• Amount, in milligrams, of THC and CBD in the entire container
Additional Statements

• Required Warnings: “For use only by adults 21 and older. Keep out of reach of children. Do not drive a motor vehicle while under the influence of marijuana.”

• “BE CAUTIOUS” in bold, capital letters, followed by “Cannabinoid edibles can take up to 2 hours or more to take effect.”

• A statement that reads: “This product is not approved by the FDA to treat, cure, or prevent any disease.”

• If perishable, a statement that edible must be refrigerated/frozen
Nutrition Facts Panel

- Nutrition Information (Calories, Total Fat, Cholesterol, Sodium, Total Carbs, Sugars, Protein)
  - Must be listed even if the amount per serving is zero
- Serving Size
- Servings per Container
- List of Ingredients
- Allergen Information
Nutrition Facts Panel Variations

Standard/Vertical: Should be used on most labels.

Tabular: Can be used on containers that do not have enough space to fit a Standard label.

Linear: Can be used on containers that do not have enough space to fit a Standard label.
List of Ingredients

• Reported within the label
• Listed in descending order by weight
• Common names (Example: sugar instead of sucrose)
• Correctly identify the type of marijuana item or industrial hemp ingredient
Allergen Statement

List major food allergens, as appropriate

- Allergens include milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, or soybeans.
- Use the specific food name for nuts, fish or crustacean shellfish and not the category of allergen.
Nutrition Analysis Requirements

You do not need to submit your nutrient analysis to the OLCC. However, documentation that demonstrates the validity of the calculations must be available upon request.

Accepted Nutrition Analysis Methods

• Database Analysis
• Lab Analysis
• Combination of Database and Lab Analysis
Genesis R&D

✓ Recipe Formulation
✓ Nutrition Analysis
✓ THC/CBD Tracking
✓ Ingredient List
✓ Allergen Statements
✓ Nutrition Facts Label
✓ Packaging Symbols
✓ Additional Information
Genesis R&D for Nutrition Analysis

INGREDIENTS

• Use ESHA Database items or enter your own ingredients from supplier spec sheets
• Find/Replace – accommodates supplier changes and reformulations

RECIPES

• Create unlimited number of recipes
• Revisions to recipes
• Set serving size
• Moisture adjustments to account for processing
CONTACT US

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Resources

• ESHA Cheat Sheet – Marijuana Edibles Labeling Checklist
• OLCC – General Requirements Applicable to All Marijuana Licensees
• OLCC – Packaging and Labeling
• OLCC – Packaging and Labeling Guide for Medical and Recreational Marijuana