Preventing a Marijuana Industry from Targeting Children: What can we learn from alcohol?

David Jernigan PhD
Associate Professor,
Johns Hopkins Bloomberg School of Public Health

Director, Center on Alcohol Marketing and Youth

How States Can Protect Children from Legal Marijuana
Atlanta, GA
May 17, 2013
Alcohol’s role in the global burden of disease for 15-24 year-olds worldwide

Source: Gore et al., *Lancet* 2011; 377:2093-2102
Youth Drinking: The Problem

• Alcohol is the number one drug problem among young people. (MTF)

• In 2011, 9.7 million U.S. young people ages 12-20 (25.1%) reported drinking in the past month, and 6.1 million reported binge drinking (15.8.0%). (NSDUH)

• Every day, 4,500 kids under age 16 start drinking. (NSDUH)

• Every year more than 4,700 people under age 21 die from alcohol-related causes. (CDC ARDI)

• The earlier young people begin drinking, the worse the consequences are likely to be.
Youth Drinking: The consequences

- Young people who begin drinking before age 15 are five times more likely to develop alcohol problems later in life than those who wait until they are 21. *(OSG)*

- They are:
  - Four times more likely to develop alcohol dependence *(Grant & Dawson, 1997)*
  - Six times more likely to be in a physical fight after drinking;
  - More than six times more likely to be in a motor vehicle crash because of drinking;
  - Almost five times more likely to suffer from other unintentional injuries after drinking. *(Hingson et al, 2009)*
Alcohol and health in the U.S.

- Third leading actual cause of death
- 80,000 deaths per year
- Leading drug problem among young people
- Related to more than 200 disease categories
- NOT an ordinary commodity
Lesson 1

• Marijuana is not an ordinary commodity.
  – The “market” is suited to ordinary commodities.
  – The “market” will not regulate marijuana in a way that is healthy for young people.
  – Research will be needed to demonstrate continually and clearly how marijuana is not an ordinary commodity – and in particular, the toll of marijuana use on young people.
  – A marijuana control system needs to be carefully planned and maintained.
History Lesson: U.S. per capita consumption, cirrhosis, and alcoholism death rates, drinking age population

Source: NAS 1981
Prohibition and the tax problem

• 1910 – alcohol taxes bring $208 million ($4.5 billion in 2010 dollars) to federal government alone – total federal receipts were $676 million

• Thus, alcohol brought in ~31% of federal revenues prior to Prohibition

• 1921-1928 – income taxes increase by 165 percent to pick up slack (Kyvig 1974)

• “Failure of Prohibition” is partly fiscal

• Post-Prohibition – federal government devolves authority to states, keeps alcohol policy in Treasury Department only
Lesson 2

• Don’t let governments get drunk on the revenues.
  – The best place for marijuana regulation is NOT the treasury or fiscal department.
  – Marijuana needs to be regulated by medical/public health authorities.
  – Tax income from marijuana needs to be secondary and incidental, and not central, to the regulation of marijuana.
Towards Repeal

- 1929 – crash of stock market
- AF of L argues repeal would have a “soothing effect” on the working man
- 1932 – John D. Rockefeller comes out for repeal; Sloan follows soon afterward; FDR endorses repeal in acceptance speech
- 1933 – 21st Amendment – repeal passes Congress and 36 states to become law
- 1934 – alcohol excise taxes are 9.5% of federal revenues
After Repeal

• 1905 – 1907: Committee of Fifty – put together by Rockefeller – argued presciently that prohibition would not work, based on experiences thus far in cities and counties:

  – “The public have seen the law defied, a whole generation of habitual law breakers schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delays, perjuries, negligencies and other miscarriages of justice, officers of the law double-faced and mercenary...”
Rockefeller plan

• “If the new system is not rooted in what the people of each state sincerely desire at this moment, it makes no difference how logical and complete it may appear as a statute – it cannot succeed.” (Fosdick and Scott, quoted in Levine 1983)

• Criticism – story of the dog that would not go outdoors, but instead slinks under the bed – owner says sternly, “Very well, go under the bed. I will be obeyed!”
Rockefeller plan

• Model legislation for two kinds of state systems:
  
  – State-run monopolies (modeled on Scandinavia, Canada) for retail sale for off-premises consumption of alcohol above 3.2%
  
  – License system (modeled in English license system) giving single non-partisan board appointed by the governor statewide authority to issue liquor licenses and regulate industry

• Model legislation very influential
Key elements of US alcohol control system

• High taxes
  – Control on economic availability

• Producer self-restraint in marketing
  – Control on social availability

• License or monopoly systems
  – Control on physical availability
Lesson 3

• Build a control system based on the three “best buys”:
  – Control of economic availability
  – Control of social availability
  – Control of physical availability
Alcohol taxes and public health

• In this respect, alcohol is an ordinary commodity:
  – People increase their drinking when prices are lowered, and decrease their consumption when prices rise.
  – Adolescents and problem drinkers are no exception to this rule.
  – Increased alcoholic beverage taxes and prices are related to reductions in alcohol-related problems.
Public health goals: alcohol taxation

- Equalize based on alcohol content
- Index for inflation
- Set minimum price
Implementation failure: Economic availability

- Federal alcohol taxes fail to keep up with inflation


Note: Nominal tax rates converted to cents per ounce of included ethanol and converted to 2005 dollar values using the CPI.
Implementation failure: Economic availability

- State alcohol taxes “poorly performing revenue source”

Maryland alcohol tax revenues, 1977-2006
The result

• Off-premise, beer is cheaper than water, orange juice, milk and soda

• On-premise, alcohol is widely discounted (happy hours, ladies’ nights, etc.)

• Every year alcohol becomes more economically available
Implementation failure: Social availability

- Alcohol advertising in the U.S. is self-regulated
- Alcohol is a $1 trillion industry globally, heavily concentrated among a few large companies
- Alcohol companies spend approximately $4 billion per year on marketing in the U.S.
  - They claim advertising has no relationship to consumption
  - They claim self-regulation works because there are few complaints
    - The Beer Institute Complaint Review Board has never found an ad in violation of its Code
Lesson 4

- Control the size and power of the industry
  - Alcohol companies spent $20 million on lobbying at the federal level in 2010 alone
    - They have one lobbyist for every two members of Congress
  - Alcohol companies gave $150 million to state political campaigns from 2001-2010
The Beginning
Developing Brand Loyalty at an Early Age

“Diageo rolled out Smirnoff Ice in the US market...it suddenly put the once-stodgy Smirnoff name on the tips of millions of echo boomers’ tongues” – (Impact, May 15, 2003)

Echo Boomers:
- Americans born from 1980-1995
- 8 – 23 years old in 2003
“The beauty of this category is that it brings in new drinkers, people who really don’t like the taste of beer.”

Marlene Coulis
Director of New Products
Anheuser-Busch Co.
Advertising Age
April 22, 2002
Who are “New Drinkers”?

Average age of first use of alcoholic beverages among 12-17 year olds, 2004: 14.4 years old.

Every day, 4,500 young people Under age 16 start drinking.
How popular are alcopops among kids?

• Most popular with the youngest drinkers.

• 78% of current 8th grade drinkers (past 30 days) drank alcopops in the past 30 days.

• 71% of current 10th grade drinkers (past 30 days) drank alcopops in the past 30 days.

• 65% of current 12th grade drinkers (past 30 days) drank alcopops in the past 30 days.

• 42% of current drinkers, age 19 to 30, drank alcopops in the past 30 days.

Source: MTF 2004
Alcopops most popular with females in every age group

Percent of current drinkers

- 2004
- 2005
- 2006

8th graders
10th graders
12th graders
19-30 year-olds

Male
Female
Alcopop marketing today

Smirnoff Ice
January 24

Blend in by standing out ;)

"WHY FIT IN WHEN YOU WERE BORN TO STAND OUT"
- DR. SEUSS -
An offshoot...
Alcohol industry self-regulation

– Distilled Spirits Council of the United States (DISCUS) Code:

*Beverage alcohol advertising and marketing materials should not contain any lewd or indecent images or language*
Beer Institute Advertising and Marketing Code

Models and actors employed to appear in beer advertising and marketing materials should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be over 21 years of age.
“Beverage alcohol advertising and marketing materials should not contain any lewd or indecent images or language.”
Beverage alcohol advertising and marketing materials should not contain the name of or depict Santa Claus.

Brand photos on Captain Morgan Facebook Page
Alcohol industry self-regulation

DISCUS code

• Beverage alcohol advertising and marketing materials should not depict situations where beverage alcohol is being consumed excessively or in an irresponsible manner.

• “Limit” is at least four times the U.S. dietary guideline for women.
All natural and organic
Natural beer

No additives or preservatives.
(Because you can’t be almost a virgin.)
Vodka from soy – gluten-free!
Organic tequila
Natural tequila

Tequila 100% Natural
Natural “binge in a can”
“Binge in a can” with natural Brazilian healing powers

A wild Brazilian berry, Uva is part of the grape family and has been revered for centuries for its mystical healing powers. With 12% alcohol by volume, blended with the flavor of the ancient Uva berry, LOKO Uva is truly a mind blowing experience!
Fitness friendly
A personal trainer from Holland
Antioxidant beer
“Beer plus” – a smart choice
“Full speed” beer
A diet drink
A “smart choice” beer – only 95 calories
THE LIGHTEST BEER IN THE WORLD. Select 55.

Introducing a light golden lager that delivers crisp refreshment without the guilt.

**Calorie Comparison**

<table>
<thead>
<tr>
<th>DRINK</th>
<th>CALORIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Select 55</td>
<td>55</td>
</tr>
<tr>
<td>Coors Light</td>
<td>102</td>
</tr>
<tr>
<td>Miller Lite</td>
<td>96</td>
</tr>
<tr>
<td>MGD64</td>
<td>64</td>
</tr>
<tr>
<td>White Wine (4.1 oz)</td>
<td>113</td>
</tr>
<tr>
<td>Margarita (3.3 oz)</td>
<td>153</td>
</tr>
<tr>
<td>Martini (2.2 oz)</td>
<td>135</td>
</tr>
</tbody>
</table>

**Ways to Burn 55 Calories:**

- Bargain Shopping: 20 minutes
- Dancing with Friends: 11 minutes
- Mowing the Lawn: 9 minutes
- Watching Reality TV: 49 minutes
- Napping on the Couch: 54 minutes
- Painting a Room: 17 minutes
- Surfing the Web: 33 minutes

Source: caloriesperhour.com (based on a weight of 150lbs.)

Source: california55.com
4 Diet Myths Debunked

Article By: Sandra Gordon

Despite all we know about sound nutrition, myths lurk everywhere — from a friend’s misguided counsel to the latest fad-diet bestseller. Get the facts right here.

Click on each of the four diet myths below, and avoid falling prey to bad advice by learning the truth now.

The healthiest diet is fat-free.

**MYTH:** The healthiest diet is fat-free.
**FACT:** “You need some fat for your body to function properly,” says Karen Miller-Kovach, MS-RD, a registered dietitian at Weight Watchers International, Inc.

Food cravings are best ignored.

Eating at night leads to weight gain.
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**FACT: “You need some fat for your body to function properly,” says Karen Miller-
Even the can is slim
No carbs – even better

GET THE DIGITS
BACARDI & DIET COLA

0 CARBS
0 SUGAR

bacardi.com

LIVE LIKE YOU MEAN IT
No carbs – no question
Addressing Alcohol’s Appeal to Youth: Alcohol Advertising

- ≥14 longitudinal studies
  - Followed groups of young people over time, monitoring alcohol marketing exposure and drinking behavior
  - Link increased exposure to alcohol advertising and marketing is associated with drinking initiation and increased consumption, even after controlling for other variables

Anderson et al., Alcohol Alcohol 2009:44:229-43
Alcohol Marketing
A Major Risk Factor for Underage Drinking

• Forms of alcohol advertising and marketing that predict drinking onset among youth
  – Alcohol advertisements in magazines
  – Beer advertisements on television
  – Alcohol advertisements on radio
  – Alcohol advertisements on billboards
  – In-store beer displays and sports concessions
  – Alcohol use in movies
  – Ownership of alcohol promotional items

CAMY: a new form of surveillance

- Use industry standard tools:
  - Audience research
    - Nielsen TV: age 2+, national and local markets
    - Mediamark Research (magazines): age 12+, national
    - Arbitron Radio: age 6+, local
  - Occurrence/Competitive tracking
    - Nielsen Monitor Plus
  - Brand tracking
    - Impact Databank
Youth exposure to alcohol advertising: magazines

In 2008, compared to adults 21 and over, youth ages 12-20 saw per capita...

• 10% more beer ads
• 16% more ads for alcopops
• 73% fewer wine ads

The overwhelming majority of youth exposure – 78% - came from ads placed in magazines with disproportionate youth audiences.
Radio 2009

• Analysis of alcohol advertisements placed on radio in the 75 local markets for which data were available. Key findings include:
  
  – One in eleven (9%) of placements were on programming in violation of the industry's 30 percent standard.
  
  – These advertisements generated 18 percent of youth exposure to alcohol advertising.
  
  – Three brands (Bud Light, Coors Light, and Miller Lite) placed close to half of the noncompliant ads.
  
  – Close to one-third (32%) of advertising placements occurred when proportionately more youth were listening than adults age 21 and above.
  
  – These overexposing ads generated more than half of youth exposure to radio advertising for alcohol in 2009.
Youth Exposure to Alcohol Ads on U.S. Television


- Underage youth ages 12-20 were more likely than legal-age adults on a per capita basis to have seen 67,656 of them, or about 21%.

- These ads accounted for more than 44% of youth exposure to alcohol advertising on television.

- From 2001 to 2009 – the number of television alcohol ads seen by the average 12 to 20 year-old increased by 69%, from 217 per year to 366 per year. (FREQUENCY)
Youth Exposure to Alcohol Ads on U.S. Television, cont.

• Much of this increase was in distilled spirits ads, especially on cable TV.

• By 2004, the alcohol industry had adopted tighter ad placement standards to shield youth from exposure to their advertising. Nonetheless:
  – Between 2004 and 2009, youth exposure to alcohol advertising on television actually grew at a faster rate than that of adults ages 21 and above, as well as that of young adults ages 21 to 34.
  – This finding shows the ineffectiveness of the industry’s self-regulatory guidelines.
**Importance of Monitoring at Brand Level**

A small percentage of alcohol brands is responsible for **half** of youth exposure

<table>
<thead>
<tr>
<th>Medium</th>
<th>Year</th>
<th>Total number of brands advertising</th>
<th>Brands responsible for half of youth exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magazines</td>
<td>2008</td>
<td>333</td>
<td>16 (5%)</td>
</tr>
<tr>
<td>Television</td>
<td>2009</td>
<td>151</td>
<td>12 (8%)</td>
</tr>
<tr>
<td>Radio</td>
<td>2009</td>
<td>77</td>
<td>3 (4%)</td>
</tr>
</tbody>
</table>
# ABRAND RESULTS

Top 10 brands by: gender

<table>
<thead>
<tr>
<th>Rank</th>
<th>Male (%)</th>
<th>Female (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bud Light (28.1)</td>
<td>Bud Light (27.7)</td>
</tr>
<tr>
<td>2</td>
<td>Budweiser (17.0)</td>
<td>Smirnoff Malt Beverages (22.7)</td>
</tr>
<tr>
<td>3</td>
<td>Jack Daniels Whiskeys (14.2)</td>
<td>Mikes (14.4)</td>
</tr>
<tr>
<td>4</td>
<td>Coors Light (13.7)</td>
<td>Smirnoff Vodkas (13.3)</td>
</tr>
<tr>
<td>5</td>
<td>Heineken (13.2)</td>
<td>Bud (12.2)</td>
</tr>
<tr>
<td>6</td>
<td>Captain Morgan Rums (13.1)</td>
<td>Coors Light (11.7)</td>
</tr>
<tr>
<td>7</td>
<td>Smirnoff Vodkas (12.2)</td>
<td>Absolut Vodkas (11.3)</td>
</tr>
<tr>
<td>8</td>
<td>Smirnoff Malt Beverages (11.6)</td>
<td>Corona Extra (11.2)</td>
</tr>
<tr>
<td>9</td>
<td>Corona Extra (11.3)</td>
<td>Bacardi Malt Beverages (10.3)</td>
</tr>
<tr>
<td>10</td>
<td>Blue Moon (10.2)</td>
<td>Jose Cuervo Tequilas (9.5)</td>
</tr>
</tbody>
</table>
Facebook User Engagement
Youth Exposure Growing Faster Than Adult

IS THIS TARGETING?
Implementation failure: Social availability

• Summary:
  – Product development is regulated by the Treasury Department (see Lesson 2)
  – Alcohol marketing abounds
  – Advertisers police themselves
  – Codes are vague and enforcement is rare
## Summary of the Evidence

<table>
<thead>
<tr>
<th>Targeting Requirement</th>
<th>Requirement Met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 18-20 Exposure = Age 21-24 Exposure?</td>
<td>True in 4 of 7 years (since 2008)</td>
</tr>
<tr>
<td>Comparable products do not target?</td>
<td>True wine avoids age 18-20 exposure</td>
</tr>
<tr>
<td>Alternative schedules can be created</td>
<td>True Age 18-20 exposure could be reduced by as much as 50% without any impact on age 21-24 exposure</td>
</tr>
</tbody>
</table>

Evidence of targeting is strong based on Lockyer v. Reynolds criteria
Lesson 5

• Ban the marketing
  – Marketing of medicines is more tightly regulated – there is precedent
  – Once the Mad Men get hold of marijuana, the floodgates will open and the tide will be difficult to turn.
  – Get out now while you can!
Physical availability: License systems

- Three main provisions:
  - State licensing of alcohol producers, distributors and retailers controls entry into industry, maintains retail standards of operation
  - “Tied-house” restrictions prevent vertical integration of the industry by outlawing retail establishments owned or controlled by producers
  - “Fair trade” provisions discourage intemperate consumption and “disorderly” marketing conditions by permitting producers to set price of their products, in theory preventing price competition at retail
Implementation failure: Physical availability

- Monopoly states
  - Washington State and Costco
  - Pennsylvania current debate
Lesson 6

• Create and safeguard **state-run monopolies**
  – Production
  – Wholesale
  – Retail
  – Placed under control of health authorities
    (see Lesson 2)
Implementation failure: Physical availability

• Maryland – license state

  - Control devolved to local licensing boards, appointed by the Governor

  - Audit of Baltimore liquor board in April:

    • *Baltimore Sun* editorial: “Liquor boards are traditional dumping grounds for political patronage, and there are all sorts of opportunities for mischief and favoritism. But Baltimore's liquor board exists on a level of incompetence that is likely unparalleled in Maryland.”
Audit findings

- Failed to document that new outlets were at least 300 feet from schools or churches
- Prematurely closed half of the 311 test complaints filed by auditors
- Inspects haphazardly:
  - 96 license holders inspected 8 or more times in a year
  - 202 not inspected at all in a year
  - No inspector met internal quota of 4 inspections/day
  - Tess Monaghan’s father???
### Table 3
Number of Inspections Completed By Inspector
September 1, 2010 to August 31, 2011

<table>
<thead>
<tr>
<th>Inspector (Note)</th>
<th>Number of Inspections Completed</th>
<th>Difference From OLA Estimated Workload (872 per Year)</th>
<th>Percentage of Estimated Workload Not Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector 1</td>
<td>41</td>
<td>831</td>
<td>95%</td>
</tr>
<tr>
<td>Inspector 2</td>
<td>41</td>
<td>831</td>
<td>95%</td>
</tr>
<tr>
<td>Inspector 3</td>
<td>116</td>
<td>756</td>
<td>87%</td>
</tr>
<tr>
<td>Inspector 4</td>
<td>197</td>
<td>675</td>
<td>77%</td>
</tr>
<tr>
<td>Inspector 7</td>
<td>296</td>
<td>576</td>
<td>66%</td>
</tr>
<tr>
<td>Inspector 9</td>
<td>387</td>
<td>485</td>
<td>56%</td>
</tr>
<tr>
<td>Inspector 11</td>
<td>419</td>
<td>453</td>
<td>52%</td>
</tr>
<tr>
<td>Inspector 5</td>
<td>428</td>
<td>444</td>
<td>51%</td>
</tr>
<tr>
<td>Inspector 6</td>
<td>430</td>
<td>442</td>
<td>51%</td>
</tr>
<tr>
<td>Inspector 8</td>
<td>436</td>
<td>436</td>
<td>50%</td>
</tr>
<tr>
<td>Inspector 10</td>
<td>474</td>
<td>398</td>
<td>46%</td>
</tr>
<tr>
<td>Inspector 12</td>
<td>512</td>
<td>360</td>
<td>41%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>3,777</strong></td>
<td><strong>6,687</strong></td>
<td><strong>64%</strong></td>
</tr>
</tbody>
</table>

**Source:** OLA compiled database

**Note:** Inspections completed do not include inspections performed by part-time inspectors, investigators, and a former inspector. As a result, the total inspections in Table 3 (3,777) is less than the 4,169 total routine inspections completed, according to our compiled database.
Number/Density of Alcohol Outlets

Outlet over-concentration:

A key public health and safety concern

Increased alcohol availability → Increased alcohol consumption → Increased public health/safety problems
When the # of alcohol outlets increases...

So do the problems:

• violence/crime ¹
• sexually transmitted infections ²
• noise ³
• injuries ⁴
• property damage ⁵
City-specific Findings

- **Philadelphia:** increased risk of being shot in an assault in an area of high alcohol outlet availability\(^{10}\)

- **New Orleans:** 10% rise in density $\Rightarrow$ 5.8% rise in gonorrhea rates\(^{11}\)

- **California:** # off-premise outlets associated with rates of child abuse, # bars associated with rates of child neglect\(^{12}\)
  - Sacramento: each additional off-premise outlet associated with 4% increase in IPV-related police calls, and 3% increase in IPV-related crime reports\(^{13}\)

- **Minneapolis:** neighborhoods with highest density also have highest density of criminal violence\(^{14}\)

- **Washington, DC:** # alcohol outlets in a census tract related to robbery, assault, and sexual offense\(^{15}\)
  - Assaultive violence increases 4% for each additional outlet
Minorities and outlet density

• Among urban census tracts, higher outlet density is found in areas with greater poverty, lower education levels, and more minority residents\textsuperscript{16}

• More alcohol outlets and alcohol advertisements are found in low-income minority communities\textsuperscript{17}

• Study of urban zip codes:
  – Blacks face higher density than whites
  – Minorities in lower-income neighborhoods have more liquor stores
  – Minority youth have more liquor stores in their neighborhoods\textsuperscript{18}
Lesson 7

• Fund robust policy research portfolio on marijuana experiments

  – Alcohol research money goes primarily to “addiction” research – addiction affects only 4 percent of the population

  – Policy studies are critical for testing effectiveness of and defending controls
Implementation

- Organize
- Build Coalitions
- Advocate

Artwork courtesy of Jenny Anderson
Lesson 8

• Support a social/popular movement for control
  
  – The industry has money – we need numbers
  
  – Biggest gains worldwide on alcohol have come through social movements
  
  – “Just folks” need opportunities to weigh in, have voices at the table about effects of the experiments
Lessons Summary

1. Marijuana is not an ordinary commodity.
2. Don’t let governments get drunk on the revenues.
3. Build a control system based on the three “best buys.”
4. Control the size and power of the industry.
5. Ban the marketing.
6. Create and safeguard state-run monopolies.
7. Fund a robust policy research portfolio on the marijuana experiments.
8. Support a social/popular movement for marijuana control.
TOGETHER, we can make a difference!

www.camy.org

www.twitter.com/CAMYJHU
www.facebook.com/JHU.CAMY