



WHITE PAPER

# THE PACKAGING PROBLEM

**The High Cost of an Undefined Standard**

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# Table of Contents

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- Executive Summary .....3
- Why “Attractive to Children” Is Under Renewed Scrutiny .....4
- The Policy Problem: Everyone Knows the Rule; No One Knows the Line.....4
- DCC Guidance vs. Regulation: The Compliance Gap .....6
- Pitting Industry Against Itself: Compliance vs. Marketing .....7
- Reality Check: A Structured Review of Cannabis Packaging.....7
- Findings: What the Market Actually Looks Like.....8
- The Real Outliers: Illicit Packaging ..... 10
- Drawing a Bright Line: CaCOA Policy Recommendations..... 11
- Conclusion: Precision, Not Prohibition..... 13
- Appendix A: Proposed Regulatory Definitions..... 15
- Appendix B: Reference Documents..... 16

## Executive Summary

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California law prohibits cannabis packaging that is “attractive to children.” Everyone agrees with the goal. The problem is that the laws don’t explain *how* to tell when packaging crosses that line.

Unlike other youth-protection rules in cannabis regulation — such as age-gated advertising, child-resistant packaging, or school setbacks — the “attractive to children” standard lacks clear definitions, thresholds, or objective criteria. As a result, similar products can receive different treatment depending on who is reviewing them, when, and in what context. Compliance decisions often hinge on informal guidance or post hoc enforcement rather than on clear rules.

This ambiguity has consequences. It creates uncertainty for licensed operators trying to comply in good faith, inconsistency for regulators tasked with enforcement, and mounting pressure for blunt policy responses such as plain-packaging mandates or categorical design bans. Those approaches promise certainty, but risk undermining the regulated market without meaningfully reducing real-world risk to children.

To ground the debate in evidence rather than assumption, the California Cannabis Operators Association (CaCOA) conducted a structured review of packaging from 162 of the most visible cannabis brands in the state, drawn from top-selling products in licensed retail and major delivery platforms.

Most leading brands are already compliant. Around seventy percent of the brands reviewed avoided illustrated characters, cartoon-style fonts, and candy-forward imagery, even for edible products. A smaller middle tier fell into gray areas created by undefined terms, while a narrow subset clearly violated existing law.

The most egregious youth-appealing packaging was not found in the licensed market at all. It was concentrated in illicit and unlicensed channels, where candy knockoffs and cartoon mascots are common and where broader safety protections — testing, labeling, age verification, and worker standards — are routinely ignored.

This paper calls for a targeted solution built on clear definitions and enforceable standards. Rather than eliminating lawful branding, California should clarify the existing standard so it can be enforced consistently and predictably. That includes codifying key elements of existing guidance, defining high-risk design features such as mascots, anthropomorphism, and bubble-style fonts, distinguishing flavor description from candy imitation, and aligning enforcement with where packaging decisions are actually made.

The legal cannabis market has shown that it can operate responsibly when the rules are clear. The remaining task is to define the line clearly enough to protect children without undermining the regulated system California built to do exactly that.

## Why “Attractive to Children” Is Under Renewed Scrutiny

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Everyone agrees that recreational cannabis should be kept away from kids. Regulators, legislators, and the licensed industry share that commitment, which is why the question of what makes a product appealing to minors is so consequential.

Over the past several years, one phrase has taken on outsized importance in cannabis regulation: “attractive to children.” This phrase appears throughout statute and regulation as a prohibition. Products cannot be designed to attract children. Packaging cannot include images attractive to children. Advertising cannot appeal to anyone under 21. On paper, that sounds straightforward. But in practice, it is anything but.

As cannabis branding has matured and diversified, that phrase has become a flash point at the intersection of public health, consumer protection, design, and enforcement. Everyone agrees a line should exist. Few agree on where it is, or how to apply it consistently to real-world packaging.

That tension came into sharper focus with the State Auditor’s August 2025 review of cannabis oversight. The report highlighted inconsistent application of youth-protection rules, particularly around packaging, and concluded that existing standards lack the specificity needed for consistent enforcement. The concern was not that youth protections are absent, or that the legal market is broadly noncompliant. Rather, it was that regulators and licensees are operating without objective criteria for what should trigger regulatory action.

When standards are imprecise, two outcomes tend to follow. One is inconsistency. Similar products are treated differently, and enforcement feels unpredictable to both regulators and the regulated. The other is overcorrection or legislative pressure to resolve ambiguity by eliminating discretion altogether through blunt tools like plain-packaging mandates, categorical design bans, or pre-approval regimes. Neither outcome advances the underlying goal of protecting children.

This paper is meant to reset the conversation. Instead of debating taste — what looks playful, flashy, or childish — it focuses on translating existing law and guidance into enforceable standards tied to observable design features and actual risk. By grounding the discussion in the regulations as written and the packaging that is actually on the market, this paper aims to move the discussion from feelings to clarity, and from intuition to rules that can be followed.

## The Policy Problem: Everyone Knows the Rule; No One Knows the Line

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California knows how to write youth-protection rules when it chooses to. Age-gating requirements for advertising are explicit. Audience composition thresholds are numeric. Prohibitions on depictions of minors in advertising are unambiguous. Facility setbacks from schools and daycare centers are measured in feet, not vibes. These standards are objective, repeatable, and enforceable. The prohibition on products that are “attractive to children” is not.

Unlike other youth-protection rules in cannabis law, the “attractive to children” standard lacks definition, thresholds, or objective criteria. Licensees are told what they must not do, but not how to determine — reliably and in advance — if and when they have crossed the line. As a result, packaging decisions often hinge on subjective judgments, informal guidance, or post hoc enforcement.

This ambiguity is not academic. It shows up every day in routine packaging reviews, in conversations with inspectors, and in internal disputes between compliance and marketing teams over designs that are lawful on paper but risky in practice. It has also begun to shape the policy debate itself, as lawmakers grapple with a rule that is easy to endorse in principle but difficult to apply with confidence.

The current regulations identify certain categories that are not allowed — cartoons, images or characters popularly used to advertise to children, imitations of candy packaging. But they stop short of explaining how those categories should be applied in practice.

What, exactly, is the difference between a cartoon, which is prohibited, and a drawing, which is not? Is it the level of realism? Exaggeration? Thick outlines? Simplified shapes? Motion or implied energy? Does “cartoon” encompass all fictional characters? Would a long-established alcohol brand mascot — Captain Morgan, for example — cross the line if it appeared on a cannabis package? Two people can look at the same illustration and reasonably disagree. There is nothing in regulation to resolve that disagreement.

The same problem shows up in the prohibition on packaging that bears a “likeness to images, characters, or phrases used in advertising to children.” That sounds sensible until you try to apply it. A likeness to *what*, exactly? A specific brand? A general style? A vague sense of familiarity? Children’s advertising is not a single thing. It spans decades, media formats, and aesthetics. Without guidance on which features matter, the standard becomes nothing more than a gut check. Does it remind someone of a cereal box or a kids’ snack from the 1990s? Reasonable people will answer differently, and the regulation offers no way to determine which answer is right.

These are not edge cases or lawyerly hypotheticals. They are the kinds of determinations businesses are expected to make every day, often with significant financial consequences attached. In the absence of defined criteria, the standard becomes elastic — expanding or contracting depending on who is applying it, when, and in what context. That may be acceptable in individual enforcement decisions. But it is not a stable foundation for running a business.



*Is Captain Morgan a "cartoon"?*

## DCC Guidance vs. Regulation: The Compliance Gap

In response to growing concern about youth appeal, the Department of Cannabis Control (DCC) has issued public guidance<sup>1</sup> describing packaging elements it *may* view as “attractive to children.” The guidance points to features such as mascots or anthropomorphized characters, flavor names emphasizing sweetness or novelty, and imagery associated with “luxury lifestyles, parties, or group enjoyment.”

As guidance, this is directionally useful. It gives licensees insight into what regulators are watching for and reflects real enforcement experience. Much of it is sensible, particularly where it clarifies that anthropomorphized figures may be treated as cartoons for enforcement purposes.

The difficulty is that the guidance, like the regulations themselves, relies heavily on adjectives rather than definitions. Terms such as *bright*, *flashy*, *novelty*, or *suggestive* signal concern, but they do not explain how those judgments should be made or applied in practice.

*Adult-oriented consumer products routinely use bright colors*



Color is a good example. Bright or shiny palettes are cited as youth-appealing, yet color alone is not prohibited anywhere in regulation. And many adult-oriented products — across pharmaceuticals, alcohol, and personal care — rely on bold or high-contrast designs.

Typography raises similar issues. Certain fonts are plainly juvenile or playful, yet typography itself is not regulated nor addressed in guidance. When does stylization become a problem? What visual features matter? The roundness of the letters, their thickness, their dimensionality?



*Yes, bubble fonts appeal to children.*

<sup>1</sup> <https://www.cannabis.ca.gov/posts/cannabis-products-attractive-to-children-prohibited/>

The same uncertainty appears in the guidance’s caution against imagery suggesting “luxury” lifestyles, parties, or group enjoyment. Is all imagery associated with celebration inherently problematic? Should a working-class aesthetic be treated differently from a luxury one?

Taken together, these examples illustrate the same underlying issue. The guidance conveys risk but does not draw a line. It identifies areas of concern without supplying criteria that allow two reviewers (like a regulator and a licensee) to reach the same conclusion looking at the same package. The result is a widening gap between what the regulations prohibit, what the guidance suggests, and what businesses can confidently design around in advance.

## **Pitting Industry Against Itself: Compliance vs. Marketing**

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The deeper problem is that the guidance is not legally binding. It does not amend the regulations, create enforceable standards, or provide protection for licensees who follow it in good faith. Companies are left with a dilemma. Do we treat guidance as if it were law and voluntarily narrow otherwise lawful branding? Or do we follow the regulations as written and accept the risk that guidance may be applied retroactively through enforcement?

In a market defined by declining sales and intense competition for shelf space, that dilemma is a very big deal. It plays out inside companies every day, often pitting compliance teams charged with minimizing regulatory risk against marketing teams responsible for competing for consumer attention. What should be routine design decisions instead become high-stakes debates with real financial consequences.

## **Reality Check: A Structured Review of Cannabis Packaging**

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But enough theory. To see how the “attractive to children” standard actually operates, the California Cannabis Operators Association (CaCOA) reviewed packaging from the most visible cannabis brands in California.

The review drew from two sources: the top 150 selling brands based on Headset sales data<sup>2</sup> and the 50 winners of Weedmaps’ “Best of” awards.<sup>3</sup> After removing duplicates, this yielded a total of 162 brands. Together, these lists capture what consumers are most likely to encounter when walking into a licensed storefront or browsing a licensed delivery menu.

For each brand, we looked at publicly available packaging images and evaluated them against six design features that repeatedly surface in youth-appeal debates:

1. **Illustrated characters** – mascots, cartoon figures, fictional personalities

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<sup>2</sup> [https://www.headset.io/brands?\\*=California](https://www.headset.io/brands?*=California)

<sup>3</sup> <https://weedmaps.com/best-of-wm/california-brands>

2. **Anthropomorphic elements** – fruits with faces, vegetables with eyes, letters with mouths
3. **Bubble fonts or 3D lettering** – rounded or three-dimensional lettering commonly associated with children’s products
4. **Fantasy or imaginative drawings** – wizards, unicorns, space themes, or other make-believe elements
5. **Images of sweet treats** – candy, ice cream, cake, cookies, or similar snacks
6. **References to children's entertainment** – characters, titles, or imagery borrowed from kids' media

We then sorted brands into three categories:

- ✓ **Compliant:** Packaging with no obvious youth-appealing features and no elements that would reasonably raise concern under existing rules.
- **Borderline:** Packaging that includes features that might raise concern, but only under certain interpretations. These are the “it depends” cases that create uncertainty.
- ✗ **Prohibited:** Packaging with features that clearly violate existing law (or would, if the law were applied consistently).

**An Important Caveat:** Headset data skews toward licensed, brick-and-mortar retail, where visibility is high and inspections are routine. As a result, this review almost certainly underrepresents packaging issues that are more prevalent in delivery-only and illicit channels. So, this is **not** a catalogue of California’s worst offenders. Rather, it's a stress test of how the “attractive to children” standard performs when applied to the mainstream market.

**One More Thing:** This analysis relies on publicly available images and is presented in aggregate for policy discussion. It is not an enforcement referral, nor a call for regulatory action against specific licensees. The purpose is to show how unclear standards create real-world problems for regulators trying to enforce the law, businesses trying to follow it, and a public that expects cannabis to be sold as an adult-only product.

## Findings: What the Market Actually Looks Like

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The review produced a clear and, in some respects, unexpected result. Among the most visible cannabis brands in California, youth-appealing packaging is not the norm. Most top-selling brands avoided illustrated characters, cartoon-style typography, and candy-forward imagery altogether. Their packaging looks like what it is: products designed for adults, sold in adult-only stores, with restrained branding and a straightforward presentation.

This runs counter to the prevailing narrative that the legal market is awash in kid-friendly packaging. The familiar image — gummy bears in cartoon wrappers and direct knockoffs of children’s candy brands — does exist, but it is not representative of the mainstream licensed market, particularly among brands with broad distribution and sustained retail presence.

California's top selling brands are largely compliant packaging-wise



## The Breakdown

Out of 162 brands reviewed:

- ✓ **Clearly compliant (68%):** The majority fell squarely within existing rules. These brands used no illustrated characters, no references to children's entertainment, and no candy-forward imagery (even for edible products). The design choices were adult-oriented and unlikely to raise concern under any reasonable interpretation of current law.
- **Ambiguous/borderline (22%):** A smaller but meaningful group landed in the gray zone. These packages typically included one or two features that raise questions because the regulations lack definitions. Stylized fonts that might read as playful. Illustrations that could be seen as artistic or as cartoons, depending on the viewer. Food imagery that approaches, but does not clearly imitate, candy packaging. These are not obvious violations; they are judgment calls that different reviewers could reasonably resolve in different ways.
- ✗ **Clearly problematic/prohibited (10%):** This group was narrow and unmistakable. These packages combined multiple red flags: cartoon mascots, anthropomorphic fruit with eyes and mouths, direct references to children's entertainment, or visual mimicry of well-known kids' snacks. In other words, packaging that can't be defended under any reading of the current regulations.

The takeaway is not widespread noncompliance. It is a concentration of uncertainty in the middle tier, and inconsistent handling of the relatively small number of clear violations.

## Size Matters

One pattern stood out. Compliance improves as brands get bigger. None of the top 20 brands reviewed fell into the clearly prohibited category. By contrast, among the 20 smallest brands, one in four raised serious concerns.

There are several plausible explanations for this. Larger brands tend to have more at stake, and more resources devoted to compliance review. They are also more exposed to inspection and reputational risk. Whatever the reason, the data does not show a race to the bottom. It

shows a convergence toward caution, with most brands gravitating toward packaging that is “probably fine,” even where the rules would technically allow more latitude.

Taken together, the findings point to a problem that is real, but narrower than the current debate suggests. Most licensed brands are already operating within the bounds of existing law. A small subset is clearly out of bounds. The friction lies in the middle, where unclear standards turn routine design choices into regulatory guesswork.

That distinction matters because when enforcement energy is spent arbitrating gray areas among otherwise compliant operators, attention drifts away from the packaging that is plainly unlawful and the markets where those products proliferate. Clarifying the line is not about lowering standards; it is about making them usable so compliance is predictable, enforcement is effective, and policy attention stays focused on the highest-risk conduct.

## The Real Outliers: Illicit Packaging

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If you want to see packaging that is genuinely designed to attract kids, look outside the legal market. The worst offenders are not licensed dispensaries or top-selling brands. They are unlicensed dispensaries and delivery services, smoke shops, and online drug sellers operating entirely outside the regulatory system. This is where you find direct knockoffs of Skittles, Nerds Rope, and Cheetos, along with cartoon mascots that would not look out of place on a Saturday-morning cereal box. These are not close calls or matters of interpretation. They are clear violations of California law, and they are putting young people at risk.

*Packaging in the illicit market often intentionally appeals to children*



More importantly, the packaging is the least of the problems. It is merely the most visible symptom of a broad disregard for consumer and worker safety, an overt sign that the product exists outside the regulatory system designed to protect the public.

## Drawing a Bright Line: CaCOA Policy Recommendations

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The findings in this paper point to a narrow but solvable problem. California does not lack youth-protection rules. It lacks precision in how the prohibition on products “attractive to children” is defined and applied. The appropriate response is not to expand the prohibition or eliminate lawful branding, but to clarify the line so regulators, licensees, and enforcement staff are operating from the same playbook across the supply chain.

CaCOA offers the following recommendations.

1. **Align guidance with regulation.**

DCC guidance has been valuable in surfacing enforcement concerns and signaling how regulators interpret existing rules. Where that guidance reflects consistent enforcement priorities, it should be codified through regulation rather than left to operate informally. Codification would reduce uncertainty, protect licensees that act in good faith, and promote consistent enforcement across regions and inspectors. Guidance can inform regulation, but it should not substitute for it.

2. **Distinguish symbolic brand imagery from character-based marketing.**

Other heavily regulated industries already draw a workable distinction between symbolic brand imagery and character-based marketing. The relevant question is not whether an image is illustrated or fictional, but whether it functions as a personable, expressive brand representative designed to engage the viewer. Under this framework, static symbols, such as seals, crests, heraldic figures, or classical illustrations, should remain permitted. By contrast, character-based imagery, including mascots or recurring figures presented with expressive features, implied personality, or emotive engagement, should be prohibited. This functional distinction is well established and can be implemented through a feature-based definition of “mascot.”

*Symbolic brand imagery*



*Character-based marketing*



3. **Prohibit anthropomorphized elements, regardless of subject.**

DCC guidance correctly identifies anthropomorphized animals as a youth-appeal risk, but the concern is broader. Any element — animal, fruit, vegetable, object, or

typographic character — can be anthropomorphized through the attribution of human features such as eyes, mouths, facial expressions, gestures, or implied agency. Regulation should focus on anthropomorphism itself, not the category of object to which it is applied. Clear definitions would prevent workarounds and support consistent enforcement.

*Any element can be anthropomorphized*



4. **Define and restrict bubble or volumetric fonts as a high-risk design feature.**

Certain typographic treatments — particularly bubble, inflated, or volumetric lettering styles commonly associated with children’s products — frequently appear in packaging that raises youth-appeal concerns. Regulation should explicitly define bubble or volumetric fonts as lettering styles characterized by rounded, inflated, or three-dimensional forms that resemble toy, candy, or children’s snack branding. When used prominently on product names or flavor descriptors, these treatments should be treated as high-risk design features.

5. **Allow flavor communication without candy imitation.**

Cannabis, like wine and spirits, has a complex and varied flavor profile, and adult consumers rely on flavor descriptors to navigate products. References to sweetness or dessert-adjacent notes are common and accepted in other regulated markets. Restricting flavor names alone is neither necessary nor effective. However, a targeted prohibition on packaging imagery of common sweets or children’s snacks, such as candy, ice cream, cake, marshmallows, or similar treats, is both appropriate and consistent with existing law. The line should be drawn at visual mimicry, not descriptive language.

6. **Apply enforcement where packaging decisions are made.**

A recurring source of friction has been ad hoc enforcement against retailers for allegedly youth-appealing packaging, even as the same products remain lawful to manufacture, distribute, and sell elsewhere. Packaging decisions are made upstream. If a product’s packaging is deemed noncompliant, enforcement should occur at the manufacturing level or through a uniform recall, not through selective citations against individual retailers. Consistent application across the supply chain is essential for fairness, predictability, and effective compliance.

**7. Provide an optional but binding pre-market review process.**

Licensees should have the ability to request a binding determination from DCC on whether proposed packaging complies with the “attractive to children” standard before going to market, in exchange for a modest fee. Such a process would give businesses a way to resolve genuine ambiguity in advance, reduce costly redesigns and enforcement disputes, and promote consistency across inspectors and regions. Participation should be voluntary, time-limited, and narrowly scoped to packaging design — not a blanket pre-approval regime. When granted, a determination should function as a safe harbor for the reviewed design unless material changes are made.

**8. Support public education on responsible storage and adult use.**

Packaging rules alone cannot prevent youth exposure. California should support a statewide public education campaign promoting secure storage and responsible handling of cannabis products, modeled on efforts like San Diego’s “Stash Your Stash” partnership between Social Advocates for Youth (SAY) and local dispensaries.<sup>4</sup> These campaigns emphasize simple, practical steps — keep products locked, out of sight, and treated as adult-only. Expanding this approach would address real-world exposure risks directly and complement regulatory controls without imposing new restrictions on lawful packaging.

**9. Prioritize enforcement toward real risk.**

Enforcement resources should be focused on unlicensed delivery and retail channels, where youth-appealing packaging and broader safety violations are most concentrated.

Taken together, these recommendations do not call for new prohibitions or broader restrictions, but precision. The legal market has shown it can operate responsibly when the rules are clear and consistently applied. The remaining question is not whether California should protect children, but whether it will define the line clearly enough to enforce that protection without undermining the regulated market.

## **Conclusion: Precision, Not Prohibition**

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California’s cannabis market does not have a youth-protection problem. It has a definition problem. The evidence in this paper points to a narrow problem, not a systemic failure. Most licensed brands are already operating within the bounds of existing law. A small set of violations are obvious and enforceable. The friction sits in the middle, where licensees are expected to comply with a rule that is broadly supported but insufficiently defined. That is a drafting gap, not a breakdown of intent.

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<sup>4</sup> <https://eccalifornian.com/campaign-focuses-on-safer-cannabis-storage/>

When that line is unclear, pressure builds for blunt fixes. Plain-packaging mandates sound attractive because they are definitive. But they solve the wrong problem at great cost. Stripping differentiation from the legal market will not eliminate youth exposure. It will instead drive consumers to the unregulated market.

The solution is straightforward. Say what “cartoon” means. Define which typographic treatments are prohibited. Draw a clear boundary between describing flavor and imitating candy. Anchor the standard in observable design features that can be applied the same way, every time.

California does not need to rewrite its cannabis laws. It needs to finish drafting them. Clear rules protect children, give regulators enforceable standards, and allow the legal market to function as intended.

## Appendix A: Proposed Regulatory Definitions

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The following proposed definitions are intended to clarify existing prohibitions on products and packaging that are “attractive to children” by identifying specific, observable design features that elevate youth-appeal risk. These definitions do not expand the scope of the prohibition but rather seek to make it enforceable.

1. **Mascot:** “Mascot” means an illustrated or animated figure that is presented with expressive features, gestures, or implied personality such that it functions as a personable or emotive figure intended to engage or entertain the viewer. A mascot may depict a human, animal, or other figure and may be fictional or non-fictional. The term does not include heraldic figures, seals, crests, or symbolic illustrations rendered in a static, classical, engraved, or archival style that do not convey expressive behavior, exaggerated features, or implied agency beyond their symbolic role.
2. **Anthropomorphized Element:** “Anthropomorphized element” means any illustrated or animated non-human element that is attributed human characteristics, expressions, gestures, or implied personality. Elements can be anthropomorphized without being mascots. It includes animals, fruits, vegetables, food items, or objects depicted with eyes, mouths, facial expressions, limbs, or speech; letters or typographic characters given faces, expressions, or implied emotions; and inanimate objects presented as sentient, reactive, or expressive. It does not include realistic or decorative depictions of animals, plants, or objects lacking human features; or illustrations that depict non-human elements in a naturalistic or symbolic manner without implied personality or agency
3. **Bubble or Volumetric Font:** “Bubble or volumetric font” means a typographic style characterized by rounded, inflated, soft-edged, or three-dimensional letterforms that resemble toy, candy, or children’s snack branding. It includes letterforms that appear puffed, balloon-like, or cushion-shaped; typography designed to look soft, squishy, or candy-like; and three-dimensional lettering with exaggerated roundness or playful contours. It does not include graffiti, street-art, distressed, stencil, or hand-drawn fonts oriented toward adult audiences; Serif, sans-serif, script, calligraphic, or minimalist fonts without inflated or bubble-like characteristics; or stylized typography that is sharp-edged, angular, rough, or industrial in appearance. Bubble or volumetric fonts should be treated as high-risk features when used prominently, particularly in combination with other youth-appeal elements, but are not independently disqualifying in all contexts.

## Appendix B: Reference Documents

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1. [DCC Guidance Document](#)
2. [Medicinal & Adult Use Cannabis Regulations](#)
3. [State Auditor's Report](#)
4. [CaCOA Package Scoring Matrix](#) [restricted access]
5. [CaCOA Packaging Review](#) [restricted access]