

HEMP PROGRAM – Labeling Requirements

Labeling Hemp Products in Vermont

The Vermont Hemp Rules outline labeling requirements for hemp products and hemp-infused products produced by Hemp Program registered processors in Vermont. Labels should communicate the contents of products containing hemp derivatives, extracts, and cannabinoids to foster consumer confidence when purchasing Vermont products and to establish transparency and certainty for the purchasing public. This FAQ on labeling requirements focuses on educating registered processors. The Agency will also address issues with incorrect labels on a case-by-case basis on products produced outside of Vermont.

Frequently Asked Questions

What are the labeling requirements for hemp products and hemp-infused products?

All consumable hemp products or hemp-infused products (which include products applied to the skin) processed in Vermont must be labeled with the following information:

- The name and principal mailing address of the registered processor of the hemp product or hemp-infused product
- A statement that the product contains ingredients that are derived from hemp
- An accurate statement of the quantity of the package contents in weight, measure, or numeric count
- When offering a guarantee, the guaranteed amount of any listed cannabinoid contained in the product by serving size and measured in milligrams, milliliters, or grams
- A statement that the product contains THC, if applicable
- A process lot number (see below, “*Must a printed product label contain a process lot number?*”)

Do I need to include my entire address on my label? What if I am white-labeling products?

Yes, a product label must include the entire business address on the label. The business name and principal mailing address of the

registered processor of the hemp product or hemp-infused product need to be listed on each label. Post office boxes are acceptable as a principle mailing address.

When a person purchases the services of a third-party manufacturer to formulate hemp products and hemp-infused products, the person purchasing the services must be registered with the Hemp Program as the processor and it is the registered processor’s principal mailing address that must be on the label. Directing consumers to a web address for a principal mailing address is not acceptable as a replacement for including a principal mailing address on the product packaging.

What is a label guarantee?

A *label guarantee* is the declared minimum or maximum amount of cannabinoid content in a hemp product or hemp-infused product. Label guarantees can include but are not limited to percentage of CBD, milligrams of CBD, and percentage of total cannabinoids or terpenes in a hemp product or hemp-infused product. Label guarantees are not required on hemp products or hemp-infused products, but if a product makes a label guarantee, the label guarantee must be *traceable to a certificate of analysis*.

What does “traceable to a certificate of analysis” mean?

To ensure product consistency and consumer protection, all label guarantees must be proven through product testing by a certified laboratory. Any product with a label guarantee needs to be tested as packaged and must be associated with a *certificate of analysis* from a certified laboratory that reflects the guarantee shown on the label. This is required for each process lot of hemp products or hemp-infused products. Individual products should be traceable to certificates of analysis by process lot numbers.

A label guarantee for cannabinoid content of hemp products and hemp-infused products should be within 20% of the reported label value.

How do I determine a process lot and process lot number?

Process lots are any amount of hemp concentrate, hemp product, or hemp-infused product of the same type, processed at the same time, using the same ingredients and same standard operating procedures.

A *process lot number* is a unique numeric identifier that begins with the last 5 digits of a processor's registration number.

The key elements of documenting a process lot are identifying (1) the ingredients intended to be present in the finished product, (2) the steps involved in product formulation (method), (3) the time it took to process, and (4) the finished product. For example, a process lot can consist of 3 harvest lots purchased from 3 different growers. The 3 different harvest lots are the ingredients, the method is extraction (solvent or solventless), the processing time is the time it took to perform the extraction, and the finished product is, for example, hemp concentrate. This hemp concentrate is the *process lot* and would be assigned a *process lot number*.

Trimmed flower process lots may be based on hemp cultivar or variety, and the harvest lot certificate of analysis could be the traceable documentation for the process lot. If a registered processor mixes three hemp harvest lots of the same variety, or three hemp varieties together into a single process lot, the registered processor would need a new certificate of analysis for the product being marketed, along with other necessary testing requirements, including microbiologic and moisture tests.

Must a printed product label contain a process lot number?

No, a *printed product label* does not need to include the process lot number. Process lot numbers can be adhered to product packaging using a *stamp or sticker* if not present on the printed product label. The Vermont Hemp Program understands that process lot numbers are likely to change frequently over the life of a particular product, especially in the case of small batch products. All hemp products or hemp-infused products must be marked so that process lot numbers are present and easily identifiable.

Do I need to make my certificates of analysis available to the public?

No, certificates of analysis for hemp products and hemp-infused products are not required to be made available to the public. For compliance purposes, certificates of analysis must be maintained in registered processors' records for 3 years from the time of processing of a process lot. Registered processors can choose to make them publicly available if they wish.

What constitutes a statement that a product contains THC?

Any hemp product or hemp-infused product containing THC at or below concentration levels that demonstrate compliance must include a statement that the product contains THC. The simplest way to indicate this is for a label to say,

“This product contains THC.” Hemp products or hemp-infused products exceeding the acceptable potency level are not compliant products.

Does the Vermont Hemp Program perform label reviews?

No, the Vermont Hemp Program does not perform label reviews. However, it will provide information about labeling requirements and assist with general questions.

What are the labeling requirements for hemp trim flower?

Trim flower is considered a processed product and is subject to all labeling requirements in the Vermont Hemp Rules.

Can I create different products using the same hemp concentrate process lot? Can they be traced to the same process lot number?

Yes, you can create different hemp products or hemp-infused products using the same hemp concentrate process lot. The requirement for potency testing after formulation of a product using a hemp concentrate is the production of a certificate of analysis that demonstrates that the product meets the acceptable potency level *OR* the registered processor’s formulation demonstrates compliance with the acceptable potency level. Each individual hemp product or hemp-infused product will be identified by their own process lot numbers.

Do the labeling requirements apply to products manufactured outside of Vermont?

No, the Vermont Hemp Program labeling requirements do not apply to products manufactured outside of Vermont. Retail establishments that carry hemp products or

hemp-infused products manufactured outside of Vermont, however, are subject to inspection pursuant to 6 V.S.A § 568, which may include taking samples of such products. If the Vermont Hemp Program finds that a product manufactured outside of Vermont and being sold in Vermont makes a label claim regarding cannabinoid concentration and it is not accurate, the Vermont Hemp Program may conduct an investigation and take action as necessary.

What is the difference between full spectrum and whole plant? What is broad spectrum and distillate?

Full spectrum refers to hemp products or hemp-infused products derived from a hemp concentrate that contains the following: cannabinoids, aromatics, essential vitamins and minerals, fatty acids, protein, chlorophyll, flavonoids, and terpenes. A full-spectrum product cannot be reformulated and cannot have isolates or distillates added to it.

Whole plant refers to an extract containing water and lipid-soluble plant compounds. It is possible to sell a full-spectrum product containing a whole-plant extract.

Broad spectrum means a concentrate extracted from hemp that contains cannabinoids except THC, which has been removed.

Distillate means a concentrate in which a segment of cannabinoids from an initial extraction are selectively concentrated through heating and cooling, with all impurities removed.

For a registered processor to use these terms on a label its use must comply with these definitions.