

IN CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI

STATE OF MISSOURI ex rel., Attorney )	
General Catherine L. Hanaway, )	
	)
Plaintiff, )	
	)
v. )	Case No.
	)
ExZatica LLC, dba Pressure STL, )	Division:
	)
Serve: )	
1028 N. Kingshighway St. )	
Cape Girardeau, Missouri 63701 )	
	)
Defendant. )	

**PETITION FOR INJUNCTION, CIVIL PENALTIES  
AND OTHER RELIEF**

**INTRODUCTION**

Emboldened by willful ignorance, the hemp industry manufactures and distributes goods to target Missouri's children and adolescents that contain intoxicating, addictive, and harmful substances. The hemp industry appears to be taking a page out of the tobacco industry's play book, but, this time, taking it one step further. In addition to providing a variety of flavored cigarettes, e-cigarettes, and vapes that are enticing to children, hemp manufacturers and distributors provide edibles which take the form of any kid's favorite snacks - Doritos®, Skittles®, MilkyWay®, Nerds®, Chips Ahoy®, Crunch®, and Sour Patch Kids.

While licensed marijuana dispensaries and manufacturers are restricted by the Missouri Constitution and actively monitored and regulated by the Missouri Department of Health and Senior Services, the hemp industry apparently believes they are free of such legal restraints and, therefore, may offer psychoactive hemp products unhindered by state-licensing rules and fees and unmonitored by federal or state regulators. To prevent further harm to Missouri's children and

adolescents, the State of Missouri, at the relation of Attorney General Catherine L. Hanaway, brings this Petition for Injunction, Civil Penalties and Other Relief against ExZatica LLC, d/b/a Pressure STL. Upon information and belief, Plaintiff states as follows:

**PARTIES**

1. Plaintiff Catherine L. Hanaway is the Attorney General of the State of Missouri and brings this action on behalf of the State of Missouri pursuant to Chapter 407, RSMo.
2. On information and belief, Pressure STL is a fictitious name registered with the Missouri Secretary of State, filed by Defendant ExZatica LLC.
3. On information and belief, Defendant ExZatica LLC has a principal place of business at 95 Twin Gables, Irvine, California 92620, but is doing business as Pressure STL in the State of Missouri at 3956 S Broadway, St. Louis, MO 63118 (hereinafter "Defendant Pressure").

**JURISDICTION**

4. This Court has subject matter jurisdiction pursuant to Article V, § 14 of the Missouri Constitution and RSMo. § 478.070.
5. This Court has personal jurisdiction over Defendant Pressure pursuant to Missouri's long-arm statute, § 506.500 RSMo, as Defendant Pressure is a Limited Liability Company with a place of business in Missouri, has transacted such business in Missouri, and has committed tortious acts within Missouri to be performed whole or in part in this state. Specifically, Defendant Pressure has engaged in unfair and deceptive practices through operating a marijuana dispensary without a license in Missouri in violation of state regulation and public policy and selling marijuana products that are attractive to children. The exercise of personal jurisdiction over Defendant Pressure under § 506.500 comports with due process because Defendant Pressure purposefully availed itself of the privilege of conducting activities within Missouri, and the

assertion of jurisdiction is reasonable in light of Defendant Pressure's deliberate contacts with this forum.

6. This Court has authority over this action pursuant to § 407.100, RSMo, of the Missouri Merchandising Practices Act ("MMPA"), which allows the Attorney General to seek injunctive relief, civil penalties and other relief against those who violate § 407.020, RSMo.

### **VENUE**

7. Venue is proper in this Court pursuant to § 407.100, RSMo, which provides that "[a]ny action under this section may be brought in the county in which the defendant resides, in which the violation alleges to have been committed occurred, or in which the defendant has his principal place of business." § 407.100.7.

8. Defendant Pressure has a place of business in the City of St. Louis, Missouri, and has engaged in unfair and deceptive trade practices there through the sale of marijuana without a license. Further, Defendant Pressure's marijuana products are attractive to children in violation of state regulation and public policy.

### **MERCHANDISING PRACTICES ACT**

9. § 407.020, RSMo., provides in pertinent part:

The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice.... Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement, or solicitation.

10. "Person" is defined as "any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation,

trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.” § 407.010.5, RSMo.

11. “Merchandise” is defined as “any objects, wares, goods, commodities, intangibles, real estate, or services.” § 407.010.4, RSMo.

12. “Sale” is defined as “any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or on credit.” § 407.010.6, RSMo.

13. “Trade” or “commerce” is defined as “the advertising, offering for sale, sale, or distribution, or any combination thereof, of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated. The terms “trade” and “commerce” include any trade or commerce directly or indirectly affecting the people of this state.” § 407.010.7, RSMo.

14. Defendant Pressure has sold merchandise in trade or commerce within the meaning of § 407.010, RSMo.

15. The Attorney General has promulgated rules explaining and defining terms used in §§ 407.010 to 407.145 of the Merchandising Practices Act. The relevant rules include, but are not limited to, the provisions of 15 CSR 60-8.010 to 15 CSR 60-9.110.

16. “An unfair trade practice is any practice which –

(A) Either –

1. Offends any public policy as it has been established by the Constitution, statutes or common law of this state, or by the Federal Trade Commission, or its interpretive decisions; or
2. Is unethical, oppressive or unscrupulous; and

(B) Presents a risk of, or causes, substantial injury to consumers.” 15 C.S.R. 60-8.020.

17. “Deception is any method, act, use, practice, advertisement or solicitation that has the tendency or capacity to mislead, deceive or cheat, or that tends to create a false impression.” 15 C.S.R 60-9.020(1).

### **ALLEGATIONS OF FACT RELEVANT TO ALL CLAIMS**

#### **A. The Unfortunate History of the Tobacco and Nicotine Industry and its Lasting Effect on Children.**

18. It is an unfortunate but real history in the United States that companies have knowingly targeted children to sell addictive and harmful drugs to indoctrinate them into a bad habit and secure them as lifelong consumers of their product. The history of the tobacco and nicotine industry is illustrative of such an unfortunate history.

19. In the 1990s, major tobacco companies developed a comprehensive scheme to appeal to impressionable children to entice them to use their products. Specifically, companies used advertisements in magazines, at sporting events, and on billboards to expose youth to tobacco.

20. Eventually, through increased regulation and a wave of litigation, including lawsuits brought by State Attorneys Generals to recover health care costs and other damages imposed upon the states by cigarette smoking, big tobacco was held responsible in the U.S.

21. In 1998, the major tobacco companies entered into the Tobacco Master Settlement Agreement (“MSA”) with 46 State Attorneys Generals, four U.S. territories, the Commonwealth of Puerto Rico, and the District of Columbia (the “Settling States”). In addition to requiring these cigarette companies to pay billions of dollars to the Settling States each year in perpetuity, the MSA imposes prohibitions on marketing and advertising to youth.

22. In 2009, the tobacco industry was further restrained by the passage of the federal Family Smoking Prevention and Tobacco Control Act (“Tobacco Control Act”), prohibiting the sale of most flavored cigarettes because “flavored cigarettes are a gateway for many children and young adult to become regular smokers.”<sup>1</sup> The Tobacco Control Act further regulated the packaging of tobacco products, specifically requiring larger warning labels.

23. Unfortunately, much of the progress made in the late 1990s and early 2000’s was reversed by the emergence of e-cigarettes. E-cigarettes are devices that operate by heating a liquid solution, almost always containing nicotine, thereby creating an aerosol which can then be inhaled.

24. Nicotine is a highly addictive chemical, particularly to young people who are more susceptible to nicotine addiction. Additionally, teenagers who use e-cigarettes are seven times as likely to smoke combustible cigarettes and suffer the harms associated with traditional smoking.

25. E-cigarettes entered the United States market around 2007 and began rapidly rising in popularity with the arrival of JUUL in 2015, which provided easy to smoke e-cigarettes in a variety of flavors. E-cigarettes were largely unregulated until the FDA brought them under its authority through the “deeming rule” on August 8, 2016.

26. In 2019, Over 5 million U.S. middle and high school students reported using e-cigarettes, with 27.5% of high schoolers and 10.5% of middle schoolers reporting current use of e-cigarettes.<sup>2</sup> Of those current e-cigarette users, 34.2% of high schoolers and 18% of middle schoolers were using e-cigarettes on 20 days or more per month.<sup>3</sup>

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<sup>1</sup> Gardiner Harris, *Flavors Banned From Cigarettes to Deter Youths*, NEW YORK TIMES (Sept. 22, 2009), <https://www.nytimes.com/2009/09/23/health/policy/23fda.html> (last visited Jan. 20, 2019).

<sup>2</sup> Karen A. Cullen et al., *e-Cigarette Use Among Youth in the United States, 2019*, JAMA (2019), <https://jamanetwork.com/journals/jama/article-abstract/2755265>.

<sup>3</sup> *Id.*

27. The data showed that flavors were a big driver of youth usage. Among exclusive e-cigarette users in 2019, 72.2% of high schoolers and 59.2% of middle schoolers reported the use of flavored products, with fruit, menthol, and mint being the most commonly reported flavors.<sup>4</sup>

28. On February 6, 2020, the FDA made effective a nationwide ban on all flavored e-cigarettes, excluding menthol and tobacco flavors.

29. In 2022, the Missouri Attorney General joined a class action lawsuit against JUUL Labs, Inc., filing a “Petition for Injunction and Other Relief” in Cole County Missouri.<sup>5</sup> In the petition, Missouri alleged JUUL was a dominant company in the e-cigarette market and not only took guidance from the tobacco industry’s playbook to make their products appealing to children, but took it a step further by making their e-cigarettes less harsh to smoke and more palatable for first time users, such as the youth.<sup>6</sup>

30. JUUL provided their e-cigarettes in a variety of flavors, such as, “fruut.” “brulee,” and “mango,” using such enticing flavors with an already easy to consume product. Furthermore, JUUL focused their marketing efforts in ways that would grab the attention of children, specifically hiring youthful models for their advertisements and displaying them on social media rather than in TV ads or billboards.

31. On January 6, 2023, A Final Consent Judgement was entered into against JUUL, which, among other things, prohibited them from taking any action to target youth within Missouri in the advertising, promotion, or marketing of JUUL products.<sup>7</sup> For example, JUUL was prevented from using cartoons in any promotion or from using any media outlets that didn’t have a viewership

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<sup>4</sup> *Id.*

<sup>5</sup> See Petition of Injunction and Other Relief, MO State Attorney General v. JUUL Labs, Inc., No. 22AC-CC07677 (E-case).

<sup>6</sup> *See id.*

<sup>7</sup> See Final Consent Judgement, MO State Attorney General v. JUUL Labs, Inc., No. 22AC-CC07677 (E-case).

of more than 85% adults.<sup>8</sup> Further, JUUL was prohibited from providing any additional flavors not already sold in Missouri unless otherwise authorized by the FDA.<sup>9</sup>

32. While e-cigarettes were brought under the authority of the FDA, and there are regulations and injunctions in place to limit e-cigarette companies from targeting the current youth, the harm has already been done. As of 2023, 15.5% of young adults aged 21-24 used e-cigarettes.<sup>10</sup> These are individuals who would have been middle schoolers or high schoolers during the rise of e-cigarettes in the late 2010s.

33. There are still too many tobacco users among today's youth due in large part to efforts of e-cigarette companies, such as JUUL, making their products enticing to children. As of 2024, 2.25 million students in the U.S. reported using tobacco products, with the most common being e-cigarettes.<sup>11</sup>

## **B. Missouri's Regulation of Cannabis.**

34. The saying goes – fool me once, shame on you; fool me twice, shame on me. Before the United States has even recovered from the shame of the harmful effects that e-cigarettes has reeked on today's youth and young adults, we are now actively trying to avoid being fooled a third time – this time by the cannabis industry.

35. Similar to Nicotine, cannabis is an addictive substance. Specifically, consumers are at a risk of developing cannabis use disorder (“CUD”).<sup>12</sup> Studies have estimated that 22% to 30%

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<sup>8</sup> See *id.*

<sup>9</sup> See *id.*

<sup>10</sup> Vahrtian A, Briones EM, Jamal A, Marynak KL. *Electronic cigarette use among adults in the United States, 2019–2023*, CDC: DATA BRIEFS (last reviewed January 30, 2025), <https://www.cdc.gov/nchs/products/databriefs/db524.htm>.

<sup>11</sup> *Results from the Annual National Youth Tobacco Survey (NYTS)*, FDA: YOUTH AD TOBACCO (Jan. 1, 2025), <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey-nyts>.

<sup>12</sup> *Cannabis (Marijuana)*, NATIONAL INSTITUTE ON DRUG ABUSE: RESEARCH TOPICS (Sept., 2024), <https://nida.nih.gov/research-topics/cannabis-marijuana>.

of people who use cannabis have the disorder, which consists of heavy – almost every day – use of cannabis products.<sup>13</sup>

36. In general, the use of cannabis by smoking can harm lung health as the smoke from cannabis products contain many of the same toxins, irritants, and carcinogens as tobacco smoke.<sup>14</sup> The use of cannabis products is linked with an increased likelihood of developing head, neck, or throat cancer, particularly in people who smoke cannabis.<sup>15</sup>

37. Cannabis is particularly dangerous for adolescents. Adolescence is an important time period of brain development, and cannabis use during this period may inflict long-term damage to an adolescence's mental processes.<sup>16</sup> "Studies show that regular, heavy cannabis use in adolescence is associated with negative effects on working memory, processing speed, verbal memory, and academic functioning."<sup>17</sup> Moreover, cannabis use at a young age has been linked with developing psychosis and CUD later in life.<sup>18</sup> The full extent of the harm cannabis use can have on children is not yet known.

38. The cannabis industry not only has flavored vaporizers, which have been historically used to appeal to children, but now takes it even further and has developed a variety of candies, snacks, baked goods, and drinks which are infused with cannabis (called "edibles").

39. Utilizing the diverse and wide range of edibles that are available, companies now create packaging and branding for their edibles that are either similar to or directly copy well-known snack and candy brands.

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

40. The cannabis industry, in addition to being able to use the same mechanisms to appeal to children that were used by the tobacco and e-cigarette industry, have the added benefit of manufacturing edibles that take the form of any child's favorite snacks.

41. However, Missouri, having learned from previous mistakes and harm to their youth, has at least created some barriers between the cannabis industry and its access to children.

42. Since the legalization of cannabis in Missouri, it has been illegal and against Missouri's public policy for consumers under the age of 18 (children) to purchase or consume marijuana.

43. Sections 1 and 2 of Article XIV of the Missouri Constitution, respectively, legalized the use, consumption, and sale of medical marijuana to those 18 or older and the use, consumption, and sale of recreational marijuana to those 21 and older. Further, these sections require all cannabis dispensaries to be licensed. The Department of Health and Senior Services ("DHSS"), under these same sections, has been given the authority to grant or deny such licenses and regulate marijuana in Missouri.

44. To ensure the age requirement for marijuana products is upheld, the DHSS has required dispensaries to have consumers show (1) an identification card to purchase medical marijuana which verifies they are 18 or older and are authorized by a licensed physician to receive treatment and/or (2) a valid state ID to prove they are 21 or older for purchase of marijuana for recreational use.

45. A marijuana dispensary is not only in violation of DHSS regulation to sell to minors, but, moreover, DHSS regulation makes clear that manufacturers and dispensaries of

marijuana products are unable to even produce or sell products that have packaging which is “attractive to children.”<sup>19</sup>

46. The DHSS’s regulation of product packaging and design is a conscious effort to prevent marijuana product manufacturers and dispensaries from taking advantage of children and, particularly, prevent them from using packaging that may “cause confusion between a marijuana product and any product not containing marijuana.”<sup>20</sup>

47. Concurrently, the federal government has taken action against those companies who sell cannabis products that mimic children’s snacks. The Federal Trade Commission (“FTC”) has published warnings advising sellers of edible cannabis to stop using packaging that mimics food popular with kids.<sup>21</sup> The FDA and FTC have made a concerted effort to send cease and desist letters to multiple companies who have not heeded the warning.<sup>22</sup>

48. While the foregoing has been a good faith effort by the Missouri and Federal government to protect consumers, especially children, through regulating the marijuana industry, there is a disturbing unregulated ancillary market threatening the health and well-being of all consumers – the psychoactive hemp industry.

### C. The Loophole in Cannabis Law – Psychoactive Hemp Products.

49. While licensed marijuana dispensaries and manufacturers are bound by the Missouri Constitution and DHSS regulation, ensuring safer and regulated consumption of

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<sup>19</sup> See 19 CSR §100-1.120.

<sup>20</sup> See *id.*

<sup>21</sup> Colleen Tressler, *Government warns seller of edible cannabis: Stop using packaging that mimics foods popular with kids*, FTC: CONSUMER ADVICE (July 5, 2023), <https://consumer.ftc.gov/consumer-alerts/2023/07/government-warns-sellers-edible-cannabis-stop-using-packaging-mimics-foods-popular-kids>.

<sup>22</sup> *FTC and FDA Send Second Set of Cease-and-Desist Letters to Companies Selling Products Containing Delta-8 THC in Packaging Designed to Look Like Children’s Snacks*, FTC: PRESS RELEASES (July 16, 2024), <https://www.ftc.gov/news-events/news/press-releases/2024/07/ftc-fda-send-second-set-cease-desist-letters-companies-selling-products-containing-delta-8-thc>.

marijuana, the hemp industry has promulgated their own “loophole” to avoid any such strict regulation.

50. The “loophole” in the regulation of cannabis is based on how marijuana is defined. As stated above, the DHSS was granted regulatory authority over *marijuana* by the Missouri Constitution. However, marijuana, as defined under the Missouri Constitution, explicitly excludes “industrial hemp.”

51. “Marijuana,” as defined by Missouri Law, means “*Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products.”<sup>23</sup>

52. “Industrial hemp” is explicitly excluded from the definition of “Marijuana.”<sup>24</sup>

53. Industrial hemp is defined as:

“(a) All nonseed parts and varieties of the *Cannabis sativa* L. plant, growing or not, that contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not exceed three-tenths of one percent on a dry weight basis or the maximum concentration allowed under federal law, whichever is greater;

(b) Any *Cannabis sativa* L. seed that is part of a growing crop, retained by a grower for future planting, or used for processing into or use as agricultural hemp seed;

(c) Industrial hemp includes industrial hemp commodities and products and topical or ingestible animal and consumer products derived from industrial

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<sup>23</sup> Mo. CONST. art. XIV, § 2, cl. 2(13).

<sup>24</sup> *Id.*

hemp with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;”<sup>25</sup>

54. Thus, the distinction between marijuana and industrial hemp is in the level of potency of delta-9 tetrahydrocannabinol (hereinafter “delta-9 THC”) that is present, with marijuana possessing over 0.3% delta-9 THC and industrial hemp possessing under 0.3% delta-9 THC.

55. This distinction and the broad definition of industrial hemp is what creates the supposed “loophole,” allowing for the ‘legal’ production of psychoactive hemp-derived products.

56. Psychoactive hemp-derived products, as used herein, means hemp products that contain chemical substance that cause or have potential to cause psychoactive effects, including those that are created by a chemical reaction that changes the molecular structure of naturally occurring chemical substances or cannabinoids from the *Cannabis sativa* L. plant, including – delta-9 THC, delta-8 THC, delta-10 THC, Delta-11 THC, HHC, THCA, THCO, THCV, THCP, THCB, THCH, THCJD, THCX, HHCP, and similar substances that have a psychoactive effect.

57. The exploitation of this “loophole” by hemp shops and producers in Missouri is two-fold. First, there is the lack of limitation on the cultivation of hemp products and the conversion of tetrahydrocannabinolic acid (hereinafter “THCA”) to delta-9 THC. Second, there is the way hemp shops quantify the potency of THC.

58. To understand the first prong, one must understand the federal origin of industrial hemp or “hemp” as defined in the Farm Bill of 2014, and the current regulatory scheme as enacted in the Farm Bill of 2018.

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<sup>25</sup> § 195.010 RSMo.

59. At the time the 2014 Farm Bill was enacted, the purpose of the bill was to allow the cultivation of hemp plants, which were considered a non-psychoactive plant, for research purposes only.<sup>26</sup> The 2018 Farm Bill expanded on the hemp provisions in the 2014 Farm Bill, establishing the Domestic Hemp Production Program, which allowed states and territories of the United States to cultivate hemp.<sup>27</sup> This program is currently administered by the USDA and complies with the USDA regulation.<sup>28</sup>

60. The USDA regulatory framework includes testing hemp producers' crops for potency to ensure they comply with the delta-9 THC limit for hemp.<sup>29</sup> However, because the purpose of the Farm Bill is for regulation of the cultivation and growth of hemp plants, *the USDA's regulatory authority ends after harvest.*<sup>30</sup>

61. A hemp plant, traditionally, contains what is called THCA as opposed to traditional delta-9 THC. THCA, in its unaltered state, is a non-psychoactive chemical.

62. However, THCA is, substantially, dormant delta-9 THC. When THCA goes through a process called decarboxylation it becomes delta-9 THC. Decarboxylation substantially means "to heat up," so, when THCA is heated up it converts to delta-9 THC.

63. As a general matter, the amount of THCA is not equivalent to delta-9 THC as there is a reduction in mass due to the process of decarboxylation. The conversion from THCA to delta-9 THC is determined by multiplying the amount of THCA in milligrams by .877.

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<sup>26</sup> RENEE JOHNSON, CONG. RSCH. SERV., IF11984, COMPARING HEMP PROVISIONS IN THE 2014 AND 2018 FARM BILLS (2021).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*; note, the 2018 farm bill also allowed for states to request approval to become the primary authority on regulation hemp, but Missouri has deferred to the authority of the USDA.

<sup>29</sup> MO. DEPT. HEALTH AND SENIOR SERV., HEMP-DERIVED CANNABINOIDs: CONCERNs & CHALLENGEs (2025).

<sup>30</sup> *Id.*

64. A hemp plant containing enormous levels of THCA but only trace amount of delta-9 THC is allowed to be harvested by the USDA, even though any subsequent heating up of THCA results in it effectively becoming large quantities of the psychoactive chemical delta-9 THC.

65. After harvest, since the USDA has no authority, the dormant hemp plant is either (1) packaged and sold as bud, which is then purchased and smoked by consumers, effectively allowing them to consume delta-9 THC; or (2) distilled into an oil or distillate, which chemically converts it into delta-9 THC, and then inserted into a variety of final products, including candies, snacks, and drinks.

66. The second prong requires a bit of math. Fortunately, the formula for quantifying THC potency is simple. The issue here arises under what is inputted into the formula.

67. Generally, the formula looks like the following: [Total THC (in grams) ÷ the total “dry weight” of “x” (in grams)] x 100 = THC Potency.

Note: Total THC = (THCA x .877) + delta-9 THC

68. The dispute is what is inputted for “x”. Current hemp sellers would lead you to believe it is the finished product. For example, say you have a candy bar with 125mg of delta-9 THC, and the candy bar has a net weight of 43 grams. The formula, as argued by the hemp producers, is (.125 gram of THC ÷ 43 grams) x 100 = .29% THC. Thus, a highly intoxicating edible with 125mg of delta-9 THC would technically be under the 0.3% threshold and qualify as an unregulated hemp-derived product.

69. This formula propagated by hemp sellers does not consider the finished product on a “dry weight basis.” The net weight displayed on product packaging typically includes all content in the product, including the wet content. There is a substantial amount of moisture in a piece of candy or other snack that would need to be removed to know the “dry weight basis” of the final

product. Thus, the above formula is not even accurate when taken into consideration with the language of the 2018 Farm Bill on a post-harvest cannabis product.

70. The hemp industry appears to make a baseless and inaccurate determination that the potency of a THC is diluted when infused with a candy, snack, or drink. In reality, effects of delta-9 THC are not diminished by being placed in an edible, and still carry all the psychoactive effects as if a consumer directly consumed the delta-9 THC alone.<sup>31</sup>

71. As a result of current hemp producers relying on their own formula, there is a wide variety of foods, beverages, dietary supplements, vapes, and other commodities containing psychoactive hemp-derived compounds that are available in an unregulated market through an artificial loophole created by the very entities exploiting it.<sup>32</sup>

#### **D. The Dangers of Unregulated Psychoactive Hemp.**

72. There are a variety of dangers involved with an unregulated market of psychoactive hemp and hemp-derived products, which the DHSS have issued multiple warnings and provided guidance on.<sup>33</sup>

73. First, there is a substantial danger for unexpected intoxication of both adults and children. For adults, there is a risk that they consume an edible which is, unbeknownst to them, highly intoxicating and they then subsequently become subject to a mandatory drug test or begin operating vehicles or heavy machinery.<sup>34</sup> For children, they are even more likely to consume a fun looking snack or drink not knowing they are consuming high levels of a psychoactive substance.<sup>35</sup>

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<sup>31</sup> The Missouri Attorney General's Office does not agree with the hemp industry's current formula for determining THC potency. However, the Missouri Attorney General's Office leaves its own determination of a correct formula for another day.

<sup>32</sup> Note, the loophole does not exempt e-cigarettes or vapes from being qualified as cannabis as it involves the use of straight oil which would not survive even the loosest interpretation of the THC potency formula used by hemp producers.

<sup>33</sup> See *supra* note 29.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

74. The danger of unexpected intoxication is even more acute for children given there are psychoactive hemp-derived products that intentionally mimic well-known commercial candy, drinks, and snacks.

75. "Between January 1, 2021, and February 28, 2022, national poison control centers received 2,362 exposure cases of delta-8 THC products. Of the 2,362 exposure cases 40% involved unintentional exposure to delta-8 THC, and 82% of those affected were pediatric patients less than 18 years of age. In 2018, the Missouri Poison Center received seven calls related to cannabis exposure in children five and under. By 2023, that number was 168."<sup>36</sup>

76. There are still substantial risks to individuals who intentionally consume psychoactive hemp-derived products. As discussed prior, there is a variety of health risks in consuming delta-9 THC which are still present in the consumption of psychoactive hemp-derived products as the end results are substantially the same, including addiction and the negative impact on the mental health of the youth.

77. In addition to the usual dangers of consuming delta-9 THC, there is the danger caused by these psychoactive hemp-derived products being unregulated, resulting in these products containing contaminants or consumers having unexpected reactions due to relevant chemical conversion processes.

78. Unlike regulated marijuana products, psychoactive hemp-derived products are not currently required to undergo a thorough screening to ensure consumer health and safety. Specifically, contaminants can enter psychoactive hemp-derived products at any point in their creation, from cultivation through final product packaging.

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<sup>36</sup> *Id.*

79. It is standard practice for marijuana producers in Missouri to go through mandatory contaminant testing prior to sale, such as microbial screening, chemical residue screening, heavy metal screening, residual solvent screening, water activity and moisture content screening, and foreign matter screening.<sup>37</sup>

80. The chemical process of converting THCA to delta-9 THC has not been widely studied for safety in human consumption. Further the process of chemically converting hemp-derived cannabinoids involves a wide range of solvents and reagents, and manufacturers are not consistent on what kinds they use or to the extent they are used.<sup>38</sup> There is a risk that these manufacturers do not take the necessary precautions to remove any residual solvent or reagents, and consumers may become exposed to unsafe levels which only the manufacturer would know.

#### **E. Efforts to Stop the Exploitation of the Industrial Hemp Loophole.**

81. The DHSS, instead of attempting to regulate hemp-derived products under the authority granted by article XIV, Section 2 of the Missouri Constitution, attempted to regulate psychoactive hemp-derived products as an unapproved food source and as an unapproved food additive that comes from an unapproved food source.

82. On August 1, 2024, Governor Parson issued Executive Order 24-10 (the “EO”) which directed the DHSS to promulgate regulations in § 196.045 RSMo of the Missouri Food Code that conform with those already in place with the FDA.

83. The EO was an attempt to help delineate how Missouri’s regulation of “industrial hemp” comports with regulation of cannabis by taking a chapter out of the FDA’s book.

84. The FDA has the authority to regulate cannabis or cannabis derived compounds in drugs, foods, dietary supplements, and cosmetics under the Federal Food, Drug, & Cosmetic Act

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

and Section 351 of the Public Health Service Act (PHS Act). The FDA requires that food comes from approved sources and the food additives must be approved. The FDA has not approved any unregulated psychoactive cannabis product as coming from an approved food source or being an approved food additive.<sup>39</sup> Thus, at a federal level, psychoactive hemp-derived cannabis products as a food source or food additive are illegal and subject to enforcement actions by the FDA.

85. Unfortunately, the FDA has not been actively enforcing the rules they promulgated against psychoactive hemp-derived cannabis products. Thus, each state has been required to take regulation into their own hands, ergo – Governor Parson’s EO.

86. To conform to the FDA’s rules the EO directs the DHSS to find foods that contain “unregulated psycho active cannabis products” to be “deleterious, poisonous, and adulterated under Sections § 196.070, RSMo, and § 166.085 RSMo.”

87. However, therein lies the issue. § 197.070 RSMo explicitly prohibits the DHSS from considering a food adulterated for containing industrial hemp. Thus, the directive ultimately ends in the same place where DHSS began – does “industrial hemp” encompass psychoactive hemp-derived products?

88. The DHSS, thus, is back to square one and in a definitional gridlock with the term industrial hemp.

89. After the EO, The DHSS did not promulgate any new regulation to conform with the FDA, however, they did use their enforcement powers to detain and embargo items determined to be unregulated psycho active hemp-derived products. However, on September 17, 2024, the

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<sup>39</sup> *Id.*

DHSS issued a letter announcing they will stop all future embargoing and release all goods they previously embargoed.<sup>40</sup>

90. The DHSS made clear in their September letter, that they are refocusing their efforts on the misbranded products, which may include psychoactive cannabis but are not directly taking enforcement action thereon.<sup>41</sup>

91. While the letter states that the DHSS is taking a step back, they unequivocally recognized substantial dangers of unregulated psychoactive hemp-derived products.<sup>42</sup> Rather than indicating there is no avenue of enforcement against psychoactive hemp-derived products, the DHSS indicates the best avenue for enforcement going forward is through the Missouri Attorney General's Office under the Missouri Merchandising Practices Act.<sup>43</sup>

#### **F. Pressure STL's Course of Conduct.**

92. From at least May 2025 to present, Defendant Pressure has engaged in the business of advertising, offering for sale, and selling psychoactive cannabis products, including edibles such as candy and snacks that are infused with marijuana.

93. On May 19, 2022, ExZatica LLC was formed in Missouri.

94. On August 7, 2024, an amendment to the Articles of Organization for ExZatica was filed, changing the purpose of business to include the sale of CBD products and holistic materials.

95. Defendant Pressure advertises marijuana products containing THC or THCA, including edibles such as candy and snacks infused with marijuana, to Missouri consumers.

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<sup>40</sup> Letter from Paula F. Nickelson Director of DHSS to Charles W. Hatfield attorney for Stinson LLP (Sept. 17, 2024)( letter found at <https://www.kctv5.com/2024/09/18/missouri-health-department-will-no-longer-embargo-certain-thc-products-following-parsons-ban/>)

<sup>41</sup> *Id.*

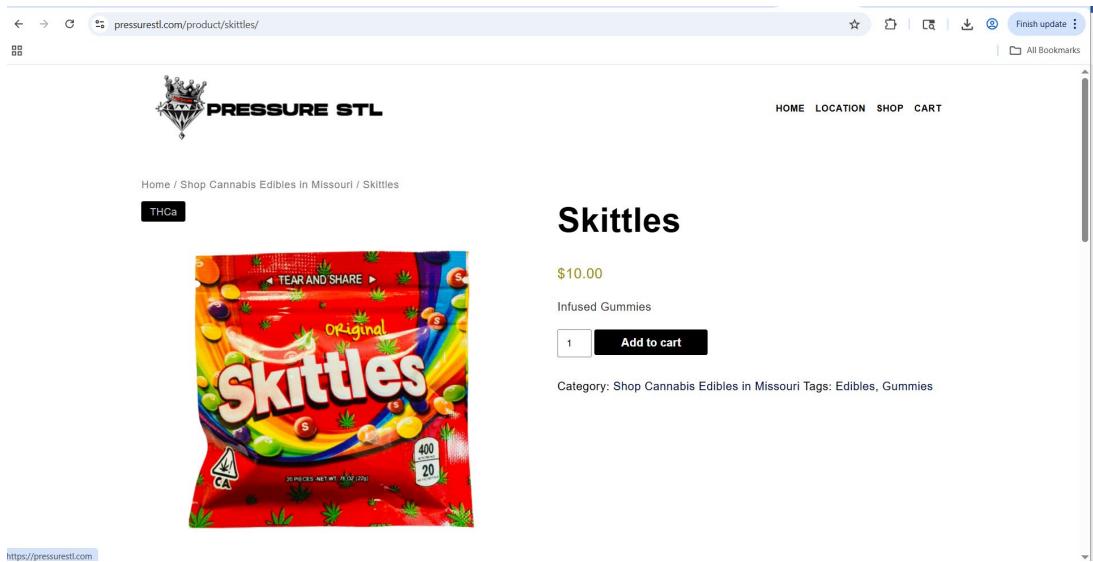
<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

96. Defendant Pressure operates a website at <https://pressurestl.com/> (“Defendant’s Website”).

97. Defendant’s Website states that “Everything in Pressure dispensary is Hemp derived and 2018 Farm bill compliant.”

98. Defendant’s Website also displays the symbol “THCA” over any image of the products they have displayed on the website, for example:



URL: <https://pressurestl.com/product/skittles/>

Captured: 10/24/2025

99. Defendant Pressure solicited payments from consumers in exchange for Defendant Pressure providing marijuana and marijuana infused products.

100. Defendant Pressure is not a licensed cannabis dispensary with the DHSS.

101. Defendant Pressure’s psychoactive cannabis products are attractive to children by using packaging that is either identical or are confusingly similar to well-known candy and snack brands that children are known to be attracted to and consume, see for example:

<u>Defendant Pressure's Cannabis Products</u>	<u>Well-known Brand</u>
	 <p><u>Screenshot taken:</u> 10/17/2025  <u>URL:</u> <a href="https://www.walmart.com/ip/Skittles-Original-Chewy-Candy-Sharing-Size-15-6-oz-Bag/656700117?w13=5477&amp;selectedSellerId=0&amp;wmlspartner=wlp">https://www.walmart.com/ip/Skittles-Original-Chewy-Candy-Sharing-Size-15-6-oz-Bag/656700117?w13=5477&amp;selectedSellerId=0&amp;wmlspartner=wlp</a></p>
	 <p><u>Screenshot taken:</u> 10/24/2025  <u>URL:</u> <a href="https://www.instacart.com/products/17010805-chips-ahoy-mini-chewy-chocolate-chip-cookies-3-0-oz?retailer_id=1425&amp;product_id=17010805&amp;region_id=58199283940&amp;utm_medium=sem_shopping&amp;utm_source=instacart_google&amp;utm_campaign=ad_demand_shopping_rp_food_all-non-ca Evergreen&amp;utm_content=accountid-8145171519_campaignid-19906372963_adgroupid-150626721554_device-c&amp;utm_term=targetid-pla-2436652355888_locationid-9023531_adtype-">https://www.instacart.com/products/17010805-chips-ahoy-mini-chewy-chocolate-chip-cookies-3-0-oz?retailer_id=1425&amp;product_id=17010805&amp;region_id=58199283940&amp;utm_medium=sem_shopping&amp;utm_source=instacart_google&amp;utm_campaign=ad_demand_shopping_rp_food_all-non-ca Evergreen&amp;utm_content=accountid-8145171519_campaignid-19906372963_adgroupid-150626721554_device-c&amp;utm_term=targetid-pla-2436652355888_locationid-9023531_adtype-</a></p>

	pla_productchannel-online_merchantid-311511022_storecode- _productid- 17010805&gad_source=1&gad_campaignid=19906372963&g braid=0AAAAADO98haL_SYr19WTYsjpDwnLuUGwF&gcl id=EAIaIQobChMI- avXuIO9kAMVKirUAR2DoTYXEAQYAyABEgLotPD_Bw E
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See **Exhibit A** for a comparison chart of Defendant Pressure's remaining cannabis products and the correlating well-known brands that they are imitating.

102. See **Exhibit B** for full images of Defendant Pressure's cannabis product bought in person by investigators of the Missouri Attorney General's office ("Investigators") from the Defendant Pressure's brick-and-mortar store located at 3956 S Broadway, St. Louis, MO 63118 on October 17, 2025.

103. When reviewing the products purchased by the Investigators, there are two products (SKITTLES and STONEY PATCH KDS) that explicitly state on their packaging that they are made with "THC", not THCA. (See **Exhibit B**).

104. Consumers would reasonably understand that the SKITTLES and STONEY PATCH KIDS branded products contain delta-9 THC based on the information provided by the packaging and consumers understanding that "THC" generally refers to the psychoactive chemical delta-9 THC.

105. Taking the Defendant Pressure's cannabis product packaging at face value, and applying the THC potency formula propagated by hemp producers, the SKITTLES branded edibles are well over the 0.3% THC potency threshold designated by the 2018 Farm Bill.

106. The SKITTLES packaging explicitly states that each piece of candy contains 20mg of THC, the weight of all candy is 22g, and there are 20 pieces of candy. Based thereon, each piece of candy weighs 1.1g and has .02g of THC. Applying the formula propagated by hemp producers  $[(.02g \text{ of THC} \div 1.1g \text{ per piece of candy}) \times 100]$  each piece of candy has a 1.8% THC potency.

Therefore, the SKITTLES edibles sold by the Defendant Pressure are marijuana products, and are properly regulated by the DHSS.

107. The remaining products purchased by the Investigators do not explicitly delineate whether they contain THC or THCA, only stating they contain “1000mg” or “500mg.” (See **Exhibit B**).

108. The following assumes the other cannabis products bought by Investigators were made using THCA<sup>44</sup> and calculates THC potency using the formula propagated by the hemp producers (see **Exhibit B** for verification of inputs):

MILKY WAY (see **Exhibit B.4**)

$$[(1g \text{ THCA} \times .877) \div 52.2g \text{ per candy bar}] \times 100 = 1.7\% \text{ THC Potency}$$

CRUNCH (see **Exhibit B.5**)

$$[(1g \text{ THCA} \times .877) \div 43.9g \text{ per candy bar}] \times 100 = 1.9\% \text{ THC Potency}$$

NERDS ROPE (see **Exhibit B.2**)

$$[.5g \text{ THCA} \times .877) \div 26g \text{ per candy rope}] \times 100 = 1.6\% \text{ THC Potency}$$

CHIPS AHOY (see **Exhibit B.3**)

$$500mg \text{ THCA} / 35 \text{ cookies} = 14.28mg \text{ THCA per cookie}$$

$$226\text{gram net weight} / 35 \text{ cookies} = 6.4g \text{ per cookie}$$

$$[(.0142g \text{ THCA} \times .877) \div 6.4\text{grams}] \times 100 = 0.19\% \text{ THC Potency}$$

109. Even assuming the above products were produced with THCA, all but one are over the legal threshold of 0.3% THC Potency when even using the formula propagated by hemp producers.

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<sup>44</sup> Here, we make a further assumption in favor of hemp producers - we assume the packaging is designating the amount of THCA prior to it being heated up and used in the edibles. Thus, further reducing the THC Potency.

110. Under current practices by hemp producers and stores, the CHIPS AHOY product is technically under the legal limit for industrial hemp. This is a good example of how the “loophole” in the 2018 Farm Bill is currently being exploited.

111. It is generally considered that an edible containing 10-15mg of delta-9 THC is sufficient to get an experienced user intoxicated.<sup>45</sup> Each cookie in the CHIPS AHOY bag sold by Defendant Pressure, after converting THCA to delta-9 THC, would contain 12.52mg of delta-9 THC. Thus, a single cookie in the Defendant Pressure’s CHIPS AHOY bag would get a majority of consumers high – being a psychoactive hemp-derived product.

112. By relying on the baseless formula currently propagated in the hemp industry, the manufacturer and seller of psychoactive hemp-derived products, like Defendant Pressure’s CHIPS AHOY bag, are attempting to avoid legal regulation by simply increasing the overall weight of their products.<sup>46</sup>

## **VIOLATIONS**

### **COUNT I – UNFAIR PRACTICE**

113. Plaintiff incorporates each and every allegation set out in Paragraphs 1–109 as if fully set out herein.

114. Defendant Pressure attempts to skirt federal and state regulation by claiming their products are hemp-derived and compliant with the 2018 Farm Bill.

115. As detailed above, Defendant Pressure’s cannabis products are properly considered marijuana under the Missouri Constitution.

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<sup>45</sup> *Edible dosing for beginners: With dosage chart by milligrams*, LEAFLY (July 31, 2025), <https://www.leafly.com/learn/consume/edibles/edible-dosing>.

<sup>46</sup> Note, this increase in weight could realistically happen by adding additional dry content such as sugar or flour, or merely by falsely representing the weight of their products.

116. Defendant Pressure's operation of a cannabis dispensary without a license is in violation of Article XIV Section 1 and 2 of the Missouri Constitution and flies in the face of regulations as promulgated by the DHSS.

117. There are multiple entities in Missouri who currently operate as licensed cannabis dispensary with the DHSS. They have committed their companies to being compliant with the abundance of mandatory testing, data keeping, and maintenance of their cannabis so their goods are safe for consumption by Missouri consumers. Maintaining compliance with the DHSS and federal regulation for the production and sale of marijuana in Missouri is a time consuming and expensive process.

118. Meanwhile, the Defendant Pressure has avoided the time, effort, and expenses that are taken by cannabis dispensaries across Missouri to be compliant with DHSS regulations.

119. Defendant Pressure is sacrificing the health and safety of consumers for increased profit margins and lack of oversight.

120. Defendant Pressure is nothing more than an incorporated illicit drug dealing operation.

121. Defendant Pressure's conduct was unethical, oppressive, or unscrupulous and presented a risk, or caused, substantial injury to consumers.

122. Pursuant to § 407.020 RSMo, Defendant Pressure's conduct constitutes unfair practices that are prohibited by the MMPA.

#### **COUNT II – DECEPTION**

123. Plaintiff incorporates each and every allegation set out in Paragraphs 1–119 as if fully set out herein.

124. Defendant Pressure opened a brick and mortar store at 3956 S Broadway, St. Louis, MO 63118 (the “Store Front”).

125. Defendant Pressure began operating as a cannabis dispensary and selling cannabis products containing delta-9 THC from the Store Front at least as early as May 2025.

126. Defendant Pressure is not a licensed cannabis dispensary with the DHSS in violation of Article XIV Section 1 and 2 of the Missouri Constitution.

127. Regardless, Defendant Pressure openly advertises and markets the Store Front as a trusted cannabis dispensary, with many customer reviews on Google claiming to buy a variety of psychoactive cannabis products from this Store Front.

128. Defendant Pressure also advertises on the Defendant’s Website that “Pressure STL stands out as the best weed dispensary in St. Louis” and is a “trusted weed dispensary in St. Louis Missouri.”

129. Defendant Pressure’s bold use of a storefront, online presence and advertisements, and their statements alleging they are “dispensary” and are “trusted,” creates a false impression among consumers that Defendant Pressure is a licensed dispensary operating out of a compliant store front when, in fact, they are not.

130. Pursuant to § 407.020 RSMo, Defendant Pressure’s conduct constitutes deception that is prohibited by the MMPA.

### **COUNT III – UNFAIR PRACTICE**

131. Plaintiff incorporates each and every allegation set out in Paragraphs 1–127 as if fully set out herein.

132. Defendant Pressure marketed, promoted, advertised, and sold edibles containing marijuana, specifically candy and snacks infused with delta-9 THC, which used brand names,

product packaging, and product labeling that is identical or confusingly similar to well-known brands for non-cannabis snacks and candy.

133. Defendant Pressure's marijuana products are attractive to children due to their similarity with well-known snack and candy brands.

134. It is a violation of the law and public policy as promulgated by the Missouri Constitution, DHSS regulation, and the FTC to have marijuana products which use packaging, labeling, or designs that are similar to well-known brands and are attractive to children.

135. Defendant Pressure's marijuana products are harmful as they may contain harmful contaminants or lead to unintentional consumption of psychoactive hemp-based products by adults or children.

136. Defendant Pressure's marijuana products are highly potent. If a child or adult were to consume just a single MILKY WAY candy bar as provided by Defendant Pressure, they would ingest a total of 1,000 mg of delta-9 THC. 1,000mg of delta-9 THC is an extremely high dosage, which could result in negative mental and emotional effects, such as panic attacks, dizziness, vomiting, and other potential mental dysfunctions.<sup>47</sup>

137. Defendant Pressure's conduct was unethical, oppressive, or unscrupulous and presented a risk, or caused, substantial injury to consumers.

138. Pursuant to § 407.020 RSMo, Defendant Pressure's conduct constitutes unfair practices that are prohibited by the MMPA.

#### **COUNT IV – DECEPTION**

139. Plaintiff incorporates each and every allegation set out in Paragraphs 1–135 as if fully set out herein.

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<sup>47</sup> *Id.*

140. Defendant Pressure marketed, promoted, advertised, and sold edibles, specifically candy and snacks infused with delta-9 THC, which used brand names, product packaging, and product labeling that is identical or confusingly similar to well-known brands for non-cannabis products.

141. The similarity in appearance between Defendant Pressure's cannabis products and well-known snack foods create a false impression with consumers that Defendant Pressure's cannabis products are either the same as or are related to a well-known snack food that does not contain cannabis.

142. This false impression may induce an adult to purchase Defendant Pressure's cannabis products, relying on the well-known brands goodwill.

143. This false impression may induce an adult or child to mistakenly believe Defendant Pressure's cannabis products do not contain cannabis, resulting in them unknowingly consuming cannabis which is a harmful narcotic.

144. Pursuant to § 407.020 RSMo, Defendant Pressure's conduct constitutes deception that is prohibited by the MMPA.

### **RELIEF**

WHEREFORE, Plaintiff prays this Court enter Judgment:

- A. Finding Defendant Pressure violated certain provisions of § 407.020, RSMo.
- B. Issuing a preliminary injunction, pursuant to § 407.100, RSMo, prohibiting and enjoining Defendant Pressure and their agents, employees, members, representatives, and other individuals acting at their direction from advertising, soliciting, selling, providing, or accepting payment for cannabis, including marijuana and psychoactive hemp products.

C. Issuing a permanent injunction, pursuant to § 407.100, RSMo, prohibiting and enjoining Defendant Pressure and their agents, employees, members, representatives, and other individuals acting at their direction from advertising, soliciting, selling, providing, or accepting payment for cannabis, including marijuana and psychoactive hemp products.

D. Requiring Defendant Pressure, pursuant to § 407.140.3, RSMo, to pay the State of Missouri a civil penalty of up to \$1,000.00 per violation of Chapter 407 that the Court finds to have occurred.

E. Requiring Defendant Pressure, pursuant to § 407.130, RSMo, to pay all court, investigative, and prosecution costs of this case.

F. Requiring Defendant Pressure, pursuant to § 408.040, RSMo, to pay pre and post judgment interest.

G. Granting any additional relief this Court deems just and proper.

Respectfully submitted,

**CATHERINE L. HANAWAY**  
Attorney General

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ATTORNEYS FOR STATE

## **CERTIFICATE OF SERVICE**

I certify that on February 10, 2026, I filed this paper through the Court's electronic-filing system. This filing effects service on all parties of record.

*/s/ Connor H. McNeill*  
Assistant Attorney General