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Minnesota Board of Pharmacy files suit against Moorhead-based manufacturers and retailers of edible cannabinoids

Board of Pharmacy embargoes and seeks destruction of over \$7 million of edible cannabinoids exceeding the THC limits set by state law

December 5, 2022 (SAINT PAUL) — The Minnesota Board of Pharmacy announced today that it has filed a [civil lawsuit](#) in Clay County District Court against Northland Vapor Company Moorhead LLC, Northland Vapor Company Bemidji LLC, and Wonky Confections LLC, (collectively “Northland Vapor”) alleging they have violated Minnesota’s edible cannabinoid laws (Minnesota Statute 151.72).

Under the law, an edible cannabinoid product sold in Minnesota must not contain more than five milligrams of any hemp-derived tetrahydrocannabinol (THC) in a single serving or more than a total of 50 milligrams per package. The lawsuit alleges Northland Vapor sold edible cannabinoid products that contain THC far in excess of five milligrams per serving and far in excess of 50 milligrams per package. Investigators found packages containing 2,500 milligrams of THC, 50 times the amount permitted under Minnesota law.

In addition, the law states that edible cannabinoid products must not resemble or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children and must not be modeled after brands primarily consumed by or marketed to children. Investigators found products resembling characteristics of a fictional bear, as well as products that are modeled after common gummy bear candies that are primarily consumed by and marketed to children, including packages of gummy bears that contained 50 times the amount of THC permitted under Minnesota law.

These companies also failed to provide the Board with required testing results to show whether or not their edible cannabinoid products contain prohibited substances such as pesticides, heavy metals, and solvents.

Investigation with FDA

The U.S. Food and Drug Administration (FDA) received complaints about serious adverse events associated with Northland Vapor’s “Death by Gummy Bears” delta-8 THC products, including a death. The FDA has not determined that the products caused the adverse events. The FDA contacted the Minnesota Board of Pharmacy to conduct a joint investigation. **Dr. Janet Woodcock, FDA Principal Deputy Commissioner**, said, “We’re working together with our state partners to protect the public from harmful products.”

On November 8, the Board of Pharmacy and the FDA initiated an inspection at Northland Vapor's manufacturing warehouse in Moorhead, Minnesota. There they found edible cannabinoid products that matched those for sale on the companies' websites and at their retail location that were in violation of state law, including the following:

- Approximately 28,896 packages of Death by Gummy Bears, labeled as 25 individual gummy bears at 100 milligrams of THC per serving, totaling 2,500 milligrams per package;
- Approximately 112,710 packages of Death by Gummy Bears, labeled as 10 individual gummy bears at 100 milligrams of THC per serving, totaling 1,000 milligrams per package;
- Approximately 2,400 packages of Wonky Weeds Gummies, labeled as 10 individual gummies at 30 milligrams of THC per serving, totaling 300 milligrams per package; and
- Approximately 2,310 bottles of Wonky Weeds THC Syrup, containing 700 milligrams of THC per bottle.

To protect the public, the Board of Pharmacy embargoed this noncompliant product and is seeking an order from the court to destroy the noncompliant product as well as an order from the court to prevent Northland Vapor from manufacturing and selling edible cannabinoid products that violate state law. It is estimated the retail value of these embargoed products exceeds \$7 million.

The FDA inspection is ongoing.

Consumer Information

The Board of Pharmacy encourages Minnesota residents to practice caution when purchasing and consuming edible cannabinoid products. "As consumers navigate the market, they should be aware of the amount of THC in each serving," said **Jill Phillips, Board of Pharmacy Executive Director**. "Only products containing five milligrams or less per serving and fifty milligrams or less per package are permitted to be sold under state statute," she said. "These companies far exceeded those limits and did so in a type of product historically marketed to children."

Consumers are encouraged not to consume these Death by Gummy Bears and Wonky Weeds products that exceed the limits set by state law. Call 9-1-1, call your local poison control center (1-800-222-1222), and/or get emergency medical help right away if you or someone in your care has serious side effects from these products. If a child consumes these products, seek care immediately and do not wait for symptoms to appear, as these products can affect children differently than adults.

Report any adverse events with these products or any other cannabis-derived products to the FDA via [MedWatch](#).

For more information regarding hemp-related cannabinoids in the State of Minnesota, please review [Minnesota Statutes section 151.72](#) and the [Board of Pharmacy's website](#).



Caption: Product embargoed during the Board of Pharmacy's investigation of Northland Vapor in Moorhead, Minn.



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