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Extending ethical consumerism theory to semi-legal sectors: insights from recreational cannabis

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Abstract Ethical consumerism theory aims to describe, explain, and evaluate the ways in which producers and consumers use the market to support social and environmental values. The literature draws insights from empirical studies of sectors that largely take place on the legal market, such as textiles and agri-food. This paper takes a first step toward theorizing ethical consumerism in semi-legal sectors where market activities occur legally and illegally. How does extant theory extend to sectors such as sex work, cigarettes, and recreational drugs? This study draws on the case of recreational cannabis (marijuana) in Portland, OR (USA). Data from 33 interviews, structured fieldwork at 64 dispensaries, and the US Census Bureau American Community Survey are analyzed using qualitative, quantitative, and spatial methods. The findings are compared to 12 suggestions that emerge from the literature on fair trade, organics, alternative agriculture, and political consumerism. I argue that not all ethical consumerism theory extends to semi-legal sectors. Cannabis closely resembles theoretical expectations in terms of supply/demand, prioritization of ethical issues, and pervasiveness of false claims, but differs in terms of who organizes, which types of strategies are pursued, and how ethical products are framed. The differences stem from several pervasive stigmas about cannabis. I also argue that the stigmas that set cannabis apart from other (more legal sectors) and present challenges to ethical consumerism in cannabis are directly related to the War on Drugs. These insights suggest that prohibition (and its lingering effects) can inhibit the emergence of ethical consumerism.

Abbreviations

EPA	Environmental Protection Agency
NGO	Non-Governmental Organization
OLCC	Oregon Liquor Control Commission
RA	Research Assistant
SMO	Social Movement Organization
USD	United States Dollars
USDA	United States Department of Agriculture
WHO	World Health Organization

Introduction

A substantial interdisciplinary literature on ethical consumerism has emerged over the past two decades, drawing on scholarship from several fields of study including fair trade (Raynolds and Bennett 2015a), alternative food movements (Goodman et al. 2012), voluntary certification (Bartley et al. 2015), and consumer politics (Micheletti and Stolle 2012). One of the principal objectives of this literature is to describe and explain the contours of supply and demand for ethical products in various sectors. Commonly studied sectors include agri-food, textiles/fashion, handicrafts, meat/fishing/aquaculture, and forest-based products (e.g., Guthman and Brown 2016; Miller and Williams 2009; Littrell and Dickson 2010; Micheletti and Stolle 2012; Cheyns 2014), and, more recently, mining/extraction, electronics, investment, tourism, and others (Hilson and Kamlongera 2012; Distelhorst et al. 2015; Delmas and Blass 2010; Boluk 2011). The resulting

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theories are thus based on products largely produced and exchanged within the legal market. This paper aims to take the first step toward theorizing ethical consumerism in semi-legal sectors.[1] Where are the boundaries of extant theory, and what modifications (if any) might be required for sectors such as sex work, cigarettes, and recreational drugs?

This study draws on a multi-method exploratory case study of recreational cannabis[2] in Portland, Oregon, in the Pacific Northwest region of the United States. Cannabis is an increasingly important product in the international political economy. Several countries have recently legalized (e.g., Uruguay, in 2013), stated intentions to legalize (e.g., Canada, for 2017), partially legalized (e.g., the United States, beginning in 2012), or moved toward legalization of cannabis by decriminalizing aspects of cultivation, possession, and consumption. Thus, the contributions of this project are twofold. First, in the vein of Carolan (2016), who studied marijuana growers to learn about innovations in food production, it uses evidence from this sector to engage and provoke understanding of ethical consumerism, more broadly.[3] The empirical evidence presented in this study suggests that some insights may be more applicable outside the legal sector than others. While cannabis very closely resembles theoretical expectations in terms of supply and demand, prioritization of ethical issues, and pervasiveness of false claims, it differs in terms of who organizes, which types of strategies are pursued, and how ethical products are framed (in comparison to conventional products). The second contribution is to draw on theories of ethical consumerism to offer fresh insights about cannabis and, more broadly, the War on Drugs. Evidence suggests that a variety of pervasive stigmas challenge best practices on the supply side and inhibit pursuit of ethical products on the demand side. Because these stigmas appear to be related to cannabis's semi-legal status, this study suggests that prohibition (and its lingering effects) can inhibit the emergence of ethical consumerism.

The article is organized as follows: First, I clarify terms and review ethical consumerism literature related to four themes: organizations and leaders, supply and availability, framing and information, and demand. Second, I provide background on the case study by describing Portland as a field site, reviewing the legal status of recreational cannabis in Oregon, and highlighting labor and environmental issues related to cannabis production. Third, I outline the methods of data collection and analysis: qualitative analysis of 38 interviews and event observations; quantitative analysis of 64 structured dispensary visits; and spatial and statistical analysis of dispensary and demographic data. Fourth, I present the empirical findings, putting them in conversation with suggestions offered by extant literature. Finally, I suggest how and why ethical consumerism may differ between legal and semi-legal sectors, and argue that the stigmas and habits generated by prohibition and the War on Drugs can inhibit ethical consumerism, even after legalization. The article closes with a discussion of the implications for other semi-legal sectors, including a brief discussion of tobacco and sex work, and suggestions for future research.

Literature: ethical consumerism in legal and semi-legal markets

"Ethical consumerism" refers to production, exchange, and consumption activities that aim to support social values such as sustainability, social justice, corporate responsibility, workers' rights, and environmentalism. This concept expands Willis and Schor's (2012) "conscious consumerism" to include supply-side initiatives, such as ethical production and retail operations. Producers, retailers, and consumers engage in ethical consumerism activities to avoid participating in objectionable market practices (such as labor exploitation) (see Lewis and Potter 2011). Additionally, they may seek to change objectionable institutions and practices through their efforts, a concept Micheletti (2003, p. 2) calls "political consumerism". Political consumerism seeks change by addressing market forces, as opposed to public policy (Roff 2007). On the supply-side, ethical consumerism initiatives include labeling schemes, stewardship certification, and socially responsible investing, among others (Micheletti 2003). Demand-side ethical initiatives include boycotts, buycotts, reduced consumption, brand-loyalty, looking for labels, and direct purchasing. This article refers to goods exchanged through these initiatives as "ethical products." As Brown (2013) suggests, consumers and producers engage in ethical consumerism to pursue moral purity, project altruism, and bolster/illustrate cultural capital. These positive social rewards are in stark contrast with the negative connotations often associated with semi-legal sectors.

"Semi-legal" refers to sectors in which consumption, production, and transaction activities all occur both legally and illegally, with many actors moving between legal and illegal markets or operating in both at the same time. Semi-legal goods are not fully prohibited. Their supply, demand, and exchange mechanisms take place *both* legally and underground. This distinguishes them from fully illegal sectors,

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[1] "Semi-legal" highlights fluidity between legal and illegal activities and is explained in the following section.

[2] This paper uses "cannabis" and "marijuana" interchangeably, favoring "cannabis" because it is the plant's genus and because the US government propagated the term "marijuana" in conjunction with racist rhetoric in the 1930s (Hudak 2016).

[3] Ethical consumerism is not a panacea for social and environmental issues in cannabis or any sector (see Gunderson 2013).

such as cocaine, stolen art, endangered species, counterfeit handbags, human trafficking, and child pornography, in which exchanges *never* take place outside of the black market (see Beckert and Wehinger 2013). The black market activity within semi-legal sectors is typically in response to stringent regulations or prohibition in nearby jurisdictions (e.g., Palazzo and Richter 2005).

This nomenclature follows Abraham and Van Schendel's (2005, p. 19) suggestion that the concepts of "legal" and "illegal" take the authority of the state as a point of departure, whereas the concepts of "licit" and "illicit" refer "less to the letter of the law and more to the social perceptions of activities defined as criminal." Following this distinction, Polson (2013) argues that in some contexts, such as Northern California, cannabis is illegal (meaning: prohibited by the state) and simultaneously licit (meaning: socially accepted). The concepts of "legal/illegal" and "licit/illicit" are not entirely distinct or pure—nor are they static—but rather map onto a set of processes that are fluid and dynamic (Nordstrom 2007; Heyman 2013). Thus, this article approaches "illegalization" as a context-specific sociopolitical process that serves to uphold particular relations of power and delegitimize others (Gomberg-Muñoz 2010; Thomas and Galemba 2013). In the United States, the illegalization of cannabis occurred in waves throughout history, each surge a racially and politically charged tool used to blame, marginalize, and control groups of people (Hudak 2016).

I argue that the Oregon cannabis sector is semi-legal because cannabis is widely grown, sold, and consumed on both the licensed and black markets, with many actors engaging in both (Caulkins et al. 2012; Crombie 2016a). In the United States, other semi-legal sectors include sex work (e.g., pornography, prostitution, and stripping) (Chateauvert 2013); raw milk (Mincyte 2014); and reproductive services (Tober 2002). In Canada, where high taxes on tobacco have spurred a significant illegal market for cigarettes smuggled from the United States, tobacco would be considered a semi-legal sector (Palazzo and Richter 2005). In Iran, where the state is complicit in facilitating the sale of body parts, a practice explicitly against WHO Protocols, human organs would be considered a semi-legal sector (Goodwin 2013). These examples highlight the importance of context in determining whether a sector can be described as semi-legal. Studies highlight the ways in which actors working in semi-legal sectors face moral defamation, harassment, and discrimination, even when their own contributions are legal (Becker 1968; Gall 2016), and even when the community largely identifies the industry as licit (Polson 2013).

In semi-legal sectors, under what conditions might ethical consumerism emerge? Research on this question is extremely limited. Several studies highlight sex-workers' efforts to improve working conditions (Chateauvert 2013;

Stryker and Pennington 2014; Gall 2016). Other studies illustrate how ethical consumerism can be used to incentivize compliance with the law (e.g., Kortelainen 2008), or discourage engagement in illegal sectors (e.g., Forno 2015). The following sections draw on studies of ethical consumerism in *legal* sectors, especially US agri-food, to identify empirical tendencies related to four central questions: Which organizations and leaders facilitate ethical initiatives? How are ethical products supplied and distributed? How are ethical issues and products framed? And, which consumers demand ethical products?

Organizations and leaders

Social movement organizations (SMOs) are groups established for the purpose of promoting social change (Smith 2010) or making public claims (Tilly and Wood 2013). SMOs are often—but not necessarily—organized as nonprofits, as described in the social enterprise literature (e.g., Bennett et al. 2012). SMOs are distinct from business interest groups and professional associations, though overlap certainly exists (e.g., Tilly and Wood 2013). SMOs draw on diverse tactics to achieve their objectives, including working within the market through ethical consumerism initiatives (Forno and Ceccarini 2006; Graziano and Forno 2012; Bossy 2014). For example, the Mennonite Central Committee, Catholic Relief Services, and Lutheran World Relief were all instrumental in igniting fair trade in the mid twentieth century (Linton and Rosty 2015). More recently, environmental SMOs have played a key role in promoting consumer demand for wind energy (Sine and Lee 2009; Vasi 2009). Established SMOs may create new SMOs to disseminate information, advocate for policies, pressure corporations, or build alliances (Forno and Graziano 2014). For example, in 1899 the Working Women's League founded the National Consumers' League to facilitate boycotts and buycotts to improve working conditions in department stores (Wiedenhoft 2008). Similarly, in 2002, several organic, environmental, and fair trade SMOs established the ISEAL Alliance to promote best practices for social and environmental standards-setting (ISEAL 2017). The leaders of ethical consumerism initiatives are likely to have experience working with SMOs (Forno 2015). For example, the core activists of the Global Justice Movement were also active in Via Campesina, Jubilee 2000, and Friends of the Earth (Forno and Graziano 2014). *This suggests ethical consumerism initiatives will be supported by existing SMOs, led by new SMOs, and directed by experienced SMO activists.*

Supply and distribution

In most sectors where ethical consumerism has been studied, there are multiple and diverse supply-side initiatives

(see Raynolds and Bennett 2015b). They include: non-governmental standards-setting organizations using third party verification (e.g., Fairtrade International); governmental voluntary standards with third party auditing (e.g., USDA National Organic Program); own-brand standards with third party auditing (e.g., Starbucks CAFE practices); direct or relationship trade programs (e.g., Counter Culture Coffee's Direct Trade); worker-driven social responsibility programs (e.g., Coalition of Immokalee Workers' Fair Food); corporate codes of conduct (e.g., Global Compact); and membership organizations with peer-reviewed application processes (e.g., World Fair Trade Organization). Among these initiatives, standards-setting organizations that facilitate the mainstreaming of ethically labeled products have become prominent actors, at times dominating within-movement and public discourse (Bennett 2012; see also Conroy 2007; Jaffee and Howard 2009). Supply side initiatives are more likely to focus on the environment, rather than labor (e.g., Brown and Getz 2015). *This suggests multiple and diverse supply side initiatives will emerge, a single or small number of certifications will become dominant, and environmental issues will overshadow labor or other social injustices*.

Product availability and marketing studies suggest ethical initiatives disproportionately target privileged groups, as opposed to traditionally marginalized groups (Cummins and Macintyre 2006; Koos 2012; Sage 2014; McShane and Sabadoz 2015). As Forno (2015, p. 542) argues, "those who live in more marginal areas and have fewer resources (both cultural and/or economic) are less likely to be drawn into political consumerist struggles, either as consumers or as entrepreneurs." On the West Coast (US) this means products are more available to White people with middle or upper incomes (Alkon and Norgaard 2009; Alkon and McCullen 2011; Alkon 2013). The potential consequences of uneven ethical consumerism include limiting progress toward a mass consumer movement and reifying socio-economic boundaries (Baumann et al. 2015). *This suggests ethical products may be more available in wealthier, Whiter, and more educated neighborhoods, and upscale retail outlets*.

Framing and information

Frames are interpretive schemes that enable individuals to "locate, perceive, identify, and label" what is happening in their own lives and in the world (Goffman 1974, p. 21). Social movement organizations use framing as a mobilization tool (McAdam 1982; Laamanen et al. 2015) by making ordinary and intractable aspects of life or society come to seem both unjust and mutable (Piven and Cloward 1977). For example, the "food justice" frame complicates the taken-for-granted institutions of industrialized food production and distribution by linking them to denied access to healthy food, and highlighting alternative systems and outcomes (Alkon

and Norgaard 2009; Dobernig and Stagl 2015). Ethical consumerism initiatives use frames to define problems, attribute blame, prognosticate a solution, and suggest market-based solutions (Dubuisson-Quellier 2015; Laamanen et al. 2015). *This suggests ethical consumerism frames will identify social and/or environmental problems related to conventional production*.

Frames highlight some issues while obscuring others. In the United States, the frames deployed by the alternative food movement and anti-pesticide advocates emphasize the value of local sourcing (Hinrichs 2003; Guthman 2008; Cleveland et al. 2015), consumer health (Goodman 2000; Guthman and Brown 2016), animal rights (Howard and Allen 2006), and support for family farmers (Brown and Getz 2008, 2015). Framing has obscured working class issues (Sbicca 2015; Alkon and Norgaard 2009), including the wellbeing of farmworkers and environmental justice in farmworkers' communities (Harrison 2008, 2011). Notably absent are discussions of workers in industrial agriculture, social inequities related to farm ownership, and broader issues of power, inequality, and injustice (Allen 2010; Gray 2014). Exceptions to these trends are Fair Trade USA and Fairtrade International, which have, especially in the last decade, increased their attention to the challenges facing hired agricultural workers (Raynolds 2017). *These studies suggest frames will focus more on localism, small farms, and the environment than workers' rights or structural injustice*.

Companies, voluntary standards-setting organizations, traders, retailers, and marketing organizations at times make claims about products' ethical attributes without fulfilling those claims in a meaningful way, a practice referred to as "green-washing" (Greer and Bruno 1997), "fair-washing" (Johannessen and Wilhite 2010), "sweat-washing" (Micheletti and Follesdal 2007), "clean-washing" (Low and Davenport 2009), and "local-washing" (Cleveland et al. 2015). Washing includes false claims, diluted standards, and hallow initiatives (Renard 2005; Jaffee 2010; Starobin and Weinthal 2010). Washing pits opportunists against sincere innovators and compromises social and environmental objectives (Reed 2009; Brown 2015). It also slows market penetration by confusing or frustrating consumers (Brennan and Coppack 2008). *These findings suggest that producers and retailers will make false or inflated claims*.

Demand

In the United States, demand for ethical products is growing across sectors. Over the past decade organic sales have grown 20% (USDA 2017) and the number of farmers markets has increased 180% (Low et al. 2015). Nearly 60% of Americans recognize the Fair Trade USA label and 40% look for proof of social claims while shopping (Fair Trade USA 2016). More than 90% of US consumers say they are

willing to pay a 50-cent premium for a pint of strawberries picked by workers earning a living wage (Howard and Allen 2016). In recreational drugs, a third of wine consumers report considering sustainability when shopping (WI 2013); tobacco has become Virginia's leading organic product (VDACS 2016); and organic craft beer sales increased 20% from 2013 to 2014 (BA 2014). *This suggests a minority of consumers demand ethical products, including agri-food goods and recreational drugs.*

Demand-side studies suggest purchasing behavior correlates with demographic indicators. Education is typically strongly correlated with ethical consumption (Yiridoe et al. 2005; Zepeda and Deal 2009; Zhang 2015), though some argue the opposite (Howard and Allen 2016). Yet, education might be understood as a proxy for information-seeking behavior (Zepeda and Deal 2009). Moreover, higher education is also closely related with higher income. However, even when controlling for income, education still has a strong effect on ethical consumption (Koos 2012; Copeland 2013). Most research suggests that ethical consumers in the United States, Canada, and Europe are more likely to be White, have higher incomes and more wealth (Slocum 2007; Guthman 2008; Zhang 2015). *Together these suggest education is the best demographic predictor of demand for ethical products, and that White, wealthy, or high-income individuals may also exhibit greater demand.*

In sum, this study examines 12 suggestions from the ethical consumerism literature: initiatives are supported by existing SMOs; new SMOs form to promote initiatives; initiative leaders have SMO experience; supply-side initiatives are diverse; a few certifications dominate the market; suppliers emphasize environment over labor; products are more available at upscale retailers and elite neighborhoods; frames identify problems with conventional production; frames highlight localism, small farms, and the environment more than social justice; suppliers inflate claims; a minority of consumers demand ethical products; and education correlates strongly with demand. This study focuses on the ways in which ethical consumerism in cannabis may address labor and environmental issues typical to other domestic agri-food products—such as fair wages and safe pesticide use. It should not overshadow the fact that there are many other ways in which cannabis actors work tirelessly to leverage their values in the marketplace, and that many of the injustices are related to prohibition and the War on Drugs (Hudak 2016). Cannabis advocacy has long intersected with the "new social movements" for racial justice, peace, free speech, and environmentalism (see Corva 2014, p. 72). Producers report being motivated not only by profit but also spiritual fulfillment, community building, a sense of self-satisfaction, and the pleasure of learning (Weisheit 1992, 2011). Industry actors take risks to not only provide "compassionate" cannabis to individuals suffering from illness or pain, but also to create spaces of belonging and support for those medicinal consumers (Hathaway and Rossiter 2007). For some, simply growing or consuming cannabis is an act of political resistance. Thus, the advocacy and objectives examined here must be understood as only one thread of a broader narrative about consumers, producers, ethics, and cannabis.

Case background: recreational cannabis in Portland, OR

I conducted field research in Portland, OR, a mid-sized city with a 2015 population estimate of 632,309, approximately the same size as Helsinki, Amsterdam, or Washington, DC (CIA 2017). Compared to the overall US population, Portland has more education and higher home values, and slightly higher median income and percentage of residents identifying as "White only" (US Census Bureau 2017). Portland is politically and socially progressive, and is recognized for its sustainability initiatives and lifestyle politics, such as bicycle commuting, curbside compost, alternative food and energy, and radical environmental activism. Oregonians seem to embrace semi-legal sectors, claiming the greatest number of strip clubs per capita (Brooks 2010), and reporting high rates of cannabis use, even before legalization (Crawford 2014).

Portland is a case in which ethical consumerism in cannabis is most likely to follow patterns of ethical consumerism from other sectors. As Koos (2012) argues, communities' values, norms, and beliefs create a "mindset" that shapes how its members understand issues, evaluate options for action, and decide to become involved. While extreme case selection limits the generalizability of findings, it is appropriate for an exploratory analysis that aims to generate fresh insights, probe theoretical boundaries, and identify questions for future research, as this study aims to do (Seawright and Gerring 2008). In this way, Portland is an ideal "stage of action" (Fine 2010) for an initial examination of ethical consumerism in semi-legal sectors.

In the United States, federal law classifies cannabis as a Schedule I drug, meaning it has "no currently accepted medical use" and "high potential for abuse" (DEA 2017). Those who sell, possess, or use cannabis can be prosecuted. However, in 1996, voters in California passed Proposition 215 legalizing the distribution and use of medical cannabis. This created a contradiction between federal and state authorities. In 2009 President Obama addressed this tension by instructing federal prosecutors to refrain from prosecuting cannabis activities in compliance with states' laws. Today more than half of the US states have legalized cannabis for medical use (NCSL 2017a). To grow or purchase medical

Table 1 Timeline of cannabis legalization in Oregon

Date	Event
1973	Possession of marijuana is decriminalized
1998	Voters legalize growth, possession, sale, and use of medicinal marijuana
November 2014	Voters legalize growth, possession, sale, and use of recreational marijuana, giving the OLCC regulatory authority
July 2015	Adults over the age of 21 allowed to possess marijuana
June 2015	Senate votes to allow medical dispensaries to sell recreational marijuana in advance of the OLCC licensing recreational dispensaries
October 2015	Medical dispensaries begin selling recreational marijuana
March 2016	Dispensary visits for this study
October 2016	Recreational marijuana dispensaries open for business

cannabis, individuals must apply for permission from their state.

In 2012, through voter referenda, Colorado and Washington became the first states to legalize cannabis for recreational use among adults over 21. In response, the US Department of Justice announced it would defer cannabis regulation to state legislatures, whilst retaining the right to review and challenge state laws. In 2014, recreational cannabis became available for legal purchase in Colorado and Washington. Today nine states have legalized small amounts of cannabis for recreational use, though not all are creating legislation to permit sales (NCSL 2017b). Many feel marijuana has gone mainstream (Hudak 2016).

In Oregon, cannabis was decriminalized in 1973 and legalized as medicine 1998. In 2014, voters approved legalization of growth, distribution, and possession for recreational purposes, giving the Oregon Liquor Control Commission (OLCC) authority to permit growers, license dispensaries, create regulations, and impose taxes. In 2015, the state senate voted to allow medicinal cannabis dispensaries to begin selling to the recreational market in advance of the opening of recreational dispensaries. Recreational cannabis became available for legal purchase at medicinal dispensaries on October 1, 2015. Field research for this project took place January–December 2016, with dispensary visits occurring in March 2016, month six of legal sales. Table 1 summarizes these events.

Although data on the labor dynamics in cannabis are incomplete (due to the industry's semi-legal status), there is broad consensus that California, Washington, and Oregon are prominent producing regions, and that for decades workers have flocked to the West Coast for fall harvest (Weisheit 1992; Caulkins et al. 2012). Most are US citizens (Krissman 2016), driven by interest in cannabis culture and/or the promise of lucrative pay (Walter 2016). Many cannabis workers have had positive and profitable experiences. Yet, in no industry are workers insulated from the risk of abuse. The criminalization of cannabis workers makes individuals reticent to report poor management or abuse because they are unsure about or fear legal consequences. This allows a small number of abusive individuals to come into contact with more people. Trimmers, especially women, have reported pervasive wage theft, sexual harassment and assault, discrimination, unsafe housing, and exploitation. They report incidents of farm owners using threats and acts of violence (including taking workers hostage) to improve productivity and silence dissent (August 2013; Krissman 2016; Schirmann 2016; Walter 2016).[4]

Some individuals aim to work exclusively in the legal market. However, the fluidity between legal and illegal activities can present challenges. For example, trimmers may inadvertently find themselves in the illegal sector if their employer transitions to the black market for higher returns or because their license is not renewed. Working within the legal market does not ensure safe or legal working conditions, however. Federal US labor laws are often unenforced or woefully inadequate (FJ 2015; USDOJ 2015), and agricultural workers are exempt from some protections, such as the National Labor Relations Act (1935). States can further restrict labor rights. In Oregon, farm workers were prohibited from striking during harvest until 1990 (Stephen 2012). The consequences include lethal pesticide exposure (PAN 2010), sexual abuse (HRW 2012), wage theft (NMCLP 2012), and unsafe housing (HAC 2013). Like all US farm workers, Oregon cannabis laborers are vulnerable.

Cannabis and the environment

Today, there are many examples of cannabis producers advocating for environmental sustainability. The Cultivation Classic, for example, is a cannabis competition for "ethically-grown product free of pesticides"—an event that aims to highlight sustainability within the cannabis industry. The California Growers Association publishes a handbook

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[4] The ubiquity of abuse is unclear. On the challenges of enumeration in semi-licit sectors see Andreas and Greenhill (2010).

subtitled "A Prosperous Economy and a Healthy Environment: Seeking Balance and Sustainability in Northern California's Green Rush," which notes:

> We have the opportunity to utilize the prosperity of the current agricultural boom, combined with the knowledge and ability to grow the highest quality cannabis in harmony with our local environment. Thankfully, growing in balance with the natural environment will also produce a better, safer product for consumers, and will ensure that the "Humboldt" brand stands for higher quality, sustainably produced product. (CGA nd)

These initiatives acknowledge that, like all agricultural crops, cannabis production can have adverse environmental consequences. Cannabis is water-intensive, requiring around 23 L per plant, per day in the heart of growing season, which is similar to almonds (Ingraham 2015). Indoor production requires energy for heating/cooling air, grow lights, dehumidification, warming irrigation water, and ventilation, and some growers pump CO_2 into grow houses, increasing emissions (Mills 2012). Outdoor production can leach herbicides, pesticides, fungicides, and fertilizers into water and soil, adding toxins to the food chain (O'Hare et al. 2013). Growing cannabis illegally can exacerbate negative environmental impacts and create additional hazards. Growers may burn fossil fuels to produce energy off the grid (Gurnon 2005; Mills 2012), improperly dispose of grow lights containing mercury (a neurotoxin) (O'Hare et al. 2013), and use prohibited chemicals or unlawful volumes of legal inputs (Thompson et al. 2014). Illegal growers have cleared land, built terraces, diverted streams, and constructed roads, resulting in deforestation and erosion, sometimes on public land (Carah et al. 2015; Bauer et al. 2015).

States aim to minimize the impact of legal cannabis production. In Oregon, growers must manage odor, emissions, waste removal, HAZMAT storage, wastewater discharge, and water usage (OLCC 2016). Oregon is also only state (thus far) to mandate chemical residue testing, which aims to limit the type and quantity of inputs. Thus, all cannabis products sold in dispensaries *should be* free of banned substances. Regulation does not ensure environmental stewardship (or consumer health), however. In January 2016, for example, several dispensaries were found selling cannabis contaminated with abamectin, a chemical that can cause birth defects and reduce male fertility (California 1993). The residue was traced to a popular pesticide, which the Oregon Department of Agriculture had mistakenly approved and many growers believed to be organic (Crombie 2016b). Because the USDA National Organic Program does not publish standards for Schedule I drugs, growers can struggle to understand and follow organic practices.

To recapitulate, at the time of this study, the State of Oregon required that all recreational cannabis be grown within the state, tested for pesticide residue, and sold at medicinal cannabis dispensaries. Uninformed shoppers could misinterpret these regulations. For consumers unaware of labor abuses in American farming, the Oregon-grown rule could be misunderstood as a guarantee of social responsibility. Likewise, consumers who are uneducated about the diverse ways in which agri-food production can adversely impact the environment could assume that pesticide-tested products are also environmentally friendly. Finally, consumers who trust pharmaceutical regulations may believe that purchasing cannabis in a medical dispensary means products are safe and ethical. It is within this context that data were collected for this study.

Data and methods

Interviews, media, and events

I conducted interviews, reviewed relevant media, and attended industry events from January to December 2016. First, I made a list of initial contacts. I identified legalization advocacy organizations by searching for various combinations of the terms cannabis, environmental, advocacy, groups, Oregon, energy, measure 91, pesticides, and production in major US newspapers (via Lexis Nexis), in *The Oregonian* (local newspaper), and Google. I located industry actors identifying as ethical, fair, or organic by reviewing *Oregon Leaf Magazine* (March 2016), *Oregon Cannabis Connection* (Feb/March 2016), and *The Potlander* (2015 and 2016). I identified domestic fair labor and sustainability certification programs by reviewing an academic article (Jaffee and Howard 2016) and an NGO report (FWP 2016). Next, I contacted each for an interview and suggestions for other interviewees (snowball sampling method). In total, I conducted 33 semi-structured interviews: 16 by phone, 12 in person, and 5 via email. I interviewed 12 industry actors (a consultant, a trimmer, 8 sustainability-focused growers/retailers/processors/labs, and 2 for-profit sustainability certification founders); five legalization advocacy organizations; and 16 sustainability or fair labor SMOs (including nine standards-setting or auditing organizations). I also attended six events: five industry education/networking events and one public regulatory meeting. At the events, I talked to as many people as possible. I stopped conducting interviews and attending events when nearly all interviewees suggested people I had already contacted. To record data, I typed notes, including some direct quotes, during phone calls and events, and handwrote notes during in-person interviews (and typed them afterward, adding additional details from memory). During the note-taking process, quotation marks were used

to mark statements that I believed were recorded or remembered verbatim. Because no recording devices were used, the quotes included in this paper may differ very slightly from the actual statement. These activities generated 47 single-spaced pages of notes on these topics:

1) Issues—What labor and environmental issues are important in legal and illegal cannabis in Oregon?
2) Actors—Who is organizing ethical consumerism initiatives? How are legalization advocates, environmental groups, labor rights groups and alternative food groups involved? In what ways are cooperation and competition occurring in these activities?
3) Supply—What types of ethical products are being produced? To what extent are ethical consumerism initiatives penetrating the market? Is "washing" prevalent?
4) Framing—What is the discourse around ethical problems and solutions? How are ethical products marketed? How is information framed and delivered?
5) Demand—What are consumers requesting? Which consumers and how many?
6) Challenges—What constrains formation or expansion of ethical consumerism initiatives?

Structured dispensary visits

In March 2016 three research assistants (RAs) and I visited a random sample of half the dispensaries selling recreational cannabis in Portland. The list of all (130) dispensaries was obtained from the Oregon Liquor Control Commission (OLCC) website on 26 February 2016. The RANDBETWEEN Excel function was used to select the random sample of 65 dispensaries. The data collection protocol was tested and revised at three dispensaries not included in the random sample. We collected data at all but one, which was out of business, resulting in a final sample of 64 dispensaries.

We visited each dispensary in pairs. One researcher asked questions and managed the conversation, and the other listened closely. Each RA was trained by watching me as the "leader" for at least three visits, and being followed by me as the "listener" for at least three visits. After training, the RAs were allowed to complete visits in pairs with one another. At each dispensary we asked the "budtender," the person selling cannabis, four open-ended questions:

1) Supply—Do you have any "environmentally friendly and socially responsible marijuana"? Something "similar to organic and fair trade"?
2) Framing/information—[If product is available], What makes it more socially or environmentally responsible than conventional products?

3) Challenges—Why isn't it easier to find ethical marijuana in Portland?
4) Demand—Have other people asked for ethical marijuana at this dispensary?

We did not inquire about price, discuss our knowledge or opinions, or state that we were conducting a study. Immediately after each visit, both researchers independently recorded the budtender's responses, putting statements remembered verbatim in quotation marks. They also noted whether the aesthetic was high-end (like a fine restaurant), low-end (similar to a budget corner store), or mid-range (akin to a diner). The two researchers then compared and combined their notes to create a single set of observations. I compiled observations from each visit to create the data set.

Next, I created open and closed codes to analyze the data. Open codes are created inductively, based on insights from the analysis itself, while closed codes are deductive, based on theoretical concepts (Lichterman 2002). Each dispensary's data were coded twice—by myself and an RA. Each RA conducted dispensary visits, but none coded their own data. I then identified discrepancies and addressed inconsistencies in the coding and revised the codes. The data were coded a second time by a new set of two RAs (who had not participated in data collection). We then identified and addressed inconsistencies between the first and second sets of coded data. Thus, each dispensary was coded by a total of four researchers, and inconsistencies were addressed in two rounds, a process aimed at improving inter-coder reliability. Finally, I evaluated the quality of information provided by each dispensary, giving each a grade of A, B, or C. Table 2 provides more detail.

This method has several limitations. First, budtenders' responses may not accurately reflect the dispensary's product availability, the attributes of those products, or consumers' demands. This is a systematic bias that likely overestimates the supply and inflates the attributes of ethical products, as budtenders are more likely to over-report (to increase sales) than under-report. Second, because we spoke with a single, randomly selected budtender at each dispensary (as opposed to requesting the manager), the quality of data may be uneven between dispensaries, introducing random error. Finally, as noted above, because we did not employ recording devices, our notes were based on memory, which also may have introduced random error.

Demographic data

I estimated the demographic composition of each dispensary's customers using data about the surrounding neighborhood. One limitation of this method is that some dispensaries' customers may not live in the immediate neighborhood. However, given the density of dispensaries (about one per

Table 2 Dispensary visit data codes

1. Do you have any "environmentally friendly or socially responsible marijuana"? Something "similar to organic or fair trade"?

Code	Description
AVAIL	Yes. We sell something environmentally friendly or socially responsible
NHERE	No. However, I know/believe you can purchase ethical marijuana at a different dispensary
NEXST	No. Such a thing does not exist, it is not possible, I've never thought about it before or heard of it

2. (If there is something available or if something is available at other dispensaries:) What makes it more socially or environmentally responsible than conventional products?

Code	Description and example of budtender's response
CLEAN	It is Clean Green Certified. Everything with this sticker [clean green] means that they tested everything in the growing process…the soil, the water, etc
CERT	It is certified, verified, or accredited by an entity that is not Clean Green or the state. *This farmer is getting the water certification*
GOV	The state, city, government, and/or USDA were involved in ensuring that it is ethical. *Oregon State law and the OLCC mandates that all legitimate dispensaries are organic*
ECO	I know/trust the grower, processor, and/or distributor to use good environmental practices. *I really like both of these producers because we've worked with them for so long so I know their product really well and I know it's grown cleanly and without pesticides*
SELF	I grow (or this dispensary grows) the marijuana sold here, so I know first hand that it is ethical. *The only product we have that's labeled organic is the stuff we grow ourselves because then we know for sure that it is*
TEST	Some mention of test that isn't explicitly referencing the government required testing. *All of our stuff has been tested for pesticides and has to pass those tests to be sold*
NTRL	All marijuana is organic because it is from the earth, natural, a plant. *That is just how the farmers grow it*
DONT	I do not have an explanation. I am not really sure about the market in Portland
LOCAL	It is ethical because it is locally produced. *Most of the weed in this shop is hyper local—literally grown a few blocks away*
FAIR	It is fair because of good labor standards, it comes from small farmers, or is local. *I try to buy from farms with just a few producers, not like a big farm*
SUN	It is sun grown, greenhouse grown, outdoor grown. *Grown just with sunlight*

3. Why isn't it easier to find ethical marijuana in Portland?

Code	Description and example of budtender's response
NEW	The dispensary, legalization of recreational marijuana, their growers, or another aspect of the industry is still new, in progress, might be coming in future, and things have changed a lot since legalization. *There isn't more [organic product] because it is so new and people are just getting used to the industry*
FED	The government (local, fed, or state) has not been more involved, USDA cannot be involved, the government is doing (or not doing) something to slow the industry's capacity to supply ethical cannabis. *There's no federal standard so people can claim to be growing organic but it doesn't actually mean anything*
STGMA	People assume that marijuana does not impact the environment because it is natural and/or grown by eco-minded individuals. They are slow to apply knowledge of the agri-food sector to cannabis. *It's just part of the culture naturally, everyone in the business pretty much just grows organic anyways*
DEMG	Consumer demand is limited by willingness to pay more and/or is related to socio-demographic composition. *People just have to be willing to pay more because of all the steps that go into it*
COST	Supply is limited because ethical practices will increase costs to the grower, decrease the yield, decrease the quality, or otherwise burden suppliers. *It is more expensive to grow that way—yield is smaller*
APATHY	Consumers don't care if the marijuana they buy isn't ethical. *People are satisfied with just having their weed be pesticide free and cheap*
OTHER	Unrelated answer, it kind of depends, erroneous answer. *We… don't really have time to ask the farmers more about their product, I don't know*

4. Have other people asked for ethical marijuana at this dispensary?

Code	Description
FREQ	Yes, frequently, all the time, it is what we are known for, a lot, people are interested
SOME	It is unusual, once/twice, a few times, it has happened, occasionally, sometimes, people ask all sorts of things, once in a blue moon, not a big demand but it happens, I guess, every so often, not that frequently
NEVR	No, never, you are the first, not really, not our demographic, only for edibles, no one has asked about it

Table 2 (continued)

5. To what degree was the information accurate and comprehensive?	
Code	Description
A	Mostly/all accurate information, knowledgeable staff, know/mention certifications, can identify the environmental issues in marijuana production
B	Some inaccuracies, unaware of certifications, understand some environmental issues
C	No information, mostly false information, denial that certifications exist, claims that USDA standards apply, can't be ethical and quality

6. What was the aesthetic of the dispensary?	
Code	Description
HIGH	Reminiscent of an upscale farm-to-table restaurant, an Apple computer store, or an expensive coffee shop. An interior design team may have been hired to design and decorate. This is the trendy, hot new restaurant of dispensaries
MID	Reminiscent of a nice record shop or head shop, a souvenir store in a kitschy tourist town, a doctor's office, or a hospital waiting room. Some investments were made in construction, design, and decor to make the space feel like a dispensary. This is the chain restaurant or local diner of dispensaries
LOW	Reminiscent of a punk house, college basement party, bodega, 7–11, garage sale, tanning salon, or seedy strip club. It is inexpensively constructed, designed, and decorated. Very few investments were made to convert the space from its former use. This is the fast food joint of dispensaries

square mile) and laws limiting how much a consumer can purchase in each visit, I assume many customers visit dispensaries near home. Data on education, wealth, race, and income were collected from the US Census Bureau 2010–2014 American Community Survey 5-Year estimates (accessed February 2016). Education is represented by the percent of residents age 25 or older who hold a bachelor's, master's, professional, or doctorate degree. Wealth is the median home value (USD) for owner-occupied housing units. Race is percent White, calculated by dividing "white alone" by the population size. Income is calculated as median household income in the past 12 months (in 2014 inflation-adjusted dollars). Using QGIS software, each dispensary's address was joined with Metro's master address file for the Portland area. Each address was buffered by 0.1 miles, so that dispensaries located on the arterials that serve as boundaries between block groups would be joined with data from block groups on both sides of the arterial. The address buffer was then joined to block groups to assign each dispensary a single mean value of each socioeconomic variable for its surrounding block group(s).

Analysis and findings

This analysis describes the contours of ethical consumerism in cannabis in Portland, OR in March 2016, 6 months after production, sale, and consumption of recreational cannabis became legal. By examining whether and how suggestions from various legal sectors can be applied to cannabis, these findings generate insights about how ethical consumerism may manifest in semi-legal sectors, more broadly.

SMOs

Existing SMOs did not mobilize to support ethical consumerism in cannabis. None of the prominent sustainability labels, fair labor certification programs,[5] or advocacy organizations[6] planned to expand into cannabis. The only SMO working in cannabis was Energy Trust of Oregon, a clean energy SMO offering incentives for licensed cannabis growers to install energy-efficient equipment, that gave an award to the state's first wind powered cannabis farm. Although these initiatives supported ethical consumerism by helping suppliers to differentiate themselves, they were only a small fraction of the organization's work. Ethical consumerism initiatives were not typically supported or initiated by SMOs.

Some SMOs did not promote ethical cannabis because it was not within the mission or they lacked capacity. For example, the Ethical Food Initiative, a newer labeling organization focused on fresh produce, stated it would not expand to new products until it verifies success in produce. Other SMOs expressed they were unaware of demand. For example, none of the labeling organizations had received requests for cannabis standards. (Although one grower reported contacting a labeling organization and not receiving a response.)

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[5] Agricultural Justice Project (Food Justice Certified), Coalition of Immokalee Workers (Fair Food Program), Ecocert (Fair For Life), Equitable Food Initiative (Responsibly Grown, Farmworker Assured), Fair Trade USA (Fair Trade Certified), and Sustainable Agriculture Network (Rainforest Alliance).

[6] Drug Policy Action (DPA), Marijuana Policy Project (MPP), National Cannabis Industry Association (NCIA), National Organization for the Reform of Marijuana Laws (NORML), and Oregon Cannabis Association (OCA).

Several SMOs suggested that they avoided cannabis because they did not want their brand associated with controversial products or were concerned funders would withdraw support. For example, Sustainable Agriculture Network/Rainforest Alliance (SAN/RA) stated that it prohibited the use of its label on cigarettes, coca leaves, and cannabis. Similarly, Oregon Tilth, an organic auditing SMO, said that although the organization had received frequent requests for organic cannabis auditing since 2010, it was not offering services to alternative environmental certifications because of potential backlash from the USDA (its accrediting agency) or other supporters. A representative of Oregon's chapter of National Organization for the Reform of Marijuana Laws (NORML), an advocacy SMO, explained that environmental SMOs avoid cannabis because they fear that associating with a federally illegal drug could deter donors, a phenomenon he called "cannabis bigotry."

New SMOs did not form to promote ethical consumerism in cannabis. The only SMO established to promote ethical consumerism in cannabis, the Oregon SunGrown Growers' Guild, focused solely on medicinal cannabis—not recreational.[7] Instead, ethical initiatives emerged from the private sector. Both certifications, Clean Green and Kind, were for-profits. There were several instances of own-brand ethical initiatives, and some growers expressed interest in sharing their practices with the broader community, but none discussed aspirations to establish an SMO. For example, the owner of an "eco dynamic, no till, non-GMO, USDA organic" farm created a logo that looks like a certification seal. Although they aimed "to speak the language of labels to try to distinguish ourselves and communicate what we do" and wished to codify their practices and create a certification system "so other farms can use it," they did not express interest in forming a SMO. Another grower affirmed that "little pockets of eco-activism" were forming within the industry (not as new SMOs) in hopes of igniting a "culture revolution." Ethical consumerism in cannabis was not facilitated by SMOs, but instead by industry actors.

The leaders of ethical consumerism initiatives in cannabis were business owners, not SMO activists with experience promoting legalization, the environment, or fair labor in other sectors. Some had relevant agricultural experience, as organic certifiers or biodynamic vegetable farmers, for example, and most worked in cannabis before legalization. Many described a long-term commitment to learning, adopting, and promoting good environmental practices, though none discussed strategies for communicating these practices to consumers further down the supply chain.

Diverse supply-side initiatives

There were multiple supply-side initiatives, although they were not as diverse as other sectors. Most dispensaries (86%) claim some or all of their products were socially responsible and/or environmentally friendly. Of the 14% (n = 9) not offering ethical products, two-thirds (n = 6) said ethical products were available at other dispensaries, and one-third (n = 3) asserted that ethical products were not available anywhere. Budtenders offered a variety of reasons for why they considered their products to be ethical, and some cited multiple reasons. Most budtenders said their products were ethical because they trusted growers' self-reported claims about production methods, or because they themselves grew the cannabis (64%). For example, one budtender said, "I really like both of these producers because we've worked with them for so long so I know their product really well and I know it's grown cleanly and without pesticides."

According to industry publications, workshops, and interviews conducted for this study, several growers and processors are indeed adopting environmentally-friendly production practices. Others seem to be interested in learning about sustainable agriculture, as evidenced by a large turn-out at two panel discussions focused on organic farming and cannabis. Yet, no interviewee, expert, or popular media coverage of the Portland market suggests that this is the norm. For this reason, and because "greenwashing" is so pervasive in other sectors, even though it was not possible to verify the extent to which the practices of self-reporting farmers (who asked dispensaries to trust them) followed best practices in sustainable agriculture, I believe it is likely that not all the claims were well substantiated. In the absence of being able to build direct, trust-based relationships with all consumers, some producers have turned toward a third party. Self-reporting and third party verification have trade-offs. Auditing requires producers to allow a stranger to gain intimate knowledge of their farm, which can increase the risks producers face in the context of prohibition. On the other hand, if trust-based relationships with consumers are not an option, certifications offer additional assurance about production practices (Bennett et al. 2012). Eleven budtenders (17%) said their ethical products are certified Clean Green. Additionally, four (6%) said their products were ethical because they were locally produced. None of the ethical products were generated by a membership organization, NGO certification, government certification, code of conduct, or worker driven initiative. Supply-side initiatives were not as diverse as in other sectors. It is possible that relationship-based communications were more robust in cannabis than in other sectors, due to the trust required to do business under prohibition, but further research would be required to determine whether this was the case.

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[7] Group did not respond to request for an interview.

One ethical certification program had much more market recognition than other supply-side initiatives. About 25% of budtenders referred to Clean Green (though not all had product available). None mentioned Kind Certified, Sun-Growers' Guild, or Oregon Energy Trust. Although a few farms were mentioned more than once, no farm dominated the discourse about ethical production.

Supply-side focus on environment

Suppliers of ethical products focused on the environment more than labor. Ethical farmers and processors only addressed environmental issues, and the certification programs prioritized the environment over labor. Clean Green certification was established to address environmental issues, and later added labor standards. In an interview, a representative explained that labor standards had been unpopular with growers. When he announced the addition of labor standards in a meeting, "15% of the growers left the room. They said, 'Who are you to tell us how to treat [migrant laborers]?'" He told them, "That's our label and that's what you have to do to get it." He said his sentiment was, "F— you, go away, white hippies. [Cannabis is] like blood diamonds—you don't know if it's been grown with slave labor if all you do is take it in for pesticide testing." He revised the standards to include a minimum wage, gender-separate sleeping quarters, and personal hygiene facilities. While these provisions move labor conditions in the right direction, they do not address other agricultural labor issues, such as worker safety training, regular breaks, and access to drinking water. Similarly, Kind Certification's labor standards largely reinforced health, safety, and labor laws, while standards for the environment were more rigorous. Ethical cannabis initiatives prioritized environmental problems over labor issues.

Demographics

Ethical cannabis was more available in upscale dispensaries, according to two measures. First, I used budtenders' answers to "Do you have any products that are environmentally-friendly or socially-responsible?" as an indicator of ethical product availability. Given the prevalence of false claims (discussed in a forthcoming section), this method likely overestimates availability of ethical products. This analysis suggests that upscale retailers were more likely to sell ethical products than low-end dispensaries: over 90% of dispensaries categorized as mid-range and high-end offered ethical products, while only half of the dispensaries categorized as low-end offered ethical products. Second, I used the availability of Clean Green products, the most well-known supply-side initiative, as a proxy for availability of ethical products. This method underestimates the availability of

ethical products because Clean Green is one of many initiatives. This analysis finds that high-end dispensaries were twice as likely to carry ethical Clean Green products than low-end or mid-range dispensaries. Both measures suggest ethical products were twice as likely to be available at upscale retailers.

Spatial analysis of demographic data and dispensary aesthetic show that upscale retailers were mostly found in more affluent neighborhoods. The wealth variable was statistically significant positively correlated to dispensary aesthetics. Several budtenders suggested this would be the case. As one advised, "you might have better luck in a yuppie neighborhood where people are more body conscious… the kind of neighborhood with high income can support something like that." This suggests that ethical products are more likely to be available in upscale retail outlets and wealthier neighborhoods.

Quantitative analysis of neighborhood demographic data and budtenders' evaluation of demand shows that education was a better determinant of demand than income or race. The education variable was statistically significant positively correlated to frequent demand for ethical products. Furthermore, consumers were more likely to express demand for ethical products in upscale dispensaries. Almost half (47%) of high-end dispensaries reported frequent requests for ethical products, compared to 24% of mid-range dispensaries, and 9% of low-end dispensaries. This suggests that ethical consumers were either more likely to frequent upscale dispensaries or more likely to request ethical products while shopping at high-end retailers.

Ethical considerations

In framing ethical products, neither budtenders nor marketing materials (e.g., advertisements) focused on the social and/or environmental problems related to conventional production.

Ethical frames focused on localism, small farms, and the environment more than workers' rights or structural injustice. At each dispensary, we specifically requested "environmentally friendly" or "socially responsible" marijuana. At the 55 dispensaries offering ethical products, we asked what qualified their products as ethical. Nine (16%) did not know why the product was ethical. Of the remaining 46 budtenders, nearly all framed products as environmentally responsible, often commenting on "natural" production, reduced pesticides, or sun growing. Seven (15% of the 46 who answered) said their products are ethical because they are local. Of those, three felt this made the product "fair trade." One budtender explained that this is because there is no "child labor" in Oregon. Two budtenders (4% of 46) said their product was grown at a small farm. One of these argued small farms are likely to be better for workers. This

was the only budtender (of all 64 dispensaries) to identify a labor issue—low pay. That budtender shared that he preferred purchasing from a particular farm that is "pretty fair in terms of like socially responsible and all that." Environmental frames were evoked much more frequently than social frames. Local production and small farms were assumed to be more socially responsible. Labor issues and structural injustices were almost entirely ignored.

Producersand retailers made false and inflated claims. I examined the claims made by budtenders because they play a critical role in consumer marketing. As the keynote at a cannabis conference stated, "There's so much power that budtenders have. If they like a product, it flies off the shelf." As noted above, nine of the 55 budtenders claiming to offer ethical products (16%) could not provide *any* information about why it was ethical. Each dispensary was assigned a grade of A, B, or C for quality of information the budtender provided (as described in the "Data and methods" section). Of the 55 dispensaries offering to sell an ethical product, about 20% were knowledgeable, 49% provided some inaccurate information; and 31% gave no information or mostly false information, such as "most Oregon farmers grow organically" and "[organic cannabis farming is impossible because] you're going to have chemicals no matter what you do, even if you grind up old fish and put it in the soil it will breakdown and release chemicals."

The quality of information budtenders provided was highly correlated with the dispensary's aesthetic: high-end dispensaries were three times as likely to provide correct information; and low-end dispensaries were almost three times as likely to provide poor information. More specifically, a third of high-end dispensaries and ten percent of low-end dispensaries provided good information, while 60% of low-end dispensaries and about 25% of high-end dispensaries provided poor information.

A minority of consumers demanded ethical cannabis. When asked whether consumers request ethical products, 28% of budtenders say "frequently"; 53% "occasionally"; and 19% "never." When asked about barriers to ethical market growth, 38% said being a new industry, and 23% suggested issues around customer demand, such as unwillingness to pay.[8] Only four (6%) speculated that people do not care about the ethics of how their cannabis is sourced. As one explained, "I think for the most part there's basically just a large portion of the general public that doesn't really give a shit." None of the dispensaries suggested that *most* consumers request ethical products, and 72% said consumers asked only occasionally, if at all. These data suggest that ethical consumers are in the minority.

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[8] Some provided multiple explanations.

Discussion

Ethical consumerism in legal and semi-legal sectors: similarities and differences

The findings of this study suggest that ethical consumerism in a semi-legal sector can have much in common with legal sectors. At the most basic level, consumers shopping in legal retail spaces request ethical products. Similar to legal sectors, those who demand ethical products had higher income, education, and wealth, and are more likely White, with education correlating most closely. Correspondingly, upscale retailers received more requests for ethical products than lower-end retailers. The contours of supply and availability were also similar to legal sectors: products were more likely to be available in more upscale outlets, which are mostly in wealthy, White, educated neighborhoods. Like the legal sector, ethical producers focused more on the environment than labor. Retailers framed ethics around the environment, paying some attention to local production and small farms, and almost never acknowledging workers' rights or social justice issues. Retailers inflated claims, and a small number of certifications dominated the market space. These findings suggest that ethical consumerism in a semi-legal sector may follow the contours of the legal sector in terms of demographics, issue prioritization, label dominance, and false claims.

Overall, I find ethical consumerism in the semi-legal cannabis sector was distinct from other, legal sectors in three ways. First, ethical consumerism activities were concentrated in the private sector and were not organized or supported by SMOs. Existing SMOs, such as legalization advocates, environmental NGOs, or labor certifications, did not offer support initiatives in this sector. Similarly, experienced SMO organizers did not emerge as leaders. Leadership came from the private cannabis sector. New initiatives were not organized as SMOs, but instead as businesses, such as for-profit labels, farms, and processors. Several SMOs argued that collaborating with the cannabis industry could jeopardize brand reputation and/or donor support. Interestingly, none conducted research about their stakeholders' positions on cannabis. This suggests that SMOs assumed cannabis stigmas were pervasive.

Second, supply-side initiatives were less diverse than in other sectors. Approaches that have become common place in coffee (e.g., direct trade), food (e.g., worker cooperatives); produce (e.g., community supported agriculture), wine (e.g., biodynamic), and manufacturing (e.g., codes of conduct) had not been adopted in cannabis. Initiatives were largely limited to vague claims about trusting farmers and Clean Green certification. Third, marketing materials and sales pitches did not identify social and/or environmental problems related to conventional production. These findings suggest that ethical consumerism in semi-legal sectors may differ from legal
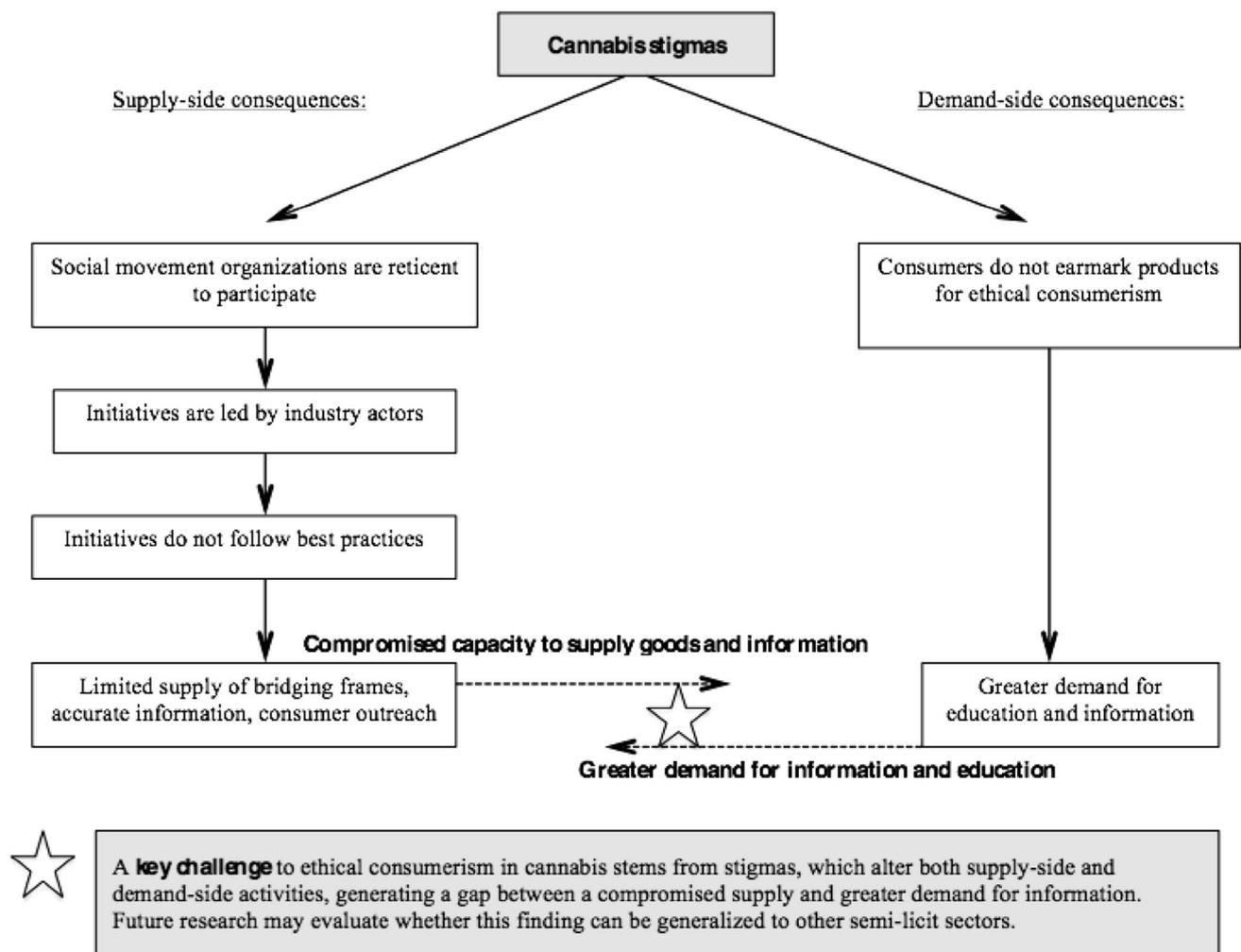
Fig. 1 The consequences of stigmas on ethical consumerism in cannabis

sectors in that SMOs are largely absent, initiatives are less diverse, and framing does not expose ethical issues. The next section highlights potential causal connections between these findings.

Semi-legal stigmas: absent SMOs and consumer earmarking

Drawing on the empirical insights presented in the previous section and the literature on ethical consumerism in other sectors, this study suggests that (at least in cannabis) a sector's "semi-legal" status generates fears, stigmas, misunderstandings, and habits that inhibit ethical consumerism on both the supply and demand sides (Fig. 1). The study focused on labor and environmental issues, and did not examine other ways in which consumers and producers may be expressing their ethics through the marketplace. One result is that ethical initiatives fall short of providing the information and bridging frames that consumers require to

engage in ethical consumerism in semi-legal sectors. This section describes these relationships in the context of cannabis, comments on the sources of stigmatization, and suggests that findings may extend to other semi-legal sectors.

SMOs were reticent to associate with cannabis because of its semi-legal status. According to ethical consumerism studies, industry-led initiatives will be less rigorous than SMO initiatives (Bernstein and Cashore 2007; Jaffee 2010; Jaffee and Howard 2009; Meidinger 2011), and for-profit labels will be less likely to comply with best practices, such as establishing multi-stakeholder standards-setting bodies, making standards publicly available, and avoiding conflicts of interest (van der Ven 2015). Without seasoned SMO activists, initiatives may lack exposure to diverse tactics (Forno and Graziano 2014), or experience constructing bridging frames to highlight taken-for-granted processes as mutable and undesirable (Della Porta and Diani 2006; Alkon 2013; Laamanen et al. 2015). While it is possible that the trust-based relationships were more robust than in other

sectors, this was not verified in this study. The differences between cannabis and other agri-food sectors illustrated in this study were: certification organizations did not adopt the practices that have been most successful in other products, marketing frames failed to highlight issues with conventional production, and the industry had adopted few of the innovations that have become common among other sectors.

The ethical consumerism literature also suggests that consumers may earmark some types of products as less important or inappropriate for ethical shopping (Zelizer 1997; Brown 2015). For example, consumers associate food with ethical consumerism more than electronics (Wheale and Hinton 2007). Evidence from interviews and dispensaries suggests that consumers may not earmark cannabis because of their assumptions and stigmas about the sector. This study found evidence of two types of stigmas that may inhibit demand for ethical consumption. First, semi-legal sectors may be considered too unscrupulous to be ethical. Two interviewees compared "ethical marijuana" to Portland's "vegan strip club." Both intimated that mixing ethics and cannabis is *possible* yet so paradoxical that it would likely remain a fringe novelty. Second, because semi-legal products are highly regulated, consumers may assume that further ethical discretion is not required. Twenty percent of budtenders argued that *all* cannabis could be considered ethical because it is already heavily regulated by the state. Additionally, consumers may misunderstand the production processes in semi-legal sectors because those processes are largely obscured from public view. Almost 25% of budtenders speculated that consumers *assume* cannabis is produced in an eco-friendly manner because it is "the natural drug," associated with hippies, or used medicinally. Six budtenders propagated those assumptions by explaining "It's just part of the culture naturally—everyone in the business pretty much just grows organic" and "it's a different industry than food—it's just a plant."

Finally, extant research also suggests that engrained consumption habits can limit ethical consumption, even among consumers committed to buying ethical products (Lyon et al. 2014). For consumers accustomed to shopping on the black market, such habits may include a sense of desperation or willingness to feign ignorance about product attributes (Beckert and Wehinger 2013). Interview and dispensary data suggest pre-legalization habits may inhibit ethical consumption. One budtender explained, "People are so used to just buying weed from their friends so the idea of going to a legal shop to buy it is such a weird concept. So that's why [the mindset of buying marijuana] is different from being in a grocery store buying produce." Another stated, "Organic pot is something I never would have thought about until it became legal."

Cannabis stigmas and the War on Drugs

Where do cannabis stigmas come from? *Why* do SMOs fear association with cannabis? *Why* don't consumers ask more informed questions about where their cannabis comes from? This section illustrates the well-documented causal relationship between prohibition and stigmatization. Overall, it argues that the War on Drugs has made it exceedingly difficult for consumers to exercise their ethics in the cannabis market place through demand for environmentally friendly and socially responsible cannabis—even in states where cannabis is legal.

Scholars from across disciplines argue that prohibition, stereotyping, stigmatization, and marginalization have long operated concurrently, and in mutually reinforcing ways (e.g., Hathaway et al. 2011; Bottorff et al. 2013; Mendiburo-Seguel et al. 2017). In the late 1930s, for example, the US Drug Czar blamed Mexican immigrants for bringing "marijuana" to the United States, and further suggested that "hot tamale vendors" doubled as drug dealers (Hudak 2016, p 36–37). In the more recent War on Drugs, ignited by Nixon in the 1970s, cannabis consumers were depicted as "burned-out stoners suffering couchlock, beholden to the munchies, unemployed, and living with their parents," a stereotype that has since been propagated by mainstream media (Hudak 2016, p. 106).

Today, public policies continue to fuel cannabis stigmatization, stereotypes, and promote a culture of fear. On the supply side, lack of access to banking and financial services forces business owners and employees to manage large sums of cash (which can be dangerous) and forgo opportunities to borrow, invest, and reduce transaction costs (Crombie 2016c). Additionally, paying federal taxes has created anxiety for employees and business owners who fear that disclosing the sources of their livelihoods is akin to incriminating themselves (Ingold 2014). For illegal home growers, the threat of "dynamic entry" raids (in which police exploit the element of surprise to facilitate drug seizures and arrests) which many times lead to "avoidable deaths, gruesome injuries, demolished property, enduring trauma, blackened reputations, and multimillion-dollar legal settlements at taxpayer expense" have exacerbated industry violence (Sack 2017). Finally, the law enforcement strategy of rewarding "criminals" who provide information about others in the industry contributes to a culture of opacity (rather than transparency) in the supply chain, as individuals aim to insulate themselves from legal recourse (Rich 2012, p. 271). These public policies and their consequences contribute to the stigmatization of the cannabis industry and racialized stereotypes in ways that may dissuade individuals or organizations from participating in the sector. For example, blacks are almost four times as likely to be arrested for marijuana than Whites, despite similar consumption rates (ACLU 2013).

On the demand side, criminalization of possession and distribution can make it difficult for consumers to gather information about cannabis production at the point of purchase. For those who do not acquire cannabis at a legal dispensary or from a friend—as many do (Caulkins et al. 2012)—detailed supply chain questions may not feel welcome (see Hiller 2015). Additionally, consumers may not share knowledge about cannabis with others if they are not comfortable with the risks of self-identifying as cannabis consumers (Hathaway 2004; Sandberg 2012; Dahl and Heggen 2014; Walters et al. 2017). As one medical cannabis consumer explained

> I don't feel as safe now because I've identified myself as a pot smoker where before I was anonymous and I think I was in a better position… If I had to do it over again I wouldn't even tell my doctor, it wasn't worth it. (Bottorff et al. 2013, p. 5)

Stigmas about cannabis consumption may be buoyed by non-governmental institutions coerced into reifying prohibition in their own codes of conduct. For example, according to the Drug Free Schools and Communities Act, any college or university receiving federal funding must prohibit all federally illegal substances from campus. Since virtually all institutes of higher education in the United States receive federal financial aid or research grants, this means that even private colleges in states with legal cannabis must reify prohibition (Harvey 2014). In this way, the state conscripts non-governmental institutions to fight the War on Drugs by making them soldiers of stigmatization.

The literature on ethical consumerism suggests that supply chain transparency, social movement organizing, and informal information dissemination are among the key factors in facilitating connections between individual economic actions and collective agency (Micheletti 2003; Koos 2012). This study suggests that prohibition directly inhibits ethical consumerism by creating barriers to transparency, mobilization, and communication among producers, consumers, and distributors, even after legalization.

Ethical consumerism, stigmas, and other semi-legal sectors

Evidence from the tobacco and sex work industries suggest these stigmas and their consequences may not be specific to cannabis. Like those who participate in the cannabis industry, tobacco farmers—even those living on the very margins of society—have been stigmatized and shamed (Benson 2012). In the tobacco industry, SMOs have been reticent to facilitate ethical labeling (Benjamin 2007), and NGOs turn down the industry's "dirty money" (Palazzo and Richter 2005, p. 390). Ethical initiatives are industry-led and widely critiqued as superficial distractions from pervasive child labor, deforestation, and corporate political lobbying (Fooks et al. 2011; Otañez and Glantz 2011). On the demand side, consumers may deem tobacco products too unwholesome to be earmarked for ethical consumerism (Hirschhorn 2004). As an article in *The Guardian* sarcastically quips "So now you can smoke yourself to death in the knowledge that you are helping poor African farmers…. What next, fair trade bombs?" (Benjamin 2007). The message is clear: ethics and tobacco do not mix.

In sex work, industry actors are also the organizers of supply-side initiatives (Mondin 2014). In pornography, for example, some companies are "exploring the possibility of an ethical stamp that websites could get that would suggest the workers had agency and the workplace was ethically maintained" (Stryker and Pennington 2014, pp. 31–32).[9] However, stigmas still prevent organizing in ways that generate meaningful benefits to workers, such as professionalization, and efforts to mitigate stigmas have been top–down, reinforcing patriarchal hetero-normativity (Voss 2015). In prostitution, the industry actors pushing for change are workers. Unionization has been the principal organizing tool, though such efforts are typically localized and are often short lived (Gall 2016).[10] Similar to cannabis, scholars argue that legalization does not necessarily nullify stigmatization or lead to social acceptance (Voss 2012). Cursory research suggests that in sex work and tobacco, like cannabis, stigmas inhibit development of robust ethical consumerism initiatives. Future research should evaluate whether and how these challenges manifest in other semi-legal sectors.

Additional considerations for future research

A limitation of this study is that the case is not only semi-legal but also new. Thus, some findings may be attributable not to its semi-legal nature but also/instead to its nascence. For example, ethical growers say two factors important in selecting where to sell products are professionalism and legal compliance. As the sector matures, these attributes may become more common among dispensaries, and other factors could become more important in determining where ethical products are sold. Similarly, more SMOs may emerge once the sector is better established. Thus, future research might evaluate whether the differences between the legal and semi-legal sector (identified by this study) are pervasive over time. Studies may also evaluate whether semi-legal sector development reflects legal sector development: Is there a shift toward professionalization, institutionalization, and

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[9] e.g., Pink Label TV and The Ethical Porn Partnership (Sullivan and McKee 2015).

[10] A counter example is the New Zealand Prostitute's Collective, which has been organizing since 1987 (NZPC 2017).

conventional market logic (Gendron et al. 2009; Fouilleux and Loconto 2016)? Will ethical suppliers begin to prioritize compliance over trust (Davenport and Low 2013)? Quality over impact (Raynolds 2012)? Traceability over partnership (Raynolds 2009)? In other words, even if ethical consumerism does not initially look the same in legal and semi-legal sectors, will it become so over time?

The current organization of organic labeling and pesticide testing in cannabis and agri-food products lends itself to a natural experiment that may be useful in disaggregating consumer motivations for purchasing organic products. Unlike other agri-food products, which are not tested for pesticide residue before distribution to retailers, cannabis grown in Oregon must be lab tested before going to a dispensary. Thus, all cannabis—both eco-labeled and conventionally grown—has met a consumer safety standard. Assuming consumers know about and trust the mandatory pesticide testing regulation, their motivations for purchasing organic products would thus be largely about the environment, as opposed to consumer safety. Such research would contribute to the literature on consumer priorities in ethical shopping (e.g., Howard and Allen 2006; Lee et al. 2013; Guthman and Brown 2016).

Since recreational cannabis is regulated at the state level, a comparative case analysis research design could be used to generate insights about the conditions under which voluntary regulations and ethical consumerism emerge and flourish. For example, a comparative analysis of Canada, the Netherlands, and the United States may highlight the ways in which pre-existing regulatory context and ethical consumerism culture shape responses to the cannabis market. Such efforts may (re)shape understandings about the nature of non-state authority: as a market-based approach to problem solving (Potoski and Prakash 2005), form of political contestation (Bartley 2007; Overdevest and Zeitlin 2014), or consequence of citizens' skepticism about policy-making (Kriesi 2004; Forno and Graziano 2014; De; Moor et al. 2013), for example. Such research would also contribute to theories of "not-in-my-body" politics (DuPuis 2000; see also Guthman 2003, 2011) and the "inverted quarantines" consumers create by pro-actively insulating themselves against pervasive health hazards (Szasz 2007).

Finally, the theory presented in this paper—that prohibition-generated stigmas and behaviors disrupt the pillars of ethical consumerism organizing—could be followed over time to understand whether, how, and why these challenges are overcome (or not). Such research would contribute to the literature on normalization (Erickson and Hathaway 2010), cannabis culture (Sandberg 2012), and social movement organizing among marginalized groups (Juris and Khasnabish 2013).

Conclusion: ethical consumerism in semi-legal sectors

This multi-method case study of recreational cannabis in Portland, OR, makes two contributions to social science. First, it suggests that some—but not all—aspects of ethical consumerism theory extend to the semi-legal sector. Ethical consumerism in cannabis was similar to other sectors in terms of demographics of supply and demand, prioritization of ethical issues, and pervasive false claims. However, it was different in that SMOs were not involved, initiatives were not diverse, best practices were not adopted, and consumer demand was inhibited. Because these differences seem to emerge from a variety of stigmas related to the sector's semi-legal status, I argue that ethical consumerism theory may likewise, not fully extend to other semi-legal sectors.

Second, this study contributes fresh empirical insights to the conversation about cannabis and the War on Drugs. It illustrates how prohibition inhibits producers from building transparent supply chains, dissuades potential participants, constrains point of purchase information dissemination, and limits conversations among consumers and potential consumers. These effects, which this study suggests may endure well past the end of prohibition, dismantle the principal organizing tools of ethical consumerism—transparency, social movement organizing, and consumer education. A cursory examination of the literature on tobacco and sex work suggests that these stigmas and their consequences for ethical consumerism may present similarly in other industries that are or have been prohibited. Additional research should evaluate the generalizability of the findings presented here, which are a first step toward building a theory of ethical consumerism in semi-legal sectors, and explaining the contours of ethical consumerism in cannabis.

funds, sabbatical time, and a research retreat; and the Department of International Affairs for providing a supportive and provocative intellectual home. Any errors or omissions are, of course, my own.

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