



March 15, 2016

Mr. Larry Page  
Mr. Sergey Brin  
Co-Founders  
Google Inc.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

**Re: Google's Medical Marijuana / Medical Cannabis Advertising Policy**

Dear Messrs. Page and Brin,

On behalf of Vireo Health of New York ("Vireo"), one of the five companies licensed by the State of New York to cultivate, manufacture and sell cannabis-derived medicinal products to patients with debilitating and life-threatening diseases like Cancer, Parkinson's Disease and HIV/AIDS, we urge you to accept our advertisements using the words 'medical cannabis' and 'medical marijuana.'

To date, Google AdWords has rejected seven advertisements from Vireo (see Appendix A) citing Google's advertising policy that prohibits the "promotion of substances that alter mental state for the purpose of recreation..."

We are confident that our advertisements comply with Google's policy, as our products are sold strictly and exclusively for medicinal purposes and in conformance with New York law. Our products are not ever (and legally cannot be) sold or used for recreational purposes. As a result, we believe that Google's rejection is a misapplication of Google's own policy. The use of our products is highly regulated. Specifically, in accordance with the New York State Compassionate Care Act, our products are only available for sale to patients who suffer from designated serious health conditions and are certified by their physicians to use cannabis-based medicinal products solely as treatments for these conditions. Certifying physicians must complete coursework that is approved by the New York State Department of Health and also consult with the New York State Prescription Monitoring Program Registry prior to issuing a certification to a patient for medical cannabis.

To your credit, Google identifies "Don't be evil"<sup>1</sup> as one of its stated corporate values. We are confident that our ads do not violate Google's advertising policy. In fact, we would argue that it would be inadvertently "evil" if Google Incorporated continued to make it needlessly difficult for seriously ill patients to connect with us online to learn about how to access to medicines that alleviate their suffering.

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<sup>1</sup> [http://www.sec.gov/Archives/edgar/data/1288776/000119312504142742/ds1a.htm#toc59330\\_1](http://www.sec.gov/Archives/edgar/data/1288776/000119312504142742/ds1a.htm#toc59330_1)

If Google doubts that patients who use our capsules, oils and tinctures are seeking medical relief rather than “recreation,” we would be willing to facilitate a meeting between Google decision-makers and some of our successfully treated patients. In such a meeting, you would hear extremely moving stories, such as parents explaining how their young children’s use of non-intoxicating cannabis-based medicines has dramatically reduced the number of seizures they suffer, improved their quality-of-life, and allowed them stop using much more dangerous and debilitating pharmaceuticals. I’m confident these patients’ powerful stories would make it abundantly clear that “recreation” is the very last thing on their minds.

It is difficult to understand or justify a policy that will impede a patient’s ability to access information about products that have been approved by the New York State legislature and have been identified as therapeutically beneficial. These patients and their caregivers need access to this information, and if Google continues to deny this access, it is clearly contradicting one of its core values.

Vireo’s inability to utilize Google’s advertising platform to accurately present our product offerings will prevent patients and health care providers from acquiring an understanding of beneficial treatment options for serious and debilitating health conditions. The inevitable result of this is the proliferation of preventable pain and suffering. It is our understanding that Google’s search engine dominates this industry with a market share of approximately 64%<sup>2</sup>. Depriving Vireo of full access to Google’s advertising platform under these circumstances is contrary to Google’s core values, harmful to seriously ill patients and may very well constitute violations of First Amendment and antitrust laws.

We have repeatedly attempted to engage with Google to address this situation and have sent multiple communications and invitations for further discussion. At this time, we urgently request that you reconsider your position with respect to our proposed advertisements and provide us notice of approval by March 31, 2016.

In the meantime, I am available, with or without a group of our patients, to meet with you or any appropriate representatives that you identify to discuss in more detail. I can be contacted by email at [AriHoffnung@vireohealth.com](mailto:AriHoffnung@vireohealth.com) or by phone at (917) 687-6106.

Thank you in advance for your consideration.

Sincerely,

*Ari Hoffnung*  
Ari Hoffnung, CEO

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<sup>2</sup> <http://finance.yahoo.com/news/google-search-engine-market-share-170640710.html>