

Federal authority for  
financial services supervision

BaFin | Postfach 50 01 54 | 60391 Frankfurt

{Fax with receptionist  
ADVORES Lawyers  
Dempe, Kjellsson, Krieger, Wind, Wulf PartGmbH  
- Attn: Herm RA Krieger - Colonnaden  
3  
20354 Hamburg

GZ: WA 31-Wp 7111/00011#00057-2022 (Please always specify)

07.07.2022

The imposition of a penalty payment pursuant to section 17 para. 1 sentence 1 of the Financial Services Act in conjunction with §§ 6 par. 1, 7 par. 1, 9, 11 par. 1, 14 Verwaltungs-Vollstreckungsgesetze. z

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Hausanschrift:  
Bundesanstalt für  
Financial Services Supervisory  
Authority  
Marie-Curie-Str. 24-28  
60439 Frankfurt | Deutschland

Dear Mr Krieger,

against your client, Juicy Holdings B.V., the following is issued

Contact  
Jerr Marquardt  
Unit WA 31  
Fax +49 (0)2 28 41 08-0  
Fax +49 (0)2 28 41 08-123  
wa3-l@bafin.de  
www.bafin.de

### Bescheid:

1. The periodic penalty payments of 1,000,000 euros threatened by the notice of 03.06.2022. are imposed on Juicy Holdings B.V., Rokin 92-96, 1012 KZ Amsterdam, the Netherlands.
2. No fees are charged for this decision.

Central:  
phone +49 (0)2 28 41 08-0  
Fax +49 (0)2 28 41 08-123

Seats of service:  
51117 Bonn  
Gra1;rheindorfer Str. 108

53175 Bonn  
Thirteen Acres Road 13-15  
Thirteen Acres 44-48

60439 Frankfurt  
Marie Curie Su. 24-28  
Lurgallee 10

### Justification

#### I. **Sadwerhalt**

In the context of market supervision, the Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungsaufsicht) has obtained information that Juicy Holdings B.V. is offering cannabis plants for sale in Germany on the Internet site [bj.tps.juicyfields.io/en/](http://bj.tps.juicyfields.io/en/).

By decision of 03.06.2022, the Federal Agency prohibited Juicy Holdings B.V. from making public offers of assets in the form of investment opportunities in cannabis plants of the varieties JuicyFlash, JuicyMist,

JuicyKush and JuicyHaze according to § 18 para. 1 no. 2 Vermögensanlagegesetz (Vermögensanlagen Act) (VermAnlG) is prohibited in each case.

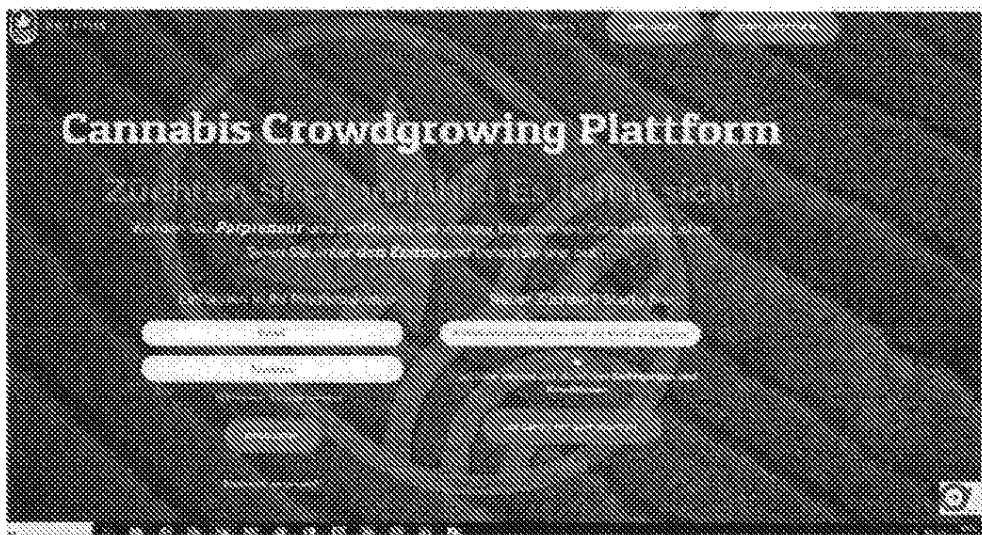
In the event that Juicy Holdings BV does not comply with the prohibition of the public offerings of the four aforementioned assets immediately after the notification of 03.06.2022, the Federal Financial Supervisory Authority has threatened Juicy Holdings B.V. with a penalty payment of 250,000 euros.

The notice was sent to your office against a certificate of service. According to the certificate of service, the notice was deposited in the mailbox belonging to the ADVORES law firm on 8 June 2022.

Juicy Holdings B.V. did not react to the threats of the coercive gels.

Investors in Germany can continue to register on the website of Juicy Holdings B.V. at <https://juicyfields.io/de/> even after the prohibition by decision of 3 June 2022.

After registration, the four different varieties of cannabis plants - JuicyFlash, JuicyMist, JuicyKush and JuicyHaz - are still available as investment options. Despite the prohibition, investors in Germany can continue to invest in the assets online via the website:



Source: <https://juicyfields.io/en/> (as of 23.0.2022)



BaFin  
Federal Financial Supervisory  
Authority

In addition, point 3.11 under "*Terms and Conditions*" has been deleted, according to which the platform should be blocked for investors in Germany:



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Quelle: <https://juicyfields.io/de/terms> (Stand 23.06.2022)

For further details, please refer to the decision dated 03.06.2022.

## II. Rechtliche Würdigung

1.

### Zwangsgeldfestsetzungen

Juicy Holdings B.V. has violated the prohibition order of 03.06.2022.

The penalty payments threatened by the notice of 3 June 2022 in the amount of 250,000 euros and in the amount of 1,000,000 euros can therefore be imposed on Juicy Holdings B.V. by the Federal Agency (a.). The conditions for enforcement are met: Both the prohibition order and the threat of a periodic penalty payment are enforceable and the periodic penalty payments were threatened (b.). Juicy Holdings B.V. has also infringed the orders under point -1 of the prohibition of 03.06.2022. It did not comply with the prohibition (c.). It is not appropriate to refrain from setting the periodic penalty payments. Moreover, the periodic penalty payments are proportionate (d.).

In detail:

By refraining from a hearing prior to the imposition of the periodic penalty payment, further delays in stopping the unlawful conduct are to be avoided in the sense of effective enforcement.

a. In accordance with the principle of self-execution, the Federal Financial Supervisory Authority is authorised to fix the periodic penalty payments threatened by it, § 17 para. 1 sentence 1 Financial Services Supervision Act (FinDAGJ in conjunction with §§ 6 para. 1, 7 para. 1, 9, 11 para. 1, 14 Administrative Enforcement Act (VwVG).

b. Presence of the conditions for enforcement

The prohibition order of the Federal Agency of 03.06.2022 as an effective basic administrative act and the threat of coercive means of the same amount are immediately enforceable, § 6 para. 1 VwVG. This is because an objection and an action for annulment against this have no suspensive effect, *section 26a VermAnIG*.

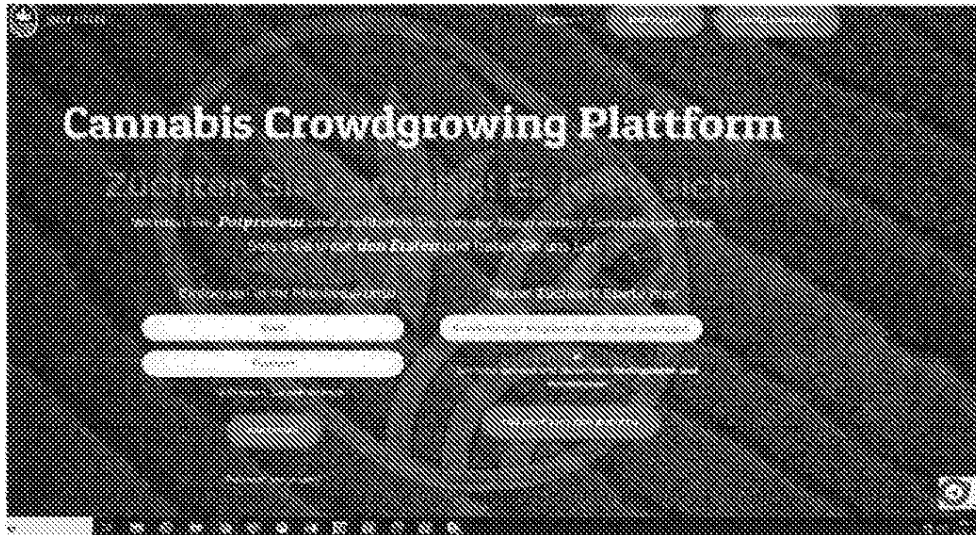
Even if, according to the wording of § 6 (1) VwVG, the legality of both decrees is irrelevant, the legality of both decrees is the responsibility of the respective legislator.

c. Violation of the orders under No. 1 of the prohibition order of 03.06.2022.

Juicy Holdings B.V. has violated the orders under point 1 of the decision of 03.06.2022: Juicy Holdings B.V. must, according to the prohibition orders of 03.06.2022, refrain from offering cannabis plants of the varieties JuicyFlash, JuicyMist, JuicyKush and JuicyHaze to the public in the form of investments.

Juicy Holdings B.V. is still failing to do so today: investors in Germany can still register on the website of Juicy Holdings B.V. at <https://t.juicyfields.io/en/>.

After registration, the four different varieties of cannabis plants - JuicyFlash, JuicyMist, JuicyKush and JuicyHaze - will continue to be available as investment options. Investors in Germany can continue to invest in the plants despite the prohibition:



Source: <https://juicyfields.io/en/> (as of 23.06.2022)

Reference is made to the detailed explanations on the existence of public offers of assets in Germany in the decision of 03.06.2022.

The ongoing violations of Juicy Holdings B.V. will take place after the fruitless expiry of the period of the threats of periodic penalty payments.

d. Exercise of discretion and proportionality of the imposition of periodic penalty payments

The determination of the respective periodic penalty payments is made in the exercise of discretionary powers. They serve to force Juicy Holdings B.V. to comply with the prohibition orders. They are appropriate, necessary and proportionate.

The imposition of a periodic penalty payment is a measure of administrative enforcement, so that a hearing can be dispensed with on the basis of section 28 (2) no. 5 of the Administrative Procedure Act. A hearing is also not required under the circumstances of the individual case. On the contrary, the interest of the full court outweighs the interest of Juicy Holdings B.V. in a hearing before the above-mentioned administrative act is issued. Juicy Holdings B.V. continues to offer the relevant investments to the public without the required sales prospectus. This is evidenced by the large number of enquiries from the public received by the Federal Financial Supervisory Authority. This is all the more true because false claims are circulating in the social networks that the Federal Financial Supervisory Authority is holding the prospectusless investments for sale.

offers are unobjectionable after a review has been completed. Therefore, the prohibitions of public offers without a prospectus must be enforced in the sense of effective supervisory action and investor protection.

It must also be taken into account that Juicy Holdings B.V. had the opportunity to comment in the administrative proceedings before the administrative act that is now to be enforced was issued and that it made use of this opportunity. Objections against the compulsory enforcement of the prohibition have not been raised so far. Therefore, no objections are to be expected in the present case and an appeal is not appropriate.

The imposition of periodic penalty payments in the amount of 1,000,000 euros is intended to force Juicy Holdings BV to comply with the submissions of 3 June 2022.

The setting of the respective periodic penalty payments is also necessary. A milder means that is equally suitable to compel Juicy Holdings B.V. to comply with the prohibitions is not apparent.

The determination is appropriate and is also not out of proportion to the objective pursued with it, namely to achieve compliance with the injunctions of 3 June 2022: The enforcement of the prohibitions is necessary because they are intended to prevent the public offers of Juicy Holdings B.V. are to be terminated without an approved prospectus to the slot of the investors. The protection of investors by the prospectus requirement is achieved through the transparency created by the respective sales prospectus; it equalises the different level of information between the offeror and the investor. At the same time, the prospectus makes it possible to compare offers and provides investors with a liability document in the event of product liability.

Juicy Holdings B.V.'s interest in offering the relevant investments to the public by circumventing the prospectus requirement is secondary to this. Compliance with the prohibition order is possible with little effort and is reasonable for Juicy Holdings BV.

There are no recognisable reasons for refraining from setting the fine. The wording of § 14 VwVG already expresses that the setting of the penalty payment is the normal consequence of the threat of a penalty payment. This also corresponds to the sense and purpose of the graduated enforcement procedure. Within the framework of this procedure, the individual procedural steps can fulfil their legal purpose.

**The intended warning and reminder function can only be achieved if the enforcement procedure is consistently carried through to the end.**

**No special circumstances are apparent that would lead to the imposition of the threatened periodic penalty payments not being imposed in the present case. It is therefore not justifiable to refrain from imposing the penalty against the background of the investors' interests which are worth protecting.**

The setting of lower periodic penalty payments is also not appropriate. The fact that Juicy Holdings B.V. has so far not reacted in any way to the prohibition despite the threat of penalty payments of 2!>0,000 euros for each case of infringement even suggests that the setting of lower penalty payments **would** not be sufficient.

In principle, the Federal Financial Supervisory Authority can threaten and impose coercive measures for each case of non-compliance with the prohibition. The amount of a single penalty payment can be up to 2,500,000 euros (Section 17 (1) FinDAG). In comparison, the threat and imposition of periodic penalty payments of 250,000 euros each and in total of 1,000,000 rather at the lower end of this range.

For the avoidance of doubt, it should be noted that the periodic penalty payments are administrative enforcement measures. Penalty payments can be repeatedly threatened and imposed in order to compel Juicy Holdings B.V. to comply with the sub- stance.

The assessment as to whether the company's actions also constitute an irregularity (Section 29 VermAnIC) will, if necessary, be made in other proceedings.

2.

**Payment Demand**

The amount of **1,000,000.00 Euro** must be paid within two weeks after the notification of this notice, stating the cash reference number:

BaFin, 115741573072

to the following account clerical, uncles is: s: e Trier at the Deutsche Bundesbank, branch Saarbrücken:

**IBAN: DE81 5900 0000 0059 0010 2d**

SK; MARKDEF1 59U

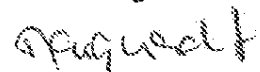
The amount of money demanded must be paid within the specified period, even if an objection to the penalty payment has been lodged, since objections are not possible, ind Aofecht1Jri.:J<|<:ag< :...gegen di,°est,e.t ur.ig... of coercive measures do not have a suspensive effect, § 26a VermAnlG.

For the avoidance of doubt, it is pointed out that in accordance with Section 15 (1) VwVG, compulsory enforcement will be initiated if the money is not deposited in the account indicated within the specified period.

**Remedies**

An appeal against this decision may be lodged with the Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungsaufsicht) in Bonn or Frankfurt am Main within one month of notification.

Im Auftrag

  
Marquardt



BaFin | Postfach 50 m 54 | 60391 Frankfurt

**P"r !'ax with limpfun9 bl!kil>1111tnls**  
ADVORES Lawyers  
Dempe, Kjellsson, Krieger, Wind, Wulf PartGmbH  
- Attn: Hem, RA Krieger -  
Colonnaden 3  
203.54 Hamburg

GZ: WA 31-Wp 7111/00011#00057-2022 (Please always specify)

07.07.2022

Hearing pursuant to section 28 (1) of the Administrative Procedure Act (Verwaltungsverfahrensgesetz) var Application of increased penalty payments pursuant to section 17 of the Financial Services Supervision Act (Finanzdienstleistungsaufsichtsgesetz). § Section 17 of the Financial Services Supervision Act in conjunction with Section 13 of the Administrative Enforcement Act. § 13 Administrative Enforcement Act

2. No fees will be charged for this decision.

Dear Mr Krieger,

By decision of 3 June 2022, the Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungs-aufsicht - BaFin) prohibited Juicy Holdings B.V. from making public offers of investments in cannabis plants of the varieties JuicyFlash, JuicyMist, JuicyKush and JuicyHaze in the Federal Republic of Germany.

Juicy Holdings B.V. is hereby expressly given the opportunity, pursuant to Section 28 (1) of the Administrative Procedure Act (VwVfG), to comment on the facts relevant to the decision prior to the issuance of the threat of penalty payments set out in the draft below.

- Design -

1. In the event that Juicy Holdings B.V. does not comply with the prohibitions of 03.06.2022 concerning the public offerings of the four investment plans in cannabis plants of the varieties JuicyFlash, JuicyMist, JuicyKush and JuicyHaze in the Federal Republic of Germany, the Federal Financial Supervisory Authority (BaFin) threatens Juicy Holdings B.V. with an increased penalty payment in the amount of 400,000 euros.

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House address: Bundesanstalt f'Or  
Financial Services Supervisory Authority  
Marie Curie St. 24-28  
60439 F1,mkfort ! Germany

Contact:  
Mr Ma1quc1rdt  
Unit WA :31  
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Thirteen Acres 44-48

60439 Frankfurt  
Marie Curie St. 24-28  
lurgiallee 10





Federal Institute for  
Finan:a:serviceaufsir.ht

## Justification

### **I. Sachverhalt**

In the context of market surveillance, the Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleis-- tungsaufsicht) has obtained information that Juicy Holdings B.V. is offering cannabis plants for sale in Germany on its website [https://juicyfields.io/d.\\$L](https://juicyfields.io/d.$L).

By decision of 03.06.2022, the Federal Agency prohibited Juicy Holdings ELY. from making public offers of investments in the form of investment opportunities in cannabis plants of the varieties JuicyFlash, JuicyMist, JuicyKush and JuicyHaze pursuant to Section 18 (1) No. 2 of the German Investment Companies Act (VermAnlG).

In the event that Juicy Holdings B.V. does not comply with the prohibition of the public offerings of the four aforementioned assets immediately after the notification of 03.06.2022, the Federal Financial Supervisory Authority has threatened Juicy Holdings B.V. with a penalty payment in the amount of 250,000 euros.

The notices were sent to your office against a certificate of service. According to the certificate of service, the notices were deposited in the mailbox belonging to ADVORES Rechtsanwälte on 8 June 2022.

Juicy Holdings B.V. did not react to the threats of the coercive gels.

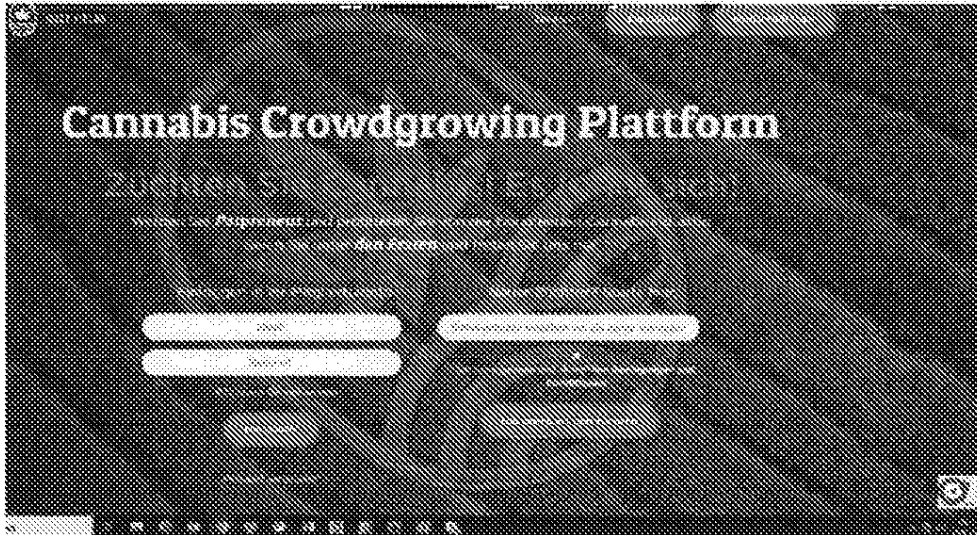
Investors in Germany can continue to register on the website of Juicy Holdings B.V. at <https://juicyfields.io/en/> even after the prohibition notice of 03.06.2022.

After registration, the four different varieties of cannabis plants - JuicyFlash, JuicyMist, JuicyKush and JuicyHaz - will continue to be available as investment options. Investors in Germany can continue to invest in the cannabis plants despite the ban:



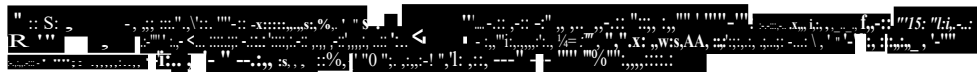
# BaFin

Federal Institute for  
Financial Services Supervisory  
Authority



Source: <https://l.lui.lv/fields.io/de/> (as of 23.06.2022)

In addition, under "*Terms and Conditions*", item 3.11 has been deleted, according to which the platform should be blocked for investors in Germany:



<https://l.lui.lv/fields.io/en/terms/1>

Source: <https://l.lui.lv/fields.io/en/terms/1> (as of 23.06.2022)

For further details, please refer to the decision dated 03.06.2022.

By decision of 07.07.2022, the Federal Financial Supervisory Authority imposed periodic penalty payments of 1,000,000 euros on Juicy Holdings B.V..

## II. Rechtliche Würdigung

Pursuant to § 17 para. 1 sentence 1 of the Financial Services Supervision Act (FinDAG) in conjunction with §§ 6 para. 1, 7 para. 1, 9, 11 para. 1, 13 of the Administrative Enforcement Act (VwVG), the Federal Agency, as the enforcement authority, is authorised to impose a penalty payment. The amount of the penalty payment is up to 2,500,000 euros, section 17 (1) sentence 4 FinDAG.

Legal remedies against the prohibition of public offers pursuant to § 18 para. 1

no. 2 VermAnIG do not have a suspensive effect. § Section 26a VermAnIG does not have a suspensive effect.

Effect. The prohibition is therefore immediately enforceable. This is a prerequisite for the enforcement of the order by means of coercive measures pursuant to § 6 (1) VwVG.

In the present case, the penalty payment is the correct means of coercion to be applied in the sense of § 1-1 para. 1 VwVG, since the obligation to submit the public offers can only be fulfilled by Juicy Holdings B.V. itself and in this respect it is an unjustifiable act.

The periodic penalty payments are also threatened in each case in accordance with the mandatory exercise of the right to enforcement pursuant to Section 17 (1) FinDAG in conjunction with Sections 6 (1) and 11 (1) VwVG. Collective consumer protection requires that compliance with the provisions of the VermAnIG be enforced efficiently and effectively. For the aforementioned reasons, this also includes preventing offers of investment funds that are subject to the prospectus requirement if a sales prospectus prepared by the Federal Financial Supervisory Authority is not available. After all, the prospectus serves the crucial need for information of the investing public. In the opinion of the Federal Financial Supervisory Authority, the threat of increased penalty payments is suitable, necessary and appropriate to induce Juicy Holdings BV to cease the present public offers of investments.

The threats of coercive payments are reasonable in their nature and amount, §§ 9 para. 2, 11 para. 1, 2 VwVG.

The threatened periodic penalty payments totalling -i .600,000 euros are suitable to compel Juicy Holdings BV to cease the public offers without delay.

The threatened periodic penalty payments are also necessary, since according to § 9 para. 1 VwVG no milder means of equal suitability are available.

The threatened penalty payments are also appropriate. The purpose of the suspension of the offer is not disproportionate to the potential losses of Juicy Holdings B.V. associated with it. The prospectus requirement for offers of securities ensures that investors interested in a particular investment are provided with sufficient information to be able to make an informed decision. The principle of transparency outweighs the individual interest of Juicy Holdings B.V.. This principle of transparency basically outweighs the individual interest of Juicy Holdings B.V., which with its prospectus-less offers is above this trans-

principle of parity. As a result, the penalty payment threatened in each case is not disproportionate to the purpose pursued, which is to prevent the public offering of Juicy Holdings B.V.'s own investments.

The penalty payment of 400,000 euros threatened in each case is also appropriate. The penalty payment threatened in each case is still at the lower end of the range that the legislator considered necessary for the effective enforcement of orders of the Federal Financial Supervisory Authority when creating § 17 FinDAG (cf. the explanatory memorandum to § 17 FinDAG, BI-Drs. 14/7033, p. 38). According to § 17 FinDAG, the Federal Financial Supervisory Authority can enforce orders with penalty payments of up to 2,500,000 euros.

The threat of a penalty payment of 400,000 euros each is appropriate in view of the urgency and importance of the matter. The imposition of a lower amount does not ensure to a sufficient extent that the purpose pursued by the threat of penalty payments, i.e. the immediate termination of the public offers without a prospectus, is achieved. The fact that the threat of periodic penalty payments in the amount of 250,000 euros each and in the amount of -1,000,000 euros with the notice of 3 June 2022 has so far not been able to induce Juicy Holdings B.V. to discontinue the public offering of the four Vennogensanlagen in question speaks in favour of this assessment.

Juicy Holdings B.V. has been obliged to cease its public offerings in Germany since it was prohibited from doing so by notice of 03.06.2022. The prohibition was to be complied with from the date of its notification (08.06.2022). It is therefore appropriate that Juicy Holdings B.V. complies with the prohibition orders immediately from the date of service of this notice.

- Draft end -

Deadline for opinion

Pursuant to Section 28 (1) of the Administrative Procedure Act (VwVfG), you are hereby given the opportunity to comment on the facts of the planned threat of increased penalty payments that are relevant to the decision. A deadline of up to

**14.1)7.2022**

The time limit for submitting comments is also important, as a longer time limit would be detrimental to the effectiveness of the supervisory action. If no statement is received within this period, a decision will be made on the basis of the files on the threat of increased periodic penalty payments.

On behalf of

S\Ct.J(I. t l \_\_, \,  
Marquardt



GZ: WA 31-Wp 7111/0001 "1#00057-2022

**Acknowledgement of receipt (pursuant to  
section 5(4) VwZG)**

**Please send immediately to:**

(Window envelope or fax: 0228 4108 123)

Federal Financial Supervisory Authority Marie-  
Curie-Str. 24-28

60439 Frankfurt am Main

In the administrative procedure

Juh:y Holdings B.V.

the following was received here today:

Zwa119s9e!clfestset:nmgen gemäß § 17 Abs. 1 Satz 1 finan:zdlens,telst1.m9saufakhts9esefa:  
i. V. m. §§ 6 AIR,. 1, 7 para. 1, 9. 11 para. 1, 14 Verw,t!hm1w-V0JlStreckungsgesdz

At1h&run9 pursuant to § 23 para. 1 Vei-waltnmgsverfah,-,msgesgesdz var An<'lrohung v,;,n  
et-h&hte,, Z:w,m9s9el@aem pursuant to § 17 Finanzd!em,tleistung\$aufokhhge etz in  
conjunction with § 13 Verwa!tung:s-Vol!stmckungsgesdz

I am authorised to receive.

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Date, signature and, if applicable, stamp of the emplanger. Stamp of the emplanger

**Sender:**

ADVORES Lawyers Colonnaden 3  
20354 Hamburg