

Canadian High Commission



Haut Commissariat du Canada

Canada

Commonwealth Avenue
Canberra ACT 2600

27 April 2011

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
AUSTRALIA

Dear Sir or Madam

Submission - Application A1039 - Low THC Hemp as a Food

The Canadian Government notes that an application to permit food derived from hemp is currently being assessed in Australia by Food Standards Australia New Zealand (FSANZ) and that FSANZ has released a consultation paper for public comment.

We understand that FSANZ has indicated that while it has not identified any public health and safety concerns associated with consuming hemp foods there are a number of other issues associated with approving hemp foods on which it seeks comment. These issues are highlighted in the consultation paper. While the Canadian Government does not wish to respond to each of the questions outlined in the consultation paper, it is able to provide the following information, which we hope will help FSANZ better understand Canada's approach to regulating low THC hemp as a food.

The *Industrial Hemp Regulations* (IHR) under the Controlled Drugs and Substances Act (CDSA) came into force in March 1998 to permit the commercial cultivation of industrial hemp in Canada. Industrial hemp is defined as plants and plant parts of the genera *Cannabis*, the leaves and flowering heads of which do not contain more than 0.3% THC (tetrahydrocannabinol) w/w.

An industrial hemp licence is required to possess viable hemp seed/grain to conduct the following activities: cultivate, process (pressing for oil, rendering hemp seed/grain non-viable), import, export, sell and provide.

Under s.3 of the IHR, the importation, exportation or wholesale sale of a seed/grain derivative or a product made from that derivative does not apply to the requirements of the CDSA or IHR provided that:

1. the derivative or product was not made from whole industrial hemp plants which includes the sprouts, leaves, flowers or bracts of those plants;
2. a representative sample from each lot/batch of the derivative or product being imported or exported, or sold at wholesale, has been found to contain 10ppm THC or less when tested at a competent laboratory using the analytical procedures set out in the Industrial Hemp Technical Manual (<http://www.hc-sc.gc.ca/hc-ps/pubs/precurs/hemp-indus-chanvre/tech-man/index-eng.php>);
3. the shipment (in the case of import/export) is accompanied by a certificate from a competent laboratory in the country of origin of the derivative or product that sets out the concentration of THC in the samples.

The CDSA and IHR does not apply to the retail sale of a seed/grain derivative or product made from that derivative as long as the importation/exportation/wholesale sale requirements set out in the IHR have been met.

Hemp-derived ingredients are permitted to be sold as foods in Canada provided THC levels do not exceed 10 ppm, and with the understanding that Section 4, Part I, of the Food and Drugs Act, applies (i.e., no person shall sell an article of food that has in or on it any poisonous or harmful substance).

We would note that examples of hemp seed/grain derivatives are hemp seed oil and hemp seed cake. Products made from seed/grain derivatives include food and personal care products.

The Canadian Government is happy to provide further details on Canada's approach to regulating low THC hemp as a food. If you have any queries please contact Mr David Ingham, Trade Commissioner, Canadian High Commission on 6270 4034 or at david.ingham@international.gc.ca in the first instance.

Sincerely,



Michael Small
High Commissioner