



Application Submission on Application A1029 – Low THC hemp as a food

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This submission has been authorized by the Directors of Hemptastic New Zealand Limited.

## General Comments

Thank you for the opportunity to make a submission on Application A1039 – Low THC Hemp as a food.

Hemptastic New Zealand Limited represents a group of people with a diverse background and long term interest in the hemp industry.

With regard to Application A1039 the shareholders have a commercial interest in using low THC hemp seed in the food & beverage industry.

The current assessment considered three options

- 2 a) Allow hemp seed oil
- 2 b) Allow processed hemp seed as a food – but no whole seed
- 2 c) Allow hemp seed to be used as a food

FSANZ recommends a variation to the code based on 2 b) above

*To prepare a draft variation to Standard 1.4.4 -  
Prohibited and Restricted Plants and Fungi to permit the use of processed hemp seed  
products only (including hulled hemp seed, but excluding whole and viable seeds) as a  
food with maximum delta 9 tetahydrocannabinol (THC) levels*

For the Bioregional Development of Seed and Natural Fibre based products and services  
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We note ANZFA (Australia New Zealand Food Authority) supported the previous application A360 in 2002 and we are pleased to be able to provide feedback on FSANZ recommended variation – option 2 b) in 2012.

We note the current application is largely based on the A360 assessment document, which reflects the quality and completeness of the former application and the detailed approach taken by ANZFA at the time.

We note that the Australia New Zealand Food Standards Council (ANZFSC) rejected ANZFA's recommendation and voted unanimously against A360 in May 2002.

We applaud FSANZ for recommending 2 b) however as an industry participant we would encourage FSANZ to reconsider and recommend variation 2 c).

Much of the ground work required to satisfy 2 c) has to be done under option 2b) so we feel this is a missed opportunity to stimulate the restarted hemp industry

2 c) would establish an environment allowing maximum opportunities for the hemp industry and would be in line with the United Nations - Single Convention on Narcotic Drugs 1961 which allows the use of whole seed and fibre.

The problems associated with whole seed should not have such an influence on the FSANZ recommendation; people have possessed hemp seed all over the world, with no enforcement issues. Therefore Hemptastic is in favor of option 2 c) as this would encourage regulation acknowledging whole hemp seeds should be legal as they are not marijuana.

When considering legislative/regulatory change, which has been prompted by this variation to the Food Code, Hemptastic would like to see government more clearly define "what is marijuana". By giving this high THC use, a narrow definition enforcement would be enhanced and low THC hemp seeds would be exempt.

This would make Misuse of Drugs Act legislation or their state equivalent clearer and more defined as to where law enforcement efforts against the illicit marijuana industry should be focused.

This would be the best, non mixed message policy makers could send to the public and would allow the hemp industry to work on the other seed and fibre uses of low THC industrial hemp.

It would still be illegal to grow a cannabis plant unless you had a suitable licence.

Hemptastic recommends the minimum regulatory involvement and notes the application meets (or can meet) all other General Food and Food Product Standards of the Food Code.

## Comments on Questions for Submitters

The comments are made with reference to FSANZ preference for option 2B)

Hemptastic would like FSANZ to reconsider the wording of the variation; we do not think there is a need to specify “Whole” and “Viable”. If the seeds were viable they would have to be whole so you do not need to refer to viable if option 2 b) is recommended.

### **6.1     Safety of hemp foods**

#### **6.1.1   Will the inclusion of a maximum level in the code for hemp seed oil products be an issue for hemp seed oil products produced in or imported in to New Zealand?**

All imported products must meet MAF quarantine standards and permit requirements. Suitably manufactured products with appropriate labeling should qualify for entry into New Zealand the same as other manufactured imported food.

Foods made from low THC industrial hemp seeds will not trigger any response at the levels recommended in 6.1, which is supported by various references provided by previous submitters.

Only licenced growers can grow low THC industrial hemp, so if you grow cannabis in New Zealand and don't have a licence you are breaking the law.

As a manufacture we need to store seed for processing and therefore a Ministry of Health licence is required.

As both of these steps are already heavily regulated there is no need for additional controls once the seeds have been processed and significantly changed into a product for sale.

This amount of control ensures only low THC industrial hemp seeds can be used to manufacture foods for human consumption.

### **6.4     Distinguishing between hemp and cannabis seeds**

#### **6.4.4   Are there other methods of distinguishing between the seeds of hemp and drug varieties of cannabis? Please provide evidence in support of these methods.**

Apart from growing the seed and testing the THC content, it is not possible to distinguish between the two varieties.

**Are there other methods of rendering hemp seeds non-viable that will also result in the whole seed being distinguishable from the seeds of drug varieties of cannabis? Please provide evidence in support of these methods.**

Not that we are aware of.

**Can you provide any evidence on whether hulled hemp seeds remain viable?**

No

## **6.5 Drug Testing**

### **6.5.1 THC testing, with regard to saliva and other THC testing methodologies in New Zealand and Australia**

Previous submitters have provided evidence that low THC hemp seed foods and oils have no THC, so it is extremely unlikely to register a THC reading from a saliva test.

If seeds are from a licenced grower they must be low THC industrial hemp. So all further testing once off the farm is irrelevant as the seeds are from licenced low THC hemp cultivars.

**Which Analytical Laboratories currently conduct confirmatory THC testing, for example blood tests? How much do these tests cost?**

Crops are tested by ESR, Institute of Environmental Science & Research Limited, for NZ\$1,300+GST

**Do you have any data to indicate the levels of THC in current hemp food products? Is it likely that hemp foods could be produced to comply with lower maximum levels of THC**

Hemptastic accepts the maximum levels of THC in hemp foods as recommended in the assessment document.

Low THC industrial hemp seed do not contain THC, small traces of THC come from the leaves when grown, this is removed during processing so foods made from the seed will normally not contain THC. However having established maximum levels of THC in foods is sufficient to provide a framework for comparison and therefore enforcement if required.

**Would additional processing costs be incurred in order to achieve lower THC levels in hemp foods.**

Further processing will not lower THC levels in foods made from low THC industrial hemp seed.

Normal food processing standards and best practice with regard to seed cleaning would remove all (or reduce to negligible) the THC in foods at the preparation stage.

This processing typically removes all leaf matter and leaf residue where low amounts of THC could be contained.

Further processing will not affect the level of THC and therefore adding unnecessary manufacturing processes with their associated costs is unacceptable as it adds a further barrier with no benefit to any stakeholder.

## **8.2 Impact benefit Analysis**

### **8.2.1 FSANZ Seeks advice on the number of hemp licences and hemp business in Australia and New Zealand to better calibrate the market potential.**

Hemptastic recommends FSANZ contact the Ministry of Health for information on licences issued.

#### **FSANZ seeks advice on other costs items that might influence the analysis**

FSANZ is required to consider the impact of all options on all sectors of the community, including consumers, the food industry and governments in both countries.

Your cost benefit analysis will be of limited interest and adds little to the hemp industry and it's emerging participants.

All companies, business and other organization strive to be productive and make a return for their shareholders. Based on the likelihood of returns business will become involved and develop the industry or not.

Business plans come from industry participants and the role of the Government is to allow business to build an industry if it is commercially viable to do so. Government should not put up unnecessary barriers that stop or restrict industry, when there is no reason to do so.

#### **FSANZ seeks advice on possible entry barriers to a hemp food market.**

The main barrier remains the political risk and delay associated with implementing any recommendations in to the regulatory framework in New Zealand and Australia

The barrier of not having access to the whole seed is considerable as this restricts the potential market for raw hemp foods and overlooks the usefulness in having the seed remain in its shell for freshness, storage and transportation reasons.

Hemptastic notes hemp food products were being sold in New Zealand prior to the 2002 regulations with no enforcement problems or THC issues. Hemp foods sold now must come from licenced sources of low THC hemp seeds which can only produce low/no THC hemp foods.

Hemptastic notes that there is significant health and nutritional benefits from eating low THC hemp seeds due to the essential fatty acid profile and the protein content of the seed, full details of these nutritional benefits have been given by previous submitters.

The nutritional benefits for the Australasian consumer are immense, as low THC hemp seed is an alternate to fish oil, is gluten free and is considered a low to no allergen food.