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Att Standards Management Officer

Food Standards Australia New Zealand

PO Box 7186

Canberra BC ACT 2610

AUSTRALIA

Tel (02) 6271 2222

Regarding: Hemp food submission APPLICATION A1039 .

Dear Standards Management Officer,

I am writing in support of the Hemp food submission APPLICATION A1039 .

Ecofibre was the original applicant ANZFA A360 Hemp as a Novel food. Before detailing our support submission I would like to cover some history regarding the original ANZFA A360 Application.

### History:

For some time both the Government and Ministers know that food derived from hemp seed is safe for human consumption. As we know ANZFA A360 application and FSANZ A1039 application concluded that “there are no public health and safety concerns associated with the use of food products containing derivatives of industrial hemp”. The final reports also noted that hempseed based foods are a very good source of essential fatty acids, protein, fibre and a host of vitamins and minerals. Despite this positive scientific affirmation of the safety and health benefits of hempseed foods, we were informed that the application was not rejected on scientific or food safety grounds but on “political” grounds:

The A360 application to permit hemp foods as a novel food was in the assessment phase for over 24 months from late 1997 to late 1999. It was referred to the joint ministerial committee for Attorney Generals and to the National Police forum and received no objections before it was finally put to the Ministerial Committee for Food standards.

In 2000 A360 failed to gain support at the Ministerial level, it was asserted that permitting hempseed foods in Australia would “send a mixed message” about the safety of cannabis and would cause difficulties with “policing and control”, particularly regarding difficulties in distinguishing between drug marijuana and non-drug industrial hemp products.

This is the only case in the history of Food Safety applications where a food has been researched (thoroughly) and found to be safe yet failed to be approved. As there is no

precedent for this, the application has remained in limbo until now, where it is to be re-introduced at the next meeting.

Interestingly, there was no formal notification of the rejection of A360--simply a press statement. This oversight in itself shows a gap of procedural protocol in dealing equitably with this application and should be addressed at some stage.

The drug/political confusion is unfortunate and could easily be clarified if a full and proper scientific and practical investigation was undertaken with input from the legitimate industrial hemp industry. No Government has yet demystified this technical point that by far the majority (90%+) of Cannabis species (cultivars) have no drug value and that in fact Cannabis is misclassified in this case (via taxonomy classification) and could be separated into drug and non-drug species.

In our view there is no place on such applications to address those “political” issues related to the health and safety of food. We seek, therefore, to clarify and inform the discussion.

In late October 2005, there was a further ministerial level review of the status of the A360 application to Food Standards Australia New Zealand (FSANZ – formerly ANZFA) which relates to the removal of the prohibition on non-drug industrial hemp seed as a novel food. This was also rejected by the Ministerial Committee but only by a small margin.

The present Hemp food submission APPLICATION A1039 will face the same kind of opposition and therefore I wish to make several points that should be considered by the review committee.

**Politically:**

Australia and New Zealand are the only two western world countries that don't allow the sale of food containing hemp. Hemp foods are derived from the seed of certified, government approved non-drug crops; the seed doesn't contain any of the drug associated with marijuana. Hemp seed and fibre crops are already being grown in many parts of Australia and New Zealand. There have been no reports of policing issues that one could consider to be of significance .

Hemp food for animals is already legally sold, where again no issues have arisen regarding the transport, manufacturing and retail sectors are concerned. The same is true for hemp seed oil that is used for external topical applications and as an active nutrient in cosmetics for humans. Banning hemp in human food only halts Australia's ability to compete with other thriving hemp seed food producers in Canada, UK, Europe and China. Given the above, the ban on hemp foods only hurts those who abide by the law and does nothing to hinder the law breaker.

Ironically, there are two formidable forces who are unwitting allies against the legal industrial hemp industry: The politician or anti-drug campaigner seeking to do the right thing by being “tough on drugs”— and the marijuana dealer who knows that it is not possible to grow high-grade marijuana near a stand of industrial hemp because their crop will be ruined. The uninformed politician believes that industrial hemp can be

used as a cover for growing marijuana—which, once understood is in practice not the case<sup>1</sup>.

The “mixed messages” objection is largely a political creation. At the time Prime Minister Howard himself has stated that he knows the difference between marijuana and commercially produced industrial hemp. We are sure there are many other politicians that hold the same knowledge. Much of the general public already also understands the difference. If the government is so concerned that legalising hemp food could be interpreted as “going soft on drugs” then why not simply make a truthful statement to the public—that there is a difference.

Every other Western country in the world produces hemp food with no impact on drug usage rates. As far as can be gleaned from the news coverage, there haven't been actual complaints about hemp food in the rest of the civilised world where these foods are perfectly legal. Not from parents, not from children, not from doctors. No one says the product is unsafe.

### **Policing and Growing**

The licensing approach combined with compliance monitoring programs was developed to minimise opportunities for crop substitution or illegal diversion. The same sorts of regulations exist in other countries such as the UK, France, Germany, Italy, Holland, Canada, Spain, Belgium, Romania, Hungary, the Ukraine, Poland, China and so on.

Growers must get a license and prove they are a fit and proper person to hold that license. They are required to geographically identify the specific location of their fields, declare their source of certified seeds and must maintain records of production and distribution. In addition, growers are subject to inspections at any time by the authorities, who enforce the Act and its Regulations. Every crop is tested to verify it is within the legal requirements.

Why would a drug dealer intentionally plant drugs in a place high on the police radar screen and subject to monitoring without notice?

Persons failing to comply with the regulatory requirements within the Regulations could have their licence, authorisation or permit revoked, or they could be refused future licences—placing their livelihoods in jeopardy and be charged with an offence under the Act

If a person is in possession of cannabis seed, leaf or flowering heads and doesn't have a license, they will be subject to prosecution under the Controlled Drugs and Substances Act even if it is from an Industrial Hemp crop. The law is very strong in this regard, a farmer is not even allowed to remove the leaf from the area of production, only stalk and certified seed in the possession of authorised carrier is allowed off farm. It should be understood that all precautions have been taken to make it as easy as possible to enforce the law regarding cannabis. Effectively a Police Officer doesn't have to know the difference between Industrial Hemp and Marijuana and therefore their present procedures are still the same.

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<sup>1</sup> Marijuana plants are females only. Males are destroyed intentionally by the grower. Industrial hemp is both male and female. The male produces pollen, which causes the females—both hemp and marijuana—to go to seed. The drugless genetics of the hemp male fertilises the marijuana females causing the seeds for the next generation to have a level of potency too low to be sold as the drug—the dealer is out of business.

There are many reasons why hemp and marijuana don't mix on a farm. The main concern for drug growers is male plant cross-pollination. Marijuana comes from selected drug species of female plants, which when un-pollinated produces a very high THC content as a result of stress. Drug growers selectively remove any males well before maturing.

Simply stated, cross-pollination between non-drug male hemp and marijuana plants significantly reduces the potency of the marijuana plant for future production. The pollen has the ability to affect marijuana for up to a 5 km radius. Industrial hemp may well be an asset to authorities in "the war against drugs"

In a broad acre crop, hemp is sown densely (approx 100 plants per sq/mt or 1 million plants per hectare) and grows tall and thin like a very high wheat crop, whereas illicit marijuana requires space to branch out ( 1 per sq/mt) and are much shorter in height. If one were attempting to grow marijuana drug plants in an industrial hemp crop, the drug plants would not only be obvious, be pollinated but also be deprived of sunlight, wither and die.

Hence, it becomes clear that the Minister opposed to industrial hemp is, ironically, the drug dealers' best friend. No pollen, no problem.

A point that doesn't seem to have been understood is that banning hemp foods doesn't stop the industry growing seed or fibre crops in any way. Crop production for fibre is expected to reach 10,000 ha in the next 5 years. Seed production to grow fibre crops will be in advance of that by 2 years and therefore will be approximately 500 hectares in 3 years. Seed crops for oil used in cosmetics and industrial applications will probably be another 500 ha at the same time. If hemp was allowed as a food then we would expect that to double. As you can see, hemp growing is already increasing. Maintaining a ban on hemp food will not serve any purpose in stopping that, or reversing it.

The ban on hemp food only serves to restrict Australians from being able to compete in the local and export food market and stops the legitimate industry from promoting the right information about non-drug hemp, leaving the public less educated and more confused.

A few years ago, the State of Hawaii in the United States passed legislation to allow trials for industrial hemp there. The US Drug Enforcement Agency brought up many of the same "policing" objections that we hear now. At the time, Hawaii State Representative Cynthia Thielen commented on the record: "'Drug agents in Germany, France and the United Kingdom have no trouble distinguishing hemp from marijuana. What's wrong with our DEA?" Thielen said. "I've met with government people from the UK, and they laugh at the DEA's argument; France can't understand it either. They think it's silly."

Police Officials whose concerns revolve around these issues need only to contact the Police on the ground where Industrial Hemp is being grown such as in Dalby, Mackay, Bundaberg in Queensland, Cressy, Burnie, Richmond in Tasmania, Singleton, Narromine, Griffith in NSW and so on. These officers have dealt with both legitimate industrial hemp and clandestine drug crops with absolutely no problems telling the difference.

## **Double Standards and Mixed Messages**

One should consider that high drug opium poppies grown in Australia are used to manufacture drugs and the seeds are used in food while certified non-drug hemp seed can not be used to manufacture drugs and is not allowed in food.

In Tasmania, over 800 growers are licensed to plant approximately 14,000 hectares of opium poppy. The plants from these 14,000 hectares yield more than 50 tonnes of anhydrous morphine alkaloid, largely for the GlaxoSmithKline Company. The seeds not reserved for propagation are sold into the food industry for breads and cakes and general seasoning.

Those poppy seeds that you buy in the spice section of your supermarket are in no way sterilised and can be germinated to grow opium poppies in your own backyard! Additionally, poppy seeds from different origins contain a wide variation of morphine (2–251 mg/g) and codeine (0.4–57.1 mg/g) content<sup>2</sup>. If you ate enough poppy cake, you could fail a drug test<sup>3</sup>. That could NEVER happen with hemp foods.

Control mechanisms and regulatory standards have existed and operated perfectly in the food poppy seed industry in this country for many years. The use of non-drug hemp seed in food would be regulated exactly the same way as poppy seed has been regulated for years. Proceeding simply in this manner will go a long way in alleviating police drug enforcement concerns while offering Australia and New Zealand a new multi-million dollar agricultural commodity/product to supply to a growing world market for health foods.

The politicising of a benign and healthy food product becomes apparent when one realises that there are many other products sold in Australia that either contain actual narcotics, are advertised using narcotic names, or use drug culture symbolism to attract consumers.

The Hemp Industry has no intention to use drug related names or drug culture symbolism to attract consumers. In fact, the legitimate industrial hemp industry supports regulation to preclude such imagery. Regardless of our good intentions, why are we being treated differently from companies who manufacture and sell things to the Australian public, made from coca plants and poppies called “Coke™” and “Opium™” for example?

One should also be aware that the base syrup used today in Coca-Cola™ is indeed derived from the same coca plant from which cocaine is extracted. Coca-Cola™ is made with actual coca leaves (the source of cocaine) imported from Peru and Bolivia by Stepan Chemical Co. in New Jersey, USA. Stepan buys about 100 metric tons of dried Peruvian coca leaves each year, according to Marco Castillo, spokesman for Peru's state-owned National Coca Company, Enaco. The drug alkaloids are extracted (by Stepan Co.) for pharmaceutical medicines, anaesthetics and artificial flavours. The remainder is sold to the Coca-Cola™ Company who markets this as “Coke™”. Coca-Cola™ extract is imported into Australia by Amatil Coca-Cola™ and marketed directly to Australian children with some startling advertising slogans: Coke: “It’s the Real

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<sup>2</sup> Pelders MG, Ros JJW, “Poppy Seeds: Differences in Morphine and Codeine Content and Variation in Inter- and Intra-Individual Excretion”. Journal of Forensic Science, vol 41, issue 2. pp 209-212. 1996

<sup>3</sup> Ibid.

Thing ©” (you mean real Coke?). “Coke...after Coke...after Coke©” (is this a reference to addiction?). “Try it just once and you will know why”©” (Try it once? Hmm...)⁴. Isn't that what drug dealers in the schoolyard say? Now that's a mixed message.

Moving away from food for a moment and considering other “mixed messages” that the Australian and New Zealand governments finds perfectly permissible (while banning hemp food which will NOT be advertised using drug imagery) includes the Yves St. Laurent perfume called “Opium™”. Whether or not this perfume contains actual opium is a mute point. We're talking about messages. What message is it that the government allows Monsieur St. Laurent to send to teenage girls in Australia?

There is presently a H.E.M.P. drink on the Australia market; it has a marijuana leaf as its background symbol. This high energy (stimulant laden) drink has no hemp in it whatsoever and that is the reason why it can be sold; it doesn't contain hemp. Wouldn't it be better (more responsible) if real hemp seed based drinks could be sold as a healthy alternative and measures were in place to restrict the use of blatant drug related symbolism in the marketing of food products? Keeping the legitimate hemp food/drink off the shelf only works in the favour of those who wish to exploit the word.

Given the Government's seeming acceptance of some fairly obscene and narcotic oriented products and marketing symbols, let's go back to the reality of hemp food, what it is, who produces it, and how it will be advertised.

### **Hemp Food Realities**

According to the Government's own ANZFA and FSANZ studies, hempseed based foods are a good source of essential fatty acids, protein, fibre and a host of vitamins and minerals. Unlike poppy seeds, it contains no narcotics. Hemp foods are derived from a distant cousin of the drug producing plant Marijuana.

Hemp foods will be produced by such public companies as Ecofibre Industries, a company representing some \$6 million in investments from conservative business people, traditional broadacre farmers seeking a new cash crop and average Australian investors who seek to create a better tomorrow for regional Australia. Companies such as Brumby's Bakeries™ and Sanitarium™ have expressed interest in distributing hemp breads, energy bars and high protein flours.

The legitimate hemp industry has in place policies (and supports regulation) to preclude the use of any form of drug culture symbolism in the marketing of our products. Hemp foods are prepared from the seeds of the plant—not the leaf—and it is our stated position that use of the leaf symbol for marketing should be prohibited precisely to avoid any perceived “mixed message”. After all, tomato sauce companies use the tomato fruit in their labelling, not the tomato leaf.

### **Generic Protein, Carbohydrates and Omega 3**

Perhaps the item creating the biggest buzz within the hemp industry and among consumers is hemp protein powder (used by many bodybuilders and tri-athletes in Canada, the US and Europe). With mad cow disease, Avian Bird Flu, PCBs in fish and genetically altered soy all making headlines, it's not surprising that people are looking for safe, healthy protein alternatives.

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⁴ Coca Cola™ advertising slogans courtesy of <http://www.winspiration.co.uk/cokeslog.htm>.



Think about hemp the way you might think about soy: Thirty years ago soy farming was considered strange and was the subject of many jokes when the market was just emerging. Today, it's a staple crop used generically in thousands of food products. Hemp might seem to be a niche market today, but why should we stifle development of this crop because it's misunderstood and mistakenly grouped with marijuana?

At the end of the day, hemp food is not about any "message". It is about a generic, vegetable-based source of protein, essential fatty acids and vitamins. Much like soy, in thirty years, hemp derived nutrients will be incorporated into thousands of products and you won't even be aware that it is there.

The edible portion of hemp -- the shelled seed -- is an excellent source of protein. Its overall protein content of 34.6 grams/ 100 grams is comparable to that of soybeans and better than that found in nuts, other seeds and dairy products.

The present legislation doesn't allow generic elements such as Omega 3 or protein to be used in foods consumed by humans if it is derived from hemp seed even when it is being described as a generic food element.

### **A Healthy Product + A Drug Free Ad Campaign = No Mixed Messages**

Our industry is determined to combat any "mixed messages" and seeks to eliminate any perceived connection with the drug culture. It may well surprise you to learn that the cannabis family of plants are, in the main, not drugs at all. Only 10% of known cannabis strains are the "drug" type. 90% of cannabis is non-drug or of no drug value. Obviously this fact would be hard to get through as for the last 7 decades we have been told differently. Never the less, one shouldn't condemn a whole nation, religion or species of plant just because of a few bad eggs.

Years ago, "HEMP" meant a fibre plant used to make everything from shoelaces to paint to plastic. The marijuana industry decided to adopt the name to camouflage the true nature of their cause<sup>5</sup>. In effect the authorities have allowed the drug culture to debase and contort this harmless word and effectively dictate terms. Given the drug culture is not formed into any political body, why is it that our politically elected representatives allow a rabble of drug dealers to dirty a word that leads to bans on a helpful, innocent plant with much to contribute?

The "mixed message" theory derives from marijuana legalisation advocates having hijacked the word "Hemp" for their own dubious purposes. The legitimate industry needs equal if not greater opportunity to present its case and doesn't appreciate being cast into the same group as those who sell drugs.

If the perception is that hemp food really is some kind of monster, it's one of the drug war's own creations. Nutritionally, taste and safety-wise, the food itself is as good as food gets. Any "evil" lurks only in the minds of those who refuse to face reality.

To clear up any doubt, it would simply mean stating openly and publicly that "The government knows the difference". The legitimate intentions of all concerned would then be clear, and there would be no public confusion. There would be no hint of the

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<sup>5</sup> The druggies decided that for them, HEMP meant "Help End Marijuana Prohibition". For the industry, "HEMP" is a raw cellulose based material useful for making some 5,000 consumer and industrial products.

“Government going soft on drugs” just as there is no confusion over the Coca-Cola™ you had with your lunch, Opium™ Perfume or the Poppy Seed Cake you may have had for brekkie.

There is absolutely no correlation between legal hemp foods and marijuana usage rates. Studies have revealed that while hempseed food is legal in the US, teen marijuana use has dropped 18 percent over the past three years<sup>6</sup>.

The legitimate hemp industry should be entitled to the same equal protection under the law that the Coca-Cola™ Company and others enjoy.

The ANZFA, A360 and APPLICATION A1039 Final Assessment noted that the current unilateral prohibition on cannabis based foods, in the absence of bona fide public health and safety concerns, could be contrary to Australia’s and New Zealand’s obligations as members of the World Trade Organization. The government itself seems to be violating international treaties it has ratified.

As clarified earlier, the industrial hemp industry’s most formidable opponents are drug dealers who know that the widespread propagation of industrial hemp will ruin their drug crops, and well-meaning politicians who do not have all of the facts that you now possess. It is the current refusal to distinguish between an agricultural crop and a drug crop that is sending the wrong message to children.

The facts in this letter address only a few of the hundreds of misconceptions about industrial hemp. We hope that you and your department would want to find out what information the legitimate industrial hemp industry has to offer and in doing so share all of the good things that hemp has to offer Australia, and New Zealand while putting all of these unwarranted misconceptions to rest.

A proper understanding of the hemp industry, the plant and the positive impacts would ultimately end in support for the industry and would contribute both to the economic well-being of rural Australia and New Zealand and the fight against drugs in our countries.

Regards,



Phil Warner  
Managing Director

For independent verification on a number of these issues and Police & Policy please contact:

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<sup>6</sup> 2004 National Survey on Drug Use and Health. ONDCP USA.