

## submissions

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**From:** [REDACTED]  
**Sent:** Thursday, 25 August 2016 9:52 PM  
**To:** submissions  
**Subject:** SUBMISSION - P1042 - Low THC Hemp Seeds as Foods - from Andy Spanton

Dear FSANZ.

I write this email in full support of the NZHIA Submission below:

### **Re: Submission on P1042 Low THC Hemp Seeds as Food**

Please accept our submission on P1042 – Low THC Hemp Seeds as Food.

The NZHIA have, on behalf of the New Zealand Industrial Hemp industry, been making submissions on this issue since the 1998 application A360 - Use of Industrial Hemp as a Novel Food.

We continue to support human access to foods made from Industrial Hemp, the low THC crop grown under licence in Australia and New Zealand.

This proposal falls short of what is required and is less than what was recommended in the 2001 final assessment report on A360. *“The recommendation from the Final Assessment Report is removal of the total prohibition on the use of Cannabis in food and the establishment of maximum levels for THC in specified foods.”*

The Forum of Food Ministers asked FSANZ for a proposal on how low THC hemp could be legally designated as a food.

We are surprised that FSANZ have decided to develop a food regulatory measure to permit the sale of foods containing **only** the seeds or substances extracted or derived from the seeds of low THC hemp.

**We do not support the proposal variation to the food code in its current form.**

*We would seek that FSANZ request a change in Schedule 23 “Prohibited plants and fungi” – to make an exception for Low THC industrial hemp grown under licence, adding this exception to the word “cannabis” will remove low THC hemp foods from inclusion in Schedule 23.*

Industrial Hemp is just another arable crop. It is grown under licence from certified low THC seeds.

Clearly the seeds and hemp products derived from Industrial Hemp will have negligible THC content (no THC in the seeds) and should not be controlled as if they come from a drug crop.

If the Misuse of Drugs legislation and Office of Drug Control correctly defined THC, as the substance they are trying to control as a drug, then the remaining naturally occurring constituents would not be of any interest as a drug nor need any control.

We want a level playing field so our business members have a suitable legislative frame work to enter the food and Agri food markets here and internationally.

The NZHIA seeks to have access to all foods derived from low THC Industrial hemp, (including the whole seed) as occurs in all the other markets around the world, except Australia and New Zealand.

FSANZ has consistently concluded there are no public health and safety concerns and hemp foods should be available for human consumption. Their view has not changed since 2001 when they issued their draft assessment to application A360

The present proposal is restrictive and deprives both countries of the considerable commercial, community interest and economic value in having available an Industrial Hemp based food market.

It is anti-competitive and denies the opportunity for the public to have access to the industrial hemp products they are finding other countries have access to with no adverse effects.

The proposed variation (1)(a)(iii) states if the food is for retail sale, seeds are non-viable and hulled. This is a double whammy for the industry; if the seeds are hulled they are incapable of germinating into a plant and are therefore non- viable.

We disagree with the wording in this variation as this could be interpreted that we need to hull the seed (in effect sterilizing them as non- viable) and then be required to do further treatment to confirm them as non-viable. This may involve another processing step which is un-warranted and adds a further cost to the industry and consumer.

**We concur with FSANZ conclusion NOT to propose a limit on CBD** in the variation, as it has been shown to be well tolerated at doses greater than 1000 mg per day and no reports of adverse effects attributed to oral CBD have been located in the published literature.

It has been extensively tested on animals, humans and in vitro studies, which have found CBD does not cause psychoactive effects.

The concern of the drug legislation in all jurisdictions is to control THC and therefore the other cannabinoids naturally present **do not** need to be subject to further regulatory control.

**We totally disagree with FSANZ on its wish to exclude cannabinoids from being extracted or derived from low THC hemp.** The food market happily accepts vitamin C in oranges and other foods on the supermarket shelves and this is the same for hemp foods and hemp products derived from Industrial Hemp, being both a health supplement and a food ingredient.

This again is a restrictive and limiting requirement; supplements are widely available in a range of forms and ingredients. The non- drug constituents of low THC hemp (including many cannabinoids, flavonoids, and terpenes) can be utilised and have nutraceutical value which is of interest to the general public and Agri food industry they should be considered hemp products derived from industrial hemp.

There is no drug potential so they should be outside the scope of control of this food variation and should not therefore be subject to additional further drafting.

The variation proposed is inadequate and does not keep up with global trends in the food industry.

**We do not support the need for any THC limits**, industrial hemp food products come from low THC industrial hemp crops, grown under licence.

There is absolutely no chance that there will ever be an amount of THC present that would make food unsafe; there is no lethal dose of THC. And in hemp products it is only present at levels readable only by the most sensitive scientific equipment.

THC content is simply not a concern from a food safety point of view, again we are not producing a drug and should not be treated as though our foods contain any drug.

THC limits create more compliance cost in the form of THC testing which adds no value to the industry nor the consumer.

THC and the acid precursor THC-A levels are irrelevant as they are not present in industrial hemp in quantities that would warrant control measures.

**We agree there is no need for additional requirements on labelling in the code**; this issue is outside the scope of FSANZ. It is adequately controlled by existing regulations, involving consumer protection and fair trading law and food labelling

Regulations in the code. And in New Zealand, section 61 of the Misuse of Drugs Act, Industrial Hemp Regulations 2006.

**We agree the International Narcotics Control Board, advice does not impact the assessment of this proposal.**

Should this proposal be accept by the FSANZ board for submission to the Forum of Food Ministers in November 2016 **we recommend that it include a review date** in the wording, similar to the hempseed oil review in October 2017 in New Zealand.

A review is needed because the variation only considers hulled Hemp Seed foods and ignores whole Hemp Seeds, sprouted foods and the numerous food and beverage products obtainable from other parts of the low THC industrial hemp plant being utilized and marketed globally.

Kind regards,

[REDACTED]

*Environmental Project Manager*  
*AS Environmental*

[REDACTED]