

## **Proposal P1042**

### **Low THC Hemp Seeds as Food**

#### **Summary**

The NSW Food Authority and NSW Ministry of Health thank Food Standards Australia New Zealand (FSANZ) for its work on Proposal P1042 and for the opportunity to comment on this proposal.

NSW notes that P1042 and associated draft variation to the Australia New Zealand Food Standards Code (the Code) have been prepared as a contingency in the event that a future meeting of the Australia and New Zealand Ministerial Forum on Food Regulation can be provided with the information it needs to consider the use of low THC hemp seed as food.

The Food Authority and NSW Ministry of Health are generally happy with the draft standard but contend there is a need for further consideration of mechanisms by which marketing controls may be implemented through the labelling standards of the Code. Further, currently available low THC hemp cultivars produce very little CBD but it is possible to breed high CBD hemp cultivars and this situation would need to be managed if it occurred in future.

#### **Specific Issues**

There is general agreement regarding the dietary exposure estimates undertaken by FSANZ:

- that the proposed maximum levels (MLs) for delta 9-tetrahydrocannabinol (THC) are consistent with protecting consumers against exceeding the total daily intake for THC;
- that a cannabidiol (CBD) limit is not needed to protect public health and safety in relation to CBD at the levels naturally present in low THC hemp; and
- that the draft standard manages any risk that CBD may be added to low THC hemp food by prohibiting fortification of low THC hemp food with CBD.

CBD is not psychoactive and is well tolerated across a wide range of doses. There are many pharmacological effects produced by CBD including anticonvulsant, anti-inflammatory, anxiolytic, antipsychotic and others. These effects, combined with the safety of CBD, create the possibility that people may seek to self-medicate with CBD instead of seeking medical assistance, or may decide for themselves to use CBD in place of proprietary medications or treatments. These outcomes need to be avoided.

Currently available low THC hemp cultivars produce very little CBD but it is possible to breed and grow hemp cultivars that produce much higher levels of naturally occurring CBD. The legislation which regulates cultivation of low THC hemp crops in each jurisdiction provides a mechanism that could be used to manage CBD levels in low THC hemp crops, should this prove necessary. However, an alternative approach would be needed to manage products from hemp cultivars that may be bred and grown overseas to produce high CBD products that may be beyond the remit of both the Code and jurisdictions' hemp cultivation regulations.

Low THC hemp does not produce psychoactive effects and existing consumer protections against false or misleading representations would apply to any claim that low THC hemp food is psychoactive. However, low THC hemp seed food is derived from hemp seed and not from hemp leaf and there remains a concern that hemp leaf images or other links to illicit hemp may be used to label or market hemp food. The Food Authority and NSW Health do not accept that it would be appropriate to label or market food derived from hemp seed in these ways and ask that FSANZ considers how marketing controls may be implemented through the labelling standards.

#### **ENDS**

**The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority and NSW Ministry of Health have a policy of encouraging the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.**