

Comments from the Victorian Department of Health and Human Services and the Victorian Department of Economic Development, Jobs, Transport and Resources

Due date of submission – 25 August 2016

The Victorian Departments of Health and Human Services and Economic Development, Jobs, Transport and Resources (the departments) welcome the opportunity to provide comments on Proposal P1042 – Low THC hemp seed as food.

The departments note that, in the assessment report, Food Standards Australia New Zealand (FSANZ) has considered the matters raised by the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum). We note that both delta-9-tetrahydrocannabinol (THC) and delta-9-tetrahydrocannabinolic acid levels will be considered together in the proposed standard as 'total THC'. The departments are of the view that this use of total THC limits in seeds, or foods derived or manufactured from low THC hemp seeds, will further reduce the risk of inadvertent psychotropic effects resulting from consumption. However, the departments also recommend that FSANZ considers **including an upper level for total THC** in foods manufactured from one or more of these ingredients. Inclusion of this upper level may be necessary to satisfy existing or amended state and territory legislation for the control of drugs and poisons.

The departments note that the issue of fortification of foods with cannabinoids has also been addressed in the draft standard. These provisions will exclude high cannabidiol (CBD) products being produced from low THC hemp crops grown in Australia and New Zealand. There have been, however, anecdotal reports of internationally grown crops with high, naturally occurring, CBD levels. Such products could conceivably be imported as foods and used as therapeutic products. It is the departments' view that the inclusion of a maximum level of CBD would be useful to differentiate low THC hemp seed food from therapeutic cannabis products and we recommend that FSANZ gives this issue more consideration.

The Forum requested that FSANZ consider the implications of the use of the cannabis leaf image on the labels of these foods. The departments note FSANZ's finding that there is insufficient evidence that the use of the cannabis leaf on low THC hemp foods promotes a link between these foods and illicit cannabis substances **at this time**. However, concerns about foods using such labelling in the future continue to be raised by Victorian stakeholders, and the departments ask FSANZ to give further consideration to how the use of the cannabis leaf image may be prohibited on low THC hemp foods.

In conclusion, and pending any approval by the Forum of Proposal P1042, the departments note that the commencement date of any new Standard must be set with regard to the legislative amendments that Victoria, and other jurisdictions, will be required to make to permit the use of low THC hemp seed as food.