

4th SUBMISSION*

TO

FOOD STANDARDS AUSTRALIA & NEW ZEALAND
now in relation to
Proposal P1042

LOW THC HEMP SEED AS A FOOD



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Date:

25 August 2016

* Previous submissions made were in relation to Application A1039

Introduction

Food Standards Australia New Zealand (FSANZ) has sought public comment on a draft food regulatory measure, namely a variation to the Australia New Zealand Food Standards Code to allow low THC *Cannabis sativa* seeds and seed products to be excepted in Standard 1.4.4.

The Industrial Hemp Association of Victoria has made several submissions to FSANZ in support of hemp seed foods. This is the fourth such submission and, it is hoped, the last. We firmly believe that there should be no further impediment in the Australian market to the sale of seeds from varieties of low THC *Cannabis sativa* (hemp) for food.

We commend the work completed by FSANZ over the past 18 years. We note that, over that time, FSANZ has repeatedly recommended to the Forum that it approve hemp seeds as a food. Those recommendations have been without reservation. There are no cannabinoids in hemp seeds. Hemp seeds as a food pose no threat to human health. In fact, the balance of omegas, the high content of proteins and the essential fatty acid profile make hemp seeds an ideal nutritional substitute for deep sea fish and a valuable food source for vegans and vegetarians. FSANZ itself issues a warning to pregnant women against the dangers of heavy metal poisoning from eating deep sea fish. Hemp seeds are a reliable alternative.

Previous Applications (A360 and A1039)

It is apparent that the perpetual resistance by successive Forum members in approving hemp seed as a food is borne of a lack of understanding, a lack of commitment or fear of the unknown (or all of the above). It is difficult to understand why hemp seeds are being singled out for such a lengthy process. There are other mainstream foods that have varieties that can be considered a drug, for example, mushrooms and poppy seeds. The fixation by some members of the Forum in relation to THC levels in what is already excluded as a drug by the United Nations in its Single Convention on Narcotics makes no sense.

The common themes that various Forum meetings have revealed for rejecting the FSANZ recommendations include:

- *That approval would send a mixed message to consumers that hemp is marijuana* and that consumers may be at risk of psychotic episodes if they eat hemp seeds. Again – there is no THC in the seeds. If a placebo sense of euphoria results from eating hemp seeds, surely that can only be a good thing? If consumers are misled into believing they are consuming marijuana, then that is an entirely different matter and is governed by the very stringent trade practices law already in place in Australia (section 52 Trade Practices Act – misleading and deceptive conduct).

If the concern of Forum members is that allowing hemp seeds would somehow “normalise” cannabis use, a direct analogy can be made with poppy seeds. Consumers are not warned that poppy seeds may contain opiates and nor do they purchase poppy seeds believing them to be able to provide an opiate benefit.

In an effort to allay the (unfounded and unsubstantiated) fears by Forum members that the sale of hemp seeds sends a mixed message to consumers that Cannabis is safe, this Association continues to recommend to its commercial members that they avoid presenting their product with labelling that displays the hemp leaf. The Association also asks that members, when joining or renewing their membership, acknowledge that the Association does not support recreational or medicinal cannabis. In those instances, the cannabis is not known as industrial hemp and consideration of them is beyond the parameters of this exercise and beyond the intent of the Industrial Hemp Association of Victoria.

- *That consumption of low THC would return a false positive in roadside drug tests.*
There are many reasons that this is nonsensical, the glaringly obvious one being that having only traces of THC in the food (brought about because of the hulling or cold pressing process) an individual would have to consume far more than a human body could cope with and, even then, would not test positive because the traces of THC (if any) are so small. The logic that anyone would use this as an excuse is equivalent to someone saying they had just eaten an orange and poppy seed cake and was high on opiates.

Legislation to Grow Hemp

The Kennett government in Victoria passed legislation in 1998 for farmers to grow hemp under strict licensing conditions. Other states followed. However, with textile mills now virtually non-existent in Australia, investment in infrastructure to process hemp fibre has not been made. The most economical way for farmers to produce a profitable hemp crop is to harvest the seed for food. There are cold pressing facilities for oil and hulling facilities for other seeds. Production can therefore be immediate.

Growing hemp is strictly legislated in most Australian States. Those regulations mean that:

- Hemp cannot be grown without a licence;
- A hemp crop cannot contain more than 1% THC (in some jurisdictions, the allowable level is less).
- Sampling and testing for THC must occur by the licensing authority, at the expense of the grower. The grower invests significant sums in soil preparation, fencing, security, sowing and growing and therefore has a vested interest in ensuring that the seed variety is low THC and that the tests come in under the allowable limit. If it does, the crop must be destroyed. Once the crop is harvested, THC does not increase. With this strict licensing regime, there is no risk of levels of naturally occurring THC above 1% entering the food chain.
- The levels of CBD contained in hemp seed foods has not been raised all through the 18 years that the FSANZ approval process for hemp seed foods has been in train. THC is the only cannabinoid in Cannabis that produces a psychoactive reaction. To regulate hemp seed food to cover other cannabinoids, including CBD, would have the potential to cause more unnecessary testing and expense – all, of course, borne by the farmer. There is also the question of whether all foods should be assessed for cannabinoids. The culinary herb rosemary, for example, contains cannabinoids.

Hemp is a beneficial rotational crop and does not require herbicides or pesticides. It does not require large volumes of water to grow.

Marketing

If the leaf motif is not used on the packaging for hemp seed food, we cannot see that there is a mixed message. Packaging for poppy seeds does not have the issue of having to declare levels of opiates; packaged mushrooms do not have to display statements that the mushrooms do not have hallucinogenic properties. It is simply a matter of education. Apart from normal marketing of hemp seed products, that education will occur naturally as more and more product is sold and it becomes a mainstream food. Years ago, consumers had not heard of chia seeds or quinoa but now they are mainstream. Hemp seeds can be too – and they are far more palatable!

Conclusion

Over 18 years, enormous resources have been put into assessing, re-assessing and assessing again the proposal to allow hemp seeds as a food in Australia. Apart from time and money on the part of FSANZ officers, members of the industry continue to put time, money and effort into developing the industry. Some industry participants have actually given up on Australia and have established operations overseas because of the continual delays in gazetting hemp seed as a food.

Hemp has the potential to become a mainstream crop or, at the very least, a beneficial rotational crop – fixing nitrogen and improving organic matter in soils, to name just two.

FSANZ is an independent statutory agency. Its web site states that it develops standards that regulate the use of ingredients, processing aids, colourings, additives, vitamins and minerals. FSANZ has carried out extensive international research in relation to hemp seeds as a food. They have consistently recommended that hemp seeds be approved as a food. FSANZ has the expertise to assess this nutritious food. For the Forum to continue to resist approval is costly and is frustrating the development of a viable industry.