

25 August 2016

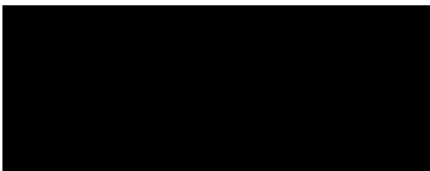
Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
Wellington 6143  
NEW ZEALAND

Email: [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au)

Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Call for submissions – Proposal P1042 Low THC Hemp Seeds as Food.***

Yours sincerely



Katherine Rich  
**Chief Executive**



***Call for submissions – Proposal P1042  
Low THC Hemp Seeds as Food***

**Submission by the New Zealand Food & Grocery  
Council**

**25 August 2016**

---

## NEW ZEALAND FOOD & GROCERY COUNCIL

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on the ***Call for submissions – Proposal P1042 Low THC Hemp Seeds as Food***.
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$31 billion in export revenue from exports to 195 countries – some 72% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 44% of total manufacturing income. Our members directly or indirectly employ more than 400,000 people – one in five of the workforce.

## OVERARCHING COMMENTS

3. NZFGC is aware that Ministers have rejected two previous applications (1998 and 2009) concerning low THC hemp seeds (low delta 9-tetrahydrocannabinol varieties of *Cannabis sativa* - *C. sativa* - seeds). The current Proposal answers questions related to the need to set a cannabidiol (CBD) limit to distinguish food from therapeutic goods and policy advice relating to restricting the marketing and advertising of low THC hemp as a food and comments on advice from the International Narcotics Control Board. We note that earlier risk assessments as to safety for human consumption have not changed, that such products are safe. FSANZ determined that estimated dietary exposure to THC was lower than that reported previously and no Australian or New Zealand population groups would exceed the TDI for THC.
4. FSANZ examined CBD levels because of increased international interest in the therapeutic properties of CBD. FSANZ research determined there to be no basis for setting a limit on CBD. However, the proposed drafting makes it clear that neither CBD nor other cannabinoids are permitted to be a food for sale or used as an ingredient in a food for sale, a position NZFGC strongly supports.
5. ‘Total THC’ levels are proposed which will include the acid precursor THC-A. This approach addresses any potential uncertainty relating to levels of THC and THC-A in low THC hemp seed foods and rates of conversion of THC-A to THC. NZFGC considers this a sensible approach and supports an ML for total THC that includes THC-A.
6. NZFGC notes that FSANZ undertook thorough scientific literature searches and did not identify any evidence relating to consumer perceptions of advertising hemp seed food products. NZFFGC considers consumer protection legislation in Australia and New Zealand which covers misleading and deceptive labelling and advertising will provide strong protection against misleading consumers. NZFGC therefore supports the FSANZ proposal that no additional labelling or advertising provisions be included in the Food Standards Code in relation to low THC seeds as food.
7. Neither the International Narcotics Control Board advice nor EU approaches preclude the making of a regulatory measure for low THC foods. This would confirm the international acceptance of the provisions in New Zealand relating to low THC oil.
8. NZFGC therefore continues its support for the inclusion of provisions for low THC seeds as foods in the Food Standards Code. In particular, NZFGC would strongly oppose any provisions that imposed labelling or advertising constraints for such foods in the Food Standards Code

---

## **SPECIFIC COMMENTS**

### ***Proposal P1042***

9. NZFGC understands that two previous applications (1998 and 2009) concerning low THC hemp seeds (low delta 9-tetrahydrocannabinol varieties of *Cannabis sativa* - *C. sativa* - seeds) have been conducted over the past 18 years and that Ministers have on both occasions rejected the applications for a range of reasons. The current Proposal, P1042 – Low THC Hemp Seeds as Food, answers questions related to the need to set a cannabidiol (CBD) limit to distinguish food from therapeutic goods and policy advice relating to restricting the marketing and advertising of low THC hemp as a food, particularly in relation to the use of the cannabis leaf or links to illicit cannabis, advertising about psychoactive effects. FSANZ was also to advise on the International Narcotics Control Board and the European Union approach to setting a low THC limit in food.
10. NZFGC also understands that earlier risk assessments as to safety for human consumption have not changed, remain valid and support the current assessment. An update of the dietary exposure included in A1039 was provided in the current proposal using more recent nutrition survey data for Australian and New Zealand populations.

### ***Dietary exposure update***

11. FSANZ used the most up-to-date available food consumption data and determined that estimated dietary exposure to THC was lower than that reported previously. FSANZ attributed this to changes in food consumption patterns in the more recent nutrition surveys and the replacement of dairy milks with non-dairy beverages consumption as a more realistic proxy for hemp seed based non-dairy beverage consumption. As a result, FSANZ assessed that no Australian or New Zealand population groups examined would exceed the TDI for THC at the mean and 90th percentile of estimated dietary exposure.

### ***CBD limits***

12. FSANZ examined CBD levels because of increased international interest in the therapeutic properties of CBD for effects on schizophrenia, epilepsy, chronic pain and anxiety. While research identified a small number of CBD-fortified products (available internationally and online) that may provide a therapeutic dose, none are legally available in Australia or New Zealand.
13. FSANZ research determined huge amounts of oil or seeds (5kg and 24kg per day) would need to be consumed for CBD to have even the lowest oral human therapeutic dose. There is therefore no basis for setting a limit on CBD. FSANZ is not, therefore, proposing a CBD limit in the Food Standards Code for low THC hemp seed foods. However, the proposed drafting makes it clear that neither CBD nor other cannabinoids are permitted to be a food for sale or used as an ingredient in a food for sale. NZFGC strongly supports this position.

### ***Maximum levels of THC***

14. FSANZ proposes the maximum levels of THC that may be present in low THC hemp seed foods be 'total THC' including the acid precursor THC-A. This approach addresses any potential uncertainty relating to levels of THC and THC-A in low THC hemp seed foods and rates of conversion of THC-A to THC. FSANZ advises that if the total level of THC-A and THC in a food is below the ML for total THC, then any conversion of THC-A to THC would not result in a level of THC that is greater than the ML and would be protective of consumers. NZFGC considers this a sensible approach and supports an ML for total THC that includes THC-A.

### ***Labelling and advertising***

- 
15. NZFGC is not aware of any scientific evidence that could be used to support labelling or advertising requirements in the Food Standards Code for low THC hemp seed foods. FSANZ undertook thorough scientific literature searches and was also not able to identify any such evidence. FSANZ particularly searched for any studies on consumers' perceptions of hemp products, and whether consumers believed that hemp products would have psychoactive effects and whether the labelling or advertising of hemp products (including words, pictures and symbols) had any effect on this belief. As noted, no relevant articles were identified.
16. FSANZ also reviewed the scientific literature for evidence that the labelling and/or advertising of hemp seed foods causes consumers to link hemp seed foods with illicit cannabis. Again, no relevant articles were identified. We would point to consumer protection legislation in Australia and New Zealand which covers misleading and deceptive labelling and advertising as being the best protection against misleading advertising. NZFGC therefore supports the FSANZ proposal that no additional labelling or advertising provisions be included in the Food Standards Code in relation to low THC seeds as food.

***International Narcotics Control Board and EU advice***

17. The International Narcotics Control Board was asked whether the sale of hemp seed foods (with low levels of THC) would be compliant with United Nations conventions on narcotic drugs. Advice from the International Narcotics Control Board was that the conventions would not preclude the making of a regulatory measure for low THC foods. This would confirm the international acceptance of the provisions in New Zealand relating to low THC oil.
18. The EU has a limit of 0.2% THC in hemp crops but has not developed THC limits for hemp seed foods. The EU position is therefore not relevant to the Proposal P1042.

***Conclusion***

19. NZFGC has in the past and continues to support the inclusion of provisions for low THC seeds as foods in the Food Standards Code. No new information has come forward that changes this view. In particular, NZFGC would strongly oppose any provisions that imposed labelling or advertising constraints for such foods in the Food Standards Code and believes the existing labelling and claims provisions, together with fair trading legislation in both countries, adequately protects consumers from misleading advertising and labelling.