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FSANZ Application A1039
Low THC Hemp as a Food
Discussion points

1. Are you aware of any evidence that consumers believe that low THC hemp foods have psychoactive effects?

Not in general. Hemp foods for human consumption are available in many countries around the world and are known to not have psychoactive effects. The general community belief is that Hempseed is a valuable food with important nutritional benefits, which is how it is promoted overseas. Hempseed as a food has been being promoted for over 30 years, and is well known amongst those with an interest in health and nutrition.

The recreational Cannabis community is well aware that the seeds have no intoxication value and no anecdotal evidence exist of Cannabis seed causing intoxication. No Anti-Drug campaign suggests that the seeds are psychoactive or an intrinsic dangers to health.

I am aware that certain conservative groups are ill-informed about Hemp as a food and have made many negative comments regarding the Hemp/Cannabis connection. Unfortunately these are often made by people or organisations seen as otherwise responsible groups and there comments are given undue weight. This is particularly a problem when senior Federal opposition spokespersons make unresearched and inaccurate claims questioning the recommendations of FSANZ.

The evidence shows that consumers belief that Hemp Food is nutritionally beneficial and is not psychoactive.

2. Are you aware of any evidence that representations on low THC food (including labeling and advertising) mislead consumers by leading them to believe that low THC hemp foods have psychoactive effects when consumed?

No I am not. Having reviewed numerous Hemp product advertisements from around the world, including the United Kingdom and European Community, Canada and the United States, I did not find instance of false or misleading advertising claiming or suggesting psychoactive effects. If anything there was evidence of manufacturers refuting any such claim.

It is interesting to note however that many products within our society are however advertised and promoted on many spurious grounds including altered mental perceptions. The energy and alertness drinks and foods are worth particular mention here as they use such tactics.

Hemp products overseas do not mislead consumers over psychoactive effects.

3. Can you provide any evidence in addition to that presented in this consultation paper whether or not the consumption of low THC foods can return a positive test for a THC drug test?

The analysis presented in the paper covers the topic well and reasonably establishes that at usual levels of consumption the issue of false positive testing does not occur. Although formal studies are lacking, around the world many elite athletes consume hemp health foods, often in generous quantities, to assist in

the management of their gruelling physical schedules. As a group they are subject to close chemical monitoring. No incidence of false positive testing has arisen as far as can be ascertained.

4. Can you provide information on THC testing in Australia and NZ, particularly with regard to regulatory limits of THC that may be set?

It is recognised from studies that have been done, that when a person first smokes a "joint" the concentration of THC (the active ingredient in Cannabis), rises to well over 70 nanograms and maybe up to 100 nanograms per mL, but quickly drops back to about 20 nanograms and reduces further with time. This would therefore be the 'range of interest' in saliva tests. The Standards Australia 2005 cutoff for drug testing theca in oral fluid is 25 nanograms per mL. Given that any possible hempseed thc measurement are going to be in the 'infintessimal' range it is perhaps impossible for cannabis foods to factor into saliva tests, it is unlikely that the pure food product could register a positive result.

Importantly the NSW RTA Drugs and Driving FAQ states "There is no evidence to suggest that any THC in the oral fluid as a result of passive smoking will be able to be detected by the oral fluid testing technology." Hempseed foods will not even approach levels of sidestream exposure.

Additionally any initial positive result is followed by a confirmation test using separate procedures and a portion of it is provided for independent analysis.

5. Can you provide information to indicate whether there will be an impact on the cost of testing for THC in humans that could arise from an approval of hemp foods?

The cost of testing for THC in humans will not be increased following an approval of hemp foods, simply because no false positives are likely to be encountered. In the USA, where mandatory drug testing is much more widespread than in Australia, this has not surfaced as an issue.

6. Do you agree that there are adequate controls currently in place, or that would be achieved by imposing maximum limits for THC, to mitigate any risk of high THC Cannabis varieties entering the food supply?

There is NO risk of high THC cannabis entering the food supply. Hemp food is exclusively derived from hemp seed which are produced from industrial hemp plantations, which are subject to regulatory testing to ensure low levels of THC. The majority of high THC cannabis is now grown by vegetative propagation from females of known potency and growth characteristics. There is an international market in high THC cannabis seeds, produced by specialist breeders principally in Holland and Canada. These seeds are bought by prospective growers who use them to establish their stock female plants. Typically, the breeders sell the seeds in packets of ten with prices ranging from \$20 to \$100, although exceptional varieties can cost even more. It is inconceivable that these seeds would be used as food due to their scarcity and expense. Additionally, even in the case of large scale outdoor drug plantations only seedless plants are grown, because the male plants are removed to prevent pollination and seed formation. Additionally, even if the seeds of a high THC producing plant were to be used as food, those seeds have no THC themselves, only the potential to produce THC in the flower of the mature plant.

7. Do you consider that trade practices legislation in Australia and New Zealand is sufficient to mitigate the potential risk that representations (including labeling and advertising) of hemp foods could suggest psychoactive properties relating to consumption of those foods? If not, what labelling and representations of hemp foods should be considered?

This question relates to question 2. The advertising standards in Australia are rather stringent and quite adequate to prevent any false or misleading claims being made. Those interested in marketing hemp seed products intend to use the ample nutritional benefits as the selling point, not some juvenile reference to "getting high".

8. What is the potential opportunity costs for current producers of hemp crops if hemp foods continue to be prohibited?

A great opportunity will be lost for current producers who have a limited number of options for seed produce. A multi-million dollar Hemp fibre industry planned for the Hunter Valley could be expanded to incorporate Hempfoods, and to maximise economies of scale. Many fibre producers are currently not utilising seed product and as such are missing out on returns for their crop.

9. What are the potential benefits to food manufacturers if hemp foods were approved for use?

Amending the current inappropriate restrictions on the food uses of hemp seed in Australia would expand the range of products able to be manufactured. When added to existing foods such as soy milk in place of canola oil, hemp seed would add considerably to the nutritional benefit of the product. An amendment to hemp food legislation would also open the way for production of a range of new foods, such as hemp milk and ice cream. For those suffering allergies to soy or dairy products this would provide a valuable alternative source of these types of foods. Manufacturers could use the hemp seed to produce concentrated health bars which would find a ready use in a range of markets from school lunches, hiking and camping food through to emergency food provisions as part of a natural disaster relief effort. Using Australia's environmental credentials and the excellent environmental credentials of hemp would open a potentially very large export market.

10. Are there likely to be any additional costs for food manufacturers wishing to supply hemp foods?

11. Would the approval of low THC hemp foods increase the cost of food enforcement beyond what would be expected of the approval of any other substance added to food, or other food regulatory change?

No additional costs could be reasonably anticipated. Hemp seed, especially hulled hemp seed contains negligible quantities of THC. Therefore, any food manufactured from these will also be virtually free of THC, making product testing unnecessary. If testing is considered necessary it would only be necessary to batch test at the first stage of production i.e. the seed producer, with all downstream producers covered by the certainty that their products would be compliant.

12. What other legislation would affect or be affected by approval of hemp foods?

13. Would the approval of hemp food have an impact on hemp regulations in Australia and New Zealand? Would industrial hemp destined for use in food require additional controls to those already specified in industrial hemp regulations?

Industrial Hemp seed is currently legal in Australia, and being used in the manufacture of cosmetics and other topical products, as well as a pet food supplement in Tasmania. Industrial Hemp fibre is used in many products such as mulch, animal bedding, and building materials.

Adequate controls are in place for the control of these industries. The seed product is essentially no different to these. No additional controls should be required when dealing with differently processed items such as seeds.

14. Would food manufacturers be required to be licensed under existing hemp regulations?

The Hemp Producer would be licensed and the product certified under that license. I do not believe any processors of the product should require licensing under the Hemp Act.

15. Would additional costs be incurred by government agencies responsible for granting licenses for the cultivation of hemp as a result of approval of hemp foods?

16. Can you identify risk management options that have not been considered in the impact analysis?

17. Can you identify any other costs and benefits for any of the risk management options considered in this paper?

18. Do you have a view about the appropriate preferred regulatory options regarding the approval of hemp foods, based on benefits and costs?

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