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Subject: Submission A1039 Low THC hemp as food
Attachments: 2 FSANZ SUB.doc

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

The total prohibition of cannabis, with associated misinformation has led many Australian consumers to falsely assume low THC hemp foods have psychoactive effects.

There are groundless assumptions disseminated in the Australian community with the intention of leading consumers to believe that low THC hemp foods have psychoactive effects.

In many media reports and interviews, (transcripts attached) some opposing politicians have publicly condemned the application process to approve low THC hemp foods. Confusing messages are excitedly relayed to the Australian public and no defense of the process or application being made by relevant Ministers. Even in the past decade, when hemp farmers and advocates convey accurate information through media, somehow those opposing the process of approving low THC hemp foods do not accept the truth in facts.

There has been a resurgence in the last 20 or so years with low THC hemp foods now being consumed around the world, including Canada, the United States, United Kingdom and the European Community.

Consumer belief that low THC hemp foods have psychoactive effects has not emerged as an issue to not approve hemp seed use in these jurisdictions.

In countries throughout Asian, India and the Eastern block, where low THC hemp cultivation was never prohibited, apprehension about psychoactive effects of consumed hemp seed foods have never been raised as a concern.

It is reasonable to conclude that the consumers of low THC hemp foods are generally more knowledgeable and better informed and well able to discriminate between nutrition and intoxication.

The unique and exceptional nutritional profile present in low THC hemp seed is the main selling point that attracts the attention of health conscious consumers and people with special dietary requirements.

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. Hemp foods are widely sold in the United Kingdom and the European Community, Canada and the United States. Examination of an assortment of packaging reveals no instance of false or misleading advertising. The unique and exceptional nutritional profile present in the hemp seed is the key selling point.

Hemp seed foods and ingredients are widely available throughout industrialised nations. It can be noted that these products and ingredients are used in cooking shows aired in Australia. Australian consumers are increasingly advised of hemp seed nutritional values and instructed on how to use the products in all manner of cooking. This is another way that Australian consumers are being informed that hemp seeds have no psychoactive effect.

One can safely assume if a food ingredient is safe and allowable in one country, then it would be safe for use in a similar manner in another.

All marketing of low THC hemp foods point out the unique and exceptional nutritional profile present in the product.

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.

Around the world many elite athletes promote and consume hemp health foods. As a group they are subject to close chemical monitoring.

No low THC hemp food incidence of false positive saliva or urine testing has arisen as far as can be ascertained.

It seems obvious that foreign Governments do not hold the belief that low THC hemp foods have any psychoactive effects, as it has not emerged as an issue to not approve hemp seed consumption in these jurisdictions.

In countries throughout Asian, India and the Eastern block, where low THC hemp cultivation was never prohibited, apprehension about psychoactive effects has scarcely been raised as a concern.

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

General regulatory testing of low THC hemp plants is set at a minimal detection level of 0.05%. Some varieties of low THC hemp produce even lower level and confer readings of N/D, none detected, meaning the variety produces so little THC Delta 9 in the flower tops that it cannot be accurately measured.

Low THC hemp testing regimes are well enforced in all States allowing the commercial production of hemp.

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?

No. This has not surfaced as an issue; false positives are not likely to be encountered, so costs of testing will not be impacted.

There has been a resurgence in the last 20 or so years with low THC hemp foods now being consumed around the world, including Canada, the United States, United Kingdom and the European Community. In countries throughout Asian, India and the Eastern block, where low THC hemp cultivation was never prohibited, concerns whether there be an impact on the cost of testing for THC in humans that arise from the consumption of low THC hemp foods has hardly been applicable.

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In countries throughout Asian, India and the Eastern block, where low THC hemp cultivation was never prohibited, an impact on the cost of testing for THC in humans that could arise from the ingestion of low THC hemp foods has not been raised as a concern.

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?

Low THC hemp food is exclusively derived from licensed growers of low THC hemp. These growers are subject to regulatory testing to ensure low levels of THC. In some cases, testing confirms no detectable trace of delta 9 produced by the crop. There is very little risk of typically valuable high THC cannabis seeds entering the food supply.

High THC cannabis is grow in small quantities requiring approx 1 to 3 square metres per plant, conversely low THC hemp is grown at a rate of approx 500 000 plants per acre to achieve seed quantity.

A simply analogy would be the risk of an illicit opium grower's seed harvest entering the licit poppy seed market.

Exceeding the maximum limit for THC would not be compliant with legislation.

Existing supervision for the growing of low THC hemp crops in Australia and New Zealand provide controls over the THC level.

In addition, low THC hemp seed oil has been permitted as a regulated food in New Zealand for some time now with no concerns raised.

However, these controls may not apply to imported low THC hemp food products. Maximum limits for THC enforced in the Code would manage any risk by imported foods and products.

I believe the quality and intelligence of Australian Authorities and enforcement agencies are as good or better than most all other countries where low THC hemp foods are consumed.

7. Do you consider that trade practices legislation in Australia and New Zealand is sufficient to mitigate the potential risk that representations (including labelling 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. Successful marketing in overseas markets use the ample nutritional benefits as the selling point.

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

International experience has proven that introducing hemp seed food provides the core commercial base for establishing hemp fibre industries.

Currently in Australia there is no commercial hemp fibre processing capacity, limiting growth of the hemp fibre industry. The minimum scale of such a plant would require annual cultivation in excess of 10,000 hectares.

Conversely, an area as small as 50 hectares could form the basis of a hemp seed industry and provide commercial validation for the more modest costs of the processing machinery needed to convert the seed into a saleable commodity. When considered, the introduction of low-THC hemp seed food would facilitate the development of broader hemp based industries.

Since the 2002 ANZFA decision there has been numerous developments and Australian opportunities lost in the expanding global hemp foods industry. Including an increasing amount of hemp food products arriving in Australia. Many health conscious consumers are simply ordering over the Internet. Re-selling is occurring by labeling 'not for human consumption in Australia'. Furthermore, it must be noted that foreign and local hemp food companies have increased advertising in various publications and developed methods of conveyance. There are other encroachments, market development strategies and more importantly, consumer acceptance that should be discussed. Many licensed growers suspect eventual Free Trade pressure by foreign producers will lead to the realisation of an Australian low-THC hemp food trade.

It is safe to say that low THC hemp foods are already here and Australian hemp producers are losing potential opportunities year by year.

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

Amending the current restrictions on the use of hemp seed in a wide range of foods would expand the variety of products able to be manufactured. When added to existing foods such as soymilk in place of canola oil, hemp seed oil would add considerably to the nutritional benefit of the product. For those suffering allergies to soy or dairy products, hemp seed products would provide a valuable alternative source of essential vitamins and minerals. With Australia's environmental credentials and the excellent environmental credentials of hemp, international experience indicates this would open a potentially large local and export market.

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

Hemp seed can be produced economically, especially when economies of scale are achieved. The seed requires minimal processing before being used in foods. Hemp seed is stable and can be kept for months without unique storage needs. Existing food processing machinery can be used with minimal additional costs.

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. If testing were considered essential, 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 are compliant. Regulations may specify inspection to ensure seed matter is sterilized or denatured, but not to an extent that eliminates the superior essential qualities of the hemp seed product.

I believe the quality and intelligence of Australian Authorities and enforcement agencies are as good or better than most all other countries where low THC hemp foods are consumed.

Additional enforcement costs are being incurred now with customs and quarantine agencies engaging in enhanced inspections and applying control conditions.

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

As with the introduction of commercial low THC hemp fibre legislation in most states, there need be minimal changes to existing legislation.

Staged introduction should be employed to assist Australian hemp producers gain seed stocks, agronomical experience and markets.

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?

Low THC hemp seed is currently a valuable legal item of commerce in Australia and New Zealand.

Low THC hemp seed destined for industrial or food use may be rendered incapable of germination by way of processing, sterilizations, denaturing or de hulling, but still retains its essential components

Additional controls could involve protecting genetic ownership under Plant Breeders Rights and non-propagation agreements.

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

The NSW Hemp Industry Act 2008 requires that a licensed grower will provide details of processors or manufactures to which they intend to supply low-THC hemp. Similar regulations exist in other States that allow hemp cultivation.

Wholesalers and commercial trader of low-THC hemp must also provide the name, address, and license number for the source of each batch of low-THC hemp supplied. Manufacturers are also required to estimate the quantity of low-THC hemp to be supplied for processing on an annual basis, and an explanation of the manufacturing process that the low-THC hemp will be subjected to. There is no potential need for additional regulations to the system currently in place.

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?

With the expansion of the current hemp industry by the addition of food production, there would be an increase in the number of farmers receiving licenses. However, no additional costs would be incurred because the system as it currently operates is based on cost recovery, by fees and licensed grower covering the costs of all crop testing and regulatory inspections.

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

Joining world trade and allowing low-THC hemp foods for consumption in Australia and New Zealand poses no risk.

Risks and enforcement costs of the impact of not approving low-THC hemp food have not been considered in the impact analysis.

It must be reported that since the 2002 ANZFA decision, much awareness has been raised about the health benefits of low-THC hemp foods. The ANZFA and FSANZ reports are quoted widely and quite rightly provide justification.

With this in mind, there have been numerous developments in the rapidly expanding global low-THC hemp foods industry. Including an increasing amount of hemp food products arriving in Australia. Many health conscious consumers are simply ordering over the net. Re-selling is occurring by labeling 'not for human consumption in Australia'.

Without sensible regulation, concerns must be raised about the quality, hygiene and manufacture of low-THC hemp foodstuffs arriving or produced in Australia.

As with the ever-increasing direct and indirect costs and impacts of high THC cannabis enforcement, maintaining a total prohibition on the use of low THC hemp seed in food will lead a similar path.

Recent seizures of denatured low THC hemp imports destined for use in locally produced products such as cosmetics, skin care, soaps, have been required to undergo further treatment that eliminates the essential components of the product. It would be disastrous for local producers of low THC hemp oil to now be required to treat their produce in such a way that not only renders the product inedible, but worthless in terms of the benefits of the essential components it's use is intended for.

Situations may arise whereby otherwise law-abiding citizen would order hemp seed ingredients or products via the web and unwittingly contravene a number of laws. Enforcement in this regard is costly, complex and requires cooperation between several agencies.

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

Any costs associated with adding low THC hemp food to the approved schedule would be minimal.

Risks and issues raised in the rejection of the previous application are non-existent or based on policy advocacy of an ill targeted prohibition, whilst the identified benefits to farmers, processors and consumers would be great.

Hemp seed foods and ingredients are widely available throughout industrialised nations and Australia's top trade partners.

It can be noted that these products and ingredients are now used and promoted highly in cooking shows aired in Australia. Australian consumers are increasingly advised of low THC hemp seed nutritional values and instructed on how to use the products in all manner of cooking.

This is another way that Australian consumers are being informed in the use of hemp seed. Situations may arise whereby otherwise law-abiding citizen would buy locally produced, or order low THC hemp seed ingredients or products via the web and unwittingly contravene a number of laws.

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

Proceeding with the introduction of low THC hemp foods enables the intent of Food Regulators to protect the health and well being of the Australian.

In 1961, Australia became a signatory of the UN Single Convention on Narcotic Drugs, and subsequently the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961.

It's clear the UN Conventions distinguished marihuana from hemp and safeguarded production by including Article 28.2: "This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes."

When the question of why low THC hemp was prohibited in Australia can be answered, many may realise that what is being proposed is neither radical nor groundbreaking.

Like other nations, Australia will simply join the world community in once again adopting this safe and beneficial food.

Based on benefits, every step should be taken to achieve rapid normalisation of a low THC hemp food industry.

My view is that the approval to consume low THC hemp foods will not be passed in this instance. Within a few years though, trade issues will arise with a number of countries wanting to import low THC hemp foods to Australia under Free Trade and Trans Tasman Agreements.

As happened recently in judicial rulings in the United States (Congressional Research Report) whereby similar arguments used in the rejection of the ANZFA application were not sustainable in court. Circumstances may arise when an Australian government will have no option but to allow, or even facilitate the introduction of low THC hemp seed foods.

Perhaps local low THC hemp producers and importers may contest the requirement to treat produce in a way that not only renders the product inedible, but also destroys the essential components that gives it superiority in the market place.

A careful approach to introduction is required so as not to severely impact on Australian producers who will not have had the benefit of local markets.

Below refs and links.

Radio interview transcripts of Andrew Southcott in opposition to the FSANZ application and this submission process.

Reference and links of interest.

Canadian Industrial Hemp Strategy

[http://www.compositesinnovation.ca/biofibre_workshop/National_Industrial_Hemp_Strategy - Kelley Fitzpatrick.pdf](http://www.compositesinnovation.ca/biofibre_workshop/National_Industrial_Hemp_Strategy_-_Kelley_Fitzpatrick.pdf)

The USA Congressional Research Service Report 2007, prepared for Members and Committees of Congress.

http://www.naihc.org/CRS_RL32725.pdf

Hot hemp foods on US Today Show

Phil Lempert the "Supermarket Guru" eats hemp foods on the Today Show, 1-16-2007. Calls it the hot food trend of 2007. Hemp Seed, hemp shakes, milk, bread, waffles and snack bars featured.

<http://www.youtube.com/watch?v=PekkEEHh3YM&feature=related>

Hemp. The new soy

<http://www.youtube.com/watch?v=UaHoIhjUsxM>

The market for hemp products

<http://www.youtube.com/watch?v=-kZTLHEPrMc&feature=related>

A representative of Hemp Oil Canada discusses the processing of hemp and materials made of hemp.

<http://www.youtube.com/watch?v=5k0GGWGTfII>

Roger Johnson, North Dakota's agriculture commissioner addressed the huge hemp food trade imbalances and believes the U.S. should get into the business of producing hemp food products.

<http://www.youtube.com/watch?v=A9dV7Ej2H4A&feature=related>

July 1999, Hemp foods appear on a national US talk show. They make a potato salad, and talk about all aspects of hemp.

<http://www.youtube.com/watch?v=muyDjlhNjKI&feature=related>

Hemp Oil Canada, an innovative agri-food and body care processing company based in Ste. Agathe, Manitoba

<http://www.hempoilcan.com/>

Ruth is a Board Member of the Canadian Hemp Trade Association (2004 to present)

<https://www.ruthshempfoods.com/store/home.php>

Ruth's hemp food channel.

http://www.youtube.com/user/RuthsFoods?blend=9&ob=5#p/u/6/_N7FidVyED4

Interview with Leon Byner on 5AA regarding hemp in food

Thursday, 17 March 2011

Topics: Introduction of Cannabis products in food

Leon Byner: Well, the Food Standards Australia & New Zealand Authority yesterday called for public comment on the introduction of Cannabis in food, stating that they had not identified any safety concerns relating to the consumption of hemp foods. So to talk about this lets first of all bring in forensic psychiatrist Dr Craig Raeside. Craig, in your profession you're very familiar with THC in all its forms, what is your comment on this, and goodmorning.

Dr Craig Raeside: [silence]

Leon Byner: For some reason I'm not getting him on. Are you there Craig? Now he's gone. So while we get him back, lets talk to Andrew Southcott who is the Shadow Parliamentary Secretary for health. Andrew you're not happy with this?

Andrew Southcott: No, not at all Leon. This has happened before, it happened back in 2002, and Food Standards Australia & New Zealand did very much the same thing and it went to the Ministerial Council which is the State and Territory Health Ministers, the Commonwealth Health Minister and the New Zealand Minister of Health and they ruled it out and they ruled it out on two grounds. Firstly, that it sends a mixed message to consumers about the acceptability and safety of Cannabis, it undermines our national drugs campaign, and secondly it creates problems for law enforcement as well in that it becomes very difficult to distinguish between a high-THC, which is the mind altering substance of Cannabis, high-THC Cannabis and low-THC hemp, so that people will actually be able to possess hemp seeds which they can't at the moment legally, and its quite difficult to distinguish between high-THC and low-THC seeds.

Leon Byner: Alright, lets ask forensic psychiatrist Craig Raeside. Craig, what's your attitude to this, and good morning?

Dr Craig Raeside: Good morning Leon. Good morning Andrew. I mean I obviously am not an expert in the actual nature of the seeds and the nature of them and the quantities of nutrition or chemicals or whatever, but I am familiar with the effects of Cannabis, and at present it's deemed an illegal drug, which is a law enforcement issue.

From a medical psychiatric point of view I'd be concerned about any substance that's legal or illegal that has the potential to either produce mental illness, or exacerbate, that is make worse someone that might have a mental illness.

Leon Byner: Yep

Dr Craig Raeside: And so you might have someone who has a reasonably controlled mental illness, maybe depression or possibly schizophrenia who then uses these substances, and that may make their condition worse, or harder to treat, and I think that needs to be taken into account when balancing any positive benefits that the food market will have versus the negative effects.

Leon Byner: So you're saying that there is a potential for harm, which FSANZ doesn't seem to recognise?

Dr Craig Raeside: Well, I don't know whether they've taken that into account or not, but I think that it can be misled by thinking it's simply a food. We tend to think that if something's a food then it's good for us as long as we don't overdo it. But obviously if there are chemicals, or other substances in food that have the potential to seriously affect our physical and mental health then that needs to be balanced in apart from any supposed nutrition or even taste benefits.

Leon Byner: So, are you either for it or against it?

Dr Craig Raeside: I don't see what the point is in adding a substance that is not currently available versus the potential to do harm. I'm not fully aware of what the potential to do good is, but it doesn't seem to me to be a strong argument, that this is a food that must be introduced for the wellbeing of mankind. And the potential side effects of the substance itself, as well as what was being said about the mixed messages we give to the community about it's ok to take these drugs in some circumstances but not others just leads down to a murky minefield that would seem to me as best to avoid.

Leon Byner: Craig Raeside, thank you for joining us today. Andrew Southcott, do you think the Government Ministers will buy this, and the various states?

Andrew Southcott: Well right now, it's like there is no-one in charge and the Government needs to indicate that they will not be going ahead with this because otherwise we will just have this process going on, and I am concerned. I believe that this is part of a longer term agenda to normalise the use of Cannabis...

Leon Byner: But, but, but FSANZ really oughtn't to be involved in that?

Andrew Southcott: No, and they can't be, so they're just looking at simply the health effects of it.

Leon Byner: Well, Craig Raeside has just made an obvious one. I mean you're a doctor right?

Andrew Southcott: Yes

Leon Byner: So you know now that we have drug testing for people, I mean I don't want to get into the morality of taking drugs or not, I want to keep right out of that because I think ultimately people have got to wear their own banner, and if they don't like its comfort if something happens to them, then they've got to be responsible, so that's a different issue. But I'm talking here about the fact that...What if you consume a food that's got THC in it, and you're in your car and you're pulled over. Is it likely that you register for example a positive drug test, because what would then happen is you'd probably have your car taken off you and you'd be regarded as a danger on the road.

Andrew Southcott: That's absolutely right, in fact it's an offence under the Road Traffic Act in South Australia to have any THC in your blood and they do saliva tests by roadside.

Leon Byner: So, as a Doctor you'd know this much, that if you consume food with THC in it, would that show up in a saliva test?

Andrew Southcott: In the discussion paper from Food Standards they talk about urine tests, but they don't actually address saliva tests

Leon Byner: We don't take urine tests at the side of the road, do we?

Andrew Southcott: Precisely Leon, so their argument about urine tests was that you have to consume a lot of these low-THC foods for it to appear in the urine. It's certainly a possibility, and it does raise issues for people who are being tested in the workplace, people who are drivers, and athletes who are being tested as part of competition testing.

Leon Byner: Alright, so have the Federal Government responded to this so far?

Andrew Southcott: They haven't responded, they've just let it ride, and we really need to hear from Nicola Roxon that they won't be going ahead with this.

Leon Byner: We can ring her up and ask her?

Andrew Southcott: Thank you.

Interview with Sonya Feldhoff, "Drive" Program on ABC 891 regarding hemp in food.

Topics: Introduction of Cannabis products in food

SONYA FELDHOFF: Andrew Southcott though is Federal Opposition spokesperson for food standards and illicit drugs. What do you think of this suggestion Andrew Southcott?

ANDREW SOUTHCOTT: I think that there are two problems with it. The first problem is that it cuts across our message that cannabis is harmful and it gives a mixed message to consumers to think that Cannabis itself and THC which is the active compound in it, is not harmful.

SONYA FELDHOFF: Do you think we can't disseminate between, the good part of this plant and the other side of it, as we do with poppy seeds and opium?

ANDREW SOUTHCOTT: Well I think there is a second problem, and this is a problem for law enforcement, drug enforcement agencies is that it is very difficult to tell the difference between a low-THC seed and a high-THC seed. Now this was considered before in 2002 and the Ministerial Council at that time which is the State and Territory Health Ministers, and the Federal Health Minister ruled it out on those two grounds, and nothing has changed since then, and I believe that the Government, the Labor Government need to rule this out because I am concerned that there is another agenda here which is about liberalising the laws relating to the use of Marijuana. It's about presenting Cannabis as not a harmful substance and there is definitely another agenda here.

SONYA FELDHOFF: Andrew Southcott, do you know, can we grow this so that we produce hemp seeds without producing the drug Marijuana?

ANDREW SOUTHCOTT: Look, what, you can get the seeds, and have low amounts of THC, it's different to the leaves of the Cannabis plant, so you do have a low THC seed, which is about, I think about a tenth of the amount of THC that you would get in actual Cannabis. So, that's not really the issue. The issue is that it does cut across the efforts of drug enforcement agencies, and also, I think, sends a very mixed message to consumers about the safety of this drug.

SONYA FELDHOFF: Well, very different views there, Andrew Southcott thank you very much for your time.

ANDREW SOUTHCOTT: Thank you.

SONYA FELDHOFF: Federal Opposition spokesperson for food standards and illicit drugs.

[ENDS]

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Consumer belief that low THC hemp foods have psychoactive effects has not emerged as an issue to not approve hemp seed use in these jurisdictions.

In countries throughout Asian, India and the Eastern block, where low THC hemp cultivation was never prohibited, apprehension about psychoactive effects of consumed hemp seed foods have never been raised as a concern.

It is reasonable to conclude that the consumers of low THC hemp foods are generally more knowledgeable and better informed and well able to discriminate between nutrition and intoxication.

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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?

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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?

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However, these controls may not apply to imported low THC hemp food products.

Maximum limits for THC enforced in the Code would manage any risk by imported foods and products.

I believe the quality and intelligence of Australian Authorities and enforcement agencies are as good or better than most all other countries where low THC hemp foods are consumed.

7. Do you consider that trade practices legislation in Australia and New Zealand is sufficient to mitigate the potential risk that representations (including labelling 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. Successful marketing in overseas markets use the ample nutritional benefits as the selling point.

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

International experience has proven that introducing hemp seed food provides the core commercial base for establishing hemp fibre industries.

Currently in Australia there is no commercial hemp fibre processing capacity, limiting growth of the hemp fibre industry. The minimum scale of such a plant would require annual cultivation in excess of 10,000 hectares.

Conversely, an area as small as 50 hectares could form the basis of a hemp seed industry and provide commercial validation for the more modest costs of the processing machinery needed to convert the seed into a saleable commodity.

When considered, the introduction of low-THC hemp seed food would facilitate the development of broader hemp based industries.

Since the 2002 ANZFA decision there has been numerous developments and Australian opportunities lost in the expanding global hemp foods industry. Including an increasing amount of hemp food products arriving in Australia. Many health conscious consumers are simply ordering over the Internet. Re-selling is occurring by labeling 'not for human consumption in Australia'. Furthermore, it must be noted that foreign and local hemp food companies have increased advertising in various publications and developed methods of conveyance. There are other encroachments, market development strategies and more importantly, consumer acceptance that should be discussed. Many licensed growers suspect eventual Free Trade pressure by foreign producers will lead to the realisation of an Australian low-THC hemp food trade.

It is safe to say that low THC hemp foods are already here and Australian hemp producers are losing potential opportunities year by year.

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

Amending the current restrictions on the use of hemp seed in a wide range of foods would expand the variety of products able to be manufactured. When added to existing foods such as soymilk in place of canola oil, hemp seed oil would add considerably to the nutritional benefit of the product. For those suffering allergies to soy or dairy products, hemp seed products would provide a valuable alternative source of essential vitamins and minerals. With Australia's environmental credentials and the excellent environmental credentials of hemp, international experience indicates this would open a potentially large local and export market.

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

Hemp seed can be produced economically, especially when economies of scale are achieved. The seed requires minimal processing before being used in foods. Hemp seed is stable and can be kept for months without unique storage needs. Existing food processing machinery can be used with minimal additional costs.

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. If testing were considered essential, 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 are compliant. Regulations may specify inspection to ensure seed matter is sterilized or denatured, but not to an extent that eliminates the superior essential qualities of the hemp seed product.

I believe the quality and intelligence of Australian Authorities and enforcement agencies are as good or better than most all other countries where low THC hemp foods are consumed.

Additional enforcement costs are being incurred now with customs and quarantine agencies engaging in enhanced inspections and applying control conditions.

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

As with the introduction of commercial low THC hemp fibre legislation in most states, there need be minimal changes to existing legislation.

Staged introduction should be employed to assist Australian hemp producers gain seed stocks, agronomical experience and markets.

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?

Low THC hemp seed is currently a valuable legal item of commerce in Australia and New Zealand.

Low THC hemp seed destined for industrial or food use may be rendered incapable of germination by way of processing, sterilizations, denaturing or de hulling, but still retains its essential components

Additional controls could involve protecting genetic ownership under Plant Breeders Rights and non-propagation agreements.

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

The NSW Hemp Industry Act 2008 requires that a licensed grower will provide details of processors or manufactures to which they intend to supply low-THC hemp. Similar regulations exist in other States that allow hemp cultivation. Wholesalers and commercial trader of low-THC hemp must also provide the name, address, and license number for the source of each batch of low-THC hemp supplied.

Manufacturers are also required to estimate the quantity of low-THC hemp to be supplied for processing on an annual basis, and an explanation of the manufacturing process that the low-THC hemp will be subjected to. There is no potential need for additional regulations to the system currently in place.

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?

With the expansion of the current hemp industry by the addition of food production, there would be an increase in the number of farmers receiving licenses. However, no additional costs would be incurred because the system as it currently operates is based on cost recovery, by fees and licensed grower covering the costs of all crop testing and regulatory inspections.

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

Joining world trade and allowing low-THC hemp foods for consumption in Australia and New Zealand poses no risk.

Risks and enforcement costs of the impact of not approving low-THC hemp food have not been considered in the impact analysis.

It must be reported that since the 2002 ANZFA decision, much awareness has been raised about the health benefits of low-THC hemp foods. The ANZFA and FSANZ reports are quoted widely and quite rightly provide justification.

With this in mind, there have been numerous developments in the rapidly expanding global low-THC hemp foods industry. Including an increasing amount of hemp food products arriving in Australia. Many health conscious consumers are simply ordering over the net. Re-selling is occurring by labeling 'not for human consumption in Australia'.

Without sensible regulation, concerns must be raised about the quality, hygiene and manufacture of low-THC hemp foodstuffs arriving or produced in Australia.

As with the ever-increasing direct and indirect costs and impacts of high THC cannabis enforcement, maintaining a total prohibition on the use of low THC hemp seed in food will lead a similar path.

Recent seizures of denatured low THC hemp imports destined for use in locally produced products such as cosmetics, skin care, soaps, have been required to undergo further treatment that eliminates the essential components of the product.

It would be disastrous for local producers of low THC hemp oil to now be required to treat their produce in such a way that not only renders the product inedible, but worthless in terms of the benefits of the essential components it's use is intended for. Situations may arise whereby otherwise law-abiding citizen would order hemp seed ingredients or products via the web and unwittingly contravene a number of laws. Enforcement in this regard is costly, complex and requires cooperation between several agencies.

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

Any costs associated with adding low THC hemp food to the approved schedule would be minimal.

Risks and issues raised in the rejection of the previous application are non-existent or based on policy advocacy of an ill targeted prohibition, whilst the identified benefits to farmers, processors and consumers would be great.

Hemp seed foods and ingredients are widely available throughout industrialised nations and Australia's top trade partners.

It can be noted that these products and ingredients are now used and promoted highly in cooking shows aired in Australia. Australian consumers are increasingly advised of low THC hemp seed nutritional values and instructed on how to use the products in all manner of cooking.

This is another way that Australian consumers are being informed in the use of hemp seed. Situations may arise whereby otherwise law-abiding citizen would buy locally produced, or order low THC hemp seed ingredients or products via the web and unwittingly contravene a number of laws.

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

Proceeding with the introduction of low THC hemp foods enables the intent of Food Regulators to protect the health and well being of the Australian.

In 1961, Australia became a signatory of the UN Single Convention on Narcotic Drugs, and subsequently the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961.

It's clear the UN Conventions distinguished marihuana from hemp and safeguarded production by including Article 28.2: "This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes."

When the question of why low THC hemp was prohibited in Australia can be answered, many may realise that what is being proposed is neither radical nor groundbreaking.

Like other nations, Australia will simply join the world community in once again adopting this safe and beneficial food.

Based on benefits, every step should be taken to achieve rapid normalisation of a low THC hemp food industry.

My view is that the approval to consume low THC hemp foods will not be passed in this instance. Within a few years though, trade issues will arise with a number of countries wanting to import low THC hemp foods to Australia under Free Trade and Trans Tasman Agreements.

As happened recently in judicial rulings in the United States (Congressional Research Report) whereby similar arguments used in the rejection of the ANZFA application were not sustainable in court. Circumstances may arise when an Australian government will have no option but to allow, or even facilitate the introduction of low THC hemp seed foods.

Perhaps local low THC hemp producers and importers may contest the requirement to treat produce in a way that not only renders the product inedible, but also destroys the essential components that gives it superiority in the market place.

A careful approach to introduction is required so as not to severely impact on Australian producers who will not have had the benefit of local markets.

Below refs and links.

Radio interview transcripts of Andrew Southcott in opposition to the FSANZ application and this submission process.

Reference and links of interest.

Canadian Industrial Hemp Strategy

[http://www.compositesinnovation.ca/biofibre_workshop/National Industrial Hemp Strategy - Kelley Fitzpatrick.pdf](http://www.compositesinnovation.ca/biofibre_workshop/National_Industrial_Hemp_Strategy_-_Kelley_Fitzpatrick.pdf)

The USA Congressional Research Service Report 2007, prepared for Members and Committees of Congress.

http://www.naihc.org/CRS_RL32725.pdf

Hot hemp foods on US Today Show

Phil Lempert the "Supermarket Guru" eats hemp foods on the Today Show, 1-16-2007. Calls it the hot food trend of 2007. Hemp Seed, hemp shakes, milk, bread, waffles and snack bars featured.

<http://www.youtube.com/watch?v=PekkEEHh3YM&feature=related>

Hemp. The new soy

<http://www.youtube.com/watch?v=UaHoIhjUsxM>

The market for hemp products

<http://www.youtube.com/watch?v=-kZTLHEPrMc&feature=related>

A representative of Hemp Oil Canada discusses the processing of hemp and materials made of hemp.

<http://www.youtube.com/watch?v=5k0GGWGTFII>

Roger Johnson, North Dakota's agriculture commissioner addressed the huge hemp food trade imbalances and believes the U.S. should get into the business of producing hemp food products.

<http://www.youtube.com/watch?v=A9dV7Ej2H4A&feature=related>

July 1999, Hemp foods appear on a national US talk show. They make a potato salad, and talk about all aspects of hemp.

<http://www.youtube.com/watch?v=muyDjIhNjKI&feature=related>

Hemp Oil Canada, an innovative agri-food and body care processing company based in Ste. Agathe, Manitoba

<http://www.hempoilcan.com/>

Ruth is a Board Member of the Canadian Hemp Trade Association (2004 to present)

<https://www.ruthshempfoods.com/store/home.php>

Ruth's hemp food channel.

http://www.youtube.com/user/RuthsFoods?blend=9&ob=5#p/u/6/_N7FidVyED4

Interview with Leon Byner on 5AA regarding hemp in food

Thursday, 17 March 2011

Topics: Introduction of Cannabis products in food

Leon Byner: Well, the Food Standards Australia & New Zealand Authority yesterday called for public comment on the introduction of Cannabis in food, stating that they had not identified any safety concerns relating to the consumption of hemp foods. So to talk about this lets first of all bring in forensic psychiatrist Dr Craig Raeside. Craig, in your profession you're very familiar with THC in all its forms, what is your comment on this, and goodmorning.

Dr Craig Raeside: [silence]

Leon Byner: For some reason I'm not getting him on. Are you there Craig? Now he's gone. So while we get him back, lets talk to Andrew Southcott who is the Shadow Parliamentary Secretary for health. Andrew you're not happy with this?

Andrew Southcott: No, not at all Leon. This has happened before, it happened back in 2002, and Food Standards Australia & New Zealand did very much the same thing and it went to the Ministerial Council which is the State and Territory Health Ministers, the Commonwealth Health Minister and the New Zealand Minister of Health and they ruled it out and they ruled it out on two grounds. Firstly, that it sends a mixed message to consumers about the acceptability and safety of Cannabis, it undermines our national drugs campaign, and secondly it creates problems for law enforcement as well in that it becomes very difficult to distinguish between a high-THC, which is the mind altering substance of Cannabis, high-THC Cannabis and low-THC hemp, so that people will actually be able to possess hemp seeds which they can't at the moment legally, and its quite difficult to distinguish between high-THC and low-THC seeds.

Leon Byner: Alright, lets ask forensic psychiatrist Craig Raeside. Craig, what's your attitude to this, and good morning?

Dr Craig Raeside: Good morning Leon. Good morning Andrew. I mean I obviously am not an expert in the actual nature of the seeds and the nature of them and the quantities of nutrition or chemicals or whatever, but I am familiar with the effects of Cannabis, and at present it's deemed an illegal drug, which is a law enforcement issue.

From a medical psychiatric point of view I'd be concerned about any substance that's legal or illegal that has the potential to either produce mental illness, or exacerbate, that is make worse someone that might have a mental illness.

Leon Byner: Yep

Dr Craig Raeside: And so you might have someone who has a reasonably controlled mental illness, maybe depression or possibly schizophrenia who then uses these substances, and that may make their condition worse, or harder to treat, and I think that needs to be taken into account when balancing any positive benefits that the food market will have versus the negative effects.

Leon Byner: So you're saying that there is a potential for harm, which FSANZ doesn't seem to recognise?

Dr Craig Raeside: Well, I don't know whether they've taken that into account or not, but I think that it can be misled by thinking it's simply a food. We tend to think that if something's a food then it's good for us as long as we don't overdo it. But obviously if there are chemicals, or other substances in food that have the potential to seriously affect our physical and mental health then that needs to be balanced in apart from any supposed nutrition or even taste benefits.

Leon Byner: So, are you either for it or against it?

Dr Craig Raeside: I don't see what the point is in adding a substance that is not currently available versus the potential to do harm. I'm not fully aware of what the potential to do good is, but it doesn't seem to me to be a strong argument, that this is a food that must be introduced for the wellbeing of mankind. And the potential side effects of the substance itself, as well as what was being said about the mixed messages we give to the community about it's ok to take these drugs in some circumstances but not others just leads down to a murky minefield that would seem to me as best to avoid.

Leon Byner: Craig Raeside, thank you for joining us today. Andrew Southcott, do you think the Government Ministers will buy this, and the various states?

Andrew Southcott: Well right now, it's like there is no-one in charge and the Government needs to indicate that they will not be going ahead with this because otherwise we will just have this process going on, and I am concerned. I believe that this is part of a longer term agenda to normalise the use of Cannabis...

Leon Byner: But, but, but FSANZ really oughtn't to be involved in that?

Andrew Southcott: No, and they can't be, so they're just looking at simply the health effects of it.

Leon Byner: Well, Craig Raeside has just made an obvious one. I mean you're a doctor right?

Andrew Southcott: Yes

Leon Byner: So you know now that we have drug testing for people, I mean I don't want to get into the morality of taking drugs or not, I want to keep right out of that because I think ultimately people have got to wear their own banner, and if they don't like its comfort if something happens to them, then they've got to be responsible, so that's a different issue. But I'm talking here about the fact that...What if you consume a food that's got THC in it, and you're in your car and you're pulled over. Is it likely that you register for example a positive drug test, because what would then happen is you'd probably have your car taken off you and you'd be regarded as a danger on the road.

Andrew Southcott: That's absolutely right, in fact it's an offence under the Road Traffic Act in South Australia to have any THC in your blood and they do saliva tests by roadside.

Leon Byner: So, as a Doctor you'd know this much, that if you consume food with THC in it, would that show up in a saliva test?

Andrew Southcott: In the discussion paper from Food Standards they talk about urine tests, but they don't actually address saliva tests

Leon Byner: We don't take urine tests at the side of the road, do we?

Andrew Southcott: Precisely Leon, so their argument about urine tests was that you have to consume a lot of these low-THC foods for it to appear in the urine. It's certainly a possibility, and it does raise issues for people who are being tested in the workplace, people who are drivers, and athletes who are being tested as part of competition testing.

Leon Byner: Alright, so have the Federal Government responded to this so far?

Andrew Southcott: They haven't responded, they've just let it ride, and we really need to hear from Nicola Roxon that they won't be going ahead with this.

Leon Byner: We can ring her up and ask her?

Andrew Southcott: Thank you.

Interview with Sonya Feldhoff, "Drive" Program on ABC 891 regarding hemp in food.

Wednesday, 16 March 2011

Topics: Introduction of Cannabis products in food

SONYA FELDHOFF: Andrew Southcott though is Federal Opposition spokesperson for food standards and illicit drugs. What do you think of this suggestion Andrew Southcott?

ANDREW SOUTHCOTT: I think that there are two problems with it. The first problem is that it cuts across our message that cannabis is harmful and it gives a mixed message to consumers to think that Cannabis itself and THC which is the active compound in it, is not harmful.

SONYA FELDHOFF: Do you think we can't disseminate between, the good part of this plant and the other side of it, as we do with poppy seeds and opium?

ANDREW SOUTHCOTT: Well I think there is a second problem, and this is a problem for law enforcement, drug enforcement agencies is that it is very difficult to tell the difference between a low-THC seed and a high-THC seed. Now this was considered before in 2002 and the Ministerial Council at that time which is the State and Territory Health Ministers, and the Federal Health Minister ruled it out on those two grounds, and nothing has changed since then, and I believe that the Government, the Labor Government need to rule this out because I am concerned that there is another agenda here which is about liberalising the laws relating to the use of Marijuana. It's about presenting Cannabis as not a harmful substance and there is definitely another agenda here.

SONYA FELDHOFF: Andrew Southcott, do you know, can we grow this so that we produce hemp seeds without producing the drug Marijuana?

ANDREW SOUTHCOTT: Look, what, you can get the seeds, and have low amounts of THC, it's different to the leaves of the Cannabis plant, so you do have a low THC seed, which is about, I think about a tenth of the amount of THC that you would get in actual Cannabis. So, that's not really the issue. The issue is that it does cut across the efforts of drug enforcement agencies, and also, I think, sends a very mixed message to consumers about the safety of this drug.

SONYA FELDHOFF: Well, very different views there, Andrew Southcott thank you very much for your time.

ANDREW SOUTHCOTT: Thank you.

SONYA FELDHOFF: Federal Opposition spokesperson for food standards and illicit drugs. [ENDS]