

## EXECUTIVE SUMMARY

This application from Kavasil Pty Ltd seeks amendment to the Australia New Zealand Food Standards Code (the Code) to permit the sale of low-delta-9 tetrahydrocannabinol (THC) hemp leaf, seed sprout and root as food and food ingredients in Australia and New Zealand.

Low-THC cannabis, also known as hemp, industrial hemp, low-THC hemp or low-THC cannabis, refers to varieties of cannabis that contain low levels of THC (referred to in this application as low-THC hemp). Low-THC hemp contains so little THC and other non-psychoactive cannabinoids that the use and consumption of low-THC hemp products cannot produce psychoactive or therapeutic effects. Low-THC hemp's lack of potential for psychoactive effects is well established and underpins a range of legislation that permits the cultivation and consumer uses of products of the low-THC hemp plant in Australia, New Zealand and internationally.

Low-THC hemp leaf, seed sprout and root are intended to be used in a variety of food contexts, including:

Leaf	<ul style="list-style-type: none"><li>• Dried leaf infusions (as a tea blend or herbal infusion)</li><li>• Raw leaf (for example, used as a salad leaf or in smoothies)</li><li>• Adjunct to hops in brewing of beer-type products.</li></ul>
Seed sprout	<ul style="list-style-type: none"><li>• Raw sprouts (for example, sold separately as sprouts, inclusion in salads or smoothies)</li><li>• Used as an ingredient in foods (for example, in sourdough breads).</li></ul>
Root	<ul style="list-style-type: none"><li>• Dried root infusions (as a tea blend or herbal infusion)</li><li>• Roasted root infusions / coffee substitutes (similar to dandelion coffee)</li><li>• Fresh pressed or juiced root for inclusion in smoothies and other foods (similar to ginger).</li></ul>

The sale of low-THC leaf and root as food will provide additional opportunity for low-THC hemp farmers to maximise the economic value of the crop. At present, these parts of the low-THC hemp plant are wasted after harvesting the crop for either of its permitted fibre or seed food uses. The sale of low-THC hemp seed sprouts as foods and food ingredients will also benefit hemp farmers by providing an alternative revenue stream than growing the plants to maturity (for seed and fibre products). Consumers will benefit from the availability of new, nutritious, plant-based food products.

The Code was amended in 2017 to permit the sale of low-THC hemp seeds and seed products as food in Australia and New Zealand. The 2017 Code amendment broadened the market for low-THC hemp producers and food manufacturers, with low-THC hemp seeds and seed products now being sold in a variety of formats in supermarkets in both countries. However, the Code's 2017 amendment permits only non-viable, de-hulled seeds and products derived from the seeds of the low-THC hemp plant (such as oil and flour) to be sold as food. All other parts of the low-THC hemp plant, including the leaf, seed sprout and root, remain subject to the Code's general prohibition on the use of cannabis species as food and the Code's novel food pre-market approval provisions.

Food Standards Australia New Zealand (FSANZ) assessed the safety of low-THC hemp seeds prior to the Code being amended to permit their sale. FSANZ identified THC as the relevant chemical of interest from a safety perspective, establishing a tolerable daily intake (TDI) and setting maximum levels in the Code for THC content of low-THC hemp seed foods. FSANZ also established a maximum level for the presence of cannabidiol (CBD) in foods to ensure that foods were not fortified with added CBD. CBD does not produce psychoactive effects but has been increasingly associated with therapeutic benefits; benefits that cannot be achieved by consuming low-THC hemp food products with natural levels of CBD. This application expects FSANZ will need to set maximum levels for THC content of low-THC hemp leaf, seed sprout and root foods and requests levels that are consistent with the current levels for low-THC hemp seed and seed products, other than oil and beverages (5 mg/kg). This application does not seek amendment to the Code's CBD maximum level. Kavasil Pty Ltd considers the TDI for THC and the maximum level for CBD remain valid after searching and reviewing new scientific literature published since FSANZ's previous assessment.

Low-THC hemp also contains other compounds, such as terpenes and phenolic compounds, that are ubiquitous in commonly consumed plant-based foods. Terpenes provide distinctive aroma properties in plants, including common herbs used as foods (including mint, sage, pepper) and in cannabis. The consumption of terpenes and phenolic compounds in low-THC hemp and other plant-based foods do not present a risk to human health. Phenolic compounds, including flavonoids and lignans, are integral components of plant-based foods (particularly fruits, vegetables and legumes) that are recommended for consumption as part of government and public health dietary advice.

This application also highlights that the use of images and representations of low-THC hemp leaf, seed sprout and root on the labels and associated advertising of low-THC hemp leaf, seed sprout and root food products is appropriate. Kavasil Pty Ltd is not requesting any amendments to the existing labelling requirements for hemp food products in section 1.4.4—7 of the Code, which currently only apply to low-THC hemp seed foods. However, recognising previous government stakeholder concerns that the use of images of the cannabis leaf on low-THC hemp seed food labels and associated advertising may confuse consumers about the safety and acceptability of illicit cannabis use, the application includes discussion of this issue.

Kavasil Pty Ltd considers the use of images of the low-THC hemp leaf, seed sprout and root on labels and associated advertising of foods containing these ingredients will be a true and accurate reflection of the nature and source of these ingredients. Kavasil Pty Ltd also points to the labelling and marketing of low-THC hemp seed foods which is focussed on appealing to health-conscious consumers, rather than attempting to make any links will illicit cannabis use. This health focussed marketing is expected to continue with low-THC hemp leaf, seed sprout and root foods. Kavasil Pty Ltd considers the concern about mixed messages gives consumers very little credit for their ability to understand the messaging of the low-THC hemp food industry and other material, including government websites, that clearly make distinctions between non-psychoactive low-THC hemp and illicit cannabis.