



**Australian Government**  
**Department of Health and Ageing**

**SECRETARY**

Standards Management Officer  
Food Standards Australia New Zealand  
PO Box 7186  
CANBERRA BC ACT 2610

< submissions@foodstandards.gov.au >

Dear Sir/Madam

**Submission from the Australian Government Department of Health and Ageing  
re: Application A1039 – Low THC Hemp as Food.**

I refer to Application A1039, currently under consideration by Food Standards Australia New Zealand (FSANZ) proposing to specifically amend *Standard 1.4.4* of the *Australia New Zealand Food Standards Code* (the Code) to allow an exception for hulled non-viable *Cannabis sativa* seeds, beverages derived from and oil or any other substances extracted from *Cannabis sativa* seeds as food, subject to maximum limits on the amount of tetrahydrocannabinol (THC) present.

In accord with the public consultation process for this application, the Department of Health and Ageing offers this submission in response to FSANZ's revised assessment report of 7 December 2011.

The Department acknowledges that FSANZ's revised proposal to amend *Standard 1.4.4* of the Code is favourable in only allowing the use of hulled (non-viable) seeds or products derived from seeds of *Cannabis sativa* as food. The Department accepts that there is merit in this approach in addressing concerns over potential impacts on the enforcement of drug possession legislation.

The Department is also pleased to note the application of specified maximum limits for the presence of tetrahydrocannabinol (THC) in *Cannabis sativa* seed products proposed for use as food.

However, in consideration of those countries reviewed by FSANZ, which permit the presence of hemp products from *Cannabis sativa* in food, subject to *zero* THC content, the Department suggests that FSANZ could reasonably propose limits permitting essentially zero THC content.

As advised in my previous submission to FSANZ in relation to Application 1039, the Department considers that an amendment to *Standard 1.4.4* to permit the use of products

from cannabis with any quantifiable level of THC would be inconsistent with overarching restrictions that apply under the *Single Convention on Narcotic Drugs, 1961* and the *Convention on Psychotropic Substances, 1971*, to which Australia and New Zealand are signatories.


FSANZ's continued characterisation, or indeed "branding", of the present application as permitting "low THC hemp" as food also continues to raise concern over the perceived acceptability of *recognisable* levels of THC in food.

The Department remains concerned that allowing hemp products containing acknowledged (however low) levels of THC as food has the potential to promote a public perception that cannabis is an acceptable and safe product to consume.

In terms of domestic control legislation within each state and territory, FSANZ's proposed amendment to *Standard 1.4.4* may still generate an additional burden for regulatory agencies in distinguishing between products containing high and low levels of THC.

The Department could only support an amendment to *Standard 1.4.4* to permit the use of products from *Cannabis sativa* seed if the issues raised above were adequately addressed.

Yours sincerely



Jane Halton PSM  
Secretary

20 February 2012