

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY (DAFF)

**SUBMISSION TO FOOD STANDARDS AUSTRALIA NEW ZEALAND
(FSANZ)**

APPLICATION - A1039 – LOW THC HEMP AS A FOOD

Summary

This submission by the Department of Agriculture, Fisheries and Forestry (DAFF) is a response to the FSANZ Final Assessment Report – Application A1039 – Low delta 9-tetrahydrocannabinol (THC) Hemp As A Food (December 2011). This response is in addition to and reiterates comments DAFF provided to FSANZ on a previous application - A360 - Use of Hemp as a Novel Food (December 2002). DAFF acknowledges that in the interim, FSANZ has considered a number of developments since the assessment of A360, including the increased uptake of hemp foods internationally and the development of industrial hemp licensing arrangements in Australia and New Zealand.

DAFF supports the premise that consumers should have access to safe food products in addition to being provided with information to enable them to make informed choices about such products. However DAFF is eager to ensure that the needs of consumers are met without unnecessarily jeopardising the efficiency and international competitiveness of the food industry of Australia and New Zealand.

After consideration of the costs and benefits of Application A1039 in relation to consumers, industry and government, DAFF believes these goals can be met in this case.

Key Points

- DAFF is the Commonwealth Department with responsibility for industries that span the food supply chain, from agricultural industries through to food processing. DAFF jointly shares responsibility with the Department of Health and Ageing (DoHA) for food policy for the Commonwealth Government.
- While DAFF supports a diverse agricultural industry, we note that legislative responsibility for the cultivation, trial and production of low THC hemp (industrial hemp) resides with the states and territories, rather than with the Commonwealth.

Conclusion

DAFF believes that the goals of consumers, industry and government can best be achieved by Option 2B provided in A1039, that will allow FSANZ to progress a draft variation to Standard 1.4.4 – Prohibited and Restricted Plants and Fungi to permit the use of processed hemp seed products only (including hulled hemp seed, but excluding whole and viable seeds) as a food with maximum THC levels.

DAFF acknowledges that this option would allow:

- the sale of a broader range of hemp foods and thus provide a greater potential for market development.
- hemp licensing arrangements, coupled with appropriate processing of hemp seeds and maximum levels for THC specified in the Code, to provide sufficient control of THC levels in both domestically produced and imported hemp food products.

DAFF's preference for Option 2B is based on a number of factors outlined by FSANZ in their risk analysis of Application A1039, including:

- Hemp foods have been assessed as safe for human consumption at the recommended maximum levels of THC content.
- There are adequate controls in place to mitigate the risk of high THC cannabis products entering the food supply.
- There is no evidence of a risk of consumers being misled by representations connecting hemp foods with the psychoactive effects of high THC cannabis.
- The approval of hemp seed products including hulled seed but excluding whole and viable hemp seed will provide industry with a greater range of potential products to market to consumers, while limiting the possibility of drug enforcement problems relating to possession of whole hemp seeds.
- The draft variations provide a net benefit to the affected parties.
- No other measures would be more effective at achieving this outcome.