

**Food Standards Australia New Zealand Application A1039 -
LOW THC HEMP AS A FOOD, Consultation Paper
27 April 2011**

The New Zealand Food & Grocery Council (the “FGC”) welcomes the opportunity to comment on the Food Standards Australia New Zealand (“FSANZ”) Consultation Paper for Application A1039 – Low THC Hemp as a Food (the “Application”).

The FGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. A number of these manufacturers and suppliers are major importers and exporters in New Zealand. FGC member companies supply over 95 percent of the processed food and beverages to the New Zealand grocery retail industry and over 70 percent of supermarket packaged good sales.

While hemp seed oil is a niche market product and may not have a significant profile in New Zealand or with FGC members, its availability, nonetheless, ensures that those consumers who wish to purchase such product can freely do so. This submission is therefore provided on the basis that a diverse food supply is an important part of the New Zealand approach to life and the culture of this country.

The Application seeks to have low THC hemp seeds and seed oil approved for sale in Australia. Presumably the application extends to seek permission for hemp seeds to be approved for sale in Australia and New Zealand since the New Zealand Food (Safety) Regulations 2002 do not currently provide for the sale of hemp seeds, just hemp seed oil.

The paper refers to previous Ministerial Council concerns about the potential impacts on drug policies and enforcement of illicit drug use and notes that these are outside the FSANZ mandate. Nonetheless, without addressing these concerns in some way, the concerns are likely to remain. New Zealand offers significant opportunity for FSANZ to explore these issues, since hemp seed oil has been legally available for many years in New Zealand. We would encourage FSANZ to take advantage of this ‘empirical evidence’ to determine if the concerns are justified by examining the New Zealand situation. We would also encourage FSANZ, when doing so, to separate concerns and findings about hemp seed oil from hemp seeds as the latter are not legally able to be sold in New Zealand.

In terms of the approach to assessment of A1039, it is clear that hemp seed oil does not fit the definition of novel food since it is not ‘non-traditional’ in the New Zealand context. The Application should not be assessed under Standard 1.5.1, the novel foods standard.

The FGC does not have information concerning a number of the key questions FSANZ is seeking to have answered through this consultation process such as any chemical safety

concerns associated with consumption, the nutritional profile or any other risks. Nonetheless, the following may be of interest:

- the only action in the past of misrepresentation on 'hemp' drinks related to a drink called HEMP that contained no hemp food and may not be relevant to the current application (Ques 2)
- the controls for hemp seed oil in New Zealand appear adequate (Ques 6)
- trade practices legislation would appear sufficient to mitigate risks associated misleading statements (Ques. 7)
- in relation to opportunity costs of prohibitions for producers, FSANZ may be able to infer a position on this by discussing the opportunities presented to New Zealand producers of being able to sell hemp seed oil (Ques. 8)
- the known nutritional profile of hemp seed oil (high in omega-3 for example) has not led to widespread use in manufacturing in New Zealand (Ques. 9). Again, this might be a question for producers, whether the issue is cost, supply, shelf life or some other factors that have influenced this situation
- FGC understands that hemp seed oil is best refrigerated to maintain freshness. This might be considered a 'cost of supply and sale'. However, since refrigeration is a common technology in both manufacturing and retail, it would be unlikely to be a distinguishable cost when compared to a vast range of other manufactured and retail products (Ques. 10)
- food enforcement costs are best answered by the enforcement agency in New Zealand (the Ministry of Agriculture and Forestry) and related enforcement agencies. However, from an FGC perspective, there is no public evidence of special food enforcement concerning hemp seed oil (Ques. 11)
- presumably, if hemp seed oil was approved for sale under the Australia New Zealand Food Standards Code, the particular regulation in the New Zealand Food (Safety) Regulations could be repealed (Ques. 13).

Finally, in light of widespread availability of hemp food products overseas, a number of the questions posed in the consultation paper could usefully draw on the broader experiences of those markets to assist in the risk management process going forward.

For further information, please contact:

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