

From: Deborah Felton [deborahfelton@hotmail.com]
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FSANZ Application A1039

Hemp Foods for Australia

Discussion points

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

NO. For thousands of years throughout the world hemp seed has been a stable source of protein. The last 70 years when the US led the prohibition of hemp seed trade with aligned countries both hemp and cannabis were treated the same in terms of propaganda. There is of course an education campaign required to tell those who don't know hemp food varieties are different to cannabis - you can get healthy not high from it. Not to mention hemp and cannabis seeds don't have measurable psychoactive THC properties anyway.

I did read the transcript of a radio interview with a South Australian politician recently. He was convinced everyone would get high, but this just ill-informed drivel for votes. For those who have fears, one national advertisement/education campaign clarifies it once and for all.

Already Hemp foods are being legally consumed around the world in many countries, including Canada, the United States, United Kingdom and the European Community. The unique and exceptional nutritional profile present in the hemp seed is the main selling point and this has attracted the attention of people with special dietary requirements, such as vegans and vegetarians, raw foodies and those who generally wish to provide optimal nutrition for themselves and their families. Those seeking out hemp foods include the elderly, pregnant mothers and their young children. I personally prefer hemp seed products because I have hereditary high cholesterol, the Omega 3,6 & 9 are perfect. It is reasonable to conclude that the consumers of hemp foods are generally more knowledgeable and better informed than the average consumer on matters of health and nutrition and well able to discriminate between nutrition and intoxication.

2. Are you aware of any evidence that representations on low THC food (including labelling and advertising) mislead consumers by leading them to believe that low THC hemp foods have psychoactive effects when consumed?

NO. That is not the target demographic market. You would have very angry customers if that was the case.

Hemp foods are widely sold in the United Kingdom and the European Community, Canada and the United States. It is a simple matter to examine the packaging of these products. I have travelled internationally and I have not seen any sign of misleading

customers. I have never found any instance of false or misleading advertising on any products in Australia. What is available often comes with a warning “Not for human consumption” as a way of circumventing Australia’s anachronistic law of prohibition. In contrast, compare this with the standard of advertising currently employed in Australia. Here we see innumerable examples of misleading claims, such as alcohol allowing you to relax, party, have sexual relations rather than being the cause of most trauma inside and outside the home. Coca Cola selling the illusion youthful vitality rather than the epidemic of childhood tooth rot, obesity and diabetes.

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 and reasonably establishes that at usual levels of consumption the issue of false positive testing does not occur. Although formal studies are lacking, around the world many elite athletes consume hemp health foods, often in generous quantities, to assist in the management of their gruelling physical schedules. As a group they are subject to close chemical monitoring. No incidence of false positive testing has arisen as far as can be ascertained.

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

No. I would suggest a review of International models.

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. There is no measurable THC to test in seed. People would have higher readings if they were to passively smoke high THC.

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?

I agree there are adequate controls currently in place. I have assisted growing over 15 different varieties over the last four years. The new legislation is financially onerous in terms of implementing the testing protocols. But regulation wise the legislation appears adequate. The administration of this Act is wanting. I&I are without commitment in growing hemp and I think this is appalling for a potential multi million food industry. There is NO risk of high THC cannabis entering the food supply. High THC growers grow unfertilised female plants with male plants are removed to avoid seed production. Additionally high THC seed has a tough shell and poor quality hemp meal. Even if produced undetected in large quantities, it would have no market value. Low THC Hemp seed growers would not grow near high THC cannabis plants as it would render next generation crops useless. That is, Hemp would be testing over the prescribed legislation (and be destroyed) and successive Cannabis plants would have insufficient THC to get high.

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. The advertising standards in Australia are rather stringent and quite adequate to prevent any false or misleading claims being made. Those interested in marketing hemp seed products intend to use the ample nutritional benefits as the selling point, not some juvenile reference to “getting high”.

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

The potential lost earnings for local growers of hemp growers and food producers is a multi million dollar loss. Local farmers can only export – a costly exercise to both farmers and the carbon costs of exporting making it costly for the planet. Currently in Australia hemp crops can only produce long and short fibre. Hemp is designed to give farmers the opportunity for dual purpose (seed and fibre) allowing for farming diversity that is market driven.

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

Amending the current inappropriate restrictions on the food uses of hemp seed in Australia would expand the range of products able to be manufactured. Hemp seed is a healthy dairy alternative. Hemp seed would add considerably to the nutritional benefit of any product. An amendment to hemp food legislation would also open the way for production of a range of new foods, such as hemp milk, ice cream, hummus, breads, health food bars, etc. For those suffering allergies to soy or dairy products this would provide a valuable alternative source of protein and beneficial omegas.

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 and dual fibre/seed plantations are operating. The seed requires only minimal processing before being used in most food preparation. It is stable and can be kept for months with normal refrigeration. Existing food processing machinery can be used with no expensive decontamination procedures. If whole seed were to be sold directly, simple heating processes can be used to render seed sterile, at minimal cost.

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?

Current regulatory restrictions put the onus of reporting on the farmer. This reporting procedure is verified by I&I.

As there are such microscopic levels of THC, product testing is not necessary. If testing is considered necessary 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 would be compliant.

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

There need be minimal changes to existing legislation. Some legislation needs to cover whole seed and hulled seed management. Input and export regulations may need to be reviewed.

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?

Hemp seed is currently a legal item of commerce in Australia, currently being used in the manufacture of cosmetics and other topical products, as well as a pet food supplement. No additional controls could conceivably be required, especially when dealing with processed items incapable of germination, such as hulled seeds.

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

As stated above the current situation in Australia is that any person can receive and process seed and fibre without restriction, providing it has been produced by a licensed grower. This has been confirmed in NSW by the Department of Primary Industry. There is no conceivable need to add additional regulation to a system that is currently working adequately.

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 is currently operates is based on cost recovery, by fees paid.

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

There is no actual risk associated with changing the regulation so no risk management options need be considered. Joining the world community and legalising hemp foods for consumption in Australia and New Zealand poses no risk, but a win-win scenario for farmers, producers and consumers.

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 hemp food to the approved schedule would be nil or minimal.

Risks are non-existent.

Benefits to farmer are immense. Hemp food has a ready local market, requires little water, is fast growing, encourages microbiotic soil activity and acts like a carbon sink. The public would be able to purchase local organic produce at a much lower cost than current imported hemp seed.

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

My preferred regulatory option is that of legislation that is workable and encouraging for a new industry with minimal intervention. I would like to see an education campaign leading to a rapid normalisation of the hemp food industry. Hemp food should be available to all Australians as it is elsewhere in the developed world.

I would like to see an interdepartmental and community consultative/ advisory group established to assist the new hemp food industry emerge.

Name: Deborah Felton

Address: Lot 130 Midgen Flat Road, Broken Head NSW
Email: deborahfelton@hotmail.com