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Mr Steve McCutcheon
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12th February 2012

Dear Mr McCutcheon

Subject: Application A1039, Low THC Hemp as a Food – Second Assessment

Included in this posting, please find:

- Second submission to the FSANZ inquiry into the suitability of **Low THC Hemp as a Food**

As noted in my responses to the Questions raised by FSANZ in the First Assessment submission, my answers have been informed by people within various associations, businesses, and government departments as well as published reports. I am indebted to these sources for the work they have done.

The sources from which I have drawn my knowledge are listed at the end of this submission.

Thank you for this opportunity to contribute to the FSANZ Application A1039, Low THC Hemp as a Food – Second Assessment.

Yours sincerely

Stuart Carter

Submission

Food Standards Australia New Zealand (FSANZ)
Application A1039,
Low THC Industrial Hemp as a Food.
Second assessment

Submission made by Stuart Carter

The findings from the First Assessment Report that, Low THC Hemp food products - widely available in other parts of the world – should no longer be prohibited items in Australia, is a logical conclusion to arrive at when the independent science, health and economic indicators have all arrived at this same conclusion, within other countries many years ago.

*With specific reference to the FSANZ discussion paper '**questions for submitters'**, I wish to contribute short statements in those instances where my research enables me to do so:*

Section 6.1.1

1. Will the inclusion of a maximum level in the Code for hemp seed oil products be an issue for hemp seed oil products produced in or imported into New Zealand?

No. It has already been acknowledged that Industrial Hemp, with a maximum level of 0.5 per cent THC does not pose 'any public health and safety concerns associated with consuming hemp foods' – see FSANZ findings.

Section 6.4.1

2.Are there other methods of distinguishing between the seeds of hemp and drug varieties of cannabis? Please provide evidence in support of these methods.

While there is no difference between the seeds of hemp and drug varieties of cannabis, there is also no difference between poppy seeds used to grow a plant for food and those used to grow a plant to produce drugs. The poppy seeds for food sold openly in Australian supermarkets do not contain drugs since it is not the seed from which the drugs are made. So it is with Industrial Hemp seed, the drug is not made from the seed. In spite of these facts, it will be illegal to be in possession of hemp seeds if a licence to grow it cannot be produced. In addition, the FSANZ assessment is that Industrial Hemp as a food will be as oil or in the form of hulled seed, neither of which is viable for the purposes of propagation.

3. Are there other methods of rendering hemp seeds non-viable that will also result in the whole seed being distinguishable from the seeds of drug varieties of cannabis?

Please provide evidence in support of these methods.

Can you provide any evidence on whether hulled hemp seeds remain viable?

Rendering Hemp seeds non-viable by hulling or by extracting oil is sufficient for the purposes of discouraging inappropriate growing of non desirable varieties of Cannabis. Irradiating the seed or heat treatment is not only unnecessary, it compromises the health and nutritional value of the seed, and to a large extent defeats the purpose of producing and consuming it.

Section 6.5.1

4. Are you aware of any studies reflecting the effect of consumption of hemp foods on the results of saliva THC tests?

5.Can you provide information on the type of saliva tests that are available, including sensitivity of the tests?

6.What saliva THC tests are currently in use in Australia and New Zealand? For these tests, what levels of detection of THC are currently used?

7. Provide information on the methodology of these tests and the costs of conducting these tests?

8. Can you provide any additional data on other THC testing methodologies that are used in Australia and New Zealand (for example, urine and blood)?

9. Which analytical laboratories currently conduct confirmatory THC testing, for example blood tests? How much do these tests cost?

Questions 4 – 9: Please refer to other submissions for details on these matters.

10. Do you have data to indicate the levels of THC in current hemp food products? Is it likely that hemp foods could be produced to comply with lower maximum levels of THC?
If follows that since Industrial Hemp seeds do not contain THC, Hemp foods produced from these seeds will comply with low or lower THC levels.

11. Would additional processing costs be incurred in order to achieve lower THC levels in hemp foods.
The existing Industrial Hemp industry is keenly aware of the need to produce and use top quality seed with low or lower THC levels. Therefore those varieties currently available already meet the regulatory requirements of government, and so no costs over and above those factored into current accounting practices will be necessary.

Section 8.2.1
12. FSANZ seeks advice on the number of hemp licenses and hemp businesses in Australia and New Zealand to better calibrate the market potential.
State Departments of Commerce and Primary Industries holds the answer to this question. Various state Departments such as the Western Australia Department of Agriculture and Food, have prepared reports on the growing of Industrial Hemp in their states. (**See Sources**)
The NSW Parliament Hansard Report contains many examples of Members of Parliament speaking in favour of an Industrial Hemp industry in the state of NSW. **(See Sources)**

13. FSANZ seeks advice on other cost items that might influence the analysis.
Cost factors that might influence the market potential of Hemp as a food are matters that farmers address every day. Their capacity to make informed judgments is improved when there is certainty that markets can be opened up and there will be buyers within the production chain. The cost of uncertainty is often sufficient to keep growers out. The reality is chicken and egg, but without a market there can be no supply. It is important that the FSANZ recommendations do not stifle what could and should be for Australia, a flourishing Industrial Hemp industry (Please refer to my previous Submission).

14. FSANZ seeks advice on possible entry barriers to a hemp food market.
It is possible that some countries with existing and expanding Industrial Hemp food manufacturing industries could move to protect their domestic markets. This is yet another reason for Australia to embrace this crop and develop its own domestic base products from which it can build a viable and competitive export market.

In conclusion.

In a letter to: *the Honourable Speaker and Members of the House of Representatives,* Mr Brett Elliott calls on our elected representatives *to approve A1039 and implement FSANZ recommendations for the variation to Standard 1.4.4 – Prohibited and Restricted Plants and Fungi to permit the use of processed hemp seed products as a food.*

He goes on to write: *The Australian government currently denies the public access to a harmless, natural, nutrient rich food that is legal and readily available in nearly every other country in the world,*

including Canada, the United States, China, South East Asia, all of Europe and Japan. These countries freely enjoy a range of Hemp seed based products including milk, health bars, salad oils, non-soy tofu, non-dairy cheeses, breads, and other baked foods.

FSANZ concurs with ruling bodies around the world that this is a natural, healthy food. In light of this fact, the government has no right to deny Australians access.

As noted in my first submission: An opportunity for greater crop diversity within the agriculture sector and increased product choice within the retail sector is being denied. The reasoning behind this ban does not stack up, when measured against the social, ecological and economic benefits that would be derived from permitting the production and sale of Hemp as a Food in Australia.

The safeguards that have been found to work in other parts of the world can easily be transferred to the Australian situation. As a consequence:

- there need be no further obstacles to approving Hemp as a food and
- there need be no further barriers to approving Australian farmers as responsible growers of Industrial Hemp for seed production.

Stuart Carter

February 2012

Sources:

- Ecofibre Industries: http://www.ecofibre.com.au/
- FSANZ: http://www.foodstandards.gov.au/foodstandards/
- Industrial Hemp Association of Victoria: http://www.hempvictoria.org/
- North American Industrial Hemp Council: : http://www.naihc.org/hemp_information/content/hemp.mj.html
- Institute of Natural Fibres and Medicinal Plants, ul. Wojska Polskiego 71B, 60-630 Poznan, Poland K.Heller, M. Strybe, Flax & Industrial hemp valuable plants for agriculture and industry, http://www.crops2industry.eu/images/pdf/poznan/8a%20Heller%20Strybe%20flax.pdf
- Parliament of New South Wales, Full Day Hansard Transcript (Legislative Assembly, 14 May 2008, Corrected Copy) HEMP INDUSTRY BILL 2008
- http://www.parliament.nsw.gov.au/prod/parlment/hanstrans.nsf/V3ByKey/LA20080514
- Western Australia Department of Agriculture and Food, An information paper on industrial hemp (industrial cannabis), by Mark Holland
- http://www.agric.wa.gov.au/objtwr/imported_assets/aboutus/as/information_paper_2008.pdf