

LOW-THC HEMP AS FOOD

The Australia New Zealand Food Standards Code (the Code) was recently amended to allow food produced from low delta 9-tetrahydrocannabinol (THC) hemp to be legally sold in Australia and New Zealand. These amendments came into effect on 12 November 2017.

From 12 November 2017, hulled hemp seeds from low-THC plants and food derived from hemp seeds, such as hemp seed oil, flour, protein powder or mixed foods will be legally available for sale and consumption in NSW.

This decision followed extensive research which identified that there were no food safety or public health risks associated with low-THC hemp food products, provided they meet the requirements of the Code.

The requirements of the Food Standards Code

All low-THC hemp seed food products must comply with the provisions contained in Standard 1.4.4 of the Code. The Standard includes mandatory limits on the levels of THC and cannabidiol (CBD) in hemp food products, and restrictions on the marketing and labelling of these foods. Further details are outlined below.

Cannabis sativa seeds may be a food for sale or used as an ingredient in a food for sale only if each of the following conditions are met:

- The seeds are of a Cannabis sativa plant, the leaves and flowering heads of which contain no more than 1% THC
- The total combined amount of THC and delta 9-tetrahydrocannabinolic acid in the seeds does not exceed 5mg per kg of seeds
- The only cannabinoids present in the seeds are naturally occurring in or on the seeds
- If for retail sale – the seeds are non-viable and hulled (that is, the outer coat has been removed).

Hemp food **cannot** be labelled in any way that:

- suggests or implies a psychoactive effect
- includes a nutrition or health claim about CBD
- contains an image of any part of the hemp plant other than seed
- includes the words cannabis or marijuana or words with similar meaning.

In addition, producers of hemp food products must also comply with the broader requirements of the [Food Standards Code](#), including:

- Part 1.2 Labelling and other information requirements,
- Standard 1.4.4 – Prohibited and restricted plants and fungi

- Part 3.2 Food Safety Requirements.

A food recall plan must also be in place in the event something goes wrong and a product needs to be recalled.

What parts of the low-THC hemp plant can I use?

Only the hulled seed of the low-THC hemp plant can be used to produce low-THC hemp seed foods. Hulled seeds are non-viable and therefore not able to germinate if planted. Low-THC hemp seed foods cannot be fortified or produced with any other part of the low-THC hemp plant, including the leaves, stems or flowering tops.



Who is responsible for monitoring the production, import and sale of low-THC hemp food products?

The NSW Food Authority is responsible for ensuring that low-THC hemp seed foods produced or manufactured in NSW comply with the Code.

The Commonwealth Department of Agriculture and Water Resources (DAWR) is responsible for ensuring that low-THC hemp seed food products imported into Australia comply with the provisions of the Code.

Surveillance and monitoring of low-THC hemp seed food products in the marketplace is being coordinated nationally.

Can I grow low-THC hemp plants?

Cultivation of the low-THC hemp crop in NSW is controlled by a licensing scheme, managed by the NSW Department of Primary Industries (see <https://www.dpi.nsw.gov.au/agriculture/broadacre-crops/summer-crops/hemp/nsw-hemp-industry>)

More information

- visit the Food Authority website at www.foodauthority.nsw.gov.au/industry
- contact the Helpline on 1300 552 406 or at food.contact@dpi.nsw.gov.au
- visit the Food Standards Australia New Zealand (FSANZ) website at www.foodstandards.gov.au to access the Food Standards Code

- download the NSW Food Authority *Manufacturing and Wholesale Inspection Program Information Pack* at http://www.foodauthority.nsw.gov.au/Documents/industry/MWIP_information_pack.pdf
- visit the import section of the DAWR website at <http://agriculture.gov.au/import/goods/food/notices/ifn-15-17>

About the NSW Food Authority: The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

Note: This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).