

Guide for food businesses

Sale of low THC hemp seeds as food

Sale of low THC hemp seeds food to consumers – what can I sell?

The new standard permitting the sale of low delta-9-tetrahydrocannabinol (THC) hemp seeds as food comes into effect on **11 November 2017**¹. The Australia New Zealand Food Standards Code (the Code) was amended on 11 May 2017 to allow food produced from low THC hemp seeds only, to be sold legally in Australia and New Zealand. The Code is available at the Food Standards Australia New Zealand website: www.foodstandards.gov.au.

Businesses can sell low THC hemp food for human consumption made from **hulled (non-viable) hemp seeds and food products derived from the seeds of low THC plants** including hemp seed oil, flour, protein powder and mixed foods. Compliant foods will have low, almost negligible levels of total THC. The permitted level of total THC varies according to the type of food sold (see Table 1).

Table 1: Low THC foods and maximum permissible THC

	Hulled hemp seeds (also called hemp hearts) Maximum: 5 mg total THC per kg
	Hemp seed oil (made from hulled and/or unhulled seeds) Maximum: 10 mg total THC per kg
	Hemp protein powder/hemp flour (made from hulled seeds) Maximum: 5 mg total THC per kg
	Hemp baked goods (such as cookies, muesli bars, muffins) Maximum: 5 mg total THC per kg
	Hemp beverages (such as smoothies, dairy substitutes) Maximum: 0.2 mg total THC per kg

Businesses that can sell low THC hemp foods

Premises that process, manufacture, wholesale and/or retail low THC hemp seeds as food are treated as any other food premises registered under the *Food Act 1984*. Below are examples of premises types:

- Class 4: wholesaling of hulled seeds and sale of pre-packaged products.
- Class 3: pressing oil from unhulled seed, grinding hulled seeds to flour/protein powders, sale of unpackaged low risk hemp food. Some producers of oil may be regulated by the Department of Economic Development, Jobs, Transport and Resources.
- Class 2: sale of hemp foods such as smoothies, for example a milk smoothie with hemp seed powder added.

¹ <http://www.foodstandards.gov.au/code/changes/gazette/Pages/AmendmentNo169.aspx>

Low THC plant and seeds – what can't I sell?

The amendment to the Code **only allows** the sale of hulled low THC hemp seeds and food produced from these sources. The sale of leaves, flowers or foods derived from low THC plants such as teas from the leaves and unhulled seeds are **not permitted** (see Table 2).

Table 2: Low THC hemp products not permitted for sale

	Whole hemp seeds are not permitted to be sold as food directly to consumers
	Hemp flowers and leaves are not permitted to be sold as food to consumers

Frequently asked questions

Q: Can I purchase hemp food products from any variety of hemp plant?

A: Only hemp from the *Cannabis sativa* plant can be legally used to produce food for sale in Australia and New Zealand.

Q: Are there restrictions on the labelling and other forms of communication about my low THC hemp food and, if so, what are they?

A: Yes, there are restrictions prescribed in the Code that are intended to provide a clear distinction between low THC hemp foods and illicit cannabis products.

- You **cannot** represent a hemp food product expressly or imply it as having a psychoactive effect.
- The food label **cannot** have a nutrition content claim or a health claim about cannabidiol.
- You **cannot** use an image or representation of any part of the *Cannabis sativa* plant (including the leaf). Only images of the hulled seeds are permitted
- You **cannot** use the words 'cannabis', 'marijuana', or other words of similar meaning.
- You **can** use the word 'hemp' on your product labelling and /or with other forms of communication.

Q: Does labelling only mean the label on the packet?

A: No, labelling, as defined in the Code, includes any label attached to the food or to its packaging, accompanies the food or is provided to a purchaser, or is displayed in connection with the food when its sold (this can include instore and online).

Q: Can nutrition content or health claims be made about THC or Cannabidiol (CBD) in low THC hemp food?

A: No, this is not permitted by the Code.

Q: Do these restrictions apply to just packaged hemp foods?

A: No, the restrictions apply to any hemp food for sale that consists of, or has an ingredient containing, legal hemp products, for example, hemp protein powder, a smoothie or a salad.

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