

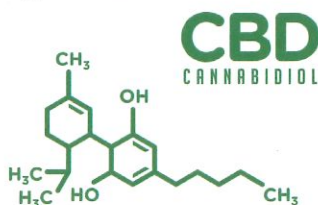


HFMA UPDATE

by Graham Keen,
Executive Director

Over all the years I have been associated with the HFMA, I have come to learn that the greatest opportunities for our industry are more often than not faced with regulatory and enforcement challenges in direct proportion to each other. The new 'next best thing' invariably comes under the spotlight, and that inevitably ends up attracting focus from the media, and when that happens, we see enforcement officials taking an even closer look.

You only need to look at the three most vibrant sectors for our members right now – children's products, turmeric/curcumin products, and CBD/cannabidiol/hemp oil products – and all three have garnered huge consumer interest and extremely buoyant sales. But in each case, the HFMA is having to mobilise to protect the future for all of these products. Over the last month, the landscape for hemp and CBD products has changed considerably and there is a real and present threat to their food supplement status.



Cannabidiol (CBD) is a naturally occurring constituent of the hemp plant (*Cannabis sativa*). As a result of huge media and consumer interest in CBDs, there has been an influx of CBD products onto the UK market, some of these labelled and marketed inappropriately by new start-up companies that have not sought the advice and guidance they needed to bring products to the market in an appropriate way.

Companies are constantly being reminded by us that they are solely responsible for the legality of their product, and great care

The next best thing

should be taken in the labelling and marketing of CBD products which, when presented under food law, cannot make medicinal claims in the absence of a marketing authorisation from the MHRA. The regulatory environment surrounding the marketing of CBD products is complex, and the lack of clarity means that particular care and attention is required. The CBD-containing ingredient should be derived from a variety of *Cannabis Sativa L.* registered in the EU's Common Catalogue of Varieties of Agricultural Plant Species, and any extraction should follow traditional practices. The level of the controlled substance, tetrahydrocannabinol (THC), should not exceed 0.2 per cent in industrial hemp (the raw material from which CBD is derived).

However, our concerns have been heightened over recent weeks because of a mooted change to the 'Novel' status of CBD in the EU, and the fact that the Novel Food Catalogue entry covering CBD products has been recently updated. The original entry for 'Cannabidiol' has essentially now been deleted, and it then forwards the reader on to the main entry for 'Cannabinoids', which now includes the statement: *'Without prejudice to the information provided in the novel food catalogue for the entry relating to Cannabis sativa L., extracts of Cannabis sativa L. and derived products containing cannabinoids are considered novel foods as a history of consumption has not been demonstrated. This applies to both the extracts themselves and any products to which they are added as an ingredient (such as hemp seed oil). This also applies to extracts of other plants containing cannabinoids. Synthetically obtained cannabinoids are considered as novel.'*

So, the key question is whether this now makes all CBD products Novel? We are currently investigating this but our thinking



so far suggests that this could have major implications. This European Commission U-turn on the classification of CBD products as novel foods in its non-binding Novel Foods Catalogue is mystifying and causing extensive confusion and concern amongst retailers and manufacturers, who have been legally making and selling CBD-based products for several decades.

Rather than consult food businesses on the presence of products on the market before May 1997, as would be expected, the Commission announced its new position on CBD as part of a general update to their Novel Food Catalogue. They have given no further explanation, do not appear to have consulted with stakeholders as they are required to do, and are seeking to apply what would in effect be a blanket requirement for approval, rather than considering products on a case-by-case basis, which is the required approach. The Commission has given no detail in support of its new classification and as well as seeking a solution for UK manufacturers and retailers based on the facts, including the historic use of these products, we are urging that the Commission be pressed for a detailed explanation for this change to the Novel Food Catalogue, and why industry has not been consulted.

We have been meeting with the Food Standards Agency (FSA), the UK's competent authority in this area, and we will continue to have discussions with them on this issue. It was good to hear from them that

the FSA does not intend to take unnecessarily proactive or pre-emptive action and will be taking a proportionate approach going forward. Hemp and hemp-derived products have been used in tinctures and infusions for hundreds of years and only last year the WHO concluded in an authoritative *Critical Review Report* that CBD is safe and that there is absolutely no evidence that its consumption creates any public health-related problems.

The HFMA has produced a helpful checklist that companies should consider when marketing CBD products. In food supplement form, aside from the specific rules relating to CBDs, the general requirements for marketing CBD products are no different from the rules that apply for any other food supplements, and consideration must therefore be given to the requirements of the Food Supplements Directive, Nutrition and Health Claims Regulation and the Food Information to Consumers Regulation. The HFMA's CLEAR CHECK service can offer help, advice and guidance to companies currently marketing CBD products, or considering entering the market. **hfb**

To help us in our efforts to protect this industry and benefit from the gold-standard advice we provide, join the HFMA at the earliest opportunity. To learn more about our activities, please contact me at graham@hfma.co.uk.

HFMA membership is vital to ensure that your company keeps abreast of the fast-changing regulatory environment. The HFMA is the UK's best source of information and most effective defender of our industry's interests. To help the HFMA defend your business at this most critical time contact hfma@hfma.co.uk or call 020 8481 7100.

