cannabis trades association

17th September 2024

Industry questions for the ACNFP regarding agenda for the 18th September 2024 for the 168th Meeting of the ACNFP

The CTA has been asked by our industry members to pose the following questions to the ACNFP Committee meeting tomorrow, for their consideration, comments and timely written response. The questions are as follows:

1. General Approach and Fairness

a. **Transparency in decision-making:** How does the ACNFP ensure fairness and transparency in its decision-making process? Particularly when the entire industry is being held accountable on a single product type (isolate) and the ADI of 10mg/adult/day is based on a single isolated product and therefore cannot be directly compared to full spectrum or distillate CBD foods or data sets?
b. **Fair process:** Why is it that specific companies appear to benefit more from referencing the ADI than others? By promoting this data set over other data sets appears to outsiders that the ACNFP is operating unfairly.
c. **Selective vs. blanket application:** How does the ACNFP respond to concerns about unfair market advantages when certain companies, like Cannaray, appear to have more direct regulatory guidance while others must navigate the Novel Food process independently?
d. **Hypocrisy issues.** The industry asked to reference a central application (e.g. EIHA) core data to cross reference against individual dossier data. This was not permitted by the FSA Novel Food process. The industry was told that each application would be judged on its own merits and own data. How then can an ADI of 10mg be set disregarding all other data indicating safe limits of ADI much higher than the ADI being applied using a single data set across the entire industry whilst ignoring all other evidence?

2. Scientific Justification

a. **Scientific basis for ADI:** What specific scientific studies or evidence has the ACNFP used to establish the 10mg ADI for CBD? Can the committee provide a detailed rationale for how this limit was reached? Our minimum requirement for the data would be Study Summaries and Conclusions. Can the ACNFP please provide this to dossier holders?
b. **Adjustments based on individual variability:** Given that individuals metabolise CBD differently based on weight, health conditions, and other factors, does the ACNFP plan to introduce more flexible ADI limits in the future?

3. Application Process and Reference Concerns

a. **Central application feasibility:** Has the ACNFP considered implementing a centralised application process in the future to streamline compliance and ensure that all companies, regardless of size, have equal access to regulatory resources?

b. **Inconsistencies in enforcement:** Without a centralised application process or shared core data to cross reference against individual data sets in Novel Food dossiers, how does the ACNFP

guarantee consistent enforcement of their determinations across the industry? What steps are being taken to avoid discrepancies?

c. **Clarity on ADI as an 'advisory':** The ACNFP refers to ADI as Acceptable Daily Intake, it is an advisory notice not a regulation. It is unreasonable for either the ACNFP or the FSA to apply ADI as though it were regulation.

4. Consumer Protection and Public Perception

a. **Consumer education on ADI:** How does the ACNFP plan to educate consumers about the ADI for CBD products? Surely a consumer taking more than the 10mg ADI of a given CBD product could be advised to 'take a break from usage' to allow excretion after a period of time? Could this be an alternative approach to dealing with larger daily portions than a 'blanket ADI' across ALL CBD foodstuffs?

5. Future Considerations and Long-term Planning

a. **Long-term strategy for ADI adjustment:** What is the ACNFP's long-term strategy for revisiting and potentially adjusting the ADI as new research data emerges? Is the committee open to revising its stance and settling ADI in CBD products as an ACNFP Agenda topic annually?

We look forward to your detailed response.

Sincerely,

Marika Graham-Woods
Managing Director.