



CTA Response to FSA Consultation 'Correcting references in the Food Safety Act 1990 and Food Standards Act 1999'

Dear Directors and Section Heads of the Foods Standards Agency,
The Cannabis Trades Association and CBD Industry Members welcome this Consultation.

Background:

The EU withdrawal Act 2018 created a body of law known as the REUL (Retained EU Law) as applied in the UK on Dec 31st 2020. And would be 'assimilated' into UK Law on 1st January 2024. The CBD industry accepts that nomenclature will be varied under secondary legislation in 2025.

The questions posed by the FSA in relation to this Consultation are:

1. Do you have any comments on the proposed changes to the Food Safety Act 1990 and the Food Standards Act 1999?
2. Do you have any comments on the proposed approach to correcting references in the Food Safety Act 1990 and the Food Standards Act 1999?
3. Do you have any comments on the proposed transitional arrangements?
4. Do you have any other comments on the proposed changes?

In our formal response, we have addressed these questions as follows:

1. Comments on the Proposed Changes:
 - o We acknowledge the necessity of updating the Acts to reflect current regulatory frameworks.
 - o However, we express concerns about potential implications for the CBD and hemp industry, particularly regarding Novel Food applications for CBD.
2. Approach to Correcting References:
 - o We support the correction of outdated references to ensure legal clarity.
 - o We recommend that such corrections do not inadvertently introduce stricter requirements for the CBD food sector, as the sector has shrunk by 50% as a result of the FSA Novel Food process.
3. Transitional Arrangements:
 - o We emphasise the need for clear guidance on how ongoing and pending Novel Food applications will be managed during the transition.
 - o We advocate for a grace period to allow businesses to adapt to any new requirements.



4. Additional Comments:

- We urge the FSA to engage in continuous dialogue with industry stakeholders to ensure that the amendments support both consumer safety and industry growth.
- We highlight the importance of risk and proportionality in implementing changes to avoid unnecessary further burdens on businesses.

These responses aim to ensure that the proposed legislative amendments are implemented in a manner that maintains consumer safety while supporting the viability and growth of the CBD and hemp industry.

The FSA should set itself to be the international lead for the treatment of consumer CBD, but at a minimum the UK should ensure it equals or better the levels of cannabinoids including full plant products to permit UK companies to export and earn tax revenues for the exchequer.

The CBD Industry general view regarding this Consultation is this:

It is time for the FSA to create its' own UK regulatory framework which protects consumers whilst not being a regulatory burden or excessive cost to the FSA or industry in performance of its regulatory duties.

Further regulation or amendment to regulation should seek to reduce regulatory burden and cost to the FSA and taxpayers.

Further regulation should seek to reduce further damage to the CBD industry under existing food regulation and the Novel Food process, and to speedily release CBD companies from the Novel food process. To date over 50% of UK CBD companies have closed as a result of the Novel Food process.

An open and transparent interchange between industry and the FSA should exist. The unintended consequence of applying Novel Food process to CBD has resulted in extremely negative consequences for the UK CBD sector as outlined in the CTA Response (dated 5th December 2024) to the FSA paper 'CBD Novel Food Applications' dated 28th November 2024 by Thomas Vincent.

The industry supports regulatory developments as a result of this Consultation, and we would like the FSA to consider the following course for Novel Food products and CBD within these regulatory changes.

At the heart of our recommendations is to achieve easing of regulatory burdens, costs and damage to the CBD sector, by permitting regulated compliant CBD manufacturers and brands to be swiftly released from the FSA Novel Food process to go about their lawful business.

- a) The CTA advocates Licencing CBD and Novel Food producers, so revenues can be generated for the FSA, and non-licensed companies CBD products removed from sale.
- b) Place consumer safety risk on the Licensees, with the FSA ONLY stepping in should consumer safety be compromised. This eases industry & regulatory burden whilst protecting consumers.



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The Hemp Trades Association (trading as the Cannabis Trades Association UK) is a not for profit company limited by guarantee without share capital in England and Wales No. 10472540 incorporated in November 2016.

- c) FSA Licencing permits the Novel Food and CBD producers and suppliers to manage their own supply chains and quality of consumer product within regulated consumer safety parameters, and packaging guidelines set out by the FSA.
- d) Clear and transparent guidelines for consumer safety to be set by the FSA for a range of CBD products: Eg. levels of pesticides, heavy metals and other contaminants for Novel Food CBD consumer products by CBD Product Type eg gummies, chocolate, full plant extracts etc.
- e) The Home Office has given the FSA clear guidelines on acceptable, non-intoxicating levels of THC in CBD as a foodstuff. The FSA should use these to set absolute `Maximum Levels' of THC for consumer CBD, in line with international standards and science already amassed regarding CBD and consumer intoxication and health outcomes. Beyond this maximum level, THC ingested products are designated medicines and regulated by the MHRA and Home Office.
- f) It is not sensible for the FSA to exclude Full Plant (full spectrum) CBD products by only Licencing isolated synthetic CBD with negligible levels of THC present as this negates consumer choice where UK consumers prefer a natural CBD product with naturally occurring low levels of THC, and other cannabinoids.
- g) Better to take up the Home Office recommendation for THC and apply this as an absolute `Maximum Permitted level' for ingested consumer foods, permitting a wide choice of safe, licenced and regulated CBD foods for consumers.
- h) The Licenced CBD industry will be required to print ADI notification and consumer safety notices on CBD food packaging.
- i) The FSA will share packaging and product regulation guidelines with retailers and consumers. The CBD industry will ensure retailers and consumers are educated on CBD as a foodstuff and Licencing will ensure companies are regulated and compliant with Food Law and FSA regulations,
- j) A system for reporting problems with consumer products directly to the FSA already exists and is already in use. This can be used for CBD products and shared widely with consumers by licenced CBD companies.

Finally, it is not in the interests of the CBD industry to NOT wish to comply with regulation and licencing. The CBD Industry merely requires the FSA to create a framework for CBD Foodstuffs that industry can adopt and implement without further crushing delay resulting from the complete failure of the Novel Food process to support industry or protect consumers.

The Cannabis Trades Association CTA stands ready for open dialogue with the FSA and other Regulators, and we hope that we offer a clear perspective on behalf of the hemp and cannabis sectors including CBD.

Yours truly,



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