

Wednesday, 06 March 2019

## **CTA Position remains unchanged on Cannabidiol as a Novel Food**

Following a meeting between the Cannabis Trades Association and the Food Standards Agency, the Board of Directors CTA release the following statement:

“After many phone calls with FSA the CTA finally met again on the 4<sup>th</sup> of March. In attendance were Alison Asquith and Karen Todd from the novel foods team. Tom Whettem, Mike Harlington and Robert Jappie (legal representative from Mackrell Turner Garrett) attended for the CTA.

“We feel it’s fair to say that the FSA seem to be quite misinformed around standard industry practices and accept that they are not conversant with how members products are manufactured. The general impression is the production of CBD oil is achieved through the addition of CBD isolate to a carrier oil. It was not previously understood that CBD oil is created using a full plant extract that is diluted.

“It was not contested by the CTA that isolated individual cannabinoids should be novel. It was also confirmed by the FSA that it was not the extraction process that was considered novel. What was agreed by both parties is that there is a significant amount of doubt by the FSA as to what constitutes a product containing CBD that would fall within the scope of Novel Foods.

“In principle it can be assumed that based on their understanding, it would only be products that are enriched with isolated CBD that would be novel. Which is the position we have presented for almost 2 years now.

“We also agreed that the threat of enforcement was not conducive to business in general and that the FSA were required to give an official statement. We also told them that we, as stakeholders were required to be consulted on that statement.

“It was agreed that any action would be proportionate and not hinder the economic activity of the industry but would address their primary remit of protection of consumers. When asked for information on any concerns they have or had been reported to them about CBD products



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currently on the market. There were none. As such it can be assumed that in the absence of any direct concerns and in line with a proportional approach to enforcement, that any enforcement action would be unlikely.

“The FSA HAVE NOT as yet released any statement no matter what any other organisation states, any suggestion that there would be an 18 month grace period where enforcement would not take place was not confirmed as accurate.

“We as the CTA are concerned that this almost new team in Novel Foods haven’t referenced the material evidence we presented to them almost 2 years ago, and further to that have reneged on the agreement reached in January 2018 regarding the issues of isolates in foods.

“While we do appreciate that FSA have a difficult job to do, we also required them to provide us a legal definition on their decision and they could not do so. They have just as much duty to provide that information to us as an industry as we have to them.

“Our position remains unchanged. Our Members products remain legal, will not be removed from sale, and, as the largest association of our kind in the world, any member receiving unlawful requests from any Trading Standards or Food Standards officer suggesting their products are not fully legal will be met with a direct legal response to the local authority as soon as our member makes us aware. We still say do not stop selling, do carry on, continuing to engage positively with Food Safety and Trading Standards officers, but the second you have any issues, please inform us so we can help you. You have the support of the CTA.”

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