

## WHY SELF-REGULATION OR REGULATION THROUGH QUASI-TRADE BODIES/ASSOCIATIONS/GROUPS WILL NOT WORK

The Food Standards Authority of Ireland has published a Report identifying the CBD Regulations applicable in the Irish Republic and containing the results of their analysis of 38 products being sold on the Irish market. The analysis results found by the FSAI are very similar to those found by a similar study of UK products undertaken by the Centre for Medicinal Cannabis (CMC) and published in a report the Summer of 2019.

Elements of the industry criticized the CMC Report as being promoted by a “Pharma-based” organization and sought to undermine its results and conclusions. Time will tell what attack, if any, is made against the FSAI’s findings.

At **The Canna Consultants** we believe that the results of both surveys demonstrate what has been clear to us throughout the life of this industry: that self-regulation does not work. One of the reasons is that governments (through local Trading Standards or the relevant investigative authorities) do not have the resources to police the self-regulatory system currently in place, especially when elements seem intent on avoiding all reasonable requirements aimed at ensuring product safety, product consistency and respecting the consumer.

Presently, at least three separate industry groups contend for the introduction of a system under which it is those very same groups who will each accredit/certify/sanction the compliance of “their” market participants, with each group supported in its aims by its very own membership. Where it is contended to be so, we are not convinced by any suggestion that the proposed certification entity is autonomous from the linked industry group which provides the vocal support for the entity in the first place.

Moreover, the public positions of some of those industry groups has, until recently at least, been to ignore the legal assessment of the statutory regulator in respect of Novel Foods, and continues to be to ignore all regulators in respect of the permissible THC (and other controlled drug) content in CBD products. One is forced to ask: “*Who will guard the guards themselves?*”

One thing that “*the guards*” do not appear to be doing is thoroughly investigating and researching the supply-chain, the products and the marketing of their applicants (for which read membership), because from what we have had presented to us and experienced within the proposed accreditation process, the applicant will actually self-certify the quality of their own products and accuracy of their claims. We observe only this: how well self-certification improved the integrity of statements made by mortgage applicants.

## **TO BE THE BEST YOU NEED THE ENGAGE THE BEST**

At **The Canna Consultants** we consider that what is required is the assessment of a company and its products by a truly independent third party, who will be able to issue a report:

- Identifying where compliance with all laws is achieved;
- Where compliance with all laws is not achieved, identifying such failings as there are and advising upon how they can be corrected so as to achieve compliance;
- Advising where acceptable compliance could be improved so as to achieve the best possible levels of practice and quality within the industry.

The report can then be provided to the regulatory authority, either as a matter of course or upon the conduct of a regulatory inspection, presenting them with an independent, third-party assessment of the subject business and providing a detailed and contemporaneous explanation of the company's compliance with all regulatory requirements.

Furthermore, should the company so wish, it would be free to publicise the contents of the report in marketing material and/or make the whole/sections of the report available for public inspection in order that potential customers would have the ability to see the independent assessment of compliance.

## **THE FUTURE**

It remains to be seen whether this is a structure that will be demanded by the regulatory authorities, but it is certainly a structure which market participants looking to the future are pursuing when they engage with **The Canna Consultants**.

Whatever your position in the supply-chain and the market, **The Canna Consultants** have the experience and knowledge to work with you and drive your business to the next level:

- [Regulatory Compliance Check.](#)
- [Achieving Regulatory Compliance.](#)
- [Achieving Best Practice.](#)
- [Future Regulatory liaison.](#)
- [Manufacturing Consistence Assessment.](#)
- [Due Diligence Assessments.](#)