

WHAT IS A CONTAMINANT LEVEL?

We return briefly to a fundamental topic which we have written about before – in both 2019 and 2020: If THC is not permitted in products, to what level of precision is the product to be examined to establish the THC level?

We have previously expressed ourselves as follows (emphasis now added):

- *What level of THC is “detectable” for the purposes of examination and testing and the Misuse of Drugs Act 1971, because in principle virtually everything is detectable if your equipment is sufficiently capable, and culpability for criminal liability should not rest with who has the best/newest/most capable testing machine?*
- ***The regulatory authorities in the UK have not yet provided any advice on what is a “detectable” level of THC. The government needs to engage with the industry in order to help those market participants who are willing to truly engage with them to better define what conduct and product formulae are acceptable. Equally, the industry needs to take responsibility for complying with the law.***
- ***As a means of progress, we encourage the government, through the auspices of the FSA and Home Office, to define what an acceptable detectable level of THC in products is, pursuant to which manufacturers will then have a maximum tolerance to remain within.***
- *We know that due to the feeding of hemp biomass to cattle we now have what is, unless the practice is prohibited, an effectively permanent contaminant level of THC within milk and the onward food-chain. Therefore, it would seem that an argument that there can be no acceptable level of THC contamination in food products, would be an academic one.*
- ***If that is correct, then one could suggest that a sensible approach would be to then define what an acceptable level of controlled cannabinoid presence (THC/CBN) could be in foodstuffs generally, or in cannabis-derived products specifically.***

- ***Given that no-one seriously believes that individuals consume cannabinoid products which contain technically measurable, but pharmaceutically insignificant amounts of controlled cannabinoids (THC/CBN) in order to achieve psychoactive results, then one could quite properly define them as “residues” of the natural origin of the end product or undesired “contaminants” to that product.***
- ***To do so would not offend food law and regulation and if agreement could be found for the level at which acceptability was defined, then it is unlikely to have unintended consequences for those government departments charged with the control and eradication of narcotic drugs. The question within this debate would be – what is an “acceptable” level below which the presence of “controlled cannabinoids” could be deemed an acceptable contaminant?***

We can indicate that we anticipate that there will be some further news on this topic in the very near future – a matter which will be highly relevant to those market participants who are currently going through the Novel Food authorization process. If you would like to have direct access to our industry insight so that your NF Dossier is Validation-compliant, then feel free to make contact with us.

Remember what we always say: Be Careful Who You Listen To.