

**From:** section 38(1)(b)@food.gov.uk  
**Sent:** 09 April 2019 11:05  
**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk  
**Cc:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk  
**Subject:** Update to novel foods page re: CBD

Hello,

Just for information - I wanted to let you know that we've made a minor update to the FSA website for novel foods regarding CBD <https://www.food.gov.uk/business-guidance/novel-foods> It now includes a statement as follows:

'The FSA accepts the clarification from the EU that CBD extracts are considered novel foods. We are committed to finding a proportionate way forward by working with local authorities, businesses and consumers to clarify how to achieve compliance in the marketplace in a proportionate manner.'

The Welsh translation should also be updated today but please do raise if there is a delay.

Best regards

*section 38(1)(b)*  
*section 38(1)(b), Radiological, GM, Novel Foods and Feed Additives Team*  
Food Standards Agency, Clive House, 70 Petty France, Westminster, London, SW1H 9EX  
section 38(1)(b)  
[www.food.gov.uk](http://www.food.gov.uk)

**From:** section 38(1)(b)@food.gov.uk  
**Sent:** 11 April 2019 11:55  
**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk  
**Cc:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk  
**Subject:** RE: CBD FAQs

Thanks section 38(1)(b), apologies I missed that email – just found it, still unopened amongst a raft of other emails.

I totally understand & will not provide any update on the issue to section 32(1)(a) at this stage.

Regards

section 38(1)(b)|Standards and Dietary Health| Food Standards Agency in Northern Ireland  
10a-c Clarendon Road Belfast BT13BG | section 38(1)(b)

**From:** section 38(1)(b)@food.gov.uk  
**Sent:** 11 April 2019 11:49

**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk

**Cc:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk

**Subject:** RE: CBD FAQs

Hi section 38(1)(b),

That's no problem at all and I'm emailing round to keep everyone updated so there is no problem with not replying at all.

In relation to a decision on the way forward, I don't have a date for that I'm afraid. There are on-going discussions but I'm afraid I don't have an update on when we may get feedback.

I have produced the Smarter Comms article I sent round in order to update local authorities, to clarify that the considerations are around the next stapes (and not if CBD extracts are novel), and to get some data, but am awaiting sign-off before I can release that. Unfortunately with CBD attracting such attention it does mean that such communications are being signed off at a higher level than usual.

Apologies for the slow progress but I'll update you as soon as I have anything further

*section 38(1)(b)*

*section 38(1)(b), Radiological, GM, Novel Foods and Feed Additives Team*

Food Standards Agency, Clive House, 70 Petty France, Westminster, London, SW1H 9EX

*section 38(1)(b)*

[www.food.gov.uk](http://www.food.gov.uk)

**From:** section 38(1)(b)@food.gov.uk

**Sent:** 11 April 2019 11:42

**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk

**Cc:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk

**Subject:** RE: CBD FAQs

Thanks section 38(1)(b),

apologies that I haven't responded to any of your emails on this subject of late – engaged in other areas I'm afraid.

Can I just clarify whether there are any plans to issue a communication to LAs and IPs any time soon, outlining our position on this area?

I have a meeting with the NI Food Standards and Food Fraud subgroup next week and would like to know whether we can share our policy position on this with them.

Thanks

section 38(1)(b)|Standards and Dietary Health| Food Standards Agency in Northern Ireland

10a-c Clarendon Road Belfast BT13BG | section 38(1)(b)

**From:** section 38(1)(b)@food.gov.uk

**Sent:** 11 April 2019 10:13

**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk

**Cc:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk

**Subject:** RE: CBD FAQs

Hello,

Thanks very much for your input and please find attached the general FAQs and standard lines we're using from today. Obviously these will be updated as things change and I'll send round any revisions we do for your information.

Best regards

*section 38(1)(b)*

*section 38(1)(b), Radiological, GM, Novel Foods and Feed Additives Team*

Food Standards Agency, Clive House, 70 Petty France, Westminster, London, SW1H 9EX

*section 38(1)(b)*

[www.food.gov.uk](http://www.food.gov.uk)

**From:** section 38(1)(b)@food.gov.uk

**Sent:** 04 April 2019 11:46

**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk

**Cc:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk

**Subject:** RE: CBD FAQs

Hello,

Thanks for your additional FAQs previously and I've attached a draft of FAQs we plan to start using for enquiries.

Please can I have any comments by end of next Wednesday 10 April.

Many thanks

*section 38(1)(b)*

*section 38(1)(b), Radiological, GM, Novel Foods and Feed Additives Team*

Food Standards Agency, Clive House, 70 Petty France, Westminster, London, SW1H 9EX

*section 38(1)(b)*

[www.food.gov.uk](http://www.food.gov.uk)

**From:** section 38(1)(b)@food.gov.uk

**Sent:** 27 March 2019 11:31

**To:** section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk; section

38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk; section 38(1)(b)@fss.scot; section 38(1)(b)@food.gov.uk  
Cc: section 38(1)(b)@food.gov.uk; section 38(1)(b)@food.gov.uk  
**Subject:** CBD FAQs

Hello,

One thing I'm looking to do is to review our FAQs regarding CBD. As I know we've all been getting queries I wanted to ask if you have anything specific you think should be included? I'm thinking about contact from industry / Local authorities and consumers (although most contact I've found is from industry). If you have anything you'd like included please just ask, and I'll circulate once reviewed. I've included EU Exit and transition period questions as I want these to cover not just where we are now, but also any decision made. Initial questions we have are (although I've not reviewed these yet) – please add any you want to see:

- What is the FSA's role in implementing the novel food regulations?
- Can you spell out what type of products are covered?
- If there are no food safety concerns, why is this action being taken?
- What actions do manufacturers need to take to ensure they can continue to sell CBD products in the UK?
- Does this apply to internet sales as well as high street sales?
- If a history of consumption can be proved prior to 15 May 1997, will the transition period be lifted and food businesses allowed to sell CBD products?
- Have any CBD products been removed from sale since the novel food regulations were updated?
- What about CBD products which also contain THC?
- After March 2019 we may not be a member of the EU by then. Will the novel foods regulation still be in force?
- If novel food applications have already been made to EFSA, will these applications need to be made again within the UK after 29 March 2019?
- How will any transition period be enforced?
- If enforcement officers decide not to adopt any suggested transition period in their enforcement area, can businesses appeal the decision? How do they do that?
- Does this set a precedent for not enforcing other novel food products without due process for authorisation?

I also thought it would help (thanks section 38(1)(b) for the suggestion) if you had the standard lines we're using at the minute. Please feel free to use as appropriate:

- There has been a recent change to the Novel Food Catalogue which affects some Cannabidiol (CBD) products.
- Food businesses have not been able to show there was a significant history of consumption of these products in food and food supplements prior to May 1997 in the EU. Under the Novel Food Regulations these are now classified as being 'novel' and must be authorised before they are permitted to be placed on the market.

- We are considering the way forward in light of this change and are meeting with relevant industry representative bodies, local authorities and other stakeholders to clarify how to achieve compliance in the marketplace
- New foods or food ingredients without a history of consumption need to be evaluated and authorised before being marketed to ensure they are safe for consumers.
- We are progressing these discussions at pace and at a very senior level, but is important that due consideration is given to assessing the many issues in play. We will provide further clarification as soon as we are able and aim to do this within the next few weeks.

Finally, if I'm including you in this email and you feel it's not appropriate please just let me know as I don't want to clog your mailbox unnecessarily.

Many thanks

*section 38(1)(b)*

*section 38(1)(b), Radiological, GM, Novel Foods and Feed Additives Team*

Food Standards Agency, Clive House, 70 Petty France, Westminster, London, SW1H 9EX

*section 38(1)(b)*

[www.food.gov.uk](http://www.food.gov.uk)