

# Low THC hemp as food

The Australia New Zealand Food Standards Code (Food Standards Code) was amended in 2017 to legally permit the retail sale of hemp seed foods subject to a number of requirements.

South Australia allows for the use of low delta-9-tetrahydrocannabinol (THC) hemp seeds and hemp seed products as food under two pieces of legislation, depending on the type of hemp seed used. These are:

- > *South Australia Food Act 2001*: requires compliance with the Food Standards Code, including the direct sale of hulled and non-viable seeds and production/ manufacture of hemp seed products for food
- > *South Australia Industrial Hemp Act 2017*: possession and use of whole and viable seeds to produce/ manufacture hemp seed products

Businesses captured by the Industrial Hemp Act are required to be [licensed by the Department of Primary Industries and Regions \(PIRSA\)](#). Businesses that are licensed by PIRSA to possess and process whole viable seeds for food production are still required to notify their local council that they are operating as a food business and be and inspected for compliance with the Food Standards Code.

## Hemp as food and the Food Standards Code

Businesses can sell hulled low THC hemp seeds as food for human consumption and food products derived from the seeds of low THC plants including hemp seed oil, beverages, flour, protein powder and mixed foods. Compliant foods will have low, almost negligible levels of total THC. The permitted level of total THC varies according to the type of food sold and different South Australian legislative requirements apply depending on the type of seed used (see Table 1).

**Table 1**

Hemp Product	Information and permissible levels
<b>Hulled hemp seeds</b>	<ul style="list-style-type: none"> <li>• Also known as ‘hemp hearts’</li> <li>• Must be hulled and non-viable</li> <li>• Maximum total THC 5mg/kg; maximum CBD 75 mg/kg</li> <li>• The only type of seeds that may be sold direct to the consumer, or used by a food business as an ingredient without a licence issued by PIRSA</li> </ul>
<b>Hemp seed oil</b>	<ul style="list-style-type: none"> <li>• Can be made from hulled or whole seeds</li> <li>• Maximum total THC 10mg/kg; maximum CBD 75mg/kg</li> <li>• If making from whole seeds, the business must be licensed by PIRSA to possess and process the whole seeds</li> </ul>
<b>Hemp flour and hemp protein powder</b>	<ul style="list-style-type: none"> <li>• Can be made from hulled or whole seeds</li> <li>• Maximum total THC 10mg/kg; maximum CBD 75mg/kg</li> <li>• If making from whole seeds, the business must be licensed by PIRSA to possess and process the whole seeds</li> </ul>
<b>Hemp seed milk or other beverages</b>	<ul style="list-style-type: none"> <li>• Can be made from hulled or whole seeds</li> <li>• Maximum total THC 0.2mg/kg; maximum CBD 75mg/kg</li> <li>• If making from whole seeds, the business must be licensed by PIRSA to possess and process the whole seeds</li> </ul>
<b>Hemp seed as an ingredient</b>	<ul style="list-style-type: none"> <li>• For most businesses this will involve using hulled hemp seeds</li> <li>• Maximum total THC 5mg/kg; maximum CBD 75 mg/kg</li> <li>• If using whole seeds, the business must be licensed by PIRSA to possess and process the whole seeds</li> </ul>

## Prohibited hemp products

The Code only allows the sale of hulled low THC hemp seeds and food produced from low THC hemp seeds direct to the consumer. The sale of leaves, flowers or foods derived from low THC plants such as teas from the leaves are not permitted (see Table 2).

**Table 2 Low THC hemp products not permitted for sale**

<b>Whole hemp seeds</b>	Not permitted to be sold as a food directly to consumers
<b>Hemp flowers and leaves</b>	Not permitted to be sold as food

## Low THC plants and seeds

Hemp seed foods may only be legally sourced from low THC *Cannabis sativa* plants. *Cannabis sativa* is considered to be low THC if the leaves and flowering heads do not contain more than 1% THC. All other species of Cannabis plants are prohibited in food.

The amount of THC which is permitted in hemp seed foods is provided in the Food Standards Code. These limits are expressed in terms of total THC (mg/kg).

## Cannabidiol (CBD)

Only the very low levels of cannabinoids naturally present in or on seeds are allowed in hemp seed foods. This restriction prohibits the fortification of hemp seed foods with cannabinoids such as CBD.

The level of CBD in food for sale must not exceed 75 mg/kg. This limit was put in place to distinguish hemp seed food from medicinal cannabis products.

Oils with a high CBD content (CBD oil, CBD hemp oil, and cannabis oil) which are extracted from the flowers, leaves and stalks of *Cannabis sativa*, cannot be sold as food, and are considered a Scheduled 4 drug. Supply of Scheduled 4 cannabidiol containing medicines requires a prescription from a medical practitioner.

## Labelling, marketing and health claims

The Food Standards Code specifies the claims and representations that may be made about hemp seed foods. These requirements were introduced to prevent the marketing of low THC hemp seed foods in ways that could potentially indicate the acceptability of illicit cannabis, and to differentiate low THC hemp seed foods from medicinal cannabis.

- > You cannot represent a hemp food product expressly or imply it as having a psychoactive effect.
- > The food label cannot have a nutrition content claim or a health claim about cannabidiol (CBD).
- > You cannot use an image or representation of any part of the *Cannabis sativa* plant (including the leaf). Only images of the hulled seeds are permitted.
- > You cannot use the words 'cannabis', 'marijuana', or other words of similar meaning.
- > You can use the word 'hemp' on your product labelling and /or with other forms of communication.

These restrictions about the claims and representations which may be made about hemp seed foods are not limited to labels but also apply to advertising. Examples include any marketing information, website design and content, information that is displayed in conjunction with the food or accompanies the food, or advertisements.

## Grow, possess, process or supply viable hemp seeds for food

In South Australia, a licence is required to possess, cultivate, process or supply viable industrial hemp seed.

The Department of Primary Industries and Regions (PIRSA) is responsible for issuing licences under the *Industrial Hemp Act 2017* to authorise the possession, cultivation, processing and supply of industrial hemp seed. Licences are valid for 5 years unless cancelled or suspended earlier.

The licensing scheme allows industrial hemp cultivation and processing to occur under controlled conditions to manage any risks to drug law enforcement. A licence can only be issued to a fit and proper person with a lawful and genuine need for a licence. In addition properties must be deemed suitable and cultivation sites must not be less than 1 hectare.

Industrial hemp seed and fibre comes from cannabis plants specifically bred to have tetrahydrocannabinol (THC) levels of no more than 1%. The very low level of THC in industrial hemp plants means they have none of the psychoactive (mind altering effects) associated with cannabis varieties with higher THC levels.

The Licence Application Form is available from the PIRSA Industrial Hemp Licensing Unit and Guidelines for Licence Applicants are also available to help applicants with the application process. Phone 1300 799 684 or email [PIRSA.IndustrialHemp@sa.gov.au](mailto:PIRSA.IndustrialHemp@sa.gov.au)

### More information

SA Health:

[Food and Controlled Drugs Branch](#) via [healthfood@sa.gov.au](mailto:healthfood@sa.gov.au) or 8226 7100.

PIRSA:

[Industrial Hemp Licensing Scheme](#) via [PIRSA.IndustrialHemp@sa.gov.au](mailto:PIRSA.IndustrialHemp@sa.gov.au) or 1300 799 684

[Food Standards Code](#) :

Standard 1.4.4 Prohibited and restricted plants and fungi

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### For more information

**Food and Controlled Drugs Branch  
Health Protection and Licensing  
11 Hindmarsh Square  
Adelaide SA 5000**  
[www.sahealth.sa.gov.au/foodsafety](http://www.sahealth.sa.gov.au/foodsafety)



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