



A Guide to Hemp Seeds as Food

– What’s allowed for food use and how to label it

You need to know what’s allowed for food use if you are a:

Importer – person who brings hemp seeds and product containing hemp seeds into New Zealand for sale, or

Grower – person who grows industrial hemp for food use, or

Manufacturer – person who makes/sells hemp seeds and product containing hemp seeds, or

Exporter – person who exports hemp seeds, or

Retailers – person who retail sells hemp seeds or product containing hemp seeds, or

Anyone else who handles whole hemp seeds e.g. operators of storage facilities.

Why should you read this?

This guide helps you to know:

- What hemp seeds or hemp seed products are allowed as food.
- What rules need to be met (some are unique to hemp seeds as food) to import/grow/process/manufacture/store/transport/sell/export hemp seeds as food.
- How to meet these rules.
- Where to find guidance on what information you need to include on your label.

Icons used in this guide:



Think, some key things to notice or remember.



Think, this is not allowed.

Why is this important?

Your product could be recalled, or you could be fined, if you:

- Use any part of the industrial hemp plant other than the seed.
- Don’t meet tetrahydrocannabinol (THC) and cannabidiol (CBD) rules.

If your product is outside the rules for hemp used as food/animal feed and is classified as a drug, it could be destroyed and you could face criminal charges.

Introduction



The rules around selling hemp as food have changed, but the only part of the industrial hemp plant (low THC *Cannabis sativa*) that can be used in food is the seed. There are also limits to the amount of THC and CBD hemp seeds (and hemp seed products) for sale as food can contain.

What do you need to do?

- Make sure your food meets the right rules and you have obtained the correct licences to grow/import/export or possess whole hemp seeds.
- Make sure you have only grown, or used hemp seeds that you are allowed to use in your food.
- Make sure your food is correctly labelled.
- Retailers make sure you only sell hulled seeds (not whole seeds) that are unable to grow.

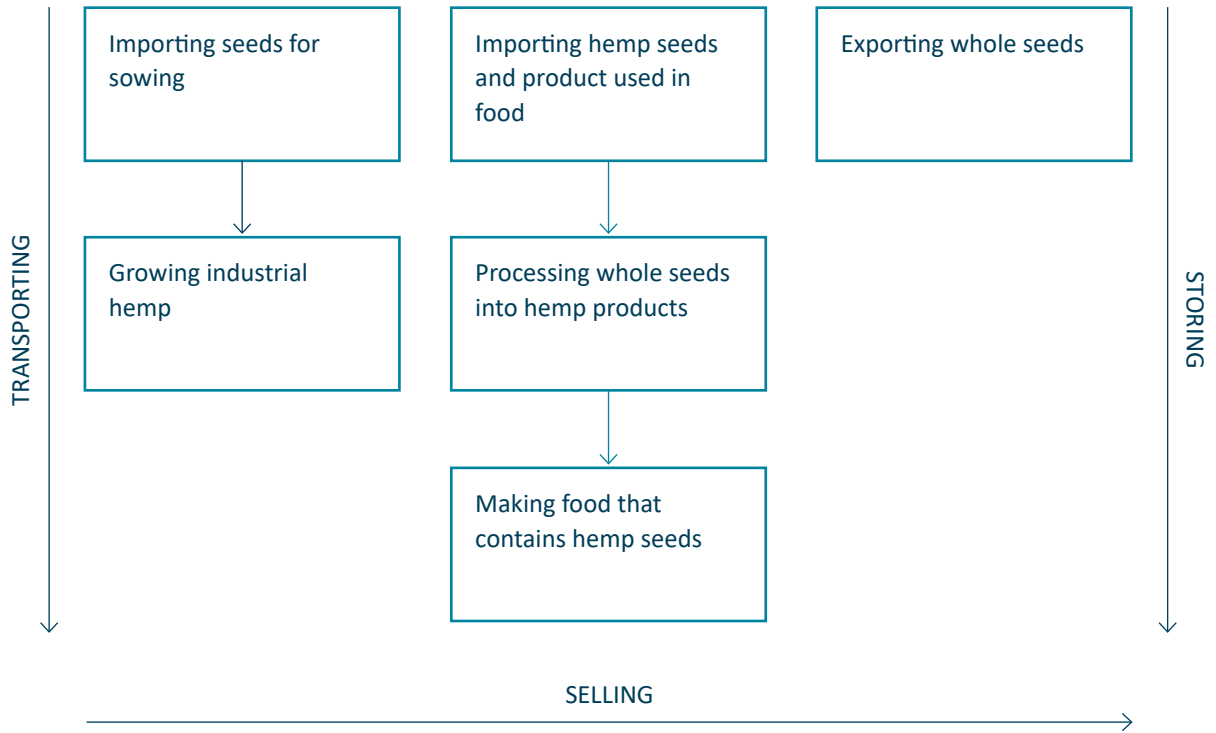
You need to make sure you have met the rules applicable to your food in the Australia New Zealand Food Standards Code (the Code), Food Act (registered food importer and/or registered business under appropriate Risk Based Measure (RBM)), Misuse of Drugs (Industrial Hemp) Regulations, Misuse of Drugs Regulations and Biosecurity Import Health Standards.

How to use this guide

- Use the overview on page 2 to check what sectors you fall under.
- Then review the details of the rules that apply and how to meet those sectors in the rest of the document.

Overview

Hemp seeds as food



Hemp seeds as animal feed



What's allowed for food use?

The only part of the low THC *Cannabis sativa* plant allowed to be sold as food or used as an ingredient in food is the seed.



This means that food made from the leaves, flowers, buds, stems, or any other part of the low THC *Cannabis sativa* plant is not allowed.

Medicinal cannabis for therapeutic use and CBD products (e.g. CBD oil) is prohibited to be sold as food or used as an ingredient in food.

The regulation of medicinal cannabis for therapeutic use and CBD products (e.g. CBD oil) is administered by the Ministry of Health.

You need to meet the rules in the Code below:

- The seeds:
 - Are from a *Cannabis sativa* plant where the leaves and flowering heads contain no more than 1% delta 9-tetrahydrocannabinol (Low THC *Cannabis sativa*)*.
 - Contain no more than 5 mg/kg total THC (total amount of delta 9-tetrahydrocannabinol and delta 9-tetrahydrocannabinolic acid).
 - Seeds for retail sale and seeds in food for retail sale must hulled (i.e. outer shell of seed removed) and unable to grow.
 - Whole seeds cannot remain in a food product, but can be used as an ingredient (e.g. ground into powder or oil extracted).
- Cannabinoids can only be present naturally in or on the seeds.
- The level of cannabidiol (CBD) in any food for sale cannot exceed 75 mg/kg.
- The following hemp seed products can be sold as food or used as an ingredient in a food for sale and you cannot add cannabinoids to food.

Seed product	Maximum allowed level of total THC
Oil extracted from seeds of low THC <i>Cannabis sativa</i>	No more than 10 mg/kg
A beverage made from seeds of low THC <i>Cannabis sativa</i>	No more than 0.2 mg/kg
Any other product that is extracted or made from seeds of low THC <i>Cannabis sativa</i> e.g. hemp flour	No more than 5 mg/kg

*In New Zealand, the Industrial Hemp rules state the THC level in the plant to be generally below 0.35% and not above 0.5%.

Growing industrial hemp for food use

If you're growing hemp with the intention of using the seeds for food use you need to:

- Meet composition requirements:
 - See [What's allowed for food use](#) (page 3)
- Be registered under the Food Act:
 - Register under the appropriate risk-based measure. Growing industrial hemp for food use fits under National Programme 1 (see Appendix 1)
- Hold an **Industrial hemp general licence** with 'cultivation' listed as an activity issued by the Ministry of Health (see weblink [Industrial hemp licencing](#) on page 15):
 - Only grow **approved *Cannabis sativa* cultivars**.
 - Meet THC level (given as a % of the dry weight of the plant) in the plant to:
 - generally below 0.35% and
 - maximum of 0.5%.
 - Only sell the whole hemp seeds to someone who holds an **Industrial hemp general licence** with 'procurement' or 'processing into specified hemp products' listed as an activity.

Transporting and/or Storing

If you're transporting and/or storing hemp seeds/hemp seed products/foods that contain any hemp seed product you need to:

- Be registered under the Food Act:
 - See [Registration under the Food Act](#) (Appendix 1).
- Hold an **Industrial hemp general licence** issued by the Ministry of Health with 'procurement' listed as an activity. Only applies if you are **storing** hemp seeds.
 - See weblink [Industrial hemp licencing](#) (page 15).

Processing whole hemp seeds into hemp seed products or manufacturing foods that contain these products

If you're processing whole hemp seeds into hemp seed products or manufacturing foods that contain hemp seed products you need to:

- Be registered under the Food Act:
 - See [Registration under the Food Act \(Appendix 1\)](#).
- Use seeds that are allowed as food:
 - See [What's allowed for food use? \(page 3\)](#).
- Label the product correctly:
 - See [A Guide to Labelling Food Containing Hemp Seeds \(page 15\)](#).
- Hold an **Industrial hemp general licence** with 'processing into specified hemp products' listed as an activity issued by the Ministry of Health:
 - See [Industrial hemp licencing \(page 15\)](#).

Labelling your food containing hemp seeds

See the weblink [A Guide to labelling Food Containing Hemp Seeds \(page 15\)](#) for details on how to meet the labelling rules.

Selling food containing hemp seeds or hemp seed product

If you are selling food you need to:

- Be registered under the Food Act:
 - See [Registration under the Food Act \(Appendix 1\)](#).
- Ensure the product is labelled correctly.
 - See [A Guide to Labelling Food Containing Hemp Seeds \(page 15\)](#).
- Only sell whole seeds, to a holder of a **Industrial hemp general licence** with 'procurement' listed as activity.
- Only sell seeds for **retail sale** that are hulled and unable to grow.

Importing hemp seeds and hemp seed products

If you want to import hemp seeds and hemp seed products for food use, you need to meet the rules that apply to your product. A summary is shown below. Check the rules needed for what you want to import and then find the detail for each rule on the following pages 7-11.

RULE	Whole Hemp Seeds for Growing	Option 1		Option 2	Option 3	Hemp Seed Oil, Hemp Seed Powders, Foods containing Hulled Hemp Seeds which have been baked, toasted or roasted
		No Heat Treatment		Heat Treated off-shore	Heat Treated in NZ	
		Whole Seed	Hulled Seed	Whole & Hulled Seed	Whole & Hulled Seed	
Importer must be a Registered Food Importer with MPI		✓	✓	✓	✓	✓
Product must meet species and composition requirements	✓	✓	✓	✓	✓	✓
Product must comply with labelling rules	✓	✓	✓	✓	✓	✓
Importer must have a MoH Industrial Hemp General Licence	✓	✓		✓*	✓*	
For each consignment imported, you must:						
Ensure the products have been commercially manufactured & packaged for human consumption						✓
Source from a pest free area/place of production AND/OR Treat the seeds using a hot water dip prior to importing into NZ	✓					
Source from a pest free area/place of production		✓	✓			
Ensure seeds are free from contaminants	✓	✓	✓	✓	✓	
Provide a Seed Analysis Certificate (SAC)	✓	✓				
Ensure seeds are heat-treated prior to importing into NZ				✓		
Obtain a MoH Licence to Import a Controlled Drug	✓	✓		✓*	✓*	
Provide a Phytosanitary Certificate with additional declarations	✓**	✓**	✓**	✓**	✓**	
Obtain and Supply a Biosecurity Import Permit to the border at least 5 days before arrival of consignment		✓				
Provide importing documentation to border	✓	✓	✓	✓	✓	✓
Have seeds heat-treated once landed in NZ at an approved Transitional Facility					✓	
Have seeds further processed at an approved Transitional Facility		✓				

This summary only shows the specific import requirements for importing hemp seed and hemp seed products, the detail for generic importing requirements applicable to all imports have not been noted.

Note:

* Only applies if importing whole hemp seed.

** For exports from Australia, a letter from the Australian competent authority will be provided in lieu of a Phytosanitary Certificate.

Importing Requirements

Be a Registered Food Importer with MPI

- If you are importing hemp for food you will need to have a MPI Food Importer Registration.
- The only exemption is if you are importing viable hemp seed for growing purposes.
- See the MPI website for more details on how to register as a MPI Food Importer www.mpi.govt.nz/importing/overview/food-imports/

Hold a Ministry of Health Industrial Hemp General Licence

- This only applies if you are **importing whole seeds**.
- Follow this link to find out how to apply for a licence: www.health.govt.nz/our-work/regulation-health-and-disability-system/medicines-control/industrial-hemp-0/industrial-hemp-licensing

Meet species and composition requirements

- Seeds must comply with the THC/CBD levels in the Code. See the section in this document [What's allowed for food use?](#) (page 3).
- Only seed from the low THC *Cannabis sativa* approved cultivars are permitted for import.
- Meet THC level (given as a % of the dry weight of the plant) in the plant to:
 - Generally below 0.35%
 - Maximum of 0.5%



Be aware: If imported hemp seed intended for food use does not meet the Food Standards Code rules for composition regarding THC/CBD levels, the product is not considered a food. It is considered a controlled drug. It could be destroyed by customs and you could face criminal charges.

Product must comply with labelling rules

- There are restrictions on labelling of hemp seed and seed products, including words and images that can be used, and health or nutrition content claims that can be made.
- Labelling rules also apply to advertising materials or web-content.
- You must check that the food you import, has been labelled correctly to meet these requirements
- For more detail on labelling, see [A Guide to Labelling Food Containing Hemp Seeds](#) (page 15).

Consignment Importing Requirements

For every consignment imported, the following must be completed, obtained or supplied to the border for the product you are importing.

Check the summary table on page 6 for the requirements for your product.

Source from a pest-free area/place of production AND/OR Treat the seeds using a hot water dip prior to shipment (for whole seeds for sowing)

- Hemp seeds must be sanitary and free from certain organisms before they can be imported into New Zealand (NZ).
- There are two ways to achieve this – by either sourcing from a growing area free from the organisms in question, or, in some cases, by having the seeds treated before importing.
- The organisms of concern are the following:
 - **Bacteria** - (*Pseudomonas syringae pv. cannabina* and *Xanthomonas campestris pv. Cannabis*)
 - **Fungi** - (*Leptosphaeria woroninii*, *Septoria cannabis* and *Curvularia cymbopogonis*)
 - **Viruses** - (Hemp mosaic virus and Hemp streak virus)
- If you source your *Cannabis sativa* seeds from a pest-free area or place of production for the above organisms, then no treatment is needed before importing into NZ.
- **Alternatively**, you can have the seeds treated with hot water, prior to importing into NZ. This will only control **bacteria** and **fungi**. You will still need to source from a **virus**-free area.
 - The treatment is a hot water dip:
 - 50°C water for 30 minutes OR
 - 60°C water for 10 minutes.

Source from a pest-free area/place of production (for seeds for further processing)

- Hemp seeds must be sanitary and free from certain fungi before they can be imported into NZ.
- The fungi of concern are the following:
 - *Leptosphaeria woroninii*,
 - *Septoria cannabis* and
 - *Curvularia cymbopogonis*.
- You must source your *Cannabis sativa* seeds from a pest-free area or place of production for the above fungi.

Ensure seed is free from contamination

- When bringing in **seeds for sowing and growing** for food, you need to ensure the seeds do not contain:
 - Any unidentified seed,
 - Any regulated pest,
 - Pest contamination shall not exceed the Maximum Pest Limit (MPL) of 0.9 per kg;
 - To achieve 95% confidence that the MPL will not be exceeded, no live regulated pests are permitted in an officially drawn sample of 5kg (i.e. acceptance number = 0).

- Any soil particles >0.1% by weight
- Any weed seed
 - Quarantine weed seed contamination above the MPL of 0.01%
 - This means no quarantine weeds seeds are permitted in a sample(s) drawn and analysed by a MPI
 - See [MPI Schedule of Regulated \(Quarantine\) Weed Seeds \(page 15\)](#).
- When bringing in **whole or hulled seeds for further processing**, you need to ensure the seeds do not contain:
 - Any regulated pest,
 - Pest contamination shall not exceed the Maximum Pest Limit (MPL) of 0.9 per kg;
 - To achieve 95% confidence that the MPL will not be exceeded, no live regulated pests are permitted in an officially drawn sample of 5kg (i.e. acceptance no = 0).
 - Any soil particles (other than traces).

Provide a Seed Analysis Certificate (SAC)

- Viable whole hemp seed is to be accompanied by a **Seed Analysis Certificate (SAC)** (original or PDF copy), documenting the status of the seed with respect to quarantine impurities, which must:
 - Be issued by an International Seed Testing Association (ISTA) or Association of Official Seed Analysts (AOSA) accredited seed testing station, or an accredited laboratory that follows the ISTA or AOSA methodology;
- If the viable hemp seed is for sowing then the SAC must:
 - State the actual weight of the sample examined;
 - Be endorsed that the sample has been officially drawn from an identified seed lot;
 - Be endorsed that the minimum size of the sample examined was as prescribed for the determination of other species by number in ISTA (as published in Seed Science and Technology 24, 1996);
 - State the botanical name of each identified species of seed or nematode gall found in the sample (any unidentified genera or species are to be recorded as such);
 - Give the percentage of soil particles present in the sample;
 - Certify that none of the weed seeds listed in the [MPI Schedule of Regulated \(Quarantine\) Weed Seeds \(page 15\)](#) were present in the sample.

Ensure seeds are heat-treated prior to importing into NZ

- *Cannabis sativa* seeds may only be considered non-viable if they have been heat treated prior to entering NZ.
- Seeds must be heat treated at:
 - 85°C (core temperature) and 40% relative humidity for a minimum of 15 continuous hours
 - Or at a temperature/time regime approved by the NPPO of the exporting country to be effective in devitalising seed.

Obtain a Ministry of Health Licence to Import a Controlled Drug

- This only applies if you are **importing whole seeds**.
- A separate **Licence to Import a Controlled Drug** is required for each consignment.
- To obtain, contact:

Controlled Drugs Advisor for Medicines Control

Phone: 04 816 2018

email: medicinescontrol@moh.govt.nz

Provide a Phytosanitary certificate with additional declarations.

- A **Phytosanitary Certificate** must be provided for each consignment, from the exporting country.
 - This will be issued by the exporting country National Plant Protection Organisation (NPPO).
 - If satisfied that the pre-shipment activities have been undertaken, the exporting country NPPO will confirm this by providing the appropriate statements on the certificate.
- For Australia, in lieu of a Phytosanitary Certificate, a consignment specific letter will be sent from the Australian competent authority directly to the MPI Target Evaluator Team (TET).
 - This letter will cover all matters/declarations that a phytosanitary certificate would cover and will be sent directly from the AU competent authority to MPI in a secure manner.

Obtain and Supply your Biosecurity Import Permit to the border at least 5 days before arrival of consignment

- A separate **Import Permit** is required for each consignment.
- To obtain an import permit, contact **Plant Imports** at plantimports@mpi.govt.nz
- Importers must supply verifiable copies of the import permit to MPI Biosecurity New Zealand at the border, at least 5 days before the arrival of the sea cargo consignment
 - Failure to do so may result in delays to the clearance of consignments
- Documentation for all other air and mail cargo items must accompany consignment

Provide Importing Documentation

- Importing documents will need to be provided at lodgement.
- Some of the information required includes, but is not limited to:
 - Bill of lading or airway bills,
 - Invoices,
 - Packing lists,
 - Biosecurity import permit number,
 - Name and address of importer,
 - Weight of each consignment in the shipment,
 - Needs to include a clear description of goods, including scientific names, being imported, why it is being imported e.g. for human consumption.

Have the seeds heat-treated once landed in NZ at an approved Transitional Facility

- Whole and hulled *Cannabis sativa* seeds may be imported into New Zealand provided they are then heat treated at an approved transitional facility
- They will need to be heat treated at:
 - 85°C (core temperature) and 40% relative humidity for a minimum of 15 continuous hours
 - 15 continuous hours only begins when the middle of the stack has attained the minimum temperature
 - This can only be conducted provided suitable facilities are available
- It is recommended an importer use a customs agent to help with this process.
- The importer or agent can arrange for treatment once their Biosecurity Authority Clearance Certificate (BACC) has been received
- See [MPI Approved Treatment Suppliers](#) (page 15).

Have the seeds further processed at an approved Transitional Facility

- Whole *Cannabis sativa* seeds may be imported into New Zealand without being heat treated, provided they are then processed via an approved processing method at a MPI approved Transitional Facility.
- Processing is required to render the seeds non-viable, and can include such activities as, cooking, grinding/milling or extracting hemp seed oil.
- Unprocessed whole hemp seeds may not be removed from or moved between transitional facilities, distributed to third parties or used for other purposes without authorisation from a MPI inspector.
- Transitional Facilities must meet standards and get MPI approval. To find out what you need to do to be an approved transitional facility:
 - See [Steps to get a Treatment or Containment Facility Approved](#) (page 15).
- For more information, including a list of transitional facilities:
 - See [Finding a Facility](#) (page 15).

Exporting hemp seeds and hemp seed products as food



If you intend to export food that is or contains hemp seeds or hemp seed products check that the product is permitted for food use in the destination country.

In addition to the usual rules that apply to exporting food, if you intend to export whole hemp seeds to any country, including Australia, you will need to:

- Hold an **Industrial hemp general licence** under the Industrial Hemp rules (see weblinks on [page 15](#)).
- Hold a **Licence to export a controlled drug**:

Contact: Controlled Drugs Advisor for Medicines Control

Phone: 04 816 2018

Email: medicinescontrol@moh.govt.nz

- A separate **Licence to export a controlled drug** is required for each consignment.

Importing hemp seeds and hemp seed products for use as animal feed



Be aware: The rules around selling hemp as food have changed but these changes **do not** apply to animal feed. Use of hemp seeds and hemp seed products as animal feed is only permitted if they contain **no** THC, CBD or other cannabinoids. Check the rules carefully before considering importing hemp seeds and hemp seed products for use as animal feed.

Agricultural Compounds and Veterinary Medicines (ACVM) Act

Hemp seeds and hemp seeds products used as animal feed are regulated under the ACVM Act and are classed as an agricultural compound.

Agricultural compounds **must be registered with MPI** as a trade name product or be exempt from registration **before** they can be **imported, manufactured, sold or used**. To date, no hemp seeds or hemp seed products have been registered for use as a trade name product, and the exemption status for certain animal feed type products is determined on a case-by-case basis.

Controlled drugs and anything containing them can only be fed to animals after registration under the ACVM Act. This applies to THC/CBD/cannabinoids.

Hemp-based nutritional products for animals, such as hemp protein powders, could be considered exempt from registration (self-determine or request a class determination from MPI) if they have **no detectable** THC/CBD/cannabinoids and meet all other rules for exemption.

Other rules to be met

If your hemp seed/hemp seed products meet the ACVM rules there are other rules to be met to import these for use as animal feed. Note that these rules are not included in this guidance document.

Contact: info@mpi.govt.nz for more information.

Documentation needs to clearly state what imported products will be used for. Make sure documentation/products being imported meet the correct rules.

Note under biosecurity clearance requirements, hemp seed and hemp seed products are allowed entry into NZ after irradiation treatment. This treatment is **not** allowed for products for food use.

Appendix 1

Registration under the Food Act

If you grow, process or manufacture hemp seeds for food use, your business will need to be registered under the appropriate Risk Based Measure (RBM). Work through our 'My Food Rules' tool www.mpi.govt.nz/food-safety/food-act-2014/my-food-rules/ to help you with this. Some examples are provided below:

Activity	RBM to be registered
Grow, minimally process (harvest, sort, rinse or grade whole seeds), transport and/or store or distribute hemp seeds	National Programme 1 (NP1)
Process hemp seeds (e.g. hulling, chopping, grinding or milling), except into oil, includes repacking bulk products for wholesale distribution	National Programme 2 (NP2)
Process seeds into oil, pack bulk food for retail sale or provide bulk hems seed products for retail sale	National Programme 3 (NP3)
Incorporate processed hemp seeds and/or hemp seed products into other food or drink	Risk-based measure will be determined by the product produced

Once you have identified the RBM to be registered, work through the steps to get registered on the Food Safety website.

If you intend to add a hemp seed product to an already registered RBM, this may change the scope of your RBM or require registration for the hemp seed product you're adding. Use the 'My Food Rules' tool (as above) to check the RBM required for the hemp seed product you are adding. If it indicates a different RBM is required than what you have registered, contact your registration authority or verifier to confirm next steps.

Where to get extra help?

TOOLS AND GUIDANCE

Industrial Hemp Licencing:

www.health.govt.nz/our-work/regulation-health-and-disability-system/medicines-control/industrial-hemp-0/

A Guide to Labelling Food Containing Hemp Seeds:

www.mpi.govt.nz/dmsdocument/31608-a-guide-to-labelling-food-containing-hemp-seeds

Importing:

www.mpi.govt.nz/importing/

Food Importing:

www.mpi.govt.nz/importing/food/

Food Importing Requirements Overview:

www.mpi.govt.nz/importing/overview/food-imports/

Biosecurity - MPI Approved Treatment Providers:

www.biosecurity.govt.nz/dmsdocument/1381-mpi-approved-treatment-suppliers

Biosecurity - Steps to get a Transitional or Containment Facility Approved:

www.biosecurity.govt.nz/importing/border-clearance/transitional-and-containment-facilities/steps-to-get-a-transitional-or-containment-facility-approved/

Biosecurity - Find a Facility:

www.biosecurity.govt.nz/importing/border-clearance/transitional-and-containment-facilities/finding-a-facility/

THE RULES

The Code is complex and has many exceptions. For more information on the Code see:

www.foodstandards.govt.nz/code/pages/default.aspx or www.mpi.govt.nz

Biosecurity Import Health Standards (IHS):

- Seeds for sowing:
www.biosecurity.govt.nz/importing/plants/seeds-for-sowing/
- Powders/hemp seed oil/hemp seed foods:
www.mpi.govt.nz/dmsdocument/1663-stored-plant-products-intended-for-human-consumption-import-health-standard
- Whole and hulled hemp seeds:
www.mpi.govt.nz/dmsdocument/1661
- MPI Schedule of Regulated (Quarantine) Weed Seeds:
www.mpi.govt.nz/dmsdocument/7111/direct

Food Act:

- Food Notice: Requirements for Food Control Plans and National Programmes
www.mpi.govt.nz/dmsdocument/18283-food-notice-requirements-for-food-control-plans-and-national-programmes

Available at www.legislation.govt.nz

- The Food Act, especially Schedules 1 and 2
- The Food Regulations
- Misuse of Drugs (Industrial Hemp Regulations)
- Misuse of Drugs Regulations
- Agricultural Compounds and Veterinary Medicines Act

If you still need help, MPI recommends you contact a food consultant
www.foodsafety.govt.nz/registers-lists/fsp-consultants.htm