



New Labeling Standards for CBD Pave the Way for Transparency

Cannabidiol or CBD has become a disruptive force across a variety of markets, especially food, beverage, personal care products, and supplements. Today, a wide variety of cannabinoid products like Hemp and CBD are widely recognized as a growing force in the health and wellness industry.

A recent report by the Hemp Business Journal predicts that the CBD consumer market will grow to \$2.1 billion by 2020, with \$450 million of those sales coming from hemp-based sources.

When one considers that CBD made its first appearance around 2015, was on the natural channel's top 40 list in 2017 and was the overall top ranked herbal supplement in 2018, that is an astounding growth trajectory.

Supplements using CBD now account for approximately 75 percent of overall sales. Of that, roughly 60 percent of products sold in the US natural channel were in the form of alcohol-free tinctures, followed by capsules and softgels.

This amazing growth has been fueled by the passage of the 2018 Farm Bill. Hemp's extracts such as CBD with a

THC level of not more than 0.3 percent (as distinct from marijuana), are no longer illegal controlled substances under federal law and became more prevalent in a variety of product categories.

With passage of the bill, significant restrictions under the CSA on the growth, production, distribution, and use of hemp and hemp products were removed and the industry exploded.

With this growth, comes greater scrutiny and growing concerns about these products. These concerns tend to fall into three main categories. One of the greatest concerns revolves around unsubstantiated health claims, which became even more prevalent during the COVID-19 pandemic.

Another issue, often cited by news re-

ports and consumer watchdog groups, relates to potency. Products tested don't match their labeling claims regarding cannabidiol or THC levels. Some have too little, and some have too much.

For example, the National Center for Natural Products Research (University of Mississippi) purchased 25 various CBD-containing products from retail vendors throughout the state to compare CBD and THC content to their label claims.

The results demonstrated marked differences in actual CBD content versus those claims. Several products had no CBD, while others contained significantly more than claimed. One product contained only THC, while others exceeded the 0.3 percent limit on THC. Several vaping products contained no CBD but were adulterated with synthetic cannabinoids.

The survey starkly illustrated that many CBD products have little or no relation to any potential CBD benefits and pose a range of risks to consumers from fraud to serious health dangers. This is especially important for manufacturers of supplements and nutraceuticals due to the fact that dosing is a critical issue.

Take for example, Niacin (Vitamin B3) and Fish Oil. Both are available as OTC supplements or through prescription. At lower OTC doses, both are safe to use, but at higher doses, medical supervision is required.

A third problem manufacturers face is the growing concern over product contamination from heavy metals and pesticides. Cannabis is known to be a phyto-remediator; it can readily uptake toxins such as heavy metals from soils, making it even more important that products derived from it are tested for such contaminants. Especially since these substances, can lead to headaches, body aches, and overall lowered energy that may dilute CBD's benefits.

"We are aware of the risks posed by product contaminants such as heavy metals, THC or other potentially harmful substances. We also have significant concerns about products marketed with false claims or statements such as omitted ingredients, incorrect statements about the amount of CBD, products marketed for use by vulnerable populations like children or infants, and products that otherwise put the public health at risk," said Stephen Hahn of the FDA.

The bottom line is that consumers want to know if a product they are buying has what it says it has, while also being free of what it shouldn't have.

When the Farm Bill passed, many in the industry hit the ground running, and initially, the FDA took little action and left regulation to the states. Add to this the fact that, outside of proprietary pharmaceutical research, there was little in the public domain regarding the safety of these products.

In a speech earlier this year, Hahn also noted that despite insufficient safety data, the FDA has no plans to try and

shut down CBD markets, saying it would amount to a "fool's game."

"But, at the same time, we are prepared to take action when we see the illegal marketing of CBD-containing products with serious, unproven medical claims. Marketing unapproved products, with uncertain dosages and formulations can keep patients from accessing appropriate, recognized therapies to treat serious and even fatal diseases."

The FDA backed this in late 2019, sending 15 warning letters to companies for illegally marketing products containing cannabidiol through webpages, online stores and social media marketing that violated the FD&C Act. Those violations included the marketing of CBD products as dietary supplements.

While the FDA announced in 2018 that it would consider developing a regulatory pathway for the retail sale of low-dose CBD products, the agency has yet to lay out a timeline for action. This lack of clear federal mandates on CBD's legal status has, unfortunately, paved the way for uninformed, unqualified, and/or unscrupulous actors to sell their products without appropriate safeguards, misleading consumers with inaccurate, inappropriate or even false claims.

In response to these concerns, the Hemp/CBD industry is seeking to self-regulate and establish safety and quality benchmarks to foster greater transparency through safety, quality and integrity assurance.

In an effort seed-funded by the U.S. Hemp Roundtable and joined by organizations such as the Hemp Industries Association®, industry-leading firms, top-tier testing laboratories, agronomists, and quality assessors, the U.S. Hemp Authority® developed comprehensive Guidance Procedures for growers, processors/manufacturers, and brand owners of ingestible and cosmetic products as well as fiber-based goods.

Participants are licensed to use the USHA Certified Seal after meeting these stringent standards, passing an independent third-party audit, and entering into a licensing agreement. This certification seal can then be used on a product's la-

bel and can be mentioned in advertising and marketing materials. Eligible companies include growers, processors/manufacturers, and brand owners.

According to USHA President, Dr. Marielle Weintraub, "The U.S. Hemp Authority Certification Program gives consumers and retailers an easy way to identify hemp-derived products that can be trusted. We are striving for transparency and truth in labeling."

The US Hemp Authority's Certification ensures that the entire supply chain meets all requirements for Hemp components. For any non-certified suppliers (including non-hemp ingredients) the operation must demonstrate their diligence to prove that said suppliers meet the guidance procedures through a formal supplier qualification procedure, which must be evaluated and approved by FoodChain ID.

Weintraub notes that USHA's Certification initiative and packaging seal will allow farmers, product manufacturers, marketers, and retailers a greater ability to secure mainstream market share by appealing to consumer and trade concerns about the veracity of product claims and legitimize the entire product category.

Meanwhile, regulation remains a work in progress. Currently, the FDA has formed a high-level CBD Policy Working Group. The goal of this group is to coordinate the agency's approach to CBD policy making, including considering the appropriateness of potential pathways for dietary supplements and/or conventional foods containing CBD to be lawfully marketed.

With greater consumer interest in, and acceptance of, products containing CBD and Hemp, testing and labeling will play a crucial role in generating greater industry growth, transparency, and trust. ●

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