

Cannabis-based foodstuffs or food supplements: Are these products authorized in Belgium?

State of affairs

We notice that (online) shops selling foodstuffs or food supplements based on *Cannabis sativa L.* are on the rise in Belgium. Are these products, however, authorized in Belgium?

The FASFC is very clear on this matter: these products **are not authorized in Belgium**. Notwithstanding the checks the Agency conducts, our findings show that foodstuffs containing cannabis are being placed on the market in Belgium anyway. For example, on 21 August 2018 a product recall was organized (a product was taken off the shelves and a consumer recall was issued) for a food supplement containing Δ^9 -THC, a sedative substance present in cannabis which is potentially harmful to human beings.

Cannabis sativa L.-based foodstuffs or food supplements are prohibited by Belgian law.

However, for some types of foodstuffs a derogation from this ban may be requested, namely based on the analysis results for each product batch concerned which show that the products of said batch no longer contain any toxic substances. Such a derogation thus only applies to a specific batch of a certain product and not to the product itself. Only the products that obtained this derogation from the FPS Public Health may be marketed legally and can be considered safe for consumption.

Derogation requests for these types of products have to be submitted to the FPS Public Health. Food business owners or consumers who want to know whether a product has been granted a derogation, can obtain this information from their supplier. The latter needs to have an exemption form which lists the authorized batch numbers.

Due to the health risks associated with the presence of other cannabinoids (e.g. CBD) and possible abuses, no derogation can be granted for the consumption of *Cannabis sativa* leaves and flowers in the form of infusions or herbal teas, even when the THC content is very low.

At the European level, extracts enriched with cannabidiol or CBD are considered as novel foods in the framework of the Novel Food Regulation (2015/2283). However, these extracts are currently not authorized. An authorization can only be granted after the derogation file has been evaluated by the EFSA.

The FASFC advises companies that want to start a business selling plant-based foodstuffs or supplements to make sure that the plant extracts used are authorized. For this purpose, it suffices to consult the list in the annex of the Royal Decree of 29 August 1997 on the manufacture of and trade in foodstuffs composed of or containing plants or plant preparations. (PDF).