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26 February 2021

Dear Professor Owen Bowden-Jones,

**Re: Letter from Kit Malthouse MP entitled 'Advice on Consumer  
CBD (Cannabidiol) Products'**

I am writing to you concerning the letter that Kit Malthouse MP wrote to you dated 11 January 2021 entitled 'Advice on Consumer CBD (Cannabidiol) Products'.

My remit as UK Government Chemist (GC) focuses on food. I am responsible under certain Acts of Parliament<sup>1</sup> for providing independent analytical measurement and expert opinion to avoid or resolve disputes over scientific data, which arise between local authorities and the food businesses they regulate.

My public remit also covers wider advice to UK government and other affected parties on the role of analytical measurement in effective policy, standards and regulations. My staff liaise with regulatory services involved in sampling, analysis and product testing linked to the investigation of alleged non-compliances, and input into national and international standardisation work aimed at global harmonisation.

The GC function is delivered by a programme of work that is part of the National Measurement System<sup>2</sup> portfolio overseen by the Department of Business, Energy & Industrial Strategy. To ensure that the GC programme remains effective and relevant, we refresh our strategy on a three-yearly basis. We developed the GC strategy for 2020 - 2023<sup>3</sup>, following a comprehensive stakeholder consultation<sup>4</sup>, to identify the most important issues in food regulation that the GC may need to address in the short term. This strategy identified that accurate methods for the determination of CBD was required so in the 2020 - 2023 GC programme, we included a project on CBD.

Since then, the Food Standards Agency (FSA) has confirmed the novel food status of CBD extracts<sup>5</sup>, requiring businesses to submit novel food authorisation applications by 31 March 2021. After this date, only products for which the FSA has a valid application and that were

<sup>1</sup> <https://www.gov.uk/government/publications/government-chemist-annual-statement-of-statutory-scope-2015--2>.

<sup>2</sup> <https://www.gov.uk/government/publications/national-measurement-system>

<sup>3</sup> <https://www.gov.uk/government/publications/government-chemist-strategy-2020-2023>

<sup>4</sup> <https://www.gov.uk/government/publications/government-chemist-stakeholder-workshop-report-2019>

<sup>5</sup> <https://www.food.gov.uk/business-guidance/novel-foods#novel-food-authorisation>



on the market at the time of the FSA announcement on CBD (13 February 2020) will be allowed to remain on the market.

Thus, methods that can accurately determine the concentration of CBD and controlled cannabinoids are required, ideally by 31 March 2021, in order to regulate the safety & authenticity of CBD-containing food products.

The GC CBD project commenced in April 2020 and we have developed high accuracy methods for the determination of CBD and related impurities (with a focus on the four, out of the twelve, controlled cannabinoids for which commercial standards are available (THCV,  $\Delta^8$ THC,  $\Delta^9$ THC and CBN); THCA is not controlled but can easily form  $\Delta^9$ THC and so it will also be monitored).

In recognition of the fact that the development of high accuracy methods for CBD and controlled cannabinoids in consumer products was of interest to a number of government departments, the GC convened cross government (the Home Office (HO), FSA, the Office of Product Safety and Standards (OPSS) in BEIS, Food Standards Scotland and the Defence Science & Technology Laboratory) monthly meetings from May 2020 to update on progress and share experiences. Through these regular discussions, it became apparent that a collaborative approach to the transfer of the methods developed by the GC via a ring trial would provide value for money of government funds, avoid duplication and ensure fit for purpose methods are available by 31 March 2021 to enforce regulations and ultimately protect the consumer.

A collaboratively funded (HO, FSA, OPSS and the GC) ring trial for the determination of CBD and controlled cannabinoids in food and cosmetic samples is in progress with 34 participating laboratories (national and international). Results of the ring trial are anticipated in March 2021 and will provide evidence of UK (and international) analytical capability to determine specific cannabinoids in food and cosmetic samples. I am very happy to share these results with you and the ACMD, and will be in touch once they are available.

In addition, through these regular discussions, it became apparent that the 'controlled drug' content 'threshold' of one milligram in a product or preparation referred to in the Home Office Drug Licensing Factsheet - Cannabis, CBD and other cannabinoids<sup>6</sup> was presenting difficulties in interpretation and analysis. Thus, my team, with contributions from other government departments, has produced 'Guidance on Analytical Limits for Controlled Cannabinoids in Specified Products Containing Cannabidiol (CBD)'<sup>7</sup>.

You might also like to be aware that my staff are representing me on the following two related activities:

- UKAS CBD Food Product approval Awareness Expert Group, which is a multi-stakeholder group aimed at developing awareness in this area by sharing knowledge.
- We have convened a group at the request of the Food Standards Agency with [UKAS](#) and [Fera](#) to discuss the need for the production of a best practice measurement guide

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/825872/factsheet-cannabis-cbd-and-cannabinoids-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825872/factsheet-cannabis-cbd-and-cannabinoids-2019.pdf)

<sup>7</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/957590/Government\\_Chemist\\_Guidance\\_on\\_Analytical\\_Limits\\_for\\_Controlled\\_Cannabinoids\\_in\\_Specified\\_Products\\_Containing\\_Cannabidiol\\_CBBD\\_\\_22.01.21\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957590/Government_Chemist_Guidance_on_Analytical_Limits_for_Controlled_Cannabinoids_in_Specified_Products_Containing_Cannabidiol_CBBD__22.01.21_.pdf)



for CBD. The first meeting was held in February and examined Proficiency Testing data from [FAPAS](#) and [LGC Standards](#). A second meeting will be scheduled once results of the ring trial are available.

I am copying this note to Kit Malthouse MP so that he is also aware of our work in this area.

My staff and I are ready to offer our assistance to you and the ACMD through our work on CBD and controlled cannabinoids in consumer products.

I look forward to hearing from you.

Yours sincerely



**Julian Braybrook**  
**The Government Chemist**