

FDA Public Hearing: Scientific Data and Information about Products Containing or Cannabis-Derived Compound



Comments of CRN, delivered by Megan Olsen, CRN Assistant General Counsel

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My name is Megan Olsen. I am the Assistant General Counsel for the Council for Responsible Nutrition. CRN, based in Washington, DC, is the leading trade association representing dietary supplement and functional food companies.

CRN is here today to present comments about CBD use in supplements and foods – specifically to urge FDA to use its rulemaking authority as quickly as possible to create a legal pathway for CBD use in supplements and food.

Despite FDA’s current position on the legality of CBD, the CBD food and supplement marketplace is exploding. For dietary supplements alone, hemp-derived CBD sales were over \$200 million in 2018 and are expected to grow to over \$300 million by the end of 2019.

Driving these sales is an intense consumer demand in hemp-derived CBD. Research suggests that a third of U.S. adults are current CBD users, and nearly half of all U.S. adults have used CBD at some point.

Lack of FDA oversight for these products leaves this growing consumer base vulnerable.

Without FDA’s oversight, consumers lack assurance that products labeled as CBD are safe.

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Consumers cannot trust that these products are manufactured in an appropriate manner or actually contain the amount of CBD listed on the label – or any CBD at all.

Therefore, FDA does not have the luxury of time. The agency must act quickly to address a market that is out of control.

Three to five years—at a minimum—for rulemaking is too long. In fact, CRN was alarmed by this suggested timeframe in comments from FDA leadership, including former FDA Commissioner Dr. Gottlieb.

CRN understands and respects FDA’s concerns about safety of CBD products, but as CRN will expand on in further comments by CRN’s President and CEO Steve Mister, we do not believe that the safety debate has to impede rulemaking at this stage.

There is already a regulatory framework in place that is proven to ensure the safety of a dietary supplement and food – one that will automatically be implemented should FDA develop a regulation permitting CBD use in food and supplements.

To be clear, CRN is not asking FDA to abdicate a safety review. Rather, CRN is asking FDA to address safety as the Food, Drug and Cosmetic Act intended – in the fact-specific context of how a product will be marketed, intended to be used, its form, dosage, and other unique considerations that apply once a product is considered a supplement or food.

Americans deserve access to safe, quality supplements and food, as well as protection from supplements and food that pose risk. FDA, under current law, has the authority to achieve both goals for CBD, and we strongly urge the agency to use this authority as quickly as possible.

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