



THE VOICE OF FOOD RETAIL

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May 31, 2019

Re: FDA Public Hearing About Products Containing Cannabis or Cannabis-Derived Compounds; Public Comment

I appreciate the opportunity to provide comment today on behalf of the Food Marketing Institute, the trade association representing the supermarket industry – including roughly 33,000 grocery stores and 12,000 pharmacies across the country.

I am here to convey the seriousness of the regulatory ambiguity facing our member companies and their customers each day as consumer demand for products containing hemp and hemp-derivatives continues to grow, as does the commercial availability of such products – especially those which count CBD as an ingredient.

While most of the stakeholders participating today understand the Farm Bill did not alter FDA’s authority over the use of such ingredients in FDA-regulated products, the fact is there is mass confusion in the marketplace for the public, for suppliers and retailers, and also for state regulators and law enforcement.

From ingestible products, including foods, beverages and dietary supplements, to topical items, such as creams and lotions, the demand for CBD products – for both human and animal use – is already staggering, and growing rapidly. In fact, just last month, a Consumer Reports survey found that more than a quarter of Americans say they’ve tried CBD, while one out of seven of those people said they use it every day.

Because of the consumer interest in this emerging market, and the desire of our members to provide products their customers are seeking, we are fielding more and more questions from companies that are understandably seeking clarity about the current regulatory framework for the sale and labeling of products containing CBD. And, while we want to be in full compliance with all FDA requirements, we also want to ensure our members have appropriate assurances that the products they are selling are both safe and being sold appropriately.

Having said that, FMI sees the regulatory challenges surrounding the legal and appropriate sale of hemp and hemp-derived products as a critically important policy issue. And, given the prevalence of these products in the marketplace, we respectfully urge FDA to move swiftly to provide additional clarity and establish a pathway forward.

Please know that our industry would welcome the opportunity to be a resource to the agency throughout this regulatory process, and we look forward to working with FDA, USDA and Congress as things move forward. Thank you very much.

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If you have questions about these remarks or would like additional information, please feel free to contact Peter Matz at pmat@fmi.org or 202-220-0805.