

**EUROPEAN UNION (OFFICIAL CONTROLS IN RELATION TO FOOD LEGISLATION)
REGULATIONS 2020
(S.I. No. 79 of 2020)**

CLOSURE ORDER

To: **(1) Mr Alan Donohoe, Hempture, 6, 6a, 7, 7a Abbey Street Upper, Dublin 1**
(2) The Food Business Operator, 6, 6a, 7, 7a Abbey Street Upper, Dublin 1

I, [REDACTED], being an authorised officer of the Food Safety Authority of Ireland under the Food Safety Authority of Ireland Act 1998 and S.I. No. 79 of 2020, and in exercise of the powers conferred on me by Regulation 30 of S.I. No. 79 of 2020, hereby direct that the activities of the business, its establishments, holdings or other premises including internet sites and social media sites, specified in **Part 1** of the Schedule be **ceased** with immediate effect until the earliest of:-

- (i) An Order to contrary effect by a Court of competent jurisdiction; or
- (ii) Further written direction by the Food Safety Authority of Ireland when contraventions of the provisions in Part 2 have been remedied.

I make this order being of the opinion that there is failure to comply with food legislation for the particular reasons set out in Part 2 of the Schedule and being of the opinion that all of the activities of the food business concerned and, where relevant, of the internet sites or social media sites it operates or employs, to which the order relates as identified in Part 1 of the Schedule be ceased.

Schedule

Part 1 Business/Establishments

The activities of the food business operated by **Alan Donohoe and any other Food Business Operator**, trading as **Hempture & Hempland at 6, 6a, 7, 7a Abbey Street Upper, Dublin 1** and
<https://hempture.ie>,
<https://twitter.com/Hempture>,
<https://www.instagram.com/hemptureofficial/>,
<https://www.youtube.com/channel/UCy6VB4jqfLMLpZX3cwAnHBw>

This Closure Order directs that:

(a) All the activities of the food business, its establishments, holdings or other premises, be ceased, insofar as those activities relate to placing food on the market.

And

(b) The internet sites and social media sites operated by the food business be ceased for the purposes of placing food on the market.

Part 2 Particular Reasons for Making of the Order

1. Registration

Legislation Contravened

Regulation (EC) 852/2004, Article 6

Particulars of Contravention

Food business operator failed to ensure that the competent authority had up-to-date information on the range of activities taking place at the establishment.

The registration form submitted to the Health Service Executive dated 16 July 2018 indicated that the main activities carried out in the food business was “distribution of hemp products”. During an inspection on 4 August 2021 there was evidence of production/processing activities taking place.

Where a food business operator fails to ensure that the competent authority always has up-to-date information on establishments, including by notifying any significant change in activities, the ability of the competent authority to verify compliance with food law is limited, creating an increased risk that unsafe or non-compliant food will be placed on the market.

2. Failure to put in place, implement and maintain Hazard Analysis and Critical Control Points (HACCP) based procedures

Legislation Contravened

Regulation (EC) 852/2004, Article 5

Particulars of Contravention

- There were no documented Hazard Analysis and Critical Control Points (HACCP) based food safety management procedures or associated records available for inspection.
- There was no evidence that the food business operator had:
 - identified relevant food safety hazards including, for example:
 - The potential food safety hazards associated with the placing on the market of Cannabidiol (CBD) oils produced by (Carbon dioxide) CO₂ extraction.
 - The potential food safety hazards associated with CBD isolate on the market;
 - established procedures to verify the effective operation of the Hazard Analysis and Critical Control Points (HACCP) based food safety management procedures.

In the absence of appropriate Hazard Analysis Critical and Control Points (HACCP) based food safety management procedures the food business operator cannot demonstrate that products placed on the market have been produced and processed safely (in compliance with food law) and there is an increased risk that unsafe food may be placed on the market.

3. Lack of effective traceability

Legislation Contravened

Regulation (EC) 178/2002, Article 18

Particulars of Contravention

The food business operator did not have systems and procedures in place to identify the names and addresses of suppliers of foods or substances intended to be, or expected to be,

incorporated into foods. The food business operator did not have systems and procedures in place to allow for this information to be made available to the competent authorities on demand.

In the absence of appropriate traceability, it cannot be established whether the foods have been produced in accordance with applicable food law and there is an increased risk that unsafe or non-compliant food may be placed on the market.

4. Placing unsafe food on the market

Legislation Contravened

Regulation (EC) 178/2002, Article 14

Particulars of Contravention

Hempture Hemp CBD isolate >99% (Pure crystal Cannabidiol) is considered unsafe as it is a pure chemical of unknown provenance, the manufacturing process for which is uncharacterised and for which no upper safe levels are yet determined in the European Union.

Unsafe food presents a risk to consumer health.

5. Placing unauthorised novel foods on the market

Legislation Contravened

Regulation (EU) 2015/2283, Chapter II, Article 6(2)

Particulars of Contravention

Various novel foods which had not been authorised and included in the European Union list were placed on the market including:

- Various Cannabidiol CBD produced by CO₂ extraction.
- Hempture Hemp CBD isolate >99% (Pure crystal Cannabidiol)
- Hemp terpenes (concentrated).

Only novel foods authorised and included in the European Union list may be placed on the market within the Union as such, or used in or on foods, in accordance with the conditions of use and the labelling requirements specified therein. In the absence of such authorisation the safety of these foods cannot be assured.

Dated this day **06 August 2021**

Signed:  **(authorised officer)**

Duly authorised by the Food Safety Authority of Ireland for the purposes of Regulation 30 of S.I. No.79 of 2020.

Note 1: Under Regulation 30(5) of S.I. No. 79 of 2020 a person who is aggrieved by a Closure Order may, within the period of 7 days beginning on the day on which the

Closure Order is served on him or her, appeal against the Closure Order to a judge of the District Court in the District Court district in which the Closure Order was served.

Note 2: Under Regulation 30(7) of S.I. No. 79 of 2020 a person who appeals against a Closure Order or who applies for a direction suspending the application of the Closure Order shall at the same time notify the Food Safety Authority of Ireland of the appeal or the application and the grounds for the appeal or the application and the Food Safety Authority of Ireland shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.