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Nation: DEA rule banning food products containing THC challenged

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By MICHELLE MORGANTE, Associated Press

SAN DIEGO (February 4, 2002 8:38 a.m. EST) - The energetic, 60-year-old woman with cropped white hair and sea-green eyes doesn't fit the usual profile of a drug pusher. But there's trouble cooking inside Gertrude Spindler's cozy condominium.

The Drug Enforcement Administration is steeling itself to put Spindler out of business and make sure she keeps her wares away from would-be buyers.

There's no meth lab in Spindler's bathtub, and there's not an Ecstasy ring in the garage. She's using a family recipe to create her Alpsnack snack bars that include hempnuts. And under a recent DEA ruling, she may as well be selling heroin.

Hempnuts come from hemp, an industrial plant grown outside the United States that is related to marijuana. Fiber from the plant long has been used to make paper, clothing, rope and other products. Its oil is found in body-care products such as lotion, soap and cosmetics.

Entrepreneurs such as Spindler argue that the nuts and oil from hemp are among nature's best sources of essential fatty acids. Twice a day, she swallows a spoonful of raw hempnuts, which she says improves - no pun intended - her joints.

"I hate chemicals. I like natural things," Spindler said. "God has given us those natural things and we should use it."

But the DEA objects. In October, the agency declared that food products containing even trace amounts of tetrahydrocannabinol or THC - the psychoactive chemical found in marijuana - were banned under the Controlled Substances Act.

It ordered an immediate halt in the production and distribution of all goods containing THC that were intended for human consumption. It gave until Wednesday for all such products to be destroyed or removed from the United States.

DEA spokesman Will Glaspy said the agency simply is upholding the law.

"A lot of people did not understand the law. The clarification says if a substance contains THC and is intended to enter the body then it is an illegal product," Glaspy said.

Hemp and marijuana, as the DEA sees it, are different parts of the same plant, he said. And THC in any amount is an illegal drug.

The ruling has galvanized hemp-product manufacturers, who contend the DEA violated the law by failing to hold hearings or accept public comment before issuing its declaration.

The Hemp Industries Association, which represents U.S. hemp product manufacturers and Canadian hemp exporters, has challenged the ruling in the federal court and has asked for a stay of the deadline.

Meanwhile, association members are continuing to produce and sell their goods, arguing that since the DEA did not issue a standard to measure THC levels they will follow standards set by Canada: By that scale, the THC is so negligible it could be considered undetectable - and certainly far below any level that would produce a "high."

"There is no such thing as a true zero in nature. It's like how the government allows trace levels of arsenic in water or alcohol in orange juice," said David Bronner, an

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association member who is chairman of Dr. Bronner's Magic Soap, an Escondido-based company.

Association members argue that hemp is not marijuana, just as field corn used for livestock feed is not the same as sweet corn eaten by humans.

"But it's part of this whole drug warrior ideology where they just associate anything that looks like cannabis to drug culture," Bronner said. "They're making it a drug-war issue."

So far the DEA has not taken enforcement action against people continuing to produce hemp food products, Glaspy said. What will happen after Wednesday remains to be seen.

In the United States, hemp is a \$100 million industry, mainly in textiles and cosmetics. The food product sector was worth \$5 million last year, but has been doubling in size for the past three years, Bronner said.

Spindler launched her one-woman Alpsnack business last year. She produces 1,500 bars a month and sends them to distributors in six states. The threat of being shut down worries her.

"It hurts. But I have some very strong feelings that it's going to work. It's going to be settled," she said.

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