



DIRECT SELLING ASSOCIATION

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Clarity Needed for Sales of Products Containing CBD

Background

There has been explosive growth of the sale, distribution, and manufacturing of Cannabinoid (CBD) products in the marketplace by direct sellers and other retailers. The market is only expected to grow exponentially over the coming years.

However, since 2015, the Food and Drug Administration (FDA) has asserted that products containing CBD cannot be sold as foods or dietary supplements. Conversely the FDA has stated publicly that the use of topical products and cosmetic products containing CBD is not proscribed by the FDA, but such products must comply with all applicable laws and regulations (including that they not be adulterated or misbranded, no drug or structure/function claims, and that claims must be substantiated).

The 2018 Farm Bill passed by Congress and signed by the President included language removing hemp from the definition of marijuana in Schedule I of the Controlled Substances Act and provides a framework for the lawful cultivation and marketing of hemp and its constituents, including CBD. While farming of hemp is legal, the FDA has made clear that use of CBD in foods or dietary supplements (ingestibles) is unlawful based on the FDA's classification which prohibits ingredients from being marketed in food or supplements if they were previously studied in clinical trials for pharmaceutical purposes.

Position

DSA supports federal and state governments providing clarity on the legal sale of CBD products in all forms to provide certainty that direct sellers marketing these products through their independent salesforces are not violating federal or state laws, and to provide a level playing field for all retailers and direct sellers. We urge the FDA to timely explore a pathway to allow this important and beneficial product to become available to consumers in other formats, such as dietary supplements.

DSA will work to remove required permits, licenses and/or fees impeding independent salesforce members from legally selling products containing CBD.