



Fine Foods Ltd makes the following submission on behalf of 13,000 growers of kava, 350 cooperatives operating in Vanuatu. Kava is consumed on a regular basis within the Pacific Island and is one of Vanuatu main exports in the region. The submission is for fresh and dried kava root as food item, defined in Codex Alimentarius.

Fine Foods Ltd is a food processing company based in Vanuatu and a licensed kava processor and exporter.

Australia TGA requires an import and export permit because it defines kava as either a “*narcotic drugs, psychotropic substances, precursor chemicals, antibiotics and androgenic/anabolic substances*”

Vanuatu Growers would like to challenge the definition of kava fresh or dried, as being any of those substances that would require an import permit under the definition that it is a “*narcotic drugs, psychotropic substances, precursor chemicals, antibiotics and androgenic/anabolic substances*” Kava is defined as a food and as such should be afforded the same access as other formulation of drinks.

We challenge the following statements made by the Australian Health Department as fact

- *“Kava (also known as kava kava or Piper methysticum) is a member of the pepper family and has traditionally been cultivated by Pacific Islanders for use as a social and ceremonial drink - either ground or chewed up and mixed with water or coconut milk. Some Aboriginal communities are also known to use kava, however kava has not been a part of their traditional systems”*

The first statement of fact:- this is prepared as a drink item and not a medicine. Why is the Australian Government singling out the Aboriginal community and implying that they can't control the use of kava? This is an internal control matter and should not affect the greater population of Australia or exporters of kava.

- *“Since 2001, the Therapeutic Goods Administration (TGA) has closely followed mounting international concerns over reports of hepatotoxicity and deaths from liver failure associated with taking some kava-containing medicines.”*

The claim is over 17 years old and refers to kava medicines and not over kava drink. The claim has been challenged in the EU court and the ban lifted. The claim has been debunked in 2018

- *“In July 2002, the TGA's Adverse Drug Reaction Unit (ADRU) received a report of a fatality in Australia, following acute liver failure, associated with a kava-containing medicine.”*

Reporting one fatality from 2002, related to kava medicine should not influence the consumption of kava juice as it is intended in 2019

- *“At its meeting in August 2003, the CMEC considered the KEG report and recommended to the TGA that only certain forms of kava were suitable for use in Listed medicines. The TGA accepted the recommendations of the CMEC and the Therapeutic Goods Regulations pertaining to Piper methysticum were amended accordingly”.*

Vanuatu Direct Plantation, Melektree road, Port Vila, Vanuatu.

P.O. Box 1503, Port Vila, Shefa Province 0000, Vanuatu.

Ph. +678 26720 Mob:+678 77 24720

ceo@finefoods.vu

www.finefoods.vu

Vanuatu kava producers request that the 16 year old report by KEA is set aside in light of the overwhelming evidence presented internationally. Kava dried or natural or drinks extracted by water may enter Australia under Codex Alimentarius description as a food item. If internal recommendation for medicine manufacture need to be assessed this should not affect the commercial importation of the Noble Kava varieties for consumption as a juice.

The consultation paper makes gross and inaccurate claims. It has no basis in fact, nor does it provide any base line evidence that 2kg of kava for personal consumption has any affect on the aboriginal population. To propose an increase to 4 kg for personal consumption over a two year pilot trial is an insult and an attempt to delay the opening of commercial trade in kava as a drink.

The consultation paper and associated references seeks to confuse the reader by quoting, in each case, that kava is a medicine. We would like to present the EU judge ruling that kava as a medicine or psychotropic substance causing liver failure was “ a Case of Ill-Defined Herbal Drug Identity, Lacking Quality Control, and Misguided Regulatory Politics”. Kava is and must be classified as a food.

The consultation paper admits that there is no evidence and statements are anecdotal. Therefore the proposed 4kg increase for personal use is a platitudinal gesture. The Australian authorities need to recognize that kava is a drink made with water.

Vanuatu growers recommend that the Australian authorities adopt a true spirit of bilateral trade and allow a pilot trial for 2 years of commercial quantities as a food item. A commercial trial will be able to assess the movement and use within a defined area eg NSW, Victoria, Queensland. If the Authorities wish to restrict the movement of kava into the Northern Territory they have it within their power to prescribe this. If the authorities adopt Codex Alimentarius definition for kava, this sets the boundaries of kava being extracted by solvents for medicines.

All food items, imported in commercial quantities require import permits and phyto certificates. This is the only method that can assess traceability, quality and conformity. Personal consignments do not require a permit or any other form of documentation and so do not add value to any argument for restricting its use.

Cornelia Wyllie

Vanuatu Direct Plantation, Melektree road, Port Vila, Vanuatu.

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