

# DCBA LAW, PLLC

**Washington, DC/Northern Virginia**  
Post Office Box 2943  
Leesburg, Virginia 20177  
USA  
Phone: 703-685-0993  
Fax: 703-842-9438

[www.dcbalaw.com](http://www.dcbalaw.com)

**Buenos Aires**  
Pasaje Gelly 3368  
Suite 3-C  
1425 Capital Federal  
Argentina  
Phone: 15-5735-7000

September 12, 2005

The Honorable Michael O. Leavitt, Secretary  
United States Department of Health & Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

**Re: Adulterated and Misbranded Foods Containing Hemp Seed Derivatives and/or Cannabis Flower Oil**

Dear Secretary Leavitt:

My client, Jeanette McDougal of Jacksonville, Florida, respectfully requests that the Department of Health & Human Services exercise its duty under 21 U.S.C. § 337 and proceed against Hydro Blunts, LLC (“Hydro Blunts”), a California limited liability company, and all other entities introducing into and receiving in interstate commerce products containing hemp seed derivatives and/or cannabis flower oil.

Hemp seed derivatives (such hemp oil, hemp flour, hemp powder, and hemp cake) and cannabis flower oil are derived from the cannabis sativa plant and contain tetrahydrocannabinol, a deleterious substance which renders them injurious to health. Hemp seed derivatives and cannabis flower oil are not recognized among scientific experts as having been adequately shown through scientific procedures or experience to be safe for human consumption. The Food and Drug Administration (“FDA”) has informed Mrs. McDougal that neither of the substances is the subject of a regulation prescribing the conditions under which it may safely be used as a food additive. In light of these facts, products containing hemp seed derivatives and cannabis flower oil are “adulterated” under 21 U.S.C. § 342(a). Their introduction into and receipt in interstate commerce are, therefore, prohibited under 21 U.S.C. § 331.

Hydro Blunts nationally distributes, markets, and sells “Kronic Kandy” lollipops containing hemp seed derivatives and/or cannabis flower oil. Tony Sosa, head of Hydro Blunts, has publicly promoted his company’s candy by stating, “It’s FDA-approved and kosher.” See Attachment. Hydro Blunts’ products are represented as foods for which a standard of quality has been prescribed by regulations as provided by 21 U.S.C. § 341, yet according to the FDA, no standard of quality for products containing hemp seed derivatives and/or cannabis flower oil has been set. In light of these facts, Hydro Blunts’ products are “misbranded” under 21 U.S.C. § 343. Their introduction into and receipt in interstate commerce are, therefore, further prohibited under 21 U.S.C. § 331.

Letter to Secretary Leavitt

September 12, 2005

Page 2 of 2

We urge you to proceed vigorously against Hydro Blunts and all other entities introducing into and receiving in interstate commerce products containing hemp seed derivatives and/or cannabis flower oil. I ask that you keep me apprised of your progress on this matter.

Sincerely,

Michael C. Barnes, Esq.  
Counsel to Mrs. McDougal

Attachment: Associated Press article, 06/19/05