

STATEMENT OF WITNESS

Criminal Justice Act, 1967, sect 9; M.C Rules, 1981, r.70)
(Magistrates' Court Act, 1980, s102)

Statement of Christopher Brian Bovey

Age of Witness: DOB 13.11 .1972

Occupation of witness: Managing Director

Address: 3 Seymour Lodge, Bridgetown Hill, TOTNES, TQ9 5BA

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to Prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated

Signed

Signature witnessed by

I am the managing director of a small Internet based retail and wholesale business, in what has become known as the “smart shop” or “head shop” industry.

The company specialise in herbs, plants, seeds and dietary supplements and it has been trading since 2001. Not including myself, the company employs 3 full time staff and 2 part-time, it is VAT registered, and registered with Companies House in the UK as a limited company. I pay VAT every three months to the Government, the tax and National Insurance on my employee’s wages and corporation tax on the profits’ of the business. All the products we sell are legal in the UK and we do take great care to check with the Home Office on a regular basis to ensure all our products are keeping within UK law. We do not sell any products that we would consider dangerous or would have an ethical problem with, even if they were legal.

One of the first products that the company stocked were San Pedro, Peruvianus and Peyote cacti. These are imported from Holland, usually from a company called Botanic-Art, though I have on occasion imported from a Spanish company. These are live plants, which are sold as specimens, and generally they are bought as collector’s pieces or sometimes as novelty presents. Most of the cacti we sell are just a few years old, as they are very slow growing cacti, though occasionally we do sell larger peyote of 15 years in age or more on the rare occasion we can get hold of them. We also sell

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botanical samples of dried Peruvian Torch Cacti, which is imported from Peru, these are grown on a sustainable farm near Lima and come with Phytosanitary Certificates in accordance with UK law regarding the importation of plant material from outside the EU. I am aware these cacti naturally contain small amounts of the substance mescaline, which is listed a class A drug, however, I am aware that plants which contain banned substances are not covered by law, unless the law specifically lists them, which was the case with Psilocybin mushrooms, before the UK Government saw fit to change the law a couple of years ago.

I am also aware that the peyote cacti and mescaline containing cacti are not covered by international law and it has been brought to my attention that the Convention on Psychotropic Substances at Vienna on 21 February 1971, United Nations New York, 1976/CN 7/589) states: "Plants as such are not, -it is submitted - are also not likely to be, listed in Schedule I, but only some products obtained from plants. Article 7 therefore does not apply to plants as such from which substances in Schedule I may be obtained, nor does any other provision of the Vienna Convention. Moreover, the cultivation of plants from which psychotropic substances are obtained is not controlled by the Vienna Convention. (...) The inclusion in Schedule I of the active principle of a substance does not mean that the substance itself is also included therein if it is a substance clearly distinct from the substance constituting its active principle. This view is in accordance with the traditional understanding of that question in the field of international drug control. Neither the crown (fruit, mescal button) of the Peyote cactus (...) nor Psilocybin mushrooms themselves are included in Schedule I, but only their respective active principles, mescaline (...) and psilocybin (psilocin, psilosin)." I understand that this is why the Government changed the law, as they wrongly, in my opinion did not believe that psilocybin mushrooms should be legal in the UK.

Furthermore, I am aware of a letter circulated by the Home Office by Richard Mullins of the Drug Legislation and Enforcement Unit that clearly states that a bona fide trader selling dried material and samples of cacti, etc., for purely botanical/ horticultural/ herbarium specimens purposes has nothing to fear, notwithstanding the fact that the cacti etc., contain a controlled drug. In the letters from Mr Mullins, which I understand you will have a copy of, it makes it quite clear that it is not illegal to own, sell or give away a mescaline containing cacti.

On occasion, our shipments that had mescaline containing cacti inside have been opened by customs and repackaged with special customs tape with a note inside to say they had opened the package to check that it did not

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contain any illegal items and they had found it to be in order and they hoped they had repackaged it properly.

It is my understanding that these cacti, are generally sold as collectable items and they are not used to extract mescaline, as they contain a very small amount of mescaline, so a large number of cacti would be needed for this purpose or a very large older cacti, which are very rare, and therefore if someone wanted to have pure mescaline, it would be much easier and cheaper to chemically synthesise in a laboratory. I don't believe that many if any people actually consume the cacti we sell, as again, a large number of cacti would be needed to even get a small effect of mescaline and I'm told it also tastes absolutely disgusting. I think people are more interested in them as collectors pieces, with an interest in these particular plants because of the sacred and religious use of them by Mexican and North American Indians and also because of the writings of the famous British author Aldous Huxley who wrote extensively on his experiences using mescaline, which he concluded was broadly a very positive experience.

SIGNED.....

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