



## **REPORT ON STATUS SGT-25 UNDER THE MISUSE OF DRUGS ACT 1971**

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## Table of Contents

1. INTRODUCTION .....	4
2. RELEVANT UK LAW.....	4
2.1 CAVEATS FOR THE REVIEW .....	4
2.2 CONTROL OF DRUGS OF ABUSE .....	4
2.3 RESPONSIBLE GOVERNMENT DEPARTMENT AND RAPID CHANGES TO LEGISLATION .....	5
2.4 CONTROL OF CHEMICAL PRECURSORS TO DRUGS OF ABUSE .....	6
3. IMPORTATION AND TRADING .....	6
4. CONCLUSIONS .....	9



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## 1. INTRODUCTION

CambReg Consulting Ltd has been asked to provide an opinion on whether the compound known by the code number SGT-25 is controlled under UK law to such an extent that it cannot be sold or supplied legally. The compound is a psychoactive entity and falls into the category called colloquially 'legal highs'. The chemical name was supplied by Kirm Perpar Law Firm on 5 March 2014.

## 2. RELEVANT UK LAW

### 2.1 CAVEATS FOR THE REVIEW

This report is based on the findings of UK Misuse of Drugs law as it stands on 28 July 2014. Since the law can change rapidly no guarantee can be given that the findings in this report are correct at any future date.

A check has been done on the World health Organization list of International Non-proprietary names (INN) to determine if the compound (as its chemical name) is recognised as a therapeutic entity because these names have world-wide applicability. No results were found and it has been assumed that that SGT-25 is not recognised as a therapeutic entity that would be controlled as a medicine in the UK.

### 2.2 CONTROL OF DRUGS OF ABUSE

Drugs of addiction, drug open to misuse and psychoactive compounds without a recognised medical use are controlled under the Misuse of Drugs Act 1971 (as amended). The Home Office is the government department responsible for the Misuse of Drugs Act and operates entirely separately from the Medicines and Healthcare products Regulatory Agency (MHRA), the government department responsible for the control of pharmaceutical products.

The 1971 Act (primary legislation) is what is known as 'enabling legislation' so that changes can be made quickly by means of a Statutory Instrument (secondary legislation) without the need for copious amounts of parliamentary time to effect the change. Statutory Instruments can effect changes as soon as the day on which they are published if the change is deemed urgent although it is more usual for a period of review to be included prior to implementation.

Since 1971 the Act has been amended about 170 times by Statutory Instrument. Not all of these changes affect the classification of drugs, many are related to storage and who can (cannot) prescribe various items.

The Misuse of Drugs Regulations 2001 (as amended) is the main Statutory Instrument that imposes controls on drugs covered by the Act. This Instrument has Schedules that categorise controlled drugs (and potential controlled drugs) into classes that are subjected to varying degrees of control.



In addition to the 2001 Regulations there are many Statutory Instruments that have added more drugs to list of those controlled and changed the classification of drugs already controlled.

The 2001 Regulations divide controlled drugs into five schedules. These schedules describe the levels of control, supply, storage and record keeping that must be followed to be lawful.

In general any drug in Schedule 1 of the 2001 Regulations, such as LSD or cannabis, does not have a recognised medicinal use and is strictly controlled. The production, possession and supply of these drugs is limited to research or other special purposes and a specific licence (issued by the Home Office) is required to legally handle such compounds.

Drugs in Schedule 2 include the strong opiate pain killers such as morphine and diamorphine, and the stimulant amphetamine. Strict requirements apply with respect to prescriptions and record keeping for these drugs. Home Office licences are needed for import and export.

Schedule 3 drugs include a small number of minor stimulants such as diethylpropion and phentermine (appetite suppressants) and other drugs which are less likely to be misused than the drugs in Schedule 2. Examples are most barbiturates, buprenorphine, diethylpropion, mazindol, meprobamate, midazolam, pentazocine, phentermine, and temazepam.

Schedule 4 includes most benzodiazepines, androgenic and anabolic steroids and growth hormones as well as the adrenoceptor stimulant clenbuterol. Licences are required to import or export these drugs.

Schedule 5 drugs have the lowest level of control and are considered least liable to misuse. Examples include OTC paracetamol and codeine tablets and pholcodine cough syrup.

### **2.3 RESPONSIBLE GOVERNMENT DEPARTMENT AND RAPID CHANGES TO LEGISLATION**

In the UK the Home Office (Government Department) is responsible for the control of drugs of addiction, drug open to misuse and psychoactive compounds under the Misuse of Drugs Act 1971 (as amended).

It is possible for UK law to change very rapidly so that what is legal today may not be legal tomorrow. The UK government is able to make any compound a controlled substance using a Temporary Class Drug Order (TCDO) under section 2A(1) of the Misuse of Drugs Act 1971. As long as the official advisory body, the Advisory Council on the Misuse of Drugs (ACMD), thinks a compound could be misused and that misuse could have harmful effects ministers will be able to ban its use for 12 months.

Once a compound has been placed under a TCDO, importing, exporting, producing and supplying it is then illegal. Anyone convicted of one of these offences could be sentenced to a maximum of 14 years in prison and an unlimited fine.



Once a TCDO has been made, the drug and its effects will be examined more closely to decide if it should be controlled permanently. The TCDO ends after 12 months, or before if the drug is placed under permanent control before the 12 month date has expired. Historically most, if not all, compounds subjected to a TCDO have been added to the Misuse of Drugs Act to impose permanent controls on supply and possession.

Sellers of such compounds should be aware that TCDOs can be made quite quickly (typically less than 7 calendar days from publication to coming into force) and could easily be left with stock that is now illegal to sell. Not knowing that the law has changed will unfortunately not be a defence against continued sale.

## **2.4 CONTROL OF CHEMICAL PRECURSORS TO DRUGS OF ABUSE**

The European Union is signatory to The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted in Vienna on 19 December 1988. Various Regulations are in force to control sale and supply of potential precursor compounds covered by the Convention.

SGT-25 is not listed in the Regulation (Regulation 273/2004/EC) pertinent to control of precursors to drugs of abuse.

## **3. IMPORTATION AND TRADING**

Compounds like SGT-25 fall into a difficult area in terms of trading, labels and importation. Whilst it is not currently illegal to trade in this compound (because it is not controlled under UK law as of 28 July 2014) there is nothing in the public domain that provides clear guidance on what can and cannot be done. In light of this only general points can be made about areas to avoid in order to stay outside the controls of UK medicines and controlled drugs laws.

- No medicinal claims can be made – this would preclude the use of words like ‘prevent’, ‘treat’, alleviate in any labels or literature. Any claim like mood lifting should be made with caution since this might be considered medicinal by MHRA (antidepressants would be understood by the layman to lift mood). MHRA has wide discretion on what is and is not a medicine in terms of claims made for it.
- Since SGT-25 is not a medicine or a food supplement there are no specific guidelines or legal requirements for labelling such compounds beyond those that would be used for chemicals (see below). The competitor commercial products carry little more information than the name (invented name used by the company for its product, not a name for the chemical(s) present) and quantity per pack. In some cases there is a warning that the product is not intended for human consumption or that it is a chemical for research purposes only. The latter statements are there as a cover for the supplier to attempt a defence of ‘I told you not to take this’ if something goes wrong. It can be guessed what the intent of the purchaser of these compounds is so whether this would stand up in a court of law is not clear.

- Some packages, but by no means all, include a picture like this to indicate no sales to under



18s:

Such symbols are more common on the websites of head shops and are also spelled out in the trading terms and conditions of these businesses as another line of defence for the seller but there is nothing that says it must be included. The nearest thing to this is UK law on the sale of tobacco where the minimum age for purchase is 18.

- Under UK chemicals law SGT-25 and similar compounds should be labelled with manufacturer's contact details, batch number or expiry date as would be done for medicines and foods. Competitor products do not appear to do this (not really surprising given the nature of the trade). Sellers of competitor products in the main are on-line shops with no details of how to contact them in person (no physical address). The reason for limited contact details could be so that the shops and manufacturers who are on the very edge of the law can disappear at the first signs of trouble and resurface later under new names.
- Nothing in the public domain imposes specific importation restrictions on these compounds at present. They would appear to be like any other chemical item of commerce but this does not stop the Customs service seizing any package for further investigation. All UK border points (ports and airports that handle mail and courier consignments) are staffed by customs officers with dogs trained to detect narcotic compounds (heroin, marijuana etc) but whether these dogs will also react to compounds like SGT-25 is unclear.
- The declaration for the customs manifest – the choice of words ('research chemicals', 'herbal incense' etc) is likely to have a big impact on whether or not the package is seized. Another thing that will affect the interest of the Customs service is who the product is addressed to and how much is being sent – big quantities to known drug dealers/users are likely to fail at the border because UK customs has a targeted approach to interception of packages based on intelligence gathered.
- Commercial couriers like DHL in the UK have information on shipping dangerous goods, including chemicals; shipping of SGT-25 (bulk powder or in a form packed for the consumer) would be covered by this information:

#### *Important Facts and Information*

*Transportation of Dangerous Goods is a risk when they are not correctly packed or handled. If the goods are hidden, declared incorrectly, left completely undeclared, packed or labelled incorrectly, health and safety is compromised.*

*Did you know that food flavouring, perfumes, chemicals and electronic equipment can be classed as Dangerous Goods? If you are thinking of sending such commodities, be it for personal or commercial use; please check first with a Dangerous Goods Expert at DHL Express. If in doubt, refer to the Material Safety Data Sheet from the manufacturer to determine if the*



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*product can indeed be forwarded as regular cargo. In this case DHL Express requires shippers to declare the shipment as "Not Restricted" or "not restricted as per special provision A..." on the waybill and/or invoice.*

*+Contact a DHL Dangerous Goods Expert*

*If you would like to ship via DHL Express, it is essential that you contact a Dangerous Goods expert from the DHL Restricted Commodities Group. With a wide experience of transporting all types of Dangerous Goods, DHL Express is perfectly placed to offer you professional advice.*

*If you are unsure about which regulations apply to you, please contact us and ask to speak to a Dangerous Goods expert from the Restricted Commodities Group.*

*-Summary of Shipper's Responsibility*

*The shipper is responsible for declaring, packaging and labelling Dangerous Goods. DHL Express will accept Dangerous Goods but with certain restrictions for the different products & services offered and only under certain conditions.*

*Avoid the risk of harm to others and avoid fines from authorities by ensuring your shipment does not contain any hazardous material. Some items may be considered as dangerous when they are not (i.e. chemicals), so you can avoid your shipment being delayed or stopped by adding the words "Not Restricted" to your documentation, when this applies.*

- Since the responsibility for correct declaration of contents rests with the shipper, it is not clear what the carrier (courier or postal service) would impose as sanctions for a package where the contents are incorrectly declared.
- Chemical transport and packing legislation imposes duties of care and defines the labels that need to be applied when transporting chemicals. However, none of the competitor products appear to do this, but the fact that competitors choose not to apply these labels and warnings is not a valid defence for their absence on SGT-25 packages. The decision about the use of warning labels must rest with the supplier.

In conclusion there is nothing specific on the labelling and importation beyond the controls used for shipping chemicals but given the interest there is in the area from government and the ability that exists to make any compound subject to a temporary control order under the Misuse of Drugs Act controls could be put in place very quickly (just like New Zealand according to the UK press).





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## 4. CONCLUSIONS

Having examined the structure of SGT-25 (supplied by Kirm Perpar Law Firm on 5 March 2014) we conclude the following:

- The compound is based on indazole and is not currently restricted under UK drugs law. Indazole is not listed as a nucleus for drugs controlled in the Misuse of Drugs regulations 2001.
- UK law on the control of psychoactive compounds can (and does) change rapidly in light of scientific and medical concerns. Even though SGT-25 is not on the list of controlled substance as of 28 July 2014 the situation could change in the future.
- There is no absolute prohibition on the importation and sale of SGT-25 but this does not stop UK customs seizing packages for further investigation.
- No legal requirements exist for the labelling of packages and what is (is not) included is at the discretion of the supplier and must be based on the requirement of chemicals legislation.