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Dear Dr. Lousberg,

The International Narcotics Control Board Secretariat has recently received an inquiry from attorneys who represent defendants in a criminal case in your country regarding mushrooms that contain the substances psilocine and psilocybin. A copy of the letter is attached for ease of reference.

The INCB Secretariat consulted with the Scientific Section and the Legal Advisory Section of the United Nations International Drug Control Programme (UNDCP) in the preparation of this reply, which you may wish to share with the authors of the 5 September 2001 letter.

As you are aware, mushrooms containing the above substances are collected and abused for their hallucinogenic effects. As a matter of international law, no plants (natural material) containing psilocine and psilocybin are at present controlled under the Convention on Psychotropic Substances of 1971. Consequently, preparations made of these plants are not under international control and, therefore, not subject to any of the articles of the 1971 Convention.

It should be noted, however, that criminal cases are decided with reference to domestic law, which may otherwise provide for controls over mushrooms containing psilocine and psilocybin. As the Board can only speak as to the contours of the international drug control conventions, I am unable to provide an opinion on the litigation in question.

Yours sincerely,



Herbert Schaepe
Secretary of the Board

Dr. R. Lousberg
Chief
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