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# A BILL FOR AN ACT

RELATING TO HONEY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that producers of very  
2 high quality honey in Hawaii have been losing significant market  
3 share to preternaturally cheap, adulterated, imported,  
4 sweeteners mislabeled as "honey" and as products of the United  
5 States of America. These sweeteners are actually honeys of  
6 Chinese and possibly Argentinean origin that were contaminated  
7 with antibiotics and chloramphenicol and then subjected to an  
8 ultrafiltration process to remove the contaminants after they  
9 were embargoed in the international marketplace. Following the  
10 processes of dilution with water, ultrafiltration, and chemical  
11 re-dehydration, all constituents of honey that make it a  
12 distinct product, such as unique enzymes, resins and flavinoids  
13 of plant origin, and plant pollen are completely removed. The  
14 resulting material is not honey and labeling and selling it as  
15 honey is misleading and deceptive.

16           The legislature also finds that this ultrafiltered honey is  
17 imported into the United States in huge containers, repackaged  
18 by United States-based companies, some of which are foreign



1 owned, and labeled using formats and verbiage that mislead the  
2 consumer into believing that the products are pure honey  
3 produced in the United States. While this a consumer protection  
4 issue, it is also one of fairness to Hawaii honey producers.  
5 Local beekeepers are willing to compete with other honey  
6 producers on the merits of their product but can not do so when  
7 those other producers sell this cheap, reconstituted honey or  
8 use it to dilute domestic honey. Given the spot price of honey  
9 and the cost to process, blend, bottle, label, box, consolidate,  
10 ship, broker, distribute, promote, and market this product,  
11 these local producers cannot afford to price their product for  
12 retail sale below wholesale price unless they sell an  
13 adulterated product or use it to dilute their own.

14 The purpose of this Act is to prevent mislabeled, and  
15 potentially unwholesome, "honey" products from being sold in  
16 Hawaii.

17 SECTION 2. Chapter 486, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 **"§486- Imported non-Hawaii produced honey; labeling**  
21 **requirements.** (a) In addition to all other labeling  
22 requirements, the identity statement used for labeling or



1 advertising honey products produced in whole or in part from  
2 imported honey shall meet the following requirements:

3 (1) For a product that contains one hundred per cent of  
4 honey by weight, the identity statement shall consist  
5 of either:

6 (A) The country of origin of the imported honey, in  
7 packaging that contains honey from only one  
8 country of origin, followed by the word "Honey";  
9 provided that the country of origin may be  
10 immediately preceded by the term "100%";

11 (B) The per cent of each honey used, by weight, in  
12 packaging that contains honey from several  
13 countries of origin, followed by the country of  
14 origin of the weight-specified honey and the term  
15 "Honey"; or

16 (C) The per cent of Hawaii-produced honey used, by  
17 weight, in packaging that contains a blend of one  
18 or more Hawaii-produced honeys and imported  
19 honeys, followed by the country of origin of the  
20 remainder weight-specified honey used in  
21 packaging the blend and the term "Honey Blend";



1       (2) For a product that contains less than one hundred per  
2       cent of honey by weight, the identity statement shall  
3       consist of the percent of natural honey by weight  
4       followed by the country or countries of origin of the  
5       honey and the percent by weight of other sweeteners  
6       added to the honey;

7       (3) For a product that contains honey subjected to any  
8       ultra-filtration and reconstitution processes, which  
9       removes the low molecular weight contaminants and the  
10       natural constituents of honey, whether packaged alone  
11       or blended with natural honey or other sweeteners, the  
12       identity statement shall consist of the per cent of  
13       natural honey by weight followed by the country or  
14       countries of origin of the honey and the per cent by  
15       weight of the ultra-filtered sweetener and the term  
16       "Ultra-filtered Sweetener"; and

17       (4) Each word or character in the identity statement shall  
18       be of the same type size and shall be contiguous. The  
19       smallest letter or character of the identity statement  
20       on packages of sixteen ounces or less net weight shall  
21       be at least one and one-half times the type size  
22       required under federal law for the statement of net



1 weight or three-sixteenths of an inch in height,  
2 whichever is smaller. The smallest letter or  
3 character of the identity statement on packages of  
4 greater than sixteen ounces net weight shall be at  
5 least one and one-half times the type size required  
6 under federal law for the statement of net weight.  
7 The identity statement shall be conspicuously  
8 displayed without any intervening material in a  
9 position above the statement of net weight. Upper and  
10 lower case letters may be used interchangeably in the  
11 identity statement.

12 (b) A listing of the predominant countries of origin of  
13 the various imported non-Hawaii-produced honeys that are  
14 included in a blend shall be shown on the label. This list  
15 shall consist of the term "Contains:", followed by, in  
16 descending order of per cent by weight and separated by commas,  
17 the respective countries of origin of the various honeys in the  
18 blend to include in aggregate, not less than seventy-five per  
19 cent of the total honey content by weight. Each country of  
20 origin shall be preceded by the per cent of honey by weight  
21 represented by that country of origin expressed as a number  
22 followed by a per cent sign. The type size used for this list



1 shall not exceed half that of the identity statement. This list  
2 shall appear below the identity statement, if included on the  
3 front panel of the label.

4 (c) It shall be a violation of this section:

5 (1) To use the identity statement specified in subsection  
6 (a) (1) (A) or similar terms in labeling or advertising  
7 unless the package of honey contains one hundred per  
8 cent honey from that one country of origin;

9 (2) To use a country of origin in labeling or advertising,  
10 including in conjunction with a honey style or in any  
11 other manner, if the honey contains less than fifty-  
12 one per cent honey by weight from that country of  
13 origin;

14 (3) To use a country of origin in advertising honey,  
15 including advertising in conjunction with a honey  
16 style or in any other manner, without disclosing the  
17 percentage of honey used from that country of origin  
18 as described in subsection (a) (1) (B) and (a) (1) (C);

19 (4) To use a geographic origin or country of origin in  
20 labeling or advertising honey, including in  
21 conjunction with a honey style or in any other manner,  
22 if the honey used in that product does not meet the



1 United States Department of Agriculture grade standard  
2 and those requirements of rules adopted under chapter  
3 147;

4 (5) To misrepresent, on a label or in advertising of a  
5 honey, the per cent of imported honey by weight and  
6 the country of origin; or

7 (6) To use the terms "Product of the USA" or "100% US  
8 Grade A" or "100% USA", or similar terms, on a label  
9 or in advertising of a honey if the honey itself is  
10 not produced entirely in the United States of America.

11 (d) Apiculturists, packers, importers, handlers,  
12 distributors, or other persons who package and import honey into  
13 Hawaii shall maintain records on the volume and country of  
14 origin of the honeys produced, processed and sold and any other  
15 records required by the department for the purpose of enforcing  
16 this section for a period of two years. Authorized employees of  
17 the department shall have access to these records during normal  
18 business hours.

19 (e) For the purpose of this section:

20 "Country of origin" means the country in which the imported  
21 honey was produced, as defined in rules relating to chapter 147  
22 and adopted pursuant to chapter 91.



1       "Honey style" means honey-like products that have the  
2 flavor of honey but do not contain any honey.

3       "Imported honey" means any honey produced outside of the  
4 State of Hawaii.

5       "Per cent of honey by weight" means the percentage  
6 calculated by dividing the weight in pounds of honey of one  
7 country of origin used in a production run of blended honey, by  
8 the total weight in pounds of the honey used in that production  
9 run of honey and multiplying the quotient by one hundred.

10       (f) The department shall adopt rules pursuant to chapter  
11 91 to establish and enforce a program certifying compliance with  
12 this section and that honey imported into and sold in this State  
13 is not misbranded as defined in section 486-1 or adulterated  
14 within the meaning of section 328-9."

15       SECTION 3. All honey products subject to this Act shall  
16 comply with the labeling and advertising requirements within one  
17 year of the effective date of this Act.

18       SECTION 4. New statutory material is underscored.

19       SECTION 5. This Act shall take effect upon its approval.





**Report Title:**

Honey; Labeling; Origin; Purity

**Description:**

Requires honey imported into Hawaii to be labeled according to its country or countries of origin and per cent constituents of natural honey and non-honey sweeteners, including ultra-filtered sweeteners. Requires DOA to adopt rules to certify compliance with labeling and purity requirements. (SD1)

