

JAN 25 2006

S.B. NO. 3049

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 producers can not afford to price their product for retail
12 sale below wholesale price unless they sell an adulterated
13 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- Hawaii-produced honey; labeling requirements."**

21 (a) In addition to all other labeling requirements, the
22 identity statement used for labeling or advertising honey



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

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

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

11 (B) The per cent honey by weight of one of the
12 Hawaii-produced honeys, used in packaging that
13 contains honey from several geographic origins,
14 followed by the geographic origin of the weight-
15 specified honey and the terms "Honey" and "All
16 Hawaiian";

17 (2) For honey consisting of a blend of one or more Hawaii-
18 produced honeys and honey not produced in Hawaii, the
19 per cent honey by weight of one of the Hawaii-produced
20 honeys used in the blend, followed by the geographic
21 origin of the weight-specified honey and the term
22 "Honey Blend"; and



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

18 (b) A listing of the geographic origins of the various
19 Hawaii-produced honeys and the regional origins of the various
20 honeys not produced in Hawaii that are included in a blend may
21 be shown on the label. If used, this list shall consist of the
22 term "Contains:", followed by, in descending order of per cent



1 by weight and separated by commas, the respective geographic
2 origin or regional origin of the various honeys in the blend
3 that the manufacturer chooses to list. Each geographic origin
4 or regional origin may be preceded by the per cent of honey by
5 weight represented by that geographic origin or regional origin,
6 expressed as a number followed by the per cent sign. The type
7 size used for this list shall not exceed half that of the
8 identity statement. This list shall appear below the identity
9 statement, if included on the front panel of the label.

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

11 (1) To use the identity statement specified in subsection

12 (a) (1) (A) or similar terms in labeling or advertising
13 unless the package of honey contains one hundred per
14 cent honey from that one geographic origin;

15 (2) To use a geographic origin in labeling or advertising,
16 including in conjunction with a honey style or in any
17 other manner, if the honey contains less than ten per
18 cent honey by weight from that geographic origin;

19 (3) To use a geographic origin in advertising honey,
20 including advertising in conjunction with a honey
21 style or in any other manner, without disclosing the



- 1 percentage of honey used from that geographic origin
2 as described in subsection (a)(1)(B) and [(a)](2);
3 (4) To use a geographic origin in labeling or advertising
4 honey, including in conjunction with a honey style or
5 in any other manner, if the honey used in that product
6 does not meet the grade standard requirements of rules
7 adopted under chapter 147;
8 (5) To misrepresent, on a label or in advertising of a
9 honey, the per cent honey by weight of any honey from
10 a geographic origin or regional origin; or
11 (6) To use the term "All Hawaiian" on a label or in
12 advertising of a honey if the honey is not produced
13 entirely in geographic origins defined in this
14 chapter.
15 (d) Apiculturists, manufacturers, or other persons who
16 package honey covered by this section shall maintain, for a
17 period of two years, records on the volume and geographic origin
18 or regional origin of honeys produced and sold and any other
19 records required by the department for the purpose of enforcing
20 this section. Authorized employees of the department shall have
21 access to these records during normal business hours.
22 (e) For the purpose of this section:



1 "Geographic origin" means the geographic regions in which
 2 Hawaii-produced honey is produced, as defined in rules relating
 3 to chapter 147 and adopted pursuant to chapter 91; provided that
 4 the term "Hawaiian" may be substituted for the geographic origin
 5 "Hawaii".

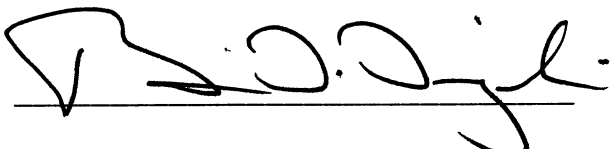
6 "Per cent honey by weight" means the percentage calculated
 7 by dividing the weight in pounds of honey of one geographic or
 8 regional origin used in a production run of blended honey, by
 9 the total weight in pounds of the honey used in that production
 10 run of honey, and multiplying the quotient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

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

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY: 

Report Title:

Honey; Labeling; Origin; Purity

SB. NO. 3049

Description:

Requires honey produced in Hawaii to be labeled according to its origin. Requires department of agriculture to adopt rules to certify compliance with labeling and purity requirements.

