
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)

