## HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

H.B. NO. <sup>1628</sup> H.D. 1 S.D. 1

C.D. 1

# A BILL FOR AN ACT

RELATING TO HAWAII MACADAMIA NUT PRODUCT LABELING.

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

SECTION 1. Section 486-120.5, Hawaii Revised Statutes, is
 amended as follows:

3 "§486-120.5 Macadamia nuts; labeling requirements. (a) If a label on a consumer package contains language that all of 4 the raw or processed macadamia nuts contained in the package 5 were grown in Hawaii, the label shall be worded, "100% Hawaii-6 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts", "100% 7 8 Hawaiian Macadamia Nuts", or "Hawaiian Macadamia Nuts", and 9 shall appear on the principal display panel of the package. 10 If a label on a consumer package contains language (b) 11 that a portion of the raw or processed macadamia nuts contained in the package was grown in Hawaii, the label shall be worded 12 "Hawaii-Grown Macadamia Nuts", preceded by the per cent by 13 weight of the macadamia nuts contained in the package that were 14 grown in Hawaii, and shall appear on the principal display panel 15 of the package. The per cent by weight of the macadamia nuts in 16 the package shall be the percentage calculated by dividing the 17

18 weight in pounds of the macadamia nuts grown in Hawaii that are HB1628 CD1 HMS 2007-4018

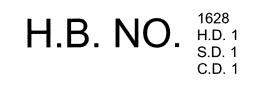
1 in the package by the weight in pounds of all macadamia nuts in 2 the package and multiplying the quotient by one hundred. 3 [<del>(b)</del>] (c) All nonconsumer packages containing macadamia nuts grown in the State and introduced into intrastate or 4 5 interstate commerce  $[\tau]$  shall bear on the package a label containing language that the package contains Hawaii-grown 6 macadamia nuts. This label shall be in addition to all other 7 8 labeling requirements specified in this chapter. [(c)] (d) Any person keeping, offering, displaying, 9 10 exposing for sale, or soliciting for sale, any raw or processed 11 macadamia nut product, which represents or which is branded or

12 labeled that <u>all or a percentage or portion of</u> the macadamia 13 nuts were grown in Hawaii, shall make available to the 14 administrator, upon demand, documented proof that [<del>one hundred</del> 15 <del>per cent of</del>] the <u>amount of</u> macadamia nuts [<del>were</del>] <u>represented to</u> 16 <u>be grown in the State, was</u> grown in the State.

17 [(d)] (e) It shall be a violation of this part [to]:
18 (1) To use a label containing the words, "100% Hawaii19 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts",
20 "100% Hawaiian Macadamia Nuts", or "Hawaiian Macadamia
21 Nuts", or similar wording, or to otherwise represent
22 that all of the macadamia nuts in the package were



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1		grown in Hawaii, if any portion of the macadamia nuts
2		contained in the package [ <del>are</del> ] <u>was</u> not grown in the
3		State[+] <u>;</u>
4	(2)	To use a label, as provided for under subsection (b),
5		containing the words "Hawaii-Grown Macadamia Nuts"
6		preceded by a percentage, if less than the specified
7		percentage or none of the macadamia nuts in the
8		package was grown in the State; or
9	(3)	To use a label representing that any of the macadamia
10		nuts contained in the package was grown in the State,
11		if none of the macadamia nuts contained in the package
12		was grown in the State.
13	(f)	Any person who violates this section shall be subject
14	to penalties under section 486-32."	
15	SECTION 2. This Act does not affect rights and duties that	
16	matured, penalties that were incurred, and proceedings that were	
17	begun, before its effective date.	
18	SECTION 3. Statutory material to be repealed is bracketed	
19	and stricken. New statutory material is underscored.	
20	SECT	ION 4. This Act shall take effect upon approval.



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#### Report Title:

Hawaii Macadamia Nut Product Labeling

### Description:

Requires products with labels representing that a portion of the macadamia nuts in the package was grown in Hawaii, to specify the percentage of Hawaiian-grown macadamia nuts. Prohibits labeling that incorrectly represents that any of the macadamia nuts contained in the package were grown in Hawaii. (HB1628 CD1)

