

JAN 24 2007

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 raw, unprocessed honey in Hawaii have been losing
3 significant market share to preternaturally cheap, adulterated,
4 imported, sweeteners mislabeled as "honey" and as products of
5 the United States of America. These sweeteners are actually
6 adulterated "honeys" of Chinese and possibly Argentine origin
7 that may have been contaminated with antibiotics such as
8 chloramphenicol, nitrofurans, streptomycin and flouroquiolones,
9 and then subjected to an ultrafiltration process to remove the
10 contaminants after the honey was embargoed in the international
11 marketplace. Following the processes of dilution with water,
12 ultrafiltration, and chemical rehydration, all constituents of
13 honey that make it a distinct product, such as unique enzymes,
14 resins and flavinoids of plant origin, and plant pollen are
15 completely removed. The resulting material is not natural honey
16 and labeling and selling it as honey is misleading and
17 deceptive.



1 The legislature also finds that this ultrafiltered
2 sweetener is imported into the United States in large
3 containers, repackaged by United States based companies, some of
4 which are foreign owned, and labeled using formats and verbiage
5 that mislead the consumer into believing that the products are
6 pure honey produced in the United States.

7 While this is a consumer protection issue, it is also one
8 of fairness to Hawaii honey producers. Local producers and
9 packers are willing to compete with other honey producers,
10 packers, and distributors on the merits of their product but
11 cannot do so when those other producers sell this cheap,
12 reconstituted sweetener or use it to dilute domestic honey.
13 Given the spot wholesale price of honey and the cost to process,
14 blend, bottle, label, box, consolidate, ship, broker,
15 distribute, promote, and market this product, these other
16 producers, packers, and distributors cannot afford to price
17 their product for retail sale below wholesale price unless they
18 sell an adulterated product or use it to dilute their own.

19 The purpose of this Act is to prevent adulterated,
20 mislabeled, and potentially unwholesome, "honey" products from
21 being imported into and sold in Hawaii.



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

4 **"§486- Imported non-Hawaii produced honey; labeling**
5 **requirements.** (a) In addition to all other labeling
6 requirements, the identity statement used for labeling or
7 advertising honey products produced in whole or in part from
8 non-Hawaii produced imported honey shall meet the following
9 requirements:

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

13 (A) The country of origin of the imported honey, in
14 packaging that contains honey from only one
15 country of origin, followed by the word "honey";
16 provided that the country of origin may be
17 immediately preceded by the term "100%";

18 (B) The per cent of each honey used, by weight, in
19 packaging that contains honey from several
20 countries of origin, followed by the country of
21 origin of the weight-specified honey and the term
22 "honey"; or



1 (C) The per cent of Hawaii-produced honey used, by
2 weight, in packaging that contains a blend of one
3 or more Hawaii-produced honeys and imported
4 honeys, followed by the country of origin of the
5 remainder weight-specified honey used in
6 packaging the blend and the term "honey blend";

7 (2) For a product that contains less than one hundred per
8 cent of honey by weight, the identity statement shall
9 consist of the per cent of honey by weight followed by
10 the country or countries of origin of the honey and
11 the per cent by weight of other sweeteners added to
12 the honey;

13 (3) For a product that contains honey subjected to any
14 ultrafiltration and reconstitution processes, which
15 removes any natural constituents of honey, whether
16 packaged alone or blended with natural honey or other
17 sweeteners, the identity statement shall consist of
18 the per cent of natural honey by weight followed by
19 the country or countries of origin of the honey and
20 the per cent by weight of the ultrafiltered sweetener
21 and the term "ultrafiltered sweetener"; and



1 (4) 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 twelve 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 on the principal display panel above the
16 statement of net weight. Upper and lower case letters
17 may be used interchangeably in the identity statement.

18 (b) A listing of the predominant countries of origin of
19 the imported non-Hawaii-produced honeys that are included in a
20 blend shall be shown on the label. This list shall consist of
21 the term "contains:", followed by, in descending order of per
22 cent by weight and separated by commas, the respective countries



1 of origin of the honeys in the blend to include in aggregate,
2 not less than seventy-five per cent of the total honey content
3 by weight. Each country of origin shall be preceded by the per
4 cent of honey by weight represented by that country of origin
5 expressed as a number followed by a per cent sign. The type
6 size used for this list shall not exceed half that of the
7 identity statement. This list shall appear below the identity
8 statement, if included on the front panel of the label.

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

10 (1) Use the identity statement specified in section

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

14 (2) Use a country of origin in labeling or advertising,
15 including in conjunction with a honey style or in any
16 other manner, if the honey contains less than
17 fifty-one per cent honey by weight from that country
18 of origin;

19 (3) Use a country of 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 country of origin
2 as described in subsection (a)(1)(B) and (C);
- 3 (4) Use a geographic origin or country of origin in
4 labeling or advertising honey, including in
5 conjunction with a honey style or in any other manner,
6 if the honey used in that product does not meet the
7 grade standard requirements of the United States
8 Department of Agriculture and those rules adopted
9 under chapter 147;
- 10 (5) Misrepresent, on a label or in advertising of a honey,
11 the per cent of Hawaii-produced honey by weight, or
12 the per cent of imported honey by weight, or the
13 country of origin; or
- 14 (6) Use the terms "Hawaii honey" or "Hawaiian honey" or
15 similar terms on a label or in advertising of a honey
16 if the honey itself is not produced entirely in the
17 State of Hawaii.
- 18 (7) Use the terms "Product of the USA" or "100% US Grade
19 A" or "100% USA", or similar terms, on a label or in
20 advertising of a honey if the honey itself is not
21 produced entirely in the United States of America and,
22 or, does not meet the grade standard as stated.



1 (8) Use the terms "raw honey", "unprocessed honey",
2 "natural honey", or similar terms if any of the
3 constituent honey in the product has been heated above
4 120 degrees Fahrenheit, filtered through a fine screen
5 of less than one sixty-fourth inch mesh, treated with
6 diatomaceous earth, or in any other way that results
7 in the loss of any natural constituent of honey such
8 as plant pollen and enzymes.

9 (d) Apiculturists, packers, importers, handlers,
10 distributors, or other persons who package and import honey into
11 Hawaii shall maintain for a period of two years records on the
12 volume and country of origin of the honeys and other non-honey
13 sweeteners, including ultrafiltered sweetener, produced,
14 processed, blended, packaged, and sold and any other records
15 required by the department for the purpose of enforcing this
16 section; provided that authorized employees of the department
17 shall have access to these records during normal business hours.

18 (e) For the purpose of this section:

19 "Country of origin" means the country or countries in which
20 all or part of the imported honey was produced, as defined in
21 rules relating to chapter 147 and adopted pursuant to chapter
22 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 "Processed honey" means honey that has been heated above
11 120 degrees Fahrenheit, or filtered through a fine screen of
12 less than one sixty-fourth inch mesh, or treated with
13 diatomaceous earth, or in any other way that results in the loss
14 of any natural constituent of honey such as plant pollen and
15 enzymes.

16 "Raw honey" and "Unprocessed honey" means honey that has
17 not been heated above one hundred twenty degrees Fahrenheit, or
18 filtered through a fine screen of less than one sixty-fourth
19 inch mesh, or treated with diatomaceous earth, or in any other
20 way that results in the loss of any natural constituent of honey
21 such as plant pollen and enzymes.



1 (f) The department shall adopt rules pursuant to chapter
 2 91 to establish and enforce a program certifying compliance with
 3 this section, and that honey, honey products, and products
 4 labeled in such a way as to indicate that they are honey
 5 products, imported into and sold in this State are not
 6 misbranded as defined in section 486-1 or adulterated within the
 7 meaning of section 328-9."

8 SECTION 3. Chapter 147, Hawaii Revised Statutes, is
 9 amended by amending the title of part I to read:

10 **"PART I. FRESH FRUITS AND VEGETABLES, NUTS, HONEY, AND**
 11 **COFFEE"**

12 SECTION 4. Section 147-1, Hawaii Revised Statutes, is
 13 amended by amending the definition of "agricultural commodity"
 14 to read as follows:

15 "Agricultural commodity" means fresh fruits and fresh
 16 vegetables of every kind and character, whether or not frozen or
 17 packed in ice, whether produced in the State or imported, nuts,
 18 and coffee, whether cherry[~~-~~] or parchment, [~~e~~] green beans
 19 which have been produced in the State[~~+~~], and raw, unprocessed
 20 honey, whether produced in the State or imported;"

21 SECTION 5. Chapter 147, Hawaii Revised Statutes, is
 22 amended by amending the title of part II to read:

1 "PART II. EXPORTS: FRUITS, VEGETABLES,
2 NUTS, [~~AND~~] COFFEE, AND HONEY"

3 SECTION 6. Section 147-2, Hawaii Revised Statutes, is
4 amended by amending the definition of "agricultural commodity"
5 to read as follows:

6 "Agricultural commodity" means fruits, vegetables, nuts,
7 [~~and~~] coffee[+], and raw unprocessed honey;"

8 SECTION 7. Section 147-51, Hawaii Revised Statutes, is
9 amended by adding a definition of "processed honey" to read as
10 follows:

11 "Processed honey" means honey that has been has been
12 heated above one hundred twenty degrees Fahrenheit, or filtered
13 through a fine screen of less than one sixty-fourth inch mesh,
14 or treated with diatomaceous earth, or in any other way that
15 results in the loss of any natural constituent of honey such as
16 plant pollen and enzymes."

17 SECTION 8. All honey products and other sweeteners subject
18 to this Act shall comply with the labeling and advertising
19 requirements within one year of the effective date of this Act.

20 SECTION 9. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

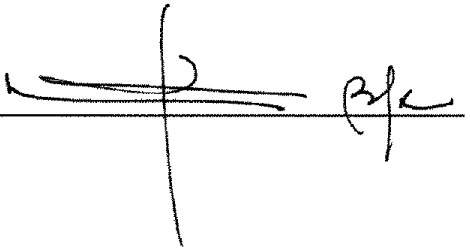


S.B. NO. 1988

1 SECTION 10. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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Report Title:

Honey; Sales of Products

Description:

Adds labeling requirements for honey not produced in Hawaii;
adds definitions related to honey in chapter 147, Hawaii Revised
Statutes.

