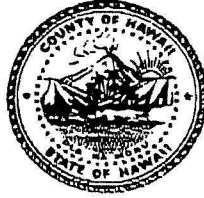


Harry Kim
Mayor



Janice A. Pakele
Director

County of Hawaii

DEPARTMENT OF LIQUOR CONTROL

Hilo Lagoon Centre, 101 Aupuni Street, Suite 230 • Hilo, Hawaii 96720-4261
(808) 961-8218 • Fax (808) 961-8684

February 5, 2008

Representative Kyle Yamashita, Chair
Representative Glenn Wakai, Vice Chair
Committee on EDB

Hearing: Thursday, February 7, 2008

Position: Recommends amendment to HB 2960

The Departments of Liquor Control, Counties of Hawai'i, Maui and Kauai and the City and County of Honolulu Liquor Commission oppose the HB 2960 as currently written and recommends amendments.

The proposed bill, in Section 2 (b), deletes the following phrase ~~[Under the license, no liquor shall be consumed on the premises except as authorized by the commission.]~~

This deletion would **negatively impact** all Hawaii manufacturers including Maui's Tedeschi Winery, Hawai'i's Volcano Winery and Honolulu's Diamond Head Cellars by prohibiting them from conducting tastings on their properties. Product tastings are vital to the marketing of our manufacturers' products.

We recommend re-instatement of the phrase to read: "Under the license, no liquor shall be consumed on the premises except as authorized by the commission," in order that our existing wineries may be able to provide patrons with a sampling of the wines produced.

We respectfully request your favorable consideration.

A handwritten signature in black ink, appearing to read "Janice Pakele".

Janice Pakele, Director
Dept. of Liquor Control, County of Hawaii

Franklyn Silva, Director
Dept. of Liquor Control, County of Maui

Eric Honma, Director
Dept. of Liquor Control, County of Kauai

Dewey Kim, Administrator
City and County of Honolulu Liquor Commission

Harry Kim
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We respectfully request your favorable consideration.

Janice Pakele, Director
Dept. of Liquor Control, County of Hawaii

Franklyn Silva, Director
Dept. of Liquor Control, County of Maui

Eric Honma, Director
Dept. of Liquor Control, County of Kauai

Dewey Kim, Administrator
City and County of Honolulu Liquor Commission

wakai1-Karen

From: Tom Fairbanks [tfairbanks@KBHMAUI.com]
Sent: Thursday, January 31, 2008 12:42 PM
To: EDBtestimony
Subject: Please make sure Bill 2960 does not hurt our local beer manufacturers

Mahalo For insuring the Bill 2960 does not hurt local producers on small technicalities when their products are produced in Hawaii. Our local beer producer has concerns and I am writing to ask your support.

Mahalo
Tom Fairbanks
Food and Beverage Director
Ka'anapali Beach Hotel
Maui

2/6/2008

wakai1-Karen

From: Lisa Ficke [lficke@kbhmaui.com]
Sent: Thursday, January 31, 2008 12:46 PM
To: EDBtestimony
Subject: Support of Bill 2960

Aloha!

I wanted to write to share my support for the Bill 2960.

Mahalo Nui,

Lisa Ficke

wakai1-Karen

From: Brit
Sent: Thursday, January 31, 2008 9:32 AM
To: EDBtestimony
Subject: Support of Bill 2960

To Whom It May Concern:

I would like to state my support for Bill 2960. I recently left the employ of a brewery in the State of Hawaii. Part of my decision to leave was the fact that the vast majority of our production was on the Mainland. Although the labels on the bottles state that it is brewed by a Hawaiian company, all of the bottles sold in the State of Hawaii are produced on the Mainland. Personally, I feel that this is ultimately misleading to the consumer and needs to be rectified.

I still have many friends and family members in Hawaii, and when I visit I would like to be confident that the beer I am enjoying is truly a "Hawaiian product". Thank you for your consideration in this matter.

Aloha & Cheers,
Brit Antrim
Brewery Operations Manager
Great Divide Brewing Company
Denver, Colorado

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[_ylt=Ahu06i62sR8HdtDypao8Wcj9tAcJ](http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HdtDypao8Wcj9tAcJ)

wakai1-Karen

From: Edington, Tony [tony.edington@Westin.com]

Sent: Friday, February 01, 2008 4:06 PM

To: EDBtestimony

I support the labeling of "truly" Hawaiian made products and the exclusive labeling

anthony edington, executive chef
the westin ka'anapali ocean resort & villas
6 kai ala drive, lahaina, hawaii 96761
tel 808.667.3221 fax 808.667.3225

<http://www.starwoodhotelshawaii.com/>

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From: Garrett W. Marrero [mailto:g@mauibrewingco.com]
Sent: Thursday, January 31, 2008 10:23 AM
To: EDBtestimony
Cc: yamashita1-Ian
Subject: Testimony in Support of HB 2960

Aloha,

Please enter in my comments below regarding our support, personally and as a small business manufacturer in the State of Hawaii, of HB 2960.

I am in full support of the bill however I believe that it needs some "massaging" in order to fully accomplish the intent of the bill. The list of words prohibited for use in marketing in products other than truly local products wholly made in Hawaii including "Hawaii", "Hawaiian", "Aloha State", "50th State", "Kauai", "Maui", "Oahu", or "Honolulu" is flawed in that it does not provide relief from some of the largest culprits of false marketing and labeling including "Kona", "Keoki", "Waimea" and etc.

We need to include labeling requirements for "Truth of Origin" for example, currently TTB requires only that the "Principle business address City and State" be listed on the label. So "Kona Brewing Co." Kailua-Kona, HI is acceptable to TTB yet 100% of Kona bottled product is produced at Widmer in Portland Oregon. We need to either expand the prohibited words or create a requirement of labeling the true origin of the product.

As an owner and employer, we cope every day with costs of manufacturing in excess of 50% more than our mainland counterparts. We are proud to produce a world-class product which wins awards around the globe and at all levels of competition and do so 100% locally. With labor, benefits, insurance, fuel and material costs rising it is a constant struggle. It is unfair to allow a company to manufacture and market a product that deceives the consumer by allowing them to think the product which they are enjoying came from Hawaii. Visitors from the mainland often ask me why the Kona and Keoki beers are cheaper in CA or OR than here if they are local. My response is simple, they are made on the west coast and shipped here; they're NOT local.

Our company motto is "Handcrafted Ales & Lagers Brewed with Aloha". We strive to meet this challenge every day by:

Producing 100% of our product locally,
Using other local products such as honey from Manoa, Maui Gold Pineapple, Raw Cane, Lilikoi, Coconut and more
Cooperating with other local businesses to create unique products (Black Pearl is our rum barrel aged CoCoNut PorTer, the rum barrel is from our friends at Braddah Kimos Rums)
Investing in education of local labor rather than importing the skills

Investing in hard assets within the community
Investing in our people by providing family wages and benefits to all our staff
(over 45 people at present)
Environmental Responsibility

These efforts are for naught if companies are allowed to use a hawaiian sounding name and market a knock-off local product to confuse the consumer.

Again I support the passage of this bill and will be closely tracking its progress so that we may continue to support its evolution to benefit all true local manufacturers.

I can be reached via this email or any of the number below.

Mahalo,

Garrett W. Marrero
MAUI BREWING CO.
www.MauiBrewingCo.com
g@mauibrewingco.com
Skype: mauibrewing
808.280.4687 cell

Brewpub:
4405 Honoapiilani Hwy #217
Kahana, Maui, HI 96761
808.669.FISH pub
808.669.0191 fax

Brewery:
910 Honoapiilani Hwy. #55
Lahaina, Maui, HI 96761
Order Line: 1.877.MAUI.BREW

wakai1-Karen

From: Thomas Kerns
Sent: Thursday, January 31, 2008 9:52 AM
To: EDBtestimony; Dave Campbell; Garrett Marrero; Rep. Cynthia Thielen; Sen. Roz Baker; testimony
Cc: alohajaynek@yahoo.com
Subject: Support for HB 2960

From:
Thomas Kerns
Maui Brewing Company
Lahaina, Hawaii

Aloha,

I am writing testimony in support of HB 2960. In order to seek protection from companies manufacturing or creating products outside the State of Hawaii and then deceptively selling their product as a locally made item is deceptive to the consumer and does not exhibit truthful labeling and Actual Origin of Manufacture.

To brew beer in the Hawaiian Islands can be economically challenging. Our company creates truly locally brewed beer and it costs us 30 to 35% more than brewing & manufacturing on the mainland U.S. Brewing a fresh locally made product is our passion; we and our growing consumers find fresh and locally produced beer is superior to something made and packaged 2,500 miles away. Our business to manufacture and sell locally supports many other local businesses including but not limited to: farmers, gas companies, transportation, distribution, and the many retailers, restaurants, bars, & hotels throughout the State of Hawaii which sell and support our Hawaiian brewed beer.

There are brewers and distillers within the State of Hawaii and outside the State which have sold and continue to sell alcoholic beverages which pose deceptively as Hawaiian made -- but are manufactured elsewhere. Liberal Federal labeling laws allow companies to not have to put the Actual Origin of Manufacture on the label of alcoholic beverages. This allows a company to pass off the product as local product meanwhile enjoying big savings in manufacturing by having the product manufactured and packaged outside Hawaii.

Our company is part of a growing resurgence in local companies crafting & manufacturing locally; supporting local businesses and many local employees throughout related businesses helping the economy of Hawaii grow and diversify.

My suggestion is to create legislation that helps protect local companies in this endeavor by requiring the Actual Origin of Manufacture, brewing, or distilling to be added to the label of Alcoholic beverages. I would take it a step further to help support other companies not in the alcoholic beverage industry which are suffering the same fate and require the Origin of Manufacture. This could help protect innumerable local artists & craftsmen who create locally but are bombarded by "fake Hawaiian" wares from outside the state.

Thank you,
Sincerely,

2/6/2008

wakai1-Karen

From: Greg Koch [greg.koch@stonebrew.com]
Sent: Thursday, January 31, 2008 10:31 AM
To: EDBtestimony
Subject: Bill 2960

I support the passage of Bill 2960.

As a visitor to the fine state of HI, it is important to me to know when I am presented with true, authentic Hawaiian products...and when it I am presented with imitation Hawaiian products.

As a consumer, I simply want to have the ability to know which is which.

Cheers,

Greg

Greg Koch
CEO & Co-Founder
Stone Brewing Co.
Stone Brewing World Bistro & Gardens
1999 Citracado Parkway
Escondido, CA 92029

760.471.4999 x1102

<http://www.stonebrew.com>

wakai1-Karen

From: yamashita1-lan
Sent: Wednesday, February 06, 2008 9:31 AM
To: EDBtestimony
Subject: Testimony in support of 2960

Ladies and Gentlemen of the Committee, Aloha from Makawao, Maui!

My name is Harrison James Sargent. My wife Leslie and I co-founded Haleakala Distillers almost five years ago in two abandoned buildings at what used to be Haleakala Dairy. We have since built a small but well-recognized local rum brand family, including Maui Dark Rum, Maui Gold Rum, Maui Platinum Rum and Braddah Kimo's Extreme 155 Rum, which is sold throughout the great State of Hawai'i.

We would urge you to approve HB2960 for two reasons:

1. Fake "Hawai'ian" rum products are flooding the local market with cheap imported rum which is not made in the State, nor in the USA. These products do not pay US excise tax and generate no local employment in the islands. They masquerade as local products and fool many visitors, but the poor quality of the products then turn the visitors away from other, legitimate local products. If the minor changes to the language of HRS 281-3 requested in this bill can be made, such products would become illegal. Real, legitimate locally-made products, from our distillery and at least 2 others nearing completion, would fill the needs of our visitors, who would enjoy a more authentic Maui vacation experience and hopefully tell their friends on the mainland and elsewhere about the excellent, medal-winning rums now made on Maui, further developing our small industry.

2. Right now all wineries and brew pubs can welcome visitors, show them how these important local products are made, provide samples and sell the locally made products directly to the visitors. Due to an oversight last time HRS 282-31 was amended, distilleries were left out of this important trade, which is understandable since there were none in Hawai'i at that time. There is now one operating and two under construction in the state. With seven million visitors annually, the state has the ability to show many of these visitors new and award-winning local distilled products, but the wording of the existing statute limits tasting and sales to other venues, making tours impractical and unlikely to justify their cost. With these changes distillers could offer profitable distillery tours, for which we are now receiving daily requests. In line with the admirable and responsible management practices followed by the state's wineries and breweries, we anticipate limiting samples to a few milliliters, eliminating any risk of increased traffic problems.

We have created four full time and many part-time jobs. With this bill we can go much further, creating a new, clean export-oriented industry which uses local agricultural products. We appreciate the Committee's support.

The changes requested to HB2960 are just two minor changes:

A. In the section which describes Hawai'ian names, we request that the

2/6/2008

list be expanded to include all Hawai'ian words and place names.

B. In this same section, we request that HB2960 add one sentence to exclude its application to any winery located within the state. Our good friends at Tedeschi Vineyards have reminded us that their labels are already geographically regulated by the federal government. In the case of distilled products like ours and all varieties of beer, this federal regulation is different, making HB2960 very beneficial to all distilleries and microbreweries in the state of Hawai'i.

In closing, let me say that when my family and I first came to Maui, we could enjoy fresh, local Haleakala Dairy milk and related products, feast on eggs from the local poultry farm in Makawao, eat canned pineapple from Kahului's Maui Pineapple Co., and enjoy many other local food products. None of the listed products are available today, and this month another island dairy will shut down. I do not like to feed my family stale products imported from the mainland, nor do my neighbors. By passing this bill, the Legislature will take a step back towards local self-sufficiency and sustainability after decades of decline in local production. Hawai'i does not need to become a cargo cult. Let us take back our own markets and become self sufficient once again. Mahalo.

Harrison James Sargent
Haleakala Distillers
530A Kealaloa Avenue
Makawao, HI 96768

wakai1-Karen

From: Jonathan Krickler
Sent: Sunday, February 03, 2008 11:32 AM
To: EDBtestimony
Subject: Bill 2960

Aloha,

As the owner of Aloha Discount Liquor in Kihei, Maui, I have always been appalled by the number of "hawaiian" products that are entirely manufactured in other states or countries. While I realize there are a number of economic issues for this, I still think it is wrong. I can't tell you how embarrassing to say to customers, "no, it's actually brewed/distilled/made on the mainland". You should see the looks on there faces. Pure disappointment. I can tell you how proud it makes me feel to be able to say, "yes, this product is made on Maui", and the response is always positive.

Shouldn't we be trying to build our local economies. Why should somebody be able to call a product Hawaiian if it not produced here. I would have no problem with them calling it Hawaiian style, but let's face it, we are letting companies profit on the Hawaiian name and image and all we get is the G.E.T.. When we could be opening the doors for more locally owned business to prosper. Hiring more employees and owners who would have more money to spend in the islands every day.

Let's bring some integrity to Hawaii's products. Let's level the playing field for Hawaii's local business struggling to compete. Let's pass this bill.

Mahalo,

Jonathan Krickler

wakai1-Karen

From: Rick Wehner [rickw@5280financial.net]
Sent: Thursday, January 31, 2008 10:39 AM
To: EDBtestimony
Subject: Support of Bill 2960

To whom it Concerns-

I would like to voice my support for Bill 2960.

Kind Regards,

Rick Wehner
5280 Financial, LLC

2/6/2008

wakai1-Karen

From: Anita Lum [alum@qualcomm.com]
Sent: Thursday, January 31, 2008 9:42 AM
To: EDBtestimony
Subject: Bill 2960

Dear Sir/Madam:

I support Bill 2960!

Products that are NOT wholly made in Hawaii do not support the Hawaiian economy and therefore should not have the privilege of being labelled a Hawaiian product.

Mahalo!

Anita Lum
Anita Lum
Business Process Analyst, Sr.
Program Management Department
CDMA Technologies
QUALCOMM, Inc.
Phone: (858) 651-8216
Please use `qprs_help` for any QPRS-related issues.

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wakai1-Karen

From: Anita Lum
Sent: Thursday, January 31, 2008 9:46 AM
To: EDBtestimony
Subject: HB2960

Dear Sir/Madam:

Please support HB2960!

Products that are NOT truly Hawaiian-made should not be marked "Hawaiian" or "Made in Hawaii". To do so would be detrimental to the Hawaiian economy!

Sincerely,

Gregory Lum

wakai1-Karen

From: Mano H. Meyers [MHMeyers@hyatt.com]

Sent: Thursday, January 31, 2008 9:55 AM

To: EDBtestimony

Subject: Bill 2960

To whom it may concern:

Aloha,

My name is Mano Meyers and I am the Executive Steward at the Hyatt Regency Maui Resort and Spa. I am writing on behalf of all those in support of Bill 2960 and lend my support as well.

Mahalo!

Mano Meyers
Executive Steward
Hyatt Regency Maui
200 Nohea Kai Dr.
808-667-4492
MHMeyers@hyatt.com

wakai1-Karen

From: Noah Downie [Ndownie@BubbaGump.com]

Sent: Saturday, February 02, 2008 12:42 PM

To: EDBtestimony

Subject: Bill 2960

Please pass this bill.

It is the right thing to do. There are so many small businesses in the Hawaiian Islands that deserve to have their product labeled correctly. It is unfortunate that some corporations use these labels as a way of steering toward their imported product and away from the product that is true to Hawaii.

Thanks,

Noah Downie
General Manager - Maui
The Bubba Gump Shrimp Company
808.661.3111
646.752.6454 Cell
ndownie@bubbagump.com

wakai1-Karen

From: Mark D'Antonio
Sent: Thursday, January 31, 2008 9:24 AM
To: EDBtestimony
Subject: Bill 2960

Aloha,

As the owner of a small business here in Hawaii (D'Antonio Design), many of my clients are manufacturers of products made here in Hawaii and I would like this email to convey that I support the passage of Bill 2960.

Mahalo,
Mark D'Antonio

www.DAntonioDesign.com
:: Print & Web Design

www.MauiPrintShop.com
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wakai1-Karen

From: Dilorenzo, Jason
Sent: Thursday, January 31, 2008 9:23 AM
To: EDBtestimony

I strongly support the passage of Bill 2960.

Jason C. DiLorenzo

wakai1-Karen

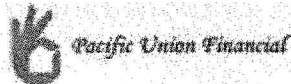
From: Evan Stone
Sent: Thursday, January 31, 2008 9:24 AM
To: EDBtestimony
Subject: Bill 2960

I am writing this letter in support of HB 2960. As a former resident of Hawaii, it is important to me and to my family that the Hawaiian economy be as stable and robust as possible. Allowing manufacturing of any product to be marketed or advertised as Hawaiian if it is not wholly made and produced on the islands diminishes the value of the Hawaiian economy. I therefore unequivocally support HB 2960.

Best Regards,

Evan Stone

Evan M. Stone



President

2/6/2008

wakai1-Karen

From:

Sent: Thursday, January 31, 2008 9:54 AM

To: EDBtestimony

Subject: support of 2960

We are in support of the passage of 2960

Jerry and Dian Moore

Start the year off right. [Easy ways to stay in shape in the new year.](#)

wakai1-Karen

From: [REDACTED]
Sent: Thursday, January 31, 2008 10:29 AM
To: EDBtestimony
Subject: Bill 2960

I wanted to send a simple email showing I support the passage of Bill 2960. If not made completely in Hawaii, it should not be considered Hawaiian.

Thank you for your time,
Jennifer C. Eckert

More new features than ever. Check out the new [AOL Mail!](#)

wakai1-Karen

From: Marty Jones
Sent: Thursday, January 31, 2008 10:29 AM
To: EDBtestimony
Subject: support for Bill 290

Hello Hawaii Legislature,

I'm writing in support of Bill 2960.

Please pass this bill, so that only products that are actually made in Hawaii will be able to claim to be "Hawaiian."

Marty Jones

2/6/2008

wakai1-Karen

From: Berney Coleman
Sent: Thursday, January 31, 2008 10:33 AM
To: EDBtestimony
Subject: HB 2960

I am in support of the passage of this bill. Only beer made in the state of Hawaii should be allowed to be labeled as such.

Mahalo,

Berney Coleman

wakai1-Karen

From: Pakelekia Corbett :-)
Sent: Thursday, January 31, 2008 12:00 PM
To: EDBtestimony
Subject: Bill 2960

I support Bill 2960.... about time we do something about this....

Pat Corbett

Never miss a thing. [Make Yahoo your homepage.](#)

wakai1-Karen

From:

Sent: Monday, February 04, 2008 8:00 AM

To: EDBtestimony

Subject: Bill 2960

I support the passage of bill 2960.

Thank you,

Jenna Land

More new features than ever. Check out the new [AOL Mail!](#)