



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Consumer Protection & Commerce

House Committee on Judiciary

HB 1611, RELATING TO LABELING OF MEAT AND FISH PRODUCTS

Testimony of Chiyome Leinaala Fukino, M.D.

Director of Health

February 23, 2009

2:00pm

1 **Department's Position:** The Department appreciates the intent of the bill, but has concerns regarding
2 this proposal; and therefore, offers comments.

3 **Fiscal Implications:** As yet unquantified funds to support the proposed amendments.

4 **Purpose and Justification:** This bill amends HRS Chapter 328 by introducing new language that
5 labeling be required for fish products that have been gas-treated to enhance the product's color. This
6 testimony only addresses the proposed changes to HRS Chapter 328, a health statute. We defer to the
7 Department of Agriculture regarding the proposed changes to HRS 159.

8 The Department finds this section of the bill unnecessary as HRS Section 328-10 and
9 Chapter 11-19, Hawaii Administrative Rules (HAR), already address the issue of proper labeling of
10 products treated with chemical preservatives.

11 HAR section 11-29-8 includes by reference 21 CFR, Part 101, which addresses proper labeling
12 of food products. Specifically 21 CFR, Section 101.22(j) states:

13 "A food to which a chemical preservative(s) is added shall, except when exempt pursuant to
14 101.100 bear a label declaration stating both the common or usual name of the ingredient(s) and

1 a separate description of its function, e.g., ‘preservative’, ‘to retard spoilage’, ‘a mold inhibitor’,
2 ‘to help protect flavor’ or ‘to promote color retention’.”

3 Therefore, at a minimum, if a fish product has been gas-treated to promote color retention, the
4 label must include the name of the product, what it has been treated with, and the reason for using this
5 type of preservative.

6 Fish products sold in packages by themselves (Ahi filets, Tombo cubes, Frozen Tilapia filets -
7 No other ingredients) that were treated with carbon monoxide for color retention must be properly
8 labeled like other processed foods in package form. The treatment must be declared in the ingredient
9 statement of the label - "Ahi preserved with carbon monoxide to promote color retention".

10 When sold in unpackaged form (poke sold in trays in markets or fish filets in display cases),
11 carbon monoxide-treated fish must be accompanied by a counter card or sign disclosing the treatment.
12 For example, signage for ahi poke would read - "Ahi preserved with carbon monoxide to promote color
13 retention".

14 The Department checks for proper labeling requirements through routine food safety inspections.
15 We also check to see that products are not offered for sale beyond their expiration date. During a food
16 safety inspection, should a firm be discovered using an improper expiration date, an investigation of the
17 firm’s policies and procedures regarding food handling practices will be initiated. However, we doubt
18 that a labeling requirement will stop negligence or intentional misconduct.

19 Labeling has other limits. Any food product that has an expiration date (use, sell, or freeze by
20 date) can have high bacterial levels and still be within the expiration date if the food product has been
21 mishandled (e.g., food held at improper temperature for too long). The concept that a food product can
22 appear “fresh” and still have the potential to cause foodborne illness is not unique to CO-treated fish or
23 meats, as the major outbreak associated with consuming fresh spinach has shown. Locally caught fresh

1 fish have the potential to cause ciguatera intoxication, and there is no way the fisherman or the consumer
2 can determine which fish will cause illness based on appearance.

3 Education of commercial firms and consumers on proper food handling and preservation, in
4 relation to time and temperature, remain important.

5 We thank you for the opportunity to testify.

LINDA LINGLE
Governor



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SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON
CONSUMER PROTECTION & COMMERCE
AND
JUDICIARY
MONDAY, FEBRUARY 23, 2009
2:00 P.M.
ROOM 325**

**HOUSE BILL NO. 1611, HD 1
RELATING TO LABELING OF MEAT AND FISH PRODUCTS**

Chairpersons Herkes and Karamatsu and Members of the Committees:

Thank you for this opportunity to provide testimony on House Bill No. 1611, HD 1, relating to the treatment of pre-packaged meat with gas or other technology to enhance its color only. The Department of Agriculture supports the intent and offers comments. We defer to the Department of Health as to their ability and authority to enforce this bill if passed into law.

The Food and Drug Administration has determined that use of safe levels of carbon monoxide in treating meat is not harmful to human health. However, the department notes that it is possible for the meat to appear fresh to the consumer because of the gas treatment but still to have high bacterial levels indicative of spoilage even though the meat is within the labeled 'use, sell or freeze by' date listed on the package.

HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

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Rep. Robert Herkes, Chair
Rep. Glenn Wakai, Vice-Chair
Committee on Consumer Protection and Commerce

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice-Chair
Committee on the Judiciary

Glenn Ida
Representative
Monday, Feb. 23, 2009, at 2 PM
Conference Room 325

The Hawaii Teamsters Local 996, Strongly Supports the passage of HB 1611, HD1, Relating to Labeling of Meat and Fish Products.

Currently packages of meat that have gas technology applied to them are not required to list it on the label and most disturbing it is placed in same area of the meat case with meat products that have been traditionally processed as fresh cut or packaged on the store premises.

Gas technology only enhances the color of the meat product allowing the expiration date to be moved by up to 5 days depending on the cut of meat. Gas technology does nothing to maintain the sanitation of the product. By placing the packages of the gas and fresh cut in the same place may be deceiving the consumers in thinking that the gassed meat is fresher because of the appearance and expiration date, which will be the only basis of the consumers' decision to purchase that Meat Product. Compare that to purchasing fresh fruit which can be directly handled, inspection of all sides and/or sniffed for freshness.

HB 1611, HD1, will require the meat products to be appropriately labeled to advise the consumer what has been added to the meat in processing just like the requirements of labeling on fish products containing Carbon Monoxide Gas.

The Hawaii Teamsters Local 996, Strongly Supports, HB 1611, HD1, Relating to the Labeling of Meat and Fish Products.

Thank you for allowing me the opportunity to present my testimony.



Date: Monday, February 23, 2009

Time 2:00 PM

Place: CR 325

To: Committee on Consumer Protection & Commerce
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

To: Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

From: Hawaii Food Industry Association
Dick Botti, President and Lauren Zirbel, Government Relations

Re: HB 1611, HD 1 Relating to Labeling of Meat and Fish Products

HFIA objects to this measure. These labeling requirements are not universal across the United States; thus, meat and fish products which are imported must be labeled once they arrive at the grocery store. This would require a significant investment in labor to accomplish. Grocers are already overwhelmed and burdened by a multitude of government labeling requirements. This bill will cost time and money that the food industry does not have during this economic recession.

Carbon monoxide is often used in modified atmosphere packaging (MAP) to maintain food quality by altering the atmospheric conditions within the package; replacing air with inert gasses and then heat sealing products. This low-oxygen packaging system extends the shelf-life of meat and other perishable foods by up to 15 days, but also keeps meat looking fresh even when it isn't. Labeling MAP packaged foods is unnecessary because these products are regarded as safe by the FDA and MAP packaged foods have a clearly labeled expiration date posted on all fresh meat and fish products. These products are not a danger to the consumer yet by forcing mandatory labeling of MAP products the State is implying to the consumer that they are.

This is an unnecessary and costly measure.

Thank you for the opportunity to testify.

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