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In reply, please refer to:
File:

House Committee on Health

HB 1611, RELATING TO LABELING OF MEAT AND FISH PRODUCTS

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

February 17, 2009
8:30am

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 Chapter 11-
9 19, Hawaii Administrative (HAR) already address the issue of proper labeling of products treated with
10 chemical preservatives.

11 In HAR section 11-29-8 includes by reference is 21 CFR 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
4 retention, the label must include the name of the product, what it has been treated with and the reason
5 for using this 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 this type of misconduct.

19 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 COMMITTEE ON HEALTH
TUESDAY, FEBRUARY 17, 2009
8:30 A.M.
ROOM 329**

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

Chairperson Yamane and Members of the Committee:

Thank you for this opportunity to provide testimony on House Bill No. 1611 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.



February 16, 2009

The Honorable Ryan I. Yamane
Chair, House Health Committee
415 South Beretania Street
Honolulu, HI 96813

RE: HB 1611 (Say) – OPPOSE

Dear Representative Yamane:

On behalf of the Grocery Manufacturers Association (GMA), I am writing to express our opposition to House Bill 1611, which would require labeling of meat and fish that has been gas-treated. The measure is scheduled for a hearing in the House Health Committee on February 17.

GMA represents the world's leading food, beverage and consumer products companies. The Association promotes sound public policy, champions initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised of fifty-two chief executive officers from the Association's member companies. The \$2.1 trillion food, beverage and consumer packaged goods industry employs 14 million workers, and contributes over \$1 trillion in added value to the nation's economy. In Hawaii, GMA member companies employ 438 people at 10 facilities.

GMA promotes a uniform federal approach to the regulation of food labeling, and urges states to support the appropriate federal regulatory agencies to avoid a patchwork of varying state food labeling standards that would make compliance virtually impossible for our manufacturers.

Because gas treatment of meat and fish has been determined to be safe, there is no need for Hawaii to require a label that may mislead consumers by suggesting a warning. FDA has accepted several Generally Recognized As Safe (GRAS) notifications on the use of carbon monoxide in modified atmospheric packaging when used for maintaining wholesomeness, provide flexibility in distribution and reduce shrinkage of the meat.

For these reasons, the Grocery Manufacturers Association must respectfully oppose HB1611.

Sincerely,

Caroline Silveira
Director, State Affairs
Grocery Manufacturers Association

GROCERY MANUFACTURERS ASSOCIATION

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