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## A BILL FOR AN ACT

RELATING TO COFFEE PRODUCTS.

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

1           SECTION 1. Section 486-120.6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§486-120.6 Hawaii-grown roasted or instant coffee;**  
4 **labeling requirements.** (a) In addition to all other labeling  
5 requirements, the identity statement used for labeling or  
6 advertising roasted or instant coffee produced in whole or in  
7 part from Hawaii-grown green coffee beans shall meet the  
8 following requirements:

9           (1) For roasted or instant coffee that contains one  
10 hundred per cent Hawaii-grown coffee by weight the  
11 identity statement shall consist of [~~either:~~] one of  
12 the following:

13           (A) The geographic origin of the Hawaii-grown coffee,  
14 in coffee consisting of beans from only one  
15 geographic origin, followed by the word "Coffee";  
16 provided that the geographic origin may be  
17 immediately preceded by the term "100%"; [~~or~~]



1 (B) The per cent coffee by weight of one of the  
2 Hawaii-grown coffees [7] that is fifty-one per  
3 cent or more, used in coffee consisting of beans  
4 from several geographic origins, followed by the  
5 geographic origin of the weight-specified coffee  
6 and the terms ["Coffee"] "Blend" and "All  
7 Hawaiian Coffee"; or

8 (C) The term "Hawaii Coffee", "100% Hawaii Coffee",  
9 or "All Hawaiian Coffee";

10 (2) For roasted or instant coffee consisting of a blend of  
11 one or more Hawaii-grown coffees and coffee not grown  
12 in Hawaii, if fifty-one per cent or more of the coffee  
13 by weight is Hawaii-grown the term "Hawaii Coffee  
14 Blend" shall be used, or if fifty-one per cent or more  
15 is from one geographic origin, the per cent coffee by  
16 weight [~~of one of the Hawaii-grown coffees used in the~~  
17 ~~blend~~], followed by the geographic origin of the  
18 weight-specified coffee and the term "Coffee Blend";  
19 and

20 (3) Each word or character in the identity statement shall  
21 be of the same type size and shall be contiguous. The  
22 smallest letter or character of the identity statement



1 on packages of sixteen ounces or less net weight shall  
2 be at least one and one-half times the type size  
3 required under federal law for the statement of net  
4 weight or three-sixteenths of an inch in height,  
5 whichever is smaller. The smallest letter or  
6 character of the identity statement on packages of  
7 greater than sixteen ounces net weight shall be at  
8 least one and one-half times the type size required  
9 under federal law for the statement of net weight.  
10 The identity statement shall be conspicuously  
11 displayed without any intervening material in a  
12 position above the statement of net weight. Upper and  
13 lower case letters may be used interchangeably in the  
14 identity statement.

15 (b) A listing of the geographic origins of the various  
16 Hawaii-grown coffees and the regional origins of the various  
17 coffees not grown in Hawaii that are included in a blend [may]  
18 shall be shown on the label. If used, this list shall consist  
19 of the term "Contains:", followed by, in descending order of per  
20 cent by weight and separated by commas, the respective  
21 geographic origin or regional origin of the various coffees in  
22 the blend that the manufacturer chooses to list. Each



1 geographic origin or regional origin may be preceded by the per  
2 cent of coffee by weight represented by that geographic origin  
3 or regional origin, expressed as a number followed by the per  
4 cent sign. The type size used for this list shall not exceed  
5 half that of the identity statement. This list shall appear  
6 below the identity statement, if included on the front panel of  
7 the label.

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

9 (1) To use the identity statement specified in subsection  
10 (a) (1) (A) or similar terms in labeling or advertising  
11 unless the package of roasted or instant coffee  
12 contains one hundred per cent coffee from that one  
13 geographic origin;

14 (2) To use a geographic origin in labeling or advertising,  
15 including in conjunction with a coffee style or in any  
16 other manner, if the roasted or instant coffee  
17 contains less than ~~ten~~ fifty-one per cent coffee by  
18 weight from that geographic origin;

19 (3) To use a geographic origin in advertising roasted or  
20 instant coffee, including advertising in conjunction  
21 with a coffee style or in any other manner, without  
22 disclosing the percentage of coffee used from that



1 geographic origin as described in subsection (a)(1)(B)  
2 and [~~a~~](2);

3 (4) To use a geographic origin in labeling or advertising  
4 roasted or instant coffee, including in conjunction  
5 with a coffee style or in any other manner, if the  
6 green coffee beans used in that roasted or instant  
7 coffee do not meet the grade standard requirements of  
8 rules adopted under chapter 147;

9 (5) To misrepresent, on a label or in advertising of a  
10 roasted or instant coffee, the per cent coffee by  
11 weight of any coffee from a geographic origin or  
12 regional origin; [~~e~~]

13 (6) To use the term "All Hawaiian" on a label or in  
14 advertising of a roasted or instant coffee if the  
15 roasted or instant coffee is not produced entirely  
16 from green coffee beans produced in geographic origins  
17 defined in this chapter[~~r~~]; or

18 (7) Except as otherwise provided in this section, to use  
19 the name of a geographic origin on any coffee label as  
20 part of a brand name or otherwise, except as part of a  
21 required identification of a producer's address.



1           (d) Roasters, manufacturers, or other persons who package  
2 roasted or instant coffee covered by this section shall  
3 maintain, for a period of two years, records on the volume and  
4 geographic origin or regional origin of coffees purchased and  
5 sold and any other records required by the department for the  
6 purpose of enforcing this section. Authorized employees of the  
7 department shall have access to these records during normal  
8 business hours.

9           (e) For the purpose of this section:

10           "Geographic origin" means the geographic regions in which  
11 Hawaii-grown green coffee beans are produced, as defined in  
12 rules adopted under chapter 147; provided that the term  
13 "Hawaiian" may be substituted for the geographic origin  
14 "Hawaii".

15           "Per cent coffee by weight" means the percentage calculated  
16 by dividing the weight in pounds of roasted green coffee beans  
17 of one geographic or regional origin used in a production run of  
18 roasted or instant coffee, by the total weight in pounds of the  
19 roasted green coffee beans used in that production run of  
20 roasted or instant coffee, and multiplying the quotient by one  
21 hundred.



1        (f) Any product manufactured, produced, and distributed  
 2        for sale before July 1, 2009, that falls within the scope of  
 3        this section shall comply with the requirements of this section  
 4        no later than July 1, 2011."

5        SECTION 2. Statutory material to be repealed is bracketed  
 6        and stricken. New statutory material is underscored.

7        SECTION 3. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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JAN 26 2009



**Report Title:**

Hawaii-Grown Coffee; Labeling

**Description:**

Changes the percentage and classification for Hawaii-grown coffee products.

