



GOV. MSG. NO. 1151

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 5, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

Re: HB1552 HD1 SD2

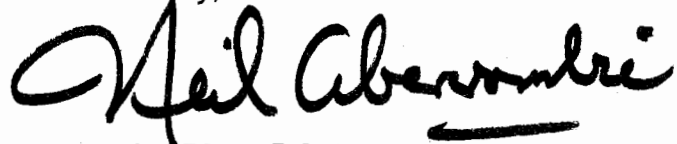
On May 5 2011, I intend to allow HB1552 HD1 SD2, entitled "RELATING TO COFFEE" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to provide restrictions on the use of geographic origins of Hawaii-grown coffee on coffee packaging, including prohibiting the use of a Hawaii geographic origin in certain labeling unless one hundred percent of the coffee contained in the package is from that geographic region.

While I remain committed to protecting the integrity of Hawaii grown coffee, I do not believe that geographic references on coffee packages necessarily mislead consumers and imply that the coffee in the package was grown exclusively in the named geographic region. Additionally, the existing statute already requires the identity statement for blended coffee to be conspicuously displayed on the packaging. Therefore, I believe that prohibiting the use of a geographic origin on coffee packaging unless one hundred percent of the coffee is from that geographic region is more excessive than is necessary to serve the State's interest.

For the foregoing reasons, I intend to allow HB1552 HD1 SD2 to become law as ACT 049 (11), effective May 5, 2011, without my signature.

Sincerely,

A handwritten signature in black ink that reads "Neil Abercrombie". The signature is written in a cursive style with a prominent underline at the end.

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO COFFEE.

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

1 SECTION 1. The legislature finds that some producers of
2 coffee blends that include one or more Hawaii-grown coffees use
3 a secondary label on their packaging that contains the
4 geographic origin of the Hawaii-grown coffee. This secondary
5 label is misleading and implies that the coffee in the package
6 was grown exclusively in the named geographic region.

7 For example, a package might have a secondary label that
8 states "Kona Vanilla Macadamia Nut", when in fact the identity
9 label required by state law clearly states that the coffee is
10 merely a ten per cent Kona coffee blend.

11 The purpose of this Act is to restrict the use of a
12 geographic origin on Hawaii-grown coffee labels to improve the
13 consumer's understanding as to the contents of the package.

14 SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) It shall be a violation of this section[+] to:

17 (1) [~~To use~~] Use the identity statement specified in

18 subsection (a) (1) (A) or similar terms in labeling or



1 advertising unless the package of roasted or instant
2 coffee contains one hundred per cent coffee from that
3 one geographic origin;

4 (2) [~~To use~~] Use a geographic origin in labeling or
5 advertising, including in conjunction with a coffee
6 style or in any other manner, if the roasted or
7 instant coffee contains less than ten per cent coffee
8 by weight from that geographic origin;

9 (3) [~~To use~~] Use a geographic origin in advertising
10 roasted or instant coffee, including advertising in
11 conjunction with a coffee style or in any other
12 manner, without disclosing the percentage of coffee
13 used from that geographic origin as described in
14 subsection (a) (1) (B) and [~~+~~] (a) [~~+~~] (2);

15 (4) [~~To use~~] Use a geographic origin in labeling or
16 advertising roasted or instant coffee, including in
17 conjunction with a coffee style or in any other
18 manner, if the green coffee beans used in that roasted
19 or instant coffee do not meet the grade standard
20 requirements of rules adopted under chapter 147;

21 (5) [~~To misrepresent,~~] Misrepresent, on a label or in
22 advertising of a roasted or instant coffee, the per



- 1 cent coffee by weight of any coffee from a geographic
2 origin or regional origin; [~~or~~]
- 3 (6) [~~To use~~] Use the term "All Hawaiian" on a label or in
4 advertising of a roasted or instant coffee if the
5 roasted or instant coffee is not produced entirely
6 from green coffee beans produced in geographic origins
7 defined in this chapter[+];
- 8 (7) Use a geographic origin on the front label panel of a
9 package of roasted or instant coffee other than in the
10 trademark or in the identity statement as authorized
11 in subsection (a)(1) and (2) unless one hundred per
12 cent of the roasted or instant coffee contained in the
13 package is from that geographic origin;
- 14 (8) Use more than one trademark on a package of roasted or
15 instant coffee unless one hundred per cent of the
16 roasted or instant coffee contained in the package is
17 from that geographic origin specified by the
18 trademark;
- 19 (9) Use a trademark that begins with the name of a
20 geographic origin on a package of roasted or instant
21 coffee unless one hundred percent of the roasted or
22 instant coffee contained in the package comes from



1 that geographic origin or the trademark ends with
2 words that indicate a business entity; or
3 (10) Print the identity statement required by subsection
4 (a) in a smaller font than that used for a trademark
5 that includes the name of a geographic origin pursuant
6 to paragraph (7) and in a location other than the
7 front label panel of a package of roasted or instant
8 coffee."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval;
12 provided that section 2 of this Act shall take effect on July 1,
13 2012.

APPROVED this day of , 2011

GOVERNOR OF THE STATE OF HAWAII

