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# A BILL FOR AN ACT

RELATING TO CONSUMER INFORMATION.

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

1           SECTION 1. Chapter 328, Hawaii Revised Statutes, is  
2 amended by adding a new section to part III to be appropriately  
3 designated and to read as follows:

4           "**§328-     Fresh baked goods; advertising.** Baked goods  
5 shall not be represented, advertised, labeled, or marketed using  
6 the term "fresh" or "now fresh bread" unless the baked goods  
7 have never been frozen prior to retail sale to the consumer."

8           SECTION 2. Section 328-61, Hawaii Revised Statutes, is  
9 amended to read as follows:

10          "**§328-61 Notifying consumer.** (a) No person shall sell or  
11 offer to sell any uncooked thawed food which substantially  
12 resembles the physical appearances of the fresh food without a  
13 label, as hereinafter described, notifying the purchaser that  
14 [~~such~~] the food had been frozen and then thawed out; provided  
15 that this section shall not apply if the thawed foods are  
16 processed by grinding or have been dehydrated before being  
17 offered for retail sale.



1       (b) No grocer or wholesale club shall sell or offer to  
2 sell any baked bread that has been frozen after previously being  
3 baked in an oven or other heating device and is being offered  
4 for sale in a thawed state, unless the grocer or wholesale club  
5 posts a sign that:

- 6       (1) Identifies all of the baked bread products sold in the  
7       establishment that have been previously frozen;  
8       (2) Is displayed within the establishment at the primary  
9       location where the baked bread products are sold; and  
10       (3) Displays the words "previously frozen" in wording no  
11       less than twenty-four point font and the names of the  
12       previously frozen products in wording no less than  
13       fourteen point font.

14 All suppliers of such products for resale in the State shall  
15 provide to the grocers or wholesale clubs to whom they supply  
16 the products a listing that identifies by name all previously  
17 frozen baked bread provided by the supplier; provided that a  
18 grocer or wholesaler club shall be deemed to be in compliance  
19 with this subsection if the grocer or wholesale club relies upon  
20 the listing from the supplier."

21       SECTION 3. Section 328-61, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "**§328-61 Notifying consumer.** (a) No person shall sell or  
2 offer to sell any uncooked thawed food which substantially  
3 resembles the physical appearances of the fresh food without a  
4 label, as hereinafter described, notifying the purchaser that  
5 ~~[such]~~ the food had been frozen and then thawed out; provided  
6 that this section shall not apply if the thawed foods are  
7 processed by grinding or have been dehydrated before being  
8 offered for retail sale.

9           (b) No grocer or wholesale club shall sell or offer to  
10 sell any baked goods that have been frozen after previously  
11 being baked in an oven or other heating device and are being  
12 offered for sale in a thawed state, unless the grocer or  
13 wholesale club posts a sign that:

- 14           (1) Identifies all of the baked good products sold in the  
15           establishment that have been previously frozen;  
16           (2) Is displayed within the establishment at the primary  
17           location where the baked goods are sold; and  
18           (3) Displays the words "previously frozen" in wording no  
19           less than twenty-four point font and the names of the  
20           previously frozen products in wording no less than  
21           fourteen point font.



1 All suppliers of such products for resale in the State shall  
2 provide to the grocers or wholesale clubs to whom they supply  
3 the products a listing that identifies by name all previously  
4 frozen baked goods provided by the supplier; provided that a  
5 grocer or wholesaler club shall be deemed to be in compliance  
6 with this subsection if the grocer or wholesale club relies upon  
7 the listing from the supplier.

8 (c) For the purposes of this section, "baked goods" means  
9 any food product that is prepared in an oven or dried and  
10 hardened by heat, including but not limited to bread, cookies,  
11 doughnuts, muffins, and other baked pastry items."

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval;  
15 provided that section 2 shall take effect on September 1, 2011;  
16 provided further that on September 1, 2013, section 2 shall be  
17 repealed and section 3 shall take effect.



**Report Title:**

Baked Bread; Baked Goods; Advertising; Signage

**Description:**

Requires grocers and wholesale clubs to identify baked bread that has been previously frozen beginning September 1, 2011. Requires grocers and wholesale clubs to identify baked goods that have been previously frozen beginning September 1, 2013. (SB1086 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

