

HB 1552, HD1 SD1

Measure Title: RELATING TO COFFEE.

Report Title: Coffee; Labeling Requirements

Description: Restricts the use of the geographic origin of Hawaii-grown coffee on coffee labels. Effective July 1, 2050. (SD1)

Companion:

Package: None

Current Referral: AGL, CPN

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON COMMERCE
AND CONSUMER PROTECTION

APRIL 1, 2011

9:00 A.M.

CONFERENCE ROOM 229

HOUSE BILL NO. 1552 HOUSE DRAFT1, SENATE DRAFT 1
RELATING TO AGRICULTURE

Chairperson Baker and Members of the Committee:

Thank you for this opportunity to provide testimony on HB 1552 HD1, SD 1 relating to coffee. The bill seeks to make it a violation to use the geographic origin on a label other than in the registered trademark or in the identity statement.

The Department supports the intent of the bill.

However, due to reductions in force, the Department is no longer staffed to provide label development support or retail level label inspection or enforcement support as required by the bill. Due to the reduction-in-force, the Measurement Standards Branch lost a total of nine positions: Branch Manager, Packaging and Labeling Specialist position, and 7 Measurement Standards inspectors. Given the lack of adequate staffing, the department is unable to fulfill the responsibilities mandated by this bill.

Thank you for the opportunity to testify on this measure.





Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair
Committee on Commerce & Consumer Protection

HEARING Friday, April 1, 2011
 9:00 am
 Conference Room 229
 State Capitol, Honolulu, Hawaii 96813

RE: HB 1552, HD1, SD1, Relating to Coffee

Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

RMH support HB1552, HD1, SD1, which restricts the use of the geographic origin of Hawaii-grown coffee on coffee labels.

Hawaii's retailers want to support local manufacturers; our customers, visitors and residents alike, want to support local businesses. Retail is a highly competitive industry. We must provide a variety of products at the best possible price-points for our consumers, with the utmost assurance of the quality and authenticity of the goods on our shelves.

The directives in HB1552, HD1, SD1 provide clear and unmistakable labeling guidelines for coffee producers that will ensure accurate information which will enable our consumers to make informed choices.

We urge you to pass hold **HB1552, HD1, SD1**. Thank you for your consideration and for the opportunity to submit testimony.

A handwritten signature in cursive script, appearing to read 'Carol Pregill'.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII
1240 Ala Moana Boulevard, Suite 215
Honolulu, HI 96814
ph: 808-592-4200 / fax: 808-592-4202

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 9:43 AM
To: CPN Testimony
Cc: jwayman@hicoffeeco.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: Yes
Submitted by: Jim Wayman
Organization: Hawaii Coffee Association
Address:
Phone:
E-mail: jwayman@hicoffeeco.com
Submitted on: 3/30/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 9:38 AM
To: CPN Testimony
Cc: bluejourney@aol.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Stefanie Delmont
Organization: Kona County Farm Bureau
Address:
Phone:
E-mail: bluejourney@aol.com
Submitted on: 3/31/2011

Comments:

Aloha and Kona County Farm Bureau opposes HB1552 for all the reasons previously stated in testimony filed and on-line when HB1552 appeared before other Committees. HB1552 continues the confusion about and misrepresentation of Kona Coffee. Its only benefit is to large processors and blenders, not to Kona Coffee Farmers who represent an important proportion of Kona County Farm Bureau's membership.

Aloha and Mahalo,
Stefanie Delmont - President
Kona County Farm Bureau

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2011 4:14 PM
To: CPN Testimony
Cc: colemel@efn.org
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM
Attachments: KCFAamendmentsHB1552.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Colehour Bondera
Organization: Kona Coffee Farmers Association
Address:
Phone:
E-mail: colemel@efn.org
Submitted on: 3/29/2011

Comments:

In present form this Bill causes more problems for coffee industry members and truth in labeling efforts than it solves. Hawaii does not need to legally endorse the consumer misleading use of the Kona name on products which are not Hawaiian. Further, the impact on the Hawaiian constituency of Kona coffee farmers is neither represented nor included in this proposal. Kona coffee farmers who direct market their farm product, and use their own labels, will be unable to use the word Kona in their descriptions according to the way this Bill is being considered. While I have attached proposed amendments to the Bill, in case the legislature will not act as appropriate and defer it for future consideration, I would like to repeat our organizations' conclusions after working with members as well as the introducer of the Bill, Rep. Denny Coffman, and ask that in no uncertain terms the Bill be held at this point. Let us work together to be more honest and clear to consumers and represent the Hawaii products for what they are truthfully, and not facilitate others to use the Kona name to their financial gain with the financial losses being born by Hawaii Kona coffee farmers!

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 8:45 AM
To: CPN Testimony
Cc: hccreception@hicoffeeco.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Wendy Woolford
Organization: Hawaii Coffee Company
Address:
Phone:
E-mail: hccreception@hicoffeeco.com
Submitted on: 3/30/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 6:32 AM
To: CPN Testimony
Cc: captaincookkona@aol.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Steven M. McLaughlin
Organization: Captain Cook Coffee Company
Address:
Phone:
E-mail: captaincookkona@aol.com
Submitted on: 3/30/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend using Hawaii origin coffee. HB 1552 eliminates this practice by causing the use of a Hawaiian origin name only in a registered trademark and in an identity statement which must contain the percentage of origin coffee used immediately to the left of the origin name and in type of at least 3/16 of an inch high. I strongly believe that an informed consumer will then be able to decide what percentage of Hawaiian coffee they wish to purchase and at what price.

YES ON 1552

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2011 5:21 PM
To: CPN Testimony
Cc: luthercoffee@msn.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Louise Hanna
Organization: Luther Coffee Farm
Address:
Phone:
E-mail: luthercoffee@msn.com
Submitted on: 3/29/2011

Comments:

I am very opposed to HB1552. Kona coffee is recognized as a specialty product from Kona Hawaii. If anyone can use the word Kona in their registered trademark and that use of the KONA name does not guarantee to the consumer that they are buying KONA Coffee, our product identity will be weakened if not ruined. I have spoken to people who have bought Kona Blends containing 10% KONA beans and they were not impressed with the product. So their conclusion - I don't like "Kona" coffee. But in fact they were not drinking KONA Coffee. They were drinking coffee from a bag with KONA printed on it. If a packager can use the word KONA without selling KONA COFFEE, then we have lost our name and place of origin recognition for our product. I own a 6 acre coffee farm in South Kona and I need to be able to sell and label my coffee as "100% Kona Coffee". Please do not pass this bill which will deprive us of the ability to truthfully protect the labeling of a Hawaiian Heritage Crop.
Sincerely,
Louise Hanna

Eric Arquero

From: Bruce Corker [bruce.corker@gmail.com]
Sent: Tuesday, March 29, 2011 4:17 PM
To: CPN Testimony
Subject: Testimony in Opposition to HB1552

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony of Bruce Corker

IN OPPOSITION to HB1552—coffee labeling requirements

To: The Senate Committee on Commerce and Consumer Protection

Hearing: Friday, April 1, 2011, 9:00 am, Room 229, State Capitol

I am a coffee farmer in Holualoa in the Kona region and am a Board Member of the Kona Coffee Farmers Association (KCFA) and Chair of the KCFA's Legislative Committee.

The KCFA has more than 225 Kona coffee farmer members—more than any other organization. The Association's mission is to promote and protect Kona farmers' economic interests in 100% Kona coffee, to protect the Kona coffee heritage, and to seek greater legal protection of the Kona coffee name.

Sadly, Hawaii is THE ONLY PLACE ANYWHERE IN THE WORLD that authorizes the use of the name of one of its specialty agricultural crops with only 10% genuine content. HAWAII SHOULD BE ASHAMED.

This Legislature should be ashamed that one of its statutes (HRS 486-120.6) encourages deception of consumers and causes damage to the reputation of one of Hawaii's heritage crops—Kona Coffee.

HB1552 would make consumer deception worse—not better. Even Rep. Denny Coffman, who introduced this bill at the request of the Honolulu 10% blending interests, has acknowledged to the KCFA Board of Directors that HB1552 is "FLAWED".

HB1552 should be killed because:

- 1—It would give the State's express authorization for the deceptive use Hawaii geographic origins (such as the word "Kona") in registered trademarks. For example, the use of the words "Royal Kona" in large print at the top of packages containing 90% imported coffee of undisclosed origin—which leads consumers to believe they are buying "Kona coffee" when they are not.
- 2—The bill's purported intention to stop the deceptive use of so-called "secondary labels" is meaningless. A manufacturer merely has to register a trademark using the "Kona" name to avoid the bill's prohibition. The same deception of consumers would continue unabated.
- 3—HB1552 would prevent Kona farmers from using the word "Kona" in descriptive phrases on their labels—other than in a "registered trademark" or in an "identity statement". For example, it would be illegal to use the following phrase in a label on a package of 100% Kona coffee: "100% Hand Picked Kona Coffee from the Big Island of Hawaii".

The Kona Coffee Farmers Association urges the Legislature to follow the example of the California when Napa growers were faced with the deceptive use of the name "Napa" in registered trademarks on bottles of non-Napa wine. The California Legislature enacted a law prohibiting the use of the name "Napa" anywhere on a wine label (including in registered trademarks) unless the bottle contains a minimum of 75% wine from Napa-grown grapes. In upholding the California law, the courts had no difficulty finding that it was lawful for the legislature to restrict the deceptive use of even long-standing registered trademarks.

To stop counterfeiting and deception as did California, the Hawaii Legislature, for example, could amend the language of the proposed additional subsection (c) (7) in HB1552 to read:

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

....

(7) To use the geographic origin on a label other than in the identity statement as authorized in subsection (a)(1) and (2), unless the package of roasted or instant coffee contains at least seventy-five per cent coffee by weight from that geographic origin."

This amended language would stop the deceptive use on packages of 10% blends of the so-called "secondary labels" such as "Kona Macadamia Nut Cream" and "Kona Classic"; and it would similarly stop such deceptive use of registered trademarks such as "Royal Kona". By doing so the Hawaii Legislature would be making a significant stride toward truth-in labeling for Kona coffee—instead of taking a step backward.

HB 1552 is poorly drafted, it encourages continued consumer deception and fraud, and its adverse impact on labels of 100% Kona coffee has not been thought through.

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Bruce Corker

bruce.corker@gmail.com

808.322.9562

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2011 9:07 AM
To: CPN Testimony
Cc: sailom@earthlink.net
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Konacopia Farm
Organization:
Address:
Phone:
E-mail: sailom@earthlink.net
Submitted on: 3/29/2011

Comments:

This bill is going to destroy the Kona coffee industry. Is that the aim?

What happened to the idea of honesty or truth in packaging and labeling? Why has it been lawful all of these years for people to pretend to be selling Kona coffee when it is primarily coming from some other country because it is cheaper?

Let's support our US products!!!!!!

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2011 7:16 AM
To: CPN Testimony
Cc: brun0-kcfa@usa.net
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM
Attachments: HB 1552 Uster Testimony April 2011.pdf; Amend Section 486.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Paul Uster
Organization: KCFA
Address:
Phone:
E-mail: brun0-kcfa@usa.net
Submitted on: 3/29/2011

Comments:

I would be present to testify if the hearing had not been scheduled same day as my mother's 80th birthday celebration.

HB 1552 testimony

I am a coffee farmer in the North Kona district of the Big Island and am a Board Member of the Kona Coffee Farmers Association (KCFA). This bill is a give-away to the big blenders. It does not help coffee farmers. Even the bill's sponsor, Rep. Denny Coffman, has recently realized and admitted the bill is flawed.

I favor more accurate truth-in labeling laws, but this bill goes in the WRONG direction. If and when enacted it will create more consumer confusion and harm the business of small farmers on all Hawai'ian geographic origins.

Why are coffee farmers against this bill?

It perpetuates Consumer Confusion and can make it worse than it is now!

1) It would expressly authorize the deceptive use of Kona in registered trademarks on packages of 90% non-Kona coffee. For example 'Royal Kona' in large print at the top of a package of 10% Kona blend.

2) The supposed goal of prohibiting secondary labels such as 'Kona Classic' is meaningless. Blenders will register any and all phrases using the word Kona to avoid the prohibition. There will be a RUN on cunning registered trademarks by huge mainland concerns that will wallpaper the packaging, bewilder the consumer, and further exploit Hawaii geographic origins.

Deceptive use of geographic origins like "Kona" in huge type on a registered trademark are every bit as confusing as, for example, the "Kona Classic" used by Hawaiian Isles in their secondary label. I sell coffee in festival and market booths. I talk to a lot of consumers. Most consumers DO believe they are buying all Hawai'ian when it is labeled as a Blend and geographic origin of the other beans is not disclosed. They are also shocked and outraged to learn that those filler beans have been fumigated for import into Hawai'i.

It harms the business of hundreds of Hawai'ian origin coffee farmers.

This bill does not help independent farmers in ANY Hawai'ian geographic origin to differentiate their business from 10% Hawai'ian: 90% non-Hawai'ian coffee.

3) For instance, I would be prohibited from using the word Kona anywhere else, as for instance, on my label to say "All the coffee in this package is grown on my 7 acre farm in the North Kona district" unless I were able to trademark that sentence. A farmer in O'ahu or Maui or Moloka'i or Kaua'i would have the same problem with their geographic origins.

If you want consumers to be able to make an informed choice, the simple way to do this is to make Section 486-120.6 (3) (b) MANDATORY to list all percentages and geographic origins, Hawaiian and non-Hawaiian. See my amendment file uploaded. I also propose a new section requiring that the presence of fumigated beans and identity of fumigant be disclosed.

Amend Section 486-120.6 Section (3) (b) to read.

(b) A listing of the geographic origins of the various Hawaii-grown coffees and the regional origins of the various coffees not grown in Hawaii that are included in a blend ~~may~~ shall be shown on the label. ~~If used,~~ This list shall consist of the term "Contains:", followed by, in descending order of per cent by weight and separated by commas, the respective geographic origin or regional origin of the various coffees in the blend. ~~that the manufacturer chooses to list.~~ Each geographic origin or regional origin ~~may~~ shall be preceded by the per cent of coffee by weight represented by that geographic origin or regional origin, expressed as a number followed by the per cent sign. The type size used for this list shall not exceed half that of the identity statement. This list shall appear below the identity statement, ~~if included~~ on the front panel of the label.

Add a new section:

(7) If fumigated green beans are included in the product, the presence and identity of the fumigant(s) shall be written as "This package contains coffee beans fumigated with *"name of approved fumigant identity as designated by Hawai'i Department of Agriculture"*". The type size used shall not exceed half that of the identity statement. This list shall appear below the identity statement on the front panel of the label.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 9:25 AM
To: CPN Testimony
Cc: coffee@heavenlyhawaiian.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: David Bateman
Organization: Heavenly Hawaiian Farms
Address:
Phone:
E-mail: coffee@heavenlyhawaiian.com
Submitted on: 3/30/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY, FARM or ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 10:14 AM
To: CPN Testimony
Cc: marlene.williams@parbev.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Marlene Williams
Organization: Paradise Beverages Inc/Hawaii Coffee Company
Address:
Phone:
E-mail: marlene.williams@parbev.com
Submitted on: 3/30/2011

Comments:

: Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

My name is Debra Donald. I am a Kona coffee farmer doing business as Mokulele Farms. I oppose this bill because it will HURT my farm business as well as that of hundreds of farmers like me on the islands. It will not reduce consumer confusion because the Big Blenders have the money and means to get around this law. I ask you to vote against it.

This bill makes it legal to deceptively use a geographic origin like Kona in Blends once you register a trademark that contains that geographic origin. A current example that will be immediately blessed is the 'Royal Kona' registered trademark in large print at the top of the 10% Kona blend packages.

The supposed goal of prohibiting secondary labels such as 'Kona Classic' is meaningless. Blenders will register trademark all sorts of phrases using the geographic origin to sidestep the law. In the end, there will be MORE registered trademarked geographic phrases covering the packaging and misleading the consumer even more.

It helps the Big Blenders, but it hurts me and many others who are small businesspersons.

I will be breaking the law if I try to tell my story on my packaging. I would not be able to say something as simple and honest as "My family and I hand-picked all the coffee in this package from our Kona farm".

I want better truth-in-labeling, but this bill is wrong. If you really do want to protect the consumer and not hurt hundreds of farmers like me, make Section 486-120.6 (3) (b) mandatory to list percentages of both Hawaiian and non-Hawaiian geographic origin.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 7:38 AM
To: CPN Testimony
Cc: liongte@aloha.net
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Diane Shriner
Organization: Lions Gate Farms, KCFA
Address:
Phone:
E-mail: liongte@aloha.net
Submitted on: 3/31/2011

Comments:

Some industry lobbyists and large Blenders from Honolulu may tell you that this bill is good for Kona coffee. They may also tell you that they represent "400 farmers" or some such nonsensical figure. Neither is true. I belong to the Kona Coffee Farmers Association, which represents 200 actual growers.

Honolulu businessmen may want this bill to pass but the Kona Farmers say NO! Denny Coffman may say his district wants this, but his constituents have repeatedly told him NO!

Protect Kona coffee by changing the 10% blend law. NOT by voting yes on this silly measure that "protects" nothing but damages our growers. Thank you.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 7:34 AM
To: CPN Testimony
Cc: jwikum@gmail.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Jacqueline Wikum
Organization: Lions Gate Farms
Address:
Phone:
E-mail: jwikum@gmail.com
Submitted on: 3/31/2011

Comments:

I am a coffee farmer who sells 100% Kona. This bill does not protect farmers. Nor does it protect the Kona name, as it can still be applied to coffees that contain as little as 10% of our precious crop.

I was recently in Denver and was shocked to drive past a Jack in the Box with a sign that said "Taste Paradise. Kona Coffee Served Here".

Oh really? Kona coffee? No actually, a Kona Blend. Contrary to common misconception, a Kona blend is not a mix of Kona coffees. Rather it is a blend of 90% cheap South American coffee and 10% Kona. So that "Kona coffee" is not really Kona at all. More like Folgers with a fancified name.

Why do I care so much? Well, all those consumers now associate Kona coffee with some bitter brew they drank at a fast food restaurant. Tell me how this is not horribly bad for my gourmet brand?

For the same reason that Louis Vuitton fights the cheap ripoffs sold out of backalleys, we Kona farmers are trying to protect our name. Here in Hawaii, we have a state law that requires at least 10% Kona in the Kona blend. Attempts to raise this minimum have been being met by strong opposition from the blenders and large coffee middlemen who make millions selling Kona Blend to consumers who don't understand the difference.

These Blenders threaten our livelihoods with short-term gains. They will tell you this bill "protects" Kona coffee. It does not. It only protects their profits.

Please vote NO on this bill. Our coffee is more than just a cup of coffee. It is an excellent cup of coffee. And it represents a way of live that is under threat. Changing the language on a label of 90% foreign-import coffee will not "protect" anything.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 9:40 PM
To: CPN Testimony
Cc: suzanne@coffeeofkona.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Suzanne Shriner
Organization: Pohaku Kona Coffee Farms, KCFA
Address:
Phone:
E-mail: suzanne@coffeeofkona.com
Submitted on: 3/30/2011

Comments:

This bill was submitted without the input of the Kona coffee farmers. Mr. Coffman does not represent the wishes of his constituents here. I know this because I am the owner of a 10-acre coffee farm.

The Hawaii farmers, who grow 100% Kona, would like to see a bill that actually protects our coffee. This bill does not. This bill protects one company, the Hawaii Coffee Company, as it seeks to put another company out of business. This is not the purpose of the legislative process.

These large companys arguing over language on "10% blends" are not the Kona Coffee Industry. They are merely profiteers. Their big bucks depend on the substandard ripoff of Kona's good reputation. They threaten the farmer's livelihoods with short-term gains

Please vote no on this measure.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 9:37 PM
To: CPN Testimony
Cc: avotree-testimony@yahoo.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Barbara Harris
Organization: Kona Coffee Farmer, KCFA
Address:
Phone:
E-mail: avotree-testimony@yahoo.com
Submitted on: 3/30/2011

Comments:
Please vote NO!

This bill is a step in the wrong direction, away from truthful labeling, because it expressly authorizes deceptive use of the name KONA used in registered trademarks like ROYAL KONA on packages of 90% non-Kona coffee.

The purported prohibition on secondary identities is ineffective because it can easily be avoided merely by registering a trademark with the word Kona in it--as Hawaiian Isles has done, for example, with Kona Classic.

HLB1552 would prohibit even Kona farmers from using a descriptive phrase like "This gourmet estate coffee is grown on volcanic slopes in Kona" on labels for their 100% Kona coffee. This would be a violation because such phrases do not use Kona in an identity statement or in a registered trademark.

The effective date of the bill is July 1, 2020. What is the sense of adopting law that has no effect for 9 years?

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 8:17 PM
To: CPN Testimony
Cc: jason@konarosecoffee.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: jason stith
Organization: Mahina Mele Farm
Address:
Phone:
E-mail: jason@konarosecoffee.com
Submitted on: 3/30/2011

Comments:

I am shocked that the Hawaii Legislature would consider taking away my right to use the word "Kona" to sell my 100% Kona coffee! As you know "Kona" is an incredibly powerful marketing word and that is why we wish to protect it (and thus our livelihood) and not allow it to be diluted and dragged through the mud as this bill will allow! Please shoot down HB1552

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 6:52 PM
To: CPN Testimony
Cc: Tim@castleandcompany.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Timothy J. Castle
Organization: Castle and Company
Address:
Phone:
E-mail: Tim@castleandcompany.com
Submitted on: 3/30/2011

Comments:

We are in the coffee business and we support Hawaiian Coffee Farmers and truth in labeling with regard to all food products but especially those of American farmers.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 6:12 PM
To: CPN Testimony
Cc: jkimof@msn.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: Yes
Submitted by: James Kimo Falconer
Organization: MauiGrown Coffee, Inc.
Address:
Phone:
E-mail: jkimof@msn.com
Submitted on: 3/30/2011

Comments:

Please vote to support HB 1552 with amendments as presented by Rep. Coffman. My company does not support amendments made by the Kona Coffee Farmers Assoc. (KCFA).

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 5:36 PM
To: CPN Testimony
Cc: bendysart@hawaii.rr.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Ben Dysart
Organization: Dysart Farms -- member KCFA
Address:
Phone:
E-mail: bendysart@hawaii.rr.com
Submitted on: 3/30/2011

Comments:

Sirs, I believe it is an intense disservice to the people of Hawaii that the Kona Coffee geographic origin dispute has gone on for as long as it has. It hurts tourism and it hurts our farmers. The world knows that the only region of the world where true Champagne is made is in Champagne, France; Napa wines are only made in Napa County, California. The names Champagne, Napa Wine, and Parmigiano-Reggiano cheese are protected by law.. California, French, Italian and European law. Each of these names is classified as a "Protected Designation of Origin" and they exist as major tourist attractions.

The state of Hawaii's economy is strongly dependent on tourism and the Kona coffee region on the Big Island is one of a few one-of-a-kind attractions for tourists, Kona coffee is considered to be one of the top two coffees in the world and is only produced here. It is time for the state of Hawaii to establish Kona and Kona Coffee as a world recognized Protected Designation of Origin.

I am thoroughly against Bill 1552 "Coffee Labeling Requirements" because it continues to allow DECEPTIVE LABELLING. Please, let's protect Hawaii's agricultural people and somehow enhance the worldwide image of Hawaii's legislative integrity.

I am a Kona coffee farmer and am a member of the Kona Coffee Farmers Association, The KCFA.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 4:48 PM
To: CPN Testimony
Cc: lmadden@welcometotheislands.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Lynne Madden
Organization: The Madden Corporation
Address:
Phone:
E-mail: lmadden@welcometotheislands.com
Submitted on: 3/30/2011

Comments:

TESTIMONY: Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 3:55 PM
To: CPN Testimony
Cc: johnthays@gmail.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM
Attachments: Testimony HB 1552.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: John T. Hays
Organization: Founder, Coffees of Hawaii, Inc., US ICO Delegate
Address:
Phone:
E-mail: johnthays@gmail.com
Submitted on: 3/30/2011

Comments:

As first Executive Director of the Hawaii Coffee Association, I spoke on behalf of the growers when we established the first guidelines for labeling in a conference held at the Dept. of Agriculture in 1991. I am pleased to support HB 1552.

Paulette Medeiros
Aqua Hotels & Resorts, LLC
1860 Ala Moana Blvd, Suite 411
Waikiki Beach, Hawaii 96815

RE: HB 1552

Aloha Ladies & Gentleman,

Currently, I work in the Hotel Industry and see tourists and kama'aina alike confused by the current labeling system that most coffee companies use on their product(s). If my husband didn't work for a coffee company, I wouldn't have known the difference either.

Current labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names.

We've all seen.....

100% Kona Coffee blend or **Kona Classic** blend

This is meant to sell the product and confuse consumers into believing that they are purchasing 100% Kona Coffee (origin product) when in fact they are purchasing a blend.

HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package and the new law limits the use of a geographic origin coffee name and limits the font size in identifying the type of coffee being sold.

Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona will have no labeling restrictions.

At this time, I would like to sincerely "THANK YOU" for your time and humbly ask for your "SUPPORT" of HB 1552, I know that you truly see the effects on what has happened in the coffee industry and how we can protect our tourist, on line consumers and kama'aina alike.

Sincerely,

Paulette Medeiros
Payroll Administrator
Aqua Hotels & Resorts, LLC
1860 Ala Moana Blvd Suite 411
Waikiki Beach, Hawaii 96815

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 11:18 AM
To: CPN Testimony
Cc: donberquist@hotmail.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Don Berquist
Organization: Rancilio Group
Address:
Phone:
E-mail: donberquist@hotmail.com
Submitted on: 3/31/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 8:47 AM
To: CPN Testimony
Cc: joanne.hara@us.mcd.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Joanne Hara
Organization: McDonald's Restaurants of Hawaii
Address:
Phone:
E-mail: joanne.hara@us.mcd.com
Submitted on: 3/31/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 8:55 AM
To: CPN Testimony
Cc: veronica.kaneko@us.mcd.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Veronica Kaneko
Organization: McDonald's Restaurants of Hawaii
Address:
Phone:
E-mail: veronica.kaneko@us.mcd.com
Submitted on: 3/31/2011

Comments:

Current truth in labeling regulations have a flaw that allows a confusing "Double Identity" statement to be used on packages of coffee when using any or all of the Hawaiian coffee origin names. This can confuse consumers into believing that they are purchasing 100% origin product when in fact they are purchasing a blend. HB 1552 eliminates the practice of the double identity statement on the package by limiting the use of point of origin coffee names on the package. The words KONA CLASSIC are an example of what I am referring to when placed on the front panel of a coffee bag in a large sized font. The new law accomplishes this by limiting the use of a geographic origin coffee name on the front panel of the package except in the use of one single trademark allowed and in one proper identity statement. This bill also limits the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement. Further, it limits trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name i.e. KONA CLASSIC then it has to end in words that refer to a business entity like ROASTING COMPANY, COFFEE COMPANY OR ROASTERS. So it would have to look something like this: KONA CLASSIC COFFEE ROASTERS. This way a trademark cannot be applied to a package in a way that looks like an identity statement. Finally, any package of coffee that contains 100% origin coffee i.e. 100% KONA is exempted from this law entirely so someone roasting and packing 100% Kona has no labeling restrictions what so ever.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 8:38 AM
To: CPN Testimony
Cc: roberth@pacificbag.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Robert Hepburn
Organization: Pacific Bag, Inc.
Address:
Phone:
E-mail: roberth@pacificbag.com
Submitted on: 3/31/2011

Comments:

I work for a packaging company working closely with coffee growers, Hawaii Coffee Association, Kona Coffee Council, roasters and retailers in Hawaii. I support HB 1552. I personally have experience with the confusing labeling laws in Hawaii and believe HB 1552 protects both the consumer and the honest roaster.

For these reasons, I support HB 1552:

- Eliminating confusing "Double Identity" statements on packages of coffee when using any or all of the Hawaiian coffee origin names
- Limiting the font size used in the trademark to a font size no larger than the font size used in the identity statement so as not to allow the trademark to overshadow the identity statement
- Limiting trademarks that use point of origin names by mandating that if the trademark begins with a point of origin name then it has to end in words that refer to a business entity.

In addition I support allowing any package of coffee that contains 100% origin coffee i.e. 100% KONA to be exempt from this law.

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 12:51 AM
To: CPN Testimony
Cc: michelledjoven@gmail.com
Subject: Testimony for HB1552 on 4/1/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Michelle Joven
Organization: Individual
Address:
Phone:
E-mail: michelledjoven@gmail.com
Submitted on: 3/31/2011

Comments:
Aloha,

Before you make any decisions, please really read the first paragraph of what Section 1 of the law states and what the purpose of this Act was intended to do. Because when I first read this; in my mind I believed the legislature was working to protect the Kona coffee farmer and the consumer, but then I read what was being added to this law.

It would be a violation:

“(7) To use the geographic origin on a label other than in the registered trademark or in the identity statement as authorized in subsection (a) (1) and (2)”.

...and it made no sense to me at all that our legislative body would agree and make this law. Because what this tells me as a 100% Kona coffee farmer (who does not sell my family's coffee to blenders or big processors) is that anyone from the mainland can come over here, set up shop in Oahu and create a trademark for “Best Gourmet Kona Coffee Ever” and only need to place 10% Kona coffee in the bag without ever disclosing where the other 90% came from...and that would be legal in the State of Hawaii. After all it does say that it comes from Kona...it's verified by the trademark...

This addition/addendum does not help the consumer improve their understanding of what is and isn't “Kona” coffee, nor does it help Kona coffee farmers. This is more smoke and mirrors to protect a few people that have a lot of money who are trying to manipulate the law to benefit their pocket.

When tourists ask me why is the Kona coffee served in hotels and restaurants in Kona so horrible tasting, I have to explain that it's a 10% blend and the other 90% is unknown that the State of Hawaii allows to be called Kona blend...It's very interesting that when you explain to customers what the law is, some actually become upset that when they come to Kona and it says Kona on the bag or on the menu they assume that's what they are drinking until they are offered “real” 100% Kona coffee and realize the difference.

So I ask again, please really read what Section 1 is supposed to imply and what subparagraph (7) really represents because this addition to the existing law does not improve the customer's understanding of the contents of the package. It makes it worse.

Mahalo for your time.

“Section 1. The legislature finds that producers of coffee blends that include one or more Hawaii-grown coffees are using a secondary label that contains the geographic origin of the Hawaii-grown coffee. This secondary label is misleading and implies that the coffee is the package was grown exclusively in the named geographic region”.

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

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Thomas Butler
Organization: Individual
Address:
Phone:
E-mail: tjbhawaii@hotmail.com
Submitted on: 3/28/2011

Comments:

By favoring this bill, the state of Hawaii will legitimize the deceptive practice of labeling 90% foreign coffee as Kona. These "trademarks" are meant to confuse buyers into thinking they are purchasing the real thing. At the same time those who do sell Kona coffee will be limited in describing the difference between Kona coffee and a blend. This bill will not even accomplish what it is really intended to do. Hawaiian Isles Coffee Co. will simply register their trademark, only now the St. of Hawaii will be giving it its blessing.

As Kona Coffee Farmers we oppose this bill because:

1) It would expressly authorize the deceptive use of Kona in registered trademarks on packages of 90% non-Kona coffee for example 'Royal Kona' in large print at the top of a package of 10% Kona blend.

2) The purported goal of prohibiting so-called secondary label such as 'Kona Classic' is meaningless. Blenders would merely register a trademark using the word Kona to avoid the prohibition.

3) It would prohibit Kona farms from using the word Kona even on packages of 100% Kona coffee unless used as part of an identity statement or a registered trademark. For example, the phrase '100% Hand Picked Kona Coffee from the Big Island of Hawaii' on a coffee label would be unlawful.

4) Even the bills sponsor, Rep. Denny Coffman, has described the bill as flawed. We believe HB1552 is a step in the wrong direction.

Respectfully submitted,

Frederick and Maureen Langberg

81-6360 Keopuka Rd.

Kealahou, HI 96750

808-323-2521

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Howard Hill
Organization: Individual
Address:
Phone:
E-mail: hehill@yahoo.com
Submitted on: 3/28/2011

Comments:

As a proud grower, processor, and seller of 100% Kona Coffee, I am writing again in opposition to HB1552. For your information, I am merely one of several hundred small farmers like myself who have long worked to make the term 100% Kona Coffee represent the finest of what is available in the coffee world.

I fail to understand why we should have to change our labeling in what is an obvious attempt to confuse the retail buyer to the benefit of those who sell 'Kona' coffee that is Kona in name only.

Let's compare with France where, names like Champagne and Bordeaux are protected and not allowed to be used by wine producers outside these respective districts. That's how it should be in Hawaii also. Let Ka'u call its coffee Ka'u, and Kona call its coffee Kona, and so on.

Please kill HB1552. It is not helpful to the small coffee farmers of Hawaii!

Howard Hill

Captain Cook, HI 96704

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: diana duff
Organization: Individual
Address:
Phone:
E-mail: hokudi@aol.com
Submitted on: 3/28/2011

Comments:

please do not approve this bill. it will hurt all small kona coffee farmers who do not have 'kona' in their registered trademark and will make it possible for those selling 10% kona coffee to continue to use their registered name even if they have only 10% kona coffee in their bag. this is NOT helping local agriculture.

Testimony for CPN 4/1/2011 9:00:00 AM HB1552

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Nancy Redfeather

Organization: Individual

Address:

Phone:

E-mail: nancyredfeather@hawaii.rr.com

Submitted on: 3/26/2011

Comments:

Kona Coffee farmers and their 100% Kona Coffee represent the most economically successful family farm product in the state of Hawaii. The Legislature should do everything they can to support our struggling farmers in these difficult economic times.

S.B. 1552 – RELATING TO COFFEE

Name	Organization	Position
Debra Donald	Mokulele Farms	Oppose
Charles L. Moss	Aina na Hoku Kai Farms	Oppose
Deborah Ann Cohn-Hoshide	Hoshide Coffee LLC	Oppose
Esta Marshall	Feedora Farms	Oppose
John Koontz	Konaloha Farms	Oppose
Sarah Crawford	Halama Farms	Oppose
Lucille Bonilla	Paradise Beverages	Support
C.S. Smith	Private Individual	Oppose
Gary Kastle	Private Individual	Oppose
Cecelia Smith	Private Individual	Oppose
Michel MacCheyne	Private Individual	Oppose
James Petersen	Private Individual	Oppose
Henry Williams	Private Individual	Oppose
Carol Weaver	Private Individual	Oppose
Joan E. Rowe	Private Individual	Oppose
Toby Bacon	Private Individual	Oppose
Elisabeth Bacon	Private Individual	Oppose
Lenore Rick	Private Individual	Oppose
Dianne Palmer	Private Individual	Oppose
Allan Frank	Private Individual	Oppose
John Koontz	Private Individual	Oppose
Roger Kaiwi	Private Individual	Support
Stacie Loo	Private Individual	Support
Raquel Bates	Private Individual	Support
Jesse Kaiwi	Private Individual	Support
Karen Darrah	Private Individual	Oppose
Kathy Wood	Private Individual	Oppose
John McClure	Private Individual	Oppose
Bebo Nadell	Private Individual	Oppose
Janet Jones	Private Individual	Oppose
Harold M. Hoogasian	Private Individual	Oppose
Darryl Hara	Private Individual	Support
James Gardner	Private Individual	Oppose
Robert H. Smith	Private Individual	Oppose
Anthony Reyes	Private Individual	Oppose
Albert Holt	Private Individual	Oppose
Ken Love	Private Individual	Oppose
Gary Strawn	Private Individual	Oppose
Misha Sperka	Private Individual	Oppose
Paul Sterling	Private Individual	Support
Brian White	Private Individual	Support
Steven B. McLaughlin	Private Individual	Support
Shawn Mawae	Private Individual	Support

Brian Kishida	Private Individual	Support
Eugene Yamashiro	Private Individual	Support
David Plaskett	Private Individual	Support
Napualani Spock	Private Individual	Support
Geraldine Shimanuki	Private Individual	Support
Uluakin Nye	Private Individual	Support
William Judd	Private Individual	Support
Salvatore Bruno	Private Individual	Support
Victor Butay	Private Individual	Support
Chris McLaughlin	Private Individual	Support
Darryl Labuguen	Private Individual	Support
Lizah McLaughlin	Private Individual	Support
Brian Agni	Private Individual	Support
F. Fong	Private Individual	Support
Lois Rita	Private Individual	Support
Lori Collins	Kundalini of Kona	Oppose
Gordon Usui	Private Individual	Support
Brandon Davidson	Private Individual	Support
Patricia Wayman	Private Individual	Support
Rod McKenzie	Private Individual	Support
Reva Paul McKenzie	Private Individual	Support
Andrew F. LeBlanc	Private Individual	Support
Peter Ching	Private Individual	Support
Margaret Von Kaenal	Private Individual	Support
Craig Nakutsukasa	Private Individual	Support
Regina Manlic	Private Individual	Support
Madelyn Marcos	Private Individual	Support
Colin Shimokawa	Private Individual	Support
James Fazio	Private Individual	Support
Jason Ito	Private Individual	Support
Sheryl Ing	Private Individual	Support
Leighton Ota	Private Individual	Support
Julia Sui	Private Individual	Support
Jaime Remedios	Private Individual	Support
Connie Alexakos	Bad Ass Coffee of Hawaii	Support
Kristine Alexakos-Wilson	Private Individual	Support
April Garrett	Private Individual	Support
John H. Kuper Jr.	Private Individual	Support
Mila Horak	Private Individual	Support
Ron Peters	Onila Farms	Oppose
Donna Woolley	Island Sun Coffee	Support

Alfred Woolley	Island Sun Coffee	Support
Marguerite LeBlanc	Private Individual	Support
Kevin Chang	Private Individual	Support
Blake Wayman	Private Individual	Support
Sheila M. Baker	Private Individual	Support
Amy Honda	Private Individual	Support
	Kona Pure Coffee Brand	Oppose
Patrick Stewart	Greenwell Farms	Support
Cheryl Bishop	Private Individual	Oppose
Gloria Biven	Private Individual	Support
Sharon Dolezal Wood	Private Individual	Support
Donna Woolley	Kona Coffee Council	Support
Billie Jane Merlo	Private Individual	Support
Myles Kurashige	Private Individual	Support
Stacy Shigemura	Private Individual	Support
David A MacDonald	Private Individual	Support
Helen White	Private Individual	Support
Geri Loo	Private Individual	Support
Annette Loo	Private Individual	Support
Dave Wagner	Private Individual	Support
Garth Driggs	Private Individual	Support
Eva Woo	Private Individual	Support
Karen Fazzio	Private Individual	Support
Stephen J. Collector	Private Individual	Support
John Ferrara Jr.	Private Individual	Support
Karl Ellis	Private Individual	Support
Michael M. Shibuya	Private Individual	Support
Lawrence Ford	Private Individual	Oppose
Christin Hall	Private Individual	Support
Carol Carroll	Maukafire Coffee	Oppose
Donna Burnham	Private Individual	Oppose
Richard Loero	Private Individual	Support
Jane McAuliffe	Private Individual	Support
Tracy Ohanlon	Private Individual	Support
John Howie	Private Individual	Support
Elma Geemont	Private Individual	Support
Cassady Laton	Private Individual	Support
	Jasminum Farms	Oppose
Mark V. Howley	Private Individual	Support
Ana Chiok	Private Individual	Oppose
Page Trygstad	Private Individual	Oppose

Yoko Harada	Private Individual	Oppose
John King	Private Individual	Support
Norma Hirata	Private Individual	Support
Francine Lum	Private Individual	Support
Pepe Miranda	Private Individual	Support
Paul Brinson	Diplomat Coffee	Support
Alan Y. Nakamura	Private Individual	Support
Gregory M. Estrada	Private Individual	Support
Gene Pike	Zel's Del Mar	Support
Marian Solomon	Hualalai Mauka Coffee	Oppose
Thomas F. Greenwell	Greenwell Farms	Support
Steve Hicks	Private Individual	Support
Mei Li Ho	Private Individual	Support
Frank LoBasso	Private Individual	Support
Susan Ogata	Private Individual	Support
Bruce Britt	Kona Farms	Support
Sandy Manago	Private Individual	Support
Kelle Vandenberg	Pacific Bag	Support
Dane Wayman	Private Individual	Support
Gwen Scott	Private Individual	Support
Candace Birt	Private Individual	Support
Bruce Birt	Private Individual	Support
Cherry M. Ward	Private Individual	Support
Megan Barley	Private Individual	Support
Tom Tshako	Private Individual	Support
Verna Wong	Private Individual	Support
Beth Anne Webb	Private Individual	Oppose
David Sayad	Socopac	Support
David Coy	Private Individual	Oppose
Kimberly Martin	Socopac	Support
Jane Herbst	Private Individual	Support
Kim Slack	Private Individual	Support
Dean J. Okimoto	Private Individual	Support
James R. Weisend	Private Individual	Oppose
Susan De Boer	Private Individual	Support
John Kuper Sr.	Private Individual	Support
Michael Conway	Dole Food Company Hawaii	Support
Jennifer	Private Individual	Support
William J. Waters	Private Individual	Support
	Huahua Farms	Oppose
Derek Lanter	Private Individual	Support

Lisa Corker		Oppose
Roseann Buritz		Oppose
David Gridley		Support
Steve Nadell		Oppose