

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1086
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1086 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION,"

begs leave to report as follows:

The purpose and intent of this measure is to allow bread to be labeled as "fresh" only if the product has been maintained in an unfrozen state at all times. This measure also requires the use of the term "previously frozen" for bread products that are baked and then frozen before sale.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association; Hawaii Government Employees Association; Hawaii State AFL-CIO; Pride At Work Hawai'i; United Food & Commercial Workers Union, Local 480; and ILWU Local 142. Your Committee received testimony in opposition to this measure from Hawaiian Food Services Group LLC; Times Supermarkets; Golden Coin Food Industries; Gold Coast Baking Company; Fresh Start Bakeries; Sara Lee Corporation; Bimbo Bakeries USA; Ani's Bake Shop; Watanabe Bakery LLC; Standard Bakery, Inc; Four Seasons Resort; Menehune Bottled Water Company Inc.; Mr. Sub; Kahului Trucking & Storage, Inc.; The Plantation Inn; A/C Warehouse Inc. Maui; Maui Coffee Co.; Ocean View Store; Hirano Store; Punalu'u Bake Shop; Lava Rock Cafe; Kaimomi Distributing Co., Inc.; Frankie's Cafe; The Men's Shop Inc.; Mountain View Mini Mart; Takata Store; Waianae Store; Kilauea General Store; Island Catering; Hawaiian Isles Distributors; Pukalani Superette; J. Hara



Store; The Safeway Companies; Retail Merchants of Hawaii; Grocery Manufacturers Association; and Hawaii Foodservice Alliance LLC.

Your Committee finds that this measure would be valuable to consumers, especially in these times when many consumers have become more interested and conscious of not only nutrition but also when and how the food they purchase was prepared. Labeling and selling previously frozen bread as fresh baked bread is a misrepresentation of food. This measure provides consumers with accurate and proper labeling to make an informed decision when they buy that product.

Your Committee believes that consumers have a right to know whether bread they are considering to buy has been previously frozen. Freezing bread affects the quality of the product, particularly if the consumer decides to freeze it again, which may compromise the quality of the bread.

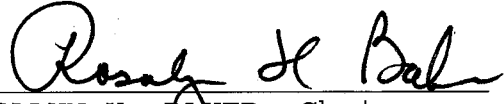
Your Committee has amended this measure by:

- (1) Limiting the requirement for the labeling of bread as "previously frozen" to sliced, sandwich-style bread;
- (2) Moving some of the new language proposed by this measure to existing sections of law, where appropriate, as amendments to those statutes; and
- (3) Inserting an effective date of July 1, 2050, to allow for further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1086, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1086, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



