

JAN 24 2013

A BILL FOR AN ACT

RELATING TO CACAO.

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

1 SECTION 1. Chapter 486, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§486- Hawaii-grown cacao; labeling requirements. (a)

5 In addition to all other labeling requirements, no identity
6 statement used for labeling or advertising cacao, chocolate,
7 cacao butter, or other product produced in whole or in part from
8 cacao, shall contain the phrase "Hawaii-grown cacao", or similar
9 language, except:

10 (1) For any product that contains cacao ingredients made
11 from Hawaii-grown cacao and no other cacao or
12 chocolate flavoring; and

13 (2) For any product containing any cacao ingredients of a
14 blend of Hawaii-grown cacao and cacao not grown in
15 Hawaii or other natural or artificial cacao flavoring,
16 the per cent cacao by weight of the Hawaii-grown cacao
17 used in the blend, followed by the geographic origin



1 of the weight-specified cacao and the term "Cacao
2 Blend".

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

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



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

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

10 (1) Use the identity statement specified in subsection (a)
11 or similar terms in labeling or advertising unless the
12 product contains cacao from that one geographic
13 origin;

14 (2) Use a geographic origin in labeling or advertising,
15 if the product contains less than ten per cent cacao
16 by weight from that geographic origin;

17 (3) Use a geographic origin in advertising a product
18 without disclosing the percentage of cacao used from
19 that geographic origin as described in subsection (a);

20 (4) Misrepresent, on a label or in advertising of a
21 product, the per cent cacao by weight from a
22 geographic origin;



- 1 (5) Use the term "All Hawaiian" on a label or in
2 advertising of a cacao if the cacao is not produced
3 entirely from cacao produced in geographic origins
4 defined in this chapter;
- 5 (6) Use a geographic origin on the front label panel of a
6 cacao product other than in the trademark or in the
7 identity statement as authorized in subsection (a)
8 unless one hundred per cent of the cacao contained in
9 the product is from that geographic origin;
- 10 (7) Use more than one trademark on a package of a product
11 unless one hundred per cent of the cacao contained in
12 the product is from that geographic origin specified
13 by the trademark;
- 14 (8) Use a trademark that begins with the name of a
15 geographic origin on a product unless one hundred per
16 cent of the cacao contained in the product comes from
17 that geographic origin or the trademark ends with
18 words that indicate a business entity; or
- 19 (9) Print the identity statement required by subsection
20 (a) in a smaller font than that used for a trademark
21 that includes the name of a geographic origin pursuant



1 to paragraph (5) and in a location other than the
2 front label panel of a cacao product.

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

10 (e) For the purpose of this section:

11 "Geographic origin" means the geographic regions in which
12 Hawaii-grown cacao are produced; provided that the term
13 "Hawaiian" may be substituted for the geographic origin
14 "Hawaii".

15 "Per cent cacao by weight" means the percentage calculated
16 by dividing the weight in pounds of cacao of one geographic or
17 regional origin used in a production run of the product, by the
18 total weight in pounds of the cacao used in that production run
19 of the product, multiplying the quotient by one hundred."

20 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY: Clarence K. Nickerson



S.B. NO. 1327

Report Title:

Cacao; Labeling Requirements

Description:

Specifies labeling requirements for products containing Hawaii-grown cacao.

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