

JAN 17 2014

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 the marketers of
2 coffee blends that include Hawaii-grown coffees disclose the
3 geographic origin of the Hawaii-grown coffee, but almost never
4 disclose the geographic origin of the other non-Hawaii-grown
5 coffees also included in the package. This non-disclosure of
6 the geographic origin of the non-Hawaii-grown coffee, which is
7 usually the vast majority (usually ninety per cent) of the
8 coffee in such coffee blends, confuses and misleads consumers.
9 Such confusion is particularly likely when the brand names used
10 by marketers of these coffee blends contain the terms "Hawaii",
11 "Hawaiian", or a Hawaii place name.

12 For example, when terms like "Hawaiian", "Kona", or "Maui"
13 are used in large type as part of brand names at the top of
14 coffee labels, but there is no disclosure of the origin of the
15 ninety per cent non-Hawaii grown coffee in a package, consumers
16 are often confused and misled into believing they are buying a
17 package of Hawaii-grown coffee. These concerns were echoed in
18 S.C.R. 102, S.D. 1, H.D. 1, Regular Session of 2007, which found



1 that "existing labeling requirements for Kona coffee causes
2 consumer fraud and confusion and degrades the 'Kona coffee'
3 name." Amendments to the relevant statutes are therefore
4 necessary to prevent consumer fraud and confusion.

5 The purpose of this Act is to conform state coffee labeling
6 laws to principles of consumer disclosure and fair marketing by
7 requiring express label disclosure of the per cent of coffee not
8 grown in Hawaii that is included in coffee blends that contain
9 Hawaii-grown coffees.

10 SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) A listing of the geographic origins of the various
13 Hawaii-grown coffees and the regional origins of the various
14 coffees not grown in Hawaii that are included in a blend [~~may~~]
15 shall be shown on the label. [~~If used, this~~] This list shall
16 consist of the term "Contains:", followed by, in descending
17 order of per cent by weight and separated by commas, the
18 respective geographic origin or regional origin of the various
19 coffees in the blend [~~that the manufacturer chooses to list~~].
20 Each geographic origin or regional origin [~~may~~] shall be
21 preceded by the per cent of coffee by weight represented by that
22 geographic origin or regional origin, expressed as a number



1 followed by the per cent sign. When a blend contains one
 2 Hawaii-grown coffee and one or more coffees not grown in Hawaii,
 3 this list may use the aggregate per cent by weight of the
 4 coffees not grown in Hawaii followed by the term "Foreign-Grown
 5 Coffee", in place of listing each respective geographic origin
 6 or regional origin of the coffees not grown in Hawaii. The type
 7 size used for this list shall [~~not exceed half~~] be equal to that
 8 of the identity statement. This list shall appear below the
 9 identity statement [~~, if included~~] on the front panel of the
 10 label."

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on January 1, 2015.

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TS-0098

S.B. NO. 2354

Report Title:

Coffee; Hawaii-grown Coffee; Labeling; Geographic or Regional Origins

Description:

Requires a specific listing of the geographic origins of various Hawaii-grown coffees and the geographic or regional origins of the various coffees not grown in Hawaii that are included in a coffee blend to be listed on the front panel of a label. Permits the aggregate per cent by weight of foreign grown coffees to be listed in lieu of a list of each of the geographic origins of the coffees not grown in Hawaii.

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