

SB111

SD2

Testimony

Requires the Board of Agriculture to create “made in Hawaii” labeling requirements for all agricultural commodities in Hawaii beginning July 1, 2015, through rules, which shall not supersede any state law regarding “made in Hawaii” labeling requirements for agricultural commodities enacted prior to the effective date of this Act. (Proposed SD2)



P O Box 5436, Kailua-Kona, HI 96745 www.KonaCoffeeFarmers.org
email: info@KonaCoffeeFarmers.org

February 25, 2014

Dear Senate AGL/CPN/WAM Committee Members:

I submit this testimony on behalf of the Kona Coffee Farmers Association **in STRONG OPPOSITION to SB111/SD2**. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions.

Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: **“EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.”** (SCR102, 2007)

But rather than taking a step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements.

The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona

Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package.

At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content, and (2) prominent identification of the origin and % of non-Hawaii-grown contents on the label.

The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers.

Please reject SB111/SD2.

Respectfully submitted,

Bruce Corker

Legislative Committee Chair

Kona Coffee Farmers Association

Cc: Carolyn Lucas-Zenk, West Hawaii Today

Jennifer Kelleher, Associated Press

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: prevetz@yahoo.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Tuesday, February 25, 2014 8:28:22 AM

SB111

Submitted on: 2/25/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Prevetz	Kona Coffee Association	Oppose	No

Comments: Dear Senate Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for

Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2.
Respectfully submitted, Mary Prevetz Pua ka Lehua Homestead

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: mauibrad@hotmail.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Friday, February 21, 2014 6:28:00 PM

SB111

Submitted on: 2/21/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Support	No

Comments: Support SD2, not SD1.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: Anitakelleher@me.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 10:48:04 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
anita	Individual	Oppose	No

Comments: Dear Senate Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers,

and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2.
Respectfully submitted, Anita Kelleher Blue Corner Coffee Kailua Kona, Hawaii

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To: [AGL Testimony](#)
Cc: sandrascar@aol.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 10:59:40 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Scarr	Individual	Oppose	No

Comments: Dear Senate Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was inserted into a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected, appointed board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers,

and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2.
Respectfully submitted, Sandra Scarr Daily Fix coffee

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: kelly@hklcoffee.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 11:33:19 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Edwards	Individual	Oppose	No

Comments: Dear Senate Committee Members: I am a Hawaii farmer and distributor and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) I have first-hand experience with this on a daily basis. AS we promote 100% Kona coffee on the mainland, it is amazing how consumers have received bait-and-switch tactics by receiving something called Kona coffee that truly isn't! If you throw in a handful of Kona coffee beans into the mix of a low-grade columbian coffee and expect it to taste like 100% Kona, your in for a very disappointment result. This is what is happening - people say they had Kona coffee and say it wasn't good. Then we let them try our 100% Kona coffee and educate them on the fact they were cheated into thinking and paying for a substandard product. This is HURTING the Kona coffee brand and making it very difficult for growers and sellers to justify the price to an uneducated consumer group! But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of

genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. I am hopeful the Hawaii Legislature can see the irreparable damage this would cause to Hawaii's AG business and reputation. Please reject SB111/SD2. Respectfully submitted, Halē Kai Lana, Inc. Ph: (831) 394-KONA (5662) Fax: (808) 443-0067 kelly@hklcoffee.com www.halekailana.com

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Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 11:56:21 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Ford	Individual	Oppose	No

Comments: Dear Senate Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers,

and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2.
Respectfully submitted, Lawrence Ford

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Cc: kallygos@mac.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 10:10:23 PM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kally	Individual	Oppose	No

Comments: Dear Senate Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers,

and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2.
Respectfully submitted, Kally Goschke Ohi'a Hale Farm Captain Cook

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