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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE

Thursday, February 5, 2015
2:45 P.M.

**SENATE BILL NO. 171
RELATING TO TRUTH-IN-ADVERTISING**

Chairperson Ruderman, and Members of the Committee:

Thank for the opportunity to testify on Senate Bill No. 171, relating to truth-in-advertising. The bill proposes that farmers' market operators to obtain a license with the department and ensure that greater than fifty percent of the vendors in the farmer's markets primarily sell food, farm produce, or flowers prepared, grown or produced in Hawaii. The department applauds the efforts by the legislature to ensure that farmers' markets are indeed being operated for the sale of agricultural products. However, we anticipate difficulties in enforcing this bill.

A farmers' market operator may have 50 percent of listed vendors that primarily sell food, farm produce, or flowers prepared, grown or produced in Hawaii, however, the operator may fail to meet this requirement due to lack of qualified vendor participation. In lieu of using "farmers' market" an operator can define the operations as an "open market", "food and produce market", "outdoor market", "agricultural market", etc.

If a complaint is filed against a farmers' market operator for violating the requirements of this bill, the department in conducting the investigation is only limited to verification solely using written documents and not actual participation by vendors.

Thank you for the opportunity to testify on this measure.

