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# A BILL FOR AN ACT

RELATING TO COFFEE LABELING.

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

1           SECTION 1. The legislature finds that for over twenty-six  
2 years, Hawaii has been the only region in the world that  
3 statutorily regulates the uses of its geographic names, such as  
4 "Kona", "Maui", and "Ka'ū", on labels of its specialty  
5 agricultural products but requires that only ten per cent of the  
6 product originate in the geographic area indicated. The  
7 legislature further finds that the low ten per cent requirement  
8 directly damages and degrades the reputation of world-famous  
9 Hawaii-grown coffees and damages the economic interests of  
10 Hawaii coffee farmers. The legislature notes that a 2018  
11 publication entitled "Strengthening sustainable food systems  
12 through geographical indications: An analysis of economic  
13 impacts" by the Food and Agriculture Organization of the United  
14 Nations and the European Bank for Reconstruction and Development  
15 concluded, among other things, that Kona coffee "does not enjoy  
16 any strong protection of its name" from the State of Hawaii, and



1 as a result, downstream stakeholders, rather than farmers, "reap  
2 the economic benefits of the fame of Kona".

3 The legislature also finds that more than ninety per cent  
4 of Hawaii's coffee farms are located on the island of Hawaii.  
5 In 2014, the Hawaii county council adopted Resolution No. 501-  
6 14, entitled "Requesting the Hawaii Legislature to Adopt  
7 Provisions for Truth-In-Labeling for Hawaii-Grown Coffees". The  
8 council's request to the legislature was based on a number of  
9 findings, including:

10 (1) Senate Concurrent Resolution No. 102, S.D. 1, H.D. 1,  
11 regular session of 2007, which stated in part:

12 (A) Existing labeling requirements for Kona coffee  
13 causes consumer fraud and degrades the "Kona  
14 coffee" name; and

15 (B) Confusion as to the difference between Kona  
16 coffee and Kona coffee blends caused *Consumer*  
17 *Reports* magazine to rate Kona coffee as "second  
18 rate";

19 (2) It is inherently deceptive and misleading to label  
20 coffee as a geographically identified blend, such as



1 "Hamakua Blend", "Ka'ū Blend", or "Kona Blend", unless  
2 at least a majority of the coffee is from that region;

3 (3) The label on the package of a ten per cent Hawaii  
4 coffee blend does not advise consumers that ninety per  
5 cent of the coffee in the package is imported,  
6 foreign-grown, or may be a mixture of multiple  
7 Hawaiian regions and foreign-grown coffee;

8 (4) Not identifying the origin of ninety per cent of a  
9 coffee blend is inherently deceptive to consumers, who  
10 are often erroneously led to believe that a package of  
11 coffee blend contains a blend of coffees only from  
12 farms in Kona or other regions in Hawaii, when in fact  
13 a portion of the blended coffee could be foreign-grown  
14 coffee;

15 (5) Blending cheaper commodity coffees from Vietnam,  
16 Mexico, Panama, Africa, and other foreign countries to  
17 fill ninety per cent of the coffee blend enriches the  
18 mainland-based corporations that own the Hawaii  
19 blending companies with immense excess profits,  
20 without any benefit to Hawaii coffee farmers;



1           (6) The acknowledged blending of beans of various roasts  
2           and origins by coffee roasters to create unique flavor  
3           profiles is an acceptable practice and is different  
4           from the deceptive labeling using misleading  
5           geographic origin names of blends, which violates  
6           basic principles of consumer protection and fair  
7           marketing; and

8           (7) Immediate legislative action is necessary to protect  
9           the reputation of Hawaii-grown coffees as premier,  
10          specialty coffees from further degradation.

11          The purpose of this Act is to support Hawaii's coffee  
12          growers by:

13          (1) Requiring disclosure on the label of coffee blends of  
14          the respective geographic and regional origins and per  
15          cent by weight of the blended coffees; and

16          (2) Making it a violation of the coffee labeling law to  
17          use a geographic origin in labeling or advertising for  
18          roasted or instant coffee blends that contain less  
19          than a certain percentage of coffee by weight from  
20          that geographic origin, phased in to a minimum of  
21          fifty-one per cent; and



1           (3) Prohibiting use of the term "All Hawaiian" in labeling  
2           or advertising for roasted or instant coffee not  
3           produced entirely from green coffee beans grown and  
4           processed in Hawaii.

5           SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is  
6           amended by amending subsections (b) and (c) to read as follows:

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



1 sign. The type size used for this list shall not [~~exceed~~] be  
2 less than half that of the identity statement. This list shall  
3 appear below the identity statement [~~, if included~~] on the front  
4 panel of the label.

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

6 (1) Use the identity statement specified in subsection

7 (a) (1) (A) or similar terms in labeling or advertising

8 unless the package of roasted or instant coffee

9 contains one hundred per cent coffee from that one

10 geographic origin;

11 (2) Use a geographic origin in labeling or advertising,

12 including in conjunction with a coffee style or in any

13 other manner, if [~~the roasted or instant coffee~~

14 ~~contains less than ten per cent coffee by weight from~~

15 ~~that geographic origin;]~~:

16 (A) During the period from July 1, 2020, through June

17 30, 2021, the roasted or instant coffee contains

18 less than twenty per cent coffee by weight from

19 that geographic origin;

20 (B) During the period from July 1, 2021, through June

21 30, 2022, the roasted or instant coffee contains



1                   less than thirty per cent coffee by weight from  
2                   that geographic origin; and

3           (C) On or after July 1, 2022, the roasted or instant  
4                   coffee contains less than fifty-one per cent  
5                   coffee by weight from that geographic origin;

6           (3) Use a geographic origin in labeling or advertising  
7                   roasted or instant coffee, including advertising in  
8                   conjunction with a coffee style or in any other  
9                   manner, without disclosing the percentage of coffee  
10                  used from that geographic origin as described in  
11                  subsection (a) (1) (B) and (a) (2);

12           (4) Use a geographic origin in labeling or advertising  
13                  roasted or instant coffee, including in conjunction  
14                  with a coffee style or in any other manner, if the  
15                  green coffee beans used in that roasted or instant  
16                  coffee do not meet the grade standard requirements of  
17                  rules adopted under chapter 147;

18           (5) Misrepresent, on a label or in advertising of a  
19                  roasted or instant coffee, the per cent coffee by  
20                  weight of any coffee from a geographic origin or  
21                  regional origin[+] as defined in this chapter;



- 1 (6) Use the term "All Hawaiian" on a label or in  
2 advertising of a roasted or instant coffee if the  
3 roasted or instant coffee is not produced entirely  
4 from green coffee beans [~~produced in geographic~~  
5 ~~origins defined in this chapter,~~] grown and processed  
6 in Hawaii;
- 7 (7) Use a geographic origin on the front label panel of a  
8 package of roasted or instant coffee other than in the  
9 trademark or in the identity statement as authorized  
10 in subsection (a) (1) and (2) unless one hundred per  
11 cent of the roasted or instant coffee contained in the  
12 package is from that geographic origin;
- 13 (8) Use more than one trademark on a package of roasted or  
14 instant coffee unless one hundred per cent of the  
15 roasted or instant coffee contained in the package is  
16 from that geographic origin specified by the  
17 trademark;
- 18 (9) Use a trademark that begins with the name of a  
19 geographic origin on a package of roasted or instant  
20 coffee unless one hundred per cent of the roasted or  
21 instant coffee contained in the package comes from





1           that geographic origin or the trademark ends with  
2           words that indicate a business entity; or  
3       (10) Print the identity statement required by subsection  
4           (a) in a smaller font than that used for a trademark  
5           that includes the name of a geographic origin pursuant  
6           to paragraph (7) and in a location other than the  
7           front label panel of a package of roasted or instant  
8           coffee."

9           SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11          SECTION 4. This Act shall take effect on July 1, 2150.



**Report Title:**

Coffee Labeling; Blended Coffee; Percent of Coffee By Weight

**Description:**

Requires coffee blend labels to disclose geographic and regional origins and percent by weight of the blended coffees. Prohibits using geographic origins of coffee in labeling or advertising for roasted or instant coffee that contains less than a certain percentage of coffee by weight from that geographic origin, phased in to a minimum of 51 per cent after 7/1/2022. Prohibits use of the term "All Hawaiian" in labeling or advertising for roasted or instant coffee not produced entirely from green coffee beans grown and processed in Hawaii. Effective 7/1/2150.  
(HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

