

JAN 24 2019

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 141, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§141- Prohibited practices; required disclosures. (a)
5 No person who advertises, offers for sale, or sells all or part
6 of a carcass shall engage in any misleading or deceptive
7 practices, including but not limited to:

8 (1) Disparaging or degrading any product advertised,
9 offered for sale, or sold by the seller; displaying
10 any product or depiction of a product to any buyer in
11 order to induce the purchase of another product or
12 representing that a product is for sale when the
13 representation is used primarily to sell another
14 product; or substituting any product for that ordered
15 by the purchaser without the purchaser's consent;
16 provided that nothing in this paragraph shall be



- 1 construed to prohibit the enhancement of sales of any
2 product by the use of a gift;
- 3 (2) Failing to have available a sufficient quantity of the
4 product represented as being for sale to meet
5 reasonable anticipated demands, unless the available
6 amount is disclosed fully and conspicuously;
- 7 (3) Using any price list or advertisement subject to
8 change without notice unless so stated, and which
9 contains prices other than the seller's current
10 billing prices, unless changes are subject to a
11 consumer's advance acceptance or rejection at or
12 before the time of order or discovery;
- 13 (4) Misrepresenting the amount of money that the buyer
14 will save on purchases of any products which are not
15 of the same grade or quality;
- 16 (5) Failing to disclose fully and conspicuously in any
17 printed advertisement and invoice in at least ten-
18 point type any charge for cutting, wrapping, freezing,
19 delivery, annual interest rate or financing, and other
20 services;



- 1 (6) Representing the price of any product to be offered
2 for sale in units larger than one pound in terms other
3 than price per single pound; provided that nothing in
4 this paragraph shall be construed to prevent the price
5 of such units from also being represented by
6 individual serving, fluid measure, or other meaningful
7 description;
- 8 (7) Misrepresenting the cut, grade, brand or trade name,
9 or weight or measure of any product, or
10 misrepresenting a product as meat that is not derived
11 from harvested production livestock or poultry;
- 12 (8) Misrepresenting that a product has been graded or
13 inspected by the United States Department of
14 Agriculture;
- 15 (9) Referring to a quality grade other than the United
16 States Department of Agriculture quality grade, unless
17 the grade name is preceded by the seller's name in
18 type at least as large and conspicuous as the grade
19 name;
- 20 (10) Misrepresenting a product through the use of any term
21 similar to a government grade;



- 1 (11) Failing to disclose in uniform ten-point type:
- 2 (A) A definition of the United States Department of
- 3 Agriculture quality grade, when advertised, in
- 4 the following terms:
- 5 (i) Prime;
- 6 (ii) Choice;
- 7 (iii) Good;
- 8 (iv) Standard;
- 9 (v) Utility;
- 10 (vi) Commercial;
- 11 (vii) Canner; and
- 12 (viii) Cutter; and
- 13 (B) The following United States Department of
- 14 Agriculture yield grade within each quality
- 15 grade, when advertised, pursuant to subparagraph
- 16 (A):
- 17 (i) Yield grade one - extra lean;
- 18 (ii) Yield grade two - lean;
- 19 (iii) Yield grade three - average waste;
- 20 (iv) Yield grade four - wasty; and
- 21 (v) Yield grade five - exceptionally wasty;



- 1 (12) Advertising or offering for sale carcasses, sides, or
2 primal cut parts as such while including
3 disproportionate numbers or amounts of less expensive
4 components of those cuts, or offering these cuts in
5 tandem with less expensive components from other
6 carcasses, sides, or primal cut parts;
- 7 (13) Failing to disclose fully and conspicuously the
8 correct government grade for any product if the
9 product is represented as having been graded;
- 10 (14) Failing to disclose fully and conspicuously that the
11 yield of consumable meat from any carcass or part of a
12 carcass will be less than the weight of the carcass or
13 part of the carcass; provided that for purposes of
14 this paragraph, the seller shall, for each carcass or
15 part of carcass advertised, use separately and
16 distinctly in any printed matter, in at least ten-
17 point type, the following disclosure: "Sold gross
18 weight subject to trim loss.";
- 19 (15) Misrepresenting the amount or proportion of retail
20 cuts that a carcass or part of carcass will yield;



- 1 (16) Failing to disclose fully and conspicuously whether a
2 quarter of a carcass is the frontquarter or
3 hindquarter;
- 4 (17) Representing any part of a carcass as a half or a side
5 unless it consists exclusively of a frontquarter or
6 hindquarter; provided that for purposes of this
7 paragraph, sides or halves shall consist of only
8 anatomically natural proportions of cuts from
9 frontquarters or hindquarters;
- 10 (18) Representing primal cuts in a manner other than
11 described in this section;
- 12 (19) Using the terms "bundle", "sample order", or terms of
13 similar import to describe a quantity of meat unless
14 the seller itemizes each type of cut and the weight of
15 each type of cut which the buyer will receive; or
- 16 (20) Advertising or offering a free, bonus, or extra
17 product or service combined with or conditioned on the
18 purchase of any other product or service unless the
19 additional product or service is accurately described,
20 including, whenever applicable, the grade, net weight
21 or measure, type, and brand or trade name. The terms



1 "free", "bonus", or terms of similar import shall not
2 be used in any advertisement unless the advertisement
3 clearly and conspicuously sets forth the total price
4 or amount which must be purchased to entitle the buyer
5 to the additional product or service.

6 (b) For purposes of this section, "primal cuts" includes
7 the following cuts of beef:

8 (1) Side of beef, meaning one-half of a split beef,
9 comprising the frontquarter and hindquarter;

10 (2) Frontquarter of beef, meaning the forward portion of a
11 side, back to and including the twelfth rib;

12 (3) Back of beef, meaning chuck and rib with plate and
13 brisket removed;

14 (4) Arm chuck of beef, meaning arm chuck with brisket
15 removed, back to and including the fifth rib;

16 (5) Rib of beef, meaning from the sixth to the twelfth
17 rib, inclusive, not to exceed ten inches from the tip
18 of chine bone to the top of rib without plate;

19 (6) Hindquarter of beef, meaning the rear section of a
20 side from and including the thirteenth rib, consisting
21 of round, loin and flank;



- 1 (7) Trimmed loin of beef, meaning the short loin and hip
2 (sirloin), and that section of hindquarter including
3 the thirteenth rib and separated one inch to two
4 inches below aitchbone, without flank or kidney;
5 (8) Full loin of beef, meaning loin of beef, including
6 flank and kidney; and
7 (9) Round of beef, meaning that portion of hindquarter
8 separated from loin one inch to two inches below
9 aitchbone back to the shin bone."

10 SECTION 2. New statutory material is underscored.

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

12

INTRODUCED BY: Clarence K. Iwashikane



S.B. NO. 1425

Report Title:

Carcass; Advertising; Marketing; Labeling; Quality and Yield
Grading; Meat; Food

Description:

Requires a seller to include certain disclosures when advertising or marketing for sale carcasses, sides, or primal cuts of meat for consumption. Prohibits certain labeling, marketing practices, and misrepresentations of products or grades.

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

