

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**THURSDAY, MARCH 30, 2023
2:00 PM
CONFERENCE ROOM 329 AND VIDEOCONFERENCE**

**SENATE BILL NO. 746 SD1 HD1
RELATING TO COFFEE LABELING**

Chairperson Nakashima and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 746 SD1 HD1. This measure expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels. Requires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees. Prohibits use of the term "All Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawaii. The Department of Agriculture (DOA) supports the intent of this measure and offers comments.

DOA supports this measure but currently lacks the funding and budget allocation to execute its responsibilities and would require a one full time measurement standards specialist/inspector (approximate appropriation request of \$100,000) for the purpose of labeling and packaging enforcement and inspection. The inspector will help rebuild DOA's labeling enforcement capability that was lost during the RIF and to address labeling enforcement challenges in various Hawaii products including roasted coffee, instant coffee, or ready-to-drink coffee beverages. The inspector will take the lead in



researching and utilizing new recognized testing measures to identify different products geographically such as Oritain technology (<https://oritain.com>), which can generate science-based data from specific growing regions as a proof and confirmation of truth or false labeling and advertising.

Thank you for the opportunity to testify on this measure.

REBECCA VILLEGAS

*Council Member
District 7, Central Kona*



Phone: (808) 323-4267

Fax: (808) 329-4786

Email: Rebecca.villegas@hawaiiicounty.gov

HAWAI'I COUNTY COUNCIL

*County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740*

March 29, 2023

TESTIMONY OF REBECCA VILLEGAS COUNCIL MEMBER,

HAWAI'I COUNTY COUNCIL

ON SB746 SD1, HD1, RELATING TO COFFEE LABELING

Committee on Consumer Protection and Commerce

Thursday, March 30, 2023 at 2:00 p.m.

Chairperson Nakashima and Members of the Committee:

Thank you for the opportunity to testify in **support** of SB 746 SD1, HD1, relating to coffee labeling. My testimony is submitted in my individual capacity as a member of the Hawai'i County Council.

The purpose of this measure expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner wrapping labels given to consumers. Ready-to-drink coffee beverages and inner wrapping labels are not subject to the current statutory requirements for fair trade coffee labeling and advertising. These requirements only apply to roasted and instant coffee. This measure will allow consumers to make an "enlightened choice" as stated in Act 289, Session Laws of Hawai'i 1991. This measure will ensure truthful representation of coffee produce geographically origin, which will protect consumers from fraud and deception in coffee labeling and advertising and will protect the integrity and reputation of Hawai'i grown coffees specifically including the heritage coffee grown in the Kona region.

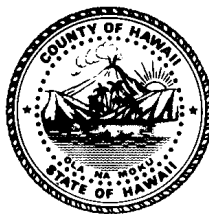
For these reasons stated above, I urge Committee on Consumer Protection and Commerce to support this measure. Should you have any questions, please feel free to contact me at, (808) 323-4267

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read "Rebecca Villegas".

Rebecca Villegas
Council Member, Hawai'i County Council

HEATHER L. KIMBALL
COUNCIL CHAIR
Council District 1 (North Hilo,
Hāmākua, and portion of Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402.
Hilo, Hawai'i 96720

March 29, 2023

House Committee on Consumer Protection and Commerce
Honorable Representative Mark M. Nakashima, Chair
Honorable Representative Jackson D. Sayama, Vice Chair
Submission via online testimony only

RE: **Support of SB 746, SD1, HD1**

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee on Consumer Protection and Commerce:

As the Chair of the Hawai'i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of SB 746, SD1, HD1**, relating to coffee labeling. It is imperative that we continue to protect Hawai'i's unique coffee industry and its reputation, and therefore, I support this measure for the following reasons:

1. It values Hawai'i's premier, specialty coffee industry, which has been operating for over 200 years as a valuable commodity, requiring coffee blend labels to disclose geographic and regional origins, and percent by weight of the blended coffees.
2. It preserves the Hawai'i-grown coffee brand by prohibiting the use of 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% after 7/1/2024.
3. It protects customers by prohibiting the 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 Hawai'i.

Thank you for the opportunity to submit this testimony. If you would like to discuss my knowledge of this matter further, please do not hesitate to contact me directly.

Sincerely,

HEATHER L. KIMBALL



House Committee on Consumer Protection & Commerce

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB746 SD1 HD1

Thursday, March 30, 2023 2:00 p.m. Conference Room 329

Aloha Chair Nakashima, Vice Chair Sayama and Members of the Committee,

We support SB746 SD1 HD1 which expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels. Requires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees. Prohibits use of the term "All Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawai'i.

We are hopeful that truth-in-labeling reform for coffee labeling will be a first step toward broader protection for the "Hawai'i Brand" and for all other Hawai'i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the "Hawaii Brand"¹

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name "Kona" prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying "Kona Coffee") will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down.

If deceptive marketing and labeling of blends were outlawed and if only 2 out of 10 of the consumers who previously bought "Kona Blends" believing they had purchased "Kona Coffee" were to instead buy genuine 100% Kona Coffee--the amount of Kona Coffee sold to those consumers would be DOUBLE the amount of Kona Coffee sold as compared to the previous Blend sales.

Kona Coffee Blends are the equivalent of fake Rolexes—"Rolex"/"Kona" on the outside, something very different on the inside and if you take the juice from one orange and 9 lemons and call the product an "orange juice blend", the result is consumer fraud.

¹ <https://www.sfgate.com/hawaii/article/hawaii-products-not-from-islands-17312415.php>



When consumers who have purchased what they believe is “Kona Coffee”, but is in fact 90% commodity coffee and are disappointed in the taste, the reputation of our heritage crop is damaged and farmers suffer economically.

Restaurants and hotels deceiving tourists into believing they are being offered “Kona Coffee” when it is 90% something else is no way to earn the goodwill of Mainland and foreign visitors. People don’t like to be cheated.

Why isn’t Hawaii defending the integrity of its premier origin product (Kona Coffee)—In the same way that Idaho protects the integrity of Idaho Potatoes, or Georgia protects Vidalia Onions, or Vermont protects Vermont Maple Syrup?

Please support SB746 SD1 HD1.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is positioned below the text 'Respectfully,'.

Anne Frederick
Executive Director

SB-746-HD-1

Submitted on: 3/28/2023 3:05:55 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Colehour Bondera	Kanalani Ohana Farm	Comments	Written Testimony Only

Comments:

Aloha Chair & Committee Members:

Please support SB746.

As a Kona coffee farmer and as a founding member and current Board member of the Kona Coffee Farmers Association (as well as the longest serving President Emeritus), it is, "Kona coffee", as a name that Hawai'i must ensure is protected in all forms.

Truth-in-labeling is to protect consumers, while it protects the value of product for the farmers as well. Many of us direct market our products. Large companies (processors) selling coffee with Hawai'i names must be required to meet honest quality and origin standards.

Lets' keep Hawai'i first and protect our farmers. Thank you for your support for this foundational improvement in protection for all of us (we are all consumers...)

Yours,

Colehour Bondera

KANALANI OHANA FARM

colemel2@gmail.com

SB-746-HD-1

Submitted on: 3/28/2023 3:35:13 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Witcover	Ma'alahi Farm	Support	Written Testimony Only

Comments:

I strongly support this bill. It is so important for consumers to understand what they are purchasing no matter what form it may take. Under the current law, consumers are being intentionally misled by the use of Hawaiian words on non-Hawaiian coffee. This loophole takes money away from small farmers by reducing market demand. **Consumers deserve to know what coffee is in the bag.**

Mahalo

SB-746-HD-1

Submitted on: 3/28/2023 7:11:40 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erika Zemby	Kona Bae Farm	Support	Written Testimony Only

Comments:

Mahalo for supporting Bill SB746. Our farm strongly supports this bill, and it must pass to ensure farmers and consumers are protected. We have all worked so hard to protect the "All Hawaii" name, and others shouldn't be able to profit from a name we have all worked so hard to protect. Labeling is so vital to farmers and consumers. Consumers have the right to know the origin of the coffee they purchase from proud Hawaiian producers. Please don't dilute the "All Hawaii" name by allowing producers outside of Hawaii to benefit from the goodwill our farmers and economy have worked so hard to promote. Please strongly support this bill by voting yes. Mahalo.

SB-746-HD-1

Submitted on: 3/28/2023 8:28:08 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce Corker	Rancho Aloha Coffee Farm	Support	Remotely Via Zoom

Comments:

Chair Nakashima and Members of the Committee:

I am a Hawaii County coffee farmer and **strongly support SB746** as a step in the right direction toward Truth-In-Labeling for Hawaii-Grown agricultural products and for the protection of consumers.

For more than 30 years Hawaii has been **the only region anywhere in the world** to authorize the use of regional names on an agricultural product with only 10% genuine content—and failing to even require a statement on the label of the origin of the other 90%.

The State of Hawaii needs to protect its specialty agricultural crops from false and deceptive labeling in the same way that Idaho protects Idaho Potatoes, Vermont protects Vermont Maple Syrup, California protects its wines, and France protects Champagne from deceptive labeling.

Equally important, as a state whose economy is heavily dependent on tourism, Hawaii should be concerned about protecting the reservoir of goodwill it enjoys in other parts of the world. Failure of the State to follow basic principles of Truth-In-Labeling for the “Hawaii Brand” undermines that reservoir of goodwill. Wherever they are in the world, consumers (including visitors to Hawaii) do not like to be misled and cheated by deceptive advertising and deceptive labeling.

Please pass SB746.

Thank you,
Bruce Corker

Rancho Aloha
Holualoa, Hawaii County

SB-746-HD-1

Submitted on: 3/28/2023 8:36:09 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Hawaii Island Forest Stewards	Support	Written Testimony Only

Comments:

Aloha Representative Nakashima and members of the committee!

Seems like *Ground Hog Day* to be saying once again that we value truth in labeling and support our fellow farmers and producers up the value chain for quality 100% Kona coffee!

Yes, even their Hamakua counterparts recognize that our reputations and livelihoods depend on rallying around the brands that can't be imitated or compromised. We all thrive together!

Please pass this bill!

Mahalo nui loa

R A Culbertson

Honokaa

SB-746-HD-1

Submitted on: 3/28/2023 10:07:42 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
George M. Peavy	Kahili Kona Farm	Support	Written Testimony Only

Comments:

I am a resident of South Kona where we maintain a coffee farm, providing local employment and supporting the local economy with our operations. The success of our business, its continued operations, and its contributions to the local community and the State of Hawaii is highly dependent upon production of a quality product for which there is a high demand.

Kona Coffee is a highly desirable regional brand, and other regions in Hawaii are increasing in their brand recognition. Regional branding is an important component of successful marketing of agricultural products and is highly protected for many commodities in many states. It should be protected for the coffee industry in Hawaii.

Consumers have a right to know what is in a coffee blend and have an expectation of full and truthful product labeling.

I urge you to stand up for the farmers of Hawaii, for the importance of regional branding for Hawaii agricultural products, and for the rights of consumers to have a full and honest disclosure of the content of the product that they are asked to purchase, by supporting this legislation.



P.O. Box 253, Kunia, Hawai'i 96759
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e-mail info@hfbf.org; www.hfbf.org

March 30, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TESTIMONY ON SB 746, SD1, HD1
RELATING TO COFFEE LABELING

Conference Room 329 & Videoconference
2:00 PM

Aloha Chair Nakashima, Vice-Chair Sayama, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 746, SD1, HD1, which expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels, requires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees, prohibits use of the term "All Hawai'ian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawai'i.

Hawai'i-grown coffee is recognized for its high quality and aromatic flavor. Hawai'i-grown coffee is held to a set of quality standards that makes it one of the most expensive coffees in the world. It is one of Hawai'i's signature crops.

The 2021-2022 USDA National Agriculture Statistics Service (NASS) of Hawai'i Agriculture estimated the value of Hawai'i-grown coffee at \$61.9 million and ranked as coffee fifth in the top twenty agricultural commodities in the State.

We must protect Hawai'i's Geographic Origins in labeling and advertising of Hawai'i-grown coffee by also including ready-to-drink coffee beverages and inner packages and inner wrapping labels in §486-120.6.

Thank you for the opportunity to testify on this measure.



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
Treasurer

Chapter Presidents

Madeline Ross
Kohala, Hawai'i

Odysseus Yacalis
East Hawai'i

Puna, Hawai'i

Andrea Drayer
Ka'u, Hawai'i

Chantal Chung
Kona, Hawai'i

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the House Consumer Protection & Commerce Committee,

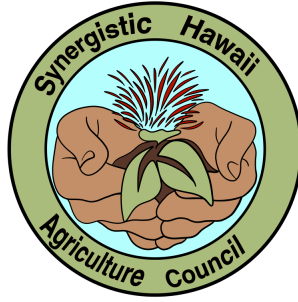
The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports SB746.**

This bill will require coffee labeling and advertising to specify coffee origin and the percentage of blended coffee, which will give customers more information and provide more accurate labels. This will allow coffee farmers to showcase the hard work put into creating the coffee and to paint an accurate picture for the consumer about where their coffee originated. We cannot stress the importance of transparency in labeling and advertising for something as important as what we put into our bodies.

Additionally, this bill will help preserve the distinct quality of coffee from Hawaii, by prohibiting the use of the term "All Hawaiian" in labeling or advertising for coffee not produced entirely from green beans grown and processed in Hawaii. This will help to prevent coffee from Hawaii from being mixed with coffee from abroad, without full disclosure. All coffee farmers deserve to be fairly compensated for their hard work, and this bill will help to ensure that. By minimizing misrepresentation in labeling and advertising, this bill will create easier avenues of growth and investment in Hawaii's coffee farming industry.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



RE: SUPPORT for SB746 SD1 HD1
RELATING TO COFFEE LABELING

Coffee Labeling; Advertising; Requirements; Coffee Blends; Ready-to-Drink Coffee Beverages

Aloha Chair, Vice Chair, and Committee Members,

The Synergistic Hawai'i Agriculture Council (SHAC) stands in support of this Bill. Our consortium represents 1,500 coffee, macadamia, papaya, and floriculture agribusinesses. SHAC's growers, processors, and shippers stretch across the State.

Among other programs, SHAC receives Federal USDA marketing funds to promote 100% Hawaiian origin products. We find that the demand for 100% Hawaiian products far exceeds available supply. This is particularly true with coffee. Quite simply, there is not enough Kona, Maui, or Ka'u coffee to meet the global desire for Hawaiian coffee.

Passage of this Bill protects Hawaii origin coffees by providing consumers with correct labeling information. Food labels are a critical component of our agricultural economy, affecting a farmer's ability to earn a fair price for their products and supporting the growth of local and regional food systems.

Unlike other coffee products, the State does not currently regulate ready-to-drink (or RTD) coffee. This bill would bring RTD in line with the other labeling laws for coffee. It would also expand labeling requirements to show the primary ingredients by percentage weight, key factors in a labeling system that is transparent and fair to both consumers and producers.

Mahalo nui loa!

Suzanne Shriner
Administrator

SB-746-HD-1

Submitted on: 3/29/2023 9:20:48 AM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Polly Petersen	The Four Sens, LLC	Support	Written Testimony Only

Comments:

As a small family coffee farm in Captain Cook we are in favor of this bill passing, we only wish it were for 100%. Thank you for your support.



RE: SUPPORT for SB746

RELATING TO COFFEE LABELING

Expands the coffee labeling requirements to include ready-to-drink coffee beverages.

Aloha Chair, Vice Chair and Committee Members,

The Kona Coffee Farmers Association requests and appreciates your support of this Bill. We represent over 170 farms in the Kona districts and our mission is to protect the economic interests of our growers.

Truth in labeling is a core consumer tenant. Under the current labeling loopholes, vendors are free to use and misuse the State names for Hawaii coffee at will. This is economically detrimental to growers of Hawaiian coffee.

Unlike other products, the State does not currently regulate coffee. This bill would also bring ready-to-drink (or RTD) in line with the other labeling laws for coffee. Every convenience store in the state sells cans of cold brew RTD coffee with the word “Kona” or “Hawaiian” on the label. Yet nowhere does it indicate the percentage (if any) of actual Hawaiian coffee in the can. Consumers are deceived and growers are cheated.

Our islands’ coffee growers do not earn money from coffee that is improperly labeled as “Kona” or “Maui” or “Hawaiian”. Furthermore, consumers now associate Kona or Maui coffees with an off-brand product, substandard quality masquerading under a Hawaiian banner. This damages Hawaii’s key agricultural brands. Passage of this Bill easily remedies such damage by requiring expanded labeling on coffee.

The coffee industry does not expect additional enforcement needs from this bill. Labeling laws are self-policing through consumer complaints. We expect this to be true for the expanded labeling requirements under this bill.

I am a small coffee farmer in Captain Cook and I would like to thank you for your consideration of this bill. Your support makes a difference in the lives of over 1,000 coffee growers statewide.

Mahalo nui loa!

Mark Petersen,
President



Hawaii's Thousand Friends

300 Kuulei Rd. Unit A #281 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail

March 30, 2023

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

SB 746 SD1, HD1
RELATING TO COFFEE LABELING

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning, and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law, supports SB 746 SD1, HD1 that will help protect the Hawaii coffee brand by ensuring truth-in-labeling of Hawaii coffee in both whole bean and foreign grown coffee in Hawaii coffee blends.

Farmers, who produce high-quality coffee in a local region, deserve the right to defend their area brand by requiring that coffee sold under a local regional name contains at least 50% of coffee grown from that region. Allowing anything less neither supports nor appreciates Hawaii's coffee farmers and the value of their product.

We urge you support Hawaii's coffee farmers and pass SB 746 SD1 HD1.

SB-746-HD-1

Submitted on: 3/29/2023 11:28:51 AM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Maryanoff	Absolute Palate LLC	Support	Written Testimony Only

Comments:

Testimony in strong support of SB746 SD1 HD1

I submit this written testimony in **STRONG SUPPORT** of SB746 SD1 HD1

Our entire family are members of **Kona Coffee Farmers Association** . We have two working Kona coffee farms [Honalo Farm and Cynthiana Farm]. **We produce KONA typica coffee, an heirloom variety of *Coffea arabica*, a long-established and traditional coffee of Hawai'i.** We are fighting Coffee Borer Beetle [CBB, thankyou for your support], Coffee Leaf Rust [CLR, thankyou for your support] and trying to recover from the “Kona LOW cyclone” damage of December 2021. **WE NEED YOUR SUPPORT of SB746 SD1 HD1 now more than ever! Our 2022 coffee yield was much diminished due to CLR and weather damage so we need this passed now please!**

The new law does require more information about the non-Hawaiian coffee but does not make blenders specify that it is *Arabica* so it could be inexpensive **Robusta coffee**, from the plant *Coffea canephora* estimated to account for more than 40% of the world supply of coffee. The current bill is an excellent start. Requiring the additive coffee to be identified as *Arabica* or much less expensive *Robusta*would make it even stronger as Kona Typica is Arabica!

Please note that agricultural products from all over the world are, and have been, protected by laws that control their identity as to place of origin and unique characteristics. Some notable examples include wines, cheeses, olive oils, specialty vinegars, spices, and condiments. Coffee produced in Kona and other notable Hawaiian appellations deserve to be treated in the same manner. The Kona brand must have its integrity protected to command high respect in the coffee world.

Our reasons for **strong support of SB746 SD1 HD1:**

1. **Misleading labeling is fraudulent** – consumers should be able to know what they are actually paying for. That **Misleading labeling is fraudulent** has already been proven in at least one class

action lawsuit [Corker, et al. v *COSTCO WHOLESALE CORPORATION* [case no.2:19-cv-00290-RSL] in the United States District Court for the Western District of Washington as settlement benefits have been received.

2. Use of the name without requiring the content exploits the region and deprives farmers of income. Further, not even identifying the additive as *Arabica* or not is also misleading. Our legislature has /continues to support farmers in their fight against Coffee Borer Beetles [THANKYOU VERY MUCH] and Coffee Leaf Rust [THANKYOU VERY MUCH] so please move forward with support of SB746 SD1.

3. Low quality coffee is being sold under a prestigious name and results in lowering standards and damaging the brand. Possible blending with *Robusta* coffee also damages the brand.

The blenders, many owned by large companies, strongly oppose this change because they are making a fortune selling inexpensive coffee, which may not even be *Arabica* as "Kona" or "Ka'u," to unsuspecting customers.

Hawai'i needs to step up and protect the brand integrity of its premier *Arabica* coffee brands that are grown throughout the islands. Thank you for your positive consideration and passage of SB746 SD1 HD1

Sincerely,

Cynthia Maryanoff

Co-CEOs, and CTO, Absolute Palate LLC

29 MAR 2023

SB-746-HD-1

Submitted on: 3/29/2023 11:32:06 AM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce Maryanoff	Absolute Palate LLC	Support	Written Testimony Only

Comments:

Testimony in strong support of SB746 SD1 HD1

I submit this written testimony in **STRONG SUPPORT** of SB746 SD1 HD1

Our entire family are members of **Kona Coffee Farmers Association** . We have two working Kona coffee farms [Honalo Farm and Cynthiana Farm]. **We produce KONA typica coffee, an heirloom variety of *Coffea arabica*, a long-established and traditional coffee of Hawai'i.** We are fighting Coffee Borer Beetle [CBB, thankyou for your support], Coffee Leaf Rust [CLR, thankyou for your support] and trying to recover from the “Kona LOW cyclone” damage of December 2021. **WE NEED YOUR SUPPORT of SB746 SD1 HD1 now more than ever! Our 2022 coffee yield was much diminished due to CLR and weather damage so we need this passed now please!**

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Hawai'i needs to step up and protect the brand integrity of its premier *Arabica* coffee brands that are grown throughout the islands. Thank you for your positive consideration and passage of SB746 SD1 HD1

Sincerely,

Bruce Maryanoff

Co-CEOs, and CTO, Absolute Palate LLC

29 MAR 2023

March 29, 2023



Rep. Mark M. Nakashima, Chair
Rep. Jackson D. Sayama, Vice Chair
Committee on Consumer Protection & Commerce
Thursday, March 30, 2023
2:00 pm
Via Videoconference

RE: **SB746 HD1** Relating to Coffee Labeling (**Support**)

Dear Chair Nakashima, Vice Chair Sayama & Committee Members,

The Chamber of Sustainable Commerce (CSC) testifies in strong support of SB746 HD1, which expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels, requires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees, and prohibits use of the term "All Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawaii.

As business owners who aim for a triple bottom line and know we can strengthen our economy without hurting workers, consumers, or the environment, we urge this committee to pass SB746 HD1 because it **protects consumers from intentionally misleading packaging that undermines the value of the work and investment of local coffee farmers.**

It is absurd that elected officials in Hawaii have spent more than \$80M/year of taxpayer money building the "Hawaii" brand identity and marketing "Hawaii" to the world; then turn around and allow Hawaii's locally grown coffee to be diluted by lesser, cheaper, imported coffee and passed off to consumers as "Hawaii-grown". It is time to require clear and factual labeling regarding the percentage of Hawaii-grown coffee being sold.

Hawaii Legislative Council	Maile Meyer Na Mea Hawaii Honolulu	Russel Rudderman Island Naturals Hilo / Kona	Tina Wildberger Kihei Ice Maui	Joell Edwards Wainiha Country Market Kauai	Kim Coco Iwamoto AQuA Rentals, LLC Honolulu
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To Chair Nakashima, Vice Chair Sayama,
And the Consumer Protection & Commerce Committee
Hawaii State 32nd Legislature
Honolulu, Hawaii 96813

March 29, 2023

Re: Senate Bill (SB) 746 Relating to Coffee Labeling

Cyanotech Corporation **supports** SB 746 and adopting Truth-In-Labeling for Hawaii Grown Coffees to protect the reputation of Hawaii-grown coffees as premier and to protect the Hawaii Brand.

As a grower of microalgae for dietary supplements on the island of Hawaii, we are proud of and know the value of labeling and advertising Hawaii grown products. We are a publicly held company, which employs close to 100 people, and generates close to \$30 million in annual revenue. Part of our success comes from the fact that we are located in a unique geographical region that enables us to grow high quality products. Competitors that falsely claim Hawaii origin are not only misleading consumers but minimizing the consumer's experience of products made from the region and degrading the reputation of Hawaii grown products.

Therefore, we further support this legislation that will prohibit the term "All Hawaiian" in labeling of coffee not produced and processed entirely in Hawaii as it may set precedent for and protect other specialty products grown and processed in Hawaii.

We understand that the Kona Coffee Farmers have lobbied for many years to achieve transparency and Truth-In-Labeling. They produce something special from the islands and we hope that the legislature will protect it, similar to the "Idaho Potato" or "Napa Wine". We appreciate your consideration and hope that you pass SB 746 this year.

Sincerely with Aloha,



Jen Johansen
Vice President of Quality, Regulatory & Government Affairs
Cyanotech Corporation
jjohansen@cyanotech.com
808-334-9407



PO Box 168, Kealahou, HI 96750

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

March 30, 2023

RE: SUPPORT INTENT for SB746 SD1 HD1; Relating to Coffee Labeling

Aloha Chair Nakashima, Vice Chair Sayama and members of the committee,

I am Chris Manfredi, Executive Director of Hawaii Coffee Association.

The Hawaii Coffee Association's (HCA) mission is to represent all sectors of the Hawaiian coffee industry. Our members are located throughout the State of Hawaii and positioned throughout the supply chain.

The Hawaii Coffee Association supports the intent of this measure.

Our concern relates to applicability of the new legislation. To wit:

"Ready-to-drink coffee beverage" means a prepackaged beverage that consists of or includes coffee and that is sold in a prepared form that can be immediately consumed upon purchase."

We feel his definition is lacking. "Prepackaged" needs to be defined as well as "prepared".

Technically, this law could be applied to a cup of coffee presented in a paper cup with a lid, that is prepared by someone other than the customer - for example a barista in a coffee shop. These products are technically "prepared" and "prepackaged".

We hope that an amendment can be made that would address our above concern.

Additionally, there are numerous references to "per cent coffee by weight", yet ready to drink beverages are usually measured in fluid ounces. We're not sure how this bill, if passed in its current form with be implemented.

We respectfully ask you to pass SB746 SD1 HD1 with amendments suggested above.

Please accept our thanks on behalf of Hawaii's coffee producers.



March 29, 2023

RE: SB 746 SD1 HD1 Relating to Coffee Labeling

Dear Chair Nakashima, Vice Chair Sayama and the House Committee Consumer Protection and Commerce,

The Kona-Kohala Chamber of Commerce **supports** Senate Bill 746 SD1 HD1 Relating to Coffee Labeling.

With 450 member businesses and organizations, the Kona-Kohala Chamber of Commerce works to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. Our mission is to provide leadership and advocacy for a successful business environment in West Hawai'i.

Protecting Hawai'i's brand is vital to the success of our local economy and this is especially true with the well-earned reputation of quality coffee grown in Kona. This bill expands labeling and advertising requirements as well as requires disclosure of geographic origins by percentage on the label of coffee blends. Additionally, the bill prohibits the use of the term "All Hawaiian" in labeling and advertising if the roasted or instant coffee is not produced entirely from green beans grown and processed in Hawai'i.

We believe these requirements will strengthen our local economy while protecting Hawai'i's brand reputation.

We ask legislators to please pass SB 746 SD1 HD1.

Sincerely,

A handwritten signature in black ink, reading "Wendy J. Laros". The signature is written in a cursive, flowing style.

Wendy J. Laros, President and CEO
Kona-Kohala Chamber of Commerce

SB-746-HD-1

Submitted on: 3/28/2023 2:14:57 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I don't live on Hawai'i Island. I am however addicted to 100% Kona coffee, and I pay a premium price for it. I do not think coffee should be advertised as Hawaiian or implied it is Hawaiian if that is not the case. The consumer should know where the coffee come from, what percnetage is from Hawaii, etc.

Please pass this measure and change the effective date to July 1, 2023.

SB-746-HD-1

Submitted on: 3/28/2023 8:05:39 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-746-HD-1

Submitted on: 3/28/2023 5:16:17 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Franz Weber	Individual	Support	Written Testimony Only

Comments:

The bill is crucial for the survival of the smaller Hawiaï coffee farmers

Before the House Committee on Consumer Protection and Commerce

Bruce Silverglade in Support of SB 746, SD1, HD1

March 29, 2023

Dear Chairman Nakashima and Members of the Committee:

I am Bruce Silverglade, former legal director of the Washington, DC – based Center for Science in the Public Interest (CSPI) writing in support of passage of SB 746, SD1, HD 1. This bill is an essential consumer protection measure needed to prevent deception in the marketplace.

This testimony is submitted in my personal capacity; I served as Director of Legal Affairs of CSPI from 1981 to 2010. (I now reside full-time in the State of Hawaii and consult on food and agriculture federal regulatory issues).

During my tenure at CSPI, I helped lead the fight for the enactment of the Nutrition Labeling and Education Act, including *inter alia*, provisions ensuring that the State of Vermont could maintain special labeling provisions regarding maple syrup and provisions requiring the percentage of real juice to be declared on the labels of diluted juice beverages.

I am also the author of *Food Labeling Chaos* (2010)

https://www.cspinet.org/sites/default/files/attachment/food_labeling_chaos_report.pdf. Chapter IX of this publication details the need for the type of requirements that would be mandated by SB 746, SD1, HD1.

At the present time, coffee blenders in Hawaii are engaging in what food regulatory lawyers call “economic adulteration,” i.e. engaging in the dilution of a premium product (Kona coffee) with inferior coffee varieties. Such practices have long plagued segments of the food industry since the days that unscrupulous sellers would water-down milk,

<https://docstudio.org/2018/11/25/no-use-crying-over-spilt-milk/#:~:text=How%20watered%20down%20milk%20showcased,were%20mishandling%20their%20milk%20supplies>.

SB 746, SD1, HD 1 would help correct this problem by requiring disclosure, on the label of coffee blends, the respective geographic and regional origins

and per cent by weight of the blended coffees. Such measures are essential to protect consumers ranging from permanent Hawaii residents to unsuspecting visitors.

I note the Hawaii Coffee Company claims that federal trademark law preempts the State and invalidates this legislation. That assertion is incorrect. See, *When Your Trademark Is a False Advertisement*, https://katten.com/files/391153_kattwalk_spring_issue_16.pdf

The passage of SB 746, SD1, HD1 represents a vital step to protect the public from being misled, is needed to prevent deceptive trade practices, and ensure a level competitive playing field in the industry.

I urge the committee to ensure that this bill is enacted. Thank you for consideration of my views.

Bruce Silverglade

3920 Wyllie Road

Princeville, HI 96722

SB-746-HD-1

Submitted on: 3/29/2023 8:18:15 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Gomes	Individual	Support	Written Testimony Only

Comments:

As a full-time resident of Hawaii it is imperative that our home products are not falsely copied or misrepresented. Truth in labeling is an important facet of this protection.

SB-746-HD-1

Submitted on: 3/29/2023 8:26:38 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lidia Gomes	Individual	Support	Written Testimony Only

Comments:

As a full-time resident of Hawaii it is imperative that our home products are not falsely copied or misrepresented. Truth in labeling is an important facet of this protection.

SB-746-HD-1

Submitted on: 3/29/2023 10:36:16 PM

Testimony for CPC on 3/30/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Hemstead	Individual	Support	Written Testimony Only

Comments:

My name is Rebecca Hemstead and I support the bill in Coffee labeling. Not only will this help local farmers, but it will keep dollars in our local economy on the island.