
A BILL FOR AN ACT

RELATING TO AGRICULTURAL PRODUCT LABELING.

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

1 SECTION 1. Chapter 486, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§486- Agricultural product branding and country or
5 region of origin labeling. (a) All honey, processed macadamia
6 nuts, coffee, tea, chocolate, vanilla, sea salt, and any other
7 plant or animal product grown, packaged, or sold in Hawaii for
8 which any information or name indicating "Hawai'i", "Hawaiian",
9 or any region of Hawaii, with or without Hawaiian okina, and
10 where the product is less than one hundred per cent grown in
11 Hawaii, shall, after the word "Contains:", list on the front
12 label the country or region of origin and the percentage of each
13 country's or region's portion of the product in descending order
14 of percentage and in font size at least one-half the size of the
15 largest font on the front label; provided that this subsection
16 shall not apply to spices unless spice is the major portion of
17 the product.



1 (b) Any agricultural product with a front label that
2 reads, with or without Hawaiian okina:

3 (1) "100% Hawai'i (product)" or "Hawai'i (product)";

4 (2) "100% Hawai'i-Grown (product)" or "Hawai'i-Grown
5 (product)";

6 (3) "100% Grown in Hawai'i";

7 (4) "100% Hawai'i-Made (product)" or "Hawai'i-Made
8 (product)";

9 (5) "100% Hawaiian-Made (product)" or "Hawaiian-Made
10 (product)";

11 (6) "100% Made in Hawai'i"; or

12 (7) "100% Hawaiian (product)" or "Hawaiian (product)",

13 shall contain one hundred per cent Hawaii-grown product;

14 provided that this subsection shall not apply to spices unless
15 spice is the major portion of the product.

16 (c) All agricultural products claiming to be one hundred
17 per cent grown in a single Hawaiian region shall be labeled to
18 conform to the following conditions:

19 (1) Any product with a front label that reads, with or
20 without Hawaiian okina, in a font size at least one-
21 half the size of the largest font:



- 1 (A) "100% (region) (product)" or "(Region)
- 2 (product)";
- 3 (B) "100% (Region)-Grown (product)" or "(Region)-
- 4 Grown (product)";
- 5 (C) "100% (Region)-Made (product)" or "(Region)-Made
- 6 (product)"; or
- 7 (D) "100% (Region) (product)",
- 8 shall contain one hundred per cent Hawaiian region-
- 9 grown product; and
- 10 (2) Any blend with a front label that reads, with or
- 11 without Hawaiian okina, in a font size at least one-
- 12 half the size of the largest font:
- 13 (A) "100% Hawaiian Islands (product) Blend"; or
- 14 (B) "100% Hawai'i Islands (product) Blend",
- 15 shall contain one hundred per cent products from
- 16 Hawaii;
- 17 provided that this subsection shall not apply to spices unless
- 18 spice is the major portion of the product.
- 19 (d) All packaging and labeling for agricultural products
- 20 claiming to contain some but less than one hundred per cent



1 Hawaii-grown product shall conform to the following
2 specifications:

3 (1) A blended plant or animal product labeled with the
4 words "Hawai'i" or "Hawaiian" or the name of any
5 Hawaiian region shall:

6 (A) Contain a minimum of seventy-five per cent of
7 that named region's agricultural or animal
8 product and shall use the word "Blend" in the
9 identification of the product;

10 (B) List the percentage number of the majority
11 portion of the product; and

12 (C) List after the word "Contains:" in descending
13 order, and after the majority content, the
14 remainder of the product by percentage and
15 country or Hawaiian region of origin, with or
16 without okina;

17 provided that the bulk listing, or combination, of
18 percentages shall be allowed for Hawaiian regions
19 only; provided further that the labeling required in
20 subparagraphs (A), (B), and (C) shall be printed on



1 the front label in a font size at least one-half the
2 size of the largest font on the front label; and
3 (2) Any blended product that contains less than seventy-
4 five per cent of a Hawaiian product shall not use the
5 names "Hawai'i" or "Hawaiian" or any Hawaiian regional
6 name on the front label, with or without Hawaiian
7 okina, except in the contents list, which shall
8 identify on the front label the countries or
9 geographic regions of origin for the entire product
10 with the percentage of each country's or region's
11 portion of the product in a font size at least one-
12 half the size of the largest font on the front label.

13 (e) Nothing stated on the side or back labels on any
14 product subject to this section shall be inconsistent with
15 statements appearing on the front label.

16 (f) For the purposes of this section, "animal product"
17 does not include muscle cuts of lamb, chicken, goat, and
18 venison; ground lamb, chicken, goat, and venison; and meat
19 produced from goats, chicken, wild fish, and farm-raised fish."

20 SECTION 2. Section 486-119, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§486-119 Hawaii-made products; Hawaii-processed products.**

2 (a) No person shall keep, offer, display or expose for sale, or
3 solicit for the sale of any item, product, souvenir, or any
4 other merchandise that is labeled "made in Hawaii" or that by
5 any other means misrepresents the origin of the item as being
6 from any place within the State, or uses the phrase "made in
7 Hawaii" as an advertising or media tool for any craft item that
8 has not been manufactured, assembled, fabricated, or produced
9 within the State and that has not had at least fifty-one per
10 cent of its wholesale value added by manufacture, assembly,
11 fabrication, or production within the State.

12 (b) Subsection (a) notwithstanding, no person shall keep,
13 offer, display, expose for sale, or solicit the sale of any
14 perishable consumer commodity that is labeled "made in Hawaii",
15 "produced in Hawaii", or "processed in Hawaii" or that by any
16 other means represents the origin of the perishable consumer
17 commodity as being from any place within the State, or use the
18 phrase "made in Hawaii", "produced in Hawaii", or "processed in
19 Hawaii" as an advertising or media tool for any perishable
20 consumer commodity, unless the perishable consumer commodity is
21 wholly or partially manufactured, processed, or produced within



1 the State from raw materials that originate from inside or
2 outside the State and at least fifty-one per cent of the
3 wholesale value of the perishable consumer commodity is added by
4 manufacture, processing, or production within the State.

5 (c) To the extent the provisions of this section are
6 inconsistent with the labeling requirements of section 486-
7 the provisions of section 486- shall prevail."

8 SECTION 3. Section 486-120.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§486-120.5 Macadamia nuts; labeling requirements.** (a)
11 If a label on a consumer package contains language that all of
12 the raw or processed macadamia nuts contained in the package
13 were grown in Hawaii, the label shall be worded, "100% Hawaii-
14 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts", "100%
15 Hawaiian Macadamia Nuts", or "Hawaiian Macadamia Nuts", and
16 shall appear on the principal display panel of the package.

17 (b) If a label on a consumer package contains language
18 that a portion of the raw or processed macadamia nuts contained
19 in the package was grown in Hawaii, the label shall be worded
20 "Hawaii-Grown Macadamia Nuts", preceded by the per cent by
21 weight of the macadamia nuts contained in the package that were



1 grown in Hawaii, and shall appear on the principal display panel
2 of the package. The per cent by weight of the macadamia nuts in
3 the package shall be the percentage calculated by dividing the
4 weight in pounds of the macadamia nuts grown in Hawaii that are
5 in the package by the weight in pounds of all macadamia nuts in
6 the package and multiplying the quotient by one hundred.

7 (c) All nonconsumer packages containing macadamia nuts
8 grown in the State and introduced into intrastate or interstate
9 commerce shall bear on the package a label containing language
10 that the package contains Hawaii-grown macadamia nuts. This
11 label shall be in addition to all other labeling requirements
12 specified in this chapter.

13 (d) Any person keeping, offering, displaying, exposing for
14 sale, or soliciting for sale, any raw or processed macadamia nut
15 product, which represents or which is branded or labeled that
16 all or a percentage or portion of the macadamia nuts were grown
17 in Hawaii, shall make available to the administrator, upon
18 demand, documented proof that the amount of macadamia nuts
19 represented to be grown in the State, was grown in the State.

20 (e) It shall be a violation of this part:



- 1 (1) To use a label containing the words, "100% Hawaii-
2 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts",
3 "100% Hawaiian Macadamia Nuts", or "Hawaiian Macadamia
4 Nuts", or similar wording, or to otherwise represent
5 that all of the macadamia nuts in the package were
6 grown in Hawaii, if any portion of the macadamia nuts
7 contained in the package was not grown in the State;
- 8 (2) To use a label, as provided for under subsection (b),
9 containing the words "Hawaii-Grown Macadamia Nuts"
10 preceded by a percentage, if less than the specified
11 percentage or none of the macadamia nuts in the
12 package was grown in the State; or
- 13 (3) To use a label representing that any of the macadamia
14 nuts contained in the package was grown in the State,
15 if none of the macadamia nuts contained in the package
16 was grown in the State.
- 17 (f) Any person who violates this section shall be subject
18 to penalties under section 486-32.
- 19 (g) To the extent the provisions of this section are
20 inconsistent with the labeling requirements of section 486- ,
21 the provisions of section 486- shall prevail."



1 SECTION 4. Section 486-120.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§486-120.6 Hawaii-grown and Hawaii-processed coffee;**
4 **labeling or advertising requirements.** (a) In addition to all
5 other labeling requirements, the identity statement used for
6 labeling or advertising roasted coffee, instant coffee, or
7 ready-to-drink coffee beverages produced in whole or in part
8 from Hawaii-grown and Hawaii-processed green coffee beans shall
9 meet the following requirements:

10 (1) For roasted coffee, instant coffee, or ready-to-drink
11 coffee beverages that contain one hundred per cent
12 Hawaii-grown and Hawaii-processed coffee by weight,
13 the identity statement shall consist of either:

14 (A) The geographic origin of the Hawaii-grown and
15 Hawaii-processed coffee, in coffee consisting of
16 beans from only one geographic origin, followed
17 by the word "Coffee"; provided that the
18 geographic origin may be immediately preceded by
19 the term "100%"; or

20 (B) The per cent coffee by weight of one of the
21 Hawaii-grown and Hawaii-processed coffees, used



1 in coffee consisting of beans from several
2 geographic origins, followed by the geographic
3 origin of the weight-specified coffee and the
4 terms "Coffee" and "All Hawaiian";

5 (2) For roasted coffee, instant coffee, or ready-to-drink
6 coffee beverages consisting of a blend of one or more
7 Hawaii-grown and Hawaii-processed coffees and coffee
8 not grown or processed in Hawaii, the per cent coffee
9 by weight of one of the Hawaii-grown and Hawaii-
10 processed coffees used in the blend, followed by the
11 geographic origin of the weight-specified coffee and
12 the term "Coffee Blend"; and

13 (3) Each word or character in the identity statement shall
14 be of the same type size and shall be contiguous. The
15 smallest letter or character of the identity statement
16 on packages of sixteen ounces or less net weight shall
17 be at least one and one-half times the type size
18 required under federal law for the statement of net
19 weight or three-sixteenths of an inch in height,
20 whichever is smaller. The smallest letter or
21 character of the identity statement on packages of



1 greater than sixteen ounces net weight shall be at
2 least one and one-half times the type size required
3 under federal law for the statement of net weight.
4 The identity statement shall be conspicuously
5 displayed without any intervening material in a
6 position above the statement of net weight. Upper and
7 lower case letters may be used interchangeably in the
8 identity statement.

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



1 "Foreign-grown Coffee", preceded by the per cent coffee by
2 weight in the blend. The type size used for this list shall be
3 no less than half that of the identity statement. This list
4 shall appear below the identity statement on the front panel of
5 the label.

6 (c) The requirements of subsections (a) and (b) shall
7 apply to the labeling of any inner package or inner wrapping of
8 the roasted coffee, instant coffee, or ready-to-drink coffee
9 beverages that includes any geographic origin of Hawaii-grown
10 and Hawaii-processed coffee, regardless of whether the inner
11 package or inner wrapping is intended to be individually sold.

12 (d) It shall be a violation of this section to:

13 (1) Use the identity statement specified in subsection

14 (a) (1) (A) or similar terms in labeling or advertising
15 unless the package of roasted coffee, instant coffee,
16 or ready-to-drink coffee beverage contains one hundred
17 per cent coffee by weight from that one geographic
18 origin;

19 (2) Use a geographic origin in labeling or advertising,
20 including in conjunction with a coffee style or in any
21 other manner, if the roasted coffee, instant coffee,



- 1 or ready-to-drink coffee beverage contains less than
2 ten per cent coffee by weight from that geographic
3 origin;
- 4 (3) Use a geographic origin in labeling or advertising
5 roasted coffee, instant coffee, or ready-to-drink
6 coffee beverages, including advertising in conjunction
7 with a coffee style or in any other manner, without
8 disclosing the per cent coffee by weight used from
9 that geographic origin as described in subsection
10 (a) (1) (B) and (a) (2);
- 11 (4) Use a geographic origin in labeling or advertising
12 roasted coffee, instant coffee, or ready-to-drink
13 coffee beverages, including in conjunction with a
14 coffee style or in any other manner, if the green
15 coffee beans used in that roasted coffee, instant
16 coffee, or ready-to-drink coffee beverage do not meet
17 the grade standard requirements of rules adopted under
18 chapter 147;
- 19 (5) Misrepresent, on a label or in advertising of a
20 roasted coffee, instant coffee, or ready-to-drink



- 1 coffee beverage, the per cent coffee by weight of any
2 coffee from a geographic origin or regional origin;
- 3 (6) Use the term "All Hawaiian" on a label or in
4 advertising of a roasted coffee, instant coffee, or
5 ready-to-drink coffee beverage if that roasted coffee,
6 instant coffee, or ready-to-drink coffee beverage is
7 not produced entirely from green coffee beans grown
8 and processed in Hawaii;
- 9 (7) Use a geographic origin on the front label panel of a
10 package of roasted coffee, instant coffee, or ready-
11 to-drink coffee beverage other than in the trademark
12 or in the identity statement as authorized in
13 subsection (a)(1) and (2) unless the roasted coffee,
14 instant coffee, or ready-to-drink coffee beverage
15 contains one hundred per cent coffee by weight from
16 that geographic origin;
- 17 (8) Use more than one trademark on a package of roasted
18 coffee, instant coffee, or ready-to-drink coffee
19 beverage unless the roasted coffee, instant coffee, or
20 ready-to-drink coffee beverage contains one hundred



- 1 per cent coffee by weight from that geographic origin
2 specified by the trademark;
- 3 (9) Use a trademark that begins with the name of a
4 geographic origin on a package of roasted coffee,
5 instant coffee, or ready-to-drink coffee beverage
6 unless the roasted coffee, instant coffee, or ready-
7 to-drink coffee beverage contains one hundred per cent
8 coffee by weight from that geographic origin or the
9 trademark ends with words that indicate a business
10 entity; or
- 11 (10) Print the identity statement required by subsection
12 (a) in a smaller font than that used for a trademark
13 that includes the name of a geographic origin pursuant
14 to paragraph (7) and in a location other than the
15 front label panel of a package of roasted coffee,
16 instant coffee, or ready-to-drink coffee beverage.
- 17 (e) Roasters, manufacturers, or other persons who package
18 roasted coffee, instant coffee, or ready-to-drink coffee
19 beverages covered by this section shall maintain, for a period
20 of two years, records on the volume and geographic origin or
21 regional origin of coffees purchased, sold, and used and any



1 other records required by the department for the purpose of
2 enforcing this section. Authorized employees of the department
3 shall have access to these records during normal business hours.

4 (f) To the extent the provisions of this section are
5 inconsistent with the labeling requirements of section 486- ,
6 the provisions of section 486- shall prevail.

7 [~~f~~] (g) As used in this section:

8 "Geographic origin" means the geographic regions in which
9 Hawaii-grown green coffee beans are produced, as defined in
10 rules adopted under chapter 147; provided that the term
11 "Hawaiian" may be substituted for the geographic origin
12 "Hawaii".

13 "Per cent coffee by weight" means the percentage calculated
14 by dividing the weight in pounds of roasted green coffee beans
15 of one geographic or regional origin used in a production run of
16 roasted coffee, instant coffee, or ready-to-drink coffee
17 beverages by the total weight in pounds of the roasted green
18 coffee beans used in that production run of roasted coffee,
19 instant coffee, or ready-to-drink coffee beverages, and
20 multiplying the quotient by one hundred.



1 "Ready-to-drink coffee beverage" means a prepackaged
2 beverage that consists of or includes coffee and is sold in a
3 prepared form that can be immediately consumed upon purchase.
4 "Ready-to-drink coffee beverage" does not include made-to-order
5 beverages."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Agricultural Products; Labeling; Hawaiian

Description:

Establishes certain standards for agricultural products labeled as being Hawaiian or from Hawaii. Effective 7/1/3000. (HD1)

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