
SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONVENE A WORKING GROUP TO STUDY THE EFFECTIVENESS OF EXISTING STATE LAWS IN ADDRESSING THE FALSE LABELING OF HAWAII-MADE FOOD PRODUCTS, WITH A SPECIFIC EMPHASIS ON THE LEGAL MECHANISMS AND COSTS ASSOCIATED WITH PROTECTING THE BRANDS OF HAWAII-MADE FOOD PRODUCTS.

1 WHEREAS, Hawaii's unique island characteristics, multi-
2 cultural food history, and remote geographic location make its
3 food products highly desirable around the world; and
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5 WHEREAS, certain individuals and entities have sought to
6 take advantage of this popularity by falsely labeling their
7 goods in a manner that can mislead consumers into believing that
8 they were produced or manufactured in Hawaii, when they were in
9 fact produced or manufactured elsewhere; and
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11 WHEREAS, existing state laws may not provide adequate
12 protection, relief, or recourse for local producers and
13 consumers who seek to stop manufacturers from wrongfully and
14 falsely labeling their food products as being Hawaii-made when
15 they are not, and litigation to resolve these types of claims is
16 costly and time-consuming; and
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18 WHEREAS, legislation may be required to strengthen the
19 existing regulatory framework and protect Hawaii's local food
20 producers and consumers; now, therefore,
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22 BE IT RESOLVED by the Senate of the Thirty-second
23 Legislature of the State of Hawaii, Regular Session of 2024,
24 that the Department of the Attorney General is requested to
25 convene a working group to study the effectiveness of existing
26 state laws in addressing the false labeling of Hawaii-made food
27 products, with a specific emphasis on the legal mechanisms and
28 costs associated with protecting the brands of Hawaii-made food
29 products, including but not limited to section 480-2, Hawaii
30 Revised Statutes, that governs unfair methods of competition and



1 unfair or deceptive acts or practices in the conduct of any
2 trade or commerce; section 486-119, Hawaii Revised Statutes,
3 that governs the labeling of Hawaii-made products and Hawaii-
4 processed products; and section 708-871, Hawaii Revised
5 Statutes, that governs the offense of false advertising; and
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7 BE IT FURTHER RESOLVED that the working group is requested
8 to comprise the following members:
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- 10 (1) The Attorney General, or the Attorney General's
11 designee, to serve as the Chairperson of the working
12 group;
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- 14 (2) One member from the University of Hawai'i at Manoa
15 William S. Richardson School of Law with academic or
16 professional expertise in intellectual property law,
17 to be selected by the Dean of the William S.
18 Richardson School of Law;
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- 20 (3) The Chairperson of the Board of Agriculture, or the
21 Chairperson's designee;
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- 23 (4) The Director of Business, Economic Development, and
24 Tourism, or the Director's designee;
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- 26 (5) The Executive Director of the Office of Consumer
27 Protection of the Department of Commerce and Consumer
28 Affairs, or the Executive Director's designee;
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- 30 (6) One member from the Intellectual Property and
31 Technology section of the Hawaii State Bar
32 Association, to be selected by the President of the
33 Hawaii State Bar Association and who is requested to
34 be invited by the Chairperson; and
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- 36 (7) Any other member deemed necessary by the working
37 group; and
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39 BE IT FURTHER RESOLVED that the working group is requested,
40 with the assistance of the Department of the Attorney General,
41 to submit a report of its findings and recommendations,
42 including any proposed legislation, to the Legislature no later



1 than twenty days prior to the convening of the Regular Session
2 of 2025; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Attorney General; Dean of the
6 University of Hawai'i at Manoa William S. Richardson School of
7 Law; Chairperson of the Board of Agriculture; Director of
8 Business, Economic Development, and Tourism; Executive Director
9 of the Office of Consumer Protection of the Department of
10 Commerce and Consumer Affairs; and President of the Hawaii State
11 Bar Association.

