

ACT 122

S. B. 563.

A Bill for an Act Related to the Labeling of Poultry Products.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Sections 22C-11 through 22C-15, Revised Laws of Hawaii 1955, as amended, be deleted, and sections 2 through 11 of this Act, appropriately renumbered, be substituted therefor.

SECTION 2. **Section** **Definitions.** When used in this Act:

- (a) "Board" means the Board of Agriculture.
- (b) "Department" means the State Department of Agriculture.
- (c) "Person" means any individual, partnership, corporation, association, or any other business party.
- (d) "Inspector" means any employee or official of this State authorized by the board.
- (e) "Label" means the information required by this Act to be placed upon the poultry product or upon the immediate container in which a poultry product is offered for sale.
- (f) "Poultry product" means the uncooked edible carcass of poultry or any part thereof including giblets.
- (g) "Poultry" means any kind of domestic bird, including but not being limited to chickens, turkeys, ducks, geese, pigeons and guineas.
- (h) "Container" and "package" include any box, carton, bag or any other receptacle, wrapper or cover.
- (i) "Geographic origin" means the place or country in which the poultry was grown. The geographic origin shall be either "MAINLAND" or "FOREIGN" or "LOCAL."
- (j) "Processed" or "processing" shall include cutting or disjointing, re-

packing or packing in immediate container, or in any way changing the physical form of the poultry product.

(k) "Immediate container" means any consumer package, or any other container used for transporting poultry products, or in which poultry products are offered for sale.

(l) "New York-dressed" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl with head, feet and entrails intact.

(m) "Sell" covers all sales of poultry products to the ultimate consumer either at wholesale or at retail.

Section Labeling requirement.

(a) Any poultry product or immediate container in which the poultry product is packed, which is sold, displayed, exposed or offered for sale shall be labeled with, not being limited to the following information:

1. Product name (kind, class, part).
2. Net weight.
3. Name and address of the processor, packer or distributor.

(b) All chilled poultry products shall be labeled to indicate "MAINLAND" or "FOREIGN" or "LOCAL" GROWN by a label as provided in section

(c) Any poultry product further processed and enclosed in an immediate container by the importer, wholesaler or retailer shall be labeled to indicate "MAINLAND" or "FOREIGN" or "LOCAL" GROWN by a label as provided in section

(d) Poultry product not enclosed in an immediate container shall be properly identified with a label securely fastened or placed on each poultry or shall be identified with a sign or placard, indicating the geographic origin as either "MAINLAND" or "FOREIGN" or "LOCAL" GROWN.

(e) Label for institutional and bulk pack shall be placed on the original shipping package, crate or carton, with or without individual labeling of each poultry product therein.

(f) Labeling to indicate geographic origin shall not apply to frozen poultry products in original immediate container.

(g) The labeling requirements shall not apply to New York-dressed poultry which is sold to ultimate consumer at the farm or ranch where the poultry was grown; or to sales subsequent to a sale at retail.

Section Labeling of thawed-out poultry product.

(a) No person shall sell or offer for sale any poultry product which has at any time been frozen and defrosted without a label notifying the purchaser of that fact and the geographic origin in which the poultry product was grown. Insert the geographic origin as either "MAINLAND" or "FOREIGN" or "LOCAL" GROWN and words "PREVIOUSLY FROZEN".

(b) There shall be no other letter, figures, or marks within the label that will detract from the prominence of the words on the label.

(c) The label shall be in accordance with the rules and regulations of the department of agriculture.

Section **Misrepresentation concerning geographical area where grown.** No person shall by any statement either verbal, printed or written, or by improper use of labels or advertisements, wilfully represent or pretend that poultry products were grown by any person, or in any area, other than by the person and in the geographic area where the poultry were in fact grown.

Section **False labeling.** The use of any written, printed or graphic matter upon or accompanying any poultry product required to be labeled pursuant to this Act or upon the container or package in which the product is sold which is false or misleading in any particular is prohibited.

Section **Rules and regulations.** The department is hereby charged with the enforcement of this Act, and after public hearing conducted in accordance with Chapter 6C, Revised Laws of Hawaii 1955, is empowered to promulgate and adopt such rules and regulations as may be necessary in order to secure the efficient administration of this Act.

Section **Authorization for inspection.** Any authorized officer of the Department of Agriculture may enter and inspect any place or conveyance where poultry products are processed, stored, packed, delivered for shipment, shipped, offered for sale, or sold, and may inspect all such poultry products, containers and labels thereof found in such place or conveyance. Records relating to importation and distribution of poultry products may be inspected and upon verified complaint by person or persons, the department may conduct an investigation.

Section **Authorization for stop sale.**

(a) Any authorized officer of the Department of Agriculture upon determining that the provisions of this Act or the rules and regulations promulgated under authority of this Act are being violated may place STOP SALE NOTICES in front of or upon such products, or otherwise display to persons purchasing or intending to purchase such poultry product.

(b) Poultry product upon which a STOP SALE NOTICE has been issued shall not be sold, offered for sale, transferred or otherwise disposed of until such STOP SALE NOTICE has been removed by an authorized officer of the Department of Agriculture.

Section **Penalties.**

(a) Any person convicted of violating any of the provisions of this Act or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent its duly authorized agent in performance of his duty in connection with the provisions of this Act shall be adjudged guilty of a misdemeanor and shall be fined not less than \$100.00 or more than \$200.00 for the first violation, and not less than \$200.00 or more than \$500.00 for any subsequent violation.

(b) Before any violation of this Act is reported by the board to the attorney general of this State for institution of a criminal proceeding, the

person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding.

(c) Nothing in this Act shall be construed as requiring the Board or its representative to report for prosecution or for the institution of proceedings as a result of minor violations of the Act when he believes that the public interest will be best served by suitable notice of warning in writing.

Section **Constitutionality.** Should any part of this Act be judged invalid, Act 109, Session Laws of Hawaii 1961, shall apply.

Section This Act shall take effect upon its approval.

(Approved May 26, 1967.)