

JAN 23 2020

A BILL FOR AN ACT

RELATING TO COFFEE LABELING.

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

1 SECTION 1. The legislature finds that ready-to-drink
2 coffee beverages and inner wrapping labels given, but not sold,
3 to customers are not subject to the current statutory
4 requirements for fair trade coffee labeling and advertising;
5 these requirements only apply to "roasted" and "instant" coffee.
6 The legislature also finds that these labeling and advertising
7 requirements were primarily intended to resolve any consumer
8 confusion and allow consumers to "make an enlightened choice,"
9 as stated in Act 289, Session Laws of Hawaii 1991. These
10 statutory requirements ensure truthful representation of a
11 coffee product's geographical origin, which protects consumers
12 from fraud and deception in coffee labeling and advertising.

13 The purpose of this Act is to expand the coffee labeling
14 and advertising requirements to include ready-to-drink coffee
15 beverages and inner wrapping labels given to customers.

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



1 "§486-120.6 Hawaii-grown [~~roasted or instant~~] coffee;
2 labeling or advertising requirements. (a) In addition to all
3 other labeling requirements, the identity statement used for
4 labeling or advertising roasted [~~or~~] coffee, instant coffee, or
5 ready-to-drink coffee beverages produced in whole or in part
6 from Hawaii-grown green coffee beans shall meet the following
7 requirements:

8 (1) For roasted [~~or~~] coffee, instant coffee, or ready-to-
9 drink coffee beverages that [~~contains~~] contain one
10 hundred per cent Hawaii-grown coffee by weight the
11 identity statement shall consist of either:

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

17 (B) The per cent coffee by weight of one of the
18 Hawaii-grown coffees, used in coffee consisting
19 of beans from several geographic origins,
20 followed by the geographic origin of the weight-

1 specified coffee and the terms "Coffee" and "All
2 Hawaiian";

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

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



1 The identity statement shall be conspicuously
2 displayed without any intervening material in a
3 position above the statement of net weight. Upper and
4 lower case letters may be used interchangeably in the
5 identity statement.

6 (b) A listing of the geographic origins of the various
7 Hawaii-grown coffees and the regional origins of the various
8 coffees not grown in Hawaii that are included in a blend may be
9 shown on the label. If used, this list shall consist of the
10 term "Contains:", followed by, in descending order of per cent
11 coffee by weight and separated by commas, the respective
12 geographic origin or regional origin of the various coffees in
13 the blend that the manufacturer chooses to list. Each
14 geographic origin or regional origin may be preceded by the per
15 cent [eɸ] coffee by weight represented by that geographic origin
16 or regional origin, expressed as a number followed by the per
17 cent sign. The type size used for this list shall not exceed
18 half that of the identity statement. This list shall appear
19 below the identity statement, if included on the front panel of
20 the label.



1 (c) The requirements under subsections (a) and (b) shall
2 apply to the labeling of any inner package or inner wrapping
3 that includes any geographic origin of Hawaii-grown coffee,
4 whether or not the inner package is intended to be individually
5 sold.

6 [~~e~~] (d) It shall be a violation of this section to:

- 7 (1) Use the identity statement specified in subsection
8 (a) (1) (A) or similar terms in labeling or advertising
9 unless the package of roasted [~~e~~] coffee, instant
10 coffee, or ready-to-drink coffee beverage contains one
11 hundred per cent coffee by weight from that one
12 geographic origin;
- 13 (2) Use a geographic origin in labeling or advertising,
14 including in conjunction with a coffee style or in any
15 other manner, if the roasted [~~e~~] coffee, instant
16 coffee, or ready-to-drink coffee beverage contains
17 less than ten per cent coffee by weight from that
18 geographic origin;
- 19 (3) Use a geographic origin in labeling or advertising
20 roasted [~~e~~] coffee, instant coffee, or ready-to-drink
21 coffee beverages, including advertising in conjunction



1 with a coffee style or in any other manner, without
2 disclosing the [~~percentage of~~] per cent coffee by
3 weight used from that geographic origin as described
4 in subsection (a)(1)(B) and (a)(2);

5 (4) Use a geographic origin in labeling or advertising
6 roasted [~~or~~] coffee, instant coffee, or ready-to-drink
7 coffee beverages, including in conjunction with a
8 coffee style or in any other manner, if the green
9 coffee beans used in that roasted [~~or~~] coffee, instant
10 coffee, or ready-to-drink coffee beverage do not meet
11 the grade standard requirements of rules adopted under
12 chapter 147;

13 (5) Misrepresent, on a label or in advertising of [a]
14 roasted [~~or~~] coffee, instant coffee, or ready-to-drink
15 coffee beverages, the per cent coffee by weight of any
16 coffee from a geographic origin or regional origin;

17 (6) Use the term "All Hawaiian" on a label or in
18 advertising of [a] roasted [~~or~~] coffee, instant
19 coffee, or ready-to-drink coffee beverages if [~~the~~]
20 that roasted [~~or~~] coffee, instant coffee, or ready-to-
21 drink coffee beverage is not produced entirely from



- 1 green coffee beans produced in geographic origins
2 defined in this chapter;
- 3 (7) Use a geographic origin on the front label panel of a
4 package of roasted [~~or~~] coffee, instant coffee, or
5 ready-to-drink coffee beverage other than in the
6 trademark or in the identity statement as authorized
7 in subsection (a)(1) and (2) unless [~~one hundred per~~
8 ~~cent of~~] the roasted [~~or~~] instant coffee [~~contained in~~
9 ~~the package is~~], or ready-to-drink coffee beverage
10 contains one hundred per cent coffee by weight from
11 that geographic origin;
- 12 (8) Use more than one trademark on a package of roasted
13 [~~or~~] coffee, instant coffee, or ready-to-drink coffee
14 beverage unless [~~one hundred per cent of~~] the roasted
15 [~~or~~] coffee, instant coffee [~~contained in the package~~
16 ~~is~~], or ready-to-drink coffee beverage contains one
17 hundred per cent coffee by weight from that geographic
18 origin specified by the trademark;
- 19 (9) Use a trademark that begins with the name of a
20 geographic origin on a package of roasted [~~or~~] coffee,
21 instant coffee, or ready-to-drink coffee beverage



1 unless [~~one hundred per cent of~~] the roasted [~~or~~]
2 coffee, instant coffee [contained in the package
3 comes], or ready-to-drink coffee beverage contains one
4 hundred per cent coffee by weight from that geographic
5 origin or the trademark ends with words that indicate
6 a business entity; or

7 (10) Print the identity statement required by subsection
8 (a) in a smaller font than that used for a trademark
9 that includes the name of a geographic origin pursuant
10 to paragraph (7) and in a location other than the
11 front label panel of a package of roasted [~~or~~] coffee,
12 instant coffee[-], or ready-to-drink coffee beverage.

13 [~~(d)~~] (e) Roasters, manufacturers, or other persons who
14 package roasted [~~or~~] coffee, instant coffee, or ready-to-drink
15 coffee beverages covered by this section shall maintain, for a
16 period of two years, records on the volume and geographic origin
17 or regional origin of coffees purchased [~~and~~], sold, and used
18 and any other records required by the department for the purpose
19 of enforcing this section. Authorized employees of the
20 department shall have access to these records during normal
21 business hours.



1 [~~(e)~~] (f) For the purpose of this section:

2 "Geographic origin" means the names of the geographic
3 regions in which Hawaii-grown green coffee beans are produced,
4 as defined in rules adopted under chapter 147; provided that the
5 term "Hawaiian" may be substituted for the geographic origin
6 "Hawaii".

7 "Per cent coffee by weight" means the percentage calculated
8 by dividing the weight in pounds of roasted green coffee beans
9 of one geographic or regional origin used in a production run of
10 roasted [~~or~~] coffee, instant coffee, or ready-to-drink coffee
11 beverage by the total weight in pounds of the roasted green
12 coffee beans used in that production run of roasted [~~or~~] coffee,
13 instant coffee, or ready-to-drink coffee beverage, and
14 multiplying the quotient by one hundred.

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

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



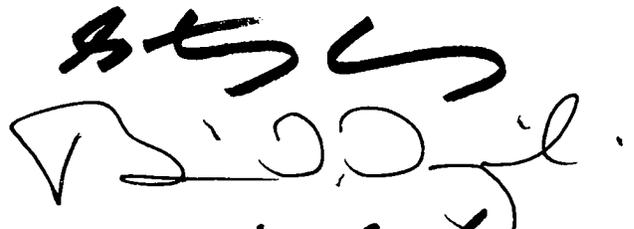
S.B. NO. 2955

1 SECTION 4. This Act shall take effect on July 1, 2021.

2

INTRODUCED BY:






Breene Horne





S.B. NO. 2955

Report Title:

Coffee; Labeling; Ready-to-Drink Coffee Beverages; Inner Wrapping Labels

Description:

Expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner wrapping or packaging labels. Effective 7/1/2021.

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

