
A BILL FOR AN ACT

RELATING TO LABELING OF MEAT AND FISH PRODUCTS.

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

1 SECTION 1. Chapter 328, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§328- Fish products; labeling. Fish products that have
5 been gas-treated to approximate the appearance of freshness
6 shall bear a label indicating:

7 (1) The type of gas that was used; and

8 (2) A statement that the gas treatment was used to
9 approximate the appearance of freshness."

10 SECTION 2. Section 159-3, Hawaii Revised Statutes, is
11 amended by amending the definition of "misbranded" to read as
12 follows:

13 "\"Misbranded\" shall apply to any carcass, part thereof,
14 meat or meat products under one or more of the following
15 circumstances:

16 (1) If its labeling is false or misleading in any
17 particular[-];



- 1 (2) If it is offered for sale under the name of another
2 food[-] i;
- 3 (3) If it is an imitation of another food, unless its
4 label bears, in type of uniform size and prominence,
5 the word "imitation" and immediately thereafter, the
6 name of the food imitated[-] i;
- 7 (4) If its container is made, formed, or filled as to be
8 misleading[-] i;
- 9 (5) If in a package or other container unless it bears a
10 label showing:
- 11 (A) The name and place of business of the
12 manufacturer, packer, or distributor[-] i; and
- 13 (B) An accurate statement of the quantity of the
14 contents in terms of weight, measure, or
15 numerical count; provided that reasonable
16 variations may be permitted and exemptions as to
17 small packages may be prescribed by the board[-] i;
- 18 (6) If any word, statement, or other information required
19 by or under authority of this chapter to appear on the
20 label or other labeling is not prominently placed
21 thereon with the conspicuousness as compared with
22 other words, statements, designs, or devices, in the



1 labeling and in the terms as to render it likely to be
2 read and understood by the ordinary individual under
3 customary conditions of purchase and use[-] i

4 (7) If it purports to be or is represented as a food for
5 which a definition and standard of identity or
6 composition has been prescribed by the board under
7 this chapter unless:

8 (A) It conforms to the definition and standard[-] i
9 and

10 (B) Its label bears the name of the food specified in
11 the definition and standard and, insofar as may
12 be required by the regulations, the common names
13 of optional ingredients [+]other than spices,
14 flavoring, and coloring[+] present in the
15 food[-] i

16 (8) If it purports to be or is represented as a food for
17 which a standard of fill of container has been
18 prescribed by the board under this chapter, and it
19 falls below the standard of fill of container
20 applicable thereto, unless its label bears, in the
21 manner and form as the board prescribes, a statement
22 that it falls below the standard[-] i



- 1 (9) If it is not subject to paragraph (7), unless its
2 label bears:
- 3 (A) The common or usual name of the food, if any
4 there be[-]; and
- 5 (B) In case it is fabricated from two or more
6 ingredients, the common or usual name of each
7 ingredient; except that spices, flavorings, and
8 colorings may with the approval of the board be
9 designated as spices, flavorings, and colorings
10 without naming each; provided that to the extent
11 that compliance with the requirements of this
12 subparagraph is impracticable, or results in
13 deception or unfair competition, exemptions shall
14 be established by the board[-];i
- 15 (10) If it purports to be or is represented for special
16 dietary uses, unless its label bears the information
17 concerning its vitamin, mineral, and other dietary
18 properties as the board, after consultation with the
19 Secretary of Agriculture and concurrence by the
20 department of health, determines to be and prescribes
21 as necessary in order fully to inform purchasers as to
22 its value for the uses[-];i



1 (11) If it bears or contains any artificial flavoring,
2 artificial coloring, or chemical preservative, unless
3 it bears labeling stating that fact; provided that to
4 the extent that compliance with this paragraph is
5 impracticable, exemptions shall be established by the
6 board[-];

7 (12) If it fails to bear, directly thereon or on its
8 container, as the board may prescribe, the inspection
9 legend and, unrestricted by any of the foregoing,
10 other information as the board may require to assure
11 that it will not have false or misleading labeling and
12 that the public will be informed of the manner of
13 handling required to maintain the meat or meat
14 products in a wholesome condition[-]; or

15 (13) If the meat or meat products have been gas-treated to
16 approximate the appearance of freshness, but do not
17 bear a label indicating:

- 18 (A) The type of gas that was used; and
- 19 (B) A statement that the gas treatment was used to
20 approximate the appearance of freshness."

21 SECTION 3. Section 328-29, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:

1 "(a) Any person who violates section 328- or section
2 328-6 shall be fined [~~not more than \$500, or imprisoned not more~~
3 ~~than one year, or both.~~]:

4 (1) \$1,000 for an initial violation; and

5 (2) \$2,000 for each subsequent violation."

6 SECTION 4. The department of agriculture shall display on
7 the department's official website notice of the labeling
8 requirements for gas-treated meat or meat products and fish
9 products required by section 328- or 328-6, Hawaii Revised
10 Statutes. The notice required by this Act shall be continuously
11 available to producers, packagers, distributors, retailers,
12 consumers of meat and fish, and the general public through the
13 department of agriculture's website beginning on August 1, 2009.

14 SECTION 5. If any provision of this Act, or the
15 application thereof to any person or circumstance is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act, which can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval;
2 provided that sections 1, 2, and 3 shall take effect on August
3 1, 2009.



H.B. NO. 1611
H.D. 2
S.D. 2
C.D. 1

Report Title:

Fish; Meat; Labeling

Description:

Requires gas-treated fish and meat to be labeled as such.
Requires the Department of Agriculture to post labeling
requirements on its website. (HB1611 CD1)

HB1611 CD1 HMS 2009-3970

