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# 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[-];  
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[-];  
7 (4) If its container is made, formed, or filled as to be  
8 misleading[-];  
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[-];  
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[-];  
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[-];

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[-];

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

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

- 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~~[-]~~;
- 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~~[-]~~;
- 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~~[-]~~;

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 ~~[28-6]~~ 328-6 shall be ~~[fined]~~ guilty of a misdemeanor; provided  
3 that the maximum penalty shall be a fine of not more than \$500,  
4 ~~[or imprisoned]~~ a maximum term of imprisonment of not more than  
5 one year, or both."

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, meat or meat  
9 products derived from exotic animals, and fish products required  
10 by sections 1 and 2. The notice required by this Act shall be  
11 continuously available to producers, packagers, distributors,  
12 retailers, consumers of meat and fish, and the general public  
13 through the department of agriculture's website beginning on  
14 August 1, 2009.

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

21           SECTION 6. Statutory material to be repealed is bracketed  
22 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 apply to meat and fish  
**3** products sold on or after August 1, 2009.

**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. (SD2)