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

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

14           "§486-120.6 Hawaii-grown [~~roasted or instant~~] coffee;  
15 labeling or advertising requirements. (a) In addition to all  
16 other labeling requirements, the identity statement used for  
17 labeling or advertising roasted [~~or~~] coffee, instant coffee, or



1 ready-to-drink coffee beverages produced in whole or in part  
2 from Hawaii-grown green coffee beans shall meet the following  
3 requirements:

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

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

13 (B) The per cent coffee by weight of one of the  
14 Hawaii-grown coffees, used in coffee consisting  
15 of beans from several geographic origins,  
16 followed by the geographic origin of the weight-  
17 specified coffee and the terms "Coffee" and "All  
18 Hawaiian";

19 (2) For roasted [~~e~~] coffee, instant coffee, or ready-to-  
20 drink coffee beverages consisting of a blend of one or  
21 more Hawaii-grown coffees and coffee not grown in



1 Hawaii, the per cent coffee by weight of one of the  
2 Hawaii-grown coffees used in the blend, followed by  
3 the geographic origin of the weight-specified coffee  
4 and the term "Coffee Blend"; and

5 (3) Each word or character in the identity statement shall  
6 be of the same type size and shall be contiguous. The  
7 smallest letter or character of the identity statement  
8 on packages of sixteen ounces or less net weight shall  
9 be at least one and one-half times the type size  
10 required under federal law for the statement of net  
11 weight or three-sixteenths of an inch in height,  
12 whichever is smaller. The smallest letter or  
13 character of the identity statement on packages of  
14 greater than sixteen ounces net weight shall be at  
15 least one and one-half times the type size required  
16 under federal law for the statement of net weight.  
17 The identity statement shall be conspicuously  
18 displayed without any intervening material in a  
19 position above the statement of net weight. Upper and  
20 lower case letters may be used interchangeably in the  
21 identity statement.



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

16 (c) It shall be a violation of this section to:

17 (1) Use the identity statement specified in subsection  
18 (a) (1) (A) or similar terms in labeling or advertising  
19 unless the package of roasted [~~e~~] coffee, instant  
20 coffee, or ready-to-drink coffee beverage contains one



- 1 hundred per cent coffee by weight from that one  
2 geographic origin;
- 3 (2) Use a geographic origin in labeling or advertising,  
4 including in conjunction with a coffee style or in any  
5 other manner, if the roasted [~~or~~] coffee, instant  
6 coffee, or ready-to-drink coffee beverage contains  
7 less than ten per cent coffee by weight from that  
8 geographic origin;
- 9 (3) Use a geographic origin in labeling or advertising  
10 roasted [~~or~~] coffee, instant coffee, or ready-to-drink  
11 coffee beverages including advertising in conjunction  
12 with a coffee style or in any other manner, without  
13 disclosing the [~~percentage of~~] per cent coffee by  
14 weight used from that geographic origin as described  
15 in subsection (a)(1)(B) and (a)(2);
- 16 (4) Use a geographic origin in labeling or advertising  
17 roasted [~~or~~] coffee, instant coffee, or ready-to-drink  
18 coffee beverages including in conjunction with a  
19 coffee style or in any other manner, if the green  
20 coffee beans used in that roasted [~~or~~] coffee, instant  
21 coffee, or ready-to-drink coffee beverage do not meet



- 1 the grade standard requirements of rules adopted under  
2 chapter 147;
- 3 (5) Misrepresent, on a label or in advertising of [a]  
4 roasted [œ] coffee, instant coffee, or ready-to-drink  
5 coffee beverages, the per cent coffee by weight of any  
6 coffee from a geographic origin or regional origin;
- 7 (6) Use the term "All Hawaiian" on a label or in  
8 advertising of [a] roasted [œ] coffee, instant  
9 coffee, or ready-to-drink coffee beverages if the  
10 roasted [œ] coffee, instant coffee, or ready-to-drink  
11 coffee beverage is not produced entirely from green  
12 coffee beans produced in geographic origins defined in  
13 this chapter;
- 14 (7) Use a geographic origin on the front label panel of a  
15 package of roasted [œ] coffee, instant coffee, or  
16 ready-to-drink coffee beverage other than in the  
17 trademark or in the identity statement as authorized  
18 in subsection (a) (1) and (2) unless [~~one hundred per~~  
19 ~~cent of~~] the roasted [œ] coffee, instant coffee  
20 [~~contained in the package is~~], or ready-to-drink



- 1           coffee beverage contains one hundred per cent coffee  
2           by weight from that geographic origin;
- 3           (8) Use more than one trademark on a package of roasted  
4           ~~[œ]~~ coffee, instant coffee, or ready-to-drink coffee  
5           beverage unless ~~[one hundred per cent of]~~ the roasted  
6           ~~[œ]~~ coffee, instant coffee [contained in the package  
7           is], or ready-to-drink coffee beverage contains one  
8           hundred per cent coffee by weight from that geographic  
9           origin specified by the trademark;
- 10          (9) Use a trademark that begins with the name of a  
11          geographic origin on a package of roasted ~~[œ]~~ coffee,  
12          instant coffee, or ready-to-drink coffee beverage  
13          unless ~~[one hundred per cent of]~~ the roasted ~~[œ]~~  
14          coffee, instant coffee [contained in the package  
15          comes], or ready-to-drink coffee beverage contains one  
16          hundred per cent coffee by weight from that geographic  
17          origin or the trademark ends with words that indicate  
18          a business entity; or
- 19          (10) Print the identity statement required by subsection  
20          (a) in a smaller font than that used for a trademark  
21          that includes the name of a geographic origin pursuant



1 to paragraph (7) and in a location other than the  
2 front label panel of a package of roasted [~~or~~] coffee,  
3 instant coffee[-], or ready-to-drink coffee beverage.

4 (d) Roasters, manufacturers, or other persons who package  
5 roasted [~~or~~] coffee, instant coffee, or ready-to-drink coffee  
6 beverages covered by this section shall maintain, for a period  
7 of two years, records on the volume and geographic origin or  
8 regional origin of coffees purchased [~~and~~], sold, and used and  
9 any other records required by the department for the purpose of  
10 enforcing this section. Authorized employees of the department  
11 shall have access to these records during normal business hours.

12 (e) For the purpose of this section:

13 "Geographic origin" means the geographic regions in which  
14 Hawaii-grown green coffee beans are produced, as defined in  
15 rules adopted under chapter 147; provided that the term  
16 "Hawaiian" may be substituted for the geographic origin  
17 "Hawaii".

18 "Per cent coffee by weight" means the percentage calculated  
19 by dividing the weight in pounds of roasted green coffee beans  
20 of one geographic or regional origin used in a production run of  
21 roasted [~~or~~] coffee, instant coffee, or ready-to-drink coffee





1 beverage by the total weight in pounds of the roasted green  
2 coffee beans used in that production run of roasted [~~or~~] coffee,  
3 instant coffee, or ready-to-drink coffee beverage, and  
4 multiplying the quotient by one hundred.

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

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 31, 2150.



**Report Title:**

Coffee; Labeling; Ready-to-Drink Coffee Beverages

**Description:**

Expands the coffee labeling requirements to include ready-to-drink coffee beverages. (HB143 HD1)

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

