

JAN 18 2019

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 requirements. (a) In addition to all other labeling
16 requirements, the identity statement used for labeling or
17 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 [~~or~~] 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 [~~or~~] 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 by weight and separated by commas, the respective geographic
7 origin or regional origin of the various coffees in the blend
8 that the manufacturer chooses to list. Each geographic origin
9 or regional origin may be preceded by the per cent of coffee by
10 weight represented by that geographic origin or regional origin,
11 expressed as a number followed by the per cent sign. The type
12 size used for this list shall not exceed half that of the
13 identity statement. This list shall appear below the identity
14 statement, if included on the front panel of the label.

15 (c) It shall be a violation of this section to:
16 (1) Use the identity statement specified in subsection
17 (a) (1) (A) or similar terms in labeling or advertising
18 unless the package of roasted ~~or~~ coffee, instant
19 coffee, or ready-to-drink coffee beverage contains one
20 hundred per cent coffee by weight from that one
21 geographic origin;



- 1 (2) Use a geographic origin in labeling or advertising,
2 including in conjunction with a coffee style or in any
3 other manner, if the roasted [~~or~~] coffee, instant
4 coffee, or ready-to-drink coffee beverage contains
5 less than ten per cent coffee by weight from that
6 geographic origin;
- 7 (3) Use a geographic origin in labeling or advertising
8 roasted [~~or~~] coffee, instant coffee, or ready-to-drink
9 coffee beverages including advertising in conjunction
10 with a coffee style or in any other manner, without
11 disclosing the percentage of coffee used from that
12 geographic origin as described in subsection (a)(1)(B)
13 and (a)(2);
- 14 (4) Use a geographic origin in labeling or advertising
15 roasted [~~or~~] coffee, instant coffee, or ready-to-drink
16 coffee beverages including in conjunction with a
17 coffee style or in any other manner, if the green
18 coffee beans used in that roasted [~~or~~] coffee, instant
19 coffee, or ready-to-drink coffee beverage do not meet
20 the grade standard requirements of rules adopted under
21 chapter 147;



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



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



1 front label panel of a package of roasted [~~or~~] coffee,
2 instant coffee[-], or ready-to-drink coffee beverage.

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

11 (e) For the purpose of this section:

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

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



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




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

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

9 SECTION 4. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:



S.B. NO. 894

Report Title:

Coffee; Labeling; Ready-to-Drink Coffee Beverages

Description:

Expands the coffee labeling requirements to include ready-to-drink coffee beverages.

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