

SB-746-SD-1

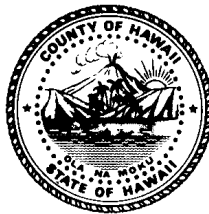
Submitted on: 3/14/2023 7:53:13 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hawaii Department of Agriculture	Hawaii Department of Agriculture	Support	In Person

Comments:

HEATHER L. KIMBALL
COUNCIL CHAIR
Council District 1 (North Hilo,
Hāmākua, and portion of Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402.
Hilo, Hawai'i 96720

March 13, 2023

House Committee on Agriculture and Food Systems
Honorable Representative Cedric Asuega Gates, Chair
Honorable Representative Kirstin Kahaloa, Vice Chair
Submission via online testimony only

RE: **Support of SB 746, SD1**

Dear Chair Gates, Vice Chair Kahaloa, and Members of the Committee on Agriculture and Food Systems:

As the Chair of the Hawai'i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of SB 746, SD1**, relating to coffee labeling. It is imperative that we continue to protect Hawai'i's unique coffee industry and its reputation, and therefore, I support this measure for the following reasons:

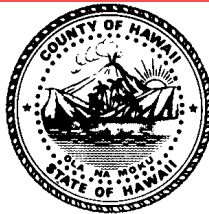
1. It values Hawai'i's premier, specialty coffee industry, which has been operating for over 200 years, as a valuable commodity requiring coffee blend labels to disclose geographic and regional origins, and per cent by weight of the blended coffees.
2. It preserves the Hawai'i-grown coffee brand by prohibiting the use of geographic origins of coffee in labeling or advertising for roasted or instant coffee that contains less than a certain percentage of coffee by weight from that geographic origin, phased in to a minimum of 51% after 7/1/2024.
3. It protects customers by prohibiting the use of the term "All Hawaiian" in labeling or advertising for roasted or instant coffee not produced entirely from green coffee beans grown and processed in Hawai'i.

Thank you for the opportunity to submit this testimony. If you would like to discuss my knowledge of this matter further, please do not hesitate to contact me directly.

Sincerely,

HEATHER L. KIMBALL

Dr. Holeka Goro Inaba
Council Member, District 8, N. Kona



Office: (808) 323-4280
Email: holeka.inaba@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

March 14, 2023

Committee on Agriculture and Food Systems
Representative Cedric Asuega Gates, Chair
Representative Kirstin Kahaloa, Vice Chair

Re: Support for SB746 SD1 Relating to Coffee Labeling
Hearing: March 15, 2023 at 9:30 a.m.

Aloha Representatives,

On behalf of myself and constituents of Council District 8 in North Kona, I am expressing strong support for SB746 relating to Coffee Labeling.

This measure would expand the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels, and requires disclosure on the label of coffee blends of the respective geographic and regional origins and percent by weight of the blended coffees. This bill also prohibits use of the term "All Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawai'i.

It is imperative that we defend the integrity of Kona's premier origin product. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Holeka Goro Inaba".

DR. HOLEKA GORO INABA, Council Member
District 8, North Kona

March 13, 2023



Rep. Cedric Asuega Gates, Chair
Rep. Kirstin Kahaloa, Vice Chair
Committee on Agriculture & Food Systems
Wednesday, March 15, 2023
9:30 am
Via Videoconference

RE: **SB746 SD1** Relating to Coffee Labeling (**Support**)

Dear Chair Gates, Vice Chair Kahaloa & Committee Members,

The Chamber of Sustainable Commerce (CSC) testifies in strong support of SB746 SD1, which expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels, requires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees, and prohibits use of the term "All Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawaii.

As business owners who believe we can strengthen our economy without hurting workers, consumers, or the environment, we urge this committee to pass SB746 SD1 because it **protects consumers from intentionally misleading packaging that undermines the value of the work and investment of local coffee farmers.**

It is absurd that elected officials in Hawaii have spent more than \$80M/year of taxpayer money building the "Hawaii" brand identity and marketing "Hawaii" to the world; then turn around and allow Hawaii's locally grown coffee to be diluted by lesser, cheaper, imported coffee and passed off to consumers as "Hawaii-grown". It is time to require clear and factual labeling regarding the percentage of Hawaii-grown coffee being sold.

Hawaii Legislative Council	Maile Meyer Na Mea Hawaii Honolulu	Russel Rudderman Island Naturals Hilo / Kona	Tina Wildberger Kihei Ice Maui	Joell Edwards Wainiha Country Market Kauai	Kim Coco Iwamoto AQuA Rentals, LLC Honolulu
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To Chair Gates, Vice Chair Kahaloa
And the Agriculture & Food Systems Committee
Hawaii State 32nd Legislature
Honolulu, Hawaii 96813

March 13, 2023

Re: Senate Bill (SB) 746 Relating to Coffee Labeling

Cyanotech Corporation **supports** SB 746 and adopting Truth-In-Labeling for Hawaii Grown Coffees to protect the reputation of Hawaii-grown coffees as premier and to protect the Hawaii Brand.

As a grower of microalgae for dietary supplements on the island of Hawaii, we are proud of and know the value of labeling and advertising Hawaii grown products. We are a publicly held company, which employs close to 100 people, and generates close to \$30 million in annual revenue. Part of our success comes from the fact that we are located in a unique geographical region that enables us to grow high quality products. Competitors that falsely claim Hawaii origin are not only misleading consumers but minimizing the consumer's experience of products made from the region and degrading the reputation of Hawaii grown products.

Therefore, we further support this legislation that will prohibit the term "All Hawaiian" in labeling of coffee not produced and processed entirely in Hawaii as it may set precedent for and protect other specialty products grown and processed in Hawaii.

We understand that the Kona Coffee Farmers have lobbied for many years to achieve transparency and Truth-In-Labeling. They produce something special from the islands and we hope that the legislature will protect it, similar to the "Idaho Potato" or "Napa Wine". We appreciate your consideration and hope that you pass SB 746 this year.

Sincerely with Aloha,



Jen Johansen
Vice President of Quality, Regulatory & Government Affairs
Cyanotech Corporation
jjohansen@cyanotech.com
808-334-9407

SB-746-SD-1

Submitted on: 3/13/2023 5:16:08 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Colehour Bondera	Kanalani Ohana Farm	Support	Written Testimony Only

Comments:

Aloha Chair & Committee Members:

Please support SB746.

As a Kona coffee farmer and as a founding member and current Board member of the Kona Coffee Farmers Association (as well as the longest serving President Emeritus), it is Kona coffee as a name that Hawaii must ensure is protected in all forms.

Truth in labeling is to protect consumers and it protects the value of product for the farmers as well. Many of us direct market our products and large companies (processors) selling coffee with Hawaii names must be required to meet honest quality and origin standards.

Lets' keep Hawaii first and protect our farmers.

Yours,

Colehour Bondera

KANALANI OHANA FARM

colemel2@gmail.com

SB-746-SD-1

Submitted on: 3/13/2023 6:16:53 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce Corker	Rancho Aloha Coffee Farm	Support	In Person

Comments:

Chair Gates and Members of the Committee:

I am a Hawaii County coffee farmer and strongly support SB746 as a step in the right direction toward **Truth-In-Labeling** for Hawaii-Grown agricultural products and for the protection of consumers.

For more than 30 years Hawaii has been the only region anywhere in the world to authorize the use of regional names on an agricultural product with only 10% genuine content—**and failing to even require a statement on the label of the origin of the other 90%.**

The State of Hawaii needs to protect its specialty agricultural crops in the same way that Idaho protects Idaho Potatoes, Vermont protects Vermont Maple Syrup, California protects its wines, and France protects Champagne from deceptive labeling.

Equally important, as a state with an economy heavily dependent on tourism, Hawaii should be concerned about protecting the reservoir of goodwill it enjoys in other parts of the world. Failure of the State to follow basic principles of Truth-In-Labeling for the “Hawaii Brand” undermines that reservoir of goodwill. Wherever they are in the world, consumers do not like to be misled and cheated by deceptive labeling.

Please pass SB746. Thank you,

Bruce Corker, Rancho Aloha

Holualoa, Hawaii County

SB-746-SD-1

Submitted on: 3/13/2023 8:32:20 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Hawaii Forest Stewards	Support	Written Testimony Only

Comments:

Aloha again Senators!

Seems like *Ground Hog Day* to be saying once again that we value truth in labeling and support our fellow farmers and producers up the value chain for quality 100% Kona coffee!

Now please pass this good and necessary bill!

Mahalo nui loa

R A Culbertson

Honokaa



Lions Gate, Inc
PO Box 761
Honaunau, HI 96726

Phone: 808-989-4883
Fax: 866-475-8602
sales@coffeeofkona.com
www.coffeeofkona.com

RE: SUPPORT for SB746 SD1

RELATING TO COFFEE LABELING

Coffee Labeling; Advertising; Requirements; Coffee Blends; Ready-to-Drink Coffee Beverages

Aloha Chair, Vice Chair, and Committee Members,

Lions Gate Farms requests and appreciates your support of this Bill.

Passage of this Bill protects Hawaii origin coffees by providing consumers with correct labeling information. Food labels are a critical component of our agricultural economy, affecting a farmer's ability to earn a fair price for their products and supporting the growth of local and regional food systems.

Unlike other coffee products, the State does not currently regulate ready-to-drink (or RTD) coffee. This bill would bring RTD in line with the other labeling laws for coffee. It would also expand labeling requirements to show the primary ingredients by percentage weight.

Under the current labeling rules, vendors are free to use and misuse Hawaii origin coffee names at will, listing Hawaii names first on the bag, regardless of the ratio of ingredients. Consumers are misled and growers are cheated. Our islands' coffee growers do not earn any money from imported coffee that is improperly labeled as "Kona" or "Hawaiian". This damages Hawaii's key agricultural brands.

My family has three generations who farm coffee in Kona. Thank you for your consideration of this bill. Your support makes a difference in the lives of hundreds of Hawaii farmers.

Mahalo nui loa!

A handwritten signature in black ink, appearing to read "Suzanne Shriner".

Suzanne Shriner
President



House Committee on Agriculture & Food Systems

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB746 SD1

Wednesday, March 15, 2023 9:30 a.m. Conference Room 325

Aloha Chair Gates, Vice Chair Kahaloa and Members of the Committee,

We support SB746 SD1 which Clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the label of a consumer package of raw or processed macadamia nuts. Allows a private right of action for violations.

We are hopeful that truth-in-labeling reform for coffee labeling will be a first step toward broader protection for the “Hawai'i Brand” and for all other Hawai'i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the “Hawaii Brand”¹

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name “Kona” prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying “Kona Coffee”) will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down.

If deceptive marketing and labeling of blends were outlawed and if only 2 out of 10 of the consumers who previously bought “Kona Blends” believing they had purchased “Kona Coffee” were to instead buy genuine 100% Kona Coffee--the amount of Kona Coffee sold to those consumers would be DOUBLE the amount of Kona Coffee sold as compared to the previous Blend sales.

Kona Coffee Blends are the equivalent of fake Rolexes—“Rolex”/“Kona” on the outside, something very different on the inside and if you take the juice from one orange and 9 lemons and call the product an “orange juice blend”, the result is consumer fraud.

When consumers who have purchased what they believe is “Kona Coffee”, but is in fact 90% commodity coffee and are disappointed in the taste, the reputation of our heritage crop is damaged and farmers suffer economically.

¹ <https://www.sfgate.com/hawaii/article/hawaii-products-not-from-islands-17312415.php>



Restaurants and hotels deceiving tourists into believing they are being offered “Kona Coffee” when it is 90% something else is no way to earn the goodwill of Mainland and foreign visitors. People don’t like to be cheated.

Why isn’t Hawaii defending the integrity of its premier origin product (Kona Coffee)—In the same way that Idaho protects the integrity of Idaho Potatoes, or Georgia protects Vidalia Onions, or Vermont protects Vermont Maple Syrup?

Please support SB746 SD1.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director



Before the House Committee on Agriculture and Food Systems
Statement of the Institute for Agriculture and Trade Policy in Support of SB 746 (SD1)

March 14, 2023

Dear Chairman Gates and Members of the Committee:

The Institute for Agriculture and Trade Policy (IATP) submits this statement in support of SB 746, which would prohibit the use of geographical origin labeling and advertising on coffee that contains less than a set percentage of coffee by weight from that geographical origin phased in to a minimum of 51% after July 1, 2025. IATP is a non-profit advocacy organization that seeks to advance fair and sustainable food, farm and trade systems. We are based in the U.S., with an office in Berlin. We carry out independent research and work in partnership with civil society organizations and social movements, locally, nationally, and globally. We advocate for public policies that encourage a transition away from extractive agriculture, limit corporate power, and direct public funding towards healthier, more resilient, and more equitable food systems.

Protections for Kona coffee are a form of Geographical Indication (GI). They ensure consumers' right to know how and where their food was produced, while enhancing local producers' rights to livelihoods and cultural traditions. These protections are used in many countries to protect producers' intellectual property and to ensure that consumers have accurate information. The World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) includes a special section on the protection of GIs. Article 22.1 of the TRIPS Agreement defines GIs and establishes that Members have a duty to prevent deceptive uses of product names through intellectual property protections.

The central idea behind these protections is that these products have inherent qualities related to their place of production (such as soil or climatic conditions, called *terroir*), as well as cultural knowledge and traditions, that differentiate them from similar products. That designation creates a kind of place-based "brand" that informs consumers about their special qualities and often allows producers to legitimately charge a premium price.

While this concept is most developed in the European Union, there are a number of Geographical Indications already in use in the United States. Although there is no centralized list as in the EU, names such as Maine Lobsters, Idaho Potatoes, Vidalia Onions, and Florida Oranges are protected under law.

The EU provides strong public support for GIs around the world, enforcing those protections through enforceable provisions in law and trade agreements. U.S. protections are much less ambitious and therefore less supportive of important GIs like Kona Coffee. The passage of SB 746 would strengthen consumer confidence and enhance local

livelihoods for this GI and could provide a model for similar protections for other agricultural products grown in Hawaii and other states.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Karen Hansen-Kuhn". The signature is fluid and cursive, with the first name "Karen" being the most prominent.

Karen Hansen-Kuhn
Program Director
Institute for Agriculture and Trade Policy



Consumer Federation of America

**Before the House Committee on Commerce and Consumer Protection
Statement of the Institute for Agriculture and Trade Policy in Support of SB 746 (SD1)
March 14, 2023**

Dear Chairman Gates and Members of the Committee:

Consumer Federation of America writes to express our support for SB 746 (SD1). The Consumer Federation of America (CFA) is an association of non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. Today, more than 250 of these groups participate in the federation and govern it through their representatives on the organization's Board of Directors.

This legislation will protect consumers from deceptive marketing claims. Under the current law, coffee blenders may label coffee as originating from a particular geographical region, such as "Kona," when as little as 10% of the labeled coffee is actually from that area. The law requires the blenders to disclose the percentage of premium coffee ingredients on the label, but this requirement does not suffice to prevent labels from creating a misleading overall impression. Prominent use of the term "Kona" in the brand name and elsewhere on the product label, use of vignettes symbolizing the Kona region, romance language, and most importantly, the failure to disclose where the remaining 90% of the coffee in the package originates from - typically Vietnam, Indonesia, and central America, all conspire to dupe consumers.

By prohibiting the use of Hawaiian geographical origins on coffee labeling and advertising for roasted and instant coffee that contain less than a set percentage of coffee by weight from that geographical origin, phased in to a minimum of 51% after July 1, 2025, this bill will align product claims with consumer expectations. Current Hawaii state law is tantamount to allowing a food processor to take juice from one orange, blend it with the juice from nine lemons, and then label the product as "orange juice blend." Such practices are prohibited by federal law for juice blends, see 21 CFR Section 102.33, and should be prohibited by Hawaii for coffee blends as well.

Leading coffee blenders claim they simply seek to provide consumers a choice in the marketplace. But consumers should not have to discern accurately labeled products from inferior goods with misleading claims. The passage of SB 746 (SD1) represents a vital step to protect consumers -- ranging from Hawaii residents to unsuspecting visitors touring the islands. We urge members of the committee to ensure that this bill is enacted. Thank you for consideration of our views.

Respectfully Submitted,

Thomas Gremillion
Director of Food Policy
Consumer Federation of America



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 15, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON SB 746, SD1
RELATING TO COFFEE LABELING

Conference Room 325 & Videoconference
9:30 AM

Aloha Chair Gates, Vice-Chair Kahaloa, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 746, SD1, which expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels, requires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees, prohibits use of the term "All Hawai'ian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawai'i.

Hawai'i-grown coffee is recognized for its high quality and aromatic flavor. Hawai'i-grown coffee is held to a set of quality standards that makes it one of the most expensive coffees in the world. It is one of Hawai'i's signature crops.

The 2021-2022 USDA National Agriculture Statistics Service (NASS) of Hawai'i Agriculture estimated the value of Hawai'i-grown coffee at \$61.9 million and ranked as coffee fifth in the top twenty agricultural commodities in the State.

We must protect Hawai'i's Geographic Origins in labeling and advertising of Hawai'i-grown coffee by also including ready-to-drink coffee beverages and inner packages and inner wrapping labels in §486-120.6.

Thank you for the opportunity to testify on this measure.



Consumer Federation of America

**Before the House Committee on Commerce and Consumer Protection
Statement of the Consumer Federation of America in Support of SB 746 (SD1)
March 14, 2023**

Dear Chairman Gates and Members of the Committee:

Consumer Federation of America writes to express our support for SB 746 (SD1). The Consumer Federation of America (CFA) is an association of non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. Today, more than 250 of these groups participate in the federation and govern it through their representatives on the organization's Board of Directors.

This legislation will protect consumers from deceptive marketing claims. Under the current law, coffee blenders may label coffee as originating from a particular geographical region, such as "Kona," when as little as 10% of the labeled coffee is actually from that area. The law requires the blenders to disclose the percentage of premium coffee ingredients on the label, but this requirement does not suffice to prevent labels from creating a misleading overall impression. Prominent use of the term "Kona" in the brand name and elsewhere on the product label, use of vignettes symbolizing the Kona region, romance language, and most importantly, the failure to disclose where the remaining 90% of the coffee in the package originates from - typically Vietnam, Indonesia, and central America, all conspire to dupe consumers.

By prohibiting the use of Hawaiian geographical origins on coffee labeling and advertising for roasted and instant coffee that contain less than a set percentage of coffee by weight from that geographical origin, phased in to a minimum of 51% after July 1, 2025, this bill will align product claims with consumer expectations. Current Hawaii state law is tantamount to allowing a food processor to take juice from one orange, blend it with the juice from nine lemons, and then label the product as "orange juice blend." Such practices are prohibited by federal law for juice blends, see 21 CFR Section 102.33, and should be prohibited by Hawaii for coffee blends as well.

Leading coffee blenders claim they simply seek to provide consumers a choice in the marketplace. But consumers should not have to discern accurately labeled products from inferior goods with misleading claims. The passage of SB 746 (SD1) represents a vital step to protect consumers -- ranging from Hawaii residents to unsuspecting visitors touring the islands. We urge members of the committee to ensure that this bill is enacted. Thank you for consideration of our views.

Respectfully Submitted,

Thomas Gremillion
Director of Food Policy
Consumer Federation of America

SB-746-SD-1

Submitted on: 3/14/2023 7:13:35 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christian Zuckerman	Kuwale Ridge Farms	Support	Written Testimony Only

Comments:

Aloha,

My name is Christian Zuckerman and I am in strong support of HB 607. I am a farmer in Waianae and also a member of the Hawaii Farmers Union United (HFUU).

I am in strong support of strengthening the truth in labeling laws regarding the coffee industry. This is to both protect the farmer but also the consumer.

Aloha

Chrisitan

SB-746-SD-1

Submitted on: 3/14/2023 7:40:00 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Erika Zemby	Kona Bae Farm	Support	Written Testimony Only

Comments:

As a Kona coffee farmer. I support the Expansion of coffee labeling to include the country of origin and hope I can count on your support.

SB-746-SD-1

Submitted on: 3/14/2023 8:10:24 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Witcover	Maalahi Farm LLC	Support	Written Testimony Only

Comments:

I strongly support this bill. It is so important for consumers to understand what they are purchasing no matter what form it may take. Under the current law, consumers are being intentionally misled by the use of Hawaiian words on non-Hawaiian coffee. This loophole takes money away from small farmers by reducing market demand. **Consumers deserve to know what coffee is in the bag.**

SB-746-SD-1

Submitted on: 3/14/2023 8:17:27 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Garrett W. Marrero	Maui Brewing Co.	Support	Written Testimony Only

Comments:

Aloha and mahalo for the opportunity to submit supportive testimony. I believe in supporting initiatives that serve to increase transparency across all "locally made" products. There is a clear difference between making something locally and something the "looks" local. We lose value in the Hawaiian brand when we allow for confusion in the marketplace and we make it difficult to build an authentic local business when others can simply market using Hawaiian branding and make these with cheaper labor and overall production costs.

Mahalo



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
Treasurer

Chapter Presidents

Madeline Ross
Kohala, Hawai'i

Odysseus Yacalis
East Hawai'i

Puna, Hawai'i

Andrea Drayer
Ka'u, Hawai'i

Chantal Chung
Kona, Hawai'i

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the House Agriculture & Food Systems Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports SB746.**

This bill will require coffee labeling and advertising to specify coffee origin and the percentage of blended coffee, which will give customers more information and provide more accurate labels. This will allow coffee farmers to showcase the hard work put into creating the coffee and to paint an accurate picture for the consumer about where their coffee originated. We cannot stress the importance of transparency in labeling and advertising for something as important as what we put into our bodies.

Additionally, this bill will help preserve the distinct quality of coffee from Hawaii, by prohibiting the use of the term "All Hawaiian" in labeling or advertising for coffee not produced entirely from green beans grown and processed in Hawaii. This will help to prevent coffee from Hawaii from being mixed with coffee from abroad, without full disclosure. All coffee farmers deserve to be fairly compensated for their hard work, and this bill will help to ensure that. By minimizing misrepresentation in labeling and advertising, this bill will create easier avenues of growth and investment in Hawaii's coffee farming industry.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

Testimony in strong support of SB746 SD1 RELATING TO COFFEE LABELING

Dear House Agriculture Committee

I submit this written testimony in **STRONG SUPPORT** of **SB746 SD1 RELATING TO COFFEE LABELING**

Our entire family are members of **Kona Coffee Farmers Association** .On behalf of the more than 300 members of the **Kona Coffee Farmers Association**, we are submitting this written testimony. We have two working Kona coffee farms [Honalo Farm and Cynthiana Farm]. **We produce KONA typica coffee, an heirloom variety of *Coffea arabica*, a long-established and traditional coffee of Hawai'i.** We are fighting Coffee Borer Beetle [CBB, thankyou for your support], Coffee Leaf Rust [CLR, thankyou for your support] and trying to recover from the “Kona LOW cyclone” damage of December 2021. **WE NEED YOUR SUPPORT of SB746 SD1 now more than ever! 2022 yields of KONA coffee were extremely diminished due to CLR and weather damage so we need this passed now please!**

The new law does require more information but does not make blenders specify that it is *Arabica* so the remaining could be inexpensive **Robusta coffee**, from the plant *Coffea canephora* estimated to account for more than 40% of the world supply of coffee. The current bill is an excellent start. Requiring % to be identified as *Arabica* or much less expensive *Robusta* would make it even stronger as Kona Typica is Arabica!

Please note that agricultural products from all over the world are, and have been, protected by laws that control their identity as to place of origin and unique characteristics. Some notable examples include wines, cheeses, olive oils, specialty vinegars, spices, and condiments. Coffee produced in Kona and other notable Hawaiian appellations deserve to be treated in the same manner. The Kona brand must have its integrity protected to command high respect in the coffee world.

Our reasons for **strong support of SB746 SD1:**

1. **Misleading labeling is fraudulent** – consumers should be able to know what they are actually paying for. That **Misleading labeling is fraudulent** has already been proven in at least one class action lawsuit [Corker, et al. v *COSTCO WHOLESALE CORPORATION* [case no.2:19-cv-00290-RSL] in the United States District Court for the Western District of Washington as settlement benefits have been sent].
2. **Use of the name without requiring the content exploits the region and deprives farmers of income.** Further, not even identifying the coffee as *Arabica* or *Robusta* is also misleading. ***Our legislature has /continues to support farmers in their fight against Coffee Borer Beetles [THANKYOU VERY MUCH] and Coffee Leaf Rust [THANKYOU VERY MUCH] so please move forward with support of SB746 SD1.***
3. **Low quality coffee is being sold under a prestigious name and results in lowering standards and damaging the brand.** Possible blending with *Robusta* coffee also damages the brand.

The blenders, many owned by large companies, strongly oppose this change because they are making a fortune selling inexpensive coffee, which may not even be *Arabica* as "Kona" or "Ka'u," or "Maui" to unsuspecting customers.

Hawai'i needs to step up and protect the brand integrity of its premier *Arabica* coffee brands that are grown throughout the islands. Thank you for your positive consideration and passage of **SB746 BD1**

Sincerely,

Bruce Maryanoff
bmaryano@comcast.net
Co-CEO, and CSO, Absolute Palate LLC
14 March 2023

Testimony in strong support of SB746 SD1 RELATING TO COFFEE LABELING

Dear House Agriculture Committee

I submit this written testimony in **STRONG SUPPORT** of **SB746 SD1 RELATING TO COFFEE LABELING**

Our entire family are members of **Kona Coffee Farmers Association**. On behalf of the more than 300 members of the **Kona Coffee Farmers Association**, we are submitting this written testimony. We have two working Kona coffee farms [Honalo Farm and Cynthiana Farm]. **We produce KONA typica coffee, an heirloom variety of *Coffea arabica*, a long-established and traditional coffee of Hawai'i.** We are fighting Coffee Borer Beetle [CBB, thank you for your support], Coffee Leaf Rust [CLR, thank you for your support] and trying to recover from the “Kona LOW cyclone” damage of December 2021. **WE NEED YOUR SUPPORT of SB746 SD1 now more than ever! 2022 yields of KONA coffee were extremely diminished due to CLR and weather damage so we need this passed now please!**

The new law does require more information but does not make blenders specify that it is *Arabica* so the remaining could be inexpensive **Robusta coffee**, from the plant *Coffea canephora* estimated to account for more than 40% of the world supply of coffee. The current bill is an excellent start. Requiring % to be identified as *Arabica* or much less expensive *Robusta* would make it even stronger as Kona Typica is Arabica!

Please note that agricultural products from all over the world are, and have been, protected by laws that control their identity as to place of origin and unique characteristics. Some notable examples include wines, cheeses, olive oils, specialty vinegars, spices, and condiments. Coffee produced in Kona and other notable Hawaiian appellations deserve to be treated in the same manner. The Kona brand must have its integrity protected to command high respect in the coffee world.

Our reasons for **strong support of SB746 SD1:**

- 1. Misleading labeling is fraudulent** – consumers should be able to know what they are actually paying for. That **Misleading labeling is fraudulent** has already been proven in at least one class action lawsuit [Corker, et al. v *COSTCO WHOLESALE CORPORATION* [case no.2:19-cv-00290-RSL] in the United States District Court for the Western District of Washington as settlement benefits have been sent].
- 2. Use of the name without requiring the content exploits the region and deprives farmers of income. Further, not even identifying the coffee as *Arabica* or Robusta is also misleading. *Our legislature has /continues to support farmers in their fight against Coffee Borer Beetles***

[THANKYOU VERY MUCH] and Coffee Leaf Rust [THANKYOU VERY MUCH] so please move forward with support of SB746 SD1.

3. Low quality coffee is being sold under a prestigious name and results in lowering standards and damaging the brand. Possible blending with *Robusta* coffee also damages the brand.

The blenders, many owned by large companies, strongly oppose this change because they are making a fortune selling inexpensive coffee, which may not even be *Arabica* as "Kona" or "Ka'u," or "Maui" to unsuspecting customers.

Hawai'i needs to step up and protect the brand integrity of its premier *Arabica* coffee brands that are grown throughout the islands. Thank you for your positive consideration and passage of **SB746 BD1**

Sincerely,

Cynthia Maryanoff
cmryanoff@comcast.net
Co-CEOs, and CTO, Absolute Palate LLC
14 March 2023

SB-746-SD-1

Submitted on: 3/13/2023 11:49:56 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

We are hopeful that truth-in-labeling reform for coffee labeling will be a first step toward broader protection for the “Hawai‘i Brand” and for all other Hawai‘i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the “Hawaii Brand”.

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name “Kona” prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying “Kona Coffee”) will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down.

Please support SB 746.

me ke aloha ‘āina,

Nanea Lo, Mō‘ili‘ili

SB-746-SD-1

Submitted on: 3/13/2023 12:31:41 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Aria Juliet Castillo	Individual	Support	Written Testimony Only

Comments:

strongly support

SB-746-SD-1

Submitted on: 3/13/2023 2:53:56 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

Support

Shame on those blocking this bill for decades!

Support our farmers!!!

REBECCA VILLEGAS

*Council Member
District 7, Central Kona*



Phone: (808) 323-4267

Fax: (808) 329-4786

Email: Rebecca.villegas@hawaiiicounty.gov

HAWAI'I COUNTY COUNCIL

*County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740*

March 13, 2023

TESTIMONY OF REBECCA VILLEGAS COUNCIL MEMBER,

HAWAI'I COUNTY COUNCIL

ON SB746, RELATING TO COFFEE LABELING

Senate Committee on Agriculture and Environment

Wednesday, March 15, 2023 at 9:30 a.m.

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify in **support** of SB 746, relating to coffee labeling. My testimony is submitted in my individual capacity as a member of the Hawai'i County Council.

The purpose of this measure expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner wrapping labels given to consumers. Ready-to-drink coffee beverages and inner wrapping labels are not subject to the current statutory requirements for fair trade coffee labeling and advertising. These requirements only apply to roasted and instant coffee. This measure will allow consumers to make an "enlightened choice" as stated in Act 289, Session Laws of Hawai'i 1991. This measure will ensure truthful representation of coffee produce geographically origin, which will protect consumers from fraud and deception in coffee labeling and advertising and will protect the integrity and reputation of Hawai'i grown coffees specifically including the heritage coffee grown in the Kona region.

For these reasons stated above, I urge Senate Committee on Agriculture and Environment to support this measure. Should you have any questions, please feel free to contact me at, (808) 323-4267

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read "Rebecca Villegas".

Rebecca Villegas
Council Member, Hawai'i County Council

SB-746-SD-1

Submitted on: 3/13/2023 4:51:49 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Support	Written Testimony Only

Comments:

Aloha,

We are hopeful that truth-in-labeling reform for coffee labeling will be a first step toward broader protection for the “Hawai‘i Brand” and for all other Hawai‘i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the “Hawaii Brand”.

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name “Kona” prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying “Kona Coffee”) will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down.

Please support SB 746

Thank you for your consideration,

Marsha Hee, Resident of Volcano - Hawaii Island

Before the House Committee on Agriculture and Food Systems

Statement of Bruce Silverglade in Support of SB 746 (SD1)

March 14, 2023

Dear Chairman Gates and Members of the Committee:

I am Bruce Silverglade, former legal director of the Washington, DC – based Center for Science in the Public Interest (CSPI) writing in support of passage of SB 746 (SD1). This bill is an essential consumer protection measure needed to prevent deception in the marketplace.

This testimony is submitted in my personal capacity; I served as Director of Legal Affairs of CSPI from 1981 to 2010. (I now reside full-time in the State of Hawaii and consult on food and agriculture federal regulatory issues).

During my tenure at CSPI, I helped lead the fight for the enactment of the Nutrition Labeling and Education Act, including *inter alia*, provisions ensuring that the State of Vermont could maintain special labeling provisions regarding maple syrup and provisions requiring the percentage of real juice to be declared on the labels of diluted juice beverages.

I am also the author of *Food Labeling Chaos* (2010) https://www.cspinet.org/sites/default/files/attachment/food_labeling_chaos_report.pdf. Chapter IX of this publication details the need for the type of requirements that would be mandated by SB 746 (SD1).

At the present time, coffee blenders in Hawaii are engaging in what food regulatory lawyers call “economic adulteration,” i.e. engaging in the dilution of a premium product (Kona coffee) with inferior coffee varieties. Such practices have long plagued segments of the food industry since the days that unscrupulous sellers would water-down milk, <https://docstudio.org/2018/11/25/no-use-crying-over-spilt-milk/#:~:text=How%20watered%20down%20milk%20showcased,were%20mishandling%20their%20milk%20supplies>.

SB 746 (SD1) would help correct this problem by requiring disclosure, on the label of coffee blends, the respective geographic and regional origins and per

cent by weight of the blended coffees. Such measures are essential to protect consumers ranging from permanent Hawaii residents to unsuspecting visitors.

I note the Hawaii Coffee Company claims that federal trademark law preempts the State and invalidates this legislation. That assertion is incorrect. See, *When Your Trademark Is a False Advertisement*, https://katten.com/files/391153_kattwalk_spring_issue_16.pdf

In addition, parties opposed to the bill say it will be difficult to enforce given the lack of technological capacity in the State to test blended coffees to determine their authenticity. The U.S. Food and Drug Administration (FDA) faced an analogous challenge when it promulgated regulations requiring the amount of “added,” as opposed to naturally occurring, sugars to be listed on the Nutrition Facts label. It was argued that testing methods could not distinguish between naturally occurring and added sugars in a product like apple sauce.

The U.S. FDA solved the problem by requiring food processors to keep and maintain records as to the amounts of added sugars they were using, see FDA Guidance Statement, Section III (4) - Compliance Issues:

<https://www.fda.gov/media/117402/download#:~:text=We%20require%20that%2C%20when%20a,as%20part%20of%20a%20package>. The same type of record keeping requirement could be instituted for food manufacturers engaged in coffee blending. The State could require records to be kept and made available for inspection. This approach would help ensure that the bill is enforceable.

The passage of SB 746 (SD1) represents a vital step to protect the public from being misled, is needed to prevent deceptive trade practices, and ensure a level competitive playing field in the industry.

I urge the committee to ensure that this bill is enacted. Thank you for consideration of my views.

Bruce Silverglade

3920 Wyllie Road

Princeville, HI 96722

SB-746-SD-1

Submitted on: 3/13/2023 6:34:01 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathy Shimata	Individual	Support	Written Testimony Only

Comments:

We are hopeful that truth-in-labeling reform for coffee labeling will be a first step toward broader protection for the “Hawai‘i Brand” and for all other Hawai‘i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the “Hawaii Brand”.

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name “Kona” prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying “Kona Coffee”) will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down.

Please support SB 746

Mahalo for your consideration,

Kathy Shimata

SB-746-SD-1

Submitted on: 3/13/2023 8:34:26 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David S. Case	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard and Members of the Senate Agriculture Committee,

I am writing once again (as I have over the last several years) to support truth in labeling for all "Hawaii-grown" coffee. When I first started writing testimony supporting truth in labeling, Kona coffee was the principal beneficiary of the legislation. Now there are several Hawai'i grown (Origin) coffees besides Kona-- Ka'u, Kauai, Maui, and others. So what the Legislature itself characterizes as an "inherently deceptive and misleading" practice, extends statewide this officially sanctioned, fraudulent sale of one of Hawaii's premier products. Please, redeem this long-overdue obligation to protect Hawaii-grown coffee from these admittedly, fraudulent labeling practices. Pass SB746 out of the Agriculture Committee with all due dispatch.

Mahalo nui loa,

David S. Case

casedavids@gmail.com

(808) 494-9588

SB-746-SD-1

Submitted on: 3/13/2023 9:34:50 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebecca Hemstead	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Rebecca Hemstead and I am active in the agricultural community here on Hawai'i island. I am writing you to support the House Bill 1348 RELAINING TO COFFEE LABELING.

The coffee industry is a significant contributor to Hawaii's agricultural economy. There are about 6,900 acres of coffee statewide that generated \$61.9 million (27.4 million pounds) in the 2021 season.

The Hawaii coffee industry is under great stress from economic and environmental pressures. One of the greatest threat to the viability of coffee farming is the misleading labeling of coffee products.

Consumers may not be aware that the coffee they are purchasing may not be entirely produced from green coffee beans grown and processed in Hawai'i even though the label may imply it is "All Hawaiian". It is in the best interest of the consumers of the state to clarify the labeling regulations and end the practice of misleading labeling.

Thank you for taking the time to consider this bill and my testimony.

Mahalo,

Rebecca Hemstead

SB-746-SD-1

Submitted on: 3/14/2023 5:59:07 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD1. Thank you.

SB-746-SD-1

Submitted on: 3/14/2023 8:52:03 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

We are hopeful that truth-in-labeling reform for coffee labeling will be a first step toward broader protection for the “Hawai‘i Brand” and for all other Hawai‘i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

There is a genuine need for stronger protection of the “Hawaii Brand”.

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name “Kona” prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying “Kona Coffee”) will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down.

Please support SB 746

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

SB-746-SD-1

Submitted on: 3/14/2023 10:51:31 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am definitely in support of SB746 SD1, which expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner packages and inner wrapping labels.

This bill equires disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees. It also rohibits use of the term "All Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee bean.

I really hope that this will be a first step toward broader protection for the “Hawai‘i Brand” and for all other Hawai‘i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more. There is a genuine need for stronger protection of the “Hawaii Brand”.

If supply goes down, prices go up. Removing from the supply side what is estimated to be 5 million pounds of fake Kona coffee sold annually in Hawaii (that is, 5 million pounds in packages consisting of 90% foreign coffee with the name “Kona” prominently featured over and over again on the label—most of which is bought by visitors who believe they are buying “Kona Coffee”) will cause both retail demand and farmgate prices for available genuine 100% Kona Coffee to go up—not down. 4

This reality of market dynamics will help our local food producers have a self-sustaining life, able to make a living by feeding our island home and helping us to become more self-sufficient as a state and and a society.

I really hope that this will be a first step toward broader protection for the “Hawai‘i Brand” and for all other Hawai‘i-grown agricultural products—including macnuts, cacao, tea, avocados, tropical fruit, microalgae, and more.

Mahalo for your consideration.

SB-746-SD-1

Submitted on: 3/14/2023 12:04:15 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cards Pintor

SB-746-SD-1

Submitted on: 3/15/2023 4:49:54 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
B Anderson	Individual	Support	Written Testimony Only

Comments:

I support this bill.