
A BILL FOR AN ACT

RELATING TO HONEY.

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

1 SECTION 1. The legislature finds that producers of very
2 high quality honey in Hawaii have been losing market share to
3 sweeteners mislabeled as "honey" and as products of the United
4 States of America.

5 The legislature also finds that this ultrafiltered honey is
6 imported into the United States, repackaged by United
7 States-based companies, and labeled using formats and verbiage
8 that mislead the consumer into believing that the products are
9 pure honey produced in the United States.

10 While this is a consumer protection issue, it is also one
11 of fairness to Hawaii honey producers. Local beekeepers are
12 willing to compete with other honey producers on the merits of
13 their product but cannot do so when those other producers sell
14 this cheap, reconstituted honey or use it to dilute domestic
15 honey. Given the spot price of honey and the cost to process,
16 blend, bottle, label, box, consolidate, ship, broker,
17 distribute, promote, and market this product, these local
18 producers cannot afford to price their product for retail sale



1 below the wholesale price unless they dilute their honey and
2 sell an adulterated product.

3 The purpose of this Act is to ensure that honey products:

4 (1) Are accurately advertised or labeled as produced in
5 Hawaii; and

6 (2) Advertised or labeled as produced in Hawaii meet grade
7 standard requirements of the department of
8 agriculture.

9 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 **"§486- Hawaii-produced honey; labeling requirements.**

13 (a) In addition to all other labeling requirements, the
14 identity statement used for labeling or advertising honey
15 products produced in whole or in part from Hawaii-produced honey
16 shall meet the following requirements:

17 (1) For honey that contains one hundred per cent Hawaii-
18 produced honey by weight, the identity statement shall
19 consist of the phrase "pure Hawaiian honey";

20 (2) For honey consisting of a blend of one or more Hawaii-
21 produced honeys and honey not produced in Hawaii, the
22 identity statement shall consist of the per cent honey



1 by weight of the Hawaii-produced honeys used in the
2 blend, and the phrase "honey blend"; and

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

20 (b) A listing of the geographic origins of the various
21 Hawaii-produced honeys and the regional origins of the various
22 honeys not produced in Hawaii that are included in a blend may



1 be shown on the label. If used, this list shall consist of the
2 term "contains", followed by, in descending order of per cent by
3 weight and separated by commas, the respective geographic origin
4 or regional origin of the various honeys in the blend that the
5 manufacturer chooses to list. Each geographic origin or
6 regional origin may be preceded by the per cent of honey by
7 weight represented by that geographic origin or regional origin,
8 expressed as a number followed by the per cent sign. The type
9 size used for this list shall not exceed half that of the
10 identity statement. This list shall appear below the identity
11 statement, if included on the front panel of the label.

- 12 (c) It shall be a violation of this section to:
- 13 (1) Use the identity statement specified in subsection
14 (a)(1) or similar terms in labeling or advertising
15 unless the package of honey contains one hundred per
16 cent honey from that one geographic origin;
- 17 (2) Use a geographic origin in labeling or advertising,
18 including in conjunction with a honey style or in any
19 other manner, if the honey contains less than ten per
20 cent honey by weight from that geographic origin;
- 21 (3) Use a geographic origin in advertising honey,
22 including advertising in conjunction with a honey



1 style or in any other manner, without disclosing the
2 amount of honey used from that geographic origin as
3 described in subsection (a)(1), or the percentage of
4 honey used from that geographic origin as described in
5 subsection (a)(2);

6 (4) Use a geographic origin in labeling or advertising
7 honey, including in conjunction with a honey style or
8 in any other manner, if the honey used in that product
9 does not meet the grade standard requirements of rules
10 adopted under chapter 147;

11 (5) Misrepresent, on a label or in advertising of a honey,
12 the per cent honey by weight of any honey from a
13 geographic origin or regional origin; or

14 (6) Use the term "all Hawaiian" on a label or in
15 advertising of a honey if the honey does not have a
16 geographic origin consistent with the definition of
17 "geographic origin" under subsection (f).

18 (d) Apiculturists, manufacturers, or other persons who
19 package honey covered by this section shall:

20 (1) Maintain, for a period of two years, records on the
21 volume and geographic origin or regional origin of
22 honeys produced and sold and any other records



1 required by the department for the purpose of
2 enforcing this section; and

3 (2) Provide authorized employees of the department with
4 access to these records during normal business hours.

5 (e) The department shall adopt rules pursuant to chapter
6 91 to establish and enforce a program certifying compliance with
7 this section and ensuring that honey sold in this State is not
8 misbranded as defined in section 486-1 or adulterated within the
9 meaning of section 328-9.

10 (f) For the purposes of this section:

11 "Geographic origin" means the geographic regions in which
12 Hawaii-produced honey is produced as defined in rules under
13 chapter 147; provided that the term "Hawaiian" may be
14 substituted for the geographic origin "Hawaii".

15 "Per cent honey by weight" means the percentage calculated
16 by dividing the weight in pounds of honey of one geographic or
17 regional origin used in a production run of blended honey, by
18 the total weight in pounds of the honey used in that production
19 run of honey, and multiplying the quotient by one hundred."

20 SECTION 3. Section 147-1, Hawaii Revised Statutes, is
21 amended by amending the definition of "agricultural commodity"
22 to read as follows:



1 ""Agricultural commodity" means fresh fruits and fresh
2 vegetables of every kind and character, whether or not frozen or
3 packed in ice, whether produced in the State or imported, nuts,
4 and coffee, whether cherry, parchment, green beans [~~which~~] that
5 have been produced in the State~~+~~, and honey, whether produced
6 in the State or imported."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2007.

10

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Report Title:

Honey; Labeling; Origin; Purity

Description:

Requires honey made in Hawaii to be labeled by Hawaii origin. Prohibits labels or advertising of Hawaii as origin if less than 10% of honey is from Hawaii. Allows labeling of regional origins of Hawaii and non-Hawaii produced honeys in a honey blend. Requires department of agriculture to adopt rules.

