
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 for over twenty-nine
2 years, Hawaii has been the only region in the world that
3 statutorily regulates the uses of its geographic names, such as
4 "Kona", "Maui", and "Ka'ū", on labels of its specialty
5 agricultural products but requires that only ten per cent of the
6 product originate in the geographic area indicated. The
7 legislature further finds that the low ten per cent requirement
8 directly damages and degrades the reputation of world-famous
9 Hawaii-grown coffees and damages the economic interests of
10 Hawaii coffee farmers. The legislature notes that a 2018
11 publication entitled "Strengthening Sustainable Food Systems
12 Through Geographical Indications: An Analysis of Economic
13 Impacts" by the Food and Agriculture Organization of the United
14 Nations and the European Bank for Reconstruction and Development
15 concluded, among other things, that Kona coffee "does not enjoy
16 any strong protection of its name" from the State of Hawaii, and



1 as a result, downstream stakeholders, rather than farmers, "reap
2 the economic benefits of the fame of Kona".

3 The legislature also finds that more than ninety per cent
4 of Hawaii's coffee farms are located on the island of Hawaii.
5 In 2014, the Hawaii county council adopted Resolution No.
6 501-14, entitled "Requesting the Hawaii Legislature to Adopt
7 Provisions for Truth-In-Labeling for Hawaii-Grown Coffees". The
8 council's request to the legislature was based on several
9 findings, including:

10 (1) Senate Concurrent Resolution No. 102, S.D. 1, H.D. 1,
11 regular session of 2007, which stated in part that:

12 (A) Existing labeling requirements for Kona coffee
13 causes consumer fraud and degrades the "Kona
14 coffee" name; and

15 (B) Confusion as to the difference between Kona
16 coffee and Kona coffee blends caused *Consumer*
17 *Reports* magazine to rate Kona coffee as "second
18 rate";

19 (2) It is inherently deceptive and misleading to label
20 coffee as a geographically identified blend, such as



- 1 "Hamakua Blend", "Ka'ū Blend", or "Kona Blend", unless
2 at least a majority of the coffee is from that region;
- 3 (3) The label on the package of a ten per cent Hawaii
4 coffee blend does not advise consumers that ninety per
5 cent of the coffee in the package is imported,
6 foreign-grown, or may be a mixture of multiple
7 Hawaiian regions and foreign-grown coffee;
- 8 (4) Not identifying the origin of ninety per cent of a
9 coffee blend is inherently deceptive to consumers, who
10 are often erroneously led to believe that a package of
11 coffee blend contains a blend of coffees only from
12 farms in Kona or other regions in Hawaii, when in fact
13 a portion of the blended coffee could be foreign-grown
14 coffee;
- 15 (5) Blending cheaper commodity coffees from Vietnam,
16 Mexico, Panama, Africa, and other foreign countries to
17 fill ninety per cent of the coffee blend enriches the
18 mainland-based corporations that own the Hawaii
19 blending companies with immense excess profits,
20 without any benefit to Hawaii coffee farmers;



1 (6) The acknowledged blending of beans of various roasts
2 and origins by coffee roasters to create unique flavor
3 profiles is an acceptable practice and is different
4 from the deceptive labeling using misleading
5 geographic origin names of blends, which violates the
6 basic principles of consumer protection and fair
7 marketing; and

8 (7) Immediate legislative action is necessary to protect
9 the reputation of Hawaii-grown coffees as premier,
10 specialty coffees from further degradation.

11 The legislature contends that these labeling and
12 advertising requirements were primarily intended to resolve any
13 consumer confusion and allow consumers to "make an enlightened
14 choice", as stated in Act 289, Session Laws of Hawaii 1991.
15 These statutory requirements ensure truthful representation of a
16 coffee product's geographical origin, which protects consumers
17 from fraud and deception in coffee labeling and advertising.

18 The purpose of this Act is to support Hawaii's coffee
19 growers by:



- 1 (1) Expanding the coffee labeling and advertising
2 requirements to include inner wrapping labels given to
3 customers;
- 4 (2) Requiring disclosure on the label of coffee blends of
5 the respective geographic and regional origins and per
6 cent by weight of the blended coffees; and
- 7 (3) Prohibiting use of the term "All Hawaiian" in labeling
8 or advertising for roasted or instant coffee not
9 produced entirely from green coffee beans grown and
10 processed in Hawaii.

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

13 **"§486-120.6 Hawaii-grown [~~roasted or instant~~] coffee;**
14 **labeling or advertising requirements.** (a) In addition to all
15 other labeling requirements, the identity statement used for
16 labeling or advertising roasted or instant coffee produced in
17 whole or in part from Hawaii-grown green coffee beans shall meet
18 the following requirements:

- 19 (1) For roasted or instant coffee that contains one
20 hundred per cent Hawaii-grown coffee by weight, the
21 identity statement shall consist of either:



- 1 (A) The geographic origin of the Hawaii-grown coffee,
2 in coffee consisting of beans from only one
3 geographic origin, followed by the word "Coffee";
4 provided that the geographic origin may be
5 immediately preceded by the term "100%"; or
- 6 (B) The per cent coffee by weight of one of the
7 Hawaii-grown coffees, used in coffee consisting
8 of beans from several geographic origins,
9 followed by the geographic origin of the weight-
10 specified coffee and the terms "Coffee" and "All
11 Hawaiian";
- 12 (2) For roasted or instant coffee consisting of a blend of
13 one or more Hawaii-grown coffees and coffee not grown
14 in Hawaii, the per cent coffee by weight of one of the
15 Hawaii-grown coffees used in the blend, followed by
16 the geographic origin of the weight-specified coffee
17 and the term "Coffee Blend"; and
- 18 (3) Each word or character in the identity statement shall
19 be of the same type size and shall be contiguous. The
20 smallest letter or character of the identity statement
21 on packages of sixteen ounces or less net weight shall



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

14 (b) A listing of the geographic origins of the various
15 Hawaii-grown coffees and the regional origins of the various
16 coffees not grown in Hawaii that are included in a blend may be
17 shown on the label. If used, this list shall consist of the
18 term "Contains:", followed by, in descending order of per cent
19 coffee by weight and separated by commas, the respective
20 geographic origin or regional origin of the various coffees in
21 the blend [~~that the manufacturer chooses to list~~]. Each



1 geographic origin or regional origin may be preceded by the per
2 cent of coffee by weight represented by that geographic origin
3 or regional origin, expressed as a number followed by the per
4 cent sign. The type size used for this list shall not [~~exceed~~]
5 be less than half that of the identity statement. This list
6 shall appear below the identity statement [~~, if included~~] on the
7 front panel of the label.

8 (c) The requirements of subsections (a) and (b) shall
9 apply to the labeling of any inner package or inner wrapping
10 that includes any geographic origin of Hawaii-grown coffee,
11 whether or not the inner package is intended to be individually
12 sold.

13 [~~(e)~~] (d) It shall be a violation of this section to:

14 (1) Use the identity statement specified in subsection
15 (a) (1) (A) or similar terms in labeling or advertising
16 unless the package of roasted or instant coffee
17 contains one hundred per cent coffee by weight from
18 that one geographic origin;

19 (2) Use a geographic origin in labeling or advertising,
20 including in conjunction with a coffee style or in any
21 other manner, if the roasted or instant coffee



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



1 roasted or instant coffee is not produced entirely
2 from green coffee beans [~~produced in geographic~~
3 ~~origins defined in this chapter;~~] grown and processed
4 in Hawaii;

5 (7) Use a geographic origin on the front label panel of a
6 package of roasted or instant coffee other than in the
7 trademark or in the identity statement as authorized
8 in subsection (a) (1) and (2) unless [~~one hundred per~~
9 ~~cent of~~] the roasted or instant coffee [~~contained in~~
10 ~~the package is~~] contains _____ per cent coffee by weight
11 from that geographic origin;

12 (8) Use more than one trademark on a package of roasted or
13 instant coffee unless [~~one hundred per cent of~~] the
14 roasted or instant coffee [~~contained in the package~~
15 ~~is~~] contains _____ per cent coffee by weight from that
16 geographic origin specified by the trademark;

17 (9) Use a trademark that begins with the name of a
18 geographic origin on a package of roasted or instant
19 coffee unless [~~one hundred per cent of~~] the roasted or
20 instant coffee [~~contained in the package comes~~]
21 contains _____ per cent coffee by weight from that



1 geographic origin or the trademark ends with words
2 that indicate a business entity; or
3 (10) Print the identity statement required by subsection
4 (a) in a smaller font than that used for a trademark
5 that includes the name of a geographic origin pursuant
6 to paragraph (7) and in a location other than the
7 front label panel of a package of roasted or instant
8 coffee.

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

17 [~~(e)~~] (f) For the purpose of this section:

18 "Geographic origin" means the geographic regions in which
19 Hawaii-grown green coffee beans are produced, as defined in
20 rules adopted under chapter 147; provided that the term



1 "Hawaiian" may be substituted for the geographic origin
2 "Hawaii".

3 "Per cent coffee by weight" means the percentage calculated
4 by dividing the weight in pounds of roasted green coffee beans
5 of one geographic or regional origin used in a production run of
6 roasted or instant coffee, by the total weight in pounds of the
7 roasted green coffee beans used in that production run of
8 roasted or instant coffee, and multiplying the quotient by one
9 hundred."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2050.



H.B. NO. 461 H.D. 1

Report Title:

Coffee Labeling; Blended Coffee; Percent of Coffee by Weight

Description:

Expands the coffee labeling and advertising requirements to include inner packaging or wrapping labels. Requires coffee blend labels to disclose geographic and regional origins with the percent by weight of each origin. Clarifies that the use of the term "All Hawaiian" is prohibited when the coffee product is not produced entirely from green coffee beans grown and processed in Hawaii. Effective 7/1/2050. (HD1)

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