

MAR 11 2022

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL; DEPARTMENT OF
BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM; AND DEPARTMENT
OF AGRICULTURE TO DEVELOP RECOMMENDATIONS OF A SYSTEM FOR
PROTECTING HAWAII'S REGIONAL NAMES FROM DECEPTIVE USE IN
THE MARKETING OF PRODUCTS NOT GROWN OR MADE IN HAWAII.

1 WHEREAS, the fame and favorable reputation of Hawaii, its
2 islands, and its geographic regions have great appeal for
3 consumers in the State, in the United States, and throughout the
4 world; and

5
6 WHEREAS, Hawaii's fame and reputation generate consumer
7 demand and willingness to pay premium prices for agricultural
8 products, crafts, art, clothing, and other goods believed to be
9 grown or produced in Hawaii; and

10
11 WHEREAS, other states in the United States and regions
12 around the world have enacted laws and enforcement systems to
13 protect their producers from deceptive and fraudulent use of
14 their regional or national identities in the marketing of goods;
15 and

16
17 WHEREAS, two examples of such protection systems developed
18 in other states and countries are:

19
20 (1) France's prohibition and usage of the name "Champagne"
21 on bottles of sparkling wine not containing one
22 hundred percent wine from grapes grown in the
23 Champagne region; and

24
25 (2) Legal actions taken by Idaho against marketers in
26 Idaho and in other states that use the "Idaho" name on
27 packages not containing one hundred percent Idaho-
28 grown potatoes; and
29



S.C.R. NO. 113

1 WHEREAS, in contrast, for thirty years, Hawaii has been the
2 only region anywhere in the world to permit by law the use of
3 its regional names of one of the State's premier agricultural
4 products, coffee, with only ten percent genuine content from the
5 named region; and

6
7 WHEREAS, in addition to coffee, marketers use Hawaii names
8 and symbols to mislead consumers to believe that crafts,
9 clothing, other agricultural products, and other goods produced
10 outside of Hawaii are made in Hawaii; and

11
12 WHEREAS, by way of example of the need for Hawaii to join
13 the rest of the world in protecting its farmers and producers,
14 the Legislature adopted Senate Concurrent Resolution No. 102,
15 Senate Draft 1, House Draft 1, Regular Session of 2007, which
16 found that labeling requirements for Kona coffee causes consumer
17 fraud and confusion and degrades the "Kona coffee" name; and

18
19 WHEREAS, despite the stance of the Legislature, the State
20 has failed to make corrective changes to the ten percent Hawaii
21 coffee blend labeling law in the subsequent fifteen years; and

22
23 WHEREAS, Hawaii urgently needs to take affirmative steps to
24 provide needed protections for its farmers, artisans, and other
25 producers; now, therefore,

26
27 BE IT RESOLVED by the Senate of the Thirty-first
28 Legislature of the State of Hawaii, Regular Session of 2022, the
29 House of Representatives concurring, that the Department of the
30 Attorney General; Department of Business, Economic Development,
31 and Tourism; and Department of Agriculture are requested to
32 jointly develop recommendations to protect the economic
33 interests of Hawaii producers and to protect consumers against
34 misleading marketing of products and goods not produced in
35 Hawaii by deceptive use of Hawaii names and symbols; and

36
37 BE IT FURTHER RESOLVED that the Department of the Attorney
38 General; Department of Business, Economic Development, and
39 Tourism; and Department of Agriculture are requested to submit a
40 report of their findings and recommendations, including any
41 proposed legislation, to the Legislature no later than twenty
42 days prior to the convening of the Regular Session of 2023; and



S.C.R. NO. 113

1
2 BE IT FURTHER RESOLVED that certified copies of this
3 Concurrent Resolution be transmitted to the Hawaii Attorney
4 General; Director of Business, Economic Development, and
5 Tourism; and Chairperson of the Board of Agriculture.
6
7
8

OFFERED BY:

Lana Acasis

