

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON COMMERCE AND CONSUMER
PROTECTION

FEBRUARY 23, 2023
10:00 AM
CONFERENCE ROOM 229 AND VIDEOCONFERENCE

SENATE BILL NO. 746
RELATING TO COFFEE LABELING

Chairperson Keohokalole and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 746. This measure 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 Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawaii. The Department of Agriculture (DOA) supports the intent of this measure and offers comments.

DOA supports this measure but currently lacks the funding and budget allocation to execute its responsibilities and would require a one full time measurement standards inspector for the purpose of labeling and packaging enforcement and inspection. The inspector will help rebuild DOA's labeling enforcement capability that was lost during the RIF and to address labeling enforcement challenges in various Hawaii products including roasted coffee, instant coffee, or ready-to-drink coffee beverages. The



inspector will take the lead in researching and utilizing new recognized testing measures to identify different products geographically such as Oritain technology (<https://oritain.com>), which can generate science-based data from specific growing regions as a proof and confirmation of truth or false labeling and advertising.

Thank you for the opportunity to testify on this measure.

SB-746

Submitted on: 2/21/2023 9:12:42 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maureen Datta	Testifying for Adaptations Inc	Support	Written Testimony Only

Comments:

Aloha,

I strongly support truth in labeling and protecting our brand's integrity. Hawaii is the only region anywhere in the world that by law permits the use of the name of one of its premier agricultural products with only 10% genuine content. 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. Jamaica produces roughly the same amount of coffee annually as does Kona. For years the retail price of Jamaica Blue

Mountain has been 25% to 30% higher than the price of 100% Kona. Why? It is not that Jamaica Blue Mountain coffee is better tasting—it is not. The difference is that Jamaica prohibits blending, and takes those who deceptively use the name of their coffee (including counterfeiters in the US) to court. Without having the supply side inflated by deceptive blends, Jamaica Blue Mountain is able to sustain much higher prices. Mahalo.

February 20, 2023

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Committee on Commerce & Consumer Protection
Thursday, February 23, 2023
10:00 am
Via Videoconference



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

Dear Chair Keohokalole, Vice Chair Fukunaga & Members of the Committee,

The Chamber of Sustainable Commerce (CSC) testifies in strong support of SB746, 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 because it protects consumers from intentionally misleading packaging that undermines the value of the work and investment of local coffee farmers.

To Chair Keohokalole, Vice Chair Fukunaga
And the Commerce and Consumer Protection Committee
Hawaii State 32nd Legislature
Honolulu, Hawaii 96813

February 21, 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

Submitted on: 2/20/2023 11:18:43 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chet Gardiner	Testifying for Cassandra Farms	Support	Written Testimony Only

Comments:

This is a matter of truth in advertising as well as the future health and wellbeing of the families who work the hundreds of small farms in Hawai'i.

The sale of inferior, bland, lousy tasting "blends" seriously harms the "Kona", "Maui" and "Ka'u" Coffee's names and reputation and as a result is a serious impediment to growing the pool of customers for the world's best coffee.

Since 100% Hawai'ian Varietal Coffee requires a significant amount of labor, the sale of inferior blends at fire-sale prices makes it that much harder for small family farms to recoup their expenses let alone realize a decent profit from their hard labor and passion for growing coffee.

The authorities who support other important crops and products such as Idaho Potatoes, Vidalia Onions, Vermont Maple Syrup and Champagne won't allow theirs names to be used to label products that don't contain 100% of the advertised product why should Hawai'i allow it for one of Her signature crops.

Why can't one of our MOST important and visible high-value products be protected as vigorously as Onions and Potatoes?

The Blenders are going to try to tell you that they can't stay in business without being allowed to market an inferior product using the "Kona" name and other misleading labeling to fool people. If that's true, then maybe they should find another product to sell.

I urge you to vote YES on SB746.

Thank your for your consideration.

Chet Gardiner

Cassandra Farms, Honomalino, HI

SB-746

Submitted on: 2/21/2023 7:51:28 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Drew Wilkinson	Testifying for Growing Together Edible Landscaping	Support	Written Testimony Only

Comments:

Dear Senators,

As a small farm business owner, I understand the importance of true to label marketing. I am in strong support for the bill SB 746. This bill not only will help local coffee growers differentiate their locally grown beans from others that are imported, but it will help set a precedent for future labeling across other goods. It will help clarify the true % of hawaiian grown beans. In the future, I see this as a step forward to supporting local agriculture in Hawaii. Thank you for your consideration.

Sincerely,

Drew Wilkinson (Owner and Manager)

Growing Together Edible Landscaping



Senate Committee on Commerce and Consumer Protection

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

Thursday, February 23, 2023 10am Conference Room 229

Aloha Chair Keohokalole, Vice Chair Fukunaga and Members of the Committee,

We support SB746 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 Hawaiian" in labeling or advertising for roasted coffee or instant coffee not produced entirely from green coffee beans grown and processed in Hawai'i.

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.

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



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.

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.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is positioned above the typed name.

Anne Frederick
Executive Director



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

February 23, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TESTIMONY ON SB 746
RELATING TO COFFEE LABELING

Conference Room 229 & Videoconference
10:00 AM

Aloha Chair Keohokalole, Vice-Chair Fukunaga, 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, 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.



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
Treasurer

Chapter Presidents

Madeline Ross
Kohala, Hawaii

Odysseus Yacalis
East Hawaii

Puna, Hawaii

Andrea Drayer
Ka'u, Hawaii

Chantal Chung
Kona, Hawaii

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lana'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 Keohokalole, Vice Chair Fukunaga, and Members of the Senate Commerce and Consumer Protection 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



300 Kuulei Rd. Unit A #281 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail

February 23, 2023

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

SB 746
RELATING TO COFFEE LABELING

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning, and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law, supports SB 746 that will help protect the Hawaii coffee brand by ensuring truth-in-labeling of Hawaii coffee.

Farmers, who produce high-quality coffee in a local region, deserve the right to defend their area brand by requiring that coffee sold under a local regional name contains at least 50% of coffee grown from that region. Allowing anything less neither supports nor appreciates Hawaii's coffee farmers and the value of their product.

We urge you support Hawaii's coffee farmers and pass SB 746.

SB-746

Submitted on: 2/18/2023 4:03:36 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Redfeather	Testifying for Ka Ohana O Na Pua	Support	Written Testimony Only

Comments:

Aloha Chair, Vie-Chair, and Members of the Committee,

Labeling the % of Kona Coffee honestly, on all coffee packaging, including all the Blenders coffee packaging is actually something we can do NOW to help the 800 small family coffee farms across the State. Currently, there are a great number of threats to Kona Coffee as you know, Coffee Rust, Little Fire Ant and CBB being the top three current challenges, that require making many adjustments to the farmer's practices in the field. Spraying alone, is extremely time consuming and hazardous to our farming families and the environment, disrupting ecosystems and pollinators. So we know that our farmers are having a hard time right now because everything has changed. for them. Please support our amazing, courageous and persistent coffee farmers statewide by doing the right thing. Countries all over the world "honestly" support through labeling their BEST products and we should follow suit. Mahalo Nui for your consideration of this Bill. I hope I don't see it again next year, I think I have been testifying on this idea for at least 20+ years. The time has come, tell the farmers you support them and their unique product!

Mahalo, Nancy Redfeather

Former Coffee Farmer - Kona

SB-746

Submitted on: 2/20/2023 7:51:31 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Katz	Testifying for Kealaola LLC	Support	Written Testimony Only

Comments:

The Kona Coffee name continues to be abused despite many years of studies and review by the legislature. It's time for some action. There are many businesses that stand to benefit from a law that most assume is already in effect. After so many years of Kona Coffee's recognition as a superior product, tourists and even locals are shocked to find out what they spent extra money on isn't the real thing. Let's get this fixed!

Michael Katz
Kealaola LLC

SB-746

Submitted on: 2/20/2023 7:52:51 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

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

Comments:

Aloha Chair & Committee Members:

Thank you for your attention to this important piece of legislation which is based on consumer deception -- let Hawaii lead the way in truth in labelling of one of the states' best known products -- coffee.

While there is a delay in getting required percentage of coffee in blends to be properly represented so that there is not deception in what is permitted by the HDOA, the legislature can and should take a stance on our basic need of informing consumers what is in the bags of Hawaii coffee products in the meantime.

Labels reflect what is contained; than is very distinct and not covered in the same way as what percentages are required for proper standards. Please let us have truth in lbelling not be mixed up and ignored until an agreement is finalized regarding percent reauired.

As a direct marketing farmer and also a consumer, I know that consumers often seek to knoww hat they are buying. Let us support this legislation to make that clear and true for coffee labels of Hawaii products.

Sincerely,

Colehour Bondera

colemel2@gmail.com

SB-746

Submitted on: 2/20/2023 5:24:32 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Franz Weber	Testifying for Kona Coffee Farmers Association, Board Member	Support	Written Testimony Only

Comments:

I strongly support the bill



RE: SUPPORT for SB746

RELATING TO COFFEE LABELING

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

Aloha Chair, Vice Chair and Committee Members,

The Kona Coffee Farmers Association requests and appreciates your support of this Bill. We represent over 170 farms in the Kona districts and our mission is to protect the economic interests of our growers.

Truth in labeling is a core consumer tenant. Under the current labeling loopholes, vendors are free to use and misuse the State names for Hawaii coffee at will. This is economically detrimental to growers of Hawaiian coffee

Unlike other coffee products, the State does not currently regulate coffee. This bill would also bring ready-to-drink (or RTD) in line with the other labeling laws for coffee. Every convenience store in the state sells cans of cold brew RTD coffee with the word "Kona" or "Hawaiian" on the label. Yet nowhere does it indicate the percentage (if any) of actual Hawaiian coffee in the can. Consumers are misled and growers are cheated.

Our islands' coffee growers do not earn money from coffee that is improperly labeled as "Kona" or "Maui" or "Hawaiian". Furthermore, consumers now associate Kona or Maui coffees with an off-brand product masquerading under a Hawaiian banner. This damages Hawaii's key agricultural brands. Passage of this Bill easily remedies such damage by requiring expanded labeling on coffee.

The coffee industry does not expect additional enforcement needs from this bill. Labeling laws are generally self-policing through consumer complaints. We expect this to be true for the expanded labeling requirements under this bill.

My family has three generations who farm coffee. Thank you for your consideration of this bill. Your support makes a difference in the lives of over 1,000 coffee growers statewide.

Mahalo nui loa!

A handwritten signature in black ink, appearing to read "Suzanne Shriener". The signature is fluid and cursive.

Suzanne Shriener
President

SB-746

Submitted on: 2/20/2023 7:38:13 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jim Monk	Testifying for Kona Coffee Farmers Association	Support	Written Testimony Only

Comments:

I am a KCFA Board member. Truth in labelling is a basic need for all products, especially our wonderful 100% pure Kona coffee. Please help Hawaii develop strong laws to protect our important farm products. Thank you.

SB-746

Submitted on: 2/20/2023 9:18:00 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Witcover	Testifying for Kona Coffee Farmers Association	Support	Written Testimony Only

Comments:

I strongly support this Bill. It is critical to have informed consumers of any product and especially now for coffee given the liberty taken by some companies to mislead consumers. It diminishes the value of the Kona franchise and the reputation of our farmers and our state, It is embarrassing to see coffee cheats in the store. It is a classic rip-off and it is beneath us to enable the behavior.

SB-746

Submitted on: 2/20/2023 7:06:34 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Una Greenaway	Testifying for Kuaiwi Farm	Support	Written Testimony Only

Comments:

Please pass this bill. We coffee farmers have been hit with so many challenges in the past few years, we need all the jelp we can get from the lawmakers. Thank you

SB-746

Submitted on: 2/21/2023 2:13:48 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

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

Comments:

I strongly support bill SB 746. Truth in labeling for Kona coffee (and other agricultural products grown in Hawaii) need to be protected and supported by the state. We face high costs for production associated with being isolated in the middle of the Pacific and can not compete with prices of imports. This dilutes the local quality of coffee but also creates undue competition that does not take into account these higher costs.

Aloha

Christian Zuckerman



P.O. Box 37158, Honolulu, Hawai'i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

DATE: Thursday, February 23, 2023

TIME: 10:00 AM

PLACE: Conference Room 229

SB 746 COFFEE LABELING

STRONG SUPPORT

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Committee Members

Life of the Land is Hawai'i's own energy, environmental and community action group advocating for the people and `aina for 52 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

As a graduate student studying economics, I became fascinated with agricultural futures. I first examined the international coffee industry and coffee commodity trading on international exchanges. Hawaii law allows coffee to be identified as Kona coffee even if 90% of the coffee is cheap imports. The proposed "truth-in-advertising" bill is long overdue.

Mahalo,

Henry Curtis,
Executive Director

SB-746

Submitted on: 2/19/2023 10:52:47 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce Corker	Testifying for Rancho Aloha Coffee Farm	Support	Written Testimony Only

Comments:

Chair Keohokalole 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, 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 by deceptive labeling.

Please pass SB746.

Thank you,

Bruce Corker

Rancho Aloha

Holualoa, Hawaii County

SB-746

Submitted on: 2/18/2023 12:47:13 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

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

Comments:

In support. Thank you.

SB-746

Submitted on: 2/18/2023 4:20:02 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
George M. Peavy	Individual	Support	Written Testimony Only

Comments:

I am a resident of South Kona where we maintain a coffee farm, providing local employment and supporting the local economy with our operations. The success of our business, its continued operations, and its contributions to the local community and the State of Hawaii is highly dependent upon production of a quality product for which there is a high demand.

Kona Coffee is a highly desirable regional brand, and other regions in Hawaii are increasing in their brand recognition. Regional branding is an important component of successful marketing of agricultural products, and is highly protected for many commodities in many states. It should be protected for the coffee industry in Hawaii.

Consumers have a right to know what is in a coffee blend, and have an expectation of truthful product labeling.

I urge you to stand up for the farmers of Hawaii, for the importance of regional branding for Hawaii agricultural products, and for the rights of consumers to have a full and honest disclosure of the content of the product that they are asked to purchase, by supporting this legislation.

SB-746

Submitted on: 2/18/2023 6:47:45 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
R A Culbertson	Individual	Support	Written Testimony Only

Comments:

Aloha Senators!

Of course this bill (SB746) should be passed. And in fact, it's long overdue!

Protect the hardest working farming folks here on the Big Island. And let's uphold standards of integrity. Let's be sure customers who want it, can find it; the real thing that is, 100% Kona coffee!

Mahalo nui loa!

R A Culbertson

Honokaa

SB-746

Submitted on: 2/19/2023 9:55:47 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce Silverglade	Individual	Support	Written Testimony Only

Comments:

Before the Senate Commerce and Consumer Protection Committee

Testimony of Bruce Silverglade

in Support of SB 746

February 23, 2023

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. 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.

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->

SB-746

Submitted on: 2/19/2023 3:40:07 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Whispering Wind	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I support this SB-746 because I support truth in labeling. Please, pass this important bill.

Labels should not be a scam, which is trying to misrepresent the product. They should reveal, with as much clarity as possible, the actual portions of the ingredients.

Mahalo for your kind consideration,

Mary Whispering Wind

marywind@mail.com

SB-746

Submitted on: 2/19/2023 4:41:36 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa Holderread	Individual	Support	Written Testimony Only

Comments:

Hawaii Coffee many times get a bad reputation because we allow blends where the majority of the beans aren't even from this state or country. People see Hawaiian, not 10% Hawaiian coffee beans (pertains to geographical coffee beans also).

If people had a higher opinion of the coffee we wouldn't have coffee drinking tourists standing in line at places like Starbucks in Hawaii. Let's get the reputation of Hawaii coffee where it should be. Let's be proud and shout it to the world that Hawaii coffee is awesome.

We are effectively allowing vendors to mislabel their products and that's not fair to the Hawaii coffee growers that work hard for what they produce.

SB-746

Submitted on: 2/19/2023 8:28:36 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support this bill. If we really want to increase local farming, then we must protect the companies against false advertisng/ packaging.

Mahalo,

Elizabeth Hansen, Hakalau HI 96710

SB-746

Submitted on: 2/19/2023 9:07:00 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support this bill. If we really want to increase local farming, then we must protect the companies against false advertising/ packaging.

Mahalo,

Rodger Hansen, Hakalau HI 96710

SB-746

Submitted on: 2/20/2023 9:56:12 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill so important to our small local coffee farmers - PLEASE pass it!
Mahalo, JW

SB-746

Submitted on: 2/20/2023 3:10:58 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

Support

SB-746

Submitted on: 2/21/2023 7:02:15 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cecelia Smith	Individual	Support	Written Testimony Only

Comments:

We are in favor of this.

Mahalo

SB-746

Submitted on: 2/21/2023 7:12:11 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB746,

Mahalo,

SB-746

Submitted on: 2/21/2023 7:20:08 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl hendrickson	Individual	Support	Written Testimony Only

Comments:

Please consider providing testimony for SB 746 and truth in labeling for Kona coffee. Truth in labeling is a very important issue for farmers in Hawaii because the Hawaii brand is so strong and there are not very many laws protecting it from outside sourcing. Kona coffee is just one example of agricultural products that need support when it comes to truth in labeling. By marketing something as “grown in Hawaii” but in reality only 10% is and the rest is grown elsewhere, dilutes the industry bringing margins down for farmers in Hawaii. Not only does it harm the farmers but it also misleads consumers.

SB-746

Submitted on: 2/21/2023 7:48:58 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Koch	Individual	Support	Written Testimony Only

Comments:

Consumer labeling should make it easy to know the truth and not require special knowledge.

SB-746

Submitted on: 2/21/2023 7:56:57 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support this bill.

By marketing something as “grown in Hawaii” but in reality only 10% is and the rest is grown elsewhere, dilutes the industry bringing margins down for farmers in Hawaii. Not only does it harm the farmers but it also misleads consumers.

Mahalo, Marilyn

SB-746

Submitted on: 2/21/2023 8:36:02 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis F Lokmer	Individual	Support	Written Testimony Only

Comments:

I urge strong support for this bill. DFL

SB-746

Submitted on: 2/21/2023 8:51:21 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

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

Comments:

Support

SB-746

Submitted on: 2/21/2023 8:55:09 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert ZUckerman	Individual	Support	Written Testimony Only

Comments:

I support this bill as it will assure more transparency in marketing.

SB-746

Submitted on: 2/21/2023 9:26:34 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Crawford	Individual	Support	Written Testimony Only

Comments:

I urge your support for this measure to help ensure truth in labeling around Hawaii's coffee industry.

SB-746

Submitted on: 2/21/2023 9:32:17 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rourk Reagan	Individual	Support	Written Testimony Only

Comments:

Dear Committee Members,

I ask for your support on Hawaii Coffee labeling. Farmers here work so hard to grow and market our local coffee and products. It's a shame and hurtful when others can easily mislead consumers by only having 10% of our local coffee belnded in.

I work at farmers markets accross the big Island and constantly get asked why our price of coffee is high when they can get other brands that say Kona Coffee at Longs or the Walmart. I tell them to look at the fine print, you are only getting 10% Kona. They tend to feel foolish and betrayed. Just imagine if you were to buy a bottle of French Champagne, and it was only 10% French and the rest from Washington. That is what is being done to our farmers.

Please help our local farmers and consumers with truth in labeling.

Sincerly,

Rourk Reagan

Pukana La Farms

SB-746

Submitted on: 2/21/2023 11:21:22 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tane Datta	Individual	Support	Written Testimony Only

Comments:

If people know what they are really buying the customers and the growers benefit. Truth in advertising is important

SB-746

Submitted on: 2/21/2023 12:02:37 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sunny Savage	Individual	Support	Written Testimony Only

Comments:

In strong support!

SB-746

Submitted on: 2/21/2023 1:41:16 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Swift	Individual	Support	Written Testimony Only

Comments:

POINTS IN SUPPORT OF REFORMING THE HAWAII COFFEE LABELING LAW: 1—As a matter of economic theory, 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. See the Feldman study. 2—If deceptive marketing and labeling of blends were outlawed (as Jamaica has done for Jamaica Blue Mountain Coffee; as Vermont has done for Vermont Maple Syrup; as Idaho has done for Idaho Potatoes)—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. If 4 out of 10 did so, the amount of genuine Kona Coffee sold would QUADRUPLE. With a stable output of approximately 3 million pounds of Kona Coffee produced annually—and with the supply reduced by eliminating the blends, prices will rise, not drop. Almost every one of us can give instances of consumer outrage and indignation when they have learned that the “Kona Coffee” they had bought is not “Kona Coffee.” 3—Kona Coffee Blends are the equivalent of fake Rolexes—“Rolex”/”Kona” on the outside, something very different on the inside. 4—If you take the juice from one orange and 9 lemons and call the product an “orange juice blend”, the result is consumer fraud. 5—Jamaica produces roughly the same amount of coffee annually as does Kona. For years the retail price of Jamaica Blue Mountain has been 25% to 30% higher than the price of 100% Kona. Why? It is not that Jamaica Blue Mountain coffee is better tasting—it is not. The difference is that Jamaica prohibits blending, and takes those who deceptively use the name of their coffee (including counterfeiters in the US) to court. Without having the supply side inflated by deceptive blends, Jamaica Blue Mountain is able to sustain much higher prices. 6—By selling what amounts to \$5/lb coffee at a price of \$15 to \$25/lb by merely putting the word “Kona” prominently and repeatedly on the label, the Blenders are able to send an estimated \$14.4 million each year in “excess profits” to their Mainland corporate owners. If blends were outlawed, this excess profit would go to farmers in the form of higher farmgate prices. \$14.4 million divided by approximately 700 Kona coffee farmers indicates that the economic loss to the average Kona Coffee farm is more than \$20,000 per year. See the Feldman study. 7—Nowhere on the label do the Blenders disclose to consumers that 90% of what is in the package is the cheapest commodity coffee available (often from Vietnam and other low end coffee producing regions). When the sophisticated writers at Consumers Reports can’t tell the difference between “Kona Coffee” and

“10% Kona Blends”, it is not surprising that ordinary buyers are also deceived as to what is in a Kona Blend. 8—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. 9—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. This practice is bad for the tourism. Tourists like going places where they are treated fairly, not cheated. 10—Why isn’t Hawaii defending the integrity of it’s 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?¹¹—Even if the Blenders argument that Hawaii benefits economically from Blends were correct (which it is not), is profit an excuse for fraud and deception? 12—Hawaii is the only region anywhere in the world that by law permits the use of the name of one of its premier agricultural products with only 10% genuine content.

SB-746

Submitted on: 2/22/2023 9:13:03 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
MICHELE WEINHOUSE	Individual	Support	Written Testimony Only

Comments:

My name is Michele Weinhouse and I am a farmer on Lānaʻi. Truth in labeling is very important to me because part of my brand is that my produce is a product of Lānaʻi. Protecting our Hawaii-based brands, especially our coffee brands, is vital to the success of all Hawaiʻi's farmers and businesses.

SB-746

Submitted on: 2/22/2023 9:13:55 AM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Reid	Individual	Support	Written Testimony Only

Comments:

I support all the following POINTS IN SUPPORT OF REFORMING THE HAWAII COFFEE LABELING LAW:

1—As a matter of economic theory, 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. See the Feldman study.

2—If deceptive marketing and labeling of blends were outlawed (as Jamaica has done for Jamaica Blue Mountain Coffee; as Vermont has done for Vermont Maple Syrup; as Idaho has done for Idaho Potatoes)—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. If 4 out of 10 did so, the amount of genuine Kona Coffee sold would QUADRUPLE. With a stable output of approximately 3 million pounds of Kona Coffee produced annually—and with the supply reduced by eliminating the blends, prices will rise, not drop. Almost every one of us can give instances of consumer outrage and indignation when they have learned that the “Kona Coffee” they had bought is not “Kona Coffee.”

3—Kona Coffee Blends are the equivalent of fake Rolexes—“Rolex”/”Kona” on the outside, something very different on the inside.

4—If you take the juice from one orange and 9 lemons and call the product an “orange juice blend”, the result is consumer fraud.

5—Jamaica produces roughly the same amount of coffee annually as does Kona. For years the retail price of Jamaica Blue Mountain has been 25% to 30% higher than the price of 100% Kona. Why? It is not that Jamaica Blue Mountain coffee is better tasting—it is not. The difference is that Jamaica prohibits blending, and takes those who deceptively use the name of their coffee (including counterfeiters in the US) to court. Without having the supply side inflated by deceptive blends, Jamaica Blue Mountain is able to sustain much higher prices.

6—By selling what amounts to \$5/lb coffee at a price of \$15 to \$25/lb by merely putting the word “Kona” prominently and repeatedly on the label, the Blenders are able to send an estimated \$14.4 million each year in “excess profits” to their Mainland corporate owners. If blends were outlawed, this excess profit would go to farmers in the form of higher farmgate prices. \$14.4 million divided by approximately 700 Kona coffee farmers indicates that the economic loss to the average Kona Coffee farm is more than \$20,000 per year. See the Feldman study.

7—Nowhere on the label do the Blenders disclose to consumers that 90% of what is in the package is the cheapest commodity coffee available (often from Vietnam and other low end coffee producing regions). When the sophisticated writers at Consumers Reports can’t tell the difference between “Kona Coffee” and “10% Kona Blends”, it is not surprising that ordinary buyers are also deceived as to what is in a Kona Blend.

8—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.

9—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. This practice is bad for the tourism. Tourists like going places where they are treated fairly, not cheated.

10—Why isn’t Hawaii defending the integrity of it’s 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?

11—Even if the Blenders argument that Hawaii benefits economically from Blends were correct (which it is not), is profit an excuse for fraud and deception?

12—Hawaii is the only region anywhere in the world that by law permits the use of the name of one of its premier agricultural products with only 10% genuine content.

Mahalo,

Karen Reid

LATE

SB-746

Submitted on: 2/22/2023 12:44:02 PM

Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Minister, Hector Hoyos (aka) SisterFace	Individual	Support	Written Testimony Only

Comments:

Makes sense to me, a very avid coffee drinker of good beans!

LATE

SB-746

Submitted on: 2/22/2023 1:03:24 PM
Testimony for CPN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Helmut Klauer	Individual	Support	Written Testimony Only

Comments:

Strongly support