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# A BILL FOR AN ACT

RELATING TO LABELING OF MACADAMIA NUTS.

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

1           SECTION 1. Section 486-120.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§486-120.5 Macadamia nuts; labeling requirements.** (a)

4 If a label on a consumer package contains language, branding, or  
5 otherwise represents that all of the raw or processed macadamia  
6 nuts contained in the package were grown in [~~Hawaii,~~] the State,  
7 the label shall be worded, "100% Hawaii-Grown Macadamia Nuts",  
8 "Hawaii-Grown Macadamia Nuts", "100% Hawaiian Macadamia Nuts",  
9 or "Hawaiian Macadamia Nuts", and shall appear on the principal  
10 display panel of the package.

11           (b) If a label on a consumer package contains language,  
12 branding, or otherwise represents that a portion of the raw or  
13 processed macadamia nuts contained in the package [~~was~~] were  
14 grown in [~~Hawaii,~~] the State, the label shall be worded "Hawaii-  
15 Grown Macadamia Nuts", preceded by the per cent by weight of the  
16 macadamia nuts contained in the package that were grown in  
17 [~~Hawaii,~~] the State, and shall appear on the principal display



1 panel of the package. The per cent by weight of the macadamia  
2 nuts in the package shall be the percentage calculated by  
3 dividing the weight in pounds of the macadamia nuts grown in  
4 ~~[Hawaii]~~ the State that are in the package by the weight in  
5 pounds of all macadamia nuts in the package and multiplying the  
6 quotient by one hundred. A listing of the countries of origin  
7 of the portion of the raw or processed macadamia nuts not grown  
8 in the State that are included in the package shall also be  
9 shown on the principal display panel pursuant to section 304 of  
10 the Tariff Act of 1930 (19 U.S.C. 1304), as amended.

11 (c) All nonconsumer packages containing macadamia nuts  
12 grown in the State and introduced into intrastate or interstate  
13 commerce shall bear on the package a label containing language  
14 that the package contains Hawaii-grown macadamia nuts. This  
15 label shall be in addition to all other labeling requirements  
16 specified in this chapter.

17 (d) Any person keeping, offering, displaying, exposing for  
18 sale, or soliciting for sale, any raw or processed macadamia nut  
19 product, ~~[which]~~ that represents or ~~[which]~~ is branded or  
20 labeled that all or a percentage or portion of the macadamia  
21 nuts were grown in ~~[Hawaii,]~~ the State, shall make available to



1 the administrator, upon demand, documented proof that the amount  
2 of macadamia nuts represented to be grown in the State, [~~was~~]  
3 were grown in the State.

4 (e) It shall be a violation of this part[+] to use a  
5 label:

6 (1) [~~To use a label containing~~] Containing the words,  
7 "100% Hawaii-Grown Macadamia Nuts", "Hawaii-Grown  
8 Macadamia Nuts", "100% Hawaiian Macadamia Nuts", or  
9 "Hawaiian Macadamia Nuts", or similar wording, or to  
10 otherwise represent that all of the macadamia nuts in  
11 the package were grown in [~~Hawaii,~~] the State, if any  
12 portion of the macadamia nuts contained in the package  
13 [~~was~~] were not grown in the State;

14 (2) [~~To use a label, as~~] As provided for under subsection  
15 (b), containing the words "Hawaii-Grown Macadamia  
16 Nuts" preceded by a percentage, if less than the  
17 specified percentage or none of the macadamia nuts in  
18 the package [~~was~~] were grown in the State; [~~or~~]

19 (3) As provided for under subsection (b), containing the  
20 words "Hawaii-Grown Macadamia Nuts" that misrepresents  
21 and creates a reasonable expectation that the origin



1           of the macadamia nuts in the package as being grown in  
 2           the State, including but not limited to the use of a  
 3           company name or the use of images of the State, if  
 4           less than the specified percentage or none of the  
 5           macadamia nuts in the package were grown in the State;

6           or

7           ~~[(3) To use a label representing]~~ (4) Representing that  
 8           any of the macadamia nuts contained in the package  
 9           ~~[was]~~ were grown in the State, if none of the  
 10          macadamia nuts contained in the package ~~[was]~~ were  
 11          grown in the State.

12          (f) Any person who violates this section shall be subject  
 13          to penalties under section 486-32."

14          SECTION 2. Statutory material to be repealed is bracketed  
 15          and stricken. New Statutory material is underscored.

16          SECTION 3. This Act shall take effect on June 30, 3000.



**Report Title:**

Macadamia Nuts; Labeling Requirements; Country of Origin

**Description:**

Clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the principal display panel of a consumer package of raw or processed macadamia nuts. Effective 6/30/3000. (HD2)

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