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# A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1           SECTION 1. The legislature finds that coffee is an  
2 important agricultural crop of the State and a highly valued  
3 commodity in Hawaii. Despite the premium value of Hawaii-grown  
4 coffee, the State has not protected the integrity of the names  
5 of coffee origin regions, such as "Kona", "Kau", or "Kauai".  
6 Instead, existing law allows coffee blends that contain only  
7 very small amounts of coffee beans from these distinctive  
8 regions to use the name of those regions on product packaging, a  
9 practice that deceives consumers and harms coffee growers.

10           The legislature further finds that Hawaii law requires  
11 that, for coffee products, only ten per cent of the coffee must  
12 originate in the geographic area indicated for that product to  
13 use the geographic origin name on its label. Other  
14 jurisdictions typically require that one hundred per cent of the  
15 coffee originate in the geographic area to protect the value,  
16 integrity, and reputation of that product and its associated  
17 geographic origin name.



1           The legislature notes that a 2018 publication entitled  
2 "Strengthening Sustainable Food Systems Through Geographical  
3 Indications: An Analysis of Economic Impacts" by the Food and  
4 Agriculture Organization of the United Nations and the European  
5 Bank for Reconstruction and Development concluded, among other  
6 things, that Kona coffee "does not enjoy any strong protection  
7 of its name" from the State and, as a result, downstream  
8 stakeholders, rather than farmers, "reap the economic benefits  
9 of the fame of Kona".

10           The legislature additionally finds that despite existing  
11 labeling laws that include specific requirements for font sizes  
12 and disclosure of blend percentages, the simple inclusion of a  
13 geographic origin name on a product effectively misleads  
14 consumers into believing that the product is representative of  
15 the specialty product of that region, even though, for example,  
16 in a coffee blend that is ten per cent Kona coffee, the flavor  
17 of the Kona coffee is often undetectable at such low  
18 concentrations. Consumers are then deceived into paying a  
19 premium for a "Hawaii" product that does not represent the name  
20 on its label. Therefore, a change to the law is needed to  
21 protect consumers by ensuring that minimum blend amounts allowed



1 for coffee products that bear geographic origin names constitute  
2 a majority of the product from that geographic origin and are  
3 sufficient to ensure that the product reflects the quality and  
4 character of the region.

5 The purpose of this Act is to:

- 6 (1) Beginning July 1, 2027, make it a violation of the  
7 coffee labeling law to use a Hawaii geographic origin  
8 in labeling or advertising for roasted coffee, instant  
9 coffee, or ready-to-drink coffee beverage blends that  
10 contain less than fifty-one per cent coffee by weight  
11 from that geographic origin; and
- 12 (2) Exempt retailers that do not package roasted coffee,  
13 instant coffee, or ready-to-drink coffee beverages  
14 from liability for the sale of roasted coffee, instant  
15 coffee, or ready-to-drink coffee beverages that use a  
16 label or advertisement in violation of the coffee  
17 labeling law.

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

20 **"§486-120.6 Hawaii-grown and Hawaii-processed coffee;**  
21 **labeling or advertising requirements.** (a) In addition to all



1 other labeling requirements, the identity statement used for  
2 labeling or advertising roasted coffee, instant coffee, or  
3 ready-to-drink coffee beverages produced in whole or in part  
4 from Hawaii-grown and Hawaii-processed green coffee beans shall  
5 meet the following requirements:

6 (1) For roasted coffee, instant coffee, or ready-to-drink  
7 coffee beverages that contain one hundred per cent  
8 Hawaii-grown and Hawaii-processed coffee by weight,  
9 the identity statement shall consist of either:

10 (A) The geographic origin of the Hawaii-grown and  
11 Hawaii-processed coffee, in coffee consisting of  
12 beans from only one geographic origin, followed  
13 by the word "Coffee"; provided that the  
14 geographic origin may be immediately preceded by  
15 the term "100%"; or

16 (B) The per cent coffee by weight of one of the  
17 Hawaii-grown and Hawaii-processed coffees, used  
18 in coffee consisting of beans from several  
19 geographic origins, followed by the geographic  
20 origin of the weight-specified coffee and the  
21 terms "Coffee" and "All Hawaiian";



1           (2) For roasted coffee, instant coffee, or ready-to-drink  
2           coffee beverages consisting of a blend of one or more  
3           Hawaii-grown and Hawaii-processed coffees and coffee  
4           not grown or processed in Hawaii, the per cent coffee  
5           by weight of one of the Hawaii-grown and Hawaii-  
6           processed coffees used in the blend, followed by the  
7           geographic origin of the weight-specified coffee and  
8           the term "Coffee Blend"; and  
9           (3) Each word or character in the identity statement shall  
10          be of the same type size and shall be contiguous. The  
11          smallest letter or character of the identity statement  
12          on packages of sixteen ounces or less net weight shall  
13          be at least one and one-half times the type size  
14          required under federal law for the statement of net  
15          weight or three-sixteenths of an inch in height,  
16          whichever is smaller. The smallest letter or  
17          character of the identity statement on packages of  
18          greater than sixteen ounces net weight shall be at  
19          least one and one-half times the type size required  
20          under federal law for the statement of net weight.  
21          The identity statement shall be conspicuously



1 displayed without any intervening material in a  
2 position above the statement of net weight. Upper and  
3 lower case letters may be used interchangeably in the  
4 identity statement.

5 (b) A listing of the geographic origins of the various  
6 Hawaii-grown and Hawaii-processed coffees and the regional  
7 origins of the various coffees not grown or processed in Hawaii  
8 that are included in a blend shall be shown on the label. This  
9 list shall consist of the term "Contains:", followed by, in  
10 descending order of per cent coffee by weight and separated by  
11 commas, the respective geographic origin or regional origin of  
12 the various coffees in the blend. Each geographic origin or  
13 regional origin shall be preceded by the per cent coffee by  
14 weight represented by that geographic origin or regional origin,  
15 expressed as a number followed by the per cent sign. In place  
16 of separate listings of regional origins of coffee not grown or  
17 processed in Hawaii in the blend, the list may include the words  
18 "Foreign-grown Coffee", preceded by the per cent coffee by  
19 weight in the blend. The type size used for this list shall be  
20 no less than half that of the identity statement. This list



1 shall appear below the identity statement on the front panel of  
2 the label.

3 (c) The requirements of subsections (a) and (b) shall  
4 apply to the labeling of any inner package or inner wrapping of  
5 the roasted coffee, instant coffee, or ready-to-drink coffee  
6 beverages that includes any geographic origin of Hawaii-grown  
7 and Hawaii-processed coffee, regardless of whether the inner  
8 package or inner wrapping is intended to be individually sold.

9 (d) It shall be a violation of this section to:

10 (1) Use the identity statement specified in subsection

11 (a)(1)(A) or similar terms in labeling or advertising  
12 unless the package of roasted coffee, instant coffee,  
13 or ready-to-drink coffee beverage contains one hundred  
14 per cent coffee by weight from that one geographic  
15 origin;

16 (2) Use a geographic origin in labeling or advertising,  
17 including in conjunction with a coffee style or in any  
18 other manner, if the roasted coffee, instant coffee,  
19 or ready-to-drink coffee beverage contains less than:

20 (A) Until June 30, 2027, ten per cent coffee by  
21 weight from that geographic origin; and



- 1           (B) On or after July 1, 2027, fifty-one per cent  
2           coffee by weight from that geographic origin;
- 3       (3) Use a geographic origin in labeling or advertising  
4           roasted coffee, instant coffee, or ready-to-drink  
5           coffee beverages, including advertising in conjunction  
6           with a coffee style or in any other manner, without  
7           disclosing the per cent coffee by weight used from  
8           that geographic origin as described in subsection  
9           (a) (1) (B) and (a) (2);
- 10       (4) Use a geographic origin in labeling or advertising  
11           roasted coffee, instant coffee, or ready-to-drink  
12           coffee beverages, including in conjunction with a  
13           coffee style or in any other manner, if the green  
14           coffee beans used in that roasted coffee, instant  
15           coffee, or ready-to-drink coffee beverage do not meet  
16           the grade standard requirements of rules adopted under  
17           chapter 147;
- 18       (5) Misrepresent, on a label or in advertising of a  
19           roasted coffee, instant coffee, or ready-to-drink  
20           coffee beverage, the per cent coffee by weight of any  
21           coffee from a geographic origin or regional origin;



- 1           (6) Use the term "All Hawaiian" on a label or in  
2            advertising of a roasted coffee, instant coffee, or  
3            ready-to-drink coffee beverage if that roasted coffee,  
4            instant coffee, or ready-to-drink coffee beverage is  
5            not produced entirely from green coffee beans grown  
6            and processed in Hawaii;
- 7           (7) Use a geographic origin on the front label panel of a  
8            package of roasted coffee, instant coffee, or ready-  
9            to-drink coffee beverage other than in the trademark  
10           or in the identity statement as authorized in  
11           subsection (a) (1) and (2) unless the roasted coffee,  
12           instant coffee, or ready-to-drink coffee beverage  
13           contains one hundred per cent coffee by weight from  
14           that geographic origin;
- 15          (8) Use more than one trademark on a package of roasted  
16           coffee, instant coffee, or ready-to-drink coffee  
17           beverage unless the roasted coffee, instant coffee, or  
18           ready-to-drink coffee beverage contains one hundred  
19           per cent coffee by weight from that geographic origin  
20           specified by the trademark;



- 1           (9) Use a trademark that begins with the name of a  
2           geographic origin on a package of roasted coffee,  
3           instant coffee, or ready-to-drink coffee beverage  
4           unless the roasted coffee, instant coffee, or ready-  
5           to-drink coffee beverage contains one hundred per cent  
6           coffee by weight from that geographic origin or the  
7           trademark ends with words that indicate a business  
8           entity; or
- 9           (10) Print the identity statement required by subsection  
10           (a) in a smaller font than that used for a trademark  
11           that includes the name of a geographic origin pursuant  
12           to paragraph (7) and in a location other than the  
13           front label panel of a package of roasted coffee,  
14           instant coffee, or ready-to-drink coffee beverage.
- 15           (e) Retailers that do not package roasted coffee, instant  
16           coffee, or ready-to-drink coffee beverages shall not be liable  
17           for the sale of roasted coffee, instant coffee, or ready-to-  
18           drink coffee beverages that use a label or advertisement in  
19           violation of this section.
- 20           [~~(e)~~] (f) Roasters, manufacturers, or other persons who  
21           package roasted coffee, instant coffee, or ready-to-drink coffee



1 beverages covered by this section shall maintain, for a period  
2 of two years, records on the volume and geographic origin or  
3 regional origin of coffees purchased, sold, and used and any  
4 other records required by the department for the purpose of  
5 enforcing this section. Authorized employees of the department  
6 shall have access to these records during normal business hours.

7 [~~f~~] (g) As used in this section:

8 "Geographic origin" means the geographic regions in which  
9 Hawaii-grown green coffee beans are produced, as defined in  
10 rules adopted under chapter 147; provided that the term  
11 "Hawaiian" may be substituted for the geographic origin  
12 "Hawaii".

13 "Per cent coffee by weight" means the percentage calculated  
14 by dividing the weight in pounds of roasted green coffee beans  
15 of one geographic or regional origin used in a production run of  
16 roasted coffee, instant coffee, or ready-to-drink coffee  
17 beverages by the total weight in pounds of the roasted green  
18 coffee beans used in that production run of roasted coffee,  
19 instant coffee, or ready-to-drink coffee beverages, and  
20 multiplying the quotient by one hundred.



1 "Ready-to-drink coffee beverage" means a prepackaged  
2 beverage that consists of or includes coffee and is sold in a  
3 prepared form that can be immediately consumed upon purchase.  
4 "Ready-to-drink coffee beverage" does not include made-to-order  
5 beverages."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2024.



**Report Title:**

Consumer Protection; Coffee Labeling; Advertisements; Geographic Origins; Prohibitions; Retailers

**Description:**

Beginning 7/1/2027, requires roasted coffee, instant coffee, and ready-to-drink coffee beverages that contain Hawaii-grown and Hawaii-processed coffee blended with coffee of another regional origin to contain no less than fifty-one per cent coffee by weight from the Hawaii geographic origin. Exempts retailers that do not package roasted coffee, instant coffee, or ready-to-drink coffee beverages from liability for the sale of roasted coffee, instant coffee, or ready-to-drink coffee beverages that use a label or advertisement in violation of the coffee labeling law. (CD1)

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