

---

---

# 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 requires that,  
11 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 must originate in the geographic area to protect the  
16 value, integrity, and reputation of that product and its  
17 associated 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 undetectable at such low concentrations.  
18 Consumers are then deceived into paying a premium for a "Hawaii"  
19 product that does not represent the name on its label.  
20 Therefore, a change to the law is needed to protect consumers by  
21 ensuring that minimum blend amounts allowed for coffee products



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

5 The purpose of this Act is to:

- 6 (1) Require disclosure on the label of coffee blends of  
7 the respective geographic and regional origins and per  
8 cent by weight of the blended coffees;
- 9 (2) Make it a violation of the coffee labeling law to use  
10 a geographic origin in labeling or advertising for  
11 roasted or instant coffee blends that contain less  
12 than a certain percentage of coffee by weight from  
13 that geographic origin, phased in to a minimum of  
14 fifty-one per cent;
- 15 (3) Exempt roasted or instant coffee produced in whole or  
16 in part from Hawaii-grown green coffee beans that are  
17 not offered for retail sale directly to consumers from  
18 the labeling requirements imposed by this Act;
- 19 (4) Prohibit use of the term "All Hawaiian" in labeling or  
20 advertising for roasted or instant coffee not produced



1 entirely from green coffee beans grown and processed  
2 in Hawaii; and

3 (5) Authorize retailers who, by June 30, 2024, purchase  
4 roasted or instant coffee blends that use a geographic  
5 origin in labeling or advertising containing less than  
6 twenty per cent Hawaii-grown coffee by weight, to  
7 sell-off their coffee inventory that does not comply  
8 with labeling requirements until December 31, 2024.

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

11 **"§486-120.6 Hawaii-grown roasted or instant coffee;**  
12 **labeling requirements.** (a) In addition to all other labeling  
13 requirements, the identity statement used for labeling or  
14 advertising roasted or instant coffee produced in whole or in  
15 part from Hawaii-grown green coffee beans shall meet the  
16 following requirements:

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

20 (A) The geographic origin of the Hawaii-grown coffee,  
21 in coffee consisting of beans from only one



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



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

12 (b) A listing of the geographic origins of the various  
13 Hawaii-grown coffees and the regional origins of the various  
14 coffees not grown in Hawaii that are included in a blend [may]  
15 shall be shown on the label. [~~If used, this~~ In place of  
16 separate listings of regional origins of coffee not grown in  
17 Hawaii in the blend, the list may include the words  
18 "Foreign-Grown Coffee" followed by the per cent of the coffee by  
19 weight in the blend. This list shall consist of the term  
20 "Contains:", followed by, in descending order of per cent by  
21 weight and separated by commas, the respective geographic origin



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

10 (c) The requirements of this section shall not apply to  
 11 labeling of, or advertising for, roasted or instant coffee  
 12 produced in whole or in part from Hawaii-grown green coffee  
 13 beans that are not offered for retail sale directly to  
 14 consumers.

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

16 (1) Use the identity statement specified in subsection

17 (a) (1) (A) or similar terms in labeling or advertising

18 unless the package of roasted or instant coffee

19 contains one hundred per cent coffee from that one

20 geographic origin;



- 1           (2) Use a geographic origin in labeling or advertising,  
2           including in conjunction with a coffee style or in any  
3           other manner, if [~~the roasted or instant coffee~~  
4           ~~contains less than ten per cent coffee by weight from~~  
5           ~~that geographic origin,~~]:
- 6           (A) During the period from July 1, 2024, through  
7           June 30, 2025, the roasted or instant coffee  
8           contains less than twenty per cent coffee by  
9           weight from that geographic origin;
- 10          (B) During the period from July 1, 2025, through  
11          June 30, 2026, the roasted or instant coffee  
12          contains less than thirty per cent coffee by  
13          weight from that geographic origin; and
- 14          (C) On or after July 1, 2026, the roasted or instant  
15          coffee contains less than fifty-one per cent  
16          coffee by weight from that geographic origin;
- 17          (3) Use a geographic origin in labeling or advertising  
18          roasted or instant coffee, including advertising in  
19          conjunction with a coffee style or in any other  
20          manner, without disclosing the percentage of coffee





- 1 used from that geographic origin as described in  
2 subsection (a) (1) (B) and (a) (2);
- 3 (4) Use a geographic origin in labeling or advertising  
4 roasted or instant coffee, including in conjunction  
5 with a coffee style or in any other manner, if the  
6 green coffee beans used in that roasted or instant  
7 coffee do not meet the grade standard requirements of  
8 rules adopted under chapter 147;
- 9 (5) Misrepresent, on a label or in advertising of a  
10 roasted or instant coffee, the per cent coffee by  
11 weight of any coffee from a geographic origin or  
12 regional origin;
- 13 (6) Use the term "All Hawaiian" on a label or in  
14 advertising of a roasted or instant coffee if the  
15 roasted or instant coffee is not produced entirely  
16 from green coffee beans [~~produced in geographic~~  
17 ~~origins defined in this chapter;~~] grown and processed  
18 in the State;
- 19 (7) Use a geographic origin on the front label panel of a  
20 package of roasted or instant coffee other than in the  
21 trademark or in the identity statement as authorized



- 1 in subsection (a) (1) and (2) unless one hundred per  
2 cent of the roasted or instant coffee contained in the  
3 package is from that geographic origin;
- 4 (8) Use more than one trademark on a package of roasted or  
5 instant coffee unless one hundred per cent of the  
6 roasted or instant coffee contained in the package is  
7 from that geographic origin specified by the  
8 trademark;
- 9 (9) Use a trademark that begins with the name of a  
10 geographic origin on a package of roasted or instant  
11 coffee unless one hundred per cent of the roasted or  
12 instant coffee contained in the package comes from  
13 that geographic origin or the trademark ends with  
14 words that indicate a business entity; or
- 15 (10) Print the identity statement required by subsection  
16 (a) in a smaller font than that used for a trademark  
17 that includes the name of a geographic origin pursuant  
18 to paragraph (7) and in a location other than the  
19 front label panel of a package of roasted or instant  
20 coffee.



1        (e) It shall not be a violation of this section for  
2 retailers who, by June 30, 2024, purchase roasted or instant  
3 coffee that:

4        (1) Uses a geographic origin in label or advertising;  
5        (2) Contains less than twenty per cent Hawaii-grown coffee  
6        by weight; and

7        (3) Complies with the labeling requirements of subsection  
8        (a) (2), but does not comply with the labeling  
9        requirements of subsections (b) and (d),

10 to sell-off the inventory through and including December 31,  
11 2024.

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

20        [~~e~~] (g) For the purpose of this section:



1 "Geographic origin" means the geographic regions in which  
2 Hawaii-grown green coffee beans are produced, as defined in  
3 rules adopted under chapter 147; provided that the term  
4 "Hawaiian" may be substituted for the geographic origin  
5 "Hawaii".

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

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on June 30, 3000.



**Report Title:**

Consumer Protection; Coffee Labeling; Geographic Origins;  
Prohibitions

**Description:**

Prohibits using geographic origins of coffee in labeling or advertising for roasted or instant coffee that contains less than a certain percentage of coffee by weight from that geographic origin, phased in to a minimum of fifty-one per cent on or after 7/1/2026. Excludes roasted or instant coffee produced in whole or in part from Hawaii-grown green coffee beans that are not offered for retail sale directly to consumers from labeling requirements. Prohibits use of the term "All Hawaiian" in labeling or advertising for roasted or instant coffee not produced entirely from green coffee beans grown and processed in the State. Authorizes retailers who, by 6/30/2024, purchase roasted or instant coffee blends that use a geographic origin in labeling or advertising containing less than twenty per cent Hawaii-grown coffee by weight to sell-off coffee inventory until 12/31/2024. Effective 6/30/3000. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

