
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 that all of
5 the raw or processed macadamia nuts contained in the package
6 were grown in Hawaii, the label shall be worded, "100% Hawaii-
7 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts", "100%
8 Hawaiian Macadamia Nuts", or "Hawaiian Macadamia Nuts", and
9 shall appear on the principal display panel of the package.

10 (b) If a label on a consumer package [~~contains~~]:

11 (1) Contains language that a portion of the raw or
12 processed macadamia nuts contained in the package was
13 grown in Hawaii[~~7~~]; or

14 (2) By any other means, including but not limited to a
15 company name or the use of images of the State,
16 represents the origin of the raw or processed



1 macadamia nuts as being from any place within the
2 State,
3 the label shall be worded "Hawaii-Grown Macadamia Nuts",
4 preceded by the per cent by weight of the macadamia nuts
5 contained in the package that were grown in Hawaii, and shall
6 appear on the principal display panel of the package. The per
7 cent by weight of the macadamia nuts in the package shall be the
8 percentage calculated by dividing the weight in pounds of the
9 macadamia nuts grown in Hawaii that are in the package by the
10 weight in pounds of all macadamia nuts in the package and
11 multiplying the quotient by one hundred. A listing of the
12 countries of origin of the portion of the processed macadamia
13 nuts not grown in Hawaii that are included in the package shall
14 also be shown on the label.

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



1 (d) Any person keeping, offering, displaying, exposing for
2 sale, or soliciting for sale, any raw or processed macadamia nut
3 product, which represents or which is branded or labeled that
4 all or a percentage or portion of the macadamia nuts were grown
5 in Hawaii, shall make available to the administrator, upon
6 demand, documented proof that the amount of macadamia nuts
7 represented to be grown in the State, was grown in the State.

8 (e) It shall be a violation of this part:

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

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



1 (3) To use a label, as provided for under subsection (b),
2 containing the words "Hawaii-Grown Macadamia Nuts"
3 that misrepresents the origin of the macadamia nuts in
4 the package as being grown in the State, including but
5 not limited to the use of a company name or the use of
6 images of the State, if less than the specified
7 percentage or none of the macadamia nuts in the
8 package were grown in the State; or

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

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

15 (g) Any person injured by a violation of this section may
16 bring a civil action in court for damages.

17 (h) If this section or any provision of this section
18 conflicts at any time with federal law, then the federal law
19 shall prevail and this section or the relevant provisions of
20 this section shall become ineffective and invalid. The
21 ineffectiveness or invalidity of this section or any of its



1 provisions shall not affect any other provisions or applications
2 of this chapter which shall be given effect without the invalid
3 provision or application, and to this end, the provisions of
4 this section are severable."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Macadamia Nuts; Labeling Requirements; Country of Origin;
Private Right of Action

Description:

Clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the label of a consumer package of processed macadamia nuts. Allows a private right of action for violations. (SD2)

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