

ACT 73

A Bill for an Act Relating to the Regulation of Advertising Fresh Fruits, Fresh Vegetables and Coffee.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Definitions: As used in this Act:

(a) "Department" means the department of agriculture and conservation;

(b) "Director" means director of the department of agriculture and conservation or his authorized agents;

(c) "Fresh fruits, fresh vegetables and coffee" means any fresh fruit, fresh vegetable and coffee for which standards have been promulgated by the department of economic development, whether imported or produced in the State of Hawaii.

SECTION 2. Rules and Regulations. To carry out and effectuate the purpose of this Act, the department is hereby authorized:

To establish, prescribe, modify or alter rules and regulations, which shall have the force and effect of law to control the advertisement of fresh fruits, fresh vegetables or coffee including requirement for specifying size, grade, geographic origin or quality, in conjunction with price. The department in establishing such rules and regulations shall consult with appropriate state and federal agencies and with any appropriate industry or trade organization. The rules and regulations for controlling advertising and requirements for specifying size, grade, geographic origin, or quality in conjunction with price shall be on the basis of what the department may deem best suited to the interest of the consumer, the producer and the public.

SECTION 3. Duties of director; violations; proceedings; penalties.

The director shall enforce the provisions of this Act and any rules or regulations made by the department.

The following penalties and remedies shall apply in instances of violations of the provisions of this Act or of the rules and regulations issued by the department:

(a) Violation of this Act or of any rules or regulations issued thereunder is declared a public nuisance and may be enjoined or abated.

(b) Every person who violates any provisions of this Act or of any rule or regulation issued thereunder shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars. Each day a violation continues shall constitute a separate offense.

The penalties and remedies prescribed in this Act shall be concurrent and alternative with any and all other civil, criminal or alternative rights, remedies or penalties provided by law.

SECTION 4. Severability. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 5. This Act shall take effect on July 1, 1961.

(Approved May 19, 1961.) **H.B. 1074.**
