

**ACT 49**

H.B. NO. 1552

A Bill for an Act Relating to Coffee.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that some producers of coffee blends that include one or more Hawaii-grown coffees use a secondary label on their packaging that contains the geographic origin of the Hawaii-grown coffee. This

secondary label is misleading and implies that the coffee in the package was grown exclusively in the named geographic region.

For example, a package might have a secondary label that states “Kona Vanilla Macadamia Nut”, when in fact the identity label required by state law clearly states that the coffee is merely a ten per cent Kona coffee blend.

The purpose of this Act is to restrict the use of a geographic origin on Hawaii-grown coffee labels to improve the consumer’s understanding as to the contents of the package.

SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) It shall be a violation of this section~~[:]~~ to:

- (1) ~~[To use]~~ Use the identity statement specified in subsection (a)(1)(A) or similar terms in labeling or advertising unless the package of roasted or instant coffee contains one hundred per cent coffee from that one geographic origin;
- (2) ~~[To use]~~ Use a geographic origin in labeling or advertising, including in conjunction with a coffee style or in any other manner, if the roasted or instant coffee contains less than ten per cent coffee by weight from that geographic origin;
- (3) ~~[To use]~~ Use a geographic origin in advertising roasted or instant coffee, including advertising in conjunction with a coffee style or in any other manner, without disclosing the percentage of coffee used from that geographic origin as described in subsection (a)(1)(B) and ~~[(a)](2)~~;
- (4) ~~[To use]~~ Use a geographic origin in labeling or advertising roasted or instant coffee, including in conjunction with a coffee style or in any other manner, if the green coffee beans used in that roasted or instant coffee do not meet the grade standard requirements of rules adopted under chapter 147;
- (5) ~~[To misrepresent,]~~ Misrepresent, on a label or in advertising of a roasted or instant coffee, the per cent coffee by weight of any coffee from a geographic origin or regional origin; ~~[or]~~
- (6) ~~[To use]~~ Use the term “All Hawaiian” on a label or in advertising of a roasted or instant coffee if the roasted or instant coffee is not produced entirely from green coffee beans produced in geographic origins defined in this chapter~~[-]~~;
- (7) Use a geographic origin on the front label panel of a package of roasted or instant coffee other than in the trademark or in the identity statement as authorized in subsection (a)(1) and (2) unless one hundred per cent of the roasted or instant coffee contained in the package is from that geographic origin;
- (8) Use more than one trademark on a package of roasted or instant coffee unless one hundred per cent of the roasted or instant coffee contained in the package is from that geographic origin specified by the trademark;
- (9) Use a trademark that begins with the name of a geographic origin on a package of roasted or instant coffee unless one hundred per cent of the roasted or instant coffee contained in the package comes from that geographic origin or the trademark ends with words that indicate a business entity; or
- (10) Print the identity statement required by subsection (a) in a smaller font than that used for a trademark that includes the name of a geographic origin pursuant to paragraph (7) and in a location

other than the front label panel of a package of roasted or instant coffee.”

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

SECTION 4. This Act shall take effect upon its approval; provided that section 2 of this Act shall take effect on July 1, 2012.

(Became law on May 5, 2011, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)