

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO KONA COFFEE.

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

1           SECTION 1. Section 486-120.6, Hawaii Revised Statutes, is  
2 amended by amending subsections (a), (b), (c), and (e) to read  
3 as follows:

4           "(a) In addition to all other labeling requirements, the  
5 identity statement used for labeling or advertising roasted or  
6 instant coffee produced in whole or in part from Hawaii-grown  
7 green coffee beans shall meet the following requirements:

8           (1) For roasted or instant coffee that contains one  
9 hundred per cent Hawaii-grown coffee by weight, the  
10 identity statement shall consist of either:

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

16           (B) The per cent of coffee by weight of one of the  
17 Hawaii-grown coffees, used in coffee consisting  
18 of beans from several geographic origins,



1 followed by the geographic origin of the weight-  
2 specified coffee and the terms "Coffee" and "All  
3 Hawaiian"; provided that "Kona" or "Kona Coffee"  
4 shall not be used unless at least seventy-five  
5 per cent of the weight of the coffee blend comes  
6 from coffee grown in Kona;

7 (2) For roasted or instant coffee consisting of a blend of  
8 one or more Hawaii-grown coffees and coffee not grown  
9 in Hawaii, the per cent of coffee by weight of one of  
10 the Hawaii-grown coffees used in the blend, followed  
11 by the geographic origin of the weight-specified  
12 coffee and the term "Coffee Blend"; provided that  
13 "Kona" or "Kona Coffee" shall not be used unless  
14 seventy-five per cent of the weight of the coffee  
15 blend comes from coffee grown in Kona; 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  
22 weight or three-sixteenths of an inch in height,



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

11          (b) A listing of the geographic origins of the various  
12          Hawaii-grown coffees and the regional origins of the various  
13          coffees not grown in Hawaii that are included in a blend may be  
14          shown on the label[-]; provided that when Kona Coffee is  
15          included in a blend, a listing of the geographic origins of the  
16          various Hawaii-grown coffees and the regional origins of the  
17          various coffees not grown in Hawaii that are included in the  
18          blend shall be shown on the label. If used, this list shall  
19          consist of the term "Contains:", followed by, in descending  
20          order of per cent of coffee by weight and separated by commas,  
21          the respective geographic origin or regional origin of the  
22          various coffees in the blend that the manufacturer chooses to



1 list. Each geographic origin or regional origin may be preceded  
2 by the per cent of coffee by weight represented by that  
3 geographic origin or regional origin, expressed as a number  
4 followed by the per cent sign [-]; when Kona Coffee is included  
5 in a blend, the per cent of coffee by weight shall precede each  
6 geographic origin or regional origin listed. The type size used  
7 for this list shall not exceed half that of the identity  
8 statement. This list shall appear below the identity statement,  
9 if included on the front panel of the label.

10 (c) It shall be a violation of this section:

11 (1) To use the identity statement specified in subsection

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

13 unless the package of roasted or instant coffee

14 contains one hundred per cent coffee from that one

15 geographic origin;

16 (2) To 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 or instant coffee

19 contains less than ten per cent of coffee by weight

20 from that geographic origin; provided that it shall be

21 a violation of this section to use "Kona" or "Kona

22 Coffee" as a geographic origin in labeling or



1           advertising, including in conjunction with a coffee  
2           style or in any other manner, if the roasted or  
3           instant coffee contains less than seventy-five per  
4           cent of coffee by weight from Kona;

5           (3) To use a geographic origin in advertising roasted or  
6           instant coffee, including advertising in conjunction  
7           with a coffee style or in any other manner, without  
8           disclosing the [~~percentage of coffee~~] per cent of  
9           coffee by weight used from that geographic origin as  
10          described in subsection (a) (1) (B) and [†] (a) [†] (2);

11          (4) To use a geographic origin in labeling or advertising  
12          roasted or instant coffee, including in conjunction  
13          with a coffee style or in any other manner, if the  
14          green coffee beans used in that roasted or instant  
15          coffee do not meet the grade standard requirements of  
16          rules adopted under chapter 147;

17          (5) To misrepresent, on a label or in advertising of a  
18          roasted or instant coffee, the per cent coffee by  
19          weight of any coffee from a geographic origin or  
20          regional origin; or

21          (6) To use the term "All Hawaiian" on a label or in  
22          advertising of a roasted or instant coffee if the



1 roasted or instant coffee is not produced entirely  
2 from green coffee beans produced in geographic origins  
3 defined in this chapter.

4 (e) For the purpose of this section:

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

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

17 "Kona" or "Kona Coffee" means coffee that was grown in the  
18 North Kona or the South Kona districts of the State."

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21

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# S.B. NO. 661

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

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INTRODUCED BY: *Russell, / Holt B/R*



**Report Title:**

Kona Coffee; Labeling

**Description:**

Changes labeling requirements for Kona coffee by specifying that "Kona" or "Kona Coffee" shall not be used on the label unless the coffee contains at least 75 per cent of Kona coffee meaning coffee grown in the South Kona district or the North Kona district by weight.

