

HAWAII ADMINISTRATIVE RULES
TITLE 4 DEPARTMENT OF AGRICULTURE
SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS
CHAPTER 93
PACKAGING AND LABELING

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Historical note: This chapter is based substantially on chapter 4-90, entitled "Uniform Packaging and Labeling," of the Division of Measurement Standards. [Eff. 12/26/81, R 8/21/93]

- §4-93-1 Definitions. As used in this chapter,
- (1) "Island fresh logo" means the design created by the state department of agriculture and registered with the state department of commerce and consumer affairs and consisting of the words "island fresh" in conjunction with a design of a happy, smiling flower. [Eff.8/21/93] (Auth: HRS §§486-7, 486-120) (Imp: HRS §486-120)

§4-93-2 Packaging and labeling; requirements. (a) The National Institute of Standards and Technology handbook 130, 1993 edition, entitled

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"Uniform Laws and Regulations," part IV, section A, entitled "Uniform Packaging and Labeling Regulation," is hereby adopted for use by the division of measurement standards with the following amendments:

- (1) To section 11.30, entitled "Fishing Lines and Reels," is added, "In addition, fishing lines shall state the test of the line in pounds."
- (2) Section 14, entitled "Revocation of Conflicting Regulations," is deleted.
- (3) Section 15, entitled "Effective Date," is deleted.

(b) Any person who manufactures, produces, packs, keeps, offers, exposes for sale, or sells any package shall meet the requirements as specified in subsection 4-93-2(a) and all other requirements as specified in this chapter. [Eff. 8/21/93] (Auth: §§486-7, 486-118) (Imp: HRS §§486-111, 486-112, 486-113, 486-114, 486-115, 486-116, 486-118, 486-121)

§4-93-3 Use of the terms "net" or "net contents". The terms "net" or "net contents" may be used with the declaration of quantity when stating the net liquid quantity of contents in terms of net fluid measure. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-110)

§4-93-4 Milk, locally produced; special requirements. Any processed milk or milk product that has been at least ninety per cent, by weight, produced in the State shall, in addition to all other labeling requirements, meet one of the following additional requirements:

- (1) Have a statement conspicuously displayed on the principal display panel that states "island fresh" printed in bold face or other distinctive type and having a minimum type size as required in §4-93-4(4); or
- (2) Display on the principal display panel a term similar to "island fresh" that conveys freshness due to being produced within the State. The statement shall be printed in bold face or other distinctive type and shall have a minimum type size as required in §4-93-4(4) and shall be approved for use by the administrator. A written request for approval shall be made to the administrator before actual use; or
- (3) Display on the principal display panel the "Island Fresh" logo in a size not less than the size required in §4-93-4(4).
- (4) The height of any letter or logo shall not be less than that shown in table I, below, with respect to the area of the principal display panel:

Table I. Minimum Height of Letters and Size of Logo

Area (Square Inches)	Minimum Height of Letters	Minimum Size of Logo
10 and less	1/16 inch	7/16 inch
Greater than 10 and less than or equal to 25	1/8 inch	7/8 inch
Greater than 25	3/16 inch	1 inch

[Eff. 8/21/93] (Auth: §§486-7, 486-118) (Imp: HRS §§486-118, 486-120)

§4-93-5 Fresh produce. (a) A placard label may be used at retail level to advertise or label fresh produce. The product shall be deemed in compliance with this chapter if it is labeled by placard in a prominent and conspicuous manner and in lettering at least three-eighths of an inch in height, stating:

- (1) Identity of the produce;
- (2) Unit price per measure;
- (3) Net weight; and
- (4) Retail sale price.

The net weight and retail sale price may be omitted from the placard when it is to be determined by weighing at the time of checkout.

(b) Fresh produce of non-uniform weight or size shall, when such non-uniformity might tend to impair value comparisons, be offered for sale, at retail level, on a net weight basis. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-110, 486-111, 486-112, 486-114, 486-115)

§4-93-6 Ethnic food products. Any packaged commodity that is a food product characteristic of any existing ethnic group and which is manufactured or produced exclusively for intrastate sale or consumption shall be exempt from the English language requirements of sections 8.1 and 9.1 of National Institute of Standards and Technology handbook 130, 1993 edition; provided, that the package is labeled with a name or phrase in the romanized form of the language of that ethnic group which is descriptive of that food product. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-111)

§4-93-7

§4-93-7 Fertilizer. Fertilizer, plant food and plant nutrient shall, in addition to all other requirements of this chapter, bear a clear, prominent and factual statement of available nitrogen, phosphorus and potassium content, in per cent of weight. This declaration may be identified as "NPK" and shall be part of the identity statement. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-111)

§4-93-8 Advertising. Whenever a consumer commodity is advertised for sale, it shall not be misrepresented nor shall it be presented in a manner tending to deceive an actual or prospective purchaser.

- (1) When a price is included in the advertisement, there shall be in close proximity to the price and conspicuously associated with it, a declaration of net quantity that the purchaser shall receive for the price advertised;
- (2) When the amount of the advertised consumer commodity is limited as to physical supply, the advertisement shall reflect that limit of supply.
- (3) When a consumer commodity is limited as to the individual units a consumer may purchase, the advertisement shall reflect that limit of purchase.
- (4) When the retail establishment reserves the right to withhold sales to commercial entities, the advertisement shall reflect that reservation. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-111, 486-114, 486-118)

§4-93-9 Multipurpose-type labeling. Multipurpose-type labels, which include multi-identity, multi-quantity and multi-style, are prohibited for consumer packages, except as provided by federal or state law. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-111; 486-118)

§4-93-10 Package checking procedure. The National Institute of Standards and Technology handbook entitled "NBS Handbook 133, third edition, Checking the Net Contents of Packaged Goods," and its supplements, NIST handbook 133, third edition, supplement 1; NIST handbook 133, third edition, supplement 2; and NIST handbook 133, third edition, supplement 3, are hereby adopted for use by the division of measurement standards as the procedures for compliance testing of net contents statements on packaged goods. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-117)

§4-93-12

§4-93-11 Violations. Any person who engages in a practice which does not comply with the requirements of this chapter shall be in violation of this chapter. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-32)

§4-93-12 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder and, to this end, the provisions of this chapter are severable. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-7, 486-37)