



DEPARTMENT OF HEALTH

News Release

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**DOH CITES PAPAYA'S NATURAL FOODS AND CAFÉ AND
HEALTHY'S, INC. DBA DOWN TO EARTH NATURAL FOODS
FOR BEVERAGE CONTAINER VIOLATIONS**

HONOLULU -- the Hawaii State Department of Health (DOH), Solid and Hazardous Waste Branch has filed a Notice and Finding of Violation and Order against Papaya's Natural Foods and Cafe (Papaya's), and Healthy's, Inc. dba Down to Earth Natural Foods for violations of Hawaii's deposit beverage container program.

Papaya's Natural Foods and Cafe (Papaya's)

Papaya's violated program rules by selling deposit beverage containers, which lacked the required Hawaii refund value from the period of February 17, 2005, through October 26, 2005. Papaya's also committed violations by selling deposit beverage containers without charging the customer the required 5-cent deposit. Papaya's operates two (2) natural food grocery stores located at 4-831 Kuhio Highway, Kapaa and 5-5161 Kuhio Highway, Hanalei.

DOH sent Papaya's a warning letter on August 17, 2005 identifying violations in both of their stores and outlining a schedule for compliance. Papaya's failed to meet the requirements of the schedule of compliance. Additionally, DOH offered Papaya's compliance assistance through multiple on site compliance evaluation inspections from the period of February 17, 2005 through October 26, 2005.

The DOH assessed a penalty of \$1,319.00 against Papaya's for its violation. On October 16, 2006, Papaya's complied with the Order, uncontested, and paid the penalty in full.

Healthy's, Inc. dba Down to Earth Natural Foods

Down to Earth Natural Foods operates five (5) grocery stores; three (3) are located on Oahu and two (2) on Maui. Three of the five (one on Maui and two on Oahu) Down to Earth stores were observed to be in violation over a period of ten months.

Down to Earth Natural Foods sold deposit beverage containers, which lacked the required Hawaii refund value from the period of January 1, 2005, through October 25, 2005. Further, they labeled non-deposit beverage products, such as bulk honey, soap/shampoos, etc., and other ineligible containers with the deposit refund.

On March 16, 2005, DOH issued a warning letter to Down to Earth (Healthy's). On April 11, 2005, DOH received a written response from Down to Earth (Healthy's) outlining corrective actions to be taken. DOH offered compliance assistance through out a series of evaluation inspections. However, Down to Earth failed to correct all the noncompliance issues stated in the warning letter.

The DOH assessed a penalty of \$1,359.00. Down to Earth Natural Foods is currently in negotiations with DOH over the Complaint and Order penalty.

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