

OREGON WINE LABELING

A legal resource for the Oregon Winegrowers Association



Jesse D. Lyon

Partner, Davis Wright Tremaine 503-778-5268 jesselyon@dwt.com



January 2013

Davis Wright Tremaine LLP is a full service law firm providing services to the wine industry in the areas of mergers and acquisitions and other business transactions, land use and real estate, alcohol regulatory and licensing, intellectual property, employment, and litigation.

OREGON WINE LABELING (ALL FEDERAL REGULATION SECTIONS ARE IN 27 CFR)

<p>Mandatory Label Information (§ 4.32)</p>	<p>On the Brand label:</p> <ul style="list-style-type: none"> • Brand name § 4.33; • Class, type, or other designation §4.34; and • Alcohol content § 4.36. 	<p>On some label:</p> <ul style="list-style-type: none"> • Name and address of bottler § 4.35; • Net contents § 4.37 (not required if molded in glass); • Declaration of sulfites § 4.32(e); and • Health warning statement § 16.21. <p>For bottles > 187 ml, font must be ≥2 mm, except the alcohol content must be 1-3 mm.</p>
<p>Appellation of Origin (§ 4.25 and OAR 845-010-0920)</p>	<ul style="list-style-type: none"> • If the label claims or implies “Oregon,” an Oregon county, or an AVA wholly within Oregon: 100% of the grapes must be from Oregon and 95% from that appellation of origin. • Cross-border AVA: may follow rules under which wines are labeled in either state (e.g., Idaho follows the TTB rules of 85%, Washington requires 95% if “Washington” is used on label, otherwise 85% AVA), but 100% of the wine must come from the two states. 	
<p>Estate Claims (§ 4.26)</p>	<p>The term “Estate bottled” may be used by a bottling winery on a wine label only if:</p> <ul style="list-style-type: none"> • Wine is labeled with an AVA, the term “Estate” is listed on the same label as the AVA, and the winery is within that AVA; • 100% of the grapes were grown in the AVA at the direction and control of the producing winery; and • All of the production occurred under the control of the winery (crush, fermentation, finishing, bottling) without leaving the winery. <p>Note that per TTB policy the term “Estate Grown” is also allowed on wine labels and the same rules above apply.</p>	
<p>Grape Variety Names (§ 4.23, § 4.91, § 4.92, and OAR 845-010-0915)</p>	<p>Any grape variety name used must be on the federal list at § 4.91, or temporarily approved names at § 4.92. If you use a varietal on label, an appellation of origin must also appear on the label. If the wine is labeled with a multistate or multicounty appellation of origin, the % of wine derived from each variety from each county or state must be shown on the label. 90% or more of wine must be from the named variety. <i>Except</i> 75% or more is accepted for the following: Cabernet franc, Cabernet Sauvignon, Carmenère, Durif (Petite Sirah), Grenache (Garnacha), Malbec, Marsanne, Merlot, Mourvèdre, Petit Verdot, Roussanne, Sangiovese, Sauvignon blanc (Fumé blanc), Sémillon, Syrah, Tannat, Tempranillo, or Zinfandel. Oregon producers can now use either Pinot gris or Pinot grigio on wine labels.</p>	
<p>Vineyard Designate (§ 4.39(m))</p>	<p>At least 95% of the wine must be from the vineyard (but 100% if Estate).</p>	
<p>Semi-Generic Designation of Geographic Significance (§ 4.24 and OAR 845-010-0930)</p>	<p>No person may use a semi-generic designation of geographic significance or a name that implies a semi-generic designation as a class or type designation on a wine label.</p> <p><i>Except</i> “Claret” may be used if 100% of the wine comes from Cabernet franc, Cabernet Sauvignon, Carmenère, Malbec, Merlot, and/or Petit Verdot grapes; and COLA for “Claret” was issued for same brand between 12/1/2004 and 3/10/2006.</p>	
<p>Multiple States Designated on a Label (§4.25(d))</p>	<p>Multiple states may be designated on a label if: (a) 100% of the grapes come from the states designated; (b) the percentage of the wine from each state is designated on the label; (c) the wine has been fully produced in one of the name states; and (d) the wine conforms to the laws and regulations concerning composition, manufacture, and designation of wines in all of the designated states. (see “appellation of origin” above if “Oregon” used)</p>	
<p>Vintage (§ 4.27)</p>	<ul style="list-style-type: none"> • If an AVA is used, at least 95% of the grapes must have been harvested in the vintage year. • If the appellation is a county or state (not an AVA), at least 85% of the grapes must have been harvested in the vintage year. • A vintage cannot be used on a wine labeled simply “American.” 	
<p>Multiple Varietals on a Label (§ 4.23)</p>	<p>(a) 100% of the grapes are of the designated varietals; (b) the % of each varietal is designated on the label (there is a tolerance for +/- 2% error); and (c) and if labeled with a multicounty appellation of origin, the % of wine derived from each variety from each county is shown on the label; or (d) if labeled with a multistate appellation of origin, the % of the wine derived from each variety from each state is shown on the label.</p>	
<p>“Cellared” or “Prepared” (§4.22)</p>	<p>The winery must have aged or treated the wine (e.g., racking, filtering, fining, etc.) without changing the wine’s federal “class” or “type.”</p>	

THIS IS NOT LEGAL ADVICE. Applicable laws: Oregon defaults to the federal (TTB) wine labeling regulations except for Grape Variety Names, Appellation of Origin, and Semi-Generic Designation of Geographic Significance. OWA members with general questions may contact OWA General Counsel Jesse D. Lyon of Davis Wright Tremaine LLP at 503.778.5268.

