

## **Willamette Valley Wineries Association Promoting Compliance with OLCC and TTB Labeling Regulations**

**Mission.** The mission of the Willamette Valley Wineries Association (WVWA) is to promote, enhance and protect the prestige of Willamette Valley wines and support our members and community. Over the past fifty years Willamette Valley winegrowers and winemakers have successfully made Oregon's Willamette Valley synonymous with world class wines. The Willamette Valley's unique climate, soils, geography, and exacting approaches to winegrowing and winemaking have established it as a renowned wine-growing region.

The Willamette Valley American Viticultural Area (AVA) is a grape growing region that is distinguished by its climate, soils, elevation, and associated geographic features. These distinctive features are defined and recognized in the Code of Federal Regulations (CFR) § 27 CFR 9.90. The federal Alcohol and Tobacco Tax and Trade Bureau (TTB) and the Oregon Liquor Control Commission (OLCC) recognize the value of viticultural area appellations like the Willamette Valley AVA and distinguish them from political appellations like states or counties. TTB and OLCC provide viticultural appellations with special protection pursuant to wine labeling laws and regulations. These standards have been key to protecting the reputation and character of Willamette Valley wines and the value of its vineyards and wineries.

### **Overview of key TTB wine labeling regulations:**

- 1) **Misleading Labels.** Containers of wine, or any label, cartons, wrappers, or graphics accompanying such wine, shall not contain any statement that is false or tends to create a misleading impression either directly or by ambiguity, omission, or inference (27 CFR 4.39(a)).
- 2) **Brand Names.** A brand name of viticultural significance may not be used unless the wine meets the appellation of origin requirements for the geographic area (27 CFR 4.39 (i)).
- 3) **Product Name.** A product name with specific geographical significance is prohibited unless because of its long usage such name is recognized by consumers as a fanciful product name and not a representation of origin. Product name must be qualified with word "brand" (27 CFR 4.39(j)),
- 4) **Appellations of Origin.** A wine is entitled to a state appellation of origin if it has been fully finished (except for cellar treatment pursuant to 4.22(c)) in the labeled state or an adjacent state and it conforms to the laws and regulations of the state (27 CFR 4.25(a)(1)).
- 5) **AVAs.** (27 CFR 4.25(e))
  - a. TTB requires that 85% of the wine come from grapes grown in the named AVA (27 CFR 4.25(e)(3)(ii)).
  - b. A wine labeled with a viticultural area appellation must be fully finished, except for cellar treatment and blending, within the state where the viticultural area is located (27 CFR 4.25(e)(3)(iv)), and

- c. Labeling regulations do not allow for multiple AVAs on a label unless the AVAs overlap, including nested AVAs, and 85% of the volume of wine is derived from grapes in that overlapping area (27 CFR 4.25(e)(4)).
- 6) **Vineyard Designation**. When used in a brand name, a vineyard, orchard, farm or ranch name having geographical or viticultural significance cannot be misleading and must meet appellation of origin standards (27 CFR 4.33(b) and 4.39(i)). When used elsewhere on a wine label, 95% of the wine must be produced from grapes grown on the named vineyard, orchard, farm or ranch (27 CFR 4.39(m)).
- 7) **Varietal**. TTB only requires that 75% of the grapes be of the named varietal. (27 CFR 4.23) However, OLCC requires 90% varietal content unless it is the product of specific, named warm weather grapes.
- 8) **Estate Bottled**. Wine may be labeled “Estate Bottled” if 100% of the wine came from grapes grown on land owned or controlled by the winery, which must be located in an AVA. Winery must crush, ferment, age and bottle the wine in a continuous process on their premises. Winery and vineyard must be in the same AVA. TTB treats “Estate Grown” similarly (27 CFR 4.26).

**Overview of key OLCC wine labeling regulations:**

- 1) **Stricter Oregon Rules**. OLCC rules apply to any Wine Sold in Oregon, or that use an Oregon appellation (including AVA) on its label, no matter where produced.
  - a. Oregon labeling laws apply to all grape wine on which “Oregon” or an appellation of origin wholly within Oregon appears, regardless of where the wine was produced or bottled. (OAR 845-010-0910(2)).
  - b. TTB wine labeling regulations also apply to any wine sold in Oregon by an OLCC licensee. In any case where the OLCC imposes stricter requirements beyond those in federal regulations, or disallows any practices the federal regulations allow, the OLCC regulations shall prevail (OAR 845-010-280).
- 2) **Oregon Appellations of Origin**. If the appellation of origin claimed or implied anywhere on a label is Oregon, the name of one or more Oregon county, or the name of an AVA wholly within Oregon, then 100% of the grapes used in the production of the wine must have been grown in Oregon and 95% of the grapes must have been grown in the claimed appellation of origin (OAR 845-010-920(2)).
- 3) **Varietal**. If a single grape variety name is used as a type designation on a wine label the wine must derive at least 90% of its volume from that grape variety (OAR 845-010-915(1)) unless the grape variety is one of eighteen (18) “warm climate” varieties listed in OAR 845-010-915(2), then the wine must derive at least 75% of its volume from that grape variety.
- 4) **Misleading Labels Prohibited**. No OLCC licensee may sell wine in Oregon that is misleading as to composition, quantity, age or quality. The wine label must precisely and clearly indicate the nature of the contents (ORS 471.445).

The WVWA seeks to protect against wine labeling and associated practices that have the potential to negatively impact the value and reputation of the Willamette Valley AVA and its wines. Once the WVWA becomes aware of labeling practices that appear to be in

violation of TTB and/or OLCC laws and regulations, it will address these possible violations by first notifying the winery of the potential violation and seeking clarification. After reviewing the winery's response to the notification, if the violation appears to be valid and the winery does not take action to appropriately remedy the situation to the satisfaction of the WVWA, the WVWA will notify the TTB, OLCC, and Oregon Department of Justice in order to facilitate compliance with wine labeling laws and regulations.

**Potential Violations of TTB and OLCC Wine Labeling Laws Applicable to WVWA:**

- Wine labels that claim, infer or imply the words "Willamette Valley" or any words associated with an AVA located or "nested" within the Willamette Valley AVA will be deemed to have its grapes sourced from the Willamette Valley AVA and, as such, the wine must be "fully finished" in Oregon pursuant to 27 CFR 4.25(e)(3)(iv).
- Wine labels cannot use brand names, product names, or contain references that have geographic significance to the Willamette Valley wine appellation - either directly, inferred, or implied - unless the wine meets the TTB requirements for the geographic area pursuant to 27 CFR 4.39(i) and 27 CFR 4.39(j).
- Containers of wine, or any label, covering, carton, or any graphic or other matter accompanying such container shall not contain any reference to the Willamette Valley, or an AVA nested within the Willamette Valley, or any term of geographic significance to the Willamette Valley - directly, inferred, or implied - unless the given wine appellation in the COLA is the Willamette Valley or an AVA nested within the Willamette Valley. In addition, such information shall not contain statements that are false or misleading pursuant to 27 CFR 4.39(a)(1).
- Wines labels that claim, infer, or imply the Willamette Valley AVA, or an AVA nested within the Willamette Valley, as the wine appellation shall have 100% of its grapes sourced from Oregon and at least 95% from the Willamette Valley AVA pursuant to OAR 845-010-920(2).
- Wine labels that state a single wine variety type and claim or imply the Willamette Valley AVA, or an AVA nested within the Willamette Valley, as the wine appellation shall be made from at least 90% of that single grape variety pursuant to OAR 845-010-915(2).
- Wine labels cannot contain the name of multiple "non-overlapping" viticultural areas - directly, inferred, or implied - pursuant to 27 CFR 4.25(e)(4).

## Appendix - Key TTB and OLCC Labeling Laws

**TTB.** (TTB labeling regulations in [27 CFR Part 4](#)).

- **27 CFR 4.39(a)(1).** Prohibition on statements on wine labels that create misleading impressions: *“Containers of wine, or any label on such containers, or any individual covering, carton, or other wrapper of such container, or any written, printed, graphic, or other matter accompanying such container to the consumer shall not contain any statement that is false or untrue in particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.”*
- **27 CFR 4.39(i).** Prohibition against the use of any brand names of viticultural significance: *“a brand name of viticultural significance may not be used unless the wine meets the appellation of origin requirements for the geographic area.”*
- **27 CFR 4.39(j).** Restriction on the use of any product names with specific geographical significance: *“The use of product names with specific geographical significance is prohibited unless the appropriate ATF officer finds that because of their long usage, such names are recognized by consumers as fanciful product names and not representations as to origin. In such cases the product names shall be qualified with the word “brand” immediately following the product name, in the same size of type, and as conspicuous as the product name itself. In addition, the label shall bear an appellation of origin under the provisions of 27 CFR 4.34(b), and, if required by the appropriate ATF officer, a statement disclaiming the geographical reference as a representation as to the origin of the wine.”*
- **27 CFR 4.25(e)(3)(iv).** Wine may be labeled with an AVA appellation of origin only if it has been fully finished within the State where the AVA is located: *“A wine may be labeled with a viticultural area appellation if it has been fully finished within the State, or one of the States, within which the labeled viticultural area is located (except for cellar treatment pursuant to 4.22(c), and blending which does not result in an alteration of class and type under 4.22(b)).”*
- **27 CFR 4.25(e)(4).** Multiple AVA may not be used on a wine label unless the AVAs overlap and 85% of the volume of the wine is derived from grapes grown in that overlapping area: *“An appellation of origin comprised of more than one viticultural area may be used in the case of overlapping viticultural areas if not less than 85 percent of the volume of the wine is derived from grapes grown in the overlapping area.”*
- **27 CFR 13.41.** TTB has the authority to revoke approval of COLAs: *“Certificates of label approval, certificates of exemption from label approval, and distinctive liquor bottle approvals, previously approved on ATF Form 5100.31, may be revoked by the appropriate ATF officer upon a finding that the label or bottle at issue is not in compliance with the applicable laws or regulations.”*

**OLCC.** (OLCC labeling regulations in [OAR 845-010-xxxx](#) and Oregon labeling statutes in [ORS 471.442, 471.444 and 471.446](#)).

- **OAR 845-010-0280.** An entity that holds an OLCC license must comply with TTB regulations: *“The regulations of the Alcohol and Tobacco Tax and Trade Bureau (TTB) of the United States Department of Treasury apply to all wine sold by a Commission licensee.”* OAR 845-010-0290(2) further states: *“All wine labels must comply with the requirements of the Commission's advertising rules (OAR chapter 845, division 007), OAR 845-010-0280 (federal standards for wine identity), 845-010-0206 (Private Labels) and 845-010-0905 through 845-010-0930 (Oregon standards for wine identity) when applicable, and must be approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB). If a manufacturer or wholesaler sells a wine in Oregon that does not comply with the labeling requirements, the Commission may, in addition to any other sanction, require the licensee to stop selling and recall the wine.”*
- **OAR 845-010-920(2).** Wines labeled as “Oregon” or with another Oregon appellation, including an AVA, must be produced with 100% Oregon grapes and 95% of those grapes from the appellation: *“If the appellation of origin claimed or implied anywhere on a label is “Oregon,” the name of one or more of its counties, or the name of an American Viticultural Area wholly within Oregon, then all the grapes used in the production of the wine must have been grown in Oregon, and 95 percent of the grapes used in the production of the wine must have been grown within the defined boundaries of that appellation of origin.”*
- **OAR 845-010-915(2).** Oregon appellation wines labeled with a single grape variety must derive at least 90% of its volume from that grape variety, except for “warm climate” varieties which must be at least 75%:  
*“A person may use a single grape variety name as a type designation on a wine brand label only if the wine derive at least 90% of its volume from that grape variety (OAR 845-010-915(1). As an exception to section (1) of this rule, a person may use any of the following type designations for a wine that derives at least 75 percent of its volume from grapes of the named variety - Sémillon, Sauvignon blanc, Cabernet franc, Tempranillo, Merlot, Malbec, Syrah, Cabernet Sauvignon, Sangiovese, Grenache, Zinfandel, Carmenère, Petite Sirah, Marsanne, Mourvèdre, Petit Verdot, Roussanne, Tannat.”*
- **ORS 471.442.** Wine must comply with Oregon state standards: *“(1) No wine or cider shall be sold or offered for sale within this state unless it complies with the minimum standards fixed pursuant to law.*  
*(2) The Oregon Liquor Control Commission may require a manufacturer, importer or wholesaler to provide samples of a particular wine or cider, and to provide a laboratory analysis demonstrating to the satisfaction of the commission that the particular wine or cider complies with the minimum standards in this state.*

*(4) The commission may prohibit the sale of any wine or cider for a reasonable period of time while it is determining whether the wine or cider complies with minimum standards in this state.”*

- **ORS 471.445(1).** Improperly or misleadingly labeled wine may not be sold by OLCC licensees:

*“No licensee shall use or allow the use of any mark or label on the container of alcoholic liquor which is kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such liquor.”*

- **ORS 471.446(2).** Deceptively labeled wine may not be sold by OLCC licensees: *“The Oregon Liquor Control Commission may refuse to sell, or may prohibit any licensee from selling, any brand of alcoholic liquor which in its judgment is deceptively labeled or branded as to content.”*