

Par. 5. In § 602.101, paragraph (c) is amended by adding entries in numerical order to the table to read as follows:

**§ 602.101 OMB Control numbers.**

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(c) \* \* \*

CFR part or section where identified and described	Current OMB control number
* * * * *	* * * * *
1.1221-2(d)(2)(iv) .....	1545-1480
1.1221-2(e)(5) .....	1545-1480
1.1221-2(g)(5)(ii) .....	1545-1480
1.1221-2(g)(6)(ii) .....	1545-1480
1.1221-2(g)(6)(iii) .....	1545-1480
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Margaret Milner Richardson,  
*Commissioner of Internal Revenue.*  
Approved: December 20, 1995.  
Cynthia G. Beerbower,  
*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 96-178 Filed 1-5-96; 8:45 am]  
BILLING CODE 4830-01-U

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 4**

[T.D. ATF-370; Ref. Notice Nos. 749, 581]

RIN 1512-AA67

**Grape Variety Names for American Wines**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing a final rule containing a list of approved prime grape variety names which may be used as the designation for American wines. This rule contains two other lists of alternative names which may be used as grape wine designations until January 1, 1997, or January 1, 1999. This rule also contains a procedure by which interested persons may petition the Director for the addition of names to the list of prime grape names.

ATF believes the listing of approved names of grape varieties for American wines will help standardize wine label terminology and prevent consumer confusion by reducing the large number of synonyms for grape varieties currently used for labeling American wines.

**DATES:** This final rule is effective February 7, 1996. Alternative names listed at § 4.92(a) may be used as

designations for American wines bottled prior to January 1, 1997. Alternative names listed at § 4.92(b) may be used as designations for American wines bottled prior to January 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Bacon, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226; Telephone (202) 927-8230.

**SUPPLEMENTARY INFORMATION:**

**Background**

*The Federal Alcohol Administration Act*

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), vests broad authority in the Director, as a delegate of the Secretary of the Treasury, to prescribe regulations intended to prevent deception of the consumer, and to provide the consumer with adequate information as to the identity and quality of the product. Regulations which implement the provisions of section 105(e) as they relate to wine are set forth in title 27, Code of Federal Regulations, Part 4 (27 CFR part 4).

*Wine Varietal Labeling*

Under § 4.34(a), still grape wine may be designated by labeling the wine with the predominant grape(s) from which the wine is produced. Since 1983, labeling rules at § 4.23a have provided for the use of a grape variety name as the type designation of the wine if not less than 75 percent of the wine is derived from the labeled grape variety (less in the case of wine made from certain *Vitis labrusca* grapes), and if the wine is labeled with an appellation of origin. Wine may also be labeled with the names of two or more grape varieties if all of the grapes used to make the wine are of the labeled varieties, and the percentage of wine derived from each variety is shown on the label.

In recent years, ATF has noted a trend among domestic and foreign wineries to label wines using a grape variety designation. Increasing use of hundreds of grape variety names and synonyms prompted ATF to examine the correctness of using these names in order to insure that grape variety names used are truthful, accurate, and not misleading.

*Winegrape Varietal Names Advisory Committee*

In 1982, ATF established the Winegrape Varietal names Advisory Committee ("Committee") to conduct an examination of the hundreds of grape variety names and synonyms in use [47

FR 13623, March 31, 1982]. According to its charter, the Committee was to advise the Director of the grape varieties and subvarieties which are used in the production of wine, to recommend appropriate label designations for these varieties, and to recommend guidelines for approval of names suggested for new grape varieties. Their recommendations were restricted to grape names used in the production of American wines. The Committee's final report, presented to the Director in September 1984, contained their findings regarding use of the most appropriate names for domestic winegrapes varieties. ATF announced that the Committee's report was available to the public in Notice No. 548 [49 FR 44049], published on November 1, 1984.

*Notice No. 581*

On the basis of the recommendations contained in the Committee's final report, ATF issued Notice No. 581 on February 4, 1986 [51 FR 4392]. This notice proposed the addition of Subpart J, American Grape Variety Names, to Part 4. Within this subpart, § 4.91 contained the list of prime grape names which the Committee had found to be the most appropriate names for grape varieties. Sections 4.92 and 4.93 contained alternative names which could be used in conjunction with the prime name (§ 4.92), or for five years, in lieu of the prime name (§ 4.93). Section 4.94 contained guidelines for adding new grape variety names to the list of prime names.

In addition to the recommendations included in the Committee report, Notice No. 581 contained other proposals. One was to prohibit the modification of grape variety names with color or style descriptive terms or with proprietary names. This notice also proposed to make obsolete certain IRS and ATF rulings relating to grape wine designations. The comment period for Notice No. 581 was extended until July 7, 1986, by the publication of Notice No. 589, April 8, 1986 [51 FR 11944].

*Written Comments*

ATF received 156 comments from 146 different respondents prior to the end of the comment period on July 7, 1986. Comments were received from: 76 consumers; the American Wine Society; 38 American wineries; the Wine Institute; the Association of American Vintners; the Washington Wine Institute; six grape growers; the California Farm Bureau Federation; the California Association of Winegrape Growers; the North Carolina Grape Growers Association; the Oregon Winegrowers Association; two United

States Congressmen; the Embassy of France; the Embassy of the Federal Republic of Germany; four foreign wine producing or exporting companies or associations; the publication *Wine East*; a wine writer; four persons involved in academic research or classification of wine; and four members of the Winegrape Varietal Names Advisory Committee.

Eleven respondents commented generally in favor of Notice No. 581, and the proposal to establish a list of wine grape variety names for domestic use. Conversely, a large number of respondents opposed the concept of establishing a list of grape varieties, while many objected to specific proposals such as the elimination of certain varietal names, and the proposal to prohibit use of color or style descriptors in conjunction with grape variety names. Because of the general opposition to the proposals made in Notice No. 581, ATF decided to reopen comment on the subject of grape variety names. At the same time, ATF modified certain proposals made in that notice.

Notice No. 749

#### *Background*

ATF issued Notice No. 749 on September 3, 1992 [57 FR 40380]. Although the comment period for this notice was to have closed on October 5, 1992, several respondents requested its extension. Notice No. 762, October 26, 1992 [57 FR 48487], reopened the comment period until December 28, 1992. The proposals in Notice No. 749 differed from those made in Notice No. 581 in the following respects.

#### *One List of Alternative Names*

ATF reduced the two lists of alternative grape variety names to a single list. This list proposed at § 4.92 contained grape names which would be phased out by January 1, 1997. A few alternative grape names listed in Notice No. 581 were proposed as prime grape names, or as synonyms for prime names.

#### *Synonyms for Prime Names*

The proposed list of prime names of grape varieties contained synonyms for some prime names. These synonyms, such as "Fumé blanc" (a synonym for Sauvignon blanc), would be acceptable designations for wine as long as they appeared in direct conjunction with an appellation of origin on a wine label.

#### *Additional Grape Variety Names*

ATF proposed additional grape names for inclusion on the list of prime names. These names represent newly developed varieties as well as some European *vinifera* grapes introduced into

viticultural use in the United States since publication of the Committee report.

#### *Changes to the List of Prime Names*

ATF proposed certain changes to the list of prime names, through the deletion of names which are not the true names of grape varieties, and through the addition of certain grape names which were previously proposed as alternative names.

#### *Approval of New Grape Names*

ATF proposed minor changes to the method of approving new grape names, primarily to provide more flexibility for grape breeders in naming new varieties.

#### *Gamay Beaujolais*

No regulatory proposals were made for Gamay Beaujolais. ATF stated that Gamay Beaujolais would be the subject of future rulemaking. In the interim, domestic wineries and bottlers could continue to use Gamay Beaujolais on wine labels. ATF made proposals regarding the use of Gamay Beaujolais in Notice No. 793 [59 FR 15878, April 5, 1994].

#### *Color and Style Descriptors*

ATF eliminated the proposal to prohibit the use of descriptive or proprietary terms with grape variety names.

#### *Type Designations of Varietal Significance*

Notice No. 749 proposed a new type designation for American wines. These names would designate wines which have some varietal basis, but are not composed of a specified grape variety such as Muscatel which could be produced using any Muscat grapes.

#### *Respondents to Notice No. 749*

ATF received 55 written comments from 43 respondents. The following is a list of respondents, their general interest in the proposals in the notice, and, when appropriate, an abbreviation or acronym. For the purpose of brevity, these abbreviations or acronyms are used throughout this document to identify respondents. Following the list of respondents are organizations and terms which are also used in this document. Abbreviations and acronyms accompany these names as well.

1. H.P. Olmo, Professor Emeritus, University of California at Davis, and Committee member.
2. William F. Doering, a Committee member.
3. Carole P. Meredith, Associate Professor, Department of Viticulture and Ecology, University of California at Davis.

4. Bruce Reisch, Associate Professor, New York State Agricultural Experiment Station, Cornell University at Geneva.

5. R.P. Lane, Associate Professor, Georgia Agricultural Experiment Stations, University of Georgia at Griffin.

6. Delegation of the Commission of the European Communities ("EC").

7. The Agricultural Counselor, Embassy of France, Washington, DC.

8. The Ambassador, Federal Republic of Germany, Washington, DC.

9. The Counselor for Economic and Commercial Affairs, the Embassy of Spain, Washington, DC.

10. Deutscher Weinfonds, a German quasi-governmental authority ("DW").

11. Verband Deutscher Weinexporteure e.V., and Deutscher Weinbauverband e.V., trade associations representing exporters of German wine, and German wine growers.

12. Office International de la Vigne et du Vin, an international trade association for wine ("OIV").

13. Union Interprofessionnelle des Vins du Beaujolais.

14. Fédération des Exportateurs de Vins et Spiritueux de France, a French trade association ("FEVS").

15. Institut National des Appellations d'Origine, a French organization concerned with recognition of controlled appellations of origin ("INAO").

16. American Vintners Association, a trade association representing bonded wineries ("AVA").

17. National Association of Beverage Importers, a trade association representing importers of alcoholic beverages ("NABI").

18. Wine Institute, a trade association representing California wineries.

19. Washington Wine Commission, a trade association representing Washington wineries and winegrape growers.

20. Oregon Winegrower's Association, a trade association representing Oregon winegrape growers.

21. California Association of Winegrape Growers, a trade association representing California winegrape growers.

22. Richard Mansfield, Umpqua Valley Chapter, Oregon Winegrowers Association, a trade association.

23. The U.S. Small Business Administration, Washington, DC.

24. Chicago Wine School, Chicago, IL.

25. Raymond Kelly, a consumer, Alexandria, Virginia.

26. H. Sichel Söhne, Inc., a wine import company.

27. Eagle Ridge Winery, a California winery.

28. Lockwood, a California wine producer.

29. Mt. Palomar Winery, a California winery.

30. Cain Cellars, a California winery.

31. Wine World Estates, owner of four California wineries.

32. Stimson Lane Wine & Spirits, Ltd., owner of wineries in Washington State and California ("Stimson Lane").

33. Daniel Gehrs Wines, a California wine producer ("Gehrs").

34. Millbrook Winery, a New York winery.

35. Robert Mondavi Winery, a California winery ("Mondavi").

36. Long Vineyards, a California wine producer.

37. Martin Brothers Winery, a California winery.

38. Amity Vineyards, an Oregon winery.

39. Guenoc Winery, a California winery.

40. Brown-Forman Corporation, a wine and distilled spirits producer and importer ("Brown-Forman").

41. Heublein Inc., a wine and distilled spirits producer and importer.

42. General Vineyard Services, a California winegrape grower.

43. San Lucas Vineyards, a California winegrape grower.

#### Organizations and References

A. Winegrape Varietal Names Advisory Committee ("Committee").

B. Foundation Plant Materials Service ("FPMS"), a service of the University of California at Davis which lists registered grape selections. The November 1, 1993, California Grape Register is used as reference.

C. A Practical Ampelography, Grapevine Identification, by Pierre Galet, c. 1979, Cornell University Press ("Galet").

D. Vines, Grapes and Wines, by Jancis Robinson, c. 1986, Alfred A. Knopf ("Robinson").

#### General Comments to Notice No. 749

Sixteen respondents specifically stated their support for the proposals made in Notice No. 749. Other respondents commented on specific proposals by requesting changes to particular aspects of the proposals. No respondents generally opposed the proposed regulations.

NABI stated their support of ATF's intentions to prevent consumer confusion by reducing the number of synonyms for grape varieties currently used in labeling American wines. The EC likewise concurred with ATF's decision to standardize wine grape names and to eliminate incorrect or misnamed varieties. The Embassy of France expressed their support of ATF's objective to prevent confusion or misunderstanding for consumers by reducing the number of synonyms for grape variety names, and for requiring the accurate use of those names. NABI favored ATF's stated goal that grape variety names used by domestic wineries be truthful, accurate, and not misleading.

Wine Institute supported ATF's attempt to issue regulations which strike a balance between ampelography (the study and classification of grape vines), scientific terms, and consumer understanding. The Oregon Winegrower's Association stated they were supportive of ATF's approach to regulation of varietal names and acknowledged the problems of regulating such names for the first time. Stimson Lane cited ATF's concern for ampelographic accuracy and consumer

awareness, while Mondavi stated their overall support of improving labeling terminology and preventing consumer deception and confusion.

#### Conclusion: Issuance of a Final Rule on Grape Variety Names

Based on the overall favorable comments to the proposals made in Notice 749, ATF is issuing these final regulations on grape variety names. These regulations are intended to provide specific and accurate labeling of grape wines labeled with grape variety names. They are intended to prevent consumer deception by eliminating misnamed grape variety names, and by eliminating the use of many synonyms for prime grape names. They are expected to aid in the identification of grape wines by consumers and to make labels easier to understand through the use of more meaningful labeling terms. Finally, ATF believes these regulations will enable consumers to be better informed about wines and the grape varieties used to produce them.

There are changes made in this final rule from the regulations proposed in Notice No. 749 and from those first proposed in Notice No. 581. The changes are a result of comments made by respondents over a lengthy period of time. These changes recognize certain marketing realities, and take into consideration past and present recognition of names used and known by consumers and industry. Following is a summary of the proposals, written comments, and changes made as a result of those comments.

#### Prime Names and Synonyms listed in § 4.91

##### General

Notice No. 749 contained a list of prime grape names and synonyms listed in alphabetical order in § 4.91. Either the prime name or a synonym listed could be used standing alone on a label as the designation for a wine. ATF received many comments concerning the listing of prime grape names in § 4.91. Comments requesting that new or additional names be added to the list are discussed under the "New grape variety names" section of the preamble. Comments addressing the use of synonyms for the prime names listed in § 4.91 are discussed below.

##### Melon/Muscadet

Three respondents requested that Muscadet be listed as a synonym for the prime name Melon. A fourth respondent requested that the full name "Melon de Bourgogne" be listed as the prime name for this grape variety.

Daniel Gehrs Wines commented that California has many acres of grapes historically identified as "Pinot blanc." Wine made from these grapes has been marketed as Pinot blanc wine. Gehrs noted that wine produced from these grapes does not resemble wine made from Pinot blanc grapes; thus, this wine receives poor consumer recognition due to consumers' expectation of a white burgundy-type wine.

Recent ampelographic identification of these so-called Pinot blanc grapes has revealed them to be the variety Melon. In the interest of accurately identifying their wines, winemakers are now faced with the task of marketing wine made from these so-called Pinot blanc grapes as Melon wine. Gehrs, the Wine Institute, and General Vineyard Services objected to using the variety name Melon to label a grape wine. They noted that consumers are not familiar with the name Melon, and that consumers do not associate this term with a grape wine; rather consumers equate the word Melon with a fruit. These respondents requested that Muscadet be listed as a synonym for Melon. They stated that Melon is the grape of the Loire region used to produce Muscadet wines and that millions of cases of Melon wine are sold each year under the Muscadet designation. Thus, there would be better consumer understanding of wine made with Melon grapes if it were labeled Muscadet since consumers are familiar with the type of wine now labeled Muscadet. Gehrs stated that Muscadet used as a variety name would convey useful information to consumers about the style and taste of the wine while Melon would not.

Furthermore, Gehrs noted that California wineries must redesignate their existing "Pinot blanc" grapes, a process which will impose an economic burden on producers. By authorizing Muscadet as a synonym for Melon, it would be easier for them to phase out the name Pinot blanc and switch to Muscadet. The Wine Institute noted that Muscadet is unlike other similar-sounding designations such as Muscatel or Muscadine, that Muscadet does not resemble these wines, and that Muscadet is not likely to be sold under the same circumstances as these other wines. Thus, consumer confusion among these names would be minimal.

ATF finds that Galet uses the names Melon and Muscadet interchangeably in his *Practical Ampelography*, and that other ampelographic sources list them as synonyms. However, ATF can find no evidence of use of the name Muscadet to designate wine made from this grape in the United States. While its use might avoid some of the problems inherent

with a wine designated Melon, historical past usage does not support the name Muscadet for domestic wines. Thus, ATF is not listing Muscadet as a synonym for Melon in § 4.91.

In their comment, Eagle Ridge Winery requested that the full name "Melon de Bourgogne" be listed as the prime name for this grape variety. ATF finds that Melon de Bourgogne is the actual name of this variety which reflects the origin of this grape in Burgundy. Although modern wine labeling seldom incorporates the full name of this grape, it is entirely accurate to use the full name. Furthermore, ATF believes that consumers are less likely to associate a wine labeled as Melon de Bourgogne with the fruit melon. Although this variety incorporates the geographic place name "Bourgogne," the required use of an appellation of origin with a grape variety name would serve to dispel any erroneous impression about the true origin of the wine which might otherwise arise, provided the appellation of origin is in strict compliance with the requirements of § 4.34(b).

Thus, subject to the condition that the requirements of § 4.34(b) are strictly complied with, ATF is listing the name Melon de Bourgogne as the prime name for this grape variety in the list of prime names in § 4.91. Melon is listed as a synonym which may also be used for designating domestic wines.

#### *Sauvignon Blanc/Fumé Blanc*

Fumé blanc and Blanc Fumé were both proposed as synonyms for Sauvignon blanc in Notice No. 581. On the basis of written comments, ATF concluded that Fumé blanc was a valid synonym for Sauvignon blanc; however, there was no support expressed for the name Blanc Fumé. Comments also indicated that "Fumé" is a descriptive term meaning smoky, and is used to describe the smoky or "flinty" flavor of Sauvignon blanc wines produced in the Loire region and labeled with the French appellation of origin "Blanc Fumé de Pouilly."

Based on these comments, ATF proposed Fumé blanc (but not Blanc Fumé) as a synonym for the prime name Sauvignon blanc in Notice No. 749. ATF also noted that Fumé could be used as a descriptive term with any grape variety name.

Three respondents favored listing Fumé blanc as a synonym for Sauvignon blanc. Wine World Estates, Mondavi, and the AVA favored it because of the widespread use of Fumé blanc and its recognition by industry and consumers as a synonym for Sauvignon blanc. Based on these favorable comments,

ATF is listing Fumé blanc as a synonym for the prime name Sauvignon blanc in § 4.91.

Each of these respondents requested that ATF prohibit the term "Fumé" from being used with any other grape variety name. The AVA stated that Fumé blanc has gained wide consumer acceptance, but that allowing "Fumé" to be used with other grape varieties would lead to unintended consumer confusion with Fumé blanc. They stated this action would hurt wineries that have invested time and money establishing consumer recognition for Fumé blanc. Mondavi concurred that permitting "Fumé" to be used with other grape varieties would lead to consumer confusion. They stated that Fumé blanc must be viewed as a whole, indivisible term meaning Sauvignon blanc. Mondavi cited its financial commitment in building the success of Fumé blanc wines, and stated that introduction of other varieties labeled with the term "Fumé" would destroy the level of consumer recognition of the name Fumé blanc and impose significant financial harm on Mondavi and other wineries.

ATF agrees in part. "Fumé" is a descriptive term which, through industry use and consumer acceptance of the product, has acquired a particular meaning. We agree that certain uses of the term Fumé have potential to be confusing to consumers. Specifically, we believe that use of the term "Fumé" in conjunction with another grape variety name containing the term "blanc," or with another grape variety name to which the descriptive term "blanc" is being used, could be confusing to consumers and possibly misleading. Thus, ATF will not approve any certificates of label approval (COLA's) for a domestic wine (other than "Fumé blanc") which contain both the terms "Fumé" and "blanc;" e.g., COLA's will not be approved for a wine designated as "Pinot blanc Fumé," "Fumé Seyval blanc," and so forth.

However, ATF is not convinced that the use of "Fumé" in every other instance would be misleading or confusing; e.g., wine designated "Fumé Chardonnay" is unlikely to be confused with Sauvignon blanc or Fumé blanc. Thus, ATF will examine on a case by case basis any application for a COLA which contains a grape variety name and the term "Fumé" to see if the overall name is potentially misleading.

#### *Zinfandel/Primitivo*

Notice No. 749 proposed Zinfandel and Primitivo as separate grape varieties in § 4.91. Primitivo, an Italian grape, was added to the list of prime names at the request of Cypress Valley Winery, a

Texas winery which requested the addition of "Primitivo de Gioia" to the list. ATF proposed Primitivo rather than a name incorporating one of the many clones or regional names for this grape in order not to introduce foreign place names as part of a grape variety name used in the United States.

Information available to ATF at the time Notice No. 749 was published indicated that Primitivo and Zinfandel were separate grape varieties rather than different names for the same grape although ATF sought additional information on this issue. Five respondents commented on the relationship between these two grape names.

Carol P. Meredith, of the Department of Viticulture and Enology at the University of California at Davis, commented that DNA examination of these two varieties showed them to have the identical "fingerprint." This technique is currently being utilized as an aid in identifying grapes since each grape variety reveals a unique DNA "fingerprint." She commented that UC Davis research on Primitivo is limited to two accessions of Primitivo grapes from Italy, and that these may not represent the full range of Primitivo cultivars. Furthermore, she commented that Primitivo may be a generic term which actually includes more than one grape cultivar in Italy; i.e., the Italian Primitivo may encompass grapes which are not identical to Zinfandel.

Eagle Ridge Winery and William F. Doering both commented that Primitivo and Zinfandel are the same variety but that Zinfandel is the name used for this grape in California for more than 150 years.

Wine World Estates and the California Association of Winegrape Growers commented that there is no conclusive evidence that Primitivo and Zinfandel are the same grape. Wine World Estates further stated that Primitivo is used in Europe to identify a number of grape varieties and thus, a grape called Primitivo may not be identical to Zinfandel. ATF notes that the FPMS lists Primitivo as a distinct grape variety and not as a synonym for Zinfandel.

ATF concludes that the comments support listing Primitivo and Zinfandel as separate grape varieties. Although it is possible that Zinfandel may be identical to some Primitivo grapes, it appears that the term Primitivo may represent other grape cultivars as well; consequently, the two terms cannot be used interchangeably. Thus, Primitivo and Zinfandel are listed as prime grape names in § 4.91 and are not listed as synonyms for each other.

*Cabernet/Cabernet Sauvignon*

ATF Ruling 74-25, 1974 ATF C.B. 48, permits the labeling of wine as "Cabernet" if 75 percent of its volume (51 percent prior to January 1, 1983) is derived from Cabernet Sauvignon grapes. This ruling was intended to prevent consumer deception through the use of less expensive grapes such as Ruby Cabernet in a wine labeled "Cabernet."

Notice No. 581 proposed to make this ruling obsolete which would preclude the labeling of Cabernet Sauvignon or any other wine as "Cabernet." Notice No. 749 proposed listing "Cabernet" as a synonym for Cabernet Sauvignon.

Five respondents commented. World Wide Estates supported the proposal to permit "Cabernet" to be used as a synonym for Cabernet Sauvignon. The OIV noted that "Cabernet" does not correspond to the actual grape variety name, and the name "Cabernet" is not specific as to the actual grape variety it indicates.

Eagle Ridge Winery and Brown-Forman objected to listing "Cabernet" as a synonym. Eagle Ridge stated that other variety names contain the word Cabernet and it is incorrect to assume that the label term "Cabernet" by itself would not confuse consumers. Brown-Forman commented that permitting "Cabernet" to stand only for Cabernet Sauvignon is prejudicial to producers of other varieties such as Cabernet Franc or Cabernet Pfeiffer. They stated that there is absolutely no consumer confusion if each of the three Cabernet grapes is labeled with its full name.

Cain Cellars commented that ATF has permitted the term "Cabernet" to include Cabernet Franc, but offered no evidence of such use. They further suggested that this term should be permitted to refer to the entire family of Cabernet varieties including Cabernet Sauvignon, Cabernet Franc, Merlot, Malbec, and Petit Verdot. Accordingly, "Cabernet" would become a designation of varietal significance to include any of these grape varieties.

ATF agrees with the respondents who oppose use of "Cabernet" as a synonym for Cabernet Sauvignon. As noted by the OIV, "Cabernet" does not correspond to an actual grape variety name, nor is this term specific as to the grape variety to which it refers. While "Cabernet" has been used for some years to label Cabernet Sauvignon wines, other "Cabernet" grapes exist, and consumers could be confused as the actual grape variety intended. Conversely, there can be no consumer confusion as to the grape variety if the actual variety name appears on the label.

In the interest of providing accurate grape variety identification, ATF is not listing "Cabernet" as a synonym for Cabernet Sauvignon. However, due to its past use, ATF is listing "Cabernet" as an alternative name in § 4.92(b) for use until January 1, 1999. Concurrently, ATF Ruling 74-25 is declared obsolete as of the effective date of this final rule.

*Durif/Petite Sirah*

These names were proposed as synonyms in Notice No. 749. Three respondents commented on this proposal.

The OIV commented that the officially recognized OIV name for this grape is Durif, and not Petite Sirah. Wine World Estates concurred with the proposal to list "Duriff" as a synonym for Petite Sirah unless evidence is presented to the contrary.

Carole P. Meredith, the University of California, Agricultural Experiment Station at Davis, stated that the University's examination of Petite Sirah and Durif holdings show their Petite Sirah vines to be two or more different grape varieties. Furthermore, the Experimental Station's recent DNA research shows that the grape called Petite Sirah and the Durif grape have different DNA "fingerprints," and are therefore probably different cultivars rather than the same grape. Consequently, ATF is listing both Durif and Petite Sirah as prime names in § 4.91 and not as synonyms. We will continue to seek evidence regarding the true identity of the grape called Petite Sirah.

*Thompson Seedless/Sultanina*

This grape variety is one of two the Committee recognized as having synonyms which could be equally accepted as the prime name. Consequently ATF proposed the use of both names as prime names, with either name permitted without qualification. In doing so, ATF noted that neither name is commonly used in wine labeling although Thompson Seedless is well known to consumers as a table grape.

Brown-Forman commented these names should not be used interchangeably. They argued that Thompson Seedless is an inferior grape which makes poor quality wine, and that use of the name Sultanina would mislead consumers. The EC commented that Sultanina is used for table grapes and raisins, but rarely used in wine production. They argued that its use for designating wine would be misleading and that ATF should phase out use of this name.

ATF finds few wines are designated with either name although this grape has been extensively used in producing non-varietal wines and blends. However, we note that the purpose of the list of grape names in § 4.91 is to provide accurate identification of grape varieties used in producing wine. The listing of a grape name there does not denote "quality"; it merely reflects recognition of the grape variety name. Since ATF finds that both names are equally valid for this grape variety, both Thompson Seedless and Sultanina are listed as prime grape names and as synonyms.

*Pinot Gris/Pinot Grigio*

ATF proposed Pinot gris as a prime name in § 4.91 and Ruländer as an alternative name in § 4.91 be phased out by 1996. Pinot Grigio was not proposed in either section.

Long Vineyards and Martin Brothers Winery both requested that Pinot Grigio be listed as a synonym for Pinot gris. Long Vineyards stated they are disadvantaged when selling their Pinot gris versus Italian wines labeled as Pinot Grigio. Furthermore, they stated that due to worldwide sales of the Italian wine, consumers are more familiar with the varietal designation Pinot Grigio than they are with the name Pinot gris or Ruländer. Martin Brothers also cited the popularity of Italian Pinot Grigio wines in requesting this name be made a synonym for Pinot gris.

Based on the evidence that some United States wineries are labeling their Pinot gris as Pinot Grigio, and the fact that this term has gained consumer acceptance due to the large number of Italian Pinot Grigio imported into the United States, ATF is listing Pinot Grigio as a synonym for the prime name Pinot gris in § 4.91. ATF notes that this grape is known by many names throughout winegrowing regions of the world, but that Pinot gris and Pinot Grigio appears to be the most commonly used names for this grape in the United States.

*Colombard/French Colombard*

On the basis of strong support for continued use of the name French Colombard, this name was proposed in Notice No. 749 as a synonym for the prime name Colombard.

Three respondents commented on the use of French Colombard as a synonym. Wine World Estates supported the proposal to list it as a synonym. William F. Doering supported this proposal because of the economic and marketing importance of French Colombard. Eagle Ridge Winery commented that consumers would not be misled if the

word "French" was deleted as part of the name.

Based on historical usage and consumer recognition of this term, ATF is listing French Colombard as a synonym for the prime name Colombard, provided that an appellation of origin appears in direct conjunction with French Colombard, in strict compliance with the requirement of § 4.34(b).

#### *Mourvèdre/Mataro*

ATF proposed the name Mourvèdre as a synonym for Mataro due to use of this name in labeling domestic wines. Wine World Estates supported this proposal while EC commented that Mataro is a geographic name in Spain and should be phased out in favor of Monstrell.

ATF finds that ampelographers such as Galet list Mataro and Mourvèdre as synonyms. It is difficult to establish one prime name since these different names reflect the Spanish and the French name for this grape. However, ATF finds that Mourvèdre enjoys greater use in labeling wine in the United States. For this reason, ATF is listing Mourvèdre as the prime name in § 4.91. As stated in Notice No. 749, ATF does not believe there is any reason to deny use of a grape variety name to United States winemakers simply because that name bears a resemblance to a foreign name of geographic significance. Thus, Mataro is retained as a synonym for the grape variety Mourvèdre in § 4.91, provided that when Mataro is used to indicate the grape variety, an appellation of origin appears in direct conjunction with Mataro in strict compliance with the requirements of § 4.34(b).

#### *Cynthiana/Norton*

Bruce Reisch, Cornell University Department of Horticultural Science at Geneva, submitted evidence that these grapes are the same variety. Reisch indicated that his examination of cultivars of Cynthiana and Norton vines, taken from wineries and nursery stock in Arkansas and Missouri, revealed them to be identical based on isozyme and ampelographic characteristics. He further stated that these grapes are of *Vitis aestivalis* ancestry, but that vines were introduced using different names in Virginia and Arkansas in the last century. Reisch also cited an 1891 report to the Missouri State Horticultural Society indicating that these varieties were actually the same grape. ATF notes that horticulturists have debated this question for more than a century.

Based on Reisch's comment and the evidence contained in the isozyme of these two cultivars, ATF concludes that

they are indeed the same grape variety. Consequently, ATF is listing them as synonyms in the list of prime grape names in § 4.91. Due to the long-standing use of both names, their consumer recognition, and the impossible task of ascribing "one prime name" to this grape, each name is listed alphabetically in this section with the other name following in parentheses as a synonym.

ATF notes that other synonyms exist for this grape variety and that Norton Seedling and Virginia Seedling are listed as alternative names for Norton in § 4.92.

#### *Vignoles/Ravat 51*

ATF proposed Vignoles as a synonym for the prime name Ravat 51 in Notice No. 749. Bruce Reisch, Cornell University Department of Horticultural Science at Geneva, and William F. Doering supported this proposal, and it is adopted.

ATF notes that Ravat 51 is the prime name for this grape but that other numbered Ravat hybrids exist. Consequently, ATF will not approve labels showing only "Ravat" as the grape variety; labels must specify the Ravat hybrid number or use an approved synonym.

#### *Campbell Early/Island Belle*

Island Belle was proposed as an alternative grape name to be phased out by 1996 in favor of the prime name Campbell Early. While no comments were submitted regarding the use of either name, ATF has received additional information concerning this grape. The Island Belle grape was developed about 1898 by Adam Eckert in western Washington State. This grape is believed to be either a clone of Campbell Early or a hybrid derived from a Concord. The Island Belle grape is currently used in winemaking in Washington State and the wine enjoys a degree of consumer recognition.

Due to the current use of the name Island Belle in winemaking, and the fact that the true identity of this grape is uncertain, ATF is retaining the name by listing Island Belle as a synonym for the prime name Campbell Early in § 4.91. ATF would take action to list Island Belle as a prime name in this section should future research indicate that it is a distinct variety rather than a clone of Campbell Early.

#### *Valdepeñas and Tempranillo*

Valdepeñas was proposed as a prime name in § 4.91. While there were no comments addressed to this name in response to Notice No. 749, ATF has received information indicating that this

grape is the Tempranillo, a *Vitis vinifera* native to Spain and used in producing Rioja wines. While well known and cultivated in Spain, Portugal, France, and Argentina as Tempranillo, this grape is known as Valdepeñas only in California. ATF notes that the FAMS listing of registered grape selections shows Tempranillo as a synonym for Valdepeñas.

In the interest of correctly identifying grape varieties, ATF is listing Tempranillo as the prime name of this grape variety in § 4.91. Valdepeñas is listed as a synonym for Tempranillo in this section. ATF will give future consideration to phasing out the name Valdepeñas.

#### *Miscellaneous Synonyms*

Lemberger was proposed as an alternative spelling for Limberger in proposed § 4.91. William F. Doering noted that the name Lemberger has long-recognized viticultural and commercial usage, and he concurred with the proposal to list it as a spelling variation for the prime name Limberger. Because of its commercial use in the United States, ATF is listing Lemberger as a synonym for the prime grape name Limberger.

Eagle Ridge Winery commented that Green Hungarian is actually Sylvaner, and that the term Green Hungarian is not used except by a few domestic producers. No evidence was submitted in support of this comment.

While the origin or identification of Green Hungarian remains uncertain, ATF has no information which supports Eagle Ridge Winery's comment that Green Hungarian is actually Sylvaner; therefore, this comment is not adopted.

The OIV commented that several prime names in § 4.91 are not the official OIV names. Names identified by the OIV include Black Malvoisie which they list as Cinsaut, Burger which they list as Monbadon, and Charbono which they list as Corbeau.

ATF acknowledges that although these grapes are known by the names suggested by the OIV, the names proposed in § 4.91 are more commonly employed in winemaking in the United States. Therefore, ATF is not changing these names as requested. In the case of Black Malvoisie and Cinsaut, both are listed in § 4.91, with Cinsaut listed as the prime name and Black Malvoisie as a synonym.

Wine World Estates commented favorably on the proposed listing of Gewürztraminer and Traminer as separate prime names in § 4.91. Eagle Ridge Winery commented that Gewürztraminer is a spicy version of

Traminer and that only Gewürztraminer should be listed.

Evidence is mixed on whether Gewürztraminer and Traminer are distinct grape varieties. The FPMS lists them as separate registered grape selections while the OIV lists these names as synonyms. Because the evidence is inconclusive, ATF is listing each as a prime name in § 4.91 and not as synonyms for the same grape.

Eagle Ridge Winery commented that Kleinberger is actually Ebling and is known by that name in Germany. ATF concurs with this comment but finds that this grape is well known by the name Kleinberger as well as by other synonyms. In view of the limited use of the name Ebling in the United States, ATF is not authorizing it as a synonym for this Kleinberger.

#### *Other Synonyms*

ATF received no comments regarding the following prime names and synonyms proposed in § 4.91: Muscat Hamburg/Black Muscat; Meunier/Pinot Meunier; Rkatziteli/Rkatsiteli; Seyval/Seyval blanc; Shiraz/Syrah; Ugni blanc/Trebbiano. Therefore, these names are adopted as prime names and synonyms.

#### *Prime Names and Synonyms*

ATF has reorganized § 4.91 by listing only one prime name for each grape variety. ATF has drawn the distinction between prime names and synonyms primarily on the basis of the final Committee report but with some exceptions. Synonyms and authorized spelling variants appear in parentheses following the prime name, but have no separate alphabetical listing except in the case of Thompson Seedless and Sultanina, and Cynthiana and Norton. In the Case of the Riesling grape, Riesling is listed as the prime name and White Riesling appears as a synonym. Synonyms and spelling variants may be used, standing alone, as the designation of a wine.

Alternative Names for Grape Varieties, § 4.92

#### *Background*

The final Committee report acknowledged that many grape varieties are known by more than one name, some by several names. As part of its deliberations, the Committee selected a preferred "prime name" for each variety and considered alternative names and synonyms. It then recommended two lists of alternatives names. The first contained synonyms which, if used on a label, would be required to appear in direct conjunction with the prime name. These alternative names referred to

some older European grape varieties which were known by local or regional names, and which have received a degree of consumer acceptance. The Committee noted that these alternative names, due to regulatory precedent and commercial history, should be the exception to the general finding that, whenever possible, synonyms should be eliminated in the shortest practical time. No time period was given for phasing out these synonyms.

The Committee report also noted that some grape varieties are misnamed or incorrectly identified, but that these names have received a degree of consumer acceptance. In order to prevent economic hardship to growers and winemakers, the Committee recommended these names be phased out over a five-year period. This second list contained 52 alternative names.

#### *Notice No. 581*

ATF proposed two lists of alternative grape variety names, one containing names to be used only in conjunction with the prime name and one containing names to be phased out at a future date. Respondents submitted many written comments on this issue, and as a result, ATF modified this proposal.

#### *Notice No. 749*

In this notice ATF proposed only one list of alternative names. ATF proposed phasing out these 54 names, appearing at § 4.92, as of January 1, 1996. Other names were removed from the list of alternative names and proposed as synonyms to prime names in § 4.91; i.e., they could stand alone on a label as a designation and would not be phased out in the future.

#### *General Comments on Alternative Names*

ATF received only three comments addressing the issue of permitting alternative names. William F. Doering concurred with the proposal for a single list of alternative names to be phased out in the future. Wine World Estates agreed with the concept to phase out these alternative names over time, but due to the economic consequences, stated that the proposed date of January 1, 1996, did not allow a long enough transition period.

NABI opposed the proposal. They supported the Committee recommendation to eliminate synonyms in labeling and to use only the prime name as a designation. NABI stated that permitting alternative names would lead to consumer confusion due to the large number of synonyms and alternative names, and would be contrary to ATF's

intent to standardize grape variety names. NABI favored the original proposal to permit alternative names to be used only in conjunction with the prime name on the label, and favored phasing out these alternative names after a period of time.

We are adopting the list of alternative names proposed at § 4.92. While ATF wishes to reduce the number of alternative names and synonyms, we find it is impossible to phase out use of these names immediately. Many of them have been used for decades in labeling wines and consumers are familiar with them. Wineries have large investments in labels, packaging material, and advertising which utilize these names. Wineries also have substantial "goodwill" associated with some of these variety names.

With respect to Wine World Estate's comment that the January 1, 1996, date is too short a transition period, ATF notes that it first proposed phasing out most of these names in Notice No 581, published in 1986. That proposal would have terminated use of most of these names within five years. We believe that the wine industry has been given ample notice that these names would be phased out. However, because of the delay in publishing this final rule, ATF is adopting January 1, 1997 as the termination date for all names proposed for inclusion in § 4.92(a) by Notice No. 749.

In this final rule, ATF is adding new names to the list of alternative names. In order to provide an adequate transition period for phasing out these new names, ATF is permitting their use until January 1, 1999.

#### *Specific Comments on Alternative Names*

Several respondents commented that specific alternative names be made synonyms for prime grape names in order to prevent them from being phased out.

#### *Gutedel*

Gutedel was proposed as an alternative name for Chasselas Doré. Eagle Ridge Winery commented that Gutedel is the correct name in its homeland of Germany, that Chasselas Doré is not as commonly used, and requested that Gutedel be listed as a synonym in § 4.91.

According to the OIV listing of grape variety names, Gutedel is the name commonly used in Germany and Switzerland, while Chasselas Doré is listed as the primary name in Canada, Chile, France, Romania, and Italy (Chasselas Dorato). The FPMS lists Chasselas Doré but not Gutedel as a

registered grape selection, while the State of Oregon authorizes Chasselas Doré as the only varietal designation for wine made from this grape.

Based on this evidence, ATF finds that the name Chasselas Doré is more commonly used in the United States. Thus, ATF is not adopting this comment to list Gutedel as a synonym for Chasselas Doré. Gutedel remains listed in § 4.92(a) as an alternative name to be phased out by January 1, 1997.

#### *Pineau de la Loire*

This name was proposed as an alternative name for Chenin blanc. Three respondents, the Embassy of France, Brown-Forman and Wine World Estates, supported this proposal citing the fact that a grape should not contain a "Pinot" or "Pineau" designation unless it is a true Pinot grape. Since Chenin blanc is not a true Pinot grape, ATF is continuing to list Pineau de la Loire as an alternative name in § 4.92(a) to be phased out as of January 1, 1997.

#### *Pinot Chardonnay*

This name was proposed as an alternative name for Chardonnay. William F. Doering and Wine World Estates both supported this proposal because this grape is not a true Pinot grape. ATF continues to list Pinot Chardonnay as an alternative name in § 4.92(a) to be phased out by January 1, 1997.

#### *Muscadelle*

Notice No. 749 listed Muscadelle as an alternative name for the prime grape name Sauvignon vert. In their comment, the OIV noted that the official OIV recognized name for this grape is Muscadelle. Wine Institute commented that California uses Muscadelle as the prime name for this grape in its annual grape crush report.

The FPMS lists both Sauvignon vert and Muscadelle (du Bordelais) as registered grape selections while Oregon only permits Muscadelle to be used for varietal labeling of this wine. Furthermore, examination of wine literature indicates that the grape which is called Sauvignon vert in California is actually the Muscadelle grape.

Based on this evidence and the comments received on this issue, ATF is listing Muscadelle as the prime name for this grape in § 4.91. Concurrently, we are removing Sauvignon vert from that list and according it alternative name status. It is added to the new listing of names in § 4.92(b) which may be used until January 1, 1999.

#### *Refosco*

Refosco was proposed as an alternative name for Mondeuse. Four respondents requested that Refosco be made the prime name of this grape. Lockwood, a California company which produces a varietal Refosco wine, stated that this wine is nationally recognized as Refosco, and that to eliminate this name would cause them economic hardship. Wine Institute noted that the California grape crush report uses Refosco and Mondeuse as synonyms. They further stated that several wineries are releasing a varietal Refosco wine and that consumers understand this term. San Lucas Vineyards stated they have sold Refosco grapes for years to several wineries. They also cited Refosco as a more pleasant and marketable name than Mondeuse. Wine World Estates noted that the FPMS lists Refosco rather than Mondeuse as the name of their registered grape selections.

The difference between these names is attributable to place of cultivation, with Refosco being the Italian name and Mondeuse being the French name for this grape. ATF finds no prejudice toward use of either name, and both have received a degree of consumer recognition in the United States. ATF is, therefore, adopting these comments by listing Refosco as a synonym for Mondeuse in § 4.91.

#### *Other Alternative Names*

Other names proposed in § 4.92 are retained as alternative names except as noted above. Names appearing at § 4.92(a) may be used for wine designations until January 1, 1997. See also the preamble discussion of names similar to appellations of origin for comments on Saint Emilion, and the preamble section entitled "Riesling issues" for a discussion of Franken Riesling.

#### *Riesling Issues*

##### *Background*

The final report of the Winegrape Varietal Names Advisory Committee focused extensively on Riesling issues. It noted that Johannisberg Riesling has long been recognized as an American term in order to distinguish the White Riesling from other grape varieties which are not true Rieslings. The Committee recommended that White Riesling and Johannisberg Riesling be permitted as equal synonyms for this grape. Furthermore, it recommended that the term Riesling not be permitted to stand alone as the name of an American grape variety, but gave no explanation for this position. The final Committee report made

recommendations regarding the use of other grape variety names which incorporate the term Riesling.

#### *Riesling as a Prime Name*

ATF proposed White Riesling and Johannisberg Riesling as prime names in Notice Nos. 581 and 749, but did not propose to permit use of the name Riesling. Notice No. 749 stated that this proposal was intended to create a clear distinction between those grapes which in the past were labeled as "Riesling" but which were not the true Riesling grape and the true White Riesling grape. Accordingly, the term "Riesling" would no longer be used to label grapes made from Emerald Riesling or other so-called Riesling grapes.

ATF received comments from 19 respondents regarding Riesling issues. Sixteen of them favored permitting the term "Riesling" (with or without synonyms) as a prime name, or as a type designation of varietal significance.

Thirteen respondents stated that Riesling is the true name of this grape, and that ATF should not prohibit American winemakers from using it to label their wines. Respondents supported this position by stating that it is unacceptable for the United States to deny American winemakers use of the accepted world-wide name for the Riesling grape and cited the fact that German wines are labeled simply Riesling. The Federal Republic of Germany commented that consumers would be confused or misled if other names are used to designate a Riesling wine. The Oregon Winegrowers Association commented that without use of the term Riesling, U.S. winemakers would be at a competitive disadvantage against German wines. Amity Vineyards stated that consumers might think that German Riesling is a wine different from an American Riesling. The increasing acceptance of American wines in the international wine community was cited by H. Sichel Söhne as an important reason to allow the designation Riesling to be used on American wines.

The Washington Wine Commission stated that consumers identify strongly with the Riesling name and that wineries have worked hard to cultivate a positive image for Riesling among consumers. Moreover, the prohibition of Riesling as a prime name would exclude the ability to market a "Dry Riesling" or "Blush Riesling" wine, a position also endorsed by Stimson Lane, and by the Oregon Winegrowers Association. This association cited Oregon law which prohibits use of Johannisberg Riesling on a wine label, thus requiring Oregon wineries to market either a Riesling or



White Riesling wine. They stated that denial of the ability to market a Riesling wine would cause Oregon wineries severe economic hardship. Other respondents favoring listing Riesling as a prime name included the EC, the OIV, the DW, NABI, the AVA, Eagle Ridge Winery, and Umpqua Valley Chapter, Oregon Winegrowers Association.

Three respondents including Wine Institute, Heublein, and Wine World Estates favored listing Riesling in § 4.28 as a type designation of varietal significance rather than as a grape variety name. According to Wine Institute, ATF has permitted winemakers to use the term "Riesling" to designate a wine which derives 75 percent of its volume from any combination of White Riesling or Emerald Riesling grapes. They stated that consumers have come to associate the term Riesling as a descriptive term used by a specific producer rather than as a specific varietal designation. Thus, Wine Institute argued that Riesling should be a general term which shows merely use of various Riesling grapes rather than designating the White Riesling grape. They further commented that to eliminate this practice would require wineries to label wines with the actual percentage of various grape varieties, action which would be costly and would confuse consumers. Wine World Estates and Heublein supported making Riesling a type designation of varietal significance, similar to the proposed designations for Muscatel, Muscadine, and Scuppernon.

Brown-Forman supported the proposal to list White Riesling and Johannisberg Riesling as prime names, and to prohibit the term "Riesling" from standing alone. The Verband Deutscher Weinexporteure and the Deutscher Weinbauverband commented that White Riesling should be the only designation for American Riesling wine, and that Riesling should not be used as a prime name for American wines.

#### *Conclusion*

All comments clearly indicate that the worldwide name for this grape is Riesling. ATF particularly notes two quotations from the Statement of Principles in the Committee report: "Accuracy has been the Committee's primary objective" and "the key question has in every case been 'What is correct?'" On the basis of all evidence, ATF finds no valid reason to exclude Riesling from the list of prime names in § 4.91.

ATF rejects the position advanced by three respondents to make Riesling a type designation of varietal significance, and thus permit its use for designating

wines composed of a number of so-called Riesling grapes. This would be a misleading use of the name since Riesling is accepted world-wide, as well as within the United States, as representing a specific, identified grape variety. Due to the enormous preponderance of wines labeled Riesling and made from the White Riesling grape, ATF believes it would be deceptive to permit wines made from Emerald Riesling, Grey Riesling, or other so-called Riesling grapes to be labeled simply "Riesling." Thus, ATF is not adopting the comment to list Riesling as a type designation of varietal significance, and is instead listing Riesling as a grape variety name.

Riesling is added to the list of prime grape names in § 4.91. As of the effective date of this final rule, any American wine labeled "Riesling" must be made from a minimum of 75 percent Riesling (White Riesling) grapes. Wines now made from Emerald Riesling or other so-called Riesling grapes will need to be relabeled to show the actual grape varieties used.

#### *Discussion of White Riesling and Johannisberg Riesling*

The Winegrape Varietal Names Advisory Committee recognized White Riesling (the literal translation of "Weisser Riesling," the botanical name of the grape) as the prime grape name. The Committee also recommended listing Johannisberg Riesling as a synonym since they found this name had been in use for many years in the United States, and that it was used to distinguish the White Riesling grape from other so-called Riesling grapes. Many comments addressed the listing of both names in § 4.91.

Many respondents objected to permitting "Johannisberg Riesling" as a synonym for the Riesling grape. Respondents stated that "Johannisberg" is a geographic term and a registered trademark; thus, under German law, only wine from Schloss Johannisberg in Germany is entitled to the designation Johannisberg Riesling.

ATF received fewer comments addressed to use of White Riesling as a synonym. The DW commented that while this is the scientific term, White Riesling is never used to label German wines. The Oregon Winegrowers Association commented in favor of allowing Riesling as the prime name, but noted that the State of Oregon permits either Riesling or White Riesling to be used in labeling.

The Verband Deutscher Weinexporteure and the Deutscher Weinbauverband favored authorizing White Riesling as the only designation

for American Riesling wine. H. Sichel Söhne favored retaining White Riesling as an alternative name. NABI supported Riesling as the prime name but favored permitting White Riesling as an alternative. Brown-Forman supported the proposal to list White Riesling and Johannisberg Riesling as prime names, and to prohibit the term Riesling from standing alone. Wine World Estates commented in favor of permitting both White Riesling and Johannisberg Riesling as synonyms.

#### *Conclusion*

ATF finds the term White Riesling is well known to consumers. This term is used internationally as a designation for this wine. White Riesling is also the botanical name of this grape (a translation of "Weisser Riesling"). ATF is, therefore, listing White Riesling as a synonym for Riesling in § 4.91.

Although the term Johannisberg Riesling has long been used in the United States to distinguish true [White] Riesling wine from wine made with other so-called Riesling grapes, the evidence is clear that Johannisberg Riesling is not the correct name of this grape variety. Moreover, as noted by several respondents, "Johannisberg" is a German geographic term, and the name of a specific winegrowing region within Germany.

Since this final rule authorizes use of the name Riesling, standing by itself, as the prime name for wine made from this grape, ATF finds that there is no longer the necessity to distinguish wine made from the true Riesling grape by use of the term "Johannisberg Riesling." Based on this fact, and in the interest of implementing the Committee's charter to provide accurate and correct grape variety names, ATF has concluded that the name Johannisberg Riesling should no longer be permitted as a grape variety designation. Accordingly, Johannisberg Riesling is removed as a synonym for Riesling in § 4.92 and made an alternative name. Owing to its current use and the necessity to prepare new packaging and marketing materials, Johannisberg Riesling is listed in § 4.92(b) which permits its use in labeling wines prior to January 1, 1999.

#### *Other Riesling Names*

Several other grape variety names contain the word "Riesling," but are not the true Riesling grape. Grey Riesling, Emerald Riesling, Missouri Riesling, and Wälschriesling (and synonym Welschriesling) were proposed as prime names in Notice Nos. 581 and 749.

### General Comments

Fourteen respondents favored the removal of these Riesling names from the list of prime names. The consensus was that none of these grape varieties are the true Riesling grape, and that any use of a Riesling name to identify non-Riesling grapes is misleading and confuses the public. The Oregon Winegrowers Association noted that United States wineries' varietal labeling of these misnamed "Riesling" varieties is declining. All of these respondents requested that ATF take action to phase out the use of Grey Riesling, Emerald Riesling, Missouri Riesling, and Wälschriesling over a period of time.

#### *Grey Riesling/Trousseau Gris*

The final Committee report stated that the Grey Riesling grape had not been conclusively identified but that it was not a true Riesling. It recommended that ATF replace the incorrect name Grey Riesling with the correct grape variety name when positive ampelographic identification of this grape was made. Grey Riesling was proposed as the prime name in Notice No. 581 since no definitive identification of this grape had been made. However, when Notice No. 749 was published in September 1992, this grape had been identified as Trousseau gris which was proposed as a synonym for Grey Riesling.

The Federal Republic of Germany comment confirmed this ampelographic finding. Their comment stated that findings of the German Federal Institute for Cultivation Research in Vintage Culture and Horticulture, Institute for Grapevine Breeding Geilweilerhof, supports the recent ampelographic study showing Grey Riesling to be the variety Trousseau gris.

Twelve respondents commented that ATF should phase out the name Grey Riesling in favor of the correct name Trousseau gris. Respondents included both European and international interests, one Committee member, and American wineries and grape growers. Only one respondent, Wine World Estates, commented in favor of retaining Grey Riesling as a prime name, although as a synonym for Trousseau gris. ATF notes that five respondents favored retaining Grey Riesling as a prime name in their comments to Notice No. 581, prior to positive identification of the grape. Reasons advanced at that time included the fact that this variety had been grown in California for over 100 years and had received wide public acceptance as Grey Riesling. Other respondents noted that the name Grey Riesling was preferable to an unknown

European grape variety name with no consumer recognition.

ATF finds the evidence for removal of Grey Riesling from the list of prime names to be very strong. This grape is not related to the Riesling, but has been positively identified as Trousseau gris. The FPMS lists "Trousseau" as a synonym for Grey Riesling. Moreover, as noted by the Oregon Winegrowers Association, the use of the name Grey Riesling for labeling varietal wines is declining. ATF is, therefore, removing Grey Riesling from the list of prime names in § 4.91, and is listing Trousseau gris as the prime grape name. In order to give American wineries sufficient time to make the name change to Trousseau gris, ATF is listing Grey Riesling as an alternative name in § 4.92(b) which may be used until January 1, 1999.

#### *Missouri Riesling*

This grape has been cultivated in the United States for over a century, always as Missouri Riesling. It is not a Riesling, but is a native American grape, probably a cross of *Vitis riparia* and *Vitis labrusca*. Historical evidence indicates this grape was developed by Nicholas Grein in Hermann, Missouri in 1870. Due to the lack of any alternative name, the Committee report recommended Missouri Riesling be included in the list of prime names. It was proposed as a prime name in Notice Nos. 581 and 749.

ATF received eight comments addressing Missouri Riesling. All respondents requested that since it is not a true Riesling, and because it contains a place name, ATF remove it from the list of prime grape names. Respondents suggested that the name be replaced either with "Grein" or "Grein Grape" in honor of Nicholas Grein who developed the grape, or with "Missouri Grape," and that Missouri Riesling be listed as an alternative name for a short period of time.

ATF acknowledges that the Missouri Riesling is not a true Riesling grape. Nevertheless, it has been used as a wine designation for a long period of time. Since there is no evidence which indicates that this grape has any other known name, ATF is retaining the prime name Missouri Riesling in § 4.91.

#### *Emerald Riesling*

The Committee report noted that this grape is widely planted, but that it is a crossbred variety and not the true Riesling grape. In the absence of an accepted alternative name, the Committee recommended its continued use as a prime name. Emerald Riesling was proposed as a prime name in Notice Nos. 581 and 749.

This grape was developed by Professor H. P. Olmo at the University of California, Davis in 1948, and is identified as "Emerald Riesling (Olmo 1948)." It is a cross between the Riesling grape and Muscadelle (Sauvignon vert).

Eight respondents commented on this proposal. Seven noted that Emerald Riesling is not a true Riesling grape and this name should be listed as an alternative name and phased out in the future. These respondents suggested that this grape be named "Olmo" in honor of its developer, "Emerald" or "Emerald Grape," or be given a new commercial name. Wine World Estates supported retaining Emerald Riesling as a prime grape name.

ATF is listing Emerald Riesling as a prime grape name for two reasons. First, there is no other known name which has been used; it is known to industry and consumers only as Emerald Riesling. ATF also retains this name because, unlike other misnamed Riesling varieties, this grape is directly related to the Riesling. Thus, ATF is listing Emerald Riesling as a prime name for this grape in § 4.91.

#### *Wälschriesling and Welschriesling*

On the basis of the final Committee report, both names were proposed as prime names and synonyms in Notices Nos. 581 and 749.

Nine respondents commented on this. Eight agreed that this grape is not a true Riesling, and that the prime name should be changed. The German Federal Republic noted that the naming of this grape is primarily a European problem since it is widely cultivated in Southeastern Europe under various names including "Laski Rizling," "Olasz Rizling," "Rakusky Rizling," and "Rizling Vlassky." One respondent suggested that the name should be standardized as Welschriesling while five others suggested using the European name Welsch Rizling.

ATF is not aware that this grape has been used in the United States to make a varietal wine designated as Wälschriesling or Welschriesling; thus consumers are unfamiliar with either name. ATF is thus adopting the suggestion to use the name for this grape commonly used in Europe, Welsch Rizling. We believe this action will help avoid consumer confusion since consumers will be unlikely to confuse wine labeled Welsch Rizling with wine made from the White Riesling grape.

Thus, ATF is listing Welsch Rizling as a prime name in § 4.91. Wälschriesling and Welschriesling are listed in § 4.92(a) as alternative names to be phased out by January 1, 1997. This short phase out

period is provided due to lack of use of either name at the present time.

#### *Other Riesling Names*

The final Committee report noted that a few other grape varieties include the name Riesling. Since none of these are the true Riesling grape, it recommended these other names be eliminated, and specified Okanagon Riesling and Siegfried Riesling as misleading names for grapes which are not Rieslings. ATF notes that Siegfried Riesling was released in 1958 under the name Siegfried which is included in the list of prime grape names. We are not aware of any other name by which Okanagon Riesling has been called.

ATF did not propose Okanagon Riesling, Siegfried Riesling, or any other grape variety names which includes the term "Riesling" as a prime grape name in Notice Nos. 581 or 749. Franken Riesling was proposed as an alternative name for Sylvaner, to be phased out by January 1, 1997.

Twelve respondents commented on the use of other so-called Riesling names. These respondents unanimously supported excluding any other Riesling grape names from the list of prime names in § 4.91, and supported ATF's proposal to phase out Franken Riesling in favor of Sylvaner by January 1, 1997. These proposals are adopted.

#### *Gamay Issues*

##### *Napa Gamay*

This grape has a long history of cultivation in California but its origin is unclear. During the 1960's, the University of California at Davis determined that this grape was the French Gamay grape (Gamay noir). More recent ampelographic studies have disclosed that the grape called Napa Gamay grape is not related to the French Gamay.

The Committee report recommended that Napa Gamay be proposed as an alternative name to be phased out when the grape's true identity was established. Notice No. 581 proposed Napa Gamay as a prime grape name, but noted that work was underway to establish its true identity. Recent ampelographic study has identified this grape as Valdiguié, a French grape. Due to the long-standing use of the name, ATF proposed Napa Gamay as a synonym for Valdiguié in Notice No. 749. ATF solicited comments on whether Napa Gamay should be retained as a synonym for Valdiguié, or whether the name Napa Gamay should be phased out in the future.

Respondents submitted mixed comments on this issue. Wine World

Estates and the California Association of Winegrape Growers commented that Napa Gamay should be retained as a synonym for Valdiguié due to its historical use and consumer recognition. The Embassy of France and the INAO favored the phase out of Napa Gamay as a prime name in favor of the correct name Valdiguié. The OIV commented in favor of phasing out the term Napa Gamay in order to remove a geographic term from a grape variety name. Amity Vineyards pointed out that the Napa Gamay grape is unrelated to Gamay noir, and thus, "imposters" gain a marketing advantage over persons selling true varietal Gamay noir wine.

Based on the comments and the recent identification of this grape variety, ATF has decided to phase out the name Napa Gamay. ATF finds that Napa Gamay is seldom used for labeling a varietal wine; more often it is used in producing Gamay Beaujolais and other non-varietal wines. Moreover, it is not a Gamay grape; thus any use of the name "Gamay" for this grape is incorrect. This grape now has been positively identified as Valdiguié, although it is not widely known by this name. In the interests of accuracy in labeling, ATF is adopting Valdiguié as the prime name in § 4.91, and Napa Gamay as an alternative name in § 4.92(b) which may be used for labeling wine until January 1, 1999.

##### *Gamay Noir*

The Committee recommended that the grape variety Gamay be included as a prime name in anticipation that wine from the true Gamay grape would be produced in the United States in the future. Gamay was proposed as a prime name in Notice No. 581. On the basis of a comment submitted by the Oregon Winegrowers Association, ATF proposed Gamay noir, a shortened form of the name Gamay noir à jus blanc, as its prime name in Notice No. 749. In that notice, ATF stated that use of Gamay noir would help distinguish wine made from the true Gamay grape from other wines which were labeled "Gamay" in the past.

ATF received no comments addressed to the name Gamay noir, and it is included in the list of prime grape names. ATF further notes that we will no longer approve American wine labels which show only "Gamay" as a designation. Future labels must show Gamay noir if produced from the true Gamay grape, or Napa Gamay if produced from Valdiguié and bottled prior to January 1, 1999.

##### *Gamay Beaujolais*

ATF did not address the term Gamay Beaujolais in Notice No. 749. That

notice stated that ATF had insufficient information either to propose eliminating use of the term Gamay Beaujolais or to authorize its continued use on a permanent basis.

Wine World Estates favored the decision to defer action on use of the term Gamay Beaujolais. The California Association of Winegrape Growers supported ATF's current policy to permit wine to be designated Gamay Beaujolais if it is derived from not less than 75 percent Pinot noir or Valdiguié (Napa Gamay) grapes. Several other respondents requested that ATF specify a date by which use of the term Gamay Beaujolais would be phased out in favor of labeling these wines with the actual grape variety. These respondents included the Agricultural Counselor, Embassy of France, the Union Interprofessionnelle des Vins du Beaujolais, the FEVS, the INAO, and NABI.

ATF has made Gamay Beaujolais the subject of a separate rulemaking proceeding. See Notice No. 793, 59 FR 15878, April 5, 1994. In the interim, ATF will permit domestic wineries to use Gamay Beaujolais as a designation. Such wine must derive at least 75 percent of its volume from Pinot noir, from Valdiguié (Napa Gamay), or from a mixture of these grapes.

#### *New Grape Variety Names*

##### *General*

Five respondents requested the inclusion of additional grape variety names to the list of prime names in § 4.91. Two of them are newly-developed grape varieties; others are European *vinifera* grapes which have been introduced into viticultural use in the United States. In Notice No. 749, ATF also solicited information on a number of grape varieties which were not proposed as prime names.

##### *Chardonel*

Bruce Reisch, Department of Horticultural Sciences, The New York State Agricultural Experiment Station, Cornell University at Geneva, requested that Chardonel be added to the list of prime names. He stated that Chardonel is a cross between Seyval and Chardonnay first made in 1953 at Geneva. It was propagated in 1960 as "NY 45010" and later renamed "Geneva White 9." The grape was named Chardonel by Cornell University in 1990, and has received U.S. Plant Patent No. 7860, dated May 5, 1992.

According to Reisch, growers in Maryland, New Jersey, Pennsylvania and Missouri have expressed satisfaction with the viticultural and

winemaking characteristics of Chardonel. Wine was first made from this grape in 1966. Currently, the grape is cultivated in Pennsylvania, Michigan, and Arkansas, and vines are available from the New York State Fruit Testing Cooperative Association, Geneva, and from commercial nurseries. ATF has given certificates of label approval to wineries in several States for a Chardonel wine. Accordingly, ATF is adding Chardonel to the list of prime grape names in § 4.91.

#### *Golden Isles*

R.H. Lane, Associate Professor of Horticulture, the University of Georgia, Agricultural Experiment Station, requested that Golden Isles, another newly-developed grape variety, be included on the list of prime names. Golden Isles is a bronze Muscadine (*Muscadinia rotundifolia*) grape developed at the University of Georgia Agricultural Experiment Station, and is a cross between Fry and Georgia 19-6 made in 1969. According to the literature, Golden Isles produces a high quality wine with less pronounced Muscadine flavor than other bronze Muscadine wines. Golden Isles vines are commercially available.

ATF is adopting this comment and adding Golden Isles to the list of prime names in § 4.91.

#### *Sereksiya*

ATF requested information about the variety "Sereksia." This grape, a *Vitis vinifera*, is a native of Russia, but has been introduced into the United States for viticultural use.

Bruce Reisch commented that Sereksiya Chernaya is a blue grape from the Soviet Union. He noted that it has many old world synonyms (Bobyaska Nyagra, Cheryi Redkii, Koldausha, Sassar, Stropatyi, Tsoflyar), but that the correct name is "Sereksiya." This grape has been used by at least one New York winery to make a varietal wine. Based on this evidence, ATF is adding Sereksiya to the list of prime grape names in § 4.91.

#### *Other Grape Varieties*

Three respondents sought the inclusion of other grape varieties on the list of prime names. These varieties are *Vitis vinifera* grapes which have been introduced into viticultural use in the United States in recent years and which are now being used to make varietal wines. The Millbrook Winery, Mount Palomar Winery, and Guenoc Winery requested inclusion of the following *vinifera* varieties: "Arneis," "Carmenère," "Cortese," "Corvina," "Fernão Pires," "Freisa," "Gros Verdot,"

"Roussanne," "Teroldego," "Tocai Friulano," and "Verdelho."

*Arneis* is a white wine grape native to Italy's Piedmont region. According to the OIV, it has no synonyms in general use. ATF has granted label approval to at least one California winery for a varietal Arneis wine. Due to its introduction in the United States and use in making wine, ATF is listing Arneis as a prime grape name in § 4.91.

*Carmenère* is a red wine variety native to Bordeaux. The OIV lists no synonyms in general use. It is listed as a grape variety name for use under the rules of the Oregon Liquor Commission. *Carmenère* is a Bordeaux grape which is also used in Bordeaux-style blends produced in the United States. Due to its use in winemaking, ATF is listing *Carmenère* as a prime grape name in § 4.91.

*Cortese* is a white wine variety grown in the Piedmont region of Italy. The OIV lists no synonyms which are in worldwide use. Mt. Palomar Vineyards commented they currently grow two acres of Cortese in their vineyard in Temecula, CA, and will produce varietal wine in the future. Due to its introduction in the United States and use in making wine, ATF is adding Cortese to the list of prime grape names in § 4.91.

*Corvina*, a red wine grape, is native to the Ventio region of Italy where it is a common element in Bardolino and Valpolicella wines. In Italy this grape is also known as "Corvina Veronese." *Corvina Veronese* is a FPMS registered grape selection, and is available for commercial use in the United States. Based on the use of this grape in winemaking in the United States, ATF is listing *Corvina* as a prime name in § 4.91, but without the geographic term "Veronese" which refers to the region in Italy where the *Corvina* grape is commonly grown.

*Fernão Pires* is a white grape native to Portugal, but also grown in South Africa. It is listed as a FPMS registered grape selection. According to Millbrook Winery, a small amount of *Fernão Pires* has been planted in the United States. ATF believes this grape variety is being used in producing wine in the United States, or will be used in the near future. Thus, ATF is listing *Fernão Pires* as a prime grape name in § 4.91.

*Freisa* is an Italian black grape. According to the OIV, there are no synonyms in worldwide usage. *Freisa* is listed as a FPMS registered grape selection. Millbrook Winery commented that a small amount of *Freisa* has been planted in at least two vineyards, and they have produced wine from these grapes. Due to its availability in the

United States and its use in making wine, ATF is adding *Freisa* to the list of prime names in § 4.91.

*Gros Verdot* is another red wine variety native to Bordeaux. It is not currently listed as an FPMS registered grape selection although Guenoc Winery stated they are growing this grape. ATF believes that this grape will be used in producing varietal wines. Consequently, ATF is listing *Gros Verdot* as a prime grape name in § 4.91.

*Roussanne* is a white wine variety native to the Rhône. The OIV lists use of the synonym "Bergeron" in France. *Roussanne* is not listed as an FPMS registered grape selection, although it has been used to produce wine in California where plantings are as yet limited. ATF has granted a certificate of label approval to a California winery for their *Roussanne* wine. Due to its introduction in the United States and use in making wine, ATF is listing *Roussanne* as a prime name in § 4.91.

*Teroldego* is a red wine variety indigenous to Italy's northeast Trento-Alto Adige region where it is grown almost exclusively on the Campo Rotaliano plain north of Trento. The OIV lists no synonyms in general use. *Teroldego* is not listed as an FPMS registered grape selection, although there are small plantings in the United States.

Millbrook Winery has stated that they are producing a wine using *Teroldego* grapes. Based on this evidence of usage, ATF is adding *Teroldego* to the list of prime names in § 4.91.

*Tocai Friulano* as its name implies is a white wine grape native to the Friuli-Venezia Giulia region of extreme northwest Italy. The OIV lists several synonyms including "Tokai," "Tokay," and "Sauvignonasse." *Tocai Friulano* is listed as an FPMS registered grape selection and there are small plantings in the United States. At least one winery has been given a certificate of label approval for a varietal *Tocai Friulano* wine.

Due to its cultivation in the United States and its use in winemaking, ATF is including *Tocai Friulano* in the list of prime grape names in § 4.91.

*Verdelho* is a white wine grape native to Portugal which is widely used in producing Port and Maderia wines. It is also grown in Australia where it is used in producing table wines. *Verdelho* is listed as a registered grape selection by the FPMS and is commercially available at nurseries in the United States. Based on this evidence, ATF is adding *Verdelho* to the list of prime grape names in § 4.91.

*Pinotage*, a red grape variety, is a cross between Pinot noir and Cinsaut.

This grape is widely planted in South Africa and in recent years small amounts have been planted in the United States. It is listed as a registered grape variety by the FPMS, and is commercially available. Pinotage is currently used to make wine and ATF has granted certificates of label approval for varietal Pinotage wines. Although no respondents requested the inclusion of Pinotage in the list of prime grape names, ATF is adding this grape to the list based on its current use.

**Early Muscat.** Early Muscat is a *vinifera* grape grown on the west coast primarily as a table grape. Although seldom employed in winemaking, a number of wineries have produced a varietal Early Muscat wine over the last several years. The State of Oregon lists Early Muscat as a permitted grape variety designation, and this grape is available through commercial nurseries.

Although no written comments were received regarding variety, ATF is including Early Muscat in the list of prime grape names in § 4.91 on the basis of its use in winemaking.

**Fredonia** is an older *Vitis labrusca* grape. It has fallen out of favor in producing a varietal wine in recent years, but still enjoys use in winemaking. ATF notes that it has granted label approval recently to wineries producing varietal Fredonia wine. Although no respondents to Notice No. 749 requested its inclusion, ATF is including Fredonia in the list of prime grape names in § 4.91.

**Grape Variety Names Identical or Similar to Appellations of Origin or Foreign Geographic Terms**

**Background**

Included in proposed § 4.91 were 13 grape variety names which six respondents identified as being similar or identical to recognized appellations of origin within the European Community. These respondents including the EC, the Embassy of Spain (Spain), the Embassy of the Republic of France (France), the OIV, the FEVS, and INAO identified the following proposed grape variety names as being identical or similar to recognized appellations of origin within Europe.

Wine Grape Variety	Appellation of Origin (Nation)
Muscat Pantelleria ...	Moscato di Pantelleria (Italy).
Rosette .....	Rosette (France).
Pinot Saint George ..	Saint-Georges Saint-Emilion (France).
St. Croix .....	Ste.-Croix Du-Mont (France).
Saint Macaire .....	Cotes de Bordeaux Saint-Macaire (France).
Tinta Madeira .....	Madeira (Portugal).
Valdepeñas .....	Valdepeñas (Spain).
Vivant .....	Romanee Saint-Vivant (France)

These respondents objected to the proposal to list these as prime grape variety names on the basis that their use on American wine labels would: (1) be confusing and misleading to consumers since the wines would not be produced in the designated areas and would not meet the appellation of origin requirements; (2) comprise an erosion of the foreign appellation of origin name; and (3) be in violation of the exchange of letters between the EC and United States of July 26, 1983, which were intended to prevent erosion of non-generic designations of geographic significance. Several respondents rejected ATF's argument made in Notice No. 749 that use of these names was not likely to result in consumer confusion since the grape variety name would always appear in direct conjunction with an appellation of origin on a wine label. Spain commented that the authorization of three grape variety names, "Alicante Bouschet," "Carignane," and "Valdepeñas," would hinder future ATF recognition of well established appellations of origin, and would negatively impact the sale of Spanish wines in the U.S. market.

The EC, France, and the INAO did not object to the use of Aligoté as a grape variety name provided ATF prohibited winemakers from using the terms Aligoté and Burgundy (a semigeneric designation under § 4.24(b)) together on American wine labels. These respondents believed this labeling could be confused with the French appellation of origin "Bourgogne Aligoté."

The EC and OIV further noted that some grape variety names in § 4.91 contain geographic terms which could be confusing to consumers as to the origin of wines. These names were in addition to those cited as resembling approved appellations of origin, and included the following: Early Burgundy, Flame Tokay, Green Hungarian, Muscat of Alexandria, Muscat Canelli, Mataro, Napa Gamay, and Naples. The OIV suggested synonyms for these grapes

which do not contain geographic terms and which they believe would be less likely to confuse consumers.

**Discussion**

ATF set forth its position concerning the use of grape variety names which may be similar to foreign appellations of origin in Notice No. 749. ATF stated that there is no reason to deny use of a grape variety name to American winemakers simply because that name bears a resemblance to a foreign name of geographic significance. ATF believes the requirement to use an appellation of origin in direct conjunction with a grape variety name will prevent confusion between an American varietal wine and a wine labeled with a foreign appellation of origin. ATF believes this requirement makes foreign wines distinctive from American wines bearing a grape variety name. We further stated that any questions concerning the potential for consumer confusion as to the identity of wine which may arise when a foreign geographic term is similar or identical to a varietal name would be resolved by ATF on a case-by-case basis.

ATF's position on this matter has not changed. Thus, ATF is not removing any grape variety names from the lists in §§ 4.91 and 4.92 merely because they are similar to foreign appellations of origin or contain geographic terms. The following names proposed in § 4.91 are adopted: Alicante Bouschet, Aligoté, Carignane, Early Burgundy, Flame Tokay, Fumé blanc, French Colombard, Green Hungarian, Mataro, Muscat of Alexandria, Muscat Canelli, Naples, Rosette, St. Croix, Saint Macaire, Tinta Madeira, Valdepeñas, and Vivant.

**Specific Actions**

The EC, France, FEVS, and the INAO supported the proposal to eliminate use of the name Saint Emilion, and to phase out use of the names Franken Riesling, Pineau de la Loire, and Muscat Frontignan.

In Notice No. 749 ATF noted that the name Saint Emilion is not in widespread use in the United States and that this grape is well known by other names. Thus, Saint Emilion is not included in the lists of grape names in §§ 4.91 or 4.92. Trebbiano is listed in § 4.91 as the prime name and Ugni blanc as a synonym for this grape in § 4.92.

The alternative names Pineau de la Loire and Franken Riesling remain in the list at § 4.92(a) to be phased out by 1997 in favor of the names Chenin blanc and Sylvaner.

ATF proposed Muscat blanc as a prime name in § 4.91 while Muscat Frontignan was proposed as an

Wine Grape Variety	Appellation of Origin (Nation)
Alicante Bouschet ....	Alicante (Spain).
Aligoté .....	Bourgogne Aligoté (France).
Carignane .....	Cariñena (Spain).
Fumé blanc .....	Blanc Fumé de Pouilly (France).
Johannisberg Riesling.	Johannisberg (Germany).

alternative name to be phased out in 1996. Heublein commented that their Beaulieu Vineyard facility has produced Muscat Frontignan since 1920 and stated that it was important to the company to retain this designation. Wine World Estates also commented in favor of retaining Muscat Frontignan as a grape variety name.

ATF agrees that this name has been used in labeling wines for decades in the United States, and it has received a degree of consumer recognition. Nevertheless, ATF finds that the name Muscat Canelli is in far more widespread use at the present time for labeling domestic wines. Moreover, one goal of this rulemaking is to reduce the large number of synonyms in use. Thus, ATF is phasing out the name Muscat Frontignan as proposed in Notice No. 749. However, in view of its longstanding use and the time required to change labels and advertising to Muscat blanc or Muscat Canelli, ATF has decided to permit the use of Muscat Frontignan as a grape variety designation for an additional period of time. Thus, Muscat Frontignan is added to the list of alternative names appearing at § 4.92(b). It may be used as a designation until January 1, 1999.

On review of the comments and literature concerning the proposed prime grape name Pinot St. George, ATF finds that a more accurate name for this grape is Négrette. Moreover, this grape is not a Pinot although it was once misidentified as Pinot noir. Consequently, ATF finds that Pinot St. George is an incorrect name for this grape. As a result, we are removing this name from § 4.91 and replacing it with the prime name Négrette. Pinot St. George is listed in § 4.92(b) as an alternative name to be phased out by January 1, 1999.

On examination of the proposed prime grape name Muscat Pantelleria, ATF finds no evidence that this is a distinct grape variety. Instead, all evidence indicates this is a Muscat wine associated with the island of Pantelleria off of Sicily and well known as "Moscato di Pantelleria." The grape from which Moscato di Pantelleria wines are made is actually the Zibibbo or Muscat of Alexandria grape. Therefore, Muscat Pantelleria is removed from the list of prime grape names in § 4.91 and added to § 4.92(b) as an alternative name for Muscat of Alexandria to be phased out by January 1, 1999.

#### *Type Designations of Varietal Significance*

In Notice No. 749, ATF proposed a new category for designating American

wine, type designations of varietal significance. These designations apply to wines which are composed of a mixture of specific grape varieties, but which do not contain enough of a single variety to qualify for a varietal designation (75 percent). Nevertheless, these wines demonstrate characteristics of the grape varieties used to produce them and their names imply some grape variety source. For example, under proposed § 4.28, a wine labeled Muscatel is required to derive at least 75 percent of its volume from any Muscat grape source and otherwise conform to the definition for Muscatel at § 4.21(a)(3). Wine designations in § 4.28 may stand alone on a label as the class and type designation of a grape wine. ATF also proposed amending § 4.34 to require that an appellation of origin appear in direct conjunction with these type designations.

Three designations were proposed. In addition to Muscatel, Scuppernong was proposed as an American wine deriving not less than 75 percent of its volume from bronze *Muscadinia rotundifolia* grapes, and Muscadine was proposed as an American wine deriving at least 75 percent of its volume from any *Muscadinia rotundifolia* grape source.

William F. Doering and Wine World Estates commented in favor of these proposals. Since there were no other comments, ATF is adopting § 4.28 containing these designations.

Several respondents requested that Riesling be added to this category to designate a wine made with any "Riesling" grapes. ATF is not adopting this comment. See the discussion under "Riesling issues."

The EC commented that ATF should not permit variety names for Muscat grapes which incorporate foreign geographic terms. Specifically, they requested that ATF not list the names Muscat Canelli, Muscat du Moulin, Muscat Hamburg, Muscat of Alexandria, Muscat Pantelleria, and Muscat Ottonel. In lieu of these grape variety names, the EC requested that the full name of the grape "Muscat blanc à petit grains" be used, or that the general label term "Muscat" be permitted.

This final rule authorizes Muscat variety names which incorporate foreign geographic terms since we find these names are recognized as distinct grape varieties. ATF is, however, responding to the EC request by permitting use of the term "Muscat" or "Moscato" as a labeling designation. ATF believes these terms have widespread consumer recognition as a wine derived from Muscat grapes. We further find that many domestic wine labels exist which use the designations Muscat or Moscato

to indicate a Muscat grape source but not a specific Muscat grape variety.

ATF is amending § 4.28 to include Muscat and Moscato as type designations of varietal significance to designate a wine which derives 75 percent of its volume from any Muscat grape source. Wines designated Muscat or Moscato under this section are not required to meet the additional requirements imposed on Muscatel wines by § 4.21(a)(3). An appellation of origin must appear in direct conjunction with the designation Muscat or Moscato.

#### *Proprietary Names and Descriptive Terms*

##### *Notice No. 581*

In its final report, the Committee noted that certain wines, which to the uninformed would appear to be varietal wines, are in fact, labeled with registered proprietary names. The Committee suggested that ATF should decline to approve such labels in the future, and should phase out existing approvals of these labels. This suggestion was incorporated into Notice No. 581 which proposed that only the approved grape variety name could be used as a varietal designation, without modification. Accordingly, proprietary names and color descriptors would need to be shown separately on the label. This proposal would have prohibited the use of a designation such as "White Zinfandel," but would have permitted a label reading "Zinfandel" on one line with the description "A White Wine Made From Zinfandel Grapes" on a separate line.

##### *Written Comments*

This proposal was the most controversial issue raised in Notice No. 581. Ninety-five respondents objected to it and in doing so, most respondents objected to Notice No. 581 in its entirety.

Consumers and wineries alike commented that the use of color or style descriptors is a significant aid to consumers in selecting wines. Qualifiers such as "white," "blush," "blanc," "noir," "nouveau," or "rosé" describe the style of wine and enable consumers to differentiate between wines of the same varietal origin but produced in different styles. Wineries cited the economic importance of "blush wines." Some respondents stated that adoption of this proposal would severely damage the market for Zinfandel grapes. As a consequence, respondents claimed the proposal would have a far reaching and devastating impact on grapegrowers, wineries and consumers. A few respondents cited the lack of need or

justification for this proposal, and the lack of consumer confusion over use of such terms.

Similarly, respondents objected to the proposal to prohibit the use of strictly proprietary terms with grape variety names. Proprietary names, unlike descriptive terms, consist of a registered name used to differentiate a winemaker's varietal wine from similar wines made by other winemakers.

#### *Notice No. 749*

In view of the preponderance of comments opposing a prohibition on the use of proprietary and descriptive terms in conjunction with varietal designations, ATF did not include this proposal in Notice No. 749. ATF stated that we would take the position that label designations which incorporate proprietary or descriptive terms are misleading if their use results in consumer deception.

#### *Comments to Notice No. 749*

Only six respondents commented on the use of proprietary and descriptive terms with grape variety names. The Wine Institute, NABI, Wine World Estates, and Cain Cellars fully supported ATF's position not to prohibit their use. William F. Doering stated that the proposal is sensible, but that some existing proprietary names are misleading and that ATF should deal with these names on a case-by-case basis. The Wine Institute requested that ATF seek to secure acceptance of some of these terms, such as White Zinfandel, on a worldwide basis to assist the international sales of American wines. This aspect of their comment is beyond the scope of this rulemaking.

Professor H.P. Olmo, The University of California, Davis, and a Committee member, objected to the proposal to permit use of descriptive terms with variety names. He stated that to allow such use would nullify the concept of grape variety classification, and would confuse grape variety names with a wine type. He further stated that to permit them would cause the multiplication and falsification of grape variety names and cause the mistrust of grape variety names.

#### *Conclusion*

Respondents to this notice as well as to Notice No. 581 have demonstrated the value of proprietary names and descriptive terms in providing the consumer with useful information. ATF further acknowledges the economic importance that wines labeled with descriptive terms such as "blush" or "White Zinfandel" have to the American wine industry. Finally, ATF

is not aware of any consumer confusion or deception resulting from the use of descriptive terms with grape variety names on labels, and ATF does not believe that consumers need to be protected from such labeling.

Thus, ATF will continue to permit the use of descriptive and proprietary names on labels in conjunction with grape variety names. ATF will, however, examine labels to ensure that such terms are not used in a manner that is deceptive or misleading.

#### *Approval of Future Variety Names*

One part of the Committee's charter was to recommend guidelines for the wine industry and ATF to follow in determining the appropriateness of names suggested in the future for new grape varieties. The Committee's recommended guidelines were incorporated into Notice No. 581.

As proposed, a letterhead application to the Director would be sufficient to request approval of a new grape variety name. Evidence regarding the name, its use in winemaking, and its cultivation in the United States would be submitted as part of the application. Supporting evidence such as a plant patent, acreage information, and scientific references would also be required.

In addition to outlining the procedure for applying for a grape variety name, the Committee made recommendations regarding suitability of new names. As proposed in Notice No. 581, a new grape variety name could not contain words of geographical significance; could not have been previously used for another variety; could not contain foreign words; could not contain misleading names; and could not contain "Riesling" as part of the name.

On the basis on comments made to Notice No. 581, ATF made certain changes in the procedures for approval of new grape variety names. These were incorporated in proposed § 4.93 in Notice No. 749. Since there were no comments directed to this section, it is adopted as proposed.

Paragraph (a) gives the procedure used to petition the Director for approval of a grape variety name. This procedure applies in the case of newly-developed grape varieties as well as for existing varieties which come into use for wine production in the United States.

Paragraph (b) sets forth evidence necessary to document a newly-developed grape variety.

Paragraph (c) sets forth standards for the approval of any grape name. Names will not be approved if they have previously been used for a different grape variety, if they are misleading

under § 4.39, or if they contain the word "Riesling."

Paragraph (d) gives the Director the authority to make a case-by-case determination whether a requested grape variety name would be misleading. Under this paragraph, the Director has authority to make a determination whether grape variety names containing words of geographic significance, place names, or foreign words are misleading under § 4.39. Variety names found to be misleading would not be approved by the Director. This section does not prohibit use of such terms in grape variety names if their use is found by the Director not to be misleading.

ATF notes that it is not the intent of § 4.93(d) to prohibit the use of established grape variety names which may contain terms of geographic significance, place names, or foreign words, but rather to discourage the use of these kinds of terms in naming new grape varieties. This paragraph applies to grape varieties developed in the United States, but does not apply to existing grape varieties growing in foreign countries and which are introduced into viticultural use in the United States.

Paragraph (e) provides that the Director will publish the list of approved names annually in the Federal Register. This publication will inform consumers and wineries of periodic changes to the list of approved names without formally amending §§ 4.91 or 4.92 every time a name is added. From time to time, ATF will incorporate published changes to the list into §§ 4.91 or 4.92. ATF will not use Federal Register publication as a means to avoid rulemaking on names which may be controversial.

#### *Text of Regulations*

##### *List of Prime Names, § 4.91*

Section 4.91 contains the list of approved prime grape variety names. These names may be used as the label designation of American wines. Only the prime grape name appears in the alphabetical listing while approved synonyms and spelling variants appear in parentheses following the prime name of the grape. Synonyms and spelling variants may, however, be used standing alone on a label as the designation for American grape wines. For example, "Riesling" is a listed as a prime name, with the synonym "White Riesling" following in parentheses. Either name may be used as a label designation for wine made from White Riesling grapes.

### Section 4.23

Notice No. 749 contained the full text of a new § 4.23, Varietal (grape type) labeling. This text was included because ATF is removing existing § 4.23 which does not apply after December 31, 1982, and replacing it with a new section applicable after that date. This new section formerly appeared at § 4.23a. The only significant change between existing § 4.23a and the new § 4.23 is the incorporation of a reference to new § 4.28, Type designations of varietal significance. The use on a label of a type designation of varietal significance will require an appellation of origin to appear in direct conjunction with it such as "Georgia Scuppernong" or "California Muscatel."

### Section 4.34, Class and Type

This section is amended to permit a type designation of varietal significance listed in § 4.28 to be used as a class and type designation for American wine.

### Spelling, Capitalization and Punctuation

The Chicago Wine School submitted a comment correcting certain diacritical marks as they appeared in the list of prime names in § 4.91. Based on this comment, ATF has corrected the diacritical marks for Alvarelhão and Mourvèdre in § 4.91.

With the effective date of this final rule, bottlers are required to spell grape variety names as they appear in the lists in §§ 4.91 and 4.92 since this rulemaking is intended to standardize grape variety names to the maximum extent possible. When a variant spelling is recognized, that spelling appears in parentheses following the prime name. Other variant spellings will not be permitted unless approved by the Director.

Wine World Estates supported ATF's proposal not to require upper or lower case type for grape variety names. This position is reflected in this section which permits wine variety names to appear either capitalized or in lower case, and to appear in any style or type which is conspicuous and meets the minimum type size requirements. Grape variety names may be spelled with or without diacritical marks (umlauts, accent marks, hyphens, or tildes). ATF believes these policies, incorporated in the text of § 4.91, will afford bottlers maximum flexibility when designing labels.

### Regulatory Flexibility Act Issues

Thomas P. Kerester, Chief Counsel for Advocacy of the Small Business Administration ("SBA"), submitted two comments to Notice No. 749. The first

stated that ATF's certification under the Regulatory Flexibility Act, 5 U.S.C. § 605, did not contain a succinct statement explaining the reasons for the certification as required by the Act. His second comment expressed concerns the SBA found with the proposed rule, and he stated that adoption of a final rule could be disadvantageous to small wineries.

Kerester noted that phasing out of some alternative grape variety names would prohibit their continued use by small wineries. However, some of these names are available for use by winemakers in other nations. Hence, he stated that consumers accustomed to use of these names would seek imported wines bearing the familiar names, to the detriment of large and small domestic wine producers.

Next, he stated that some wineries may be forced to make operational changes in response to the proposals. For some small wineries, he stated this would require a \$300,000 to \$500,000 investment and require three to five years time. This would disadvantage small wineries which have invested in certain grape varieties, while larger wineries could more easily adapt to the changes.

Finally, Kerester requested that ATF consider the extent to which the changes would inhibit creativity and innovation, and whether the restricting of names would constitute a precedent which could be detrimental to small producers. As a result of these concerns, Kerester suggested that ATF prepare a regulatory flexibility analysis before issuing the final regulations.

ATF does not believe that consumers will be driven to the purchase of imported wines simply because certain grape variety names are not available to domestic wineries. There are thousands of grape variety names used in producing wines worldwide. The current OIV list contains 71 pages of grape names and synonyms which are in use in 27 winemaking nations. ATF believes it would be hopelessly confusing to consumers to permit domestic winemakers to use all available synonyms for labeling wines. Through the Committee's work and this rulemaking effort, ATF has selected the most appropriate prime name for each specific grape used in winemaking; the majority of other names are to be phased out. For the most part, the names being phased out are little used by domestic wineries and have limited consumer recognition. Some alternative names apply to American grape varieties for which there is no imported competition. Furthermore, due to written comments in response to both notices, we have

authorized synonyms for some grape varieties because these names are widely used by domestic wineries and have received a degree of consumer acceptance.

ATF has provided a lengthy period for phasing out the use of alternative grape variety names. ATF first proposed their elimination in Notice No. 581, published in September 1986. These names are phased out in 1996. Names newly added to the list of alternative names may be used until 1999. Thus, ATF has provided ample time for the conversion of labeling and advertising to the prime grape variety names listed in § 4.91.

ATF is aware that domestic wineries compete against foreign wineries and that grape variety names used in labeling are a factor in such competition. In this final rule, ATF lists Riesling as a prime grape name. This action is made in part because nearly all imported wines are labeled simply Riesling rather than Johannisberg Riesling or White Riesling. By listing Riesling as a prime name, ATF is placing domestic wineries on an equal footing with foreign wineries in the labeling of this important worldwide varietal wine. ATF has also authorized a few other synonyms such as Pinot Grigio which is the name used in labeling certain wines produced in foreign nations and which compete directly against American wines made from the same grapes.

As a result of these actions, ATF does not believe that large or small domestic wineries will lose sales of varietal wines to foreign wineries simply because certain names are not available for use in labeling.

No other respondents to Notice No. 749 commented that small wineries would need to make any operational changes in response to those proposals, nor did any other respondents allege that small wineries would bear exorbitant costs associated with the phase out of certain grape variety names. In conjunction with one proposal made in Notice No. 581, numerous respondents stated they would incur large costs and suffer market share loss due to the proposed prohibition on use of descriptive or proprietary terms with grape variety names. ATF removed this proposal from Notice No. 749.

Respondents to Notice No. 749 cited only one issue as raising Regulatory Flexibility Act concerns. ATF, however, does not believe that issue is a result of the proposals concerning grape variety names. As documented elsewhere, growers in California have long grown a grape identified as "Pinot blanc."



Recent ampelographic evidence reveals that this grape is actually the variety Melon. Thus, these grapes are improperly identified; moreover, the use of the name Pinot blanc for Melon grapes is misleading to consumers since the true Pinot blanc grape is now grown in the United States and is used to label varietal wines. To provide accurate identification of wine for consumers, "Pinot blanc" grapes in California must be redesignated with their proper name, Melon or Melon de Bourgogne. Redesignation of these grapes is an enforcement issue and not a result of this rulemaking. While there are costs associated with redesignating these grapes, ATF does not believe that these costs are a result of this final rule.

ATF does not agree with the SBA comment that the changes in this notice would restrict creativity and innovation in labeling wines, to the extent such labeling is truthful and accurate. As noted elsewhere, ATF is not restricting or prohibiting use of descriptive or proprietary terms in conjunction with grape variety names. ATF believes use of these terms is a primary method of innovative labeling of grape variety names.

For the reasons elaborated above, ATF does not believe this final rule will have a substantial economic effect on small entities. Thus, ATF is not preparing an initial or final Regulatory Flexibility Analysis.

#### Effective Dates

With the effective date of this final rule, the name of a grape variety may not be used as a type designation for an American wine unless it is approved by the Director and listed in §§ 4.91 or 4.92, or listed in an annual Federal Register listing of grape variety names.

Grape variety names appearing on the list of alternative names at § 4.92(a) may be only used as the type designations for American wines bottled before January 1, 1997. Grape variety names appearing at § 4.92(b) may only be used as type designations for American wines bottled before January 1, 1999.

The procedure at § 4.93 for petitioning the Director to approve additional grape variety names is effective 30 days after publication of this final rule.

#### Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. As discussed elsewhere in this preamble, this final rule will not impose recordkeeping or reporting burdens on small entities. The standardization of grape variety names will affect labeling and marketing of

wines both by large and small wineries, but is not projected to have a substantial economic impact on small wineries. This final rule will not: (1) impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities, or (2) have significant secondary or incidental effects on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

#### Executive Order 12866

It has been determined that this rule is not a significant regulatory action, because (1) It will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

#### Paperwork Reduction Act

The collection of information contained in this final rule has been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1512-0513. The estimated annual reporting and/or recordkeeping burden is 4 hours. Estimated total annual burden per record-keeper is 2 hours. The estimated number of respondents is two. The estimated annual frequency of responses is one.

This final rule creates a new letterhead notice to be used by respondents in petitioning ATF to add grape variety names to the list of approved prime grape names in § 4.91. The collection of information in this regulation is in the following section: 27 CFR 4.93. This information is used by ATF in order to verify that the grape variety name petitioned for is the name of the identified grape, that the grape is available for viticultural use in the United States, and that the name to be used will not be misleading or deceptive. The likely respondents are businesses and other for-profit institutions, non-profit institutions, and small businesses or organizations.

In response to Notice No. 749, no comments regarding the proposed information collection requirement were received either by the Chief, Information Programs Branch, Bureau of Alcohol, Tobacco and Firearms, or by the OMB Desk Officer for the Bureau of Alcohol, Tobacco and Firearms.

Comments concerning the accuracy of this burden estimate should be directed to the Chief, Information Programs Branch, Room 3400, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; Attention: Desk Officer for the Bureau of Alcohol, Tobacco and Firearms.

#### Drafting Information

The principal author of this document is Charles N. Bacon, Wine, Beer, and Spirits Regulations Branch, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspections, Imports, Labeling, Packaging and containers, Wine.

#### Authority and Issuance

Accordingly, 27 CFR Part 4, Labeling and Advertising of Wine, is amended as follows:

Paragraph 1. The authority citation for Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 4.23 is revised to read as follows:

#### § 4.23 Varietal (grape type) labeling.

(a) *General.* The names of one or more grape varieties may be used as the type designation of a grape wine only if the wine is also labeled with an appellation of origin as defined in § 4.25a.

(b) *One variety.* Except as provided in paragraph (c) of this section, the name of a single grape variety may be used as the type designation if not less than 75 percent of the wine is derived from grapes of that variety, the entire 75 percent of which was grown in the labeled appellation of origin area.

(c) *Exceptions.* (1) Wine made from any *Vitis labrusca* variety (exclusive of hybrids with *Vitis labrusca* parentage) may be labeled with the variety name if:

(i) Not less than 51 percent of the wine is derived from grapes of the named variety;

(ii) The statement "contains not less than 51 percent (name of variety)" is shown on the brand label, back label, or

a separate strip label, (except that this statement need not appear if 75 percent or more of the wine is derived from grapes of the named variety); and

(iii) The entire qualifying percentage of the named variety was grown in the labeled appellation of origin area.

(2) Wine made from any variety of any species found by the Director upon appropriate application to be too strongly flavored at 75 percent minimum varietal content may be labeled with the varietal name if:

(i) Not less than 51 percent of the wine is derived from grapes of that variety;

(ii) The statement "contains not less than 51 percent (name of variety)" is shown on the brand label, back label, or a separate strip label (except that this statement need not appear if 75 percent or more of the wine is derived from grapes of the named variety); and

(iii) The entire qualifying percentage of the named variety was grown in the labeled appellation of origin area.

(d) *Two or more varieties*. The names of two or more grape varieties may be used as the type designation if:

(1) All of the grapes used to make the wine are of the labeled varieties;

(2) The percentage of the wine derived from each variety is shown on the label (with a tolerance of plus or minus 2 percent); and

(3)(i) If labeled with a multicounty appellation of origin, the percentage of the wine derived from each variety from each county is shown on the label; or

(ii) If labeled with a multistate appellation of origin, the percentage of the wine derived from each variety from each state is shown on the label.

(e) *List of approved variety names*. Effective February 7, 1996, the name of a grape variety may be used as a type designation for an American wine only if that name has been approved by the Director. A list of approved grape variety names appears in Subpart J of this part.

#### **§ 4.23a [Removed]**

Par. 3. Section 4.23a is removed.

Par. 4. Subpart C is amended by adding § 4.28 to read as follows:

#### **§ 4.28 Type designations of varietal significance.**

The following are type designations of varietal significance for American wine. These names may be used as type designations for American wines only if the wine is labeled with an appellation of origin as defined in § 4.25a.

(a) *Muscadine*. An American wine which derives at least 75 percent of its volume from *Muscadina rotundifolia* grapes.

(b) *Muscatel*. An American wine which derives its predominant taste, aroma, characteristics and at least 75 percent of its volume from any Muscat grape source, and which meets the requirements of § 4.21(a)(3).

(c) *Muscat or Moscato*. An American wine which derives at least 75 percent of its volume from any Muscat grape source.

(d) *Scuppernong*. An American wine which derives at least 75 percent of its volume from bronze *Muscadina rotundifolia* grapes.

Par. 5. Section 4.34 is amended by revising the second sentence of paragraph (a); by revising paragraph (b)(1); by redesignating paragraphs (b) (2), (3), and (4), as paragraphs (b) (3), (4), and (5), respectively; and by adding a new paragraph (b)(2), to read as follows:

#### **§ 4.34 Class and type.**

(a) \* \* \* In the case of still grape wine there may appear, in lieu of the class designation, any varietal (grape type) designation, type designation of varietal significance, semigenic geographic type designation, or geographic distinctive designation, to which the wine may be entitled. \* \* \*

(b) \* \* \*

(1) A varietal (grape type) designation is used under the provisions of § 4.23;

(2) A type designation of varietal significance is used under the provisions of § 4.28;

\* \* \* \* \*

Par. 6. Subpart J is added to read as follows:

#### **Subpart J—American Grape Variety Names**

Sec.

4.91 List of approved prime names.

4.92 Alternative names permitted for temporary use.

4.93 Approval of grape variety names.

#### **Subpart J—American Grape Variety Names**

##### **§ 4.91 List of approved prime names.**

The following grape variety names have been approved by the Director for use as type designations for American wines. When more than one name may be used to identify a single variety of grape, the synonym is shown in parentheses following the prime grape names. Grape variety names may appear on labels of wine in upper or in lower case, and may be spelled with or without the hyphens or diacritic marks indicated in the following list.

*Agwam*  
*Albemarle*  
*Aleatico*  
*Alicante Bouschet*  
*Aligoté*  
*Alvarelhão*

*Arneis*  
*Aurore*  
*Bacchus*  
*Baco blanc*  
*Baco noir*  
*Barbera*  
*Beacon*  
*Beclan*  
*Bellandais*  
*Beta*  
*Black Pearl*  
*Blanc Du Bois*  
*Blue Eye*  
*Bonarda*  
*Bountiful*  
*Burdin 4672*  
*Burdin 5201*  
*Burdin 11042*  
*Burgaw*  
*Burger*  
*Cabernet franc*  
*Cabernet Pfeffer*  
*Cabernet Sauvignon*  
*Calzin*  
*Campbell Early (Island Belle)*  
*Canada Muscat*  
*Captivator*  
*Carignane*  
*Carlos*  
*Carmenère*  
*Carmine*  
*Carnelian*  
*Cascade*  
*Castel 19-637*  
*Catawba*  
*Cayuga White*  
*Centurion*  
*Chambourcin*  
*Chancellor*  
*Charbono*  
*Chardonel*  
*Chardonnay*  
*Chasselas doré*  
*Chelois*  
*Chenin blanc*  
*Chief*  
*Chowan*  
*Cinsaut (Black Malvoisie)*  
*Clairette blanche*  
*Clinton*  
*Colombard (French Colombard)*  
*Colobel*  
*Cortese*  
*Corvina*  
*Concord*  
*Conquistador*  
*Couderc noir*  
*Cowart*  
*Creek*  
*Cynthiana (Norton)*  
*Dearing*  
*De Chaunac*  
*Delaware*  
*Diamond*  
*Dixie*  
*Dolcetto*  
*Doreen*  
*Dulcet*  
*Durif*

Dutchess  
 Early Burgundy  
 Early Muscat  
 Edelweiss  
 Eden  
 Ehrenfelser  
 Ellen Scott  
 Elvira  
 Emerald Riesling  
 Feher Szagos  
 Fernão Pires  
 Fern Munson  
 Flame Tokay  
 Flora  
 Florental  
 Folle blanche  
 Fredonia  
 Freisa  
 Fry  
 Furmint  
 Gamay noir  
 Garronet  
 Gewürztraminer  
 Gladwin 113  
 Glennel  
 Gold  
 Golden Isles  
 Golden Muscat  
 Grand Noir  
 Green Hungarian  
 Grenache  
 Grignolino  
 Grillo  
 Gros Verdot  
 Helena  
 Herbemont  
 Higgins  
 Horizon  
 Hunt  
 Iona  
 Isabella  
 Ives  
 James  
 Jewell  
 Joannes Seyve 12-428  
 Joannes Seyve 23-416  
 Kerner  
 Kay Gray  
 Kleinberger  
 LaCrosse  
 Lake Emerald  
 Lambrusco  
 Landal  
 Landot noir  
 Lenoir  
 Léon Millot  
 Limberger (Lemberger)  
 Madeline Angevine  
 Magnolia  
 Magoon  
 Malbec  
 Malvasia bianca  
 Maréchal Foch  
 Marsanne  
 Melody  
 Melon de Bourgogne (Melon)  
 Merlot  
 Meunier (Pinot Meunier)  
 Mish

Mission  
 Missouri Riesling  
 Mondeuse (Refosco)  
 Montefiore  
 Moore Early  
 Morio-Muskat  
 Mourvèdre (Mataro)  
 Müller-Thurgau  
 Münch  
 Muscadelle  
 Muscat blanc (Muscat Canelli)  
 Muscat du Moulin  
 Muscat Hamburg (Black Muscat)  
 Muscat of Alexandria  
 Muscat Ottonel  
 Naples  
 Nebbiolo  
 Négrette  
 New York Muscat  
 Niagara  
 Noah  
 Noble  
 Norton (Cynthiana)  
 Ontario  
 Orange Muscat  
 Palomino  
 Pamlico  
 Pedro Ximenes  
 Petit Verdot  
 Petite Sirah  
 Peverella  
 Pinotage  
 Pinot blanc  
 Pinot gris (Pinot Grigio)  
 Pinot noir  
 Precoce de Malingre  
 Pride  
 Primitivo  
 Rayon d'Or  
 Ravat 34  
 Ravat 51 (Vignoles)  
 Ravat noir  
 Redgate  
 Regale  
 Riesling (White Riesling)  
 Rkatziteli (Rkatsiteli)  
 Roanoke  
 Rosette  
 Roucaneuf  
 Rougeon  
 Roussanne  
 Royalty  
 Rubired  
 Ruby Cabernet  
 St. Croix  
 Saint Macaire  
 Salem  
 Salvador  
 Sangiovese  
 Sauvignon blanc (Fumé blanc)  
 Scarlet  
 Scheurebe  
 Sémillon  
 Sereksiya  
 Seyval (Seyval blanc)  
 Siegerrebe  
 Siegfried  
 Southland  
 Souzao

Steuben  
 Stover  
 Sugargate  
 Sultanina (Thomson Seedless)  
 Summit  
 Suwannee  
 Sylvaner  
 Symphony  
 Syrah (Shiraz)  
 Swenson Red  
 Tarheel  
 Taylor  
 Tempranillo (Valdepeñas)  
 Teroldego  
 Thomas  
 Thompson Seedless (Sultanina)  
 Tinta Madeira  
 Tinto cão  
 Tocai Friulano  
 Topsail  
 Touriga  
 Traminer  
 Trousseau  
 Trousseau gris  
 Ugni blanc (Trebbiano)  
 Valdiguié  
 Valerien  
 Van Buren  
 Veeblanc  
 Veltliner  
 Ventura  
 Verdelet  
 Verdelho  
 Vidal blanc  
 Villard blanc  
 Villard noir  
 Vincent  
 Viognier  
 Vivant  
 Welsch Rizling  
 Watergate  
 Welder  
 Yuga  
 Zinfandel

**§ 4.92 Alternative names permitted for temporary use.**

The following alternative names shown in the left column may be used as the type designation for American wine in lieu of the prime name of the grape variety shown in the right column. Alternative names listed in the left column may only be used for wine bottled prior to the date indicated.

(a) *Wines bottled prior to January 1, 1997.*

*Alternative Name/Prime Name*

Baco 1—Baco noir  
 Baco 22A—Baco blanc  
 Bastardo—Trousseau  
 Black Spanish—Lenoir  
 Burdin 7705—Florental  
 Cayuga—Cayuga White  
 Chancellor noir—Chancellor  
 Chasselas—Chasselas doré  
 Chevrier—Sémillon  
 Chelois noir—Chelois

Couderc 71-20—*Couderc noir*  
 Couderc 299-35—*Muscat du Moulin*  
 Foch—*Maréchal Foch*  
 Franken Riesling—*Sylvaner*  
 Gutedel—*Chasselas doré*  
 Ives Seedling—*Ives*  
 Jacquez—*Lenoir*  
 Joannes Seyve 26-205—*Chambourcin*  
 Landot 244—*Landal*  
 Landot 4511—*Landot noir*  
 Millot—*Leon Millot*  
 Moore's Diamond—*Diamond*  
 Norton Seedling—*Norton*  
 Pfeffer Cabernet—*Cabernet Pfeffer*  
 Pineau de la Loire—*Chenin blanc*  
 Pinot Chardonnay—*Chardonnay*  
 Ravat 262—*Ravat noir*  
 Ruländer—*Pinot gris*  
 Seibel 128—*Salvador*  
 Seibel 1000—*Rosette*  
 Seibel 4986—*Rayon d'Or*  
 Seibel 5279—*Aurore*  
 Seibel 5898—*Rougeon*  
 Seibel 7053—*Chancellor*  
 Seibel 8357—*Colobel*  
 Seibel 9110—*Verdelet*  
 Seibel 9549—*De Chaunac*  
 Seibel 10878—*Chelois*  
 Seibel 13053—*Cascade*  
 Seibel 14596—*Bellandais*  
 Seyve-Villard 5-276—*Seyval*  
 Seyve-Villard 12-309—*Roucaneuf*  
 Seyve-Villard 12-375—*Villard blanc*  
 Seyve-Villard 18-283—*Garronet*  
 Seyve-Villard 18-315—*Villard noir*  
 Seyve-Villard 23-410—*Valerien*  
 Sweetwater—*Chasselas doré*  
 Verdelet blanc—*Verdelet*  
 Vidal 256—*Vidal blanc*  
 Virginia Seedling—*Norton*  
 Wälschriesling—*Welsch Rizling*  
 Welschriesling—*Welsch Rizling*

(b) Wines bottled prior to January 1, 1999.

#### Alternative Name/Prime Name

Cabernet—*Cabernet Sauvignon*  
 Grey Riesling—*Trousseau gris*  
 Johannisberg Riesling—*Riesling*  
 Muscat Frontignan—*Muscat blanc*  
 Muscat Pantelleria—*Muscat of Alexandria*  
 Napa Gamay—*Valdiquié*  
 Pinot Saint George—*Négrette*  
 Sauvignon vert—*Muscadelle*

#### § 4.93 Approval of grape variety names.

(a) Any interested person may petition the Director for the approval of a grape variety name. The petition may be in the form of a letter and should provide evidence of the following—

- (1) acceptance of the new grape variety,
- (2) the validity of the name for identifying the grape variety,
- (3) that the variety is used or will be used in winemaking, and
- (4) that the variety is grown and used in the United States.

(b) For the approval of names of new grape varieties, documentation submitted with the petition to establish the items in paragraph (a) of this section may include—

(1) reference to the publication of the name of the variety in a scientific or professional journal of horticulture or a published report by a professional, scientific or winegrowers' organization,

(2) reference to a plant patent, if so patented, and

(3) information pertaining to the commercial potential of the variety, such as the acreage planted and its location or market studies.

(c) The Director will not approve a grape variety name if:

(1) The name has previously been used for a different grape variety;

(2) The name contains a term or name found to be misleading under § 4.39; or

(3) The name of a new grape variety contains the term "Riesling."

(d) For new grape varieties developed in the United States, the Director may determine if the use of names which contain words of geographical significance, place names, or foreign words are misleading under § 4.39. The Director will not approve the use of a grape variety name found to be misleading.

(e) The Director shall publish the list of approved grape variety names at least annually in the Federal Register.

(Approved by the Office of Management and Budget under Control Number 1512-0513)

Signed: January 5, 1995.

Daniel R. Black,

Acting Director.

Approved: November 24, 1995.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).

Editorial Note: This document was received at the Office of the Federal Register on January 2, 1996.

[FR Doc. 96-148 Filed 1-5-96; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Parts 40b and 234

#### Conduct on the Pentagon Reservation

AGENCY: Office of the Secretary, DoD.

ACTION: Interim final rule with request for comments.

SUMMARY: This document revises DoD policy concerning conduct on the Pentagon Reservation. The revisions are intended to ensure that DoD regulations

are consistent with the statutory authority on which they are based, and to promote the safer, more efficient, and more secure operation of the Pentagon Reservation.

DATES: This rule is effective January 8, 1996. Comments are requested by March 8, 1996.

ADDRESSES: Forward comments to Washington Headquarters Services, Office of General Counsel, 1155 Defense Pentagon Room 1D197, Washington, DC 20301-1155.

#### FOR FURTHER INFORMATION CONTACT:

Thomas R. Brooke, (703) 693-7374.

SUPPLEMENTARY INFORMATION: The current regulations governing conduct on the Pentagon Reservation were promulgated following the transfer of control of the Pentagon Reservation from the General Services Administration to the Department of Defense. Based on enforcement experience gained since that time, the Department of Defense now seeks to revise those regulations to ensure their consistency with the statutory authority on which they are based, and to promote the safer, more efficient, and more secure operation of the Pentagon Reservation.

Executive Order 12866, "Regulatory Planning and Review"

This rule is not a significant rule as defined under section 3(f)(1) through 3(f)(4) of Executive Order 12866.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

This rule will not have a significant economic impact on a substantial number of small entities because it affects only those entities and persons who are on the Pentagon Reservation.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Ch. 44)

It has been certified that this rule does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980.

List of Subjects in 32 CFR Parts 40b and 234

Alcohol abuse, Drug testing; Federal buildings and facilities, Security measures, Traffic regulations.

Accordingly, chapter I of title 32 of the Code of Federal Regulations, under the authority of 10 U.S.C. 301, is amended by removing part 40b and adding part 234 to read as follows: