

**DIVISION 10
MANUFACTURERS;
WHOLESALERS; IMPORTERS**

Stats. Implemented: ORS
473.050(4) & 473.060

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60;
LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC
21-1980, f. 6-20-80, ef. 7-1-80; Renumbered
from 845-010-0150; OLCC 3-1987, f. 2-9-87, ef.
4-1-87; Renumbered from 845-006-0075;
OLCC 13-1991, f. 9-9-91, cert. ef. 10-1-91;
OLCC 11-2005, f. 12-19-05, cert. ef. 1-1-06

845-010-0151**Deduction of Privilege Tax After Destruction of Defective Product**

(1) A wholesaler may claim a deduction for the privilege tax paid on defective malt beverage or wine after the wholesaler has destroyed the defective product. To claim the deduction, the wholesaler:

- (a) Destroys the defective product as indicated;
- (b) Sends a Bad Order Claim (Form 434) and an Affidavit of Destruction to the Commission;
- (c) Receives the Commission's written approval of the claim;
- (d) Completes Schedule V -- Authorized Deductions; and
- (e) Sends the completed form and the Bad Order Claim approval letter to the Commission with the monthly privilege tax report.

(2) The Commission may require at least 24 hours notification before the wholesaler destroys the product of the date, time and place of the planned destruction.

(3) When the wholesaler has given the retailer a credit for more than one case of product, as OAR 845-013-0020(1) allows, the wholesaler, in addition to the procedure in section (1) of this rule:

- (a) Gets the retailer's signature on the Bad Order Claim before sending it to the Commission for approval; and
- (b) Includes a copy of the Commission's approval of the credit with Schedule V.

(4) When the wholesaler has given the retailer a credit for one case of product or less, as OAR 845-013-0020(1) allows, in addition to the procedure in section (1) of this rule, the wholesaler includes a copy of the wholesaler's credit memorandum with Schedule V.

Stat. Auth.: ORS 471, including 471.030, 471.730(1) & (5)

845-010-0166**Territorial Agreements for the Wholesale Sale of Malt Beverages**

The Commission interprets ORS 474.115 as follows:

(1) Only one wholesaler may distribute a brand of malt beverage in a designated territory.

(2) When an importer contracts with a wholesaler for exclusive distribution, the importer must give the Commission copies of both its agreement with the wholesaler and its agreement with the manufacturer that documents its authority to designate a wholesaler. The Commission will not allow the wholesaler to post prices without both agreements.

(3) The Commission will accept a filing for a change in an exclusive territorial designation whenever the manufacturer executes and files a notice of change and an affidavit that the level of service will not be affected. This applies even when the existing agreement is between an importer and a wholesaler. When the Commission receives the notice, manufacturer's affidavit, and territorial agreement, the new agreement automatically supercedes any previous agreements.

(4) The manufacturer may base the affidavit on information received from the wholesaler.

(5) "Level of service will not be affected" means that the new wholesaler will comply with all quality control standards and services as required in ORS 474.115, and will service all retail licensees within the designated territory who want to sell the product.

(6) The Commission's only responsibilities under ORS 474.115 are to accept and file notices, affidavits, and territorial agreements a manufacturer submits.

Stat. Auth.: ORS 471, including

ORS 471.030, ORS 471.730(1) &
(5)

Stats. Implemented: ORS 474.115
Hist.: LCC 5-1986(Temp), f. & ef. 3-26-86; LCC
24-1986, f. 10-30-86, ef. 11-1-86; OLCC 6-2003,
f. 4-25-03, cert. ef. 5-1-03

845-010-0170

Maintaining Records: Manufacturers, Wholesalers, Importers

(1) The Commission requires every manufacturer, wholesaler, or importer of wine or malt beverages, including wineries and brewery public houses, to keep certain records so the Commission can assure appropriate privilege tax payment and compliance with financial assistance laws.

(2) A manufacturer, wholesaler or importer must keep a record of:

(a) Wine and malt beverage purchases, including:

(A) Sources of purchases and dates received in units by brand and container size;

(B) A classification of dollar amounts as cash or credit;

(C) A record of subsequent account payments; and

(D) An indication of whether the percent of alcohol by volume is under or over 14 percent on wine.

(b) Sales and deliveries to any licensee within Oregon, including:

(A) Daily sales and deliveries in units by brand and container size;

(B) Classification of dollar amounts as cash or credit;

(C) A record of subsequent account collections;

(D) Supporting sales invoices filed by days and bearing the purchaser's true name;

(E) An indication of whether the percent of alcohol by volume is under or over 14 percent on wine; and

(F) Any rebate, discount or allowance for empty container returns.

(3) In addition to the requirements in

section (1) of this rule:

(a) A manufacturer, winery or brewery public house must keep a record of the amount of wine or malt beverages produced;

(b) A winery must keep a daily record of retail sales including the total dollar amount of each day's sales and the quantity of each sale by variety; and

(c) A wholesaler must record the purchaser's name, address and telephone number on the invoice of any dock sale that ORS 471.235 allows.

(4) A manufacturer, wholesaler or importer must:

(a) Complete a physical inventory by brand and size of container following the close of business on the last day of February, June and October; and

(b) Adjust the book inventories to agree with the physical inventory for each of these months with satisfactory explanations of differences.

(5) The manufacturer, wholesaler or importer must send the Commission reports that summarize the information in sections (2), (3) and (4) of this rule in a form and within a timeframe prescribed by the Commission.

(6) Every wholesaler, manufacturer or importer of wine or malt beverages must maintain records of all salaries, wages, expenses, allowances, bonuses, cash disbursements, gratuities and gifts, in any form, paid to any non-licensee customer, employee or agent. In addition, a wholesaler, manufacturer or importer must keep an itemization of all advertising items charged to advertising within Oregon. Receipts, vouchers or other evidence of obligation must support all these disbursements.

(7) Every wholesaler, manufacturer or importer within Oregon and every out-of-state manufacturer must keep the records that sections (2), (3), (4) and (6) of this rule require for two years and have them available for inspection by authorized representatives of the Commission after 72 hours notice to the licensee or the licensee's agent.

Stat. Auth.: ORS 471, including
471.030, 471.730(1) & (5)

Stats. Implemented: ORS 471, 472 & 473,

including 471.030, 471.392 - 402, 472.030 & 473.140 - 160

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 49, f. 7-26-74, ef. 9-1-74; LCC 65, f. 9-22-77, ef. 10-4-77; OLCC 11-1989, f. 10-31-89, cert. ef. 1-1-90; OLCC 9-1991, f. 5-24-91, cert. ef. 7-1-91; OLCC 12-2005, f. 12-19-05, cert. ef. 1-1-06

845-010-0200

Wholesale Licensees; Sales, Prices to Retailers

(1) A wholesale licensee must maintain and operate a permanent place of business with proper and adequate facilities for storing and distributing alcoholic liquor.

(2) No wholesale licensee shall operate for the purpose of selling and distributing a particular brand or brands of alcoholic liquor to a certain few specific retail licensees and to the exclusion of other retailers.

(3) No wholesale licensee shall offer or give quantity discounts to retail licensees. A price charged by a wholesale licensee for a particular brand, type or container size shall be the same to all retail licensees.

(4) Sections (1) and (2) of this rule shall not apply to out-of-state breweries and wineries holding wholesale licenses for the purpose of importing alcoholic liquor for redistribution to other wholesalers or for the purpose of paying privilege taxes pursuant to ORS Chapter 473.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.398

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 43, f. 11-20-73, ef. 12-11-73; LCC 29-1980, f. 12-22-80, ef. 2-1-81

845-010-0205

Malt Beverage Labeling Requirements, Analysis of Malt Beverages

(1) "Label" means all information-bearing material attached to or a part of a malt beverage container (including the cap).

(2) All malt beverage labels must comply with the requirements of the Commissions advertising rules (OAR chapter 845, division 007), the Bottle Bill (ORS 459A.700 to 459A.740 and OAR chapter 845, division 020), ORS 471.220,

471.235, OAR 845-010-0206 and this rule and must be approved by the Bureau of Alcohol, Tobacco and Firearms. If a manufacturer or wholesaler sells a malt beverage in Oregon that does not comply with the labeling requirements, the Commission may, in addition to any other sanction, require the licensee to stop selling and recall the malt beverage.

(3) Any licensee dealing in malt beverages will give the Commission an analysis of the licensee's malt beverage product upon request. The Commission may prohibit the sale of any malt beverage if, in its discretion, it finds that the malt beverage is not of good quality or that the alcohol content does not conform to the law or to the label of the container.

(4) ORS 471.448 prohibits calling a malt beverage beer if it contains more than six percent alcohol by volume. All malt beverages exceeding six percent alcohol by volume must show in conspicuous type on the label or container the alcoholic content by volume within a tolerance not to exceed five-tenths of one percent.

(5) No person may alter or remove a label on malt beverages produced, bottled or for sale in Oregon, except to add labeling to comply with federal or state laws.

(6) Violation of this rule is a Category IV violation.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.040, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.445, ORS 471.446(2) & ORS 471.448

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 31, f. 12-4-67, ef. 12-26-67; LCC 49, f. 7-26-74, ef. 9-1-74; LCC 4-1979(Temp), f. & ef. 4-2-79; LCC 9-1979, f. 5-24-79, ef. 5-25-79; OLCC 20-1991, f. 12-4-91, cert. ef. 1-1-92; OLCC 10-1995, f. 12-4-95, cert. ef. 1-1-96; OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01

845-010-0206

Private Labels

(1) A manufacturer or wholesaler may produce or sell wine or malt beverages under a private label under the following conditions:

(a) The retailer pays all costs associated with the development, production and application of the private label;

(b) Although both an Oregon and an out-of-state manufacturer may produce

a private label product, the out-of-state manufacturer must sell the private label product to a retailer only through an independently owned and controlled wholesaler. ORS 471.220 and 471.223 allow Oregon manufacturers (breweries and wineries) to sell products directly to retailers;

(c) The manufacturer or wholesaler does not develop a new malt beverage or wine product for the private label. The private label product must be the identical malt beverage or wine product the manufacturer or wholesaler sells under another label. The manufacturer or wholesaler must sell the private label product for at least the wholesale-listed price of the product sold under this other label. The purpose of this requirement is to prohibit manufacturers and wholesalers from offering private labels at a discount;

(d) The manufacturer or wholesaler receives Commission approval of the private label before the manufacturer or wholesaler sells any of the private label product;

(e) The manufacturer or wholesaler receives Commission approval of the private label agreement before the manufacturer or wholesaler sells any of the private label product. The private label agreement may not include a guaranteed quantity, a guaranteed price, credit sales, orders more than ten days in advance of delivery, product storage by the manufacturer or wholesaler or any other terms that violate financial assistance or tied-house statutes (ORS 471.394, 471.396, 471.398 and 471.400) or the rules adopted under these statutes;

(f) The identical product sold under another label must be reasonably available to all the manufacturer or wholesaler's customers. The manufacturer or wholesaler may, however, make the private label product available only to a retailer who pays the costs associated with the

private label; and

(g) The manufacturer keeps a record of all private label sales for two years. The record must include:

(A) The name of the retailer or wholesaler buying the product;

(B) For each transaction, the quantity of product and the date of sale and delivery;

(C) The price of the product and the total cost of each transaction; and

(D) A list of the quantity of private label products sold to each retailer during each calendar year.

(2) For private label products produced for a special event:

(a) The manufacturer or wholesaler must meet all the conditions in section (1) of this rule;

(b) The special event must be prominently featured on the private label; and

(c) The retailer must receive all the private label product needed for the special event within ten days of the date the retailer placed the private label order.

(3) As used in this rule:

(a) "Label" means all information-bearing material attached to or a part of a wine or malt beverage package;

(b) "Private Label" means a wine or malt beverage label that contains a retailer's trade name, trademark or other words or symbols identifiable with a retailer;

(c) "Special event" means an event for which the Commission issues a temporary license pursuant to OAR 845-005-0415 or, for a regular licensee, an event that is not part of the licensee's usual business operation.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS

471.730(5)

Stats. Implemented: ORS 471.398

Hist.: OLCC 8-1990(Temp), f. 3-16-90 & cert. ef. 3-15-90; OLCC 15-1990(Temp), f. 6-5-90, cert. ef. 6-4-90; OLCC 23-1990, f. 10-30-90, cert. ef. 11-1-90; OLCC 10-1991(Temp), f. & cert. ef. 7-1-91; OLCC 20-1991, f. 12-4-91, cert. ef. 1-1-92; OLCC 3-1995, f. 4-27-95, cert. ef. 5-15-95; OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01

845-010-0207**Pasteurization of Malt Beverages**

(1) "Pasteurized malt beverages" means malt beverages which have been subjected to such process or processes in manufacture and packaging which effectively inhibit continuing microbiological activity by the inactivation, destruction, or removal of organisms capable of such growth, activity or decomposition.

(2) The following methods for pasteurization of malt beverages are acceptable:

- (a) Heating the malt beverage after bottling or canning; or
- (b) Heating the malt beverage, then bottling or canning under aseptic conditions.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.345

Hist.: LCC 22-1979, f. 9-24-79, ef. 10-1-79; LCC 26-1980, f. 9-30-80, ef. 10-1-80

845-010-0210**Price Lists**

(1) Any wholesale licensee of the Commission must maintain price lists at the licensed business premises for two years. Licensees must have these price lists available for Commission inspection at all times during business hours.

(2) A licensee must charge all retailers the same price excluding any transportation costs.

(3) The price list must show:

- (a) Every brand and type of product offered for sale;
- (b) The price for each size container;
- (c) The effective date of each price;
- (d) Any allowance granted for a returnable container;
- (e) Any handling fee on wine sold in less than the smallest multiple-package

case available for sale; and

(f) Any transportation costs. Since ORS 474.115 prohibits quantity discounts, a wholesaler may not base transportation costs on quantity. The licensee must also show the amount of any transportation cost on the retailer's invoice.

(4) A price list becomes effective on the date the wholesaler indicates on the list.

(5) Once a licensee decreases a price, the licensee must not increase the price for 14 days. Whenever a licensee changes a price, the licensee must prepare a new price list.

(6) After a price becomes effective, the licensee must sell only at that price. If a licensee sells malt beverages or wine at any other price, the Commission considers the sale to be giving financial assistance within the meaning of the Oregon Liquor Control Act and the Commission's administrative rules.

(7) The Commission does not require price lists for dock sales to consumers.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & (5)

Stats. Implemented: ORS 471.398

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 33, f. 6-12-69; LCC 55, f. 10-20-76, ef. 12-1-76; LCC 31-1980, f. 12-22-80, ef. 2-1-81; OLCC 15-1987, f. 4-6-87, ef. 7-1-87; OLCC 9-1989(Temp), f. 10-2-89, cert. ef. 10-15-89; OLCC 10-1990, f. 4-18-90, cert. ef. 4-19-90; OLCC 6-2003, f. 4-25-03, cert. ef. 5-1-03

Wine**845-010-0280****Standards of Identity and Prohibited Practices Concerning Wine**

The Commission adopts, by reference, 27 CFR Sections 4 and 240 (1986). These regulations of the Bureau of Alcohol, Tobacco Products and Firearms of the United States Department of Treasury apply to all wine sold in Oregon by a Commission licensee. In any case where OAR 845-010-0905 and 845-010-0940 impose requirements beyond those in these federal regulations, or disallow any practice the federal

regulations allow, OAR 845-010-0905 and 845-010-0940 prevail.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the agency.]

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 34, f. 1-23-70, ef. 2-26-70; OLCC 7-1987, f. 3-13-87, ef. 4-1-87

845-010-0290

Labeling Requirements for Wine

(1) "Label" means all information-bearing material attached to or a part of a wine container, including the cork or cap.

(2) All wine labels must comply with the requirements of the Commission's advertising rules (OAR Chapter 845, Division 007), OAR 845-010-0280 (federal standards for wine identity), 845-010-0206 (Private Labels) and 845-010-0905 to 845-010-0935 (Oregon standards for wine identity) when applicable, and must be approved by the Bureau of Alcohol, Tobacco and Firearms. If a manufacturer or wholesaler sells a wine in Oregon that does not comply with the labeling requirements, the Commission may, in addition to any other sanction, require the licensee to stop selling and recall the wine.

(3) No person may alter or remove a label on wine produced, bottled or for sale in Oregon, except to add labeling to comply with federal or state laws.

(4) Violation of this rule is a Category IV violation.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; OLCC 16-1987, f. 4-6-87, ef. 7-1-87; OLCC 11-1995, f. 12-4-95, cert. ef. 1-1-96

845-010-0300

Sacramental Wine

The Commission will issue a permit to import sacramental wine without charge to any religious organization that submits a written application signed by a principal officer. The religious organization may not transfer the permit and may use the permit only to import wine for its own use.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.335(1)(b)

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 11-1985, f. 12-3-85, ef. 1-1-86

845-010-0310

Seizure of Substandard Wine

The Commission at its discretion will pick up samples of wine to determine whether or not such wine is in conformity with analysis furnished the Commission and for the further purpose of determining whether the wine meets the standards set by law and the regulations of the Commission. When wine is found to be not in conformity with the standards set by law and the regulations of the Commission, the bottler shall hold or repossess forthwith all wine of such lot covered by release permit under which the particular wine so found to be substandard was released for sale in the State of Oregon. Such wine will be placed in detention and unless within a period of 30 days from the date of such detention application is made for the return of such merchandise to the point of origin, or permission is granted by the Commission for the restabilization or reconditioning of the wine so that it conforms to the aforementioned standards, the wine shall be destroyed under the supervision of the Commission.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.735

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64

Wine Produced or Bottled in Oregon from *Vitis Vinifera* or its Hybrid Grades

845-010-0905

Definitions

As used in OAR 845-010-0905 through 845-010-0940:

(1) "Wine" means grape wine.

(2) "*Vitis Vinifera*" is a species of grapes from which most European wines and a majority of Oregon wines are produced. Some examples of this species are "Pinot noir," "Chardonnay" and "White Riesling."

(3) "Must" is the juice of crushed grapes, with or without grape skins, seeds and pulp, before or during fermentation.

(4) "Wine Label" means all information-bearing material attached to or part of a package in which a wine is sold. Some examples of wine labels are printed paper glued to a wine bottle or bag-in-box carton, screen-printing or etching on a wine bottle, information molded into a bottle, and a printed bottle closure or cork.

(5) "Brand Label" means a label carrying the brand name of a wine, its class or type designation and its appellation of origin.

(6) "Class Designation" is a standard of identity of a wine. Some examples are "grape wine," "table wine," "dessert wine," "sparkling wine" and "carbonated grape."

(7) "Type Designation" is an alternative standard of identity used in place of a class designation. Examples are a "grape variety name" or "varietal name" and a "semi-generic designation of geographic significance." These rules prohibit the use of all "semi-generic designation of geographic significance."

(8) "Semi-Generic Designation of Geographic Significance" is a name that identifies both the traditional source of wine produced in a certain region and the name Federal regulations permit to designate a type of wine produced anywhere unless the rules of the Commission provide that such name does not have geographic significance. Some examples specified in Federal regulations are "Anjelica," "Burgundy," "Chablis," "Champagne," "Chianti," "Madeira," "Malaga," "Marsala," "Moselle," "Port," "Rhine Wine" or "Hock," "Sauterne," "Haut Sauterne," "Sherry"

and "Tokay."

(9) "Appellation of Origin" is the name of the geographic area in which the grapes used to make a wine were grown. Appellation of origins are limited to the names of a country, state or county or of a viticultural area. Some examples are "American," "Oregon," "Yamhill County," and "Umpqua Valley."

(10) "Viticultural Area" is a delimited grape-growing region that is distinguishable by geographic features and whose boundaries the Alcohol and Tobacco Tax and Trade Bureau (TTB) has defined.

Stat. Auth.: ORS 471, including
ORS 471.030 & 471.730(1) & (5)

Stats. Implemented: ORS 471.340, 471.345
& 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88, Renumbered from 845-010-0292; OLCC 14-2004, f. 11-18-04 cert. ef. 12-1-04

845-010-0910

Purpose and Applicability

(1) The Commission sets rigorous labeling standards for, and limits the addition of water, sugar and sweetening agents to, grape wine produced or bottled in Oregon to:

(a) Ensure accurate presentation of the product; and

(b) Encourage Oregon's wine industry by enhancing the quality, image and marketability of Oregon wine.

(2) OAR 845-010-0905 through 845-010-0940 apply to all grape wines produced or bottled in Oregon from *vitis vinifera* or its hybrid grapes, including restored or unrestored concentrated must of those grapes. They also apply to all grape wine on which "Oregon" appears as the appellation of origin, regardless of where the wine was produced or bottled. These rules prevail in any conflict between rules and other rules in Chapter 845, Division 010.

(3) OAR 845-010-0905 through 845-010-0940 apply to grape wines labeled after January 1, 1988.

Stat. Auth.: ORS 471, including
ORS 471.030, ORS 471.730(1) &
ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS

471.345 & ORS 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88; Renumbered from 845-010-0292

845-010-0915

Grape Variety Names

(1) A person may use a single grape variety name as a type designation on a wine brand label only if the wine derives at least 90 percent of its volume from that grape variety.

(2) A person may use the names of two or three grape varieties as the type designation on a wine brand label if:

- (a) The wine is made from only the grape varieties named;
- (b) The brand label shows the percentage of wine derived from each variety from each county or state if a wine has a multi-county or multi-state appellation of origin.

(3) As an exception to section (1) of this rule, a person may use any of the following type designations for a wine that derives from 75 to 90 percent of its volume from grapes of the named variety, if:

- (a) The only other grapes used in its production are those listed in the same section; that is, listed either in section (3)(a)(A) or in section (3)(a)(B):
 - (A) Cabernet franc, Merlot, Cabernet Sauvignon, Petite Verdot, or Malbec; or
 - (B) Semillon or Sauvignon blanc;
- and
- (b) The brand label lists all grape varieties used. The listing must be less prominent than the type designation, and arranged in descending order of predominance.

(4) If a grape variety is not used as the type designation but grape variety names appear anywhere on the wine label, the brand label must list all grape varieties used in the wine, arranged in descending order of predominance. This listing must use the same lettering size and style and be less prominent than the class or type designation.

(5) All uses of grape variety names on wine labels other than in type designation must be

less prominent than the wine's class or type designation. Only those grape variety names appearing on the brand label of a wine may be mentioned elsewhere on the label.

(6) A person may use only the grape variety names listed in this section on wine labels. The parentheses list acceptable synonyms for the primary name for that grape variety:

- (a) Albarino;
- (b) Aligote;
- (c) Arneis;
- (d) Aurora;
- (e) Auxerrois;
- (f) Bacchus;
- (g) Barbera;
- (h) Baco noir;
- (i) Cabernet franc;
- (j) Cabernet Sauvignon;
- (k) Carigan Carmenere;
- (l) Carmenere;
- (m) Carmine;
- (n) Carnelan;
- (o) Cascade;
- (p) Chancellor;
- (q) Chardonnay;
- (r) Chasselas blanc;
- (s) Chasselas dore;
- (t) Chasselas rouge;
- (u) Chelois;
- (v) Chenin blanc;
- (w) Colombard;
- (x) Dolcetto;
- (y) Durif;
- (z) Early Muscat;
- (aa) Ehrenfelser;
- (bb) Flora;
- (cc) Folle blanche;
- (dd) Furmint;
- (ee) Gamay noir;
- (ff) Gewurztraminer;
- (gg) Grand noir;
- (hh) Grenache;
- (ii) Grignolino;
- (jj) Gruner Veltliner;
- (kk) Kerner;
- (ll) Lemberger (Limberger);
- (mm) Madeleine Angevine;
- (nn) Malbec;
- (oo) Malvasia bianca;
- (pp) Marechal Foch;

(qq) Melon;
 (rr) Merlot;
 (ss) Morio-Muskat;
 (tt) Muller-Thurgau;
 (uu) Muscat blanc;
 (vv) Muscat of Alexandria;
 (ww) Muscat Ottonel;
 (xx) Muscadelle;
 (yy) Nebbiolo;
 (zz) Petit Verdot;
 (aaa) Pinot blanc;
 (bbb) Pinot gris;
 (ccc) Pinot Meunier;
 (ddd) Pinot noir;
 (eee) Royalty;
 (fff) Sangiovese;
 (ggg) Sauvignon blanc (Fume blanc);
 (hhh) Scheurebe;
 (iii) Semillon;
 (jjj) Seyval;
 (kkk) Siegerrebe;
 (lll) Sylvaner (Silvaner);
 (mmm) Symphony;
 (nnn) Syrah;
 (ooo) Tempranillo;
 (ppp) Trebbiano;
 (qqq) Trousseau gris;
 (rrr) Valdiguie;
 (sss) Viognier;
 (ttt) White Riesling (Riesling);
 (uuu) Zinfandel.

(7) The Commission may revise the list in section (6) of this rule.

(8) A person may not use in any manner on a wine label a name that might be mistaken for a grape variety name listed in section (6) of this rule.

(9) The following limitations apply to the use of certain approved names in section (6) of this rule:

(a) A person may not use the approved name "Gamay noir" for the variety Pinot noir (such as the so-called "Gamay Beaujolais" clones) or for the variety Valdiguie (called "Napa Gamay" in California);

(b) A person may not use the approved name "Pinot blanc" for the variety Melon or "Syrah" for the variety Durif (called "Petit Sirah" in California);

(c) A person may not use the term "Riesling":

(A) As a type designation for a wine unless the wine derives at least 90 percent of its volume from the grape variety, White Riesling;

or

(B) In conjunction with any word except "White" to designate a grape variety name. Some examples of prohibited names are: "Emerald Riesling," "Franken Riesling," "Grey or (Gray) Riesling," "Johannisberg Riesling," "Kleinberger Riesling," "Missouri Riesling," "Okanagan Riesling" and "Walshriesling" ("Welshriesling").

(10) As an exception to section (6) and subsection (9)(c) of this rule, a winery may use the term "Johannisberg Riesling" as the type designation of a wine that derives at least 90 percent of its volume from White Riesling grapes, if the winery has used that term on its approved labels since prior to January 1, 1977.

(11) A person may not use the following federally permitted grape variety names: "Early Burgundy", "French Columbard," "Muscadelle de Bordelais," "Pineau (or Pinot) de la Loire," "Pinot Chardonnay," "Pinot Saint George," "White Pinot" "Gamay," "Gamay Beaujolais" and "Napa Gamay".

(12) A person may use the type designation "Claret" on a wine brand label only if the wine derives 100% of its volume from a blend of two or more of the following grape varieties: Cabernet franc, Merlot, Cabernet Sauvignon, Petit Verdot, or Malbec.

Stat. Auth.: ORS 471.030,
471.730(1) & (5)

Stats. Implemented: ORS 471.340, 471.345
& 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88, Renumbered from 845-010-0292; OLCC 2-1995, f. & cert. ef. 4-4-95; OLCC 8-1995, f. 11-24-95, cert. ef. 12-1-95; OLCC 5-1999, f. 3-18-99, cert. ef. 4-1-99; OLCC 8-2003, f. 5-20-03, cert. ef. 6-1-03; OLCC 14-2004, f. 11-18-04 cert. ef. 12-1-04; OLCC 11-2006, f. 8-21-06, cert. ef. 9-1-06

845-010-0920**Appellation of Origin**

(1) An appellation of origin must appear on every wine brand label in direct conjunction with, and in lettering as conspicuous as, the wine's class or type designation. The lettering must be at least two millimeters in height.

(2) No person may sell or offer to sell a wine, claiming or implying a certain appellation of origin anywhere on its label, unless 100 percent of the grapes used in its production grew within the legal boundaries of that appellation of origin. If concentrated or unconcentrated pure grape juice is added to a wine anytime during its production, the appellation of origin used on the wine must include the sources of grapes used to produce both the base wine and the juice.

(3) Appellations of origin for wines identified in this rule are limited to:

- (a) The names of Oregon counties;
- (b) The names of "Viticultural Areas" located wholly or partially in Oregon;
- (c) "Oregon";
- (d) The names of other states of the United States;
- (e) "American"; and
- (f) The names of foreign countries.

(4) The following limitations apply to the use of certain appellations of origin listed in section (3) of this rule:

- (a) A person may use the names of two or no more than three counties within Oregon as an appellation of origin, if the label shows the percentage of wine derived from each county, with a tolerance of plus or minus two percent;
- (b) A person may use the name of a single state other than Oregon as an appellation of origin only if that state is adjacent to Oregon;
- (c) A person may use the names of two or no more than three states as an appellation of origin if: the states are all contiguous; one of the states is Oregon; and the label shows the percentage of wine derived from each state, with a tolerance of plus or minus two percent;
- (d) A person may use "Oregon" in conjunction with the name of an Oregon county as an appellation of

origin. Both words must be in the same lettering size and style;

(e) A person may use the name of an Oregon county or the name of an approved viticultural area located wholly within the state of Oregon as an appellation of origin only for a wine produced and bottled in Oregon;

(f) A person may not use an appellation of origin listed in section (3) of this rule or use words that may be mistaken for an approved appellation of origin in a brand name, in a winery name, or in any other manner on a wine label unless the wine meets the requirements for use of that appellation of origin. An appellation of origin may appear, however, in a bottler's address, if the address is in less conspicuous lettering than the appellation of origin on the brand label. A winery may continue to use any brand name that it has used on its approved label since before January 1, 1977.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & (5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88; Renumbered from 845-010-0292; OLCC 10-2004, f. 10-15-04 cert. ef. 11-1-04

845-010-0925**Estate Bottled**

(1) A person may use "estate bottled" on a wine label only if the wine is labeled with a viticultural area appellation of origin and the bottling winery:

- (a) Is located in the labeled viticultural area;
- (b) Grew all of the grapes used to make the wine on winery owned or controlled land that is within the boundaries of the labeled viticultural area and within five miles of the winery; and
- (c) Crushed the grapes, fermented the resulting must, and aged, finished and

bottled the wine in a continuous process without the wine leaving the bottling winery's premises.

(2) In this rule, "controlled" means the bottling winery has a legal right to perform, and does perform, all of the acts common to viticulture under the terms of a lease or similar agreement of at least three years duration.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88; Renumbered from 845-010-0292

845-010-0930

Semi-Generic Designation of Geographic Significance

No person may use a semi-generic designation of geographic significance or a name that implies a semi-generic designation as a class or type designation on a wine label.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88; Renumbered from 845-010-0292

845-010-0935

"Champagne Method" or "Methode Champenoise"

(1) A person may use "Champagne Method" or "Methode Champenoise" on a sparkling wine label, if this wine derives its effervescence solely from a secondary fermentation occurring within the same bottle in which the wine is sold.

(2) A person may also use "Champagne Method" or "Methode Champenoise" in a truthful description such as, "fermented in this bottle using the Champagne Method." The words Champagne or Champenoise and method or methode must appear together and be in the same lettering size and style.

(3) The Commission prohibited any other label use of the word "Champagne."

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 59, f. 2-18-77, ef. 3-1-77; LCC 17-1978, f. 12-26-78, ef. 1-1-79; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88; Renumbered from 845-010-0292

845-010-0940

Use of Water, Wine Spirits, Sugar and Other Sweetening Agents

(1) A person may not add water to must or wine, except as necessary to flush equipment.

(2) A person may not add wine spirits or alcohol to wine.

(3) A person may add sugar or other sweetening agents, including concentrated or unconcentrated pure grape juice, to crushed grapes or must to raise its total sugar content by not more than four percent, as measured prior to any addition of sweetening agents.

(4) A person may add sugar or other sweetening agents, including concentrated or unconcentrated

pure grape juice, to a wine to raise its sugar content by not more than two percent. To sweeten a wine in excess of this limit, a person may use only concentrated or unconcentrated pure or partially fermented grape juice.

(5) Section (2) of this rule does not apply to dessert wines which will contain 14 percent or more alcohol by volume at the time of bottling.

(6) Sections (2), (3), and (4) of this rule do not apply to the production of sparkling wine from still wine.

(7) This rule does not apply to the production of wine properly labeled as a wine cooler.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.730(1) & ORS 471.730(5)

Stats. Implemented: ORS 471.340, ORS 471.345 & ORS 471.445

Hist.: LCC 159, f. 2-18-77, ef. 3-1-77; OLCC 26-1987, f. 12-30-87, cert. ef. 1-1-88; Renumbered from 845-010-0294