

DAVIS WRIGHT TREMAINE LLP

Oregon Wine Labeling

A Legal Resource Provided by Davis Wright Tremaine LLP
and the Oregon Winegrowers Association

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

Oregon Wine Labeling Overview*

*TTB proposed numerous changes to its wine labeling rules - (see [Fed. Notices 176](#), 237 (alcohol facts), and 238 (allergens)), so information below is subject to change via permanent rules.

<p>Mandatory Label Information (§ 4.32)</p>	<p>On the brand label:</p> <ul style="list-style-type: none"> • Brand name § 4.33 (must meet appellation of origin rules or be grandfathered if geographic per § 4.39(i),(m) and ORS 471.802); • Class, type, other designation § 4.34; and • Appellation of origin (only required if the following are on label: vintage, varietal, semi-generic designation, estate bottled/grown) § 4.25. 	<p>On front or back label:</p> <ul style="list-style-type: none"> • Name and address of bottler § 4.35 (must match TTB Basic Permit); • Net contents § 4.37 (unless molded in glass), includes newly expanded standards of fill in § 4.72; • Declaration of sulfites § 4.32(e); • Alcohol content § 4.36; and • Health warning statement § 16.21.
<p>Appellation of Origin (§ 4.25; ORS 471.802; and OAR 845-010-0920, -0923)</p>	<ul style="list-style-type: none"> • If the label claims or implies “Oregon,” an Oregon county, or an AVA wholly within Oregon: 100% of the grapes must be from Oregon and 95% from that appellation of origin. If the label uses an AVA located within Oregon, the wine must be fully finished in Oregon. If the appellation on label is “Oregon,” the wine can be “fully finished” in an <i>adjacent</i> state, but wine must still meet 100% Oregon grape minimum per Oregon law. • Cross-border AVA: may follow rules under which wines are labeled in either state (e.g., Idaho follows the TTB rules of 85%; Washington requires 95% if “Washington” is used on label, otherwise 85% AVA), but 100% of the wine must come from the two states. • ORS 471.802 (eff. 1/1/2023): <ul style="list-style-type: none"> ○ Conjunctive labeling: Wine labeled with an AVA wholly or partially in boundaries of Willamette Valley AVA must also identify “Willamette Valley AVA” on label. ○ AVA and Brand: AVA may not appear on label if it is part of or resembles brand name, and may not appear larger than brand name, unless brand name: (1) has a federally registered wine trademark, (2) continuous use since at least 12/31/2017, and (3) wine has been sold in interstate commerce. 	
<p>Estate Claims (§ 4.26)</p>	<p>The term “estate bottled” may be used on a wine label by a bottling winery only if:</p> <ul style="list-style-type: none"> • AVA is on the label (and the wine meets the criteria for that AVA). • 100% of the wine came from grapes grown on land owned or controlled by the winery, and both winery and vineyard must be located within boundaries of the AVA. “Controlled” means the winery has a lease of at least 3 years for the vineyard and performs all viticultural activities on those grapes. • The winery must crush and ferment the grapes, and finish, age, process, and bottle the wine in a continuous process on its premises (wine at no time having left premises of bottling winery). <p>Per TTB policy the term “estate grown” is also allowed on wine labels subject to rules above.</p>	
<p>Varietal (§ 4.23, § 4.91, § 4.92, and OAR 845-010-0915)</p>	<ul style="list-style-type: none"> • Any grape varietal used must be on federal list at § 4.91, or temporarily approved names at § 4.92. If varietal is used, an appellation of origin must also appear on the label. • 90% or more of the wine must be from the named varietal per Oregon law. <i>Except</i> 75% or more is accepted for the following: Cabernet Franc, Cabernet Sauvignon, Carmenère, Durif (Petite Sirah), Grenache (Garnacha), Malbec, Marsanne, Merlot, Mourvèdre, Petit Verdot, Roussanne, Sangiovese, Sauvignon Blanc (Fumé Blanc), Sémillon, Syrah, Tannat, Tempranillo, or Zinfandel. 	
<p>Vineyard (§ 4.39(m))</p>	<p>At least 95% of the wine must be from grapes grown in the named vineyard (but 100% if “Estate” or “Single Vineyard”).</p>	

<p>Semi-Generic Designation of Geographic Significance (§ 4.24 and OAR 845-010-0930)</p>	<ul style="list-style-type: none"> • Cannot 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. • <i>Except</i> “Claret” may be used under limited circumstances if COLA for “Claret” was issued for same brand between 12/1/2004 and 3/10/2006.
<p>Multiple States Designated on a Label (§ 4.25(d))</p>	<p>Multiple, <u>contiguous</u> states may be designated on a label if:</p> <ul style="list-style-type: none"> (a) 100% of the grapes come from the states designated; (b) % of the wine from each state is designated on the label (+/- 2%); (c) Wine has been fully produced in one of the named states; and (d) Wine conforms to the laws and regulations concerning composition, manufacture, and designation of wines in all of the designated states. <p><i>*OLCC regulatory staff have taken position in the past that multistate appellations using “Oregon” and another state are not allowed because they may violate 100% Oregon grape content requirement per OAR 845-010-0920.</i></p>
<p>Vintage (§ 4.27)</p>	<p>Appellation must be in “direct conjunction” with vintage year.</p> <ul style="list-style-type: none"> • If an AVA is used, at least 95% of the grapes must have been harvested in the vintage year. • If the appellation is not an AVA, at least 85% of the grapes must have been harvested in the labeled vintage year.
<p>Multiple Varietals on a Label (§ 4.23(d))</p>	<ul style="list-style-type: none"> • 100% of the grapes are of the designated varietals; • % of each varietal is on the label (+/- 2% error); <i>and</i> <ul style="list-style-type: none"> ○ If multicounty appellation on label, % of wine of each variety from <i>each county</i> is on label; or ○ If multistate appellation on label, % of wine of each variety from <i>each state</i> is on label.
<p>Links to Laws</p>	<p>TTB: 27 CFR 4 OLCC: OAR 845-010 and ORS 471</p>



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