

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1380**

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**Introduced by Senator Chesbro**  
(Principal coauthor: Assembly Member Evans)

February 21, 2006

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An act to add Section 25242 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Chesbro. Alcoholic beverages: California county wine.

Under existing law, the Department of Alcoholic Beverage Control regulates the licensing, enforcement, and administration of the alcoholic beverage control laws.

This bill would prohibit the sale of wine in this state that identifies, in a brand name or otherwise, on any label, packaging material, or advertising, ~~the name of any California county or any viticultural area appellation entirely within a California county, as specified~~ *names of "Mendocino," "Monterey," "San Benito," "San Luis Obispo," "Santa Barbara," and "Sonoma" Counties*, unless the wine meets certain federal regulatory standards ~~for appellation of origin in that county, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25242 is added to the Business and  
2 Professions Code, to read:

3 25242. (a) (1) The Legislature finds and declares that for  
4 more than a century, ~~many~~ *certain* California counties have been  
5 widely recognized for producing grapes and wine of the highest  
6 quality. Both consumers and the wine industry ~~understand~~  
7 ~~associate~~ the names of ~~those counties and the viticultural area~~  
8 ~~appellations of origin contained within those counties as denoting~~  
9 ~~that the wine was created with the distinctive grapes grown~~  
10 ~~within those counties. those counties with the distinctive wine~~  
11 ~~produced from grapes grown within those counties. If producers~~  
12 ~~were to use the names of these counties on labels, for packaging~~  
13 ~~materials, and in advertising for wines that are not made from~~  
14 ~~grapes grown in the designated counties, consumers may be~~  
15 ~~confused or deceived by these practices.~~

16 (2) It is the intent of the Legislature to assure consumers that  
17 the wines produced or sold in the state with brand names,  
18 ~~packaging materials, or advertising referring to California county~~  
19 ~~appellations in fact accurately reflect the county or the~~  
20 ~~viticultural area appellation of origin. packaging materials, or~~  
21 ~~advertising that mention or refer to these California counties, in~~  
22 ~~fact accurately reflect the origin of the grapes used to make the~~  
23 ~~referenced wine.~~

24 (b) (1) No wine produced, bottled, labeled, offered for sale or  
25 sold in California shall use, in a brand name or otherwise, on any  
26 label, packaging material, or advertising, any of the names of  
27 viticultural significance listed in subdivision (c), unless that wine  
28 qualifies under Section 4.25a of Title 27 of the Code of ~~Federal~~  
29 ~~Regulations for the appellation of origin of a county in California~~  
30 ~~and includes on the label, packaging material, and advertising~~  
31 ~~that appellation or a viticultural area appellation of origin that is~~  
32 ~~located entirely within a county, subject to compliance with~~  
33 ~~Section 25240. Federal Regulations for a county or multicounty~~  
34 ~~appellation of origin and includes on the label, packaging~~  
35 ~~material, and advertising the appellation of origin of the~~  
36 ~~applicable county or counties.~~

1 (2) Notwithstanding paragraph (1), this subdivision shall not  
2 grant any labeling, packaging, or advertising rights that are  
3 prohibited under federal law or regulations.

4 (c) The following are names of viticultural significance for  
5 purposes of this section:

6 ~~(1) Any California county.~~

7 ~~(2) Any viticultural area appellation of origin established~~  
8 ~~pursuant to Part 9 (commencing with Section 9.1) of Title 27 of~~  
9 ~~the Code of Federal Regulations that is located entirely within~~  
10 ~~any California county.~~

11 *(1) Mendocino, Monterey, San Benito, San Luis Obispo, Santa*  
12 *Barbara, and Sonoma.*

13 ~~(3)~~

14 (2) Any similar name to those in paragraph (1) ~~or (2)~~ that is  
15 likely to cause confusion as to the origin of the wine.

16 (d) The appellation of origin required by this section shall  
17 meet the legibility and size-of-type requirements set forth in  
18 either Section 4.38 or Section 4.63 of Title 27 of the Code of  
19 Federal Regulations, whichever is applicable.

20 (e) Notwithstanding subdivision (b), any name of viticultural  
21 significance may appear either as part of the address required by  
22 Sections 4.35 and 4.62 of Title 27 of the Code of Federal  
23 Regulations, if it is also the post office address of the bottling or  
24 producing winery or of the permittee responsible for the  
25 advertising, or as part of any factual, nonmisleading statement as  
26 to the history or location of the winery.

27 (f) (1) The department may suspend or revoke the license of  
28 any person who produces or bottles wine who violates this  
29 section.

30 (2) The department shall issue a notice of violation to a person  
31 in possession of the wine and shall hold a hearing within 15 days  
32 of the issuance of the notice. If requested by any interested party  
33 within five days following the issuance of the notice, the  
34 department may seize wine labeled or packaged in violation of  
35 this section regardless of where found, and may dispose of the  
36 wine upon order of the department.

37 (3) A person that is issued a violation as required by paragraph  
38 (2) may not sell or transfer the wine prior to a final determination  
39 by the department.

- 1 (g) This section applies only to wine which is produced,
- 2 bottled, or labeled after January 1, 2007.

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