



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

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LATE HARVEST WINE

Proprietor of Bonded Wineries, Bonded Wine Cellars,
Taxpaid Wine Bottling Houses and Others Concerned

Purpose. This circular notifies industry members of an ATF Ruling which will be published in the next issue of the Alcohol, Tobacco and Firearms Bulletin. This circular also reminds industry members of the provisions of 27 CFR 240.975.

Text of Ruling. The ruling will read as follows: The Bureau has been asked whether wines which possess the characteristics of "Late Harvest" type wines because they were manufactured from concentrate, ameliorated, sweetened, or fortified may bear the term "Late Harvest" or other similar terms on their labels.

ATF Rul. 78-4, 1978 ATF C.B. 61, allowed the use of "Late Harvest" and certain other similar terms on labels of grape wine, provided the amount of sugar contained in the grapes at the time of harvest and the amount of residual sugar in the finished wine were accurately stated in the same kind of measure on a front or back label for the product.

Section 4.39(a)(1) of the regulations implementing section 5(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)), prohibits the use of any statement on a container of wine, or on any label on such a container, which tends to create a misleading impression about the wine product therein. Consumers understand the special properties of "Late Harvest" type wines to be the result of a higher sugar content in the grapes used in the wine. "Late Harvest," or a similar term, would mislead consumers if used on a wine made with methods designed to simulate these properties. Such methods include manufacture from concentrate, amelioration, sweetening and fortification.

On the other hand, the Bureau has reconsidered its position with respect to the "same kind of measure" provision of ATF Rul. 78-4. Winemaking publications show

that it is usual and customary in the wine making industry to express the sugar content of the juice in the grapes at harvest in Brix while it is customary to express the residual sugar of the finished wine in terms of percent by weight, grams per 100 ml., etc. ATF regulations and forms also use Brix when referring to sugar content of juice and percent by weight or Brix when referring to sugar content of finished wine.

Held, pursuant to section 4.39(a)(1), wine which has been made from concentrate or which has been ameliorated, sweetened or fortified may not bear labels containing the terms "Late Harvest," "Late Picked," "Botrytis Infected," "Pourriture Noble," "Ice Wine," or variations thereof.

Held further, the sugar content statements on "Late Harvest," "Late Picked," "Botrytis Infected," "Pourriture Noble," "Ice Wine" (or variations thereof) need not be stated in the same kind of measure.

ATF Rul. 78-4, 1978 ATF C.B. 61, is hereby modified.

Provisions of 27 CFR 240.975.

ATF Ruling 78-4 requires that "When degrees Brix are used, the provisions of 27 CFR 240.972 through 240.975 apply." 27 CFR 240.975 states that "Total solids content of wine means the degrees Brix of the dealcoholized wine...". Industry members are reminded, therefore, that when the amount of residual sugar in the finished wine is stated in degrees Brix, the degrees Brix of the dealcoholized wine must be used.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

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