

Assembly Bill No. 2397

CHAPTER 75

An act to add Section 25245 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 8, 2008. Filed with Secretary of State July 8, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2397, Aghazarian. Alcoholic beverages: labels.

The Alcoholic Beverage Control Act provides for specified labeling requirements for containers of alcoholic beverages sold within this state.

This bill would require any wine labeled with a viticultural area appellation of origin established pursuant to federal law, other than the viticultural area "Lodi," that is located entirely within the "Lodi" viticultural area name to bear the designation "Lodi" on the label in conjunction with the area designation of wine. This bill would provide that any wine labeled with a viticultural area appellation of origin established pursuant to federal law when the appellation includes the term "Lodi" does not need to bear the additional designation of "Lodi."

The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill, by creating a new crime, imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) That wine produced in Lodi from grapes grown in the Lodi region has national and international recognition.

(b) The likely proliferation of smaller, separate viticultural area designations, while highly desirable within the developing Lodi region, has the potential of diminishing the historical, agricultural, and economic importance of the Lodi winegrowing area and confusing consumers.

(c) Thus, it is necessary to require wines produced within the boundaries of the existing Lodi appellation to be labeled as being derived from that region, if the wine label indicates that they are produced within a separate viticultural area within Lodi wine country, to preserve consumer

identification and understanding of the name “Lodi” and to protect this important state agricultural resource and wine products derived from that area.

SEC. 2. Section 25245 is added to the Business and Professions Code, to read:

25245. (a) Any wine labeled with a viticultural area appellation of origin established pursuant to Part 9 (commencing with Section 9.1) of Title 27 of the Code of Federal Regulations that is located entirely within the “Lodi” viticultural area shall bear the designation “Lodi” on the label in direct conjunction therewith in a type size not smaller than 1mm less than that of said viticultural area designation, provided neither designation is smaller than 2mm on containers of more than 187ml or smaller than 1mm on containers of 187ml or less.

(b) The department may suspend or revoke the license of any person who violates this section.

(c) This section shall not apply to any wine labeled with a viticultural area appellation of origin established pursuant to Part 9 (commencing with Section 9.1) of Title 27 of the Code of Federal Regulations when the name of the appellation includes the term “Lodi.”

(d) This section applies only to wine that is bottled on or after January 1, 2009.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.