The ABCs of AVAs

Presented by Karen Thornton, AVA Program Manager
License to Steal Conference
March 11, 2020
This information is being presented to help the public to understand and comply with the laws and regulations that the Alcohol and Tobacco Tax and Trade Bureau (TTB) administers.

It is not intended to establish any new, or change any existing, definitions, interpretations, standards, or procedures regarding those laws and regulations.

In addition, this presentation may be made obsolete by changes in laws and regulations.

Please consult the applicable laws and regulations for the most current requirements.
## What is an Appellation of Origin?

<table>
<thead>
<tr>
<th></th>
<th>State</th>
<th>County</th>
<th>AVA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 75% content</td>
<td>• 75% content</td>
<td>• 85% content</td>
</tr>
<tr>
<td></td>
<td>• Fully finished within the labeled state</td>
<td>• Fully finished within the state where the</td>
<td>• Fully finished within the state where</td>
</tr>
<tr>
<td></td>
<td>or an adjacent state</td>
<td>county is located</td>
<td>AVA is located</td>
</tr>
<tr>
<td></td>
<td>• All states are automatically</td>
<td>• All counties are automatically</td>
<td>• Required if also using “estate</td>
</tr>
<tr>
<td></td>
<td>eligible for use</td>
<td>eligible for use</td>
<td>bottled”</td>
</tr>
<tr>
<td></td>
<td>• Must be established by TTB</td>
<td></td>
<td>• Must be established by TTB</td>
</tr>
</tbody>
</table>

- All states are automatically eligible for use.
How is an AVA Created?
What Goes into an AVA Petition?

TTB regulations (27 CFR part 9) require an AVA petition to contain:

• Evidence of commercial viticulture in the proposed area

• A proposed name (and supporting evidence)

• A discussion of the distinguishing features of the proposed AVA (and supporting evidence)

• The proposed boundary drawn on USGS map(s); and

• A written description of the proposed boundary
1. Evidence of Viticulture

- Only commercial wine grape vineyards are considered

- Provide total number of commercial wine grape vineyards and vineyard acreage

- Helpful to include a map showing the locations of the vineyards

- No regulation setting minimum number of vineyards or acres, but should be distributed sufficiently throughout
Beware of:

- Lack of commercial viticulture
- Uneven distribution of vineyards; and
- Single-vineyard AVAs
2. The Name

The proposed name must: 

• Be currently used to describe the area 
• Apply to the entire proposed AVA, but may also extend beyond; and 
• Be supported by evidence
2. The Name

- Geographical features within proposed AVA
- Roads within/passing through proposed AVA
- Names and advertising of businesses and organizations
- Recent articles
- Government entities within or serving the proposed AVA
- Tourism materials; and
- Real estate listings
CAUTION!
INSUFFICIENT NAME EVIDENCE

Beware of:

• Other regions with the same name
• Evidence that is not independent of the petitioner
• Historical evidence/usage
• Anecdotal/testimonial evidence; and
• Geographical features
3. Distinguishing Features

Climate  

Topography

Soil
WARNING!
INSUFFICIENT DATA

Beware of:

• Missing data from surrounding areas
• Missing data from within proposed AVA
• Lack of viticultural effects; and
• Short time periods for climate data
1. Purchase the necessary U.S.G.S. maps

2. Mark your boundary

3. Identify any shared AVA boundaries

4. Create a written boundary description

5. Keep a copy of the maps for reference
What Happens Once a Petition is Sent to TTB?

- Accepted
- Rejected
When is the AVA Established?

- Draft NPRM
- TTB & Treasury Review
- Publication & Comment Period
- Draft Final Rule
- Evaluate Comments
- Publication
- TTB & Treasury Review
- Effective Date
Where Can I Find Help With Drafting My AVA Petition?

• Look at previously-accepted petitions, NPRMs, and final rules on TTB’s website or Regulations.gov

• Manual for AVA Petitioners

• Contact TTB! AVARregs@TTB.gov
Questions?