

## **27 CFR 4.39(a)(1): Prohibited Practices**

*Wine made from grapes frozen after harvest may not be labeled with the term "ice wine" or any variation thereof, and if the wine is labeled to suggest it was made from frozen grapes, the label must be qualified to show that the grapes were frozen post-harvest. ATF Rulings 78-4 and 82-4 are amplified.*

### **ATF Rul. 2002-7**

The Bureau has been asked if wines made from the juice of grapes frozen after harvest may bear the term "ice wine" or other similar terms on their labels. This viticultural practice results in a slightly concentrated juice, with properties and characteristics similar to juice pressed from grapes frozen on the vine.

ATF Ruling 78-4, 1978 C.B. 61, allows use of the term "ice wine" for wine made from grapes that were partially frozen on the vine, provided the labels bear statements of sugar content. ATF Ruling 78-4 was later modified by ATF Ruling 82-4, 1982-2 Q.B. 43, which holds, in part, that wine made from juice that was manipulated in certain ways (such as concentrating or sweetening) cannot be labeled with "late harvest" or other similar terms.

Section 4.39(a)(1) of the regulations, implementing section 105(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 that wine product. Consumers understand that the special properties of "ice wine" type wines are the result of the partial freezing of the grapes on the vine before harvest. "Ice wine," or a similar term, would mislead consumers if used on wine made with methods, such as freezing grapes after harvest, designed to simulate these properties and characteristics.

*Held*, pursuant to section 4.39(a)(1), wine made from grapes frozen after harvest may not bear labels containing the term "ice wine," or variations thereof.

*Held further*, if a wine is made from grapes frozen after harvest, any reference that suggests the wine is made from frozen grapes must be qualified with a phrase such as "made from grapes frozen post-harvest."

ATF Rulings 78-4 and 84-2 are hereby amplified.

Date signed:

November 26, 2002