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**IMPORTING CHARDONNAY:  
A SOUTH AFRICAN POLITICAL FARCE**

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## Importing Chardonnay. A South African Political Farce

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### Abstract

*In 1985, the Commission chaired by Judge Klopper reported on the illegal import into South Africa of chardonnay clones, which turned out not to be chardonnay but auxerrois, an inferior cultivar (variety). This paper examines the Evidence before and the Report of the Commission, and the political and institutional context in which it took place.*

### Extending Control

The Ko-operatieve Wijnbouwers Vereeniging (KWV) acquired its rights and responsibilities to regulate the wine industry under the Wine and Spirits Control [W&SC] Act 5 of 1924, which required it to set minimum prices to consumers and for producers for any wine sold for distilling, and to take delivery of the 'surplus, which could not be sold in Africa south of the Equator. The right to set minimum prices was extended to 'good wine' by W&SC Act 23 of 1940. W&SC Act 57 of 1957 made provision for the introduction of quotas on how many vines could be planted.<sup>1</sup>

The 1924 and 1940 Acts were passed under the Premiership of General Smuts, at the instigation of the founder and Chairman of the KWV, Charles W.H. Kohler; the 1957 Act under Dr Verwoerd's National Party government, all with the approval of opposition parties.<sup>2</sup> After 1960, the National Party was able to establish a 'dominant party' state. The KWV now depended only on its increasingly close relationship with the ruling party to protect and extend its ability to regulate the industry.

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The Wine and Spirits Control Act 47 of 1970, known as 'The KWV Act', replaced and consolidated laws on Wine and Spirits Control. It continued and extended the statutory powers and responsibilities of the KWV and its capacities to 'buffer and expand its domain'<sup>3</sup> over the regulation of the industry.

Act 47 provided that

No person shall produce any wine except under the authority of a permit issued by the vereniging (the association, i.e. the KWV), and no winegrower or co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging.

Act 70 of 1972 reinforced this, by the words

and on such conditions as may be determined by the vereniging.<sup>4</sup>

Similarly,

no winegrower or co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging.<sup>5</sup>

Producers had to apply for permits annually.<sup>6</sup>

Wholesalers were explicitly prevented from subsidising producers by contributing to their transport costs, except with the authorisation of the KWV.<sup>7</sup> In this way, the price of grapes other than for distilling by the KWV could be set at the good wine price.

The Act effectively gave the KWV the exclusive right, under specific ministerial authorization, to make up any anticipated shortfall in the supply of wine for distilling and keep up to 25 per cent for their own use.<sup>8</sup> The KWV further reserved the right to determine conditions under which the Minister could 'authorize the acquisition of wine for export' at below the minimum price,<sup>9</sup> thereby shoring up its own ability to manage the export market. Which more or less tied it all up.

The most far-reaching provision of the Act was to set up an Inspectorate with extraordinary powers.<sup>10</sup>

55 (2) without prior notice to enter upon any premises or vehicle upon which wine, or spirit or brandy derived from wine is suspected to be produced, manufactured, processed, treated, distilled, received, transported, kept, stored, sold or disposed of ...

They could 'inspect ...', 'examine books and documents', 'demand an explanation ...' and seize 'such wine, spirit ...'<sup>11</sup> Anybody who failed to comply with the provisions of the 1970 Act as amended was liable to a fine and/ or imprisonment.

Act 62 of 1970<sup>12</sup> created the new Wine and Spirits Control Board. Its membership was taken over from the 'Committee of Inquiry: Production and Marketing of Estate Wines'. Of its members (plus a chairman), two each were chosen from the Department of Agriculture, and from wine and viticultural research officials, four were nominated by the Cape Wine and Spirits Institute (CWSI), representing the producing wholesalers (the Trade), and four 'by KVV, representing the primary producers.'<sup>13</sup>

KVV insisted that it alone spoke for all the 'producers' and for 'the industry'. It insisted on speaking for the co-operatives and successfully resisted the demands of the Cape Estate Wines Producers Association (CEWPA, Vereniging van Landgoed Wynprodusente/ VLW) to be represented on the Control Board independently of the KVV.

CEWPA/ VLW was created in 1968 to provide independent wine farmers their own independent voice in response to the contest between the KVV and the CWSI before the Steenkamp Commission,<sup>14</sup> and space for the independent wine producers in a very small but expanding share of the market, which was almost entirely in the hands of five producing-wholesalers. Frans Malan was elected to be its first Chairman.<sup>15</sup>

CEWPA/ VLW initiated the Wine of Origin scheme against initial opposition from the by the Trade (the manufacturing-wholesalers) and resistance by KVV.<sup>16</sup> Impending changes in European Economic Community rules concentrated the minds of the industry on the need to bring the varietal labels on the bottles into line with their contents.<sup>17</sup>

The KVV and Distillers Corporation were able to modify the bill to

accommodate their own interests. The bill came into effect in 1973. The provisions regarding cultivars were diluted to 75 per cent of the wine from 1984 for cabernet sauvignon, cabernet franc, pinotage, shiraz, (Cape) Riesling and sylvaner; in the ten year transition, only 30 per cent was required (50 per cent in 1983) for lack of sufficient vines. The long-established cultivars, steen (chenin blanc), fransdruif (palomino), sultanas and cinsaut were expected to be 75 per cent of the wine, but this would pose no problem. Chardonnay, with sauvignon blanc, did not need a mention.<sup>18</sup> Fifteen 'estates' registered between 1973 and 1975 to mature and market their wines in partnership with Distillers' 'Bergkelder'.<sup>19</sup>

The KWV successfully resisted CEWPA's demands to be represented on the Control Board, which would administer the Wine of Origin scheme independently of the KWV and to be involved in setting the boundaries of the places of origins. The KWV did concede that it would informally allow the estate wine producers to be one of the KWV's representatives of the Control Board,<sup>20</sup> thereby securing their own monopoly while making it possible to admit estate farmers into the leadership of KWV. Most remarkably, the National Department of Agricultural Services contracted administration of the Wine of Origin Scheme out to the KWV, which 'already maintains an extensive administrative system to exercise production, price and general control in the industry'.<sup>21</sup>

KWV and the CWSI were able to keep non-departmental membership of the Wine and Spirit Control Board to themselves in 1989, when the KWV worked together with the 'department' to rewrite the legislation, which transferred the functions of the 'Advisory Committee on the Application of the System of Certification' (ACWO) directly taken over to the Wine and Spirits Board. The Minister thanked 'the department [of Agriculture] and the KWV, which devoted a great deal of time to rewriting this legislation.'<sup>22</sup> KWV and CWSI only had to concede their exclusive rights of representation to a new 'management authority' in 1998.<sup>23</sup>

The KWV and the CWSI, speaking above all for Stellenbosch Farmers Winery and Distillers Corporation, divided and managed the domestic and exports markets for wine and spirits within a framework defined by statutory

regulation. In this way, a small élite of white men, who held office for long periods of time, could resolve policy issues among them. From 1979, they were wrapped up together in a single corporation, Kaapwyn, reconfigured today as Distell.<sup>24</sup>

The KWV succeeded in establishing itself as the statutory regulator of the industry, and was determined to extend its control across all aspects of the industry by the 1970 'KWV Act' and subsequent laws and government decisions.

### **Improving Vineyards**

The responsibilities of the KWV extended beyond deciding who could buy and sell wine at what price and how much could be produced. It was also tasked with deciding what could be produced by supplying healthy rootstock and vine clones to farmers.

All the diseases specific to vines were imported into the Cape, which had no indigenous vines. In the nineteenth century, Cape vines became liable to the fungal diseases, specifically anthracnose (black spot), and oïdium (oïdium tuckeri, powdery mildew), in the nineteenth century and to sporadic outbreaks of downy mildew, in the later twentieth century.<sup>25</sup> Anthracnose reached epidemic levels at the Cape between 1819 and 1821. The sweet wine grapes, muscadel and hanepoot, favoured for exports, were most affected which may explain why exports fell but production increased in those years.<sup>26</sup> Localised outbreaks recurred after that but did not spread across the region. Vines are less vulnerable to anthracnose (and downy mildew) in hot, dry areas so that varieties such as palomino and hanepoot were most widely grown in the inland districts.

Oïdium tuckerii devastated French vineyards from its appearance in 1847 until 1854. It first appeared in the Cape in the damp, cool winter of 1859 and was the subject of an extensive investigation by the Vines Diseases Commission in 1859.<sup>27</sup> After the harvest of 1861, sulphur, which had been scarce and expensive to import, was generally applied, bringing the disease under control but not eliminating it.<sup>28</sup> In 1916, Perold named '[Cape] Reessling

(sic), stein [chenin blanc], cabernet sauvignon, greengrape [semillon], and White French [palomino]' among the varieties that are less tolerant of oïdium.<sup>29</sup> As well as cabernet sauvignon, R.E. Smart lists carignan, colombar, and chardonnay as vulnerable to the disease.<sup>30</sup> Pongracz added cabernet franc.<sup>31</sup>

In Europe, downy mildew followed on the disasters of oïdium, and of phylloxera. Bordeaux mixture (lime, copper sulphate and water) was originally used to protect vines against it two years after it appeared in France in 1883. But downy mildew affected vines in the western Cape only in 1968 and 'spread astonishingly quickly'. Automatic sprays raised costs severely and had to be made available with credit from the Land Bank. There was another epidemic in 1976-1977 where new vines were planted in the Orange (Gariiep) River region. The fungus probably spread from the nurseries where overhead sprays provided ideal conditions for a fungus that had developed resistance to certain fungicides.<sup>32</sup>

The phylloxera louse arrived at the Cape where it was first recognised in 1886. It spread inland and devastated vineyards across the entire colony.<sup>33</sup> Grafting of vines on to American rootstocks saved the industry from the destruction that phylloxera inflicted on the country's entire vines, after it was first identified at Constantia in 1886. Ironically, the process of grafting facilitated the spread of plant viruses, notably fanleaf and leafroll. They are transmitted 'primarily by the dissemination of infected propagation material',<sup>34</sup> as well as by grafting material and agricultural implements and by planting vines in infected soils. Both viruses can then be spread further by insects, a nematode, xiphimena index, in the case of fanleaf, and mealy bugs in the case of leafroll.<sup>35</sup>

Rootstocks act as symptom-free carriers of the viruses, and virus-free rootstocks can be re-infected in the field. Virus infection initially spreads rapidly into vineyards from infected rootstocks. There is no known natural resistance to the viruses and infected vineyards cannot be restored. Leafroll (like fanleaf) can only be contained by rigorous attention to cultivation practices and by planting uninfected vineyards with material from which viruses have been eliminated.<sup>36</sup> This is difficult to do where uninfected

vineyards are not available to plant-breeders or to the farmers whom they supply, virus-free scions can be grafted on to infected rootstocks, and vineyards are replaced after a long period of time, with mealy bugs ready to receive the new clones.

In 1916, Perold wrote that 'On the whole [vine diseases] are not very bad'. In 1932, he observed that 'Anthracnose rarely attacks our wine grapes' and that the Cape was free of downey mildew and black rot.' In 1926 he singled out only Palomino as exceptionally vulnerable to leafroll (virus), but that 'so far it had not caused any damage'.<sup>37</sup> This suggests that the leafroll virus became ubiquitous only subsequently, as planting expanded.

By 1970, South African vineyards were in a very weak state. A sample survey in Stellenbosch found that every vineyard (99.98%) suffered from one or more plant diseases, of which 68 per cent were infected with leafroll virus.<sup>38</sup> Most grafting material in the Cape was taken from offshoots [*opslagslote*], sold locally or at auctions, facilitating the comprehensive infections of vines. The spread of the virus may have been disguised for some years by the invisible infection of rootstocks, although it is plain enough to see in 'the attractive autumnal colours of vineyards'.<sup>39</sup>

The wine grape varieties which, in 1970, were most widely cultivated, and therefore had already been infected, were those which were less sensitive to the virus: palomino (fransdruif), sauvignon blanc, semillon (groendruif), muscat d'Alexandrie (hanepoot), and chenin blanc (steen). The more vulnerable cultivars are those which have been planted extensively since, then viz. cabernet sauvignon; shiraz; Cape riesling, pinotage; pinot noir, chardonnay; merlot.<sup>40</sup> They constituted 3 per cent of the total area of vines in 1970; 19 percent by 1996. The expansion of these 'new' varieties thus made it more difficult to reduce the spread of the virus, even when 'virus-free' clones were produced and distributed.

The Plant and Seed Control Division of the Department of Agricultural Economics and Marketing (PLANTAS)<sup>41</sup> developed a scheme in which Dr Hans Ambrosi and Dr D.P. Pongracz at the Navorsingsinstituut vir Wynbou en Wingerdbereiding at Nietvoorbij (NIWW – in English OVRI<sup>42</sup>) would select and

propagate the plant materials that were most productive and true to type. They also, Pongracz wrote later, 'started the systematic importation of the best available selected clones of... premium-quality wine-grape varieties as well as rootstocks... which had never been imported into South Africa, or, like Pinot noir, Chardonnay, Merlot, etc., had degenerated here to such an extent that their culture had become uneconomic.'<sup>43</sup>

But this scheme was not sufficient to address the problems of plant diseases and specifically plant viruses. In 1964 the KWV ended the plant selection scheme and put forward a plan, 'which would eventually [propagate] only finally selected and indexed' rootstocks and scions and make them available to [vines] breeders and producers.' More research would have to be done and scientists trained before this could eventually be achieved. For the meantime, the KWV put forward an interim scheme to select, multiply and distribute the healthiest and most available material, with cooperation from PLANTAS and NIWW, at the cost and under its direction of the KWV.<sup>44</sup>

The KWV demonstrated its aversion to innovation. In the first instance priority would go to the most 'important, established commercial varieties such as steen, hermitage [cinsaut], frans[druif] and hanepoot' ... 'similar attention should be given, in proportion to their importance for the wine industry, to types such as muskadel, colombar, clairette blanche, pinotage, shiraz, cabernet sauvignon, etc. Promising new varieties ... should be propagated as soon as possible and scarce rootstocks immediately.'<sup>45</sup> All of the less important grape cultivars mentioned were present in South African vineyards, though in small amounts.

Pongracz blamed the influence of virologists/ plant-pathologists at the University of California at Davis for this reversal of policy, followed by the KWV identifying of the 'Foundation block' at Davis as the most suitable source of imports.<sup>46</sup> It is not surprising that policy decisions and conflicting interests might divide plant pathologists from viticulturalists. Viticulturalists were divided between themselves. The politically significant issue was that KWV not only wanted to write the new policy but to take control of the importation and propagation of virus clones.

KWV advertised the availability of plant materials in Wynboer in 1967.<sup>47</sup> At that time, there was 'in South Africa no available selected clone material which had been thoroughly tested phytosanitarily as well as horticulturally and approved and certified.'<sup>48</sup> In 1971, KWV first made inspected ('visually chosen') vines and 'selected' rootstocks available to cultivators to establish their own rootstock plantations under the supervision of the Department of Agriculture. They were the best material available but even then some of the scions (vines) 'were subject to a mild strain of leafroll-virus'.<sup>49</sup>

In 1976, Parliament passed the Plant Improvement Act 53 of 1976,<sup>50</sup> which was to regulate the import, export, propagation and certification of plant materials, including vines and rootstocks. Responsibilities were still shared, not to say confused, among PLANTAS, NIWW, and KWV. PLANTAS was responsible for the quarantine of imports, which it carried out at the Plant Quarantine Station at Stellenbosch. The Act specified that material, whether imported or local, should be certified to be cultivar pure as well as free of vine diseases.<sup>51</sup> But PLANTAS lacked the capacity to do so. NIWW issued certificates, on a voluntary basis, stating that 'nucleus' (parent) plants it provided were true to the type of cultivars.<sup>52</sup> The NIWW carried out research into all aspects of the industry, tested imported plants, and 'shared responsibility' for ensuring the quality of exports and imports of alcohol products and the administration of the legislation regarding cultivars, origins and vintages 'with KWV and the Wine and Spirits Board'.<sup>53</sup>

The first 'supergrade' virus-free (*virus gereinigde*, i.e. virus purified) plants were certified by PLANTAS and provided to cultivators in 1976. Only a 'limited quantity of rooted [Richter] 101-14 and Jacquez [American rootstocks] were available from KWV'.<sup>54</sup> There was still no 'good material' of inspected vines of the red and white varieties such as chardonnay, merlot and pinot noir, which were now in demand, particularly from wine estates. In 1981, PLANTAS cultivated 'supergrade' clones, that 'tested free from known damaging viruses – usually after heat treatment'. KWV supplied rootstocks to establish 'mother blocks', and 'selected material', visually free of viruses, could also be obtained from KWV. Even 'supergrade' vines could not guarantee producers against infection by and the spread of plant viruses.<sup>55</sup>

Act 62 of 1970 required that only prescribed cultivars could be used for making wine.<sup>56</sup> In order 'to prevent a proliferation of cultivars that are not really better than those we already have', a co-ordinating 'Cultivar Committee' more broadly 'representative of the whole industry'<sup>57</sup> was created to evaluate and list acceptable imports as 'recommended', 'permitted and 'provisionally permitted'.<sup>58</sup>

Producers had to go through a cumbersome procedure if they wanted to import clones. From 1971, importers had to apply for approval to the Cultivar Committee. They then applied to the Plant Introduction Officer for a permit, which would be forwarded to the foreign supplier.<sup>59</sup> The imported material would then go to the Plant Quarantine Station, which would have to satisfy itself that the material was phytosanitarily acceptable. It was then supplied to NIWW for viticultural and oenological evaluation, which took at least two or three years, after which the certified material was handed over to the KVV and established in foundation blocks and mother blocks and finally given to the plant breeder and thence to the farmer to establish on his land.<sup>60</sup>

Vine stocks are tested using 'indexing' ('in vitro') tests, and ELISA (immunoassays) which are now commercially accessible and more commonly used. Vine stocks are treated by tissue culture techniques and by heat therapy.<sup>61</sup> To qualify for certification, plant material must now meet the minimum phytosanitary requirements set and have to be tested free of all prescribed virus diseases. Scion cultivars must test free from fanleaf and be visually free from leafroll and other [prescribed] virus diseases.<sup>62</sup> The plants should be visually free of the prescribed fungal and bacterial diseases and insects. Only plant material that is true to cultivar, descended from a registered clone, and cultivated in a registered unit, may be certified, so that any infections can be traced back to a specific clone when any complaints are made. It must be developed according to a specific order, starting at nucleus unit, then foundation unit, mother unit, and nursery unit. These units should meet the prescribed isolation requirements and the soil should be raw soil or test free from the vector for fanleaf. Certification means, not that the nursery vines are free of viruses, but that they tested clean with regards to fanleaf, and that they are 'visually free' of all prescribed virus diseases (including

leafroll), fungal and bacterial diseases and insects.<sup>63</sup> Viruses are hard to see, until their consequences become evident.

In 1984, The Department of Agricultural Economics and Marketing decided that in future the KWV would 'undertake the detection and elimination of harmful viruses in all locally selected, newly bred and clone material.'<sup>64</sup> Imported vine material went through the hands of the Quarantine Station, the NIWW, and the KWV. KWV continued to be responsible for importing plant material and for the scheme to propagate clones.<sup>65</sup> They were cultivated by approved nursery farmers and made available to farmers by the KWV.<sup>66</sup> The provisions of the 1976 Plant Improvement Act, the 1957 Wine, Other Fermented Beverages and Spirits Act, and the Agricultural Pests Act 38 of 1983 ensured neither the timely availability of desired clones nor effective controls of uncertified imports of vine materials. It may not be surprising that enterprising producers sought to circumvent the whole procedure. In doing so, they would expose the holes in the system of protecting the industry from the import of vine diseases and involved the industry in illegal importation of formed on 31 January 1986 in order to plug the holes.

There has been no comprehensive or sample study since 1970 of the incidence and prevalence of leafroll virus or of plant viruses generally in vineyards, so that we do not know what its current prevalence across the industry and among specific cultivars and districts. Elimination of plant viruses, like other viruses, is not feasible without starting the entire industry all over again. The question is how effectively its incidence and prevalence can be and over the last four decades has been, managed.

### **What was wrong with chardonnay?**

Chardonnay is famous as the grape of Chablis and more widely of Burgundy, and in the making of champagne. More pertinently for South Africa, Chardonnay led Australia's dramatic, variety-label break into the world market for table wines that began in 1987.<sup>67</sup> The KWV and its field agents were notoriously resistant to the import, breeding, and distribution of chardonnay clones.<sup>68</sup> Why?

The poor quality of existing chardonnay vines may have had some influence. Professor Perold, the towering figure in South African viticulture, during and after his own lifetime, wrote in his magisterial *Handboek oor Wynbou/ Treatise on Viticulture* in 1926 that 'Pinot Chardonnay' produced good wine but unfortunately was very vulnerable to millerandage and therefore delivered poor harvests.<sup>69</sup> Dr Pongracz wrote in 1978 that 'Pinot noir, Chardonnay, Merlot etc. had degenerated here to such an extent that their culture had been uneconomic.'<sup>70</sup> Which was, as he pointed out, reason to have imported new clones.

Professor Orffer was more enthusiastic about the possibilities for chardonnay:

In South Africa very high quality white table wines with a distinctive varietal bouquet and delicate fresh taste have been produced. Its high fruit acid content should allow good maturation qualities. The old South African clones were badly infected with leafroll and stem-grooving diseases. In total, there are still only 10,195 vines making up less than 0.01% of the national total.<sup>71</sup>

Production on a significant scale needed to find consumers in an industry organised by the KWV to maximise quantity, in which distilling wine, and 'standard price' wine produced mainly by SFW and sold to Coloureds in the south-western Cape, with a preference for sweeter or for fortified wines, constituted most the market.<sup>72</sup>

Between 1972 and 1979, virtually no chardonnay vines (5,960, 0.006% of all vines) were planted. The annual number *recorded* expanded to 307,614 (3%) in 1984-1985.<sup>73</sup>

As we have seen, the KWV gave priority to the same cultivars that had been grown at the Cape from the seventeenth century (groendruif, hanepoot, stein, possibly fransdruif) and, in the case of hermitage, the nineteenth. These were the cultivars grown by the members of the co-operative cellars producers which also made up most of the membership of the KWV and provided most of the wine supplied to the KWV and to the CWD and the other manufacturing-wholesalers. The KWV was responsible for importing and

propagating plant material and providing it to farmers. It did not wish to cede this strategic position to estate farmers or to Distillers and SFW.

The tiny percentage of chardonnay (and of other 'premium' varieties) planted does not identify the innovations by estate wine producers. In the 1982 edition of his superb *Estate Wines of South Africa*, Graham Knox identifies the estates that had vineyards planted with chardonnay: Audacia, Bocksberg, Blaauwklippen, Dewetshof, Hamilton Russell, Le Bonheur, Muratie, Uitkyk, Vriesenhof, Weltevrede,<sup>74</sup> In almost every one of these, wine was for sale on the estate. It was not true for many estates tied to selling through a wholesaler, usually Distillers,<sup>75</sup> suggesting that they had inhibited rather facilitated new developments. But then, all the new chardonnay plantings may not have been chardonnay.

### **Importing Vinestocks**

By the end of the 1960s, independent farmers and manufacturing wholesalers confronted propagating material of poor quality and subject to plant diseases. They were impatient to acquire new material and new cultivars and found it difficult, even impossible, to acquire the grape varieties they wanted through the legal and administrative procedures, and made them depend on the KWV for virus-inspected plant material. One obvious solution was to cut out the middleman and circumvent the procedures.

The story unfolded before a Commission, headed by (retired) Justice Kloppe Commission with Professor Orffer, South Africa's most distinguished viticulturalist, as advisor.<sup>76</sup> The evidence to the Commission is interesting and revealing. More so are its circumstances and timing and the way went about its work.

The first of the Commission's terms of reference was clear: to inquire '(a) Which person or persons imported vine propagating material of the varieties Chardonnay, Olasz Rielsing, Pinot Gris and Auxerrois...'.<sup>77</sup> But it was not the illegality of the imports but their cultivar impurity that was the stimulus to creating the Commission in 1985: 'to investigate properly the illegal importation of vine propagating material and especially the cultivar purity of

material from which wine has already been made.<sup>78</sup> According to the Klopper Commission, 'The issue of illegal imports probably came to a head during April 1985, when inspectors of the Wine and Spirits Board... expressed reservations regarding the cultivar purity of a consignment of Chardonnay grapes.'<sup>79</sup>

These reservations made the bodies responsible for regulating the industry anxious about what they could do next. The Board decided to postpone their investigation until the following season. The inspectors reported their concerns to KVV on 23 April and, through them to Mr G.J. Kotze, the Deputy Minister of Agricultural Economics. Apparently, this was the first that the KVV had heard of it! On 30 April, *Beeld* published an item, which said that:

The vine planting season is upon us. Many more spurious Chardonnay vines may be planted this winter. Wine farmers are very upset. Rumours are going around to the effect that up to 60,000 vines have been smuggled into the country and planted. Yet more serious is the fact that vineyard pests may enter the country.<sup>80</sup>

On 1 May, F.J. (Frans) Malan observed, 'I cannot believe that the Department of Agriculture has not been aware for a considerable time of the doubts regarding the cultivar purity of the material.'<sup>81</sup> These statements forced the issue. The Deputy Minister's 'appeal (of 26 April) to producers to use only pure, identified material for plantings' was only published in *Die Burger* on 2 May. An inquiry was now inevitable. The only question was who would conduct it and under what rules.

Right at the outset, the Commission agreed to the offer of the Distillers Corporation to produce a full memorandum if it did not to reveal the names of foreign suppliers, whom it might embarrass.<sup>82</sup> Judge Klopper went further: 'The Commission realised that it would not be easy for the illegal importers to give evidence in public before the press and radio. As a result each witness was asked to speak to the Chairman in his office beforehand.' This 'contributed to placing them at ease on the witness stand!'<sup>83</sup>

Most of the vines arrived between 1973 and 1981.<sup>84</sup> The NIWW was aware of the illegal importation of vines 'from an early stage' but apparently did not know 'who had illegally imported what, when, and how this was done.'<sup>85</sup> The Distillers Corporation told the Commission that:

During the 1970s South African wine farmers made arrangements on a large scale to obtain material of the world's premium cultivars from the world's foremost viticultural institutes and to bring it into South Africa along illegal channels.

... That this took place was no secret and farmers and wine makers openly discussed it and provided each other with the material. The KWV and the State were also aware of the practice and on occasion obtained material from the farmers for evaluation.<sup>86</sup>

PLANTAS, NIWW, and KWV were willing to disregard the illegality of the imports, until it was discovered the chardonnay vines that had been imported in 1977 and propagated were not chardonnay. The Judge Klopper said in the Conclusion to his report that 'the Auxerrois fiasco and the resultant damage suffered by producers and growers were the real reason that forced the government to take action in this matter.'<sup>87</sup> But as a judicial commissioner, he had to give its primary attention to illegality and not to the ampelography of vine cultivars.

The NIWW asked the Department of Agriculture in 1982 to guarantee indemnity against prosecution because 'some of the material may be particularly interesting clones of increasing varieties.'<sup>88</sup> Neither the Department of Agriculture, nor NIWW, nor KWV took action against the illegal imports and importers once they were common knowledge, even after it became evident that Chardonnay clones that had been imported might not be what they appeared to be.<sup>89</sup>

The original proposal was for members of the committee of inquiry to be drawn from the usual bodies: the Directorate of Plant and Seed Control, NIWW, KWV and CWSI, all of them involved by omission or commission in the issues with which the enquiry would be concerned. In response to

objections from CEWPA and from Frans Malan as Chairman of the Western Cape Agriculture Union, sole responsibility was given to Judge Klopper.<sup>90</sup>

The clones were mainly acquired from prominent German and French viticulturalists, with whom South African producers had long-established connections.<sup>91</sup> The mode of acquisition varied from the informal to the conspiratorial, where materials were passed to anonymous contacts.<sup>92</sup> Most vine materials came in by air to Jan Smuts [now OR Tambo International] Airport. Anglo-Americans smuggled their collection of cultivars in by road through Swaziland. Most imports were white wine cultivars that were new to or little cultivated in South Africa. Olasz riesling came from Hungary, pinot gris was obtained from West Germany, and Merlot and most but not all of the 'chardonnay' came from France.<sup>93</sup>

Stellenbosch Farmers Winery (SFW) started their own programme to produce material to propagate vines in 1969. In 1974, they acquired the farm Ernita to establish mother plants of rootstocks scions to supply to plant breeders in the Wellington District, where nursery vineyards were concentrated.

By 1977 we had received only small quantities of rootstock material from the... KWV that qualified for the establishment of mother planting. No clone material had been received. Moreover, we also had to learn at this stage that we would not qualify to receive material from the best category in the official scheme ...<sup>94</sup>

SFW acquired clones from various sources: NIWW itself, the University of California, with and without the approval of South African authorities, the Viticultural Institute in Weinsberg, Germany. They were then tested and then cultivated under rigorous procedures at Ernita: 'A Chardonnay clone originally obtained from NIWW 'produces much better, gives higher quality wines and no longer shows leaf curl symptoms after thermotherapy and tissue culture.' Even in 1986, 'the official scheme was making slow progress with the provision of certain materials, for example, of which material is available to the industry under the Super Grade Scheme even today.'<sup>95</sup>

While SFW pursued its own strategies, Danie de Wet and Dr Julius Laszlo were at the nexus of the illegal importation of vines. De Wet had returned from his studies in Geisenheim to Dewetshof at Robertson with ambitions to bring new techniques and new varieties to the Cape.<sup>96</sup> He was the main but not exclusive supplier of clones to plant breeders, who are concentrated in the Wellington District.<sup>97</sup> In 1973, he was the first to import plant material illegally.

Dr Laszlo, then at NIWW, had already been appointed to a post at Amfarms (Anglo-American, Rhodes Fruit Farms) initiated the import by Amfarms of Chardonnay and Merlot vines. These were probably the first Auxerrois vines imported as Chardonnay. Laszlo accepted a post at Distillers in 1978. According to Michael Fridjhon, Anglo and Distillers now agreed to split the plant material in Anglo's possession.<sup>98</sup> De Wet received eyes of Chardonnay for multiplication from Laszlo and from Ross (of Anglo) in 1977.<sup>99</sup>

Distillers explained that:

People such as Dr J. Laszlo and Messrs Danie de Wet and the late D.P. Pongracz took the only course available to them in their efforts to meet their responsibility to the South African viticultural industry, and they tried to obtain, in a very responsible manner, the world's best plant material from the world's best viticultural institutions. By taking this step they did the South African viticultural industry a great service and made it possible for the industry one day to be reckoned among the great wine farming countries of the world. In their actions they never attempted to enrich themselves, but they made it possible for farmers who are associated with the Distillers Corporation either as estate wine producers or as grape suppliers to have some of the best plant material in the world, stemming from the premium international cultivars, in their vineyards today. They have enabled the Distillers Corporation to assist the industry with plant material of outstanding quality even now and to do this on a still larger scale on the future.<sup>100</sup>

Only they didn't.

The main aim of the importers was to be able to plant chardonnay. Until 1979 no new plantings of chardonnay were recorded. It was chardonnay that was imported in the largest quantities and most widely distributed among plant breeders. But it became apparent in due course, that the 'Colmar' clone of chardonnay was auxerrois, a very different cultivar. How was this mistake possible?

The South African importers were ahead of the game in trying to import chardonnay in the 1970s, which was before its dramatic expansion in France, California, and USA.<sup>101</sup> If the variety was acquired in Germany, mistake in its identification may have been more likely. Jancis Robinson's *Oxford Companion to Wine* explains:

Auxerrois Gris is a synonym for Pinot Gris in Alsace while Chardonnay, before it became so famous, was once known as Auxerrois Blanc in the Moselle — as distinct from Auxerrois Blanc de Laquqneux, which is the variety now called Auxerrois in north-east France including Alsace and Luxemburg.<sup>102</sup>

In Alsace, auxerrois is widely planted, and typically blended with, or even labelled as 'Pinot Blanc'.<sup>103</sup> 'For many years no distinction was made between Pinot Blanc and Chardonnay since these two varieties can look very similar. ... .' What is more, Germans have 'valued [Pinot Blanc] for its apparent similarity to ... Chardonnay.'<sup>104</sup> 'To add to the possibilities for confusion, the commune, Chablis, is in the Yonne Department, in which the prefecture is at Auxerre, the largest city and at the centre of the department.

Danie De Wet pursued the origins of auxerrois with German and French viticulturalists and reported that chardonnay was 'always part of Pinot' and, incorrectly, that it was originally a clone selected from auxerrois in the nineteenth century.<sup>105</sup> The erroneous attribution required two wrong steps to be made: from auxerrois to pinot blanc and from pinot blanc to chardonnay. Apparently, the mistakes were carried over from the grapes to the vines, at least some (unnamed) 'local experts could initially not distinguish between the two'.<sup>106</sup>

The Klopper Commission found that olasz riesling vines had been imported legally but then been passed on unofficially by D.P. Pongracz of the Oude Meester group.<sup>107</sup> Danie de Wet, Anglo-American, and some others<sup>108</sup> imported a wide and interesting range of cultivars, several of which were experimental crosses, and most of which were not on the official list, mainly for producing white wines.<sup>109</sup> Among them, sauvignon blanc constituted 17.6 per cent of new planting in 1985-1986; among the others only weisser riesling (3.2%) and gewürztraminer (1.4%) exceeded 1% of new planting.<sup>110</sup>

### **Embarrassment**

The affair left the leading figures in the industry in some embarrassment. Witnesses, several of whom had themselves been involved in importing vine material, put forward the merits of the varieties that had been imported and asked that they be placed on the cultivar list. Wines made from olasz riesling had been sold and exhibited as riesling. A.E. Rupert and D.J. Peck had won medals for wines made from olasz riesling (the former a Silver and the latter three medals, including a Gold) at the Stellenbosch Young Wine Shows between 1983 and 1985 in the competition for riesling which, to add to the confusion, was, of course, Cape riesling (crouchen blanc). Six witnesses attested that auxerrois makes good wine (but not that they themselves had mistaken it for chardonnay).<sup>111</sup> Danie de Wet, in arguing for the inclusion of auxerrois in the South African cultivar lists, wrote to the Commission that Chardonnay had inadvertently been sent to and planted in Alsace, where Chardonnay had consequently been added to the cultivar list – a nice reversal of the proposal for the Cape.<sup>112</sup> Frans Malan wanted it pointed out that ‘no one of the persons or firms that ... imported material without authorisation ever applied [to the Cultivars Committee] for permission to import any material’.<sup>113</sup>

The main losers from the entire affair were not the corporations nor the wealthy estate farmers but the nurserymen of the Wellington District, who found themselves landed with about a million grafted vines, which they could not sell because auxerrois and olasz riesling were neither on the cultivar list –

nor in much demand among farmers and manufacturers.<sup>114</sup> It was ‘fortunately not the task of the Commission to determine who is financially liable for the damage (R134 207) suffered by the planters and breeders’<sup>115</sup> ‘(1) the planters could claim from the breeders; (2) the breeders in turn could claim from the Directorate of Plant and Seed Control; and (3)... even Nietvoorbij (NIWW) could be liable.’<sup>116</sup> It also seems to have been fortunate why importers, who supplied the clones to the breeders, were not legally responsible but this seems to have escaped mention.

The NIWW, the Directorate of Plant and Seed Control and Plant Quarantine Services took predictably defensive stances against the accusation that the “system” was inflexible’. Faced with the condition of South Africa’s vineyards, the Department had ‘decided to create order and set certain standards for propagating material.’<sup>117</sup> They certified plants supplied by breeders, and imported materials respectively. None of them certified the varietal purity.<sup>118</sup> The Department set out clearly the quarantine procedures for testing plants and protecting them against both local and imported diseases and pests. But it did concede that they had to limit imports because of lack of capacity and trained staff. Like everybody else in the industry, it knew that material was entering the country but lacked formal complaints or specific evidence or legal authority on which to proceed, even though ‘officials of the wine Trade, the KWV and the VORI [NIWW] were only too well aware of many illegal imports.’<sup>119</sup>

CWD/ Kaapwyn and its constitutive companies, SFW, Distillers, and KWV provided all the representatives of both the Trade and the producers. The Coordinating Group for Research, Plant Improvement and Propagation and for the Vine Improvement Board (VIB), which grew out of it kept representation within the CWSI and KWV. The Group consisted of ‘Mr P.G. Steyn (Cape Wine). Dr J.A. van Zyl (KWV). Mr J.J. Scannell (Distillers). Mr R.S. de la Bat (KWV). Dr J. Deist (/ NIWW/ VORI).’<sup>120</sup> The VIB ‘comprises: representatives of the KWV; CWSI (Cape Wine and Spirits Institute), representative of the producing wholesalers; Department of Agriculture and Water Supplies; Department of Agricultural Economics and Marketing; Western Cape Nurseryman Association.’<sup>121</sup> ‘Dr J.A. van Zyl pointed out that ‘the KWV

represents the producers,<sup>122</sup> over the objections of Frans Malan, Chairman of the Western Cape Agricultural Union and Sidney Back of CEWPA.<sup>123</sup> The distribution of plants to farmers was henceforth undertaken by KWV and also by CWSI who produced vines for their own needs.<sup>124</sup> The Board revised the plan certification scheme in 1988<sup>125</sup> and took exclusive responsibility for quarantine, certification, propagation, and distribution of vines and rootstocks in 1993.<sup>126</sup>

In all of this, the striking absence is any examination of the part which the KWV may have played. They had taken over responsibility for providing rootstocks to cultivators, for importing vine propagation material and, after 1984, even detecting and eliminating harmful viruses in locally grown material. The KWV gave evidence to the Commission ' which greatly appreciated the opportunity to enter the sanctuary of the wine industry in South Africa'<sup>127</sup> Apart from asserting its claims to represent producers, the KWV appears to have kept its silence. Gawie Kriel, for the KWV, limited himself to the actions of others<sup>128</sup> and not the KWV's own.

However, the KWV remained very sensitive to implied criticism. H.J. Van Heerden reported in PLANTAS' own memorandum to the Commission that it had allowed 'in addition to normal imports ... the importation of approximately 100 plant units by the KWV'<sup>129</sup> It may be these imports to which Kriel referred five years later:

In the late 1970s, especially at estates, a need arose for premium cultivars such as Chardonnay, Merlot, Sauvignon blanc and Pinot Noir for which, with the exception of Sauvignon blanc, enough good material was not locally available. After several attempts to import for example good Chardonnay had failed and [there was] a further need to extend the spectrum of clones of existing cultivars, the KWV, after an overseas visit to clone selectors, together with the Department of Foreign Affairs, personally fetched 92 clones of 22 scions cultivars and 17 clones of 10 rootstocks. The material was made available, in co-operation with the Quarantine Station within only 7 months for propagation. This attempt expanded the spectrum of clones for the most important cultivars and gave great momentum to plant improvement in South Africa.

It was at this time that various producers also brought material into the country themselves which gave rise to the Klopper-commission's investigation into unapproved imports. Today certified material of a wide spectrum of clones are available in surplus quantities for the industry.<sup>130</sup>

Remarkably, the Commission did not benefit from an account of these achievements by the KWV.

The circumvention of the rules did not bring exotic plant diseases into South Africa. It did raise questions about the forms, timeliness, and rigour of the processes of quarantine and certification. The Klopper Commission set out the recommendations of the new VIB and the responses to it but left the decisions to 'the organisations concerned'.<sup>131</sup> The VIB suggested that it would advise PLANTAS on the 'importation, release and distribution of wine grape material'.<sup>132</sup> Quarantine procedures could be expedited if certified by official overseas bodies and a period of 'open quarantine' (i.e in the field) as determined by the PQA. Distillers' recommendations were close to the VIB proposals and far less rigorous than SFW, whose procedures for expediting imports of materials included hot-water treatment. Its recommendations were subject to scathing criticisms by Prof Orffer. Open quarantine could allow the release of dangerous diseases: 'THIS, INDEED, WAS THE CASE WITH DOWNY MILDEW IN THE WESTERN CAPE'.<sup>133</sup> Orffer insisted that, apart from 'perfecting the in vitro method'<sup>134</sup> for the cultivation of vine propagating material', and using the array of serological tests available, 'IT IS INCONCEIVABLE THAT MATERIAL SHOULD NOT BE SUBJECTED TO A WARM-WATER TREATMENT',<sup>135</sup> which had not been required in the VIB recommendations.<sup>136</sup>

The evidence to the Klopper Commission implicated the most important names in the industry in the illegal import of vines, directly and indirectly. 'Chardonnay', and some other varieties, were imported outside the normal procedures by three major corporations and a group of the industry's leading lights: Anglo American (Rhodes Fruit Farms); SFW; Julius Laszlo of Distillers Corporation (the Oude Meester Group); and through Dr Julius Laszlo, Peter Finlayson; Danie de Wet; Anton Rupert and by implication his son, Johan; Jan

'Boland' Coetzee; Sidney Back; N.C. Krone; N. Myburgh; and A.A.G. von Arnim. The evidence even implicated Frans Malan, who had been the loudest voice asking for an inquiry, and the fiercest critic of the illegal imports.<sup>137</sup>

Judge Klopper considered thoroughly but circumspectly whether those who had broken the law could and should be prosecuted.<sup>138</sup> Malan thought it 'absolutely essential that ...people and institutions guilty of such irresponsible actions should be punished ...'<sup>139</sup> Worse, according to an unnamed wine producer, 'farmers who brought the vine into the country illegally were openly bragging about their "successes" '. In some areas he says the law breakers are treated as "heroes."<sup>140</sup> Gawie Kriel of the KWV agreed that offenders should be convicted. C.J. Orffer, Professor of Viticulture at the University of Stellenbosch wanted to increase the penalties for illegal imports. So did the newly constituted Vine Improvement Board, which included representative of the CWSI, whose largest constituents, SFW and Distillers, were two of the main perpetrators.<sup>141</sup>

The decision not to take action against importers was conditional on the Department of Plant and Seeds Control making it known that it would, in future, 'act diligently against illegal importers'. Were the Attorney-General to have proceeded with prosecutions, most of the prominent Cape wine producers would have been before the court: 'proceedings could on the one hand be an embarrassment to the Government and the other hand have a negative effect of unity in the wine industry.'<sup>142</sup>

A rapid propagation of new vines followed the Commission. On 19 June, 1986 PLANTAS had already granted a permit to Distillers to import 18,000 grafted vines of each of chardonnay and cabernet sauvignon.<sup>143</sup> The number of chardonnay vines planted trebled from 1985-1986 to 949,216 vines (8% of all vines) in 1986-1987; at the height of the export enthusiasm in 1991-1992, 173,983 Chardonnay vines (17.1%).<sup>144</sup> Could they all have been scions of Chardonnay vines?

Speaking 'proudly as a capitalist' at the 1990 Congress of the *Suid Afrikaanse Wingerd en Wynkunde-vereniging* (SAWWV), Sidney Back, of Fairview, made a comprehensive attack on the KWV and the entire system of

market regulation and market domination. He did not forget the Chardonnay farce. He said, very much out of turn, 'that South Africa was disadvantaged in that its competitors in the new world were in the lead with premium cultivars such as Chardonnay. A great deal of the R200 million that Australia earned in the export market in the previous year came from Chardonnay, while South African producers who were forced to get the cultivar through unofficial channels, were "dragged through the courts".' Nevertheless, 'he estimated that more than half of the 30,000 Klop of South African Chardonnay that had been marketed the previous year [almost all in South Africa] came from "smuggled vines"'.<sup>145</sup>

Why was the KWV so determined to block the importation and planting of Chardonnay vines? They did not fit in with the priority that the KWV gave to farmers planting cultivars that were already established and met the demand of the domestic markets and provided the KWV with its own supplies of wine for distilling. That is not sufficient to explain their resistance to the planting and importation of cultivars that would then have only taken up a small share of the market and produced 'noble' wines. From Perold onwards, the most influential viticulturalists had favoured importing and planting chardonnay vines. These were not obviously more vulnerable than other new varieties to the vine diseases that were ubiquitous across the winelands. Imported vines were probably less so, at least until they were planted in infected vineyards. As hardly any chardonnay vines were cultivated, they could not have contributed to the infection of vines. They were anyway subject to quarantine procedures. If an answer to the question is to be found, seems to lie ultimately in the KWV's determination to keep control over all aspects of the industry.

Estate farmers and companies had good reason to want to innovate by importing new chardonnay vines and in resorting to smuggling them into the country. The apparently unanswerable question is: why did companies and farmers import the wrong grapes and thereby make fools and heroes of themselves?

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- <sup>1</sup> N. Vink, G. Williams, and J.Kirsten, 'South Africa', in K. Anderson, ed., *The World's Wine Markets: Globalization at Work*. Edward Elgar, Cheltenham, 2004, pp. 230-4. D.J. van Zyl, *KWV: 75 Jare*. KWV, Paarl, 1993 (Bound copy, University of Stellenbosch Library), pp. 44-64, 121-25, 141-2.
- <sup>2</sup> Vink, 'South Africa', pp. 231-233. Van Zyl, *KWV*, pp. 45-56, 121-2. C. Kohler, *The Memoirs of Kohler of the K.W.V*. London., 1946. R.U. Kenney, *Abraham Perold: Wegwyser van ons Wynbou*, Oxford University Press, Cape Town, 1981, p. 76. J. Mayer, 'Thankyou General... Thankyou Colonel...', *Wynboer*, June 1940, p. 4649.
- <sup>3</sup> Ivan B. Deacon, 'The South African Liquor Industry – Structure, Conduct, Performance and Strategies', D. Comm. thesis, University of Stellenbosch, 1980, p. 50.
- <sup>4</sup> Act 47 of 1970, Section 15(1), as Amended by Act 70 of 1972, Section 5. *Wynboer*, April, 1970, p. 70.
- <sup>5</sup> Act 47 of 1970, §15A, as amended by Act 74 of 1974, §12.
- <sup>6</sup> *Wynboer*, Jan. 1974, p. 29.
- <sup>7</sup> Act 47 of 1970, §18, and §18A, inserted by Act 74 of 1974, §17. See *Wynboer*, April, 1970, p. 70.
- <sup>8</sup> Act 47 of 1970, §45, also §45A. This derived from W&SC Act 22 of 1965, Vink et al. 'South Africa', p. 234. Van Zyl, *KWV*, pp. 134-6.
- <sup>9</sup> Act 47 of 1970, §18(8).
- <sup>10</sup> Act 47 of 1970 as amended by § 29 of Act 74 of 1974, Chapter VII, §53-57.
- <sup>11</sup> Act 47 of 1970 §55 (2) as amended.
- <sup>12</sup> Act 62 of 1970 amending the Wine, Other Fermented Beverages and Spirits Act 1957, laterr consolidated in the Liquor Products Act 60 of 1989. [www.wosa.co.za/sa/origin\\_board.php](http://www.wosa.co.za/sa/origin_board.php).
- <sup>13</sup> Act 62 of 1970. Beck, 'Wine control', p. 55. [www.wosa.co.za/sa/origin\\_board.php](http://www.wosa.co.za/sa/origin_board.php).
- <sup>14</sup> *The (Steenkamp) Commission of Enquiry into Co-operative Affairs*, Pretoria. 1967, Report §§195-21; 912-67; 1167-8 (pp. 46-7, 168-172, 206) Evidence. (summarised in Report §§931-47: State Archives Deposit, Pretoria (SAD) SAD K140, 1960-68. Vol. VI, XIV, Memoranda 9, 15, 22a, 22b (all from 1964). *Financial Mail*, 18 Aug. 1967, as against 'Rede van die Voorsitter [A.J. du Toit] van die K.W.V. by Geleentheid vn die Konferensie van Wynboere te Worcester op Sat, 26 Nov 1966', *Wynboer*, Dec. 1966, p. 12. K.W.V. *Some Aspects of the Functions of and Control by the K.W.V*. K.W.V. Paarl, 1969, pp. 29-34, followed in van Zyl, *KWV*, pp., 219-25. I.B. Deacon, 'The South African liquor industry', pp. 21-7, 31-8, 335.

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- <sup>15</sup> VLW/ CEWPA, 'Memorandum of 17 February 1968', cited van Zyl, KWV, p. 197. 'Vereniging van Langoedwynprodusente', *Wynboer*, July 1968, p. 3. 'Jaarverslag van Vvereniging van Kaapse Landgoedwynprodusente, Rede van F.J. Malan, Voorsitter', *Wynboer*, Jun 1969, pp. 15. M. Sperling, 'The Future of the Independent Winery within the Framework of the S.A. Winery Industry' (Talk to the Eno-Viticultural Association, on 24 September 1969 at Paarl), *Wynboer*, Nov., 1969, pp. 26-27. D. D. (Neil) Joubert, 'Die reg van die individuele produsent tot die bemarking van sy eie produk', *Wynboer*, Nov. 1973, p. 27. 'Vereniging van Landgoedswynprodusente', *Wynboer*, July 1968, p. 3. Pierre Loubser. 'Die Rol van die Vereniging van Kaapse Landgoedwynprodusente [VKL] as Gespesialiseerde Bedryforganisasie binne die Wynbedryf', n.d., Mr Loubser, Manager of CEWPA (and of the Pinotage Association) kindly made the document available to me. Conversations with Frans Malan at Simonsig, 12 September 1995, Spatz Sperling at Delheim, 23 October 2002, Danie de Wet, Dewetshof, 7 April 2004, Pierre Loubser, Stellenbosch 18 May 2004.
- <sup>16</sup> Conversation with Loubser. *Financial Mail*, 10 April 1970, p. 130. See the circumspect comments in the Address by the Chairman of K.W.V., Mr. André du Toit, 50<sup>th</sup> Annual General Meeting of the K.W.V. on Wednesday 5<sup>th</sup> June, 1968. *Wynboer*, June, 1968, p. 31, and in response to Frans Malan in the 'Minutes of the Annual General Meeting of Shareholders', *Wynboer*, Aug. 1968, p. 23. Van Zyl, KWV:, pp, 196-211. J.A. van Zyl (of the KWV), 'Die ontstaan, ontwikkeling en toekoms van die afbakening van wynbougiede (1); and (2) ', *Wynboer*, March, 1976, pp.71-5; April 1976, 57-9. He makes no reference to CEWPA/ VKL, who initiated the idea.
- <sup>17</sup> André du Toit, 'Hoe sal die V.K. se toetrede tot die EEG die wynbedryf raak?', *Wynboer*, Oct. 1971, pp. 3-4. *Financial Mail*, 13 April 1973, p. 143. Van Zyl, KWV, p. 205.
- <sup>18</sup> Wine, the Fermented Beverages and Spirits Amendment Act 70 of 1972. Du Toit *Wynboer*, Aug. 1976, p. 52, and Jan. 1974, p. 34; *Financial Mail*, 13 April 1973. Van Zyl, KWV, pp. 203-210.
- <sup>19</sup> A. Baumgartner, *The First 35 Years of the Distillers Corporation (SA) Limited*, n.d. [1980]. *Wynboer*, Oct. 1974, p. 38. 'Landgoedere soos omskryf, gewysig en herroep [1 Sep. 1973-11 April 2003], Mr Pierre Laubser kindly made this document available to me.
- <sup>20</sup> Loubser, 'Landgoedwynprodusente'.
- <sup>21</sup> Ooreenkoms tussen Dr Willem Albert Verbreek, Sekretaris van Landbou-Tegniese Dienste..., en André Jacobus du Toit en Schalk Willem Jourbert... Direkteur en Sekretaris van die K.W.V., Paarl, 29 April 1976. LTD, 76/9, State Archive Deposit (SAD), Pretoria. Dr André J. du Toit, *Wynboer*, June 1974, Supplement, p. 2.
- <sup>22</sup> The Minister of Agriculture, *Hansard*, Joint Meeting of Houses of Parliament, Liquor Products Bill, 10 May, 1989, p. 8318.
- <sup>23</sup> Wine and Spirit Control Act, 1998, Schedule 2, [www.polity.org.za](http://www.polity.org.za)

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- <sup>24</sup> Competition Board (CB), 'Investigation into restrictive practices in the supply and distribution of alcoholic beverages in the Republic of South Africa,' Report no. 10, 1982. M. Fridjhon and A. Murray, *Conspiracy of Giants: the South African Liquor Industry*. Divaris Stein, Johannesburg, 1985, pp. 149-165, 396-7, and App. 1 (Conclusions and Recommendations of CB, No. 10). Deacon, 'The South African liquor industry', pp. 53-5, 371-6. D.J. van Zyl, *KWV*, pp. 229-35, 241-3. Vink, Williams and Kirsten, 'South Africa', pp. 235-6.
- <sup>25</sup> Anthracnose is of European origin and was the most common fungal disease of vines until the advent in Europe of downy mildew and powdery mildew, They both originate in north America. Oïdium (powdery mildew) was probably spread from north America via the rootstocks imported to protect plants against phylloxera. R.E. Smart (R.E.S., Viticultural Editor) in J. Robinson, *Oxford Companion to Wine*. Oxford University Press, 2<sup>nd</sup> ed., pp. 240-1, 547. A.I. Perold, *Handboek oor Wynbou*, Pro Ecclesia, Stellenbosch, 1926 [translated as *A Treatise on Viticulture*, Macmillan, London, 1927] pp. 221-224, 248-249, 408-427.
- <sup>26</sup> van Zyl, *KWV*, pp. 21-22 and compare the table at pp. 106-107, listing quantities of wine produced and exported. S.J. du Plessis, *Wingerdsiektes in Suid-Afrika*, Stellenbosch, n.d.
- <sup>27</sup> G43-'61. *Report of the Vine Diseases Commission on the Origin, Appearance, and Progress of the Vine Disease, with remedies applied at the Cape of Good Hope*, 1859.
- <sup>28</sup> van Zyl, *KWV*, pp. 23-32.
- <sup>29</sup> A.I.Perold, 'Viticulture in South Africa', *International Review of the Science and Practice of Agriculture*, 7, p. 7.
- <sup>30</sup> R.E.S., in Robinson, *Companion*, p. 547 (powdery mildew). Perold, *Handboek*, pp. 223 (chenin blanc), 239.
- <sup>31</sup> D.P. Pongracz, *Practical Viticulture*. David Philip, Cape Town 1978, pp. 207-8.
- <sup>32</sup> P.Fourie and A. Vermeulen, 'Downy mildew: a sporadic though destructive vine disease' Wynboer-Tegnies, Sep. 2000. R.E.S., in Robinson, *Companion*, pp. 240-1. C.J. Orffer 'Dangers involved in the importation of vine propagating material (IVPM), *Commission of Inquiry into the Varietal Purity and Suspected Unauthorised Importation of Vine Propagation Material*, Chairman C.J. Klopper, J. (Klopper Commission) 1986, App. 3, p. 52. *Wynboer*, Nov. 1969, p. 20; Jan H Booyesen, 'Die ontwikkeling van Wingerdgebou oor die afgelope 60 jaar', *Wynboer*, May 1969, p. 40.
- <sup>33</sup> Phylloxera was the subject of numerous commissions and much correspondence. G41-86, *Report of the Phylloxera Commission*. G42-93. *Final Report of the Phylloxera Commission*. D.J. van Zyl 'Phylloxeras Vastatrix in the Kaapkolonie 1886-1900: voorkoms, verspreiding, an ekonomiese gevolge', *South African Historical Journal*, 16, 1, 1984, pp. 26-48.
- <sup>34</sup> M. Freeborough and J. Burger, 'Leafroll: economic implications' in *Wynboer Vineyard*, Dec. 2008. Pietersen, G. (2002). Analysis of spatial distribution patterns indicative of

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- 36 Ronel Carstens, 'Vineyard Viruses: Leafroll Overview,' *Winetech*, 2002, 2013 [[www.winetech.co.za/news\\_leafroll.php](http://www.winetech.co.za/news_leafroll.php)]. G. Pietersen, 'Epidemiology and control of grapevine leafroll disease.' *Winetech Lecture 26* Sept, 2006, [[www.winetech.co.za/docs2006/Vinpro-lecture-6-sept.pdf](http://www.winetech.co.za/docs2006/Vinpro-lecture-6-sept.pdf)]; 'Grapevine leafroll control in South Africa', *Wynboer Technical Yearbook*, Oct. 2010.
- 37 Perold, *Handboek*, pp. 233-234.
- 38 Kriel, 'Terugblik op Wingerdkwekersbedryf en Plantverbetering in Suid-Afrika', *Wynboer*, May 1991, p. 46. Nel, A.C. and Engelbrecht, D.J. (1972). Grapevine virus diseases in South Africa and the influence of latent viruses in the nursery. *Ann. Phytopathol., n' horsésrie*, 67-74, cited Freeborough and Burger, 'Leafroll'. They refer to a study of the table grapes by Ferdi van Zyl, that found a prevalence of 44% in 2005, which is probably less than it would have been in Stellenbosch.
- 39 R.E.S. in Robinson, *Companion*, p. 402.
- 40 Vaughn Walton, 'Mealybug: biology and control strategies', *Wynboertegnies*, March, 2001. Walton makes no mention of cinsaut, or of palomino 'which is relatively susceptible to anthracnose and downy mildew' (Robinson, *Oxford Companion*, 'Palomino'; See also 'leafroll virus', and Perold, *Handboek*, pp. 233-234).
- 41 The Directorate of Plant and Seeds Control had been engaged in plant improvement since 1947. J.J. van Heerden, Officer in Charge of Phytosanitary Services, *Klopper Commission*, App 11, p. 74.
- 42 Viticultural and Oenological Research Institute.
- 43 Pongracz, *Viticulture*, p. 207.
- 44 'K.W.V. Skema vir die Vermeerdering en Beskikbaarstelling van Geselekteerde Siekte- en Virusvry Enthout vir die Wynindustrie', *Wynboer*, April, 1964, p. 5. 'Ontmoet die NIWW – sy huidige en toekomstige taak', *Wynboer*, Jan. 1975, p. 48. May 1991, p. 48. Pongracz, *Viticulture*, p. 218. van Zyl, *KWV*, pp. 214.
- 45 Richter 99, 101-14, 143 B etc. KWV Skema, *Wynboer*, Apr. 1964, p. 5.
- 46 Pongracz, *Viticulture*, pp. 217-8. Also 61-78, 218-20. On the influence of UC-Davis, see A.J. du Toit, 'Rede van die Voorsitter van die K.W.V., ... Konferensie van Wynboere op Montagu, 21 Nov., 1964', *Wynboer*, Dec. 1964, pp. 12-13.
- 47 Kriel, *Wynboer*, May 1991, p. 46.
- 48 Rede van mnr André du Toit, 'Voorsitter van die K.W.V. by the Opening van die Jaarkongres van die Suid-Afrikaanse Kwekers-vereniging gehou te Stellenbosch in November 1967', *Wynboer*, May 1968, p. 9.
- 49 KWV 'Vine Plant Material Scheme', *Wynboer*, May 1971, p. 74, July 1971, p. 11.
- 50 Subsequently amended by Acts 10 of 1979, 39 of 1983, 17 of 1991, 25 of 1996.

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51 Act 53 of 1975, Sections 17, 23, cited *Klopper Commission*, 6.3.2, p. 15.

52 *Klopper Commission*, 6.3, 6.3.1., p.14, 15,

53 'NIWW', *Wynboer*, 1975, p. 48.

54 Kriel, *Wynboer*, May 1991, p. 46. 'Editorial', *Wynboer*, July 1976, p. 3.

55 'KWV Plantverbeteringskema. Materiaal beskikbaar 1981', *Wynboer*, April 1981, pp. 36-7, Feb. 1983, pp. 40-41, Jan. 1985, pp. 52-3.

56 W. De Klerk, 'The effect of legislation of the quality of South African wines', *Wynboer*, Jan, 1997, pp. 66-67. Act 26 consolidated in Act 62 of 1989, 8 (1) (a) of 1989, which reduced the number of permitted cultivars from 122 to 90.

57 F.J. Malan, 'Memorandum regarding the importation, release and multiplication of vines propagating material', *Klopper Commission*, App 8, p. 64. In addition to KWV, the Trade and government, it included representatives from CEWPA (Frans Malan), the University of Stellenbosch and the Deciduous Fruit Board.

58 De Klerk, *Wynboer*, Jan 1997, p. 67.

59 In accordance with the Agricultural Pests Act 36 of 1983, section 3. *Klopper Commission*, 7.4.2, pp. 30-31, .P. van Heerden, Directorate Plant and Seed Control, App 11, p. 73.

60 *Klopper Commission*, 7.4.2, pp. 30-31. H.P. Van Heerden, said two years, App. 11, p. 73.

61 Carstens, 'Vineyard Viruses', R.E.S. in Robinson, *Companion*, pp. 360, 255,

62 Fleck, corky bark, stem grooving and Shiraz disease. Carstens, 'Vineyard viruses'.

63 Carstens, 'Vineyard viruses'.

64 H.P. van Heerden, *Klopper Commission*, App 11, p. 74.

65 Editorial, 'Plant material'; A.J. du Toit, 'Chairman's Address, AGM of the KWV, 8 June 1976,' *Wynboer*, June 1976, pp. 2; 30-36. 'Memorandum — Chardonnay Imports — E. le Roux (for Stellenbosch Farmers' Winery),' *Klopper Commission*, App. 10, p. 68.

66 *Wynboer*, Apr 1981, pp. 36-37.; Feb 1983, 36-37; Jan. 1985, pp. 40-41; Jan 1986, pp. 61-62.

67 K. Anderson and D. Norman, *Global Wine Production, Consumption, and Trade, 1961-2001: A Statistical Compendium*. Centre for International Economic Studies, University of Adelaide (CIES). Adelaide. R. Osmond and K. Anderson, *Trends and Cycles in the Australian Wine Industry, 1850-2000*. (CIES), Tables 3, 9, 10, 13, 14, pp. 44-7, 67-81, 84-5.

68 Joachim Ewert, personal communication.

69 Perold, *Handboek*, pp. 224-5.

70 Pongracz, *Viticulture*, p. 217.

71 Orffer, *Cultivation*, p. 30.

72 G. Boonstra, 'Landswyne (1) (2) (3)', *Wynboer*, Feb. 1977, pp. 28-33, March, p. 45-9, April, p. 39-42. M. Fridjhon, *The Penguin Book of South African Wines*, Penguin Books,

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London, p. 24. I have summarised the evidence in 'Quantities not qualities', Unpublished research note.

73 South Africa Wine Industry Statistics (SAWIS) 'Aanplanting, 1972-3 to 1995-6'. I am grateful to Yvette van der Merwe for making them available to me.

74 G. Knox, *Estate Wines of South Africa*, 2<sup>nd</sup> ed., David Philip, Cape Town, 1982.

75 *Wynboer*, Oct. 1974, p. 38.

76 *Klopper Commission*, ch 2, 3, pp. 2-4.

77 *Klopper Commission*, ch 1, p. 1.

78 *Klopper Commission*, ch 2, p. 2.

79 *Klopper Commission*, ch 2, p. 2.

80 'Kalender', Bylae, *Beeld*, 30 April, 1985, cited *Klopper Commission*, ch 2, p. 2.

81 Frans Malan, cited *Die Burger*, 1 May 1985. Also 'Kalender, Bylae' *Die Beeld*, 30 Apr. 1985.

82 *Klopper Commission*, ch 4. pp. 6; 5.4, p. 7; 7.4.2, p. 29n87.

83 *Klopper Commission*, 5.4, p. 7.

84 *Klopper Commission* ch 2, p. 2, 6.1, p. 10. App 10, p. 70.

85 *Klopper Commission*, ch 2, p. 2. Evidence by Dr J. Burger (Director of NIWW until 1983; subsequently Director of the Winter Rainfall Area at Elsenburg) evidence, and Exhibit 6, with regard to imports by Danie de Wet (1973) and Anglo-American Corporation (1981).

86 Evidence to *Klopper Commission*, 7.4.2, p. 30.

87 *Klopper Commission*, 'Conclusion', p. 31.

88 Evidence to *Klopper Commission*, 7.4.2, p. 30.

89 P. B. Hugo, Chairman of KWV, cited *Klopper Commission*, p. 2.

90 *Klopper Commission*, ch 1, pp. 1-2.

91 They will have included Geisenheim in Germany, where Danie de Wet and Peter Finlayson, among many other South Africans, studied and INRA at Montpellier in France. Three famous viticulturalists were mentioned in the Report, viz. Dr P. Huglin and Prof. D. Boubais from France and Prof Helmut Becker from Geisenheim. See *Klopper Commission*, pp. 22-23.

92 Evidence from and regarding Peter Finlayson, and F.J. Malan, *Klopper Commission*, pp. 22-23, 24-25.

93 *Klopper Commission*, 6.4.1, pp. 16-17.

94 *Klopper Commission*, App. 10, p. 68.

95 *Klopper Commission*, App. 10, pp. 69-70.

96 Knox, *Estate Wines*, p. 92-93. de Jongh, *Encyclopaedia*, pp. 38-39, De Wet, Interview, 7 April, 2004.

97 *Klopper Commission*, 6.2, 6.4.3, pp. 12-13, 19.

98 Interview 2 October 2002. Comment 15 June 2013.

99 *Klopper Commission*, 7.2.2, 7.3.1, 7.4.2, pp. 22, 25, 29. Interview, Danie de Wet, Dewetshof, 7 April, 2004.

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- 100 M.S. du P. le Roux, Dr P.J. Venter and Dr J. Laszlo, for Distillers, 'Submission, Section VI', *Klopper Commission*, App. 9. p. 66.
- 101 Robinson, *Oxford Companion*, 'Chardonnay'.
- 102 Robinson, *Oxford Companion*, drawing on P. Galet, *Cépage et vignobles de France*, 2<sup>eme</sup> ed., Montpellier, 1990.
- 103 Robinson, *Oxford Companion*, p. 55, Auxerrois.
- 104 Robinson, *Oxford Companion*. Pp.532-3.'Pinot blanc.
- 105 Danie de Wet, Bon Vallon, Letter to Klopper, J. ('Oom Chris') 27 July 1986, *Klopper Commission*, App. 4, pp. 53-54, citing Prof. Schenk, *Deutsches Weinbau, Jahrbuch*, p. 91. Robinson draws on Galet to state that both Auxerrois and Chardonnay are separate varieties and not different strains of other cultivars. *Oxford Companion*, 'Auxerrois, 'Chardonnay', 'Pinot Blanc'.
- 106 *Klopper Commission*, 6.4.2, pp. 18-19.
- 107 *Klopper Commission*, 6,1, pp. 10-11. 12-13, 19.
- 108 N.C. Krone, A.E. Rupert, S. Back, N. Myburgh, A.A.G. von Arnim.
- 109 They were (date of first inclusion in KWV planting statistics, starting from 1973); pinot noir (spaetburgunder), sauvignon blanc, sylvaner (73), gewürztraminer, merlot, weisser riesling (76), sémillon (77), pinot gris (79), pinot blanc (80), schönburge [rosa muskaat] (83) scheurebe (85)\*, rotberger, oranjestener, arnsbürger,\* cross arnsbürger/scheurebe,\* deckrot, gamay, müller thurgau, ehrenfelser\* are all not listed in KWV statistics in 1985. SAWIS , 'antings', Varieties marked \* are all crossings. *Klopper Commission*, pp. 11, 16.
- 110 SAWIS, 'Aanplanting'. The planting of sauvignon blanc was at its peak in response to a fashion for 'blanc fumée'.
- 111 *Klopper Commission*, pp. 18-19. They were Dr H.A. Schikkerling (Gilbey's), John Platter, Distillers Corporation, A.A.G. von Arnim, Paul de Wet, Danie de Wet.
- 112 Danie de Wet, *Klopper Commission*, App. 4, p. 54.
- 113 *Klopper Commission*, App. 8, 4 p. 65.
- 114 *Klopper Commission*, 6,2, 6.4.3, pp. 12-13, 19-20. Frans Malan, 'Memorandum regarding the Importation, Release, and Multiplication of Vine Propagating Material', *Klopper Commission*, App. 8, 4, p. 65.
- 115 *Klopper Commission*, 6.4.3, p. 19.
- 116 Dr H.A. Schickerling, Gilbey Distillers and Vintners, cited *Klopper Commission*, 6.4.3, p. 18.
- 117 H.P. van Heerden, *Klopper Commission*, App. 11, p. 72.
- 118 Evidence, P.L. Bredell, Directorate Plant and Seed Control, and H. P. van Heerden, 3 Dec. 1985, F.J. Malan, Chairman, Western Cape Agricultural Union, 6 Dec. 1985, *Klopper Commission*, pp. 4-5; App 11, pp. 72-75.
- 119 van Heerden, *Klopper Commission*, App. 11, p. 75. Also 7.4.2, p. 30.
- 120 *Klopper Commission*, 5,8, p. 8.

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- 121 *Klopper Commission*, 8.1.4.1, p. 37. *Wynboer*, Mar. 1986. p. 33. The first members were - KWW: Dr J A van Zyl, Chief Director (Production) as Chairman, Dr E.F. Beukmann, Chief Director (Planning), and Gawie Kriel, Chief Director (Plant Propagation); CWSI: Dr. Piet Venter, Head of Production (Distillers), Duimpie Bayly (SFW), Jan Scannell (lawyer for Distillers). Government: dr Jacob Deist, Director, NIWW, Dr A. Niewoudt, Directorate, Plant and Seed Control. Western Cape Nurseryman's Association: Kobus Malan.
- 122 *Klopper Commission*, 8.1.4.2, p. 42
- 123 *Klopper Commission*, 8.1.4.1, pp. 38, 42.
- 124 E.g. *Wynboer*, Feb. 1990, 40-41; Feb 1995, p. 34.
- 125 Kriel, *Wynboer*, May 1991, p. 46.
- 126 W. de Klerk, *Wynboer*, Jan. 1997, 66-67. *Wynboer*. July, 1976, p. 2.
- 127 *Klopper Commission*, 3, p. 4.
- 128 *Klopper Commission*, 7.4.2 and 8.1.3 p. 34, citing Gawie Kriel, (also p. 31)
- 129 *Klopper Commission*, App. 11, p. 74.
- 130 Kriel, *Wynboer*, May 1991, p. 46.
- 131 *Klopper Commission*, 8.1.4 p. 36.
- 132 'Submission by the Vine Improvement Board ...,' *Klopper Commission*, App. 5, 2.3, p. 55.
- 133 'Comments—Orffer to the Klopper Commission, Reference to Memorandum from the Vine Improvement Board', *Klopper Commission*, App. 7, 1.4, p. 60. [Orffer's capitals].
- 134 'Comments—Orffer', *Klopper Commission* App. 7, 5.4, p. 63.
- 135 'Comments—Orffer', *Klopper Commission* App, 7, 1.5, 1.7, (also 3.1.9.6.1; 5.4) pp. 60, 61 (62-63).
- 136 Comments—Orffer', *Klopper Commission*, App, 7, 5.4., p. 63.
- 137 *Klopper Commission*, 6.1, 6.2, pp. 10-11; 7.1, 7.1, 7.2, 7.3, pp. 25-27.
- 138 *Klopper Commission*, 7.1, 7.2.1-3, 7.2.3, 7.3.3.1-3, 7.4.1-2. 8.1.3, pp. 22-31, 33-36.
- 139 *Klopper Commission*, 3 p. 5 and 7.4.2, p. 28.
- 140 *Klopper Commission*, 7.4.2, p. 28. By repute, one of the 'heroes' was Jan 'Boland' Coetzee.
- 141 *Klopper Commission*, 7.4.2, p. 28, 8.1.3 p. 34.
- 142 *Klopper Commission*, 7. Conclusion p. 31.
- 143 *Klopper Commission*, 8.1.4.1, pp. 38, 40-1.
- 144 'Aanplanting'.
- 145 Sydney Back, *Wynboer*, Feb, 1990, pp. 17-18. This is my 'return' translation into English of *Wynboer's* translation of Back's speech into Afrikaans.