

Book Reviews

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JORDAN LIPP and HEATHER LIPP: *Is There Apple Juice in My Wine? Thirty-Eight Laws That Affect the Wine You Drink*. Jordan Lipp, San Bernardino, CA, 2018, 207 pp., ISBN: 978-0692159507 (paperback), \$16.99.

If the body of law regulating the American wine industry was not so absurdly inconsistent and infuriatingly intrusive while at the same time mute on what would seem to be critical issues, it would be humorous. Attorney Jordan Lipp and his wife, Heather, a finance executive and wine blogger (www.10kbottles.com), offer the reader “Part cocktail trivia and part Myth Busters – a book explaining thirty-eight bizarre rules that most of us wine drinkers only have a vague notion about, yet they define what is in our wine, how we buy it, and how we enjoy it” (p. 2). Many of these rules were enacted after the 21st Amendment to the U.S. Constitution repealed the 18th Amendment that led to the era of Prohibition. Section 2 of the repeal has been interpreted to cede to the states the regulation of alcohol within their borders. The result is a hodge podge of laws, some of which have come into conflict with the Dormant Commerce Clause that prohibits states from discriminating against interstate or international trade. And then there are the federal

regulations. “Prohibition may have officially ended in 1933, but our nation is still reeling from its effects,” (p. 129), the Lipps confirm.

The book’s 38 chapters are grouped in five parts: Naming and Identifying Wines; Making Wines; Labeling and Warnings on Wines; Selling, Shipping, and Consuming Wines; and Crime, Religion, State Warnings, and Home Winemaking. A Summation and Final Thoughts conclude the short volume.

Part One (Chapters 1 to 8) deals with the laws pertaining to the percent of a variety that must be in a wine labeled with its name, naming wines for foreign wine regions such as Champagne, the percent of wine designating a particular American Viticultural Area (AVA) that must come from it, and the percent of a vintage dated wine that must have been harvested in that year. These regulations might seem unexciting and perhaps irrelevant, but they remain at the heart of contemporary high-stakes conflicts. For example, Chapter 6 looks at the efforts to protect the name, Napa Valley. Ironically, a Napa-based winery has recently been challenged for its labels by the state of Oregon based on some of the regulations mentioned in Part One.

As this is being written, a labeling dispute is raging between Copper Cane Wines in Napa Valley and the Oregon Liquor Control Commission (OLCC). Two of Copper Cane’s wines, Elouan and “The Willametter Journal,” are made from Pinot Noir grapes grown in Oregon, but are produced in California. The 2017 Elouan is labelled with the names of the three Oregon AVAs, where the grapes were grown, along with the tagline “The Coastal Standard. Purely Oregon, Always Coastal” and a statement by the winemaker, Joseph Wagner: “We produce wines that define Oregon’s coastal regions. For our Pinot Noir, we bring together three diverse valleys along Oregon’s coast...” There are a number of problems including the fact that these three valleys are not on the coast where Pinot Noir grapes could not be expected to ripen. Furthermore, each of the valleys listed is a separate AVA that is noncontiguous with the others. If an AVA is listed on the label, 85% of the grapes must come from it. The label of “The Willametter Journal” refers to the wine being sourced from the Territory of Oregon, ignoring its becoming a state in 1859 and implying that the grapes come from the Willamette Valley AVA. Upon review at the request of the state of Oregon, the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB) reversed itself and ordered changes to seven labels they had previously approved. In the meantime, the OLCC revoked Copper Cane’s certificate of approval to do business in Oregon. The decision is under appeal.

A key concern in the Copper Cane case is the fact that the winery, which produces the wine from Oregon grapes is in California, a state that has more relaxed standards for additives and percentages. Yet in Chapter 19, the authors declare “the location of the winery...is too boring a topic for a chapter...” (p. 99). Amusingly, though, they admit “this topic is not too boring for a lengthy footnote!” (p. 99, footnote 1).

The Introduction to Part Two is a brief and simple description of how wine is made with enough references to pooping out alcohol and burping out carbon

dioxide in less than three pages to delight most three year olds. And if a reader still has not had enough, these bodily functions reappear at the beginning of Chapter 9. Striving for approachability can lead to excessive cutesiness.

Laws that address what additives are permitted in wine are discussed in Chapters 9 to 14 with the last answering the question that is the book's title. Spoiler alert: technically speaking, the answer is that fermented apple juice can be added to grape wine and not have to be called apple wine. In fact, there is no requirement for a winery to list any ingredients on a bottle (Chapter 12).

Otherwise, wine labels are regulated at least as much as the liquid they describe, but with some surprising, although not always unwelcome, exceptions. Chapters 15 to 23 that comprise Part Three cover what is required to appear, what may appear, and what is strictly prohibited on a bottle of wine. Among the topics addressed, the authors explain the historical reason no nutritional information including calories must be listed, while wishing that it was, and why, mercifully, there is no quality rating for wine like there is in many European countries.

The folly of Federalism in the realm of fermented beverages is laid out in Part Four (Chapters 24 to 33). Each state dictates its own rules for selling and serving wine, charging corkage, and receiving shipments. While there are no longer any totally dry states, there are still dry counties and municipalities. During my undergraduate days in Evanston, Illinois, for example, no alcohol could be sold within city limits. The reason was the charter of Northwestern University was amended in 1855 to ban the sale of fermented beverages within four miles of campus and had nothing to do with the fact that the township was later to become the headquarters of the Women's Christian Temperance Union. This, of course, did not stop upperclassman from making runs to liquor stores that lined Howard Street, the border between Evanston and Chicago, and sharing the haul with those of us who were underage. In June 1972, before I returned for graduate school, Evanston permitted the sale of alcohol with a meal, however that is defined. Chapter 24 includes examples of how that ambiguity has been resolved, mostly for the worse. Since liquor stores did not appear in Evanston until after I graduated, I was forced to acquire my wine in neighboring Skokie and occasionally in Chicago.

"Trying to figure out the labyrinth of state regulations on shipping wine in the United States makes it seem like it would be easier to ship Uranium than wine from one state to another," (p. 146) the authors complain. In fact, keeping track of the evolving laws regulating the shipment of alcohol between states has led to the creation of businesses that assist wineries with compliance. While after *Granholm v. Heald*, the case that the U.S. Supreme Court narrowly decided in favor of out-of-state wineries wanting to ship to states under the same rules as wineries within them, thus, giving dominance to the Dormant Commerce Clause over the 21st Amendment, things have gotten somewhat better, but each state still has its own limits and peculiarities.

Two other issues were recently litigated that again pit the two constitutional clauses against each other. In November 2018, the 7th U.S. Circuit Court of

Appeals in the case of *Lebamoff Enterprises, Inc. et al. v. Bruce Rauner, et al. and Wine & Spirit Distribution of Illinois* overturned a ruling by the U.S. District Court for the Northern District of Illinois that permitted Illinois to prohibit out-of-state retailers from shipping liquor to its residents citing the Dormant Commerce Clause as the basis for the decision. On 26 June 2019 in a seven to two decision, the U.S. Supreme Court in the case of *Tennessee Wine and Spirits Retailers Association v. Clayton Byrd* held that Tennessee's two-year residency requirement for out-of-state residents to obtain a retail liquor license violated the Dormant Commerce Clause and was not saved by the 21st Amendment.

Part Five (Chapters 34 to 38) is a collection of "several miscellaneous laws about wine that we just did not feel belonged in the other parts of this book" (p. 163).

This self-published paperback, while certainly a worthwhile read, suffers from a lack of careful editing. There are missing words, too much repetition of ideas, and errors ("chalk full" (p. 125) instead of chock full). While the extensive, mercifully same-page, footnotes cite the primary sources of the regulations, secondary sources, especially *The Oxford Companion to Wine, 4th Edition* by Jancis Robinson et al., are referenced for wine related claims and even for a discussion of the Italian government quality rating system (Chapter 21) where primary sources are available. A list of references or bibliography and an index would have been useful.

Despite its flaws, *Is There Apple Juice in My Wine?* is a breezy account of an inherently ponderous subject that affects all aspects of the U.S. wine industry. For the investment of a few hours and the price of a modest bottle of wine, a reader can enjoy a somewhat frothy, opinionated, but well-informed overview of the regulations behind many of the controversies still raging and gain insight into what may actually be in that bottle of Napa Valley Cabernet Sauvignon.

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ALEX MALTMAN: *Vineyards, Rocks, & Soils: The Wine Lover's Guide to Geology*. Oxford University Press, New York, NY, 2018, 256 pp., ISBN: 978-0190863289 (hardback), \$34.95.

Ever since I read Maltman's papers (Maltman, 2013a, 2013b), I bristle when I hear the term "minerality" used in a description of a wine. Geologic¹ minerals have no smell or taste, he insists. How incredibly naïve it is, then, to think that a wine is a

¹ We adopt Maltman's convention of using "geologic," what he calls the American convention, for tangible things and "geological" for mental constructs like time.