

Problems Arising from the EEC Wine Regulations

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Shortcomings in the EEC wine regulations, traditional practices, and circumstances peculiar to wine production together tend to make difficult the official control and verification of quality of wine put up for sale. Some of the problems are discussed.

The more closely the EEC Wine Regulations are examined, the more tenuous they are found to be, resulting in many problems for the Wine Standards Board, Public Analysts and Consumer Protection Officers, and every avenue should be explored to resolve them.

Wine is defined in the EEC as "being the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape musts". A large measure of success in the controlling of wine sales in the United Kingdom can therefore result from the scrutiny of documents by the Wine Standards Board and the chemical and physical analyses by Public Analysts.

If wine were the "exclusive product of the fermentation of the juice of freshly gathered grapes", the chances of success of analytical control would be even greater because the composition of the wine would depend only on

- (a) the soil,
- (b) the type or variety of grape,
- (c) the fertilisers used,
- (d) the pesticides employed and
- (e) the method of vinification.

From the outset, problems may be created by the use of sulphur dioxide which, although destroying the wild yeasts to the exclusion of the wine yeasts, does sometimes lead to the inclusion of impurities. In some of the northern wine growing areas, local habit and traditions allow the addition of a little sucrose to the ferment to enhance the final alcoholic strength. Adjustment of acidity at some vineyards is also permitted and there is scope for a limited degree of blending with other EEC wines. A small measure of sweetening is also practised using grape must, but fortifying applies only to liqueur wines and can only be performed legally with grape spirit (brandy). No other additives of any kind are permitted, and therefore the practice of killing all the natural yeasts and fermenting with cultured yeasts results in a product which is not, by EEC definition, "wine" and should not strictly be allowed in the EEC on the grounds that the "wine" has been subjected to oenological practices not

allowed in the Community. Notwithstanding the definition, the addition of yeast does appear to be practised in the EEC.

The classification of EEC wines leads to certain difficulties, particularly with the AC (Appellation Contrôlée) system where, in Bordeaux, for example, wine identical with that in the top AC grade can be labelled progressively in lower AC categories, though generally the lower AC wines are Area, then Regional, blends. To add to these difficulties, in the Burgundy Region, the same vineyard (for example, Chambertin) has several growers each producing some or all of the approved varieties of grape, each making wine according to his own recipe, and each entitled to label his wine, say, "Chambertin" and in consequence there is more than one "Chambertin".

It is easy, therefore, to appreciate the pitfalls into which one may fall when pursuing a complaint that a wine is not that which its bottle label claims it to be. The first step in such an investigation might be to examine any marking on the bottle closure or the label itself, followed by enquiries at the point of sale. It should then be possible, through documentation, to trace the wine back to its source. It may be necessary to concentrate the investigation on the wine itself and British Sherry is a good example to cite. Unhappily, all too often simple straightforward analysis is not going to help.

For a long time European countries have had a common customs tariff which has been a useful basis for Customs and Excise purposes, since all the countries have worked to the same descriptions and definitions. Thus, Tariff Heading 22.05 refers to wine produced from fresh grapes as defined for the EEC. On the other hand, other fermented beverages which are not distilled fall into Tariff Heading 22.07 with the exception of vermouths, which have a Tariff Heading of their own, 22.06. The important characteristics of the products in Tariff Headings 22.06 and 22.07 are that they either have ingredients added, for example, colouring matter, flavourings, non-vinous alcohol, or are produced from materials other than the juice of fresh grapes, for example diluted grape juice concentrate or must, cane sugar or fruit pulp. A British Sherry, made by pitching brewers' yeast into diluted grape must concentrate, which has been enriched with substantial quantities of sucrose and fortified after fermentation with molasses spirit, must clearly fall into Tariff Heading 22.07. Such a coloured and flavoured product would differ quite markedly from a true wine of Tariff Heading 22.05 when analysed for a whole range of minor components.

It might well be that a wine produced outside Europe, say in Morocco, could have a characteristic GLC spectrum, resulting primarily from differences in the variety of grape used which prefers to grow in different types of soil and warmer climates than those found in Europe. A further diagnostic feature of such wines might be the relative abundances of trace metals in the wine arising from the soil type, fertilisers and even inorganic pesticides.

It is possible that the alcohols produced by fermentation may differ between grape varieties but recognition of this as a means of identification is a long way off, since little work has been performed in this direction. The same applies to the occurrence of trace metals, although it is known that some plants accumulate uranium and nickel in excess of the ambient concentrations in the soil. As a result, because of their relative abundances in granite soil compared

to chalky soil, wine produced from grapes grown in the former might show significant trace concentrations of uranium and nickel and Public Analysts may find this is a useful approach in identifying such wines.

There is unlikely to be a problem with German wine since the quantities produced are relatively small and control of labelling is tight. Analytically, problems could be insoluble because some well-known German wines are blends, *Liebfraumilch*, for example.

Italy presents a totally different picture. Hundreds of different wines are produced there and although the legislation governing them is rigorous, it is not based in the same manner. There is no uniform system of labelling, some wines being named after their geographical origin, others according to the variety of grapes used. Ironically, it may be fortunate for the enforcing authorities that few Italian wines travel well, and as a result, many may never be seen in the United Kingdom.

An extremely useful document was the recent MAFF publication "A Notice to Food and Drug Authorities and Public Analysts (England and Wales)—EEC Wine Regulations". Apart from omitting reference to Regulation 1532/74 updating sulphur dioxide requirements, the document states clearly where responsibilities lie and what the regulations control. The Ministry of Agriculture, Fisheries and Food is responsible overall for the Regulations, but the control of wine in bond has been delegated to HM Customs and Excise. After release from bond, following payment of duty, the wine and documentation become the responsibility of the Wine Standards Board of the Vintners' Company until the point of retail sale is reached, whereupon it becomes the responsibility of the local authority enforcement departments.

Problems arise, however, when it is difficult to establish who is, or is not, a retailer, and a simple example of this situation is the larger brewery supplying its tenanted houses as a wholesaler and at the same time selling alcoholic beverages through its managed houses as a retailer.

As far as the Wine Standards Board is concerned, the procedure appears to be reasonably simple. Every time a wine is moved, it must be accompanied by documents (VA Documents) which relate to that particular wine—for example, a green document applies to a quality wine and a blue document to a "non-quality" wine. Regulation 2247/73 lists all the names of quality wines produced in specified regions in respect of which the green VA2 would be used. Thus, most of the work of the Wine Standards Board is concerned with documentation, and deciding whether a wine is, for example, a *Côte du Rhône* is a question of its labelling and of the seller being able to produce the appropriate document. The quantities of wine shipped must be recorded, and therefore the finding of an excess becomes a matter of simple bookkeeping.

The system is essentially one intended to protect the producer and is excellent as far as it goes. The customer also benefits by dealing with a healthy wine trade, but his protection lies in there being a system which makes it possible to be able to trace his purchase back to its origin. Even when small consignments are made from large ones and the documentation is abandoned, the bottle closures are marked and it is still possible to trace the bottler and check his records.

The wine trade is exceptional, however, in that it includes a large legitimate trade in unlabelled wine. Any retailer may buy unlabelled wine and put his own attractive labels on bottles of it. French shippers send over samples of wine accompanied by a letter which offers the wine at one price without a certificate and at a higher price if it is to be accompanied with an AC certificate. This accounts for the English trade formerly being able to sell AC wines at such low prices, when the same wine was supplied as that which legitimately might have carried an AC name. Under present regulations, with the certificate, the wine transferred is included in the limited quota which carries the appellation and must be labelled as such; without the full AC certificate the wine may only be labelled and sold in its designated lesser appellation, or even as *vin ordinaire*.

Since, when production is abundant, the top wines may have to be labelled progressively in lower categories, it is possible in, say, a restaurant to find that a label has been removed and replaced by another as a result of a customer asking for a wine which is not in stock. When questioned about the morality of substituting labels, the reply would be that it was the same wine. It is still theoretically possible for a restaurant buying unlabelled bottles of wine along with AC wines to label and sell some of the unlabelled wines as AC wine. Again, it is possible to see more blatant substitution going on unchecked in restaurants where sherry is offered by the glass on the menu and where clearly labelled sherry bottles are on display purporting to be the bottles from which the wine has been dispensed. Of course, the restriction on the use of the word "sherry" is much older than the EEC and has, needless to say, nothing to do with it.

The future labelling of wine is the subject of Regulation (EEC) 2133/74 and, while existing regulations have more or less completely resolved the situation, when fully in operation there will be no more "Spanish Sauternes", but by then most wine labels will have come into line with the new rules. For the time being the legality of descriptions such as "Burgundy style" or words with curious spellings which, when pronounced, sound like appellation names (e.g. "Bordo"), has still to be tested in the Courts. But as soon as the EEC implementing regulation comes into force, giving effect to Regulation 2133/74, such descriptions will no longer be legal. So far, however, "Claret" and "Hock" are not listed names, and so "Australian Claret" will, for example, still be an acceptable description. It is possible that steps will be taken to restrict the use of these two names.

Local Authorities will undoubtedly have some enforcement problems. Ideally, they would expect Regulations which would include systems of analysis for wine, but the methods will be for the trade. At the moment, there is no indication of how enforcement authorities will use them. It would be difficult to use such Regulations to support, say, the possible deterioration of a wine when only a specification for the minimum acidity is given but no maximum tolerance.

The field of wine is new in Britain and scientific knowledge must be accumulated in order that eventually it will be possible to say with conviction that the wine in a bottle is not the one described on the label.