



napa valley vintners

August 18, 2010

Mr. Gerald Isenberg  
Chief, Regulations and Rulings Division  
Alcohol and Tobacco Tax and Trade Bureau  
P.O. Box 14412  
Washington, D.C. 20044-4412

Re: Proposed "Pine Mountain-Mayacmas" Viticultural Area

Dear Mr. Isenberg:

On May 27, 2010, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published Notice of Proposed Rulemaking No. 105 proposing to establish the Pine Mountain-Mayacmas Viticultural Area (the "Notice"). The Notice invited comment on, among other things, the "sufficiency and accuracy of the name" of the proposed American Viticultural Area (AVA).

Napa Valley Vintners (NVV), a trade association of Napa Valley vintners with over 400 hundred members, is an interested party in the outcome of this AVA rulemaking. NVV does not object to the formation of the new AVA. However, NVV believes that the name selected for this AVA – more specifically, the inclusion of the word "Mayacmas" or any alternative spelling thereof – is inappropriate and misleading to consumers. NVV supports the recent proposal by the AVA petitioners to modify the AVA name to "Pine Mountain-Cloverdale Peak," with a slight adjustment to the AVA boundaries.

1. *The name "Pine Mountain-Mayacmas" will mislead consumers about the location of the AVA.*

Section 205 of the Federal Alcohol Administration (FAA) Act defines unlawful practices and unfair competition in the introduction, sale or delivery of wine into interstate or foreign commerce. Specifically, Section 205(e) and its implementing regulations in Part 4 of 27 Code of Federal Regulations prohibit, among other things, statements that are likely to mislead the consumer; these provisions require that consumers be provided with adequate information about wine to enable them to make an informed purchase decision. The appellation program promotes truth and accuracy in labeling through its rigorous process of establishing viticulturally distinctive and appropriately named AVAs. In this case, the name "Pine Mountain-Mayacmas" fails to accomplish the underlying goals and purposes of the FAA Act.

NVV lauds petitioners for seeking recognition of Pine Mountain as an AVA and for adding a name modifier to ensure that consumers know the location of this particular AVA. There are numerous Pine Mountains across the United States, and consumers need some way to know which Pine Mountain is being identified. Mayacmas or any of its alternate spellings is the wrong modifier and will confuse consumers because there is another Pine Mountain in the same Mayacmas range; as such, this name modifier is facially misleading. The other Pine Mountain, with a peak at 3,614 feet, is located on the Sonoma and Lake County border, approximately seven miles northwest of Mount Saint Helena in the Mayacmas (or Mayacamas) mountain range. *See* USGS 1: 24,000 scale topographic map for the Mount Saint Helena Quadrangle, California 1997, sections 11 & 12.

2. *The Mayac(a)mas mountain range has been used extensively in wine education and marketing materials to identify the distinguishing physical and viticultural characteristics of other viticultural areas and may lead consumers to believe that the proposed AVA is located in those other areas .*

Since the formation of the Napa Valley AVA in 1981, the distinguishing geography of this viticultural area and, in particular, the predominant western boundary created by the Mayacamas Mountain range, have been central to the efforts of NVV and its member wineries to educate consumers about the uniqueness of the region. Between 2001 and 2003, NVV commissioned three major studies to verify that the Napa Valley AVA has unique geology, soils, climate, weather and topography. The educational presentation prepared by NVV from these studies, "Napa Valley Rocks," highlights the findings and repeatedly relies on the effects and impact of the Mayacamas. The presentation with presenter notes is enclosed (*see* pages 3, 12-13, 20, 23 for specific references to the Mayacamas). NVV is concerned that, because of the frequent references to the Mayacamas as a defining characteristic of Napa Valley, consumers may believe that Pine Mountain is in Napa County. It is not.

The far-reaching boundaries of the Mayacmas (or Mayacamas) range and the extensive references to these mountains in the marketing of other AVAs make the term Mayacmas a poor choice to identify this particular AVA. Mayacamas is a geographic term frequently used in the wine industry to refer to the range of mountains that cuts through four counties: Napa, Lake, Sonoma and Mendocino. The range wholly encompasses several winegrowing regions that are not associated with the proposed Pine Mountain-Mayacmas AVA. In Napa County alone, three higher elevation AVAs are located in the Mayacamas mountain range: Mt. Veeder (27 CFR §9.123), Spring Mountain District (27 CFR §9.143) and Diamond Mountain District (27 CFR §9.166), each of which is wholly contained within the Napa Valley AVA. These three AVAs are specifically and distinctively defined by their location within the range and by the climatic and geological impacts that the Mayacamas Mountains have on grapegrowing in these areas.

Many of the AVAs that lie within Sonoma County also are strongly associated with the Mayacamas Mountains. For example, the Sonoma Valley AVA (27 CFR §9.29) is geographically defined by its location between two mountain ranges – the Mayacamas and the Sonoma Mountains. The wineries of the Chalk Hill AVA (27 CFR §9.52) sit on the western bench slopes of the Mayacamas. Because the "other" Pine Mountain is in Sonoma County and, specifically, within the Knights Valley AVA (27 CFR §9.76), the use of Mayacmas in reference to an AVA that is mostly in Mendocino County is inappropriate and misleading.

3. *Using an alternative spelling of Mayacamas does not resolve the problem of consumer confusion.*

Using "Mayacmas" as an alternate spelling of the commonly recognized "Mayacamas" does not clear up the confusion between the proposed AVA name and the established uses of the name Mayacamas to promote Napa Valley and Sonoma County wines. For example, recent press accounts on the proposed AVA recite the name as "Pine Mountain-Mayacmas [sic]" and state, in reference to the name, "That's not a typo." A consumer cannot be expected to note – much less understand – the lack of an additional "a" when evaluating wine on a shelf from the proposed AVA.

4. *NVV supports petitioners' modified AVA, "Pine Mountain-Cloverdale Peak."*

Since the publication of the Notice, NVV has discussed its concerns about the proposed name with petitioners. The petitioners have now proposed an alternative AVA name, Pine Mountain-Cloverdale Peak, with supporting evidence that meets TTB's regulatory criteria. NVV supports this name and respectfully asks TTB to expedite the processing of the petition with the amended name.

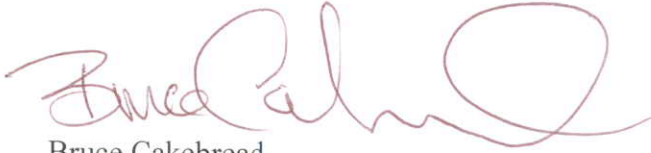
Inclusion of "Cloverdale" to describe this particular Pine Mountain is appropriate. The Notice relies on the proximity of Cloverdale to place this new AVA. Most, if not all, of the vineyard owners in the proposed AVA have street addresses in Cloverdale. Comment 42 from the Cloverdale Chamber of Commerce and the Cloverdale Wine and Visitors Center states that "our office windows look out on the beauty of Pine Mountain which is the backdrop for the town of Cloverdale." The Pine Mountain area is included in the five-mile radius of the Cloverdale Trade Area Demographics.

The specific name, Pine Mountain - Cloverdale Peak, is accurate and descriptive. As a result of the petitioners' minor modification to the boundaries of the proposed AVA, Cloverdale Peak now marks the northernmost point of the AVA. Cloverdale Peak and Pine Mountain are the two most highly recognized features of the proposed AVA. Cloverdale Peak is just ten feet higher than Pine Mountain at an elevation of 2,924 feet and is no more than three miles to the northwest of Pine Mountain. Cloverdale Peak Road begins at almost the dead center of the proposed AVA and winds its way north through the AVA. Pine Mountain Road and Cloverdale Peak Road are two of the very few named roads within the proposed AVA. Sonoma County residents with addresses on Pine Mountain Road or Cloverdale Peak Road vote at the same precinct, No. 4006, and are all members of the Cloverdale Fire Protection District, the Cloverdale Health Care District and the Cloverdale Unified School District. Cloverdale Peak and Pine Mountain are the two highest peaks to the northeast of the town of Cloverdale.

No consumer will be deceived by the conjunctive use of Pine Mountain and Cloverdale Peak with respect to the location of the proposed AVA. They will not think that it is part of Napa County, nor will they imagine that this is the other Pine Mountain in Sonoma County. They will identify the area with the mountain peaks surrounding Cloverdale.

In closing, NVV appreciates the petitioners' responsiveness to NVV's concerns about the misdescriptiveness of the original AVA name, Pine Mountain-Mayacmas, and strongly supports the amended name, Pine Mountain-Cloverdale Peak, and the slightly revised boundary.

Sincerely,

A handwritten signature in red ink, appearing to read "Bruce Cakebread". The signature is fluid and cursive, with a large loop at the end.

Bruce Cakebread  
President, Napa Valley Vintners Board of Directors

Enclosure