

State of California—Health and Human Services Agency
Department of Health Services
Food & Drug Branch



California
Department of
Health Services

DIANA M. BONTÁ, R.N., Dr. P.H.
Director



GRAY DAVIS
Governor

April 30, 2002

John A. De Luca
President and CEO
Wine Institute
425 Market Street, Suite 1000
San Francisco, California 94105

Dear Mr. De Luca:

The purpose of this letter is to respond more completely to your March 18, 2002 letter to Director Diana Bontá requesting interpretation of Section 17010(a) of the California Administrative Code (CAC) relating to addition of water in production of wine. The Department's Food and Drug Branch (FDB) has, since my initial response, had the opportunity to meet with representatives from the Wine Institute to more fully discuss the issues surrounding the request for interpretation of this regulation.

You pointed out in your letter that Section 17010(a) states that "no sugar, material containing sugar other than pure condensed grape must, and no water in excess of the minimum amount necessary to facilitate normal fermentation, may be used in the production or cellar treatment of any grape wine..."

This has historically been understood to mean that no water except that minimal amount necessary to facilitate pumping of grapes after crushing, "for mechanical purposes", and for flushing equipment may be added to wine. You indicated this in your letter, however you also included "water used to replace that which was lost from grapes through field dehydration" as an aspect of the legal and proper use of water to facilitate normal fermentation, because dehydrated grapes that ferment to high alcohol levels do not facilitate fermentation, but slow and even stop, fermentation.

You raised the concerns in your letter that the climates in new viticultural regions, technical advances, and new grape clones exaggerate the production of alcohol from grape sugar, and this



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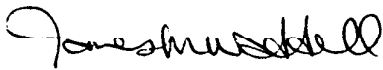
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in many cases "sticks" fermentation. This, in turn causes stability, spoilage, and off flavor problems in wines.

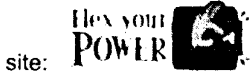
The Department will interpret the phrase, "no water in excess of the minimum amount necessary to facilitate normal fermentation..." (17 CAC 17010 (a)) to mean no water in excess of that needed to prevent a fermentation from sticking, but that goes to complete dryness within a reasonable time period under normal winemaking conditions.

If you have any questions regarding this interpretation, please do not hesitate to contact me at (916) 445-2264.

Sincerely,



James M. Waddell
Acting Chief
Food and Drug Branch



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