Wine Law in Context: Challenges and Methodology

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Diagram of the Lecture (not for quotation)

INTRODUCTION: WINE & LAW: OLD WINE, OLD BOTTLES

- Wine Law Regulations in Ancient Times: rules on wine drinking and trading
- Wine Law in the Middle Age
- Wine Law in Modern Times: Wine Trading and free movement of goods. Protection of Brand Names. The “Appellation d’origine” system in France. The Prohibition Era in the US.
- Teaching and Research on Wine Law: a brief historical overview: the case of France

I. THE INTEREST FOR WINE LAW TODAY: NEW WINE, NEW BOTTLES

➤ What is a wine lawyer? (Wine Law re-visited)
➤ Why do government officials, oenologists, wine-makers and businessmen feel the need for more and better legal advice?

A regulatory system under pressure: Reasons:

1. A matter of technology: wine-making is no longer matter of agricultural process, as technological means and scientific know-how becomes a critical factor. Moreover, e-business and ads through electronic means change deeply the conditions of transactions and promotion. Thus, there is a need for legal standardization and control.

2. A matter of consumption: There is both a social and a legal interest on delicate questions like:
   - What is before the bottle (land use, water issues)?
   - What is in the bottle (wine-making, identity of the wine product, organic products)?
   - What is on the bottle (labels, counterfeit)?
   - Where does the bottle go to (sales, transportation, distribution and competition)?
   - How quickly and by whom does the bottle get empty (advertisement, consumption, abuse)?

3. A matter of image: Wine is no longer a nutritional product consumed in rural areas. Fine wine is no longer a privilege monopolized by few. Wine becomes either an all-day life style and gastronomic element and even an expression of social status. Consumers either become more aware or feel the need for an efficient legal protection (brand name protection, geographical indications, standards of wine-making, simplification in labeling).

4. A matter of globalization: wine markets open up, a tendency that curiously pushes for more regulation on wine-making and brand protection (WTO settlements,
international trade agreements). In this perspective, one should not neglect the tendency of regionalization (EU Common Market Organization for Wine).

5. **A matter of institutionalization:** a complex system of institutional actors that intervene at the local, national, regional and international scale in order to regulate the wine sector (WTO, IOVV, WHO, EU, governmental and local public authorities, professional organizations...). This leads to stratification and interdependence of legal rules and even to conflicts between legal norms (mostly expressing diverging interests)

### II. ADAPTING WINE LAW TEACHING AND RESEARCH TO CONTEMPORARY NEEDS: GETTING THE WINE OUT OF THE BOTTLES

#### The Wine & Law Program: A brief presentation

With the support of the European Commission, local authorities and major private businesses of the wine industry, the Wine & Law Program has the ambition to host various activities: university diplomas, research programs, publication activities, and partnerships with other universities, international organizations and scientific associations.

In terms of University Diplomas, the Program offers a Master's degree (in French) in Wine and Spirits Law and a 'Wine and Law in the EU' Summer School (taught in English). An introductory course on Food & Beverage Law is open to four-year students.

Research in the Program is mainly conducted as part of the 'Vigne & Vin' Program which unites 12 different research centres in Social Sciences with a strong interest in wine issues. Legal research is conducted in interaction with these disciplines. In this 'law in context' approach, legal research tries to identify the key-features of a multi-level regulation in the wine and spirits sector. Local settlements (starting from the Champagne example), and the interdependence of national, European and international wine regulations are the major fields of this research.

- **Key-features of the Program**
  - Not a Diploma or a “Chair”: an academic Program
  - Its main methodological option: Law in context (= apprehension of legal issues – and solutions) in consistency with economic, political and even scientific factors). Thus, it is a Program open to professionals and academics, to lawyers and experts on other areas of the wine sector.

- **Teaching method:**
  - Method: contextual approach, comparative analysis, case-study and constructive synthesis

- **Research:**
  - Principal Research Axes
    1. Interaction of legal systems (local, national, European and international settlements)
    2. Interaction of law and other sciences (wine law & economics, the apprehension – and use - of oenological, chemical and medical conclusions by legislators and judges)

  - Research Conduct
    Academic Partnerships with local authorities, international organizations, private businesses and academic establishments in fields like economics, oenology, political science, geography...) enhance the “Law in context approach”

CONCLUDING REMARKS: NO WINE, NO BOTTLES, ONLY LAW?

Before serious and even existential questions for the wine sector like the limits of harmonization on wine-tasting, the future of the concept of “terroir”, the globalization of wine trends, one should seriously ask on the role and the power of law in the wine industry...

Historically the wine industry has considered the quality of their products as the means to increasing competitiveness and quality wines are the rule. The result is consumers may be willing to substitute wines that communicate only quality, irrespective of other differences that exist between wines creating intense price competition. To differentiate wines, little has been done to ascertain the value consumers place on various wine locations, particularly sub-regions or appellations of countries of origin. Current research does suggest the value consumers place on specific origins go further than quality and may be established in other dimensions such as emotional or social associations. This study examines dimensions of wine region equity, measured in terms of benefits sought by wine consumers. A survey was conducted in United States to identify drivers of preferences and to determine relationships that may exist between origin preferences and consumer lifestyles. The findings suggest that wine region equity originates in five consumer motivational factors and these factors are strong predictors of consumer preferences. Linking those dimensions of region equity to consumer lifestyle, demographic and behavioral variables allows for tailoring marketing communications strategies closely to markets.

Keywords Brand Equity, Lifestyles, Consumer Behavior, Quality, Wines Appellations