

①

Joseph E. Seagram & Sons, Inc.

EXECUTIVE OFFICES

375 PARK AVENUE • NEW YORK, NEW YORK 10022

May 15, 1980

Director
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 385
Washington, D. C. 20044

Attn: Chief, Regulations and Procedures Division

Re: Notice of Proposed Rulemaking No. 338
Proposed Viticultural Area: "The Pinnacles"

Dear Sir:

We are writing in response to the above referenced Notice of Proposed Rulemaking to supplement the oral presentation which we made on behalf of Paul Masson Vineyards, Inc. and Joseph E. Seagram & Sons, Inc. at the public hearing held in Salinas, California, on May 2, 1980. Our position is that the proposed viticultural area, regardless of its boundaries, should not be named "The Pinnacles". As more fully explained below, our position is based on the following:

1. Establishment of the proposed viticultural area named "The Pinnacles" would violate Paul Masson's common law and statutory rights as owner of the trademarks PINNACLE, PINNACLES and A PINNACLES SELECTION.

2. Establishment of an area with the name "The Pinnacles" would deprive Paul Masson of its common law rights as user of established tradenames, which include "The Pinnacles Vineyard(s)", "Paul Masson Pinnacles Vineyard Estate" and "Paul Masson Vineyards Pinnacles Estate."

3. Establishment of such an area named "The Pinnacles" would unfairly deprive Paul Masson of the value of the good will and reputation which it has built around the words PINNACLE(S), A PINNACLES SELECTION and "Pinnacles Vineyard(s)" over the past eighteen years.

4. Establishment of an area named "The Pinnacles" would confuse and mislead wine consumers who know and recognize wine labeling and advertising references to A PINNACLES SELECTION and "Pinnacles Vineyard(s)" as trademark and tradename designations used in conjunction with Paul Masson's finest estate-bottled varietal wines.

I. Paul Masson's Pinnacles Vineyard

In 1935, viticulturists of the University of California began analyzing precise climatic measurements of California valleys, classifying them into distinct regions according to their suitability, from the standpoint of temperatures, to produce grapes for premium quality wines. As a result of this extensive research, published in 1944, the temperatures in the Salinas Valley were found ideal for the growing of superior table wine and champagne grape varieties.

The University classified the Salinas Valley climate as being in District II. The University also conducted research on the moisture requirements of vines. The results of these investigations showed that it would be practicable to supplement the light rainfall of Monterey County with artificial rain, by using overhead sprinklers.

In 1955, Paul Masson Vineyards, foreseeing a growing demand for fine wines by the 1970's, began a search for suitable land to supplement the crops of its mountain vineyards in Saratoga and its San Ysidro Vineyard in the coast range foothills east of Gilroy, Santa Clara County. In Santa Clara County, urbanization was threatening existing vineyards and orchards and it was necessary to look elsewhere. Jointly, with the Mirassou Brothers, whose vineyard at Evergreen was already in the path of approaching subdivisions, Paul Masson surveyed potential grape growing areas throughout the state, from the foothills of the Sierra to the Coast Range. The University's research pointed to Monterey County. Paul Masson's studies not only agreed, but also showed additional advantages -- ideal soil composition and freedom from frost damage and from sunburn. In 1960, Paul Masson purchased approximately 1,000 acres east of Highway 101 in Monterey County while Mirassou acquired land to the west. This Paul Masson land is identified on the U.S.G.S. map provided to BATF with the pending petition as "Pinnacles Ranch". In 1962, planting of the Paul Masson and Mirassou acreage was begun and was completed in the following year. Also

in 1962, Wente Brothers of Livermore purchased land and planted a vineyard in the same area. From that time forward, all Paul Masson land and operations in the vicinity have been known as the "Pinnacles Vineyard" or "Pinnacles Vineyards".*

In 1968, Paul Masson built a winery on this vineyard property. Accompanying Exhibits 1 and 2 hereto are photographs of the sign on the winery building showing the name "Pinnacles Vineyard" and a sign at the roadside outside Paul Masson's vineyard office, adjacent to the winery, which also identifies the "Pinnacles Vineyard". The first crush was in 1968. Present crushing capacity is 40,000 tons; cooperage capacity is 11,000,000 gallons. Operations consist of receiving and crushing grapes, fermenting the must, filtering, stabilizing, finishing aging, and storing the wines. The Company's Pinnacles Selection wines also have been bottled at this location.

The letters, attached as Exhibits 3, 4, 5, 6 and 7 hereto, show that other Monterey County vineyards recognize the

*Paul Masson's use of the word PINNACLES over the past two decades has included both singular and plural forms of the word Vineyard. This variation results from the fact that two of the three parcels of land which today make up the Pinnacles Vineyards, prior to their acquisition by Paul Masson, were locally known by the family names of their previous owners. From the time of its original purchase by Paul Masson in 1960, one of these parcels always has been named the Pinnacles Vineyard. It consists of approximately 700 acres. Since Paul Masson's purchase during the period 1969-1971 of approximately 950 additional acres, the entire area of more than 1,600 acres has been referred to as the Pinnacles Vineyards and the Pinnacles Vineyard. All Paul Masson vineyards designated the PINNACLES are outlined on the U.S.G.S. map provided by the Petitioner. For convenience, all references in this text will be to the Pinnacles Vineyard.

Pinnacles name as referring to Paul Masson's Monterey County vineyard and winery. Mr. Peter M. Mirassou, Mirassou Vineyards, pertinently states:

"It has been my experience with Paul Masson's Pinnacles Vineyard, that it has always been known by that name." (Exhibit 3).

Mr. Don Johnson, General Manager, General Vineyard Services, writes:

"We have been involved in the production and marketing of grapes in Monterey County for over ten (10) years. Our principal operating area is the valley floor between Gonzales and Greenfield."

"When the term 'Pinnacles' wine is used, we immediately think of the Paul Masson vineyard and winery at Soledad. This awareness and recognition and promotion, and by our interest in seeing Monterey County gain label distinction on a nation wide basis." (Exhibit 4).

Mr. Ralph D. Riva, Wente Bros. writes:

"...I have always felt that (Paul Masson's) entire vineyards in the Soledad area would come under the classification of Pinnacles Vineyard. Since 1961, when (Paul Masson) vineyard was planted, it has always been referred to as 'Pinnacles Vineyard' which is realistic for that location." (Exhibit 5).

In a statement opposing the pending petition Mr. Ron Lopopolo, Ranch Manager, McCarthy Farming Co., Inc., writes:

"We feel that the exclusion of or the loss of Paul Masson's Pinnacle Vineyard name due to formation of this new region, is not justified at this time. We feel that a viticultural region should designate specific wine characteristics without the exclusion of well established names and wine quality associations." (Exhibit 6).

Examination of the foregoing exhibits leaves no doubt that these Monterey County wine industry members perceive the word "Pinnacles" as the name of Paul Masson's Soledad area vineyard and winery. The wine press is in accord. Exhibit 7

hereto, includes an excerpt from an article written in approximately 1976 by John Gillespie, Jr. of The Wine School, Denver, Colorado. Mr. Gillespie comments on Monterey County:

"To be sure, there are other vineyards in the county most notably the Monterey Vineyard and Paul Masson's Pinnacles Vineyards. (emphasis supplied) (Exhibit 7).

Interestingly, this article was written primarily about Chalone Vineyard, the Petitioner herein, which the writer described as sitting "higher in the Gavilan mountain range". The entire article contains no reference to the "Pinnacles" except in conjunction with Paul Masson.

When wines made from the 1966 grape harvests from the Pinnacles Vineyard were bottled by Paul Masson in 1968 and 1969, their quality more than fulfilled the University's predictions, equaling in flavor, bouquet and aging characteristics the finest wines from Santa Clara and other climatically favored coastal California counties. For Monterey County, this meant a new industry and the addition of the county to the recognized fine wine districts of coastal California. It was also something new in wine history, for the area is the world's first fine district to be established as the direct result of scientific temperature research, an achievement of the University of California. This endeavor was so successful that from 1969 through 1971, additions of 942 acres were planted by Paul Masson, enlarging the "Pinnacles Vineyard" to a total of 1,662 acres, containing the following grape varieties today:

Paul Masson Pinnacles Vineyard

<u>Grape Varieties</u>	<u>Acreege</u>
<u>White Grapes:</u>	
	53.57
Pinot Blanc	141.12
Chenin Blanc	101.34
Sauvignon blanc	61.47
Emerald Riesling	119.95
Semillon	51.20
Johannisberg Riesling	129.60
Gewurztraminer	25.13
Sylvanner	153.30
Pinot Chardonnay	179.93
Flora	<u>39.00</u>
 <u>Black Grapes:</u>	
Cabernet Sauvignon	280.61
Napa Gamay	78.80
Gamay Beaujolais	140.67
Pinot Noir	95.60
Souzao	<u>10.50</u>
Total:	<u>1,661.79</u> acres

Having decided over a decade ago that the names PINNACLE and Pinnacles were words around which it would develop both wine industry and consumer recognition, Paul Masson's management took steps on several fronts to further establish and protect its considerable interest and investment in the words. In addition to determining to develop PINNACLE and A PINNACLES SELECTION as trademarks, which are discussed in detail below, Paul Masson invested millions of dollars in advertising these marks, as discussed below, and filed public registrations for appropriate variations of these words with both the State of California and the United States Government. In California in 1971 Paul Masson

registered three Fictitious Business Names with the County Clerk for Santa Clara County:

1. PINNACLE VINEYARDS (statement filed May 1, 1971) (Exhibit 8);
2. PAUL MASSON VINEYARDS PINNACLES ESTATE (statement filed August 20, 1971) (Exhibit 9);
3. PAUL MASSON PINNACLES VINEYARD ESTATE (statement filed August 20, 1971) (Exhibit 10).

In full compliance with California law, these three name statements were renewed for five year terms on December 2, 1976. (Exhibits 11, 12, and 13). These registrations are valid until 1981, at which time Paul Masson intends to renew them.

Correspondingly, at the Federal level in 1971 Paul Masson applied to the Alcohol and Tobacco Tax Division of the Internal Revenue Service on Form 698 to add two bottling trade names to its Federal Alcohol Administration Act Basic Permit:

1. PAUL MASSON VINEYARDS PINNACLES ESTATE
2. PAUL MASSON PINNACLES VINEYARD ESTATE

These requested additions were approved and accepted by the Division on September 10, 1971, and this approval remains valid today. Exhibits 14 and 15 are copies of Paul Masson's approved registration application and a copy of Paul Masson's current Basic Permit which includes these bottling trade names.

II. Paul Masson's Pinnacles Selections

As the Pinnacles vines matured in the mid-1960's, Paul Masson evaluated the wines being produced from the grapes grown in its Pinnacles Vineyard. When analysis showed that those wines were of the highest quality in flavor, bouquet and related characteristics, Paul Masson determined to develop its PINNACLES

mark and name to communicate to the industry and to consumers (1) the name and identity of its vineyard and (2) the fact that its wines sold under the mark and name PINNACLES and A PINNACLES SELECTION would be of the highest quality.

Originally referred to as "Pinnacles Estate Selections" in 1970, these varietal wines included: Pinot Chardonnay, Pinot Blanc, Johannisberg Riesling, Pinot Noir and Cabernet Sauvignon. (Exhibit 16, pages 1-2). These wines were aptly described as "the latest and proudest addition to the Paul Masson line of varietal table wine". The shoulder label of each of these wines bore a cuvee number, designating the specific blends in each bottle. The purpose of the PINNACLES SELECTION designation was two-fold (1) to distinguish these exceptionally fine wines from the regular line of Paul Masson wines and (2) to clearly associate the wines with the vineyard where their grapes had been grown.

Beginning with the 1975 vintage for still wine and the 1974 vintage for champagne, and continuously thereafter to the present, Paul Masson has designated its five premium estate-bottled and vintage-dated wines as A PINNACLES SELECTION. (Exhibits 17 and 18). Each of these wines and all subsequent wines in this line have contained on their face labels the trademark A PINNACLES SELECTION, written underneath the name PAUL MASSON VINEYARDS and crest design within a circular logo. (Exhibit 19). A trademark application has been filed at the U.S. Patent and Trademark Office for A PINNACLES SELECTION for wine, claiming use at least as early as December 1976, and is presently pending. The presence of the mark A PINNACLES SELECTION,

written in a distinctive manner, has come to denote to members of the wine trade and the public fine wine emanating from a single source of origin, namely, Paul Masson Vineyards. A PINNACLES SELECTION wines are vintage-dated and are notably higher priced than the rest of the line. Suggested consumer prices range from \$4.50 to \$9.00 per bottle.

As an example of the degree of care and pride which the entire Paul Masson organization has for these wines, we note that one lot of Cabernet Sauvignon (Vintage 1973), which had been prepared for public release, was determined to have failed to mature sufficiently in the bottle to correspond to the high level of quality which Paul Masson demands for the wines labeled A PINNACLES SELECTION. Accordingly, all 5,000 cases of this wine were withdrawn from the program and the one page sales flyer (Exhibit 18), which had been specially designed to describe this wine, was not released to the trade or the public.

Since 1974-75, Paul Masson has produced and bottled under the designation A PINNACLES SELECTION only those varietal wines meeting its high quality standards. These wines include the following:

1974 Vintage Johannisberg Riesling
Champagne (Exhibits 17 and 20)

1975 Vintage Pinot Chardonnay (Exhibit 18)

1975 Vintage Johannisberg Riesling (Exhibit 18)

1976 Vintage Pinot Chardonnay (Exhibits 20 and 21)

1976 Vintage Johannisberg Riesling (Exhibit 20)

1976 Vintage Gewurztraminer (Exhibits 20 and 21)

1977 Vintage Chardonnay (Exhibits 22, 23, and 24)

1977 Vintage Gewurztraminer (Exhibits 22, 23, and 24)
1977 Vintage Fume Blanc (Exhibits 22, 23 and 24)
1977 Vintage Johannisberg Riesling (Exhibits 22, 23 and 24)
1978 Vintage Gewurztraminer (Exhibits 25, 26 and 27)
1978 Vintage Johannisberg Riesling (Exhibits 25, 26 and 27)
1978 Vintage Chardonnay (Exhibits 25, 26 and 27)
1978 Vintage Fume Blanc (Exhibits 25, 26 and 27)
1976 Vintage Johannisberg Riesling
Champagne (Exhibits 25 and 27).

The sales promotional and educational materials distributed to the trade and the public in conjunction with these specially-designated wines all highlight the Pinnacles Vineyards and underscore the importance of the designation A PINNACLES SELECTION on each face label. The brochure released with the 1976 vintage, for example, pertinently states:

"The ability to respond favorably to bottle aging distinguishes the white wines of the Pinnacles Selection varietals....Vintage-dated estate-bottled red varietals are an integral part of the Pinnacles Selection wines...." (Exhibit 20).

"Paul Masson Vineyards is one of the ten largest wine producers in California, and its success is what enabled it to begin experiments long ago with an eye to these Pinnacles Selection wines. Personal integrity and a sense of pride lie behind this limited edition program." (Exhibit 20).

Moreover, the consumer brochure released with the 1978 vintage A Pinnacles Selection wines added:

"Personal integrity, uncommon skill, an artist's touch, and a sense of pride lie behind this limited edition program....As pioneers in the Monterey County region it has been a challenge to bring all our viticultural and enological energies and talents to bear in creating a few select varietal wines which, by their exceptional

quality, advance the reputation of California wines... Instead of planting immense blocks of each (grape) variety the emphasis fell upon locating those micro-climates within each parcel of the Pinnacles ranches for maximum varietal character." (Exhibit 25).

In addition to its face label logo and brochures and publications discussed above, Paul Masson has made substantial marketing investments to establish national recognition of its PINNACLES mark and names and the wines derived primarily from the superior quality grapes grown at the Pinnacles Vineyard. Specifically, these investments have included national television commercials, national full-page and two-page magazine advertising, trade and consumer-oriented merchandising and sales promotion materials, press releases, publications, consumer and industry group tours and related presentations and marketing seminars for members of the trade.

National Television. Exhibit 28 is a copy of the storyboard representation of a Paul Masson television commercial (1972) which featured the Pinnacles Vineyard. The narrator is shown standing in the midst of the Pinnacles Vineyard while he states:

"There are other great vineyards, but there's no earth on earth...like this vineyard: The Pinnacles."

"Only Paul Masson can give you wines from The Pinnacles Vineyard." (Exhibit 28).

National Magazines. Additionally, Exhibit 20 contains a summary and reprints of national magazine advertising which was published in 1972-73. These advertisements which were published in Newsweek, Time, Esquire, Cosmopolitan and Psychology Today, highlighted "the good earth of Paul Masson" as follows:

"For wine, no earth on earth matches the Pinnacles"

"There is an ancient toast among winemakers--a toast to the fruition of the vineyard. They pour the first glass of each batch of wine back into the earth from which it came...And that earth--our Pinnacles Vineyard--is like no other...For growing grapes for wine, this piece of earth is like no other place on earth." (Exhibit 20).

The foregoing full-page and two-page magazine advertisements in the above-referenced magazines were exposed more than 190 million times (Exhibit 29).

A second nationally-published advertisement which highlighted the Pinnacles Vineyard name and its link with Paul Masson is shown as Exhibit 30 hereto. Headlined "Our New Factory", this full-page ad, created in 1970, contains a photograph of the Pinnacles Vineyard and describes it in the following manner:

"Prettier than most, we think you'll agree. Larger, too. Covering thousands of acres in California's Salinas Valley. Few factories can be so pleasing to stroll through. Few machines more soothing to watch than a vine making grapes. But before you drop what you're doing and rush into the wine business, one word of caution.

Our new factory is already ten years old. Yet it went into full production only last Fall. So to join our profession you're going to need a large slice of patience (not to mention capital).

Unfortunately, if you're dedicated to the making of fine wines (as opposed to just good wines) there are no short cuts available.

Leo Berti, our philosophical production head, sums it up: "In our business patience pays rich rewards. Particularly to our customers."

Last year, the rewards were thousands of tons of the finest wine grapes ever grown on this continent.

As the wines they produce appear in stores and restaurants, we hope you'll put our claim to the test.

When you sip, one thing will be crystal clear: why we named our new vineyard The Pinnacles." (Exhibit 30).

Paul Masson expenditures on television and print advertising of both the name and unique nature of its Pinnacles Vineyard and its fine A PINNACLES SELECTION wines have exceeded two million dollars (\$2,000,000). Additional expenditures on merchandising and publicity during the past ten years are approximately two hundred thousand dollars (\$200,000).

Furthermore, Paul Masson has identified the Pinnacles Vineyard in a multitude of promotional and publicity materials developed since the purchase of its first properties in the area in 1960. Some examples of brochures and other promotional and publicity materials are included herein as Exhibits 16, 20-27, and 30. Some of these as well as other materials are used in export markets as well as in the United States. Moreover, in the audiovisual presentation which is part of all tours of Paul Masson's Saratoga winery, transparencies of the Pinnacles Vineyard are shown, and the vineyard is identified in the narration. This tour presentation has been seen by more than one million (1,000,000) visitors. Paul Masson's Pinnacles Winery in Soledad adjoining the Pinnacles Vineyard (Exhibit 1) is also visited by numerous members of the industry and distinguished guests from overseas.

During the past ten years Paul Masson has sold 11,478,000 cases, the equivalent of 138 million (138,000,000) standard (fifth/750 ml) bottles, all of which bore the PINNACLES name, either identifying the "Pinnacles Vineyard" or A PINNACLES SELECTION. Exhibit 32 hereto contains a summary of total cases

shipped by fiscal year and type of wine. The PINNACLES logo and identification and the quality of these wines has been recognized by wine consumers, the wine industry and the wine press. Exhibit 33 hereto contains excerpts from twenty-eight different complimentary reviews of A PINNACLES SELECTION wines -- all published during the 1977-1978 period. Furthermore, Exhibit 34, an article by noted wine writer Ruth Ellen Church, favorably comments on Paul Masson's Pinnacles Vineyard 1975 and 1976 vintage A PINNACLES SELECTION wines.

Additional newspaper and magazine articles, Exhibit 39, are enclosed as examples of media coverage which accompanied the development of the Pinnacles Vineyard and winery. We direct your attention to a May 1966 article from the San Francisco Examiner which announces Paul Masson plans to build a new winery at its new Pinnacles Vineyard; a feature story from the November 1966 Fresno Bee which traces the background of the Pinnacles Vineyard; a 1971 cover story on the Pinnacles Vineyard in Wine Illustrated magazine and a January 1972 article on the vineyard published by the Watsonville Register-Parajonion.

To include copies of all Paul Masson labels bearing the names PINNACLES or A PINNACLES SELECTION would create an unwieldy volume of exhibits. Suffice it to say that our review of Paul Masson's files turned up more than ninety BATF-approved Form 1649 Certificates of Label Approval containing these references. Exhibit 35 hereto contains a sampling of these approved labels to show the manner in which these references have occurred over the past ten years.

III. Legal Points and Authorities

- A. Nature of Chalone's Petition
- B. Nature of Paul Masson's Rights
- C. Limited Scope of the BATF Authority in this Proceeding
- D. Conclusion

Paul Masson has acquired through adoption and use as early as the 1960's common law rights in trademarks and tradenames containing the word PINNACLE(S). These rights have been afforded statutory recognition under California and Federal statutes. If the BATF grants the pending petition, it would be nullifying and violating subsisting trademark and tradename rights of Paul Masson Vineyards.

In order to grant Chalone the right to use "The Pinnacles" as an appellation of origin for wine, BATF would have to conclude that Paul Masson's common law and statutory proprietary rights are invalid. Such a determination is beyond the scope of the BATF's authority under applicable statutes and Treasury Department regulations. Such a determination by BATF in this rule making proceeding would deny Paul Masson due process of law as guaranteed by the Fifth Amendment of the United States Constitution.

A. Nature of Chalone's Petition

Chalone seeks to have a delimited geographic area designated as "The Pinnacles" viticultural area. If granted, the

proposal would allow wine producers within the proposed area to use the appellation of origin "The Pinnacles" upon wine labels used in intrastate, interstate and foreign commerce.

Paul Masson, not having a vineyard or winery within the proposed area, would, if the proposal is granted, surely be barred from using PINNACLES in any way in connection with the labeling and advertising of its wines. As discussed in sections I and II hereof, Paul Masson presently uses variations of the name PINNACLES, such as PINNACLE, A PINNACLES SELECTION, and "Paul Masson Pinnacles Vineyard", in the labeling and promotion of wine.

The pending proposed rule, if enacted, would irreparably damage Paul Masson in two distinctive ways:

1. it would effectively deprive Paul Masson of the ability to continue using the term PINNACLES as a trademark and tradename; and
2. it would grant to other parties the right to use "Pinnacles" in connection with the labeling, advertising and sale of wines, thus infringing upon Paul Masson's proprietary rights.

The proposed action would take away valid and subsisting rights from one party and create similar rights in other parties. Such a "Robin Hood" operation would amount to a classic case of denial of due process of law.

B. Nature of Paul Masson's Rights

Paul Masson commenced using PINNACLES as a trademark for wine in or around 1966 after acquiring a plot of land known as "The Pinnacles Ranch" in 1960 and developing productive vineyards there. The United States Lanham Trademark Act of 1946,

15 U.S.C. § 1052 et seq, which is the current Federal law, defines a "trademark", at § 1127 as follows:

"Trademark. The term 'trademark' includes any word, name symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others."

Under the foregoing statutory definition, PINNACLE, as well as PINNACLES and A PINNACLES SELECTION, are bona fide trademarks of Paul Masson.

In addition, the designations "Pinnacle Vineyards", "Paul Masson Pinnacles Vineyard Estate", and "Paul Masson Vineyards Pinnacles Estate", are tradenames as this term is defined in the Lanham Act, 15 U.S.C. § 1127:

"Trade name, commercial name. The terms 'tradenname' and 'commercial name' include individual names and surnames, firm names and trade names used by manufacturers, industrialists, merchants, agriculturists, and others to identify their businesses, vocations, or occupations; the names or titles lawfully adopted and used by persons, firms, associations, corporations, companies, unions, and any manufacturing, industrial, commercial, agricultural, or other organizations engaged in trade or commerce and capable of suing and being sued in a court."

Paul Masson has registered these tradenames in California (Exhibits 8-13). Furthermore, it has added appropriate variations as bottling names to its Federal Basic Permit (Exhibits 14 and 15).

Use of the trademarks PINNACLE, PINNACLES and A PINNACLES SELECTION by Paul Masson in the United States for its wines serves three distinct purposes:

1. Identification of wine products and their origins;

2. Guarantees of the quality of the products; and
3. Advertisements for the products.

As identifying symbols, these trademarks identify Paul Masson wines and distinguish them from competing products sold by others. As an indication of origin, these trademarks signify that all wine bearing said marks comes from a single source. The trademarks need not disclose the specific name of the corporation that made the product or the place of manufacture; but consumers are entitled to assume that all products carrying the same trademark are somehow linked with, or sponsored by that single source. As a guarantee of quality, the trademarks signify to consumers that all goods sold under them are of equal and consistent quality. As an advertising device, the trademarks are instrumental in the creation and retention of consumer demand and function as objective symbols of the goodwill which has been established in products bearing the marks.

Commencing in the early 1960's, Paul Masson adopted and began using the trademarks PINNACLE and PINNACLES. In 1976 it adopted A PINNACLES SELECTION. All were developed for the purpose of identifying Paul Masson wines and distinguishing them from the wines of others.

On November 5, 1974, the United States Patent and Trademark Office issued to Paul Masson Federal trademark Reg. No. 997,378 PINNACLE, covering "wine". A certified copy of this registration is attached as Exhibit 36.

In May, 1980 Paul Masson filed in the United States Patent

and Trademark Office an Affidavit of Use for Reg. No. 997, 378 PINNACLE as required by 15 U.S.C. § 1058(a); said registration is presently valid and subsisting.

Paul Masson previously had registered the trademark PINNACLE as Reg. No. 825,038, granted February 28, 1967, for "light red wine", claiming use since December 29, 1965. A certified copy of this registration is attached as Exhibit 37. This registration was subsequently replaced by Reg. No. 997,378 PINNACLE as specified above.

In addition, Paul Masson has filed a trademark application for A PINNACLES SELECTION, for wines, at the U.S. Patent and Trademark Office, claiming use in intrastate and interstate commerce as least as early as March 1977.

Presumptive rights are guaranteed to Paul Masson by reason of its Federal registration. Title 15 U.S.C. § 1057(b) pertinently states:

"A certificate of registration of a mark upon the principal register provided by this Act shall be prima facie evidence of the validity of the registration, registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate subject to any conditions and limitations stated therein."
(Emphasis supplied).

The Lanham Act provides national constructive notice of all registrations granted, 15 U.S.C. § 1072, and creates rights in the national registrant (Paul Masson) which are superior to any user who adopts a conflicting or confusingly similar mark after the date of the registration.

According to 15 U.S.C. § 1072, Federal registration of a

mark gives "constructive notice of the registrant's claim of ownership", and entitles the registrant to the procedural and substantive benefits of the Lanham Act, including injunctive relief against an infringer, whether or not either "statutory" or "actual" notice of registration has been given. The Act provides that a registrant "may give notice that his mark is registered by displaying with the mark as used the words 'Registered in U.S. Patent Office' or 'Reg. U.S. Pat. Off.' or the letter R enclosed in a circle..." Unless such actual notice is given, the owner of a Federally registered mark will be unable to recover damages or profits from infringers. In other words, the use of the statutory registration notice is optional, and its omission will not deprive the trademark owner of any other substantive or procedural rights under the Lanham Act, nor deprive him of any common law rights acquired through use. As a matter of fact, since the trademark A PINNACLES SELECTION has been used, but is not yet registered, it would be improper for Paul Masson to use the Federal registration notice adjacent to that mark, and there is no statutory requirement for the use of any other form of marking next to non-registered marks. The display of such nonregistered marks in a prominent and distinctive manner, such as by use of capital letters, as shown, for example in Exhibit 19, is sufficient to establish trademark rights. It is well understood that ownership of a mark is obtained and maintained through use, and such use of the trademarks PINNACLE(S) and A PINNACLES SELECTION by Paul Masson in connection with the sale and advertising of wine estab-

lishes rights in Paul Masson to these marks.

Paul Masson's present trademark Reg. No. 997,378 PINNACLE for wine (Exhibit 36), granted November 5, 1974, has now been on the Principal Register for more than five years. Since the Affidavit of Use required by 15 U.S.C. § 1058 has been filed as stated above, the registration cannot now be cancelled. The pertinent provision of the Lanham Act is 15 U.S.C. § 1064(a) which states in part:

"Cancellation of registrations. A verified petition to cancel a registration of a mark, stating the grounds relied upon, may, upon payment of the prescribed fee, be filed by any person who believes that the is or will be damaged by the registration of a mark on the principal register established by this Act, or under the Act of March 3, 1881, or the Act of February 20, 1905 -

(a) within five years from the date of the registration of the mark under this Act; . . ."

Further, the California Business and Professional Code, Chap. 2, Division 6, 14200, 14330, relating to the protection of trademarks states:

"Article 12. Dilution. 14330. Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this chapter, or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services." (Emphasis supplied).

Chalone's proposed use of Paul Masson's PINNACLE(S) trademark and tradename, as an appellation of origin for its wine, will materially dilute the value of Paul Masson's trademark, tradename, and the substantial goodwill and reputation which have been acquired by the expenditure of substantial sums of money and effort.

The dilution theory grants protection to well-recognized marks even in the absence of a likelihood of confusion, if the objected to use is such as to dilute the distinctive quality of the senior user's trademark or tradename.

It is clear from the foregoing that Paul Masson has established undeniable property rights both under Federal and California law in the names PINNACLE, PINNACLES, and A PINNACLES SELECTION.

We are aware of the geographic location called "The Pinnacles National Monument", located primarily in San Benito County, California, established as a Forest Reserve by Proclamation of President Theodore Roosevelt on July 18, 1906, and proclaimed a National Monument on January 16, 1908. Chalone Vineyard uses the word "Pinnacles" as part of its post office address on its labels, which indicate:

"Bottled by Chalone Vineyard, The Pinnacles, Soledad, Monterey County, California".

This usage by Chalone of the word "Pinnacles" as part of its address, conveys no proprietary rights whatsoever in the word, whereas, Paul Masson's use of PINNACLE(S) as part of its trademarks and tradenames clearly conveys common law proprietary rights, which have been afforded statutory recognition by their registration as trademarks and tradenames.

The Lanham Act provides (15 U.S.C. § 1052(e)) that registration shall be refused on the Principal Register if a trademark "...when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them..." This objection was not raised by the Patent and Trademark Office

when Paul Masson sought and obtained registration for the trademark PINNACLE in respect of wine. The word "pinnacle" has other meanings and connotations in the English language, and is not "primarily geographically descriptive or deceptively misdescriptive" of wine. In fact, the marks PINNACLE and A PINNACLE SELECTION are arbitrary and distinctive in connection with wine, and Paul Masson has worked diligently and earnestly over the years to build up an enviable reputation for its trademarks and tradenames containing the word PINNACLE(S). This was done as a result of the expenditure of large sums of money over the years in the promotion of products under this mark and name.

To allow Chalone, and other potential wine producers in the proposed viticultural area to use the name "The Pinnacles" as an appellation of origin, would constitute an infringement of Paul Masson's trademark Reg. No. 997,378 PINNACLE. Trademark infringement as a Federal statutory matter is controlled by 15 U.S.C.

§ 1114(1) which provides in part:

"(1) Any person who shall, without the consent of the registrant - (a) use in commerce any . . . colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; . . . shall be liable in a civil action by the registrant for the remedies hereinafter provided."

The test for trademark infringement, as recently enumerated is as follows:

". . . to determine whether there is similarity of sound, sight and of meaning of the respective marks, . . . and likelihood of confusion and deceit of actual or prospective customers. It is not necessary that an infringing mark can be considered confusing on each of the three elements. A likelihood of confusion as to either sound, sight or meaning is sufficient . . . infringe-

ment may exist where the substantial and distinctive part of the trademark is copied or imitated." The Coca-Cola Company v. Cahill, 350 F.Supp. 1231, 1234 (W.D. Okla. 1972).

Where there is total identity of two marks in sound, sight, and meaning, as in the instant case, the likelihood of confusion of customers is beyond question. The proposed use of the appellation "The Pinnacles" on the wines of Chalone, and others in the proposed viticultural area, clearly is likely to cause confusion, mistake and deception, in that purchasers and prospective purchasers ~~and prospective purchasers~~ are likely to believe that wine produced, marked, advertised and sold by Chalone and others in said area, is produced by, approved, sold, sponsored or otherwise related to, or connected with, Paul Masson, the owner, user and registrant of trademarks and tradenames containing the word PINNACLE(S).

When one considers the number of choices for names of the proposed viticultural area, such as "Chalone Bench" or "Chalone Peak" or "Gavilan", etc., the choice of "The Pinnacles" for an area which clearly was drawn in a manner to purposely exclude Paul Masson's Vineyards, appears to have been made precisely because of the well-established value and goodwill developed in the PINNACLE(S) marks and names by Paul Masson. It should also be noted that Mr. Richard Graff, speaking on behalf of Chalone at the May 2 hearing, announced that his primary goal was obtaining a viticultural area designation -- not obtaining the name "The Pinnacles". Furthermore, review of the hearing transcript will reveal that Mr. Graff stated for the record that he would consider other names if "The Pinnacles" was found to be unavailable. We submit that names such as "Gavilan", "Chalone Bench" or

"Chalone Peak" appear to us to be entirely appropriate in the circumstances. They are geographically descriptive and clearly are "locally known" in the vicinity in question.

Historical evidence supports the appropriateness of "Chalone Peak", "Chalone Mountains", "Chalone Bench" or "Gavilan/Gabilan". Exhibit 40 is a copy of a Department of the Interior Base Map, dated 10/19/33, which refers to Chalone Mountain and Gabilan. Exhibit 41, an excerpt from California Place Names by Erwin Gudde (1969), states that the Chalone name is traceable in the vicinity as least as far back as 1816. The U.S. Department of the Interior more recently has recognized the significance of Gabilan and Chalone in the vicinity: its 1974 edition of the map of the National Monument Grounds identifies the "Gabilan Range", "Chalone Annex", "Chalone Creek", "Chalone Trail", "North Chalone Peak", and "South Chalone Peak" (Exhibit 38).

Granting Chalone's petition for the use of the name "The Pinnacles" to designate its proposed viticultural area, notwithstanding Paul Masson's use since the 1960's of trademarks and tradenames containing the word PINNACLE(S), would have the effect of creating a false designation of origin as to the goods made available by Chalone, and be in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a):

"Any person who shall affix, apply or annex or use in connection with any goods or services . . . a false designation of origin, or any false description or representation, including words or other symbols tending falsely to describe or represent the same, and shall cause such goods or services to enter into commerce . . . shall be liable to a civil action . . . by any person who believes that he is or is likely to

be damaged by the use of any such false description or representation."

The use by Chalone on its wine labels and elsewhere of "The Pinnacles" appellation, would falsely suggest to members of the trade and public that Paul Masson is affiliated with or sponsoring these products. Such a false representation concerning Paul Masson's purported affiliation or sponsorship, and the attendant likelihood of confusion, are within the purview of Section 43(a) which is remedial in nature and broadly construed in accordance with the intent of the Lanham Act to protect against unfair competition. The intent of the Lanham Act includes the intent of Congress:

". . . to regulate commerce within the control of Congress by making actionable the deceptive and misleading use of marks in such commerce; to protect registered marks used in such commerce from interference by State, or territorial legislation; to protect persons engaged in such commerce against unfair competition; . . ." Lanham Act Section 45, 15 U.S.C. § 1127

While Paul Masson's trademark rights are now secured by Federal and State statutes, those rights were originally derived from the common law through adoption and use by Paul Masson of the name PINNACLE(S) as a trademark. These common law rights are still valid and protectable as a species of private property, as can be seen from a Supreme Court decision which is as valid today as when it was rendered in 1879. In United States v. Steffens, 100 U.S. 82; Trademark Cases, 10 Otto 82, 99; 25 L.Ed. 550, 551 (1879) the Court held:

"The right to adopt and use a symbol or device to distinguish the goods or property made or sold by the person whose mark it is, to the exclusion of the use of that symbol by all other persons, has been long recognized

by the common law and the chancery courts of England and of this country, and by the statutes of some of the States."

The Supreme Court, through Justice Miller, stated that trademark rights are private property rights, enjoying the same status and protection as other kinds of property rights, enjoying the same status and protection as other kinds of property, Id., at 551:

"It is a property right, for which damages may be recovered in an action at law, and the violation of which will be enjoined by a court of equity, with compensation for past infringement. This property and the exclusive right to its use were not created by the Act of Congress, and do not now depend upon that Act for their enforcement. The whole system of trademark property and the civil remedies for its production existed long anterior to the Act of Congress, and remain in full force since its passage.

These propositions are so well understood as to need no citation of authorities or elaborate argument to prove them.

The property in trade marks and the right to their exclusive use resting on the laws of the States in the same manner that other property does, and depending, like the great body of the rights of person and of property, for their security and protection on those laws, the power of Congress to legislate on the subject, to establish such conditions on which these rights shall depend, the period of their duration, and the legal remedies for their protection, if such power exist at all, must be found in some clause of the Constitution of the United States, the instrument which is the source of all the powers that Congress can lawfully exercise."

The proposition that trademark rights are private property is universally accepted and not debated under modern law. See, Eg., Interbank Card Assoc. v. Simms, 131 F.Supp. 131, 133, 135 (M.D.N.C. 1977).

The United States Constitution guarantees that rights in

property, including trademarks, cannot be confiscated or destroyed except by due process of law. Final action by the Treasury Department on the instant petition nullifying or interfering with Paul Masson's common law and statutory rights in the name PINNACLES would amount to an expropriation of property without due process of law.

In the context of the instant matter which concerns only the Chalone petition:

1. Does the Director of BATF have the authority to effectively declare that valid common law trademarks are null and void?
2. Does the Director of BATF have the authority to effectively cancel Federal trademark registrations?
3. Does the Director of BATF have the authority to take the rights of one party and disburse them to another merely on the other's application?

These questions must be answered in the negative. As discussed below, the BATF authority in the instant rulemaking proceeding is limited to designation of a delimited viticultural area. To grant the pending petition with the name which the Petitioner has proposed, the Director would have to ignore both the proprietary rights of Paul Masson and the recognized standards of due process of law.

C. Limited Scope of the BATF Authority in This Proceeding

The Director of BATF on behalf of the Secretary of the Treasury has extremely broad regulatory powers over the alcoholic beverage industry to eradicate unfair competition, deception of the public and unlawful practices, pursuant to Title 27 U.S.C. § 205. We do not question or challenge the general scope of authority of the Director.

Inasmuch as this proceeding is designated as a "rule making", pursuant to 5 U.S.C. § 553 (see Exhibit 39 Notice No. 338, 45 Fed. Reg. 17027, dated March 17 1980); it must be limited to the formulation of "an agency statement of general or particular applicability and future effect . . ." (see 5 U.S.C. § 551(4)).

The rule making function has been described by Federal courts as "legislative" in nature. Alaska Steamship Company v. Federal Maritime Commission, 356 F.2d 59 (9th Cir. 1966); American Express Company v. United States 472 F.2d 1050 (C.O.P.A. 1973). Thus, rule making involves the promulgation of concrete proposals, stating generally applicable policies binding on the public, and does not adjudicate the rights of particular parties. PBW Stock Exchange, Inc. v. Securities and Exchange Commission, 485 F.2d 718 (3rd Cir. 1973).

We respectfully submit, however, that, in the context of the instant proceeding, concerning designation of a viticultural area, where the substantive rights in the mark PINNACLE(S) possessed by Paul Masson have not been challenged or called into question, any agency action which deprives Paul Masson of its substantive rights would be improper and not in accordance with law.

The authority of BATF to designate viticultural areas arises from Treasury Decision ATF-53 (43 F.R. 37672) which amended the regulations on labeling and advertising of wine to include a system for appellation of origin labeling under 27 C.F.R. Part 9. Section 9.3 thereof provides that a petition may

be made to the Director of BATF for establishment of a viticultural area. Nothing in new Part 9 empowers the agency to nullify or curtail rights possessed by private parties in the process of designating viticultural areas. The Director would have to rely upon other statutes and regulations and greatly expand the scope of the instant proceeding to deprive a party of substantive rights in the process of granting this Petition. Failure to do so would be a patent denial of due process of law.

D. Conclusion

The foregoing discussion with the accompanying exhibits is respectfully submitted to supplement the comments made on May 2, 1980 by Messrs. Jon A. Wells, Vice President - Public Relations, and Morris H. Katz, Executive Vice President - Production, both representing Paul Masson Vineyards, and the undersigned on behalf of Joseph E. Seagram & Sons, Inc.

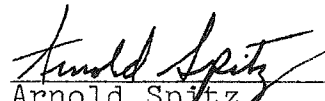
We have established that Paul Masson possesses common law and statutory rights, both State and Federal, in its trademarks containing the word PINNACLE(S), which are threatened by this proceeding. Paul Masson's commitment to and substantial investments in its trademarks and tradenames is obvious. The Petitioner's use of the words "The Pinnacles" purportedly as part of its post office address, is of no legal significance in these proceedings. The hardship on the Petitioner if its viticultural area is not named "The Pinnacles" is de minimus; while the potential damage to Paul Masson's property rights is obvious and compelling. The Petitioner's use of the term "The Pinnacles" as the designation of origin for its wines would be an unfair taking of Paul Masson's acquired

property rights in its trademarks and tradenames and constitute actionable infringement, dilution, and unfair competition. Finally, the public interest would be best served by the designation of a different name for the proposed area inasmuch as any delimited "Pinnacles" viticultural area would clearly confuse and mislead consumers who have been exposed and come to know PINNACLE(S) and A PINNACLES SELECTION as distinctive marks and names on the wine products of Paul Masson Vineyards.

For all the foregoing reasons, we respectfully submit that "The Pinnacles" is totally inappropriate as the name of the viticultural area proposed in Notice of Rulemaking Number 338.

Very truly yours,

JOSEPH E. SEAGRAM & SONS, INC.



Arnold Spitz
Associate Counsel



Gregory W. Altschuh
Assistant Regulatory Counsel





Mirassou Vineyards
Five Generations of Winemaking Since 1854

April 23, 1980

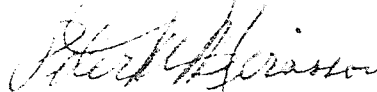
To Whom it May Concern:

It has been my experience with Paul Masson's Pinnacles Vineyard, that it has always been known by that name.

Ever since Paul Masson established the Pinnacles label, I always think of Paul Masson when the Pinnacles Monument is mentioned.

The name Pinnacles has always impressed me as representing Paul Masson's premium line of fine wines.

Sincerely,



Peter M. Mirassou
Mirassou Vineyards

PMM:mc

Route 1, Box A,
Soledad, California 93960
408-678-2479

GENERAL VINEYARD SERVICES

P.O. BOX 1010, GONZALES, CALIFORNIA 93926

(408) 675-2311

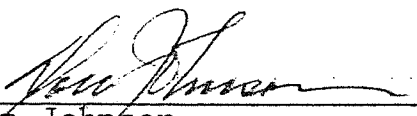
April 23, 1980

TO WHOM IT MAY CONCERN:

We have been involved in the production and marketing of grapes in Monterey County for over ten (10) years. Our principal operating area is the valley floor between Gonzales and Greenfield.

When the term "Pinnacles" wine is used, we immediately think of the Paul Masson vineyard and winery at Soledad. This awareness and recognition was initiated and developed by Paul Masson's labeling and promotion, and by our interest in seeing Monterey County gain label distinction on a nation wide basis.

GENERAL VINEYARD SERVICES



Don Johnson
General Manager

DJ:km

WENTE BROS.

Fine Wine Growers Since 1883

5565 TESLA ROAD
LIVERMORE, CALIFORNIA 94550

April 22, 1980

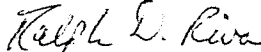
Mr. Ken Weber
Paul Masson Vineyard
Soledad, California

Dear Ken,

In regards to our conversation questioning the boundaries of the term "Pinnacles", I have always felt that your entire vineyards in the Soledad area would come under the classification of Pinnacles Vineyard. Since 1961, when your vineyard was planted, it has always been referred to as " Pinnacles Vineyard " which is realistic for that location.

I should hope that area names that have grown with development of vineyards in Monterey County will continue to reflect and enhance the grape-growing areas in our County.

Sincerely,



Ralph D. Riva, Wente Bros.

April 23, 1980

To Whom It May Concern:

The purpose of this letter is to inform the decision making body of our opposition to the formation of a new viticultural region, specifically the Chalone area, which is under discussion.

We feel that the exclusion of or the loss of Paul Masson's Pinnacle Vineyard name due to formation of this new region, is not justified at this time. We feel that a viticultural region should designate specific wine characteristics without the exclusion of well established names and wine quality associations.

Thank you for taking our comments into consideration.

Yours Truly



Ron Lopopolo
Ranch Manager

RL/bf

Chalone Vineyards Extolled On Key Factor: Limestone

By JOHN GILLESPIE JR.
The Wine School, Denver

There has been so much written about California's wine successes in the past few years that we now take excellent Cabernet Sauvignon, Chardonnay and Zinfandel for granted. The virtues of Napa are oft extolled, to say nothing of Sonoma. But there are the malcontent, who wander from the now-established valley, and few are farther from the mainstream than Chalone Vineyards.

Consider that it is located in the hinterland of Monterey County, about 130 miles south of San Francisco.

TO BE SURE, there are other vineyards in the county, most notably the Monterey Vineyard and Paul Masson's Pinnacles Vineyards. But they, particularly the latter, bask in the relatively flat and easy valley land.

Chalone sits higher in the Gavilan mountain range, above Soladad. Electricity and phone service stop miles short of the vineyard. They generate their own power and haul in their own water, which is used in a sparing drip irrigation system to provide about 20 per cent of the minimum amount their grapes need to survive.

Why then should they be where they are? The answer is simple limestone. Chalone Vineyards is planted on a limestone outcropping which makes it unique in California. But limestone is nothing new to the Burgundians. They attribute much of the greatness of their Pinot Noir and Chardonnay wines to the soil. Little wonder the Pinot Noir and Chardonnay are the primary concerns of Chalone.

DICK GRAFF, formerly winemaker and now chairman of the board of Chalone, is understandably proud of his soil, and he isn't at all timid about expressing his admiration for the finest wines of Burgundy.

"They are the standards of excellence," he asserts.

Other winemakers are more interested in developing a unique California style for the grape. Graff isn't out for exact duplication of La Tache or Richebourg, but he goes to the trouble to adhere very strictly to Burgundian winemaking technique. His barrels come from Sarugue in Nuits St. Georges. He doesn't kill off the wild yeasts on the grape. He allows the fermenting Pinot Noir to seek its own temperature level. He crushes directly into the fermentor, stems and all. In short, he claims, "We utilize the methods that produce the wines we admire." La Tache, of course.

The Pinot Noir wines made at Chalone since 1969 are becoming legends in the wine trade. Like all legends, few actually have met them face to face. This is because production is extremely limited. There are about 35 acres of Pinot Noir now, but the annual production has gone from roughly 100 to more than 350 cases per year. It is still increasing. And even though the wine is available from time to time in the significant wine markets of the country, actually finding a bottle can be a trying, though rewarding, ordeal.

Certainly, it was as classically French in style as any California Pinot I have tasted.

THE 1973 PINOT NOIR may become an even better wine, but shows, by its dark red color and purple edge, that it has some distance to go. The nose of this wine is full of grape, without the complexity the '71 has acquired. It is a bigger wine, though, with more body and good acidity. It is well balanced with very full flavor that is beginning to show oak. The finish is long, and when the wine matures it will be nothing short of divine.

The 1974 Pinot Noir is on the market at the moment, and I suggest you buy it and resist temptation for at least three years. Put that corkscrew down.

Of course, Chardonnay is the other half of the Burgundian equation, and at Chalone it is nurtured with similar care. Although the 1974 Chateau Montelena from Napa won the now famous Paris tasting last year, when I reran the event for my own edification, the Chalone 1974 came out on top, barely edging a 1970 Batard Montrachet.

THE PRECISE RESULTS are not as important as the fact that Chardonnay is made superbly at Chalone.

They also make a most respectable and more obtainable wine of Pinot Blanc, the other Burgundian white grape. Also, a Chenin Blanc is made. While this is a Loire Valley grape, at Chalone the Burgundian touch is there. It is made dry, in contrast to most California or French Chenin Blanc, and the flavor of oak is present.

In much greater production is a French Colombard, made from grapes purchased by Chalone. It is a very sound wine, well balanced, and a good example of the varietal type.

Still, it is the Pinot Noir which intrigues me. It took decades for Napa to really assert the credibility of its Cabernet Sauvignon. For Dick Graff to pull the same feat with Pinot Noir, in his remote corner of California seems a truly evangelical mission. But nothing will make a convert of you faster than a sip of his wine.

FILING FEE \$10.00

COUNTY OF SANTA CLARA

FICTITIOUS BUSINESS NAME

STATEMENT

NO:

971

THE FOLLOWING PERSON(S) IS/ARE DOING BUSINESS AS

PINNACLE VINEYARDS

NAME

a Corporation

AT

13150 Saratoga Avenue

STREET ADDRESS

SUITE NO.

Saratoga

Santa Clara

95070

CITY

COUNTY

ZIP CODE

FORMER CERT. NO.

CURRENT DATE

COUNTY ARTICLE/AGREEMENT

001

THIS BUSINESS IS CONDUCTED BY:

94-1036850

SS OR TAX I.D. NUMBER

PAUL MASSCH INC., A California Corporation

NAME

13150 Saratoga Avenue

STREET ADDRESS

SUITE/APT. NO.

Saratoga

Santa Clara

95070

CITY

COUNTY

ZIP CODE

SS OR TAX I.D. NUMBER

NAME

STREET ADDRESS

SUITE/APT. NO.

CITY

COUNTY

ZIP CODE

SS OR TAX I.D. NUMBER

NAME

STREET ADDRESS

SUITE/APT. NO.

CITY

COUNTY

ZIP CODE

AND THOSE ADDITIONAL PERSONS/ENTITIES LISTED ON ADDITIONAL PAGES

(STRIKE OUT IF INAPPLICABLE)

THIS STATEMENT HAS BEEN EXECUTED PURSUANT TO SECTION 17919 OF THE BUSINESS AND PROFESSIONS CODE (STRIKE OUT IF INAPPLICABLE)

The annexed instrument is a correct copy of the original on file in this office.

ATTEST: MAY 1 1971

GEORGE E. FOWLES, County Clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Santa Clara.

BY [Signature] DEPUTY

SIGNATURE

Morris H. Katz, Assistant Secretary.

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as:

Paul Masson Vineyards Pinnacles Estate

(*) 13150 Saratoga Avenue (FICTITIOUS BUSINESS NAME)
at (**) Saratoga, California 95070

- (***) 1. Paul Masson, Inc. (FULL NAME - TYPE/PRINT)
13150 Saratoga Avenue (ADDRESS)
Saratoga, CA 95070 (CITY)
(CITY)
- 2. (FULL NAME - TYPE/PRINT)
(ADDRESS)
(CITY)
- 3. (FULL NAME - TYPE/PRINT)
(ADDRESS)
(CITY)
- 4. (FULL NAME - TYPE/PRINT)
(ADDRESS)
(CITY)

A California Corporation

(****) This business is conducted by _____
(i) "an individual," (ii) "a general partnership," (iii) "a limited partnership," (iv) "an unincorporated association other than a partnership," (v) "a corporation," (vi) "a business trust"

Signed _____
Morris H. Katz, Assistant Secretary
Signature Must Also Be Typed or Printed _____

This statement was filed with the County Clerk of _____ County on _____ (Date)

Attorney or Bank or Agent
Name Morris H. Katz
Address 13150 Saratoga Avenue
City Saratoga, CA
Telephone 257-7390

(ENDORSED)
FILED FILE NO. 4228
AUG 20 1971
GEORGE E. FOWLES, Clerk
R. POLITZ
DEPUTY

CERTIFICATION

I hereby certify that the foregoing is a correct copy of the original on file in my office.

County Clerk
By _____ Deputy

for FREE FORMS— CALIFORNIA NEWSPAPER SERVICE BUREAU, Inc.
ESTABLISHED 1934
PHONE (213) 625-2141 210 South Spring Street
Los Angeles, Calif. 90012
Affiliated with The Los Angeles Daily Journal
and the Sacramento Daily Recorder

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as:

(*) Paul Masson Pinnacles Vineyard Estate
(FICTITIOUS BUSINESS NAME)

at (**) 13150 Saratoga Avenue

Saratoga, California 95070

(***) 1. Paul Masson, Inc.
(FULL NAME - TYPE/PRINT)

13150 Saratoga Avenue
(ADDRESS)

Saratoga, CA 95070
(CITY)

2. _____
(FULL NAME - TYPE/PRINT)

(ADDRESS)

(CITY)

3. _____
(FULL NAME - TYPE/PRINT)

(ADDRESS)

(CITY)

4. _____
(FULL NAME - TYPE/PRINT)

(ADDRESS)

(CITY)

(***) This business is conducted by A California Corporation
(i) "an individual," (ii) "a general partnership," (iii) "a limited partnership," (iv) "an unincorporated association other than a partnership," (v) "a corporation," (vi) "a business trust"

Signed _____

Signature Must Also Be Typed or Printed Morris H. Katz, Assistant Secretary

This statement was filed with the County Clerk of _____ County on _____ (Date)

Attorney or Bank or Agent

Name Morris H. Katz

Address 13150 Saratoga Ave.

City Saratoga, CA

Telephone 257-7000

(ENDORSED)
FILED

AUG 20 1971

GEORGE E. FOWLES, Clerk
R. POLITZ
DEPUTY

FILE NO. 4700

CERTIFICATION

I hereby certify that the foregoing is a correct copy of the original on file in my office.

County Clerk

By _____, Deputy

for FREE FORMS—
PHONE (213) 625-2141

CALIFORNIA
NEWSPAPER SERVICE BUREAU, Inc.
ESTABLISHED 1934
210 South Spring Street
Los Angeles, Calif. 90012
Affiliated with The Los Angeles Daily Journal

NAME _____
 ADDRESS _____
 CITY _____

Exhibit 11
 DEC 8 1976
 JOHN KAZUBOWSKI, Clerk
 Deputy

REMEMBER
 1. Submit Original and 3 copies.
 2. Filing Fee \$10.00.
 3. Provide return Envelope, if mailed.

SEE REVERSE
 SIDE FOR
 INSTRUCTIONS

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:

1.	Fictitious Business Name(s) Pinnacle Vineyards			
2.	Street Address, City & State of Principal place of Business in California			Zip Code
	13150 Saratoga Avenue, Saratoga, California			95070
3.	Full name of Registrant (if corporation - show state of incorporation) Paul Masson, Inc.			
	Residence Address	City	State	Zip Code
	13150 Saratoga Avenue, Saratoga, California			95070
	Full name of Registrant (if corporation - show state of incorporation)			
	Residence Address	City	State	Zip Code
	Full name of Registrant (if corporation - show state of incorporation)			
	Residence Address	City	State	Zip Code
	Full name of Registrant (if corporation - show state of incorporation)			
	Residence Address	City	State	Zip Code
4.	This business is conducted by () an individual () a general partnership () a limited partnership () an unincorporated association other than a partnership (X) a corporation () a business trust (CHECK ONE ONLY)			
5.	Signed _____		If Registrant a corporation sign below:	
	Typed or Printed _____		Corporation Name Paul Masson, Inc.	
			Signature & Title <i>[Signature]</i> Albert Maft, Vice President	

This statement was filed with the County Clerk of _____ County on date indicated by file stamp above.

CALIFORNIA
NEWSPAPER SERVICE BUREAU, Inc.
ESTABLISHED 1934
 210 South Spring Street
 Los Angeles, Calif. 90012
 Affiliated with The Los Angeles Daily Journal
 and the Sacramento Daily Recorder

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.

[Signature]
 COUNTY CLERK

DEPUTY
 25719

File No. _____

COUNTY CLERK'S FILING STAMP

FILED
DEC 2 1976

JOHN KAZUBOWSKI, Clerk
Deputy

NAME _____
ADDRESS _____
CITY _____

REMINDER

- 1. Submit Original and 3 copies.
- 2. Filing Fee \$10.00.
- 3. Provide return Envelope, if mailed.
- 4. Remove Carbon before mailing.

SEE REVERSE
SIDE FOR
INSTRUCTIONS

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:

1.* Fictitious Business Name(s)
Paul Masson Vineyards Pinnacles Estate

2.** Street Address, City & State of Principal place of Business in California Zip Code
13150 Saratoga Avenue, Saratoga, California 95070

3.*** Full name of Registrant (if corporation - show state of incorporation)
Paul Masson, Inc.

Residence Address City State Zip Code
13150 Saratoga Avenue, Saratoga, California 95070

Full name of Registrant (if corporation - show state of incorporation)

Residence Address City State Zip Code

Full name of Registrant (if corporation - show state of incorporation)

Residence Address City State Zip Code

Full name of Registrant (if corporation - show state of incorporation)

Residence Address City State Zip Code

4.**** This business is conducted by () an individual () a general partnership () a limited partnership
() an unincorporated association other than a partnership (x) a corporation () a business trust (CHECK ONE ONLY)

5. If Registrant a corporation sign below:
Signed _____ Corporation Name Paul Masson, Inc.
Typed or Printed _____ Signature & Title *[Signature]*
Libert Hall, Vice President

This statement was filed with the County Clerk of _____ County on date indicated by file stamp above

6 New Fictitious Business
Name Statement

7. Refile - Statement expires
December 31.

File No. _____

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY
OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.

JOHN KAZUBOWSKI
COUNTY CLERK

DEPUTY

File No. _____

255 3

DEC 2 1976

JOHN KAZUBOWSKI, Clerk
Deputy

ADDRESS _____
CITY _____

- REMINDER**
1. Submit Original and 3 copies.
 2. Filing Fee \$10.00.
 3. Provide return Envelope, if mailed.
 4. Remove Carbon before mailing.

**SEE REVERSE
SIDE FOR
INSTRUCTIONS**

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:

1.	Fictitious Business Name(s) Paul Masson Pinnacles Vineyard Estate			
2.	Street Address, City & State of Principal place of Business in California 13150 Saratoga Avenue, Saratoga, California 95070			Zip Code 95070
3.	Full name of Registrant (if corporation - show state of incorporation) Paul Masson, Inc.			
	Residence Address	City	State	Zip Code
	13150 Saratoga Avenue, Saratoga, California 95070			
	Full name of Registrant (if corporation - show state of incorporation)			
	Residence Address	City	State	Zip Code
	Full name of Registrant (if corporation - show state of incorporation)			
	Residence Address	City	State	Zip Code
	Full name of Registrant (if corporation - show state of incorporation)			
	Residence Address	City	State	Zip Code

This business is conducted by () an individual () a general partnership () a limited partnership () an unincorporated association other than a partnership (X) a corporation () a business trust (CHECK ONE ONLY)

If Registrant a corporation sign below:

Signed _____ Corporation Name **Paul Masson, Inc.**

Typed or Printed _____ Signature & Title *[Signature]*
Vice President

statement was filed with the County Clerk of _____ County on date indicated by file stamp above.

New Fictitious Business Name Statement

Refile - Statement expires December 31.

File No. _____

HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.

JOHN KAZUBOWSKI
COUNTY CLERK

BY *[Signature]* Deputy

File No. **253.4**

FORM 698 (REV. SEPT. 1970)	DEPARTMENT OF THE TREASURY - INTERNAL REVENUE SERVICE APPLICATION BY PROPRIETOR OF BONDED WINE CELLAR OR BONDED WINERY <i>(See instructions and footnotes on back)</i>	ESTABLISHMENT IS BONDED <input type="checkbox"/> WINE CELLAR <input checked="" type="checkbox"/> WINERY REGISTRY NO. CA-4478 SERIAL NO. 1/ 12
----------------------------------	---	--

Purpose for which filed (such as "Original establishment," "Extension of premises," "Change in firm name"—describe briefly)

Addition of bottling trade names: Paul Masson Vineyards Pinnacles Estate
 Paul Masson Pinnacles Vineyard Estate
 Paul Masson Mountain Vineyards

TO: Assistant Regional Commissioner, Alcohol, Tobacco and Firearms, at San Francisco, California	DATE August 27, 1971
---	-----------------------------

Application made by (If an individual owner, give full name, trade name, if any, and address; if a copartnership, give trade name, if any, and the full name and address of each person interested in the operation; if a corporation, give name of corporation, State under laws of which incorporated, and address of principal office.)

Paul Masson, Inc., a California corporation

ADDRESS OF APPLICANT (Number and street, city, county, State, and ZIP code)

330 Jackson Street, San Francisco, California 94111

NAME OR TRADE NAME UNDER WHICH APPLICATION IS MADE

PAUL MASSON VINEYARDS

Application is made to operate (State whether "Bonded wine cellar" or "Bonded winery" and whether the premises will be used for the production or storage of standard wine and other wine which may be made or stored on standard wine premises, or whether wine not authorized on standard wine premises will be produced or stored, for example, "Bonded Winery for Standard Wine," "Bonded Winery for Substandard Wine.")

Bonded Winery for Standard Wine

Location (State the exact location of the bonded premises. If located within a city, give street and number and city. If located elsewhere, give the name of the county, nearest post office with distance and direction therefrom, and name and number of road or highway on which situated.)

13150 Saratoga Avenue, Saratoga, California 95070

NAME OF OWNER OF PREMISES Joseph E. Seagram & Sons, Inc.	DATE OPERATIONS TO COMMENCE
---	-----------------------------

PART A.—CAPACITY

ITEM	APPROXIMATE STORAGE CAPACITY (Gallons)	ESTIMATED ANNUAL PRODUCTION (Gallons)	2a. Estimated quantity of wine spirits to be withdrawn annually for addition to wine (proof gallons)
1(a). Still wine (including distilling material and vinegar stock): (1) 1475 gallons	SEE ATTACHED SHEET		
(2) over 1475			
1(b). Sparkling wine			2b. Estimated quantity of wine spirits that will be used annually for production of special natural wine and effervescent wine (proof gallons)
1(c). Artificially carbonated wine			

The descriptions and information required by parts C, D, E, and F, following, shall be typed or carefully written on letter-size paper which shall be attached to or incorporated as part of each application. Each sheet shall be identified with the serial number and the registry number shown on the back of this application. If a registry number has not been assigned, each sheet should show the applicant's name, last name first, and the letters A, B, C, D, E, and F, in the response shown on the form.

PART B.—DESCRIPTION OF PREMISES

1. Describe the lot or tract of land constituting the wine cellar or winery premises, by directions and distances, with sufficient particularity to enable ready determination of the bounds of the bonded premises.

PART C.—DESCRIPTION OF BUILDINGS

2. If the bonded premises consist of one or more entire buildings, describe each building by showing approximate size, material of which constructed, purpose for which it will be used, means of egress and ingress, and manner of securing windows, doors, and other openings. Buildings which will not be used in connection with operations authorized by 26 CFR Part 240 may be described only as to size and the purpose for which used. If the premises consist of a part of a building, describe the building by showing its approximate size, material of which constructed, precise location therein of the bonded premises, and means of egress from and ingress to such premises; describe separately the rooms or floors constituting the bonded premises, giving the approximate size of each room and the purpose for which it will be used; describe the walls and/or floors separating bonded premises from adjoining portions of the building, the activities to be conducted in adjoining and adjacent portions, and the manner of securing windows, doors, and openings into the bonded premises.
3. Describe the wine spirits storage room or locker and the Government office in the same manner as required for rooms in item 2.

PART D.—DESCRIPTION OF EQUIPMENT

4. List tanks by their intended use stating, for each use, the total number of tanks and their total capacity. Barrels or other readily portable containers under sixty gallons capacity need not be listed separately but the approximate number of such containers used for storage of wine shall be shown. Attach a separate gauge sheet for each tank to be used for the addition of wine spirits, showing serial number, maximum capacity, and capacity for each inch of depth from a specified point.
5. State whether wine spirits for use in wine production will be transferred to the wine cellar in original packages or by pipeline from an adjacent distilled spirits plant. If by pipeline, give the name and registry number of the distilled spirits plant from which to be received and state whether the wine spirits will be gauged in the distilled spirits plant or in the wine cellar.
6. Describe instruments and measures for testing and measuring wine.
7. Describe crushing and pressing equipment, and state where located.

PART E.—CORPORATE INFORMATION

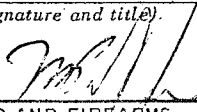
8. If the proprietor is a corporation, state whether more than one plant or establishment is operated. If so, give the name and registry number of the plant or establishment where complete corporate documents are filed.

PART F.—TRADE NAMES

9. List trade names (other than the operating trade name) to be used for bottling or packaging wine.

All data, written statements, evidence, affidavits, and other documents submitted in support hereof shall be deemed to be a part of this application.

Under penalties of perjury I declare that I have examined this application and, to the best of my knowledge and belief, it is true, correct, and complete.

PROPRIETOR ^{2/} PAUL MASSON, INC.	BY (Signature and title)  Attorney in Fact
OFFICE OF THE ASSISTANT REGIONAL COMMISSIONER, ALCOHOL, TOBACCO AND FIREARMS WESTERN REGION	DATE SEP 10 1971

I HEREBY CERTIFY that:

- The statements and descriptions given are are not correct in every particular.
- The said premises are are not in strict compliance with all requirements of law and regulations.

APPLICATION IS THEREFORE <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DIS-APPROVED	EFFECTIVE (Date) SEP 10 1971	SIGNATURE, ASSISTANT REGIONAL COMMISSIONER 
--	-------------------------------------	--

INSTRUCTIONS

If the proposed premises have a production capacity of less than 1,000 gallons, or storage capacity of less than 5,000 gallons, the applicant shall, before filing this form, request approval of the premises by the Director, Alcohol, Tobacco and Firearms Division, as provided in 26 CFR 240.120. Execute applications on this form in triplicate, and file all copies (with accompanying plat, also in triplicate, and other documents required by the regulations) with the assistant regional commissioner of the region in which the premises are located.

An amended application is required whenever there is (1) a change in proprietorship, (2) a change in the individual, firm,

^{1/} Applications on this form shall be serially numbered. The sequence of the numbers shall be continued for all amended or supplemental applications.

^{2/} The name of the applicant, if an individual, shall be typed or written, preceded by the trade name, if any, and followed by his signature and the words "Sole Owner," or the above shall be typed or written and signed by an empowered attorney-in-fact, followed

trade, or corporate name of the proprietor, (3) a change in location, or (4) an extension or curtailment of the premises. Amended and supplemental applications may be executed in skeleton form except as to the items amended or supplemented.

Applications which are not executed in accordance with instructions, or which do not contain all the information required to be shown, will be returned to the applicant for correction.

No wine may be produced or received until the premises are approved by the assistant regional commissioner and operations have been authorized by him.

by his title as such. In case of a copartnership, the trade name of the firm shall be typed or written, followed by the word "by" and the signatures of all partners, or the signature of any partner duly authorized to sign in behalf of the firm, or by a duly empowered attorney-in-fact. If a corporation, the form shall be executed in the corporate name, immediately followed by the signature and the title of the person duly authorized to act in its behalf.

PARTS A, B, C, D and E: No change since filing Form 698,
Serial No. 11

Dated May 21, 1969.

PART F.--TRADE NAMES

9. See attached sheet.

Plat: Sheet No. 1, dated May 20, 1969.

PART F.--TRADE NAMES

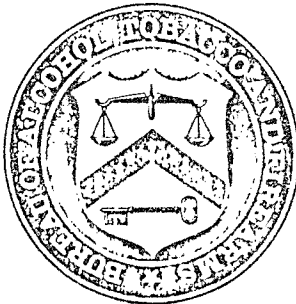
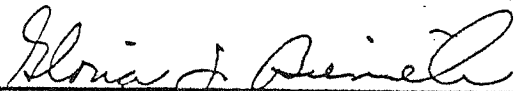
9. Paul Masson Paul Masson Vineyards Pinnacles
Estate
Paul Masson Champagne Cellars Monte Vista Vineyard
Paul Masson Pinnacles Vineyard Estate St. Regis Cellars
Paul Masson Mountain Vineyards

Plat: Sheet No. 1, dated May 20, 1969

Amended

17 OCT 1979

Addition of trade names

DEPARTMENT OF THE TREASURY — BUREAU OF ALCOHOL, TOBACCO AND FIREARMS WINE PRODUCER'S AND BLENDER'S BASIC PERMIT (Under Federal Alcohol Administration Act)	1. PERMIT NUMBER CA-W-340 (BW-CA-4478)
2. DATE OF APPLICATION for amendment: September 21, 1979	3. DATE OF PERMIT June 28, 1968
4. NAME AND ADDRESS OF PERMITTEE (Number and street, city or town, state, ZIP Code) <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> Paul Masson, Inc. (a California corporation), dba PAUL MASSON VINEYARDS 13150 Saratoga Ave. Saratoga, CA 95070 </div> See reverse for additional trade names	
<p>Pursuant to application of date indicated in item 2, you are authorized and permitted to engage, at the above address, in the business of producing and blending wine, and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate and foreign commerce, at said address the wine so produced or blended.</p> <p>This permit is conditioned upon your compliance with the Federal Alcohol Administration Act; the Twenty-first Amendment and laws relating to its enforcement; all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect to them; the Federal Water Pollution Control Act; and all applicable regulations made pursuant to law which are now, or may hereafter be, in force.</p> <p>THIS PERMIT WILL AUTOMATICALLY TERMINATE THIRTY DAYS AFTER ANY CHANGE IN PROPRIETORSHIP OR CONTROL OF THE BUSINESS, unless, an application for a new basic permit is made by the transferee or permittee within the thirty day period. If an application for a new basic permit is timely filed, the outstanding basic permit will continue in effect until the application is acted on by the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms.</p> <p>THIS PERMIT IS NOT TRANSFERABLE. ANY CHANGE IN THE TRADE NAME, CORPORATE NAME, MANAGEMENT OR ADDRESS OF THE BUSINESS COVERED BY THIS PERMIT, OR ANY CHANGE IN STOCK OWNERSHIP (MORE THAN 10%) MUST BE REPORTED TO THE REGIONAL REGULATORY ADMINISTRATOR, WITHOUT DELAY.</p>	
THIS IS AN <input type="checkbox"/> ORIGINAL PERMIT <input checked="" type="checkbox"/> AMENDED PERMIT	
5. SIGNATURE OF REGIONAL REGULATORY ADMINISTRATOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  </div> <div style="text-align: right;"> BY: SUPERVISOR, TECHNICAL SECTION </div> </div>	

Additional trade names

Paul Masson
Paul Masson Champagne Cellars
Monte Vista Vineyard
St. Regis Cellars
Paul Masson Vineyards Pinnacles Estate
Paul Masson Pinnacles Vineyard Estate
Paul Masson Mountain Vineyards
Bon-Sol Vintners
*Summit Marketing Company
The San Francisco Wine Exchange
The San Francisco Bay Wine Company
The San Francisco International Wine Company
The Great San Francisco Wine Company
Paul Masson Sherry Cellars
Las Colinas Vineyards
The San Francisco Wine Merchants
Ivy Creek Farms
Ivy Creek Vineyards
Ivy Creek Estates
Domaine Ivy Creek
Chateau Ivy Creek

*Limited to account specified on Form 1643.

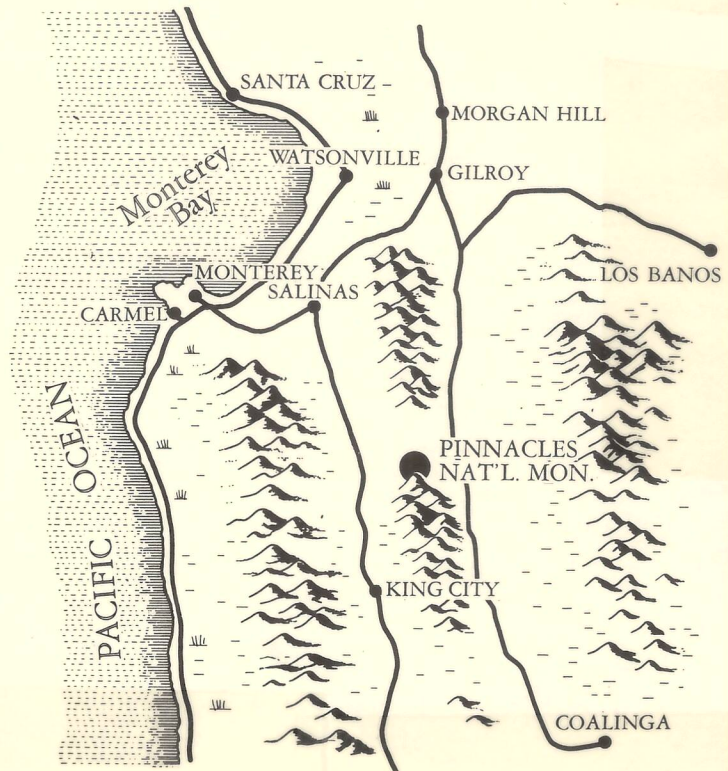
PAUL MASSON
Pinnacles Estate Selection
 RARE VARIETAL WINES



*The latest and proudest
 addition to the
 Paul Masson line
 of varietal table wines*

The Pinnacles Estate Selection is the result of a combination of talents, resources and circumstances, all vitally important to the development of fine wine.

Of primary consideration was the land that produces varietal grapes. Acreage was purchased in the Salinas Valley, southeast of Monterey Bay, after years of intensive search and soil studies. The wine-makers at Paul Masson were assisted in this project



by the foremost authorities on viticulture in the United States from the University of California at Davis. The first varietal plantings were made at the new Pinnacles Vineyards in 1961.

The weather conditions in this area are such that they might have been planned by nature specifically for the growth and harvesting of fine grapes. Temperatures are not excessively high nor is there any record of killing frosts. Even man has not intruded with smog and urbanization. Finally, there are the winds from Monterey Bay that cool the warm valley in the late afternoons providing the perfect climatic balance for these varieties — the finest premium grapes in California.

The blending of the wines for the Pinnacles Estate Selection is the true test of the winemaker's artistry. The result of this meticulous process is a limited bottling of five superb wines:

- Pinot Chardonnay—rich and well-balanced with a clean, soft taste.
- Pinot Blanc—pale, golden and elegant with superb bouquet and flavor.
- Johannisberg Riesling—fine and dry with a balance of freshness and bouquet.
- Pinot Noir—a big, robust California Burgundy with exceptional character and flavor.
- Cabernet Sauvignon—a wine with subtle velvety characteristics and brilliant color.

The white wines are fermented under ideal cool temperatures to preserve and enhance their inher-

ent characteristics. The red wines are aged for years — first in wooden casks and then in smaller oak barrels. Finally, they are bottle aged under perfect temperature control for two additional years before they are ready for labeling.

The shoulder label for the Pinnacles Estate Selection proudly bears the cuvée number for each of these wines. This is a series of winery code numbers designating the specific blends in each bottle.

Time, care and—above all—experience and skill have all united to present this line of superb wines. They are available in limited quantity and only from the finest wine merchants for the discriminating connoisseur who wants the ultimate in California table wines.

The Pinnacles Estate Selection from Paul Masson's new Pinnacles Vineyards—significant names in the constant and continuing search for perfection in winemaking.

Produced & bottled by Paul Masson Vineyards
Saratoga, California





ESTATE BOTTLED
1974
NATURALLY FERMENTED IN

PAUL MASSON

MONTEREY COUNTY
JOHANNISBERG
RIESLING
CHAMPAGNE



PRODUCED AND BOTTLED BY
THE PAUL MASSON VINEYARDS
SHELDON, CALIFORNIA
ALCOHOL 12% BY VOLUME



PAUL MASSON PINNACLES SELECTION

PINOT CHARDONNAY

- Vintage 1975
- Crushed - 17/18 Oct. '75
- Brix 22.3
- Cool-fermented @ 45 - 50°
- Bottled - 24 Nov. '76
- 95% Varietal content
- Estate-Bottled
- Grown at Pinnacles Vineyard, Monterey County
- Well-rounded, yet complex flavor due to Botrytis cinerea
- Limited Bottling: 5,000 cases

JOHANNISBERG RIESLING

- Vintage 1975
- Crushed - 20 Oct. '75
- Cool-fermented @ 45 - 50°
- Bottled - 1 Oct. '76
- 95% Varietal content
- Estate-Bottled
- Grown at Pinnacles Vineyard, Monterey County
- Fruity, well-rounded, yet complex taste
- Botrytis cinerea present
- Limited Bottling: 5,000 cases

CABERNET SAUVIGNON

- Vintage 1973
- Crushed - Nov. '73
- Aged at least eight months in white-oak barrels
- Bottled - 14 July '76
- 66% from Monterey County; 34% from Sonoma County
- Fruity, robust bouquet
- May be cellared to advantage

1977
GEWÜRZTRAMINER

Estate Bottled. Gewürztraminer grapes for the 1977 vintage were grown in a special 25-acre plot in our Pinnacles Vineyards, picked at 22.4° Brix and crushed on September 29 and 30. After a soft pressing, the must remained in contact with the skins to extract aroma and flavor and was then cold-fermented at 55° F for three weeks. The residual sugar in this bottling is .18 gms/100 mls and total acidity is .69% by volume. Paul Masson 1977 Gewürztraminer is agreeably dry with exceptional spicy character, full bottle bouquet and nice lingering undertones.

Joseph Stillman
WINEMAKER

PAUL MASSON

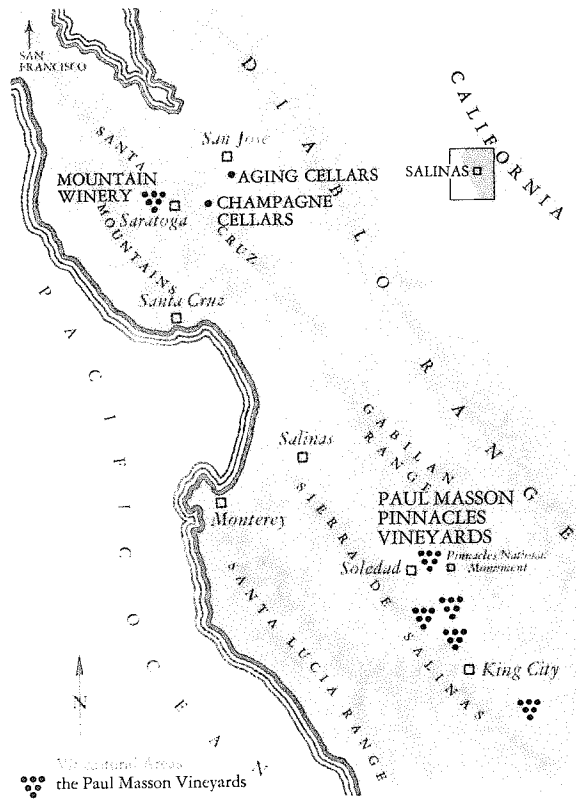
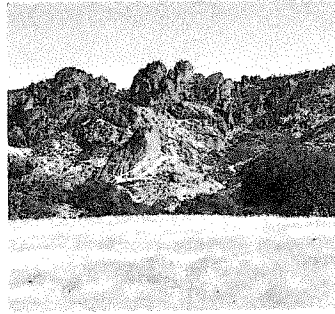
MONTEREY COUNTY

GEWÜRZTRAMINER 1977



ESTATE
BOTTLED

PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA, U.S.A. · ALCOHOL 11.5% BY VOLUME





Joseph Stillman, Winemaker
Paul Masson Vineyards

PAUL MASSON PINNACLES SELECTION

GEWÜRZTRAMINER

1976 Pinnacles Selection Gewürztraminer — our latest offering in this distinguished group of wines.

This is an assertive, spicy white wine produced from a sensitive, temperamental grape requiring careful vinification which is well worth the trouble. The grapes should be cultivated, as they are at the Pinnacles Vineyards — in small pockets of land in this choice, cool location. This variety ripens early when temperatures are high, and must be watched carefully so the ideal ratio of sugar to acid is in balance when the grapes are picked. Thus, picking becomes almost a "tightrope" operation — a matter of precise timing in order to produce this fine wine.

The grapes for the '76 Pinnacles Selection Gewürztraminer were harvested at optimum maturity in October 1976 and crushed immediately after picking. The free-run juice was allowed to settle overnight and fermented long and cool (45-50° F) for maximum fruitiness. To obtain a smooth fermentation, our winemaker uses a specially selected and propagated strain of yeast. In addition, the wine spent a short time on the skins to extract the desirable aromatics and flavors. With the special strain of yeast, fermentation proceeds close to total dryness, and the wine is free from any bitterness.

Held in vats to retain its natural fruitiness, the wine was bottled on April 12, 1977, aged and then evaluated organoleptically before being labelled as a "Pinnacles Selection" wine. It is enjoyable now, but will benefit from additional bottle aging if the consumer wishes. It should be reaching full development and maximum enjoyment within two years of the vintage.

Winemaker Joseph Stillman, whose signature appears on the label, notes that this '76 Pinnacles Selection Gewürztraminer offers intense spicy fragrance together with a full, floral aroma. Its flavors are assertive in fruit with excellent acidity for backbone. The finish is on the dry side with a long spicy aftertaste. It is a wine that can be easily enjoyed as an aperitif or served as a delightful complement to spicy foods.

PINOT CHARDONNAY

Presenting the 1976 vintage of our Pinnacles Selection Pinot Chardonnay... a distinguished white wine, by any standards.

All the Pinot Chardonnay grapes for this limited bottling — as with the 1975 Pinot Chardonnay — were grown at our Pinnacles and

Greenfield Vineyards in northern Monterey County. The classic varietal content is 95%, and the grapes were picked at an average 21.4 Brix (sugar content). As the grapes were picked selectively — chosen for the optimum quality necessary for this special wine — small-lot crushing took place over a two-week period, September 23 through October 6, 1976. Only free-run juice was used — cold fermented at 50° F. The 1976 Pinnacles Selection Pinot Chardonnay was also aged in Limousin oak for a judicious period and bottled for further bin aging on May 24, 1977.

MONTEREY COUNTY

It would seem appropriate to review some of the facts about this relatively new, yet remarkable, wine-producing area of Monterey County. Whereas even the most famous wine-growing areas in the world have developed by trial and error over the centuries, Monterey County is the first area to have been studied scientifically and found to have superior climate and soils for the growth and development of fine wine grapes — or *Vitis vinifera*. Paul Masson Vineyards, one of the first two pioneers in the area, made its first plantings of some 700 acres in 1962. Now — a short 15 years later — seven wineries have some 34,000 acres planted in table wine varieties.

Although it had long been one of the finest agricultural areas in California, Monterey County was never considered for the cultivation of *Vitis vinifera*. However, from 1935-1944, Drs. Amerine and Winkler (both in their time chairmen of the Department of Viticulture and Enology at the University of California at Davis) classified all the valleys of California into five viticultural Regions based on meticulous studies of soils and microclimates. The Paul Masson Pinnacles Vineyards in Soledad and the nearby Greenfield Vineyards are in Regions I and II — cooler areas with the finest conditions for growing *Vitis vinifera*. The soil is generally light, granitic sandy loam, lying on gently sloping benchlands which provide excellent drainage. Although annual rainfall is generally inadequate, the Salinas River supplies abundant water for careful, studied irrigation. During the growing season, the days are desirably hot and sunny, alleviated by afternoon fogs and cool evening breezes which allow fine wine varieties to mature slowly and fully; there is little or no danger from killing frosts. Fortunately, the Monterey area is phylloxera free, so each variety develops its full natural characteristics. This is also one of the few areas in the world in which *Botrytis cinerea* occurs spontaneously contributing a richness and complexity of flavor to white wines.

Paul Masson Vineyards, Saratoga, CA 8MX90130



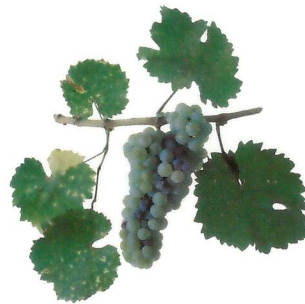
Gewürztraminer



Sauvignon blanc



Pinot Chardonnay



Johannisberg Riesling

PAUL MASSON®

Estate-Bottled
Wines

Vintage 1977

PAUL MASSON®

Estate-Bottled Wines



NEW RELEASE FROM PAUL MASSON

- Four distinguished white varietal wines.
- From Paul Masson's Pinnacles Vineyards in Monterey County – recognized as California's premier region for white wine grapes.
- Carefully handcrafted by Joe Stillman, master winemaker.
- Estate bottled, vintage dated.
- Labelled with complete viticultural and enological information for the most sophisticated wine collector or consumer.
- Fully explained in attractive consumer brochures (9MX11182) included with the back card (9MX11180) available from your Paul Masson representative.

"...extraordinary taste."

*"...these are special wines."
Ruth Ellen Church, CHICAGO TRIBUNE*

*"...fine wine, priced very reasonably for such superb quality."
Arnold Landerman, Syndicated and CHICAGO SUN TIMES*

*"...fresh, clean varietal bouquet... very good value indeed."
ROBERT BALZER'S PRIVATE GUIDE TO FOOD & WINE*

PAUL MASSON
Estate-Bottled Wines

*"...big fruity bouquet...bright, clean, fresh taste."
Hank Rubin, SAN FRANCISCO CHRONICLE*

*"...well-balanced wine with a clean soft taste."
s, THE TIMES-PICAYUNE (New Orleans)*

PAUL MASSON
Estate-Bottled Wines
Vintage 1977
FREE-TAKE ONE

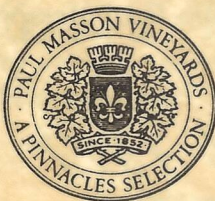
16" x 28"

PAUL MASSON

MONTEREY COUNTY GEWÜRZTRAMINER 1976

1976
GEWÜRZTRAMINER

Estate Bottled. All the Gewurztraminer grapes were grown at the Pinnacles Vineyards in Monterey County and cold-fermented. Well-defined varietal character and flavor that is intensified by Botrytis cinerea enhance this bottling.



ESTATE
BOTTLED

Joseph Stillman
WINEMAKER

PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA - ALCOHOL 11.5% BY VOLUME

PAUL MASSON

1976
CHARDONNAY

Estate Bottled. Grapes for this Chardonnay were grown in parcels 21, 22, 3 and 8 of the Baker Ranch section of our Pinnacles Vineyards. Grapes from the first two blocks were harvested and crushed on September 29 and 30 and from the second blocks on October 17 and 18, all at 22.2° Brix, and cold-fermented at an average 54° F. Residual sugar is .40 gms/100 mls and total acidity is 72% by volume. Aged in small Limousin oak casks, this is a well-balanced wine possessing distinctive varietal aroma and flavor.

MONTEREY COUNTY CHARDONNAY 1976



ESTATE
BOTTLED

Joseph Stillman
WINEMAKER

PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA, U.S.A. - ALCOHOL 12.1% BY VOLUME

MONTEREY COUNTY CHARDONNAY 1977

PAUL MASSON

1977
CHARDONNAY

Estate Bottled. Grapes for this Chardonnay were grown in parcels 21, 22, 3 and 8 of the Baker Ranch section of our Pinnacles Vineyards. Grapes from the first two blocks were harvested and crushed on September 29 and 30 and from the second blocks on October 17 and 18, all at 22.2° Brix, and cold-fermented at an average 54° F. Residual sugar is .40 gms/100 mls and total acidity is .72% by volume. Aged in small Limousin oak casks, this is a well-balanced wine possessing distinctive varietal aroma and flavor.



ESTATE
BOTTLED

Joseph Stillman
WINEMAKER

PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA, U.S.A. - ALCOHOL 12.1% BY VOLUME

Paul Masson's
Vintage-Dated

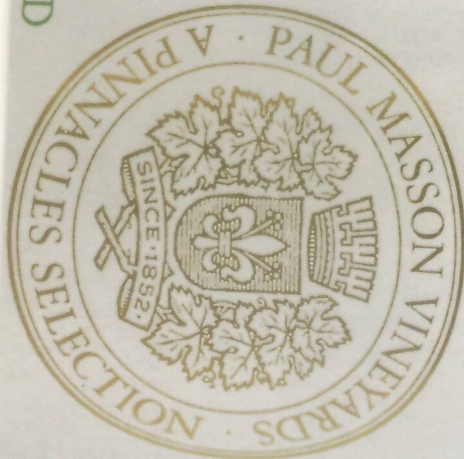
**"Monterey
Estates"**

Selected from the
**Pinnacles
Vineyards**
In Monterey County
California

Estate-Bottled
Vintage 1978

MONTEREY COUNTY
FUMÉ BLANC
SAUVIGNON BLANC
1978

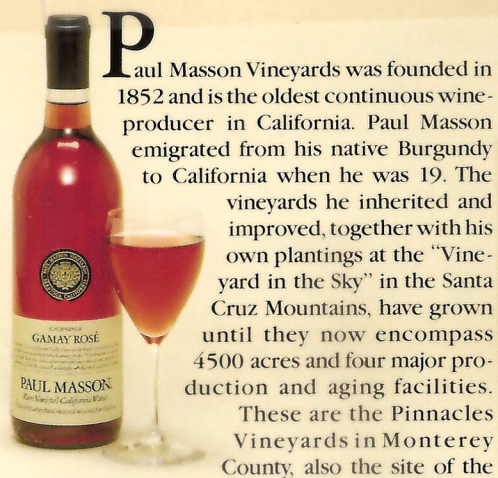
ESTATE
BOTTLED



MONTEREY CO
GEWÜRZ
1978

ESTATE
BOTTLED





Paul Masson Vineyards was founded in 1852 and is the oldest continuous wine-producer in California. Paul Masson emigrated from his native Burgundy to California when he was 19. The vineyards he inherited and improved, together with his own plantings at the "Vineyard in the Sky" in the Santa Cruz Mountains, have grown until they now encompass 4500 acres and four major production and aging facilities. These are the Pinnacles Vineyards in Monterey County, also the site of the Pinnacles Vineyards Winery; the Sherry Cellars in Madera County; the Champagne and Wine Cellars in Saratoga and the Wine Aging Cellars in San Jose. Paul Masson Vineyards produces a full line of table wines; sparkling and crackling wines, ports, sheries, Madeira, vermouth and brandy.

The impressive success of Paul Masson Vineyards is the result of a dedication to producing wines of consistently fine quality. To quote Paul Masson, "We will sell no wine before its time."

Gamay Rosé—this brilliantly colored rosé is delightful, crisp and refreshing with a soft well-rounded finish.

Available in 375 ml, 750 ml and 1.5 liter.



ESTATE BOTTLED WINES— from Paul Masson Pinnacles Vineyards in Monterey County

Fumè Blanc '78—a big complex wine of distinctive varietal taste. Aged in oak.

Chardonnay '78—a well-balanced rich textured wine with a unique flinty taste and great varietal depth. Aged in oak.

Jobannisberg Riesling '78—elegant and fragrant, this light, crisp wine is beautifully balanced.

Gewürztraminer '78—dry and characteristically spicy, this Gewürztraminer is complex and well-rounded.

Jobannisberg Riesling Champagne '76—a Paul Masson classic, dry, crisp, delicate with refreshing varietal character.

Available in 750 ml.

GRAPELINE

NEWS AND VIEWS OF THE PAUL MASSON WINE WORLD

WINTER 1980

GRAPELINE is published by the Public Relations department of Paul Masson Vineyards, 13150 Saratoga Avenue, Saratoga, Ca. 95070

VP; Director of
Public Relations: Jan Wells
Editor: Bruce Labadie
Designer: Susan Loer
Printer: B & C Lithographers

1978 VINTAGE-DATED WINES RELEASED

The 1978 "Monterey Estates" wines, grown in the Pinnacles Vineyards of Monterey County, will be released by Paul Masson Vineyards this spring. The 1978 releases are white varietals crushed at our Soledad winery from among grapes grown in small blocks.

The "Monterey Estates" program began in the early 1960's when Paul Masson pioneered plantings of classic wine varieties in Monterey County following studies made at the University of California at Davis. The first vintage-dated wines produced by Paul Masson were released under this program in 1976. The 1978 vintage of these 100% varietals is outstanding. Following an early bud break on February 8, 1978, the vines had an exceptionally long growing season, so vital to varietal flavor and intensity. Selective hand pickings, by plot as each ripened, began on September 28 and continued through October 23.

The Gewurztraminer, Johannisberg Riesling, Chardonnay and Fumé Blanc were cold-fermented for three weeks and then aged in small, new French Limousin oak barrels for three to six months. They have been bottle-aged since November. The 1976 Johannisberg Riesling Champagne has developed, under careful direction of winemaker Joe Stillman, for two years and was bottled without dosage to make an exceptionally refreshing, very dry champagne.

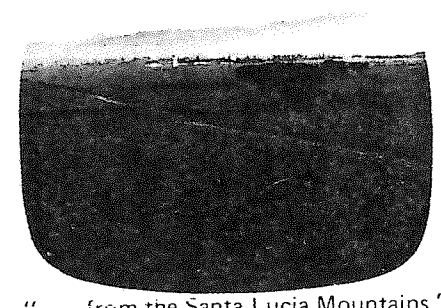
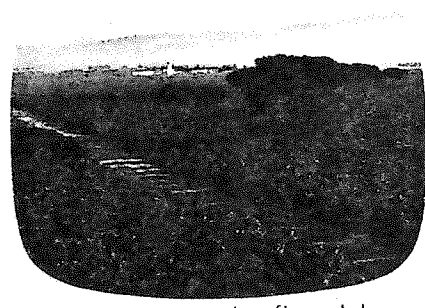
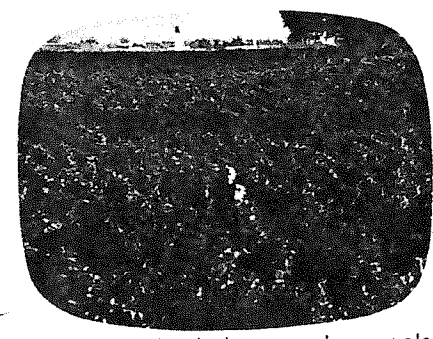
These five wines, all 100% varietal, are by far the biggest and boldest yet released in this program and will develop well with aging.

For selling wine, no other place on earth can match this panoramic helicopter view of The Pinnacles . . . Paul Masson's home.



"There are other great vineyards, but there's no earth on earth . . ."

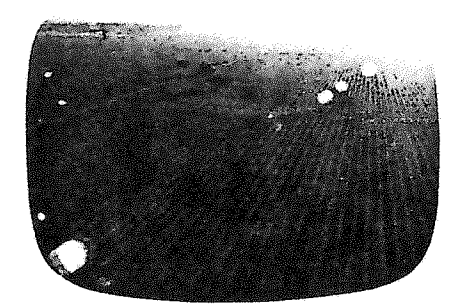
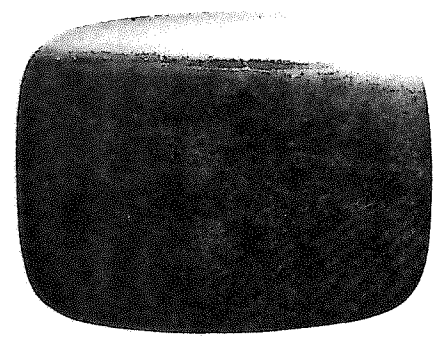
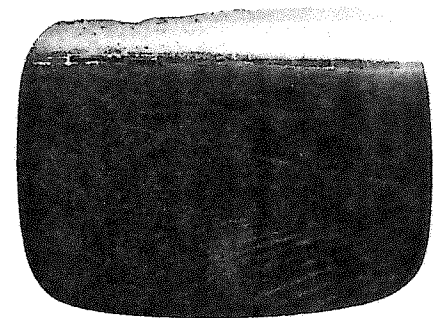
" . . . like this vineyard: The Pinnacles."



"Under this land, there are deep pools of water . . ."

" . . . from streams that flowed down . . ."

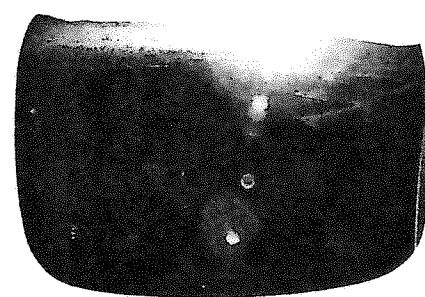
" . . . from the Santa Lucia Mountains."



"Our wine grapes stay rich and flavorful because our valley sunshine is tempered . . ."

" . . . in the afternoons by cool, moist breezes . . ."

" . . . breezes that come in right off the Pacific, and down through our valley from Monterey."



"For growing grapes for wine, this piece of earth is like no other place on earth . . . and it's Paul Masson's home."

"Only Paul Masson can give you . . ."

" . . . wines from The Pinnacles Vineyard."

news from
Browne Vintners

505 Beach Street, San Francisco, California 94133 • (415) 928-3600



Contact: Joyce Cole

FOR IMMEDIATE RELEASE

PAUL MASSON PINNACLES IN NEW AD CAMPAIGN

SAVE - HISTORICAL VALUE

SAN FRANCISCO, CA, October 26...Paul Masson is getting "down to earth" in the largest advertising campaign ever mounted for its premium wines. With three separate four-color advertisements appearing nationally in leading consumer magazines, and a tie-in with television in twelve markets, the campaign highlights the Pinnacles Vineyards in Monterey County--where "for wine, no earth on earth matches the Pinnacles."

The scene is the "mineral rich" Pinnacles Vineyards with the Santa Lucia Mountains outlining the horizon which appears in one and two-page spreads. In another one-page ad, a hearty wine grower, portrayed by actor Ray Middleton, kneels on the vineyard soil and tells us, "When you're good to the land, the land is good to you." The theme again is the importance of good earth for good grapes.

An ideal area for grape growing--where climate is perfectly moderate and the soil rich--the Pinnacles Vineyard is telling its story in NEWSWEEK, ESQUIRE, COSMOPOLITAN and PSYCHOLOGY TODAY with over 190 million exposures over a year-long period. These magazines reach an active, professional adult audience who

-more-

Producers and Merchants of Fine Wines

100% Recycled Paper

PAUL MASSON PINNACLES CAMPAIGN
Page 2

are major consumers of Paul Masson wines.

A 60-second and 30-second television spot runs concurrently with the print campaign and features Ray Middleton as the vineyard wine grower who talks about the Pinnacles soil, sunshine, cooling breezes and other good factors. Focusing closely on Middleton, the camera slowly zooms out and tilts up, and the foreman becomes a dot in the field while his voice overlays a vast scene: a full panoramic view of the Pinnacles, the mountains, and even the Pacific Ocean.

This Fall the new Pinnacles ad will share the television spotlight with Very Dold Duck, but in the Spring only the Pinnacles ads will be viewed.

The new campaign for Paul Masson was created by Doyle Dane Bernbach, Los Angeles.

#

TO MAKE IT TO THE TOP, GET DOWN TO EARTH.



European vintners have known it for centuries: great wines come only from great vineyards.

Paul Masson proves it at the Pinnacles Vineyard. For growing grapes for wine, this climate-blessed California valley is like no other earth on earth.

And Paul Masson will be making the point to wine lovers month after month in the biggest campaign ever mounted for these premium wines.

With four-color spreads and pages in America's top news-weekly: Newsweek. The world's most quoted newsweekly which is as proud of its 13,600,000 readers as Paul Masson is of its land. The most honored newsweekly which believes in enriching its readers across the land, week after week, month after month with enterprise journalism. And now, Newsweek is also Paul Masson's home. The same campaign also appears in other outstanding magazines. In Esquire. In Cosmopolitan. In Psychology Today.

To the readers of these magazines there will be more than 190 million exposures of this down-to-earth, ecologically oriented story that no other vintner can tell.

190 million. That's almost the entire population of the United States!

The magazine schedule will come home to you in the form of exciting new store displays capitalizing on the Pinnacles theme.

Wine sales are on the rise all over America. If you want to make it to the top, get down to earth.

With Paul Masson.

FOR WINE, NO EARTH ON EARTH MATCHES THE PINNACLES.

Yes, there are other great vineyards.

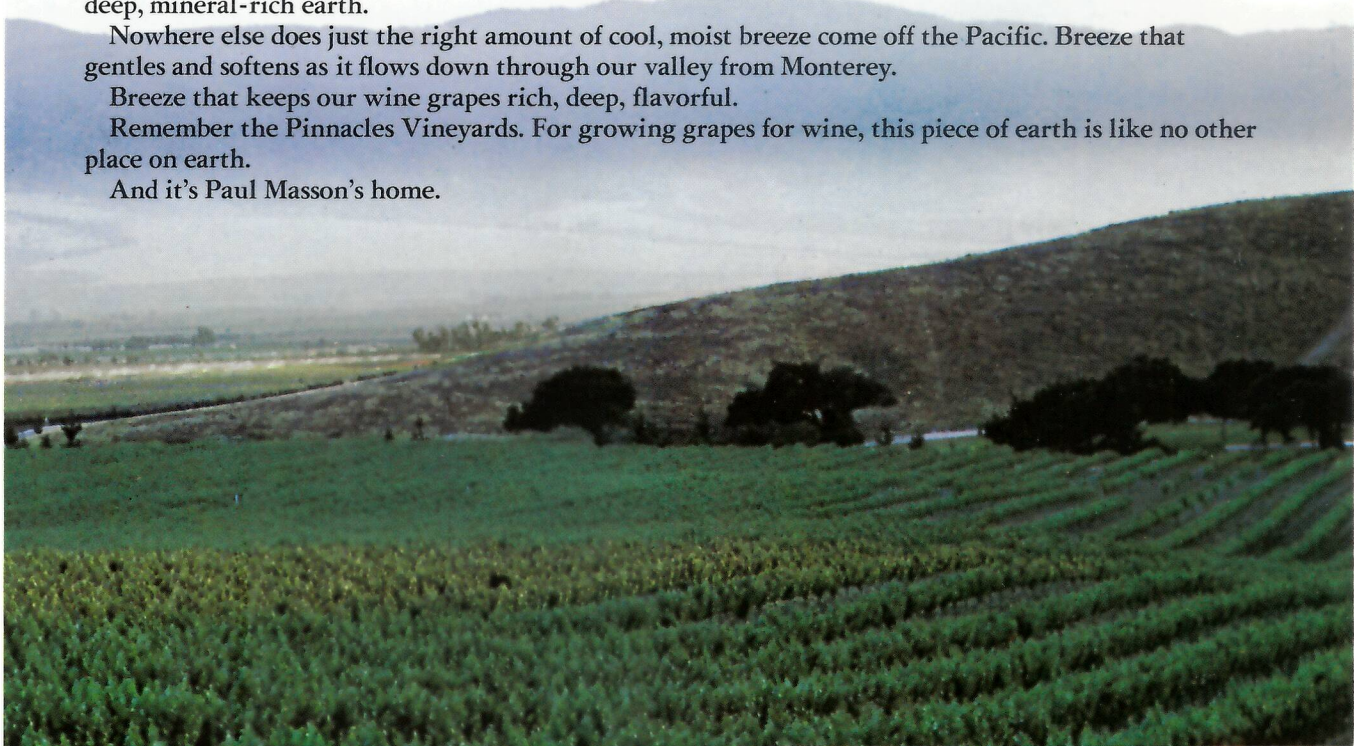
But nowhere else do underground pools of water from the Santa Lucia Mountains lie under the same deep, mineral-rich earth.

Nowhere else does just the right amount of cool, moist breeze come off the Pacific. Breeze that gentles and softens as it flows down through our valley from Monterey.

Breeze that keeps our wine grapes rich, deep, flavorful.

Remember the Pinnacles Vineyards. For growing grapes for wine, this piece of earth is like no other place on earth.

And it's Paul Masson's home.



FOR WINE, NO MATCHES



EARTH ON EARTH THE PINNACLES.

Yes, there are other great vineyards.

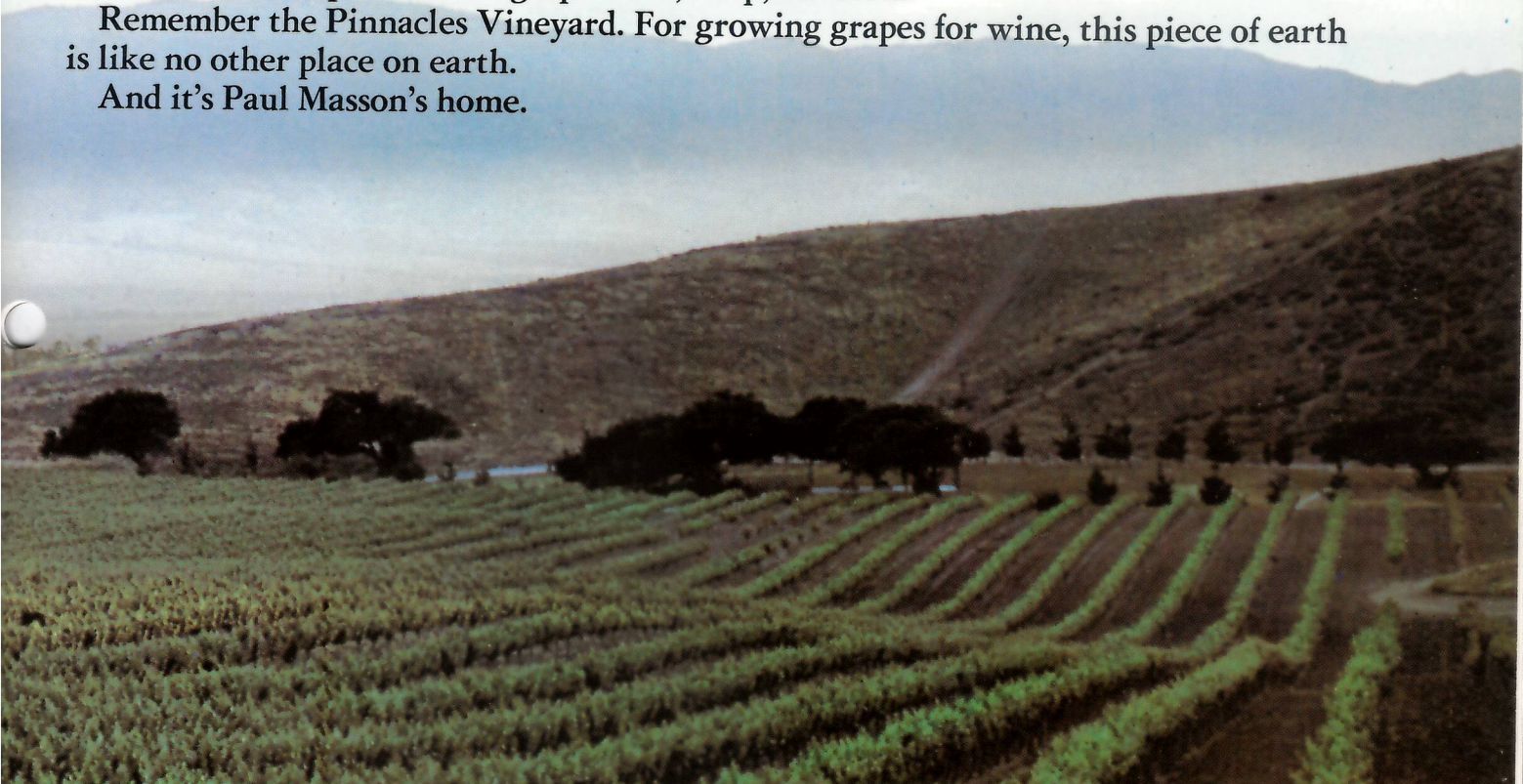
But nowhere else do underground pools of water from the Santa Lucia Mountains lie under the same deep, mineral-rich earth.

Nowhere else does just the right amount of cool, moist breeze come off the Pacific. Breeze that gentles and softens as it flows down through our valley from Monterey.

Breeze that keeps our wine grapes rich, deep, flavorful.

Remember the Pinnacles Vineyard. For growing grapes for wine, this piece of earth is like no other place on earth.

And it's Paul Masson's home.



WHEN YOU'RE GOOD TO THE LAND THE LAND IS GOOD TO YOU.

There is an ancient toast among winemakers—a toast to the fruition of the vineyard. They pour the first glass of each batch of wine back into the earth from which it came.

At the Pinnacles Vineyard, we do the same and more. Each day during the harvest, we take a goodly portion of the pressing—peels, seeds, stems—and sow it back into our earth. We don't believe in taking from the earth without, in turn, enriching it.

And that earth—our Pinnacles Vineyard—is like no other. Land where underground pools lie beneath the deep, mineral-rich earth. Where winds flow down from Monterey, cool and moist, and keep our wine grapes rich and flavorful.

No wonder we care for this land. For growing grapes for wine, this piece of earth is like no other place on earth.



Here's where your customers will read about wines from the good earth of Paul Masson.

<i>Month</i>	<i>Magazine</i>	<i>Issue Date</i>	<i>Ad</i>	<i>Color/Size</i>
October	Newsweek	Oct. 9	"For wine, no earth"	4-color spread
	Newsweek	Oct. 23	"When you're good"	4-color page
	Psychology Today	Oct.	"For wine, no earth"	4-color spread
November	Newsweek	Nov. 6	"For wine, no earth"	4-color page
	Newsweek	Nov. 20	"When you're good"	4-color page
	Esquire	Nov.	"For wine, no earth"	4-color page
	Cosmopolitan	Nov.	"For wine, no earth"	4-color spread
	Psychology Today	Nov.	"When you're good"	4-color page
December	Newsweek	Dec. 4	"For wine, no earth"	4-color page
	Newsweek	Dec. 18	"When you're good"	4-color page
	Esquire	Dec.	"For wine, no earth"	4-color spread
	Cosmopolitan	Dec.	"When you're good"	4-color page
February	Newsweek	Feb. 19	"For wine, no earth"	4-color page
March	Newsweek	Mar. 12	"When you're good"	4-color page
	Cosmopolitan	Mar.	"For wine, no earth"	4-color page
	Psychology Today	Mar.	"When you're good"	4-color page
April	Newsweek	Apr. 2	"For wine, no earth"	4-color page
	Newsweek	Apr. 23	"When you're good"	4-color page
	Esquire	Apr.	"For wine, no earth"	4-color page
	Cosmopolitan	Apr.	"When you're good"	4-color page
May	Esquire	May	"When you're good"	4-color page
	Psychology Today	May	"For wine, no earth"	4-color page

Paul Masson introduces the premium half gallon with a distinctive new shape and the elegant new label.



PAUL MASSON.

CALIFORNIA

PREMIUM WINE

This classic dry wine comes from varietal grapes grown to slow maturity in Paul Masson's coastal Vineyards. This is a wine of elegant simplicity with soft texture, a rare bouquet and deep flavor. This Burgundy will render compliments to all hearty stews and casseroles.

*Made and Bottled by Paul Masson Vineyards,
Saratoga, California · Alcohol 11.5% by Vol.*

Contents One Half Gallon

Our new factory.



Prettier than most, we think you'll agree. Larger, too. Covering thousands of acres in California's Salinas Valley.

Few factories can be so pleasing to stroll through. Few machines more soothing to watch than a vine making grapes.

But before you drop what you're doing and rush into the wine business, one word of caution.

Our new factory is already ten years old. Yet it went into full production only last Fall. So to join our profession you're going to need a large slice of patience (not to mention capital).

Unfortunately, if you're dedicated to

the making of fine wines (as opposed to just good wines) there are no short cuts available.

Leo Berti, our philosophical production head, sums it up: "In our business patience pays rich rewards. Particularly to our customers."

Last year, the rewards were thousands of tons of the finest wine grapes ever grown on this continent.

As the wines they produce appear in stores and restaurants, we hope you'll put our claim to the test.

When you sip, one thing will be crystal clear: why we named our new vineyard The Pinnacles.



Nothing good happens fast.
Paul Masson





PAUL MASSON VINEYARDS, SARATOGA, CALIFORNIA ©1970

Ad No. PM-0-108
4/e page bleed
General Magazines
1970

PREPARED BY DOYLE DANE BERNBACH INC.



Johannisberg Riesling,
Paul Masson
Vintage - Estate Bottled
A limited edition Pinnacles Vineyards
selection. This is an elegant wine
with fragrant bouquet, full body,
and great complexity. Best with
seafood and light meat dishes.



Bottle:
Half Bottle:

CASES OF WINE SHIPPED
WITH PINNACLES ON LABEL (+000)

Year	A				Total
	Pinnacles Selection	Varietals	Generics	Proprietaries	
FY'71	13				13
FY'72	6	300	510		816
FY'73		367	797		1,164
FY'74		348	1,440	274	2,062
FY'75		323	1,446	272	2,041
FY'76		421	1,708	276	2,405
FY'77		438	2,181	320	2,939
FY'78	9				9
FY'79	10				10
FY'80	19				19
TOTALS	<u>57</u>	<u>2,197</u>	<u>8,082</u>	<u>1,142</u>	<u>11,478</u> cases

RE-CAP OF PINNACLES PUBLICITY

WINES & VINES, June 1977 (circ: 5,500)... "Paul Masson Vineyards of Saratoga, California, unveiled the first two in what promises to be a series of vintage-dates, estate bottled wines it considers "super premium," on par with the best."

BEVERAGE BULLETIN, May 1, 1977 (circ: 11,000)... "White wine sales have never been better, particularly in California. And two newly-released wines from Browne Vintners Company are sure to be big factors in furthering the sales explosion. They're the Paul Masson Pinot Chardonnay and Paul Masson Johannisberg Riesling, Vintage 1975, both estate bottled and distinctive high quality wines popularly priced."

William Clifford, Syndicated Wine Writer... "Pinnacles selections cost more than other Paul Masson table wines...and they are well worth the extra money."

Mary Lester, Syndicated Wine Writer... "The 1975 super selection Pinot Chardonnay is super. A light, golden color it has a beautiful nose and fine finish in bouquet. Smooth and quite a mouthful. Good aftertaste with absolutely no bitterness. A beautiful wine and one of the finest of its kind I've tasted in many years. I salute Art Palombo, President of Paul Masson, and winemaker Stillman, for taking the time, effort, and money to come out with their super varietals."

LOS ANGELES HERALD, April 27, 1977 (circulation: 400,000)... "(1975 wines, Pinot Chardonnay and Johannisberg Riesling) Both are well-rounded, yet complex in taste with Johannisberg Riesling acquiring a fruity characteristic."

CHICAGOLAND WINE SCENE, May 1977... "The Riesling shows excellent varietal character and body, good fruit and has a touch of residual sweetness. The Chardonnay is surprisingly fresh and fruity..."

Hank Rubin, SAN FRANCISCO CHRONICLE, June 1, 1977 (circulation: 460,000)... "This light golden wine (Pinot Chardonnay, 1975) has a big fruity clean bouquet. The dominant reaction in the mouth was of a bright, clean, fresh taste. The intense flavors remained in the mouth long after swallowing. The Johannisberg Riesling has a big, clean, intense aroma typical of Monterey. The taste, while fruity, does not have the sweet-sour perfumey quality that I associate with the Mosel or Rhine. Well-balanced, it has a piquant bite under the slight sweetness and a slightly bitter counterpoint. The excellent balance of flavors stays in the mouth for a long time."

Jim Van Rensselaer, LAGUNA NEWS POST, April 20, 1977 (circulation: 28,560)... "I found them first class. The Johannisberg Riesling has a beautiful, flowery aroma in the nose and the delightful fruitiness of the Riesling in the taste. Almost bone dry, a good acid balance gives it well-rounded finish, with a touch of Botrytis to add a pleasant complexity. The Pinot Chardonnay is equally well-rounded with a distinct Chardonnay character to which Botrytis has added a touch of complexity."

Gene Benton, SAN JOSE MERCURY NEWS, (circulation: 225,000)... "Stillman... has come up with three brand new wines which are a Paul Masson attempt to interest more serious wine drinkers. The '75 Johannisberg Riesling, and '76 Gewurztraminer are both straightforward, clean fruity young wines. Both are pleasant and go down smoothly. The Riesling has just the right amount of residual sugar to emulate a German kabinett or good tafelwein. It has a charming appealing aroma. Very nice. The Gewurztraminer exhibits light but good and true spicy varietal character. It is quite dry and finishes very well, almost crisply... a highly drinkable wine with no faults to mar it. Very nice. Best of the three is the 1975 Pinot Chardonnay... A very clean, young, light California Chardonnay that has never been in wood. Very pleasant, well balanced charming wine with very good savor. All of which goes to show once again that its what is in the bottle that counts. The size of the winery has very little or nothing to do with the quality of the wines."

Don Lewis, THE TIMES-PICAYUNE (New Orleans), June 22, 1977 (circulation: 205,000)... "The Pinot Chardonnay, 1975, proved to be a rich, well-balanced wine with a clean soft taste. It was complemented by the Johannisberg Riesling, 1975, which has a fruity, well-rounded and complex taste."

John Casey, SAN ANTONIO EXPRESS, June 16, 1977 (circulation: 77,000)... "Special American Offering - Paul Masson has brought out two beautiful white wines - a Pinot Chardonnay, 1975, and Johannisberg Riesling of the same year. They are well worth trying at their modest price."

Patrick Craig, THE JOPLIN GLOBE, June 15, 1977 (circulation: 40,000) ... "It (Johannisberg Riesling, 1975) was light and lovely, with a good balance between sweetness and acidity. The bouquet had a flowery freshness. I was quite taken with it and found it to be one of the best California rieslings I have ever tried. The Pinot Chardonnay was also a distinguished wine. It was not as "oaky" as some wines of this variety, but I think this was to its advantage. The wine was light and fruity, with a pleasant acidity, and low residual sugar."

CALIFORNIA WINELETTER, April, 1977... "...both are delicious. The Chardonnay, surprisingly, has had no time in wood but tastes as though it had. It has a big nose and a long, rich finish. The Johannisberg Riesling is fruity and distinctively varietal."

Jerry Mead, BALTIMORE MAGAZINE, August, 1977 (circ: 15,500)... "...Paul Masson has finally entered the market with two vintage-date wines (others will follow...). Of the two, I give the nod to the Riesling. There is touch of sulphur to the nose, but this will disappear with a few more weeks or months in the bottle, perhaps by the time you get around to making your purchase, and the wine is possessed of that pleasant appley character that Rieslings are so famous for. A pleasant touch of sweetness is well-balanced to tangy fruit tartness."

Robert Miskimon, POST-NEWS SENTINEL, August, 1977 (circ: 14,900)... "After a delicious meal, Paul Masson poured what one of its spokesmen described as 'the best California champagne ever produced'. It's hard to say whether it was the 'best California champagne ever produced,' but most everyone agreed it was the best champagne they'd ever put in their mouth."

Fred Russell, ORANGE COUNTY ILLUSTRATED, August, 1977 (circ: 26,000)... "Paul Masson 1975 "Sinnacles Selection" Monterey County Johannisberg Riesling. A new venture for Paul Masson into vintage-dated, estate-bottled wines. A splendid offering, fruity, well-rounded, with a complex taste derived, no doubt, from the presence of some botrytis cinerea. "

Ruth Ellen Church, CHICAGO TRIBUNE, August 25, 1977 (circ: 750,707)... "The latest in a parade of new wines from California's productive Monterey County are 1975 and 1976 Pinot Chardonnay, 1975 Johannisberg Riesling, and 1976 Gewurztraminer from Paul Masson's Pinnacle Vineyards. I had an opportunity to taste them recently and scored them high... All have the intense Monterey taste. All are limited in production... But these are special wines."

Robert Balzer, Syndicated Winewriter... "Paul Masson 1976 Monterey County Gewurztraminer. Alsatian in style, wholly dry, cold-fermented, without any bitterness. It was spicy, with a floral finish, delightfully made by Joseph Stillman, winemaker."

ROBERT BALZER'S PRIVATE GUIDE TO WINE & FOOD, November, 1977 ... Paul Masson's Johannisberg Riesling Champagne... it's wholly unique, very dry, sans dosage, but with a residual berryiness riding on the palate once the effervescent wine has slipped down the throat. ... should make new excitement for this legendary winery with a champagne tradition as part of its heritage. The wine has its own style, its own complexity, a kind of diamond-brilliance plus packaging qualities earning it immediate consideration for the champagne time on your calendar."

CONNOISSEUR'S GUIDE TO CALIFORNIA WINES, December, 1977... "Handsome labels here (Paul Masson's) adventure into the premium priced vintaged wine market. 1976 Gewurztraminer is a pleasant, dry and mildly spiced wine while the Johannisberg Riesling Champagne is a unique entry to the sparkling wine market. Apparently the first California Champagne to be made entirely of Riesling cuvee, it may also be the first in the world."

David McDaniel, ASHBURY PARK EVENING PRESS, January 15, 1978 (circ: 90,493)... "Unique new sparkling wine (Johannisberg Riesling Champagne) has just been released by Paul Masson Vineyards. The wine is extremely dry and robust and has a unique varietal character. It is crisp and fruity, has a high bubble activity and an appealing yeastiness."

William Clifford, Syndicated Winewriter... "I have just tasted one of the best sparkling wines ever to come out of California. It's the new Estate Bottled 1974 Vintage... Johannisberg Riesling Champagne. This is a completely dry champagne and thus a wine for connoisseurs. It has a fine bouquet, plenty of fruit, a clean crisp taste, and a good long aftertaste, lingering and complex."

Ron Fonte, THE FRIENDS OF WINE, November, 1977... "One Chardonnay I have found to be quite good, generally available and low-priced is Paul Masson Chardonnay 1975..."

The Expert's Notebook, BEVERAGE BEACON, January, 1978... "Paul Masson 1976 Monterey County Gewurztraminer... from the Pinnacles Vineyards has a striking, even powerful, spicy, floral nose; it is remarkably smooth for a young wine with distinct varietal character."

Arnold Landesman, Syndicated and CHICAGO SUN TIMES (circ: 554,334)..."The (1976) Gewurztraminer...had good varietal character in the nose, generous amounts of spice in the cross between fine bordeaux and zinfandel and a soft blend of wood and tanning. This wine needs time to develop, but should pay great dividends in laying away for a few years. A really fine wine, priced very reasonably for such superb quality."

Bob Merendino, THE FLORIDA TIMES-UNION, February 2, 1978 (circ: 141,502)..."Masson has only three offerings at the moment. They are Pinot Chardonnay, Johannisberg Riesling and Gewurztraminer. The chardonnay is well-rounded with a clean aftertaste. The Johannisberg is fruity and fresh, with the taste of a German kabinet. The Gewurztraminer is a soft white wine medium dry, with a rather spicy taste. Gewurz, in fact, means spicy and traminer is the grape variety. Most of this type wine comes from Alsace but this one may prove to be some competition."

Jerry Mead, Syndicated, i.e. SACRAMENTO BEE, April 2, 1978 (circ: 170,030)..."Paul Masson 1976 Gewurztraminer provided a most pleasant surprise. There is no question about the spicy aromatic quality of Gewurz here, and that same quality is pronounced in the flavor. The style is "bone" dry, light and delicate, and quite reminiscent of the wines of Alsace. A very pleasant springtime wine, and a good value."

ROBERT BALZER'S PRIVATE GUIDE TO FOOD & WINE, January, 1978...(California Wines of the Chardonnay Grape - A comparative Critique) ..."Paul Masson 1975 Monterey County Pinot Chardonnay...Fine wine of fresh, clean varietal bouquet, good balance in taste ... Very good value indeed. Handsome new styling."

Monterey County sends its

By Ruth Ellen Church

THE LATEST IN A parade of new wines from California's productive Monterey County are 1975 and 1976 Pinot Chardonnay, 1975 Johannisberg Riesling, and 1976 Gewurztraminer from Paul Masson's Pinnacles Vineyards.

I had an opportunity to taste them recently and scored them high, the '76 chardonnay several points above the '75, perhaps because I liked the taste of wood in it; the wine had spent several months in oak. I also liked the gewurztraminer very much; it had spent 3 months in oak barrels.

All of these wines are 85 to 95 per cent varietal. That is, they're made 85 to 95 per cent from chardonnay, riesling, or gewurztraminer grapes.

All have the intense Monterey taste. All are limited in production to 5,000 cases or less; there are only 2,500 cases of the gewurztraminer. That's not many for a big winery like Masson. But these are special wines. (Masson's competition, Almaden Vineyards, is also "into" a top line of vintage-dated varietal wines.)

MONTEREY COUNTY wines are new in the California picture. The area was "discovered" in the 1960s as an especially favorable territory for fine wine grapes. It had been overlooked because it was a famous lettuce growing district, south of Soledad, and it still is. The oversight was fortunate, in a way, because when California wineries were pressed for more land, due mostly to the pressures of urban development, they could be aided by modern technology.

They weren't forced to experiment with grape varieties; they knew which to plant. And the grapes planted were all premium varietal grapes. The land is phylloxera-free (the phylloxera root louse destroyed the vineyards of the world in the 19th Century), so they can be planted on their own roots.

The climate is kind to grapes: winters are mild, frosts few and far between. Warm, moist coastal air brings the noble mold," so rich, unusual wines can be made. The noble mold, or *botrytis cinerea* is not an unmixed blessing, of course. It must appear at the right time.

When it afflicts grapes too early, it is just rot. But when it comes late in the season, marvelous things happen to such wines as Johannisberg riesling. The rich *auslesen*, *berrenauslesen* and *trockenbeeren auslesen* of Germany owe their great stature to the noble rot, which a German is spelled *edelfaule*. Once it was said that noble rot didn't exist in California. Now winemakers say here is sometimes too much of it!

WARM DAYS, COOL nights, and a long growing season help the premium grapes to make premium wines in the skilled hands of some of California's best winemakers.

Mirassou and Wente were pioneers in Monterey County along with Paul Masson. The three companies joined forces to provide underground sprinklers in a vast growing territory when it was discovered that the only element lacking in this ideal winegrowing area was water. The entire valley is now equipped with permanent-set sprinklers for frost control as well as irrigation.

The intensity of flavor which Monterey grapes pass along to their wines is characteristic. It is said that infandel grown in Monterey County "tastes like a whole basketful of raspberries." Gewurztraminer is spicier here than anywhere else. It is wine which can cope with spicy food, possibly even with a light curry.

MOST OF MONTEREY County's 33,000 acres of clas-

Let's learn
about wines

By Ruth Ellen Church



...sic wine grapes are old enough to bear now, and from the wines now arriving in the market, we can assume that some really great wines are in the future picture of the area. As vines mature, the grapes are better and make better wines.

Paul Masson's original (1962) acreage has grown to 5,000 acres. Mirassou's 300 to 1,200 acres; Wente Bros.' first parcel of 300 acres now has expanded to 500 acres.

In addition, The Monterey Vineyard, San Martin

Vineyards, Chalona, Greenfield Vineyards, and others are making fine wines in this new-old coastal California wine district. As early as 1935 the viticultural experts at the University of California, Davis, were pointing out the possibilities in Monterey County, but nobody paid attention before the '60s; the wine boom of the early '70s brought the further development.

That Monterey label is well worth watching for, from whatever vineyard. The wines are *different*—fruitier, stronger in varietal flavors than their counterparts from Napa, Sonoma, or Mendocino.

COCA COLA STRIKES AGAIN: Current news is Coca Cola of Atlanta's purchase of beautiful Sterling Vineyards in Napa Valley. Sterling is the "monastery on a mountain," spectacular to see, reached by cable car. The wines are excellent. Coca Cola also owns Taylor Wine Company and its subsidiary, Great Western (The Pleasant Valley Wine Co.) of New York.



PINNACLE
LIGHT RED WINE

Paul Masson

MADE AND BOTTLED BY
PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA
CONTENTS 4/5 QT. ALCOHOL 12% BY VOLUME

REG. U.S. PAT. OFF.

APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL
UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

Part 1. APPLICATION

Exhibit 35 p. 2

For IRS Use Only		2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.
FEDERAL NUMERIC CODE CLASS AND TYPE 8101		
VENDOR 5508		
IDENTIFICATION (a) BRAND NAME PAUL MASSON		
(b) CLASS AND TYPE CALIFORNIA GEWÜRZTRAMINER (White)		
(c) PLANT REG. NO. OR BASIC PERMIT NO. CALIF-W-340		

PAUL MASSON, INC.
dba Paul Masson Vineyards
13150 Saratoga Avenue
P. O. Box 97
Saratoga, California 95070

3. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS. (Caps, celloseals, etc.) IF OPTIONAL SO INDICATE. NET CONTENTS BLOWN INTO BOTTLE	4. APPLICANT'S SERIAL NO. (If any) T-41
--	--

The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.

5. DATE OF APPLICATION 2/18/71	SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT <i>Morris H. Katz</i> Morris H. Katz, Assistant Secretary
-----------------------------------	---

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

6. DATE ISSUED MAR 1 1971	DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION <i>Paul H. Davis</i>
------------------------------	--

For Use of Internal Revenue Service Only

QUALIFICATIONS

AFFIX LABELS BELOW

FRONT

BACK



NECK



APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL
UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

Part 1. APPLICATION

Exhibit 25 p. 3

For IRS Use Only

UNIVERSAL NUMERIC CODE CLASS AND TYPE	8001
VENDOR	5508
1. IDENTIFICATION (a) BRAND NAME	PAUL MASSON
(b) CLASS AND TYPE	CALIFORNIA PINOT NOIR (Red)
(c) PLANT REG. NO. OR BASIC PERMIT NO.	CALIF 17-340

2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.

PAUL MASSON, INC.
dba Paul Masson Vineyards
13150 Saratoga Avenue
Saratoga, California 95070

3. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS. (Caps, celloseals, etc.) IF OPTIONAL SO INDICATE.	NET CONTENTS BLOWN INTO BOTTLE	4. APPLICANT'S SERIAL NO. (If any)	T-51
--	--------------------------------	------------------------------------	------

The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.

5. DATE OF APPLICATION	11/22/71	SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT	<i>Morris H. Katz</i> Morris H. Katz, Assistant Secretary
------------------------	----------	---	--

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

6. DATE ISSUED	0 NOV 1971	DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION	<i>Ben W. Davis</i>
----------------	------------	--	---------------------

For Use of Internal Revenue Service Only

QUALIFICATIONS

AFFIX LABELS BELOW

CALIFORNIA
PINOT NOIR



PAUL MASSON®
RARE PREMIUM WINES

The Pinot Noir is the noble grape of Burgundy which grows to full-bodied perfection in California coastal vineyards. The wine has an unabashed gusto, is big and bountiful in flavor and bouquet yet polished in taste. It is a product of great magnitude. It will pay tribute to meals of steaks and roasts and is quite acceptable with game dishes and cheese. Fine California premium wines since 1852. Made and Bottled by Paul Masson Vineyards, Saratoga, California. Alcohol 11.5% by Volume.

THE PINNACLES VINEYARDS

In the Salinas Valley—southeast of Monterey Bay, Paul Masson has planted the choicest of Varietal grapes. This portion of the northern coastal region of California is unhampered by dangerous frosts, excessively high temperatures, smog or urbanization, all of which are harmful to the growth and harvest of fine grapes. Warm mornings, and afternoons cooled by breezes from the Pacific create climatic conditions that are ideal for the unhurried maturing of fine Varietal grapes. Our vineyards are called The Pinnacles—a significant name in our constant and continuing search for perfection in winemaking.

FRONT

BACK

APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL
UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

Part 1. APPLICATION

Exhibit 35 p. 4

<p>For IRS Use Only</p> <p>UNIVERSAL NUMERIC CODE CLASS AND TYPE 8101</p> <p>VENDOR 5508</p> <p>1. IDENTIFICATION (a) BRAND NAME PAUL MASSON</p> <p>(b) CLASS AND TYPE CALIFORNIA PINOT BLANC (WHITE)</p> <p>(c) PLANT REG. NO. OR BASIC PERMIT NO. CALIF W 340</p>	<p>2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p>PAUL MASSON, INC. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070</p> </div>
<p>3. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS. (Caps, celloseals, etc.) IF OPTIONAL SO INDICATE. NET CONTENTS BLOWN INTO BOTTLE</p>	
<p>4. APPLICANT'S SERIAL NO. (If any) T-58</p>	

The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.

<p>5. DATE OF APPLICATION December 16, 1971</p>	<p>SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT <i>David R. Sicherman</i> David R. Sicherman, Attorney-In-Fact</p>
---	---

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

<p>6. DATE ISSUED DEC 23 1971</p>	<p>DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION <i>David R. Sicherman</i></p>
---------------------------------------	---

For Use of Internal Revenue Service Only

QUALIFICATIONS

AFFIX LABELS BELOW

CALIFORNIA
PINOT BLANC



PAUL MASSON®
RARE PREMIUM WINES

The Pinot Blanc is a grape of great versatility. From this fruit comes both fine Champagnes and great white Burgundies of France. A shy-bearing varietal, its juices are of sound character and yield a light golden wine that is agreeably dry and pleasing to the palate. Serve Pinot Blanc at formal dinners with fish and veal or as a friendly companion to fruits and cheeses. It is best when well chilled. Produced and Bottled by Paul Masson Vineyards, Saratoga, California · Alcohol 11.5% by Volume.

Front

Back

THE PINNACLES VINEYARDS

In the Salinas Valley—southeast of Monterey Bay, Paul Masson has planted the choicest of Varietal grapes. This portion of the northern coastal region of California is unhampered by dangerous frosts, excessively high temperatures, smog or urbanization, all of which are harmful to the growth and harvest of fine grapes. Warm mornings, and afternoons cooled by breezes from the Pacific create climatic conditions that are ideal for the unburied maturing of fine Varietal grapes. Our vineyards are called The Pinnacles—a significant name in our constant and continuing search for perfection in winemaking.

Part 1. APPLICATION

Exhibit 35 p. 5

2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.

PAUL MASSON, INC.
dba Paul Masson Vineyards
13150 Saratoga Avenue
Saratoga, California 95070

For IRS Use Only

FEDERAL NUMERIC CODE
CLASS AND TYPE
8101

CLASS AND TYPE
5508

BRAND NAME
PAUL MASSON

CLASS AND TYPE (WHITE)
CALIFORNIA JOHANNISBERG RIESLING

PLANT REG. NO. OR BASIC PERMIT NO.
117-340

3. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS. (Caps, celloseals, etc.) IF OPTIONAL SO INDICATE.
NET CONTENTS BLOWN INTO BOTTLE

4. APPLICANT'S SERIAL NO. (If any)
T-72

The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.

DATE OF APPLICATION: January 13, 1972
SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT: *David B. Sacherman*, Attorney-in-Fact

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

DATE ISSUED: FEB 9 1972
DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION: *John L. West*
For Use of Internal Revenue Service Only

QUALIFICATIONS: Acting

AFFIX LABELS BELOW

CALIFORNIA
JOHANNISBERG RIESLING



PAUL MASSON®
RARE VARIETAL WINES

The grapes for this Johannisberg Riesling are grown only at the Pinnacles Vineyards. This small, sturdy and aromatic fruit produces a fine, dry wine that retains all the intriguing bouquet of the grape in a beautiful balance of freshness and flavor. The cuvée number on this label signifies the finest blend of California white varietal grapes — produced only at the Pinnacles Vineyards in California. Produced and Bottled by Paul Masson Vineyards, Saratoga, California · Alcohol 11.5% by Volume.

THE PINNACLES VINEYARDS
In the Salinas Valley—southeast of Monterey Bay, Paul Masson has planted the choicest of Varietal grapes. This portion of the northern coastal region of California is unhampered by dangerous frosts, excessively high temperatures, smog or urbanization, all of which are harmful to the growth and harvest of fine grapes. Warm mornings, and afternoons cooled by breezes from the Pacific create climatic conditions that are ideal for the unhurried maturing of fine Varietal grapes. Our vineyards are called The Pinnacles—a significant name in our constant and continuing search for perfection in winemaking.

BACK

Pinnacles Estate Selection
Cuvée No. *7*

FRONT

SHOULDER

APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

(See Instruction and Conditions on Reverse)

PART I - APPLICATION

<p align="center">FOR AFT USE ONLY</p> <p>DOCUMENT SERIAL NO.</p> <hr/> <p>UNIVERSAL NUMERIC CODE, CLASS AND TYPE <i>8001</i></p> <p>VENDOR CODE <i>5508</i></p> <p>1. IDENTIFICATION</p> <p>a. BRAND NAME <i>Paul Masson</i></p> <p>b. CLASS AND TYPE <i>Cabernet Sauvignon</i></p> <p>c. PLANT REG. NO. OR BASIC PERMIT NO. (B, R or O) <i>Calif-W-340</i></p> <p>2. APPLICANT'S SERIAL NO. (Required) <i>5-65-65-750</i></p>	<p>3. THE FOLLOWING PERMITTEE APPLIES FOR A CERTIFICATE OF LABEL APPROVAL FOR AN ALCOHOLIC BEVERAGE TO BE INTRODUCED INTO COMMERCE IN CONTAINERS BEARING THE LABELS AFFIXED BELOW:</p> <p align="center">Paul Masson, Inc. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070</p> <p>4. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS (<i>Caps, celloseals, etc. If optional, so indicate</i>)</p> <p align="center">Net contents blown into bottle.</p> <p>5. DATE OF APPLICATION <i>1/20/77</i></p> <p>6. SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT <i>Carl Storch</i> Carl Storch, Attorney-In-Fact</p>
--	--

THE APPLICANT HEREBY DECLARES, UNDER THE PENALTIES OF PERJURY, THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF ALL STATEMENTS APPEARING IN THIS APPLICATION, INCLUDING REPRESENTATIONS ON LABELS AND IN SUPPLEMENTARY DOCUMENTS, ARE TRUE AND CORRECT, AND TRULY AND CORRECTLY REPRESENT THE CONTENTS OF THE CONTAINERS TO WHICH SUCH LABELS WILL BE APPLIED.

PART 2 - CERTIFICATE OF LABEL APPROVAL

THIS CERTIFICATE OF LABEL APPROVAL IS ISSUED SUBJECT TO THE FOLLOWING QUALIFICATIONS AND TO THE CONDITIONS ON THE REVERSE.

DATE ISSUED <i>JAN 25 1977</i>	8. SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <i>Herb V. Harbo</i>
-----------------------------------	---

FOR AFT USE ONLY

QUALIFICATIONS

AFFIX LABELS BELOW

CALIFORNIA 1973

CABERNET SAUVIGNON

97% Cabernet Sauvignon, 1 1/2% Merlot and 1 1/2% Ruby Cabernet in a limited bottling. Two thirds of the grapes grown in Monterey County, one third in Sonoma County. Bottled in July 1976 and may be cellared to advantage.

Joseph Stillman
WINEMAKER

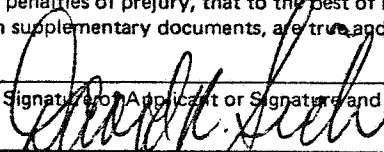


CELLARED AND BOTTLED BY THE PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA · ALCOHOL 12% BY VOLUME

FRONT

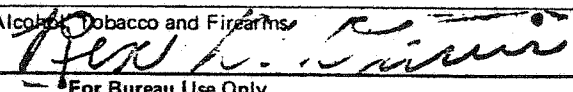
Application for and Certification of Label Approval Under Federal Alcohol Administration Act

Part 1. APPLICATION

<p style="text-align: center; font-size: small;">For Bureau Use Only</p> <p>Document Serial No.</p> <p>Universal Numeric Code Class and Type 8001</p> <p>Vendor Code 5508</p> <p>1. Identification</p> <p>(a) Brand Name Paul Masson</p> <p>(b) Class and Type Baroque, California Red Wine</p> <p>(c) Plant Reg. No. or Basic Permit No. (B, R or O) Calif-W-340</p>	<p>2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.</p> <div style="text-align: center; padding: 20px;"> <p>Paul Masson, Inc. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070</p> </div>
<p>3. State any wording, except required indicia on container, not shown on labels. (Caps, celloseals, etc.) If optional so indicate. Net contents blown into bottle.</p>	<p>4. Applicant's Serial No. (Required) T-132</p>
<p>The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.</p>	
<p>5. Date of Application March 20, 1974</p>	<p>Signature of Applicant or Signature and Title of Authorized Agent  David R. Sichern, Attorney In Fact</p>

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

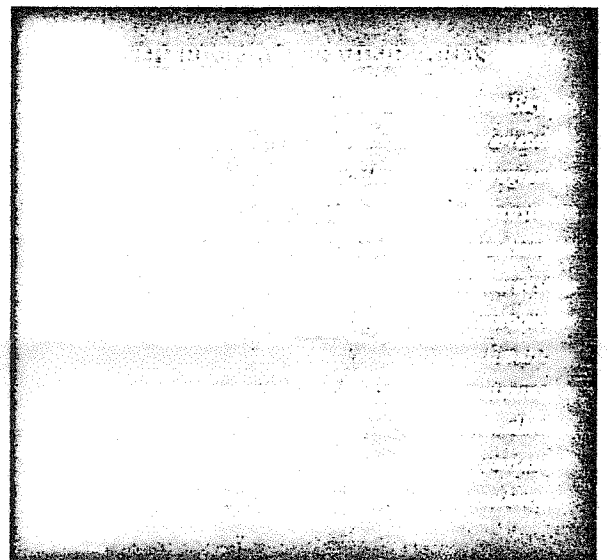
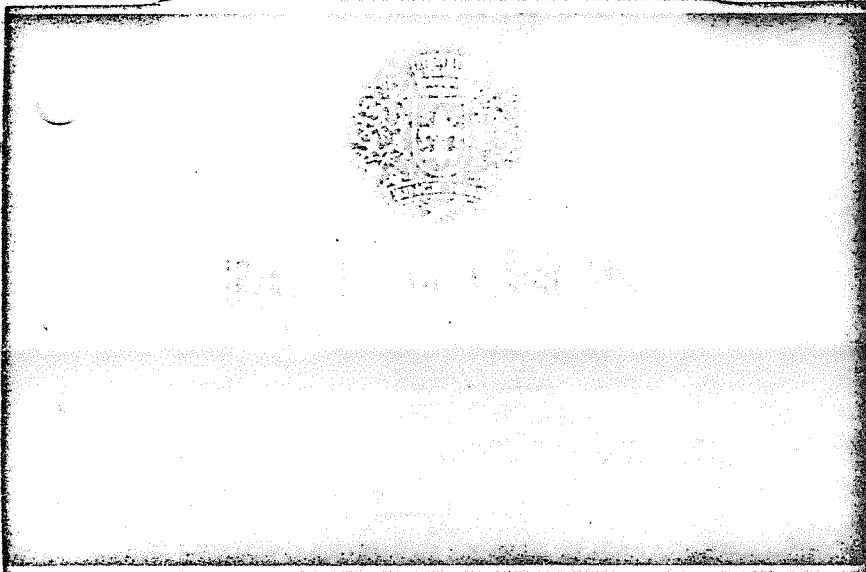
<p>6. Date Issued 25 MAR 1974</p>	<p>Director, Bureau of Alcohol, Tobacco and Firearms  For Bureau Use Only</p>
--	--

QUALIFICATIONS

AFFIX LABELS BELOW

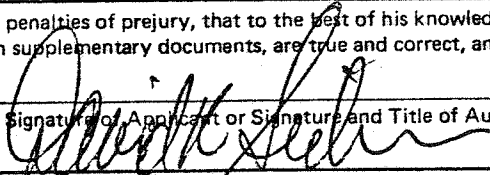
FRONT

BACK



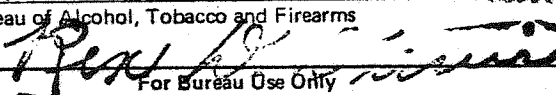
Application for and Certification of Label Approval Under Federal Alcohol Administration Act

Part 1. APPLICATION

<p>For Bureau Use Only</p> <p>Document Serial No.</p> <p>Universal Numeric Code Class and Type 8001</p> <p>Vendor Code 5508</p> <p>1. Identification</p> <p>(a) Brand Name Paul Masson</p> <p>(b) Class and Type Rubion, California Red Wine</p> <p>(c) Plant Reg. No. or Basic Permit No. (B, R or O) Calif-W-340</p>	<p>2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.</p> <div style="text-align: center; padding: 20px;"> <p>Paul Masson, Inc. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070</p> </div>
<p>3. State any wording, except required indicia on container, not shown on labels. (Caps, celloseals, etc.) If optional so indicate. Net contents blown into bottle.</p>	<p>4. Applicant's Serial No. (Required) T-133</p>
<p>The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.</p>	
<p>5. Date of Application March 20, 1974</p>	<p>Signature of Applicant or Signature and Title of Authorized Agent  David R. Sichezman, Attorney In Fact</p>

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

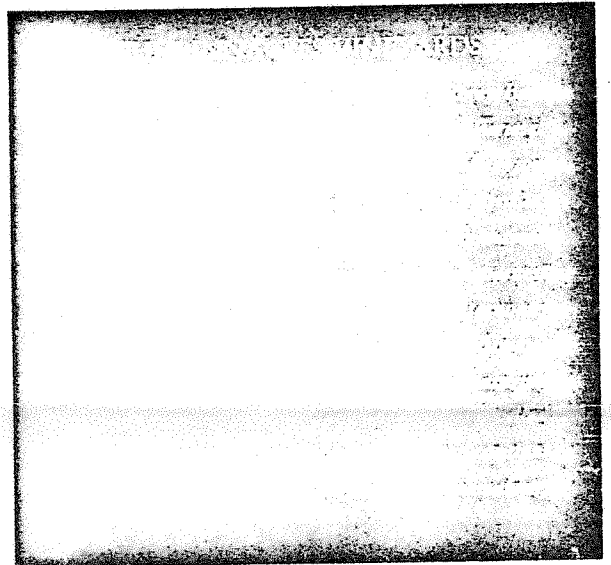
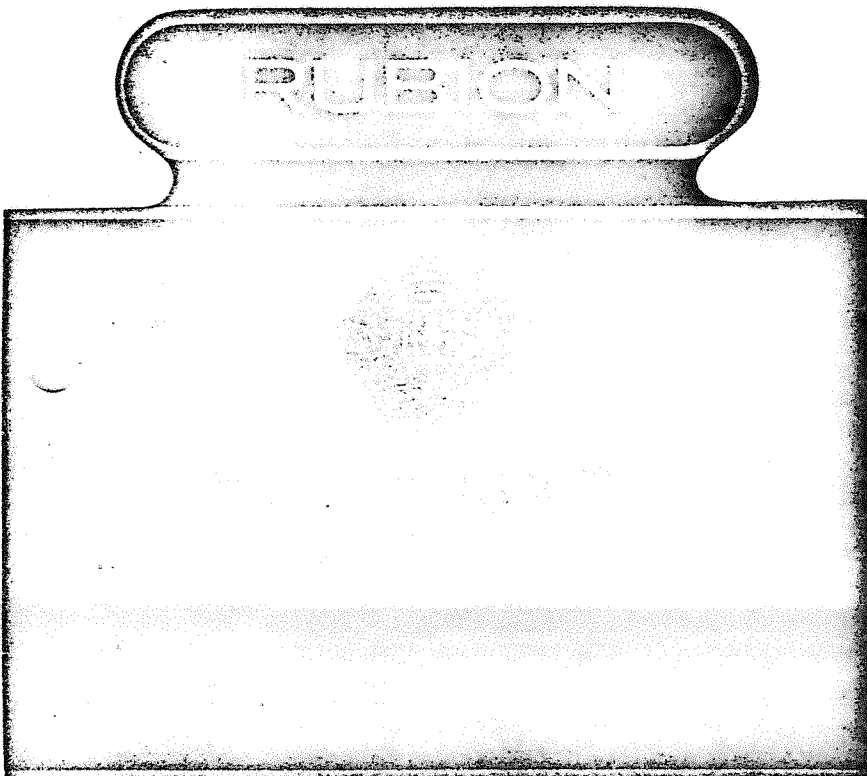
<p>6. Date Issued 25 MAR 1974</p>	<p>Director, Bureau of Alcohol, Tobacco and Firearms  For Bureau Use Only</p>
--	--

QUALIFICATIONS

AFFIX LABELS BELOW

FRONT

BACK



APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL
UNDER FEDERAL ALCOHOL ADMINISTRATION ACT Exhibit 35 p. 9
(See Instructions and Conditions on Reverse)

PART I - APPLICATION

FOR AFT USE ONLY		3. THE FOLLOWING PERMITTEE APPLIES FOR A CERTIFICATE OF LABEL APPROVAL FOR AN ALCOHOLIC BEVERAGE TO BE INTRODUCED INTO COMMERCE IN CONTAINERS BEARING THE LABELS AFFIXED BELOW: <p align="center">Paul Masson, Inc. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070</p>
DOCUMENT SERIAL NO.		
UNIVERSAL NUMERIC CODE, CLASS AND TYPE <i>8101</i>		
VENDOR CODE 5508		
1. IDENTIFICATION		
a. BRAND NAME Paul Masson		4. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS (<i>Caps, celloseals, etc. If optional, so indicate</i>) <p align="center">Net contents blown into bottle.</p>
b. CLASS AND TYPE Johannisberg Riesling		
c. PLANT REG. NO. OR BASIC PERMIT NO. (<i>B, R or O</i>) Calif-W-340		
2. APPLICANT'S SERIAL NO. (<i>Required</i>) S-63-JR-750		

THE APPLICANT HEREBY DECLARES, UNDER THE PENALTIES OF PERJURY, THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF ALL STATEMENTS APPEARING IN THIS APPLICATION, INCLUDING REPRESENTATIONS ON LABELS AND IN SUPPLEMENTARY DOCUMENTS, ARE TRUE AND CORRECT, AND TRULY AND CORRECTLY REPRESENT THE CONTENTS OF THE CONTAINERS TO WHICH SUCH LABELS WILL BE APPLIED.

5. DATE OF APPLICATION 1/7/77	6. SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT <i>Carl Storch</i> Carl Storch, Attorney-In-Fact
---	--

PART 2 - CERTIFICATE OF LABEL APPROVAL

THIS CERTIFICATE OF LABEL APPROVAL IS ISSUED SUBJECT TO THE FOLLOWING QUALIFICATIONS AND TO THE CONDITIONS ON THE REVERSE.

7. DATE ISSUED JAN 11 1977	8. SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <i>W. H. ...</i>
--------------------------------------	---

FOR AFT USE ONLY

QUALIFICATIONS

NOT LESS THAN 95% OF THE VOLUME OF THIS WINE MUST BE DERIVED FROM GRAPES GROWN IN THE PINNACLES VINEYARDS.

AFFIX LABELS BELOW

MONTEREY COUNTY 1975
JOHANNISBERG
RIESLING

Estate Bottled. All the Riesling grapes were grown at our Pinnacles Vineyards, harvested at an average 21.7 Brix and cold-fermented. Distinctive varietal character with flavor enhanced by Botrytis cinerea typify this vintage bottling.

Joseph Stillman
 WINEMAKER



PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
 SARATOGA, CALIFORNIA · ALCOHOL 11.5% BY VOLUME

FRONT

Application for and Certification of Label Approval Under Federal Alcohol Administration Act

Part 1. APPLICATION

<p style="text-align: center; font-weight: bold;">For Bureau Use Only</p> <p>Document Serial No.</p> <p>Universal Numeric Code Class and Type 8101</p> <p>Vendor Code</p> <p>1. Identification</p> <p>(a) Brand Name Paul Masson</p> <p>(b) Class and Type Johannisberg Riesling</p> <p>(c) Plant Reg. No. or Basic Permit No. (B, R or O) Calif. W-340</p>	<p>2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Paul Masson, Inc. Paul Masson Vineyards (dba) 13150 Saratoga Avenue Saratoga, California 95070</p> </div>
<p>3. State any wording, except required indicia on container, not shown on labels. (Caps, celloseals, etc.) If optional so indicate. Net contents blown into bottle</p>	<p>4. Applicant's Serial No. (Required) T-200</p>
<p>The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.</p>	
<p>5. Date of Application 6/12/75</p>	<p style="text-align: center;">Signature of Applicant or Signature and Title of Authorized Agent</p> <p style="font-size: 1.5em; text-align: center;"><i>William C. Pugh III</i></p> <p style="text-align: center;">William C. Pugh III Attorney In Fact</p>

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

Date Issued JUN 20 1975	Director, Bureau of Alcohol, Tobacco and Firearms <i>W. H. Davis</i>
--------------------------------	---

For Bureau Use Only

QUALIFICATIONS

AFFIX LABELS BELOW



CALIFORNIA JOHANNISBERG RIESLING

This great varietal grape thrives in the cool climate of Northern California vineyards. The light golden color of the Paul Masson Johannisberg Riesling is an invitation to its subtly crisp quality and taste of elegant freshness. Serve chilled. Alc. 11.5% by Vol.

PAUL MASSON® *Rare Varietal California Wines*

Produced and Bottled by Paul Masson Vineyards, Saratoga, California

THE PINNACLES VINEYARDS

In the Salinas Valley—southeast of Monterey Bay, Paul Masson has planted the choicest of Varietal grapes. This portion of the northern coastal region of California is unhampered by dangerous frosts, excessively high temperatures, smog or urbanization, all of which are harmful to the growth and harvest of fine grapes. Warm mornings, and afternoons cooled by breezes from the Pacific create climatic conditions that are ideal for the unhurried maturing of fine Varietal grapes. Our vineyards are called The Pinnacles—a significant name in our constant and continuing search for perfection in winemaking.

Application for and Certification of Label Approval Under Federal Alcohol Administration Act

Part 1. APPLICATION

For Bureau Use Only		2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below.
Document Serial No.		
Universal Numeric Code Class and Type	8001	
Vendor Code		
1. Identification		
(a) Brand Name	Paul Masson	Paul Masson, Inc. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070
(b) Class and Type	Zinfandel	
(c) Plant Reg. No. or Basic Permit No. (B, R or O)	Califf W-340	
3. State any wording, except required indicia on container, not shown on labels. (Caps, celloseals, etc.) If optional so indicate. Net contents blown into bottle		4. Applicant's Serial No. (Required) T-202
The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.		
5. Date of Application	Signature of Applicant or Signature and Title of Authorized Agent	Attorney In Fact
6/12/75	<i>Williston C. Pugh III</i>	Williston C. Pugh III

Part 2. CERTIFICATE OF LABEL APPROVAL

This certificate of label approval is issued subject to the following qualifications and to the conditions on the back of this page.

6. Date Issued	JUN 20 1975	Director, Bureau of Alcohol, Tobacco and Firearms
		<i>Paul H. Deane</i>
		For Bureau Use Only

QUALIFICATIONS

AFFIX LABELS BELOW



CALIFORNIA
ZINFANDEL

Here is a fine, fruity wine unique to California. Zinfandel, with its intriguing color, inviting taste, and subtle bouquet is a truly distinctive and pleasing wine. A versatile red wine, Paul Masson's Zinfandel accompanies most entrees perfectly. Alc. 12% by Vol.

PAUL MASSON
Rare Varietal California Wines

Made and Bottled by Paul Masson Vineyards, Saratoga, California

THE PINNACLES VINEYARDS

In the Salinas Valley—southeast of Monterey Bay, Paul Masson has planted the choicest of Varietal grapes. This portion of the northern coastal region of California is unhampered by dangerous frosts, excessively high temperatures, smog or urbanization, all of which are harmful to the growth and harvest of fine grapes. Warm mornings, and afternoons cooled by breezes from the Pacific create climatic conditions that are ideal for the unburied maturing of fine Varietal grapes. Our vineyards are called The Pinnacles—a significant name in our constant and continuing search for perfection in winemaking.

See Instructions and Conditions on Back

APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL
 UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

Exhibit 35 p. 12

(See Instructions and Conditions on Reverse)

PART I - APPLICATION

FOR AFT USE ONLY		3. THE FOLLOWING PERMITTEE APPLIES FOR A CERTIFICATE OF LABEL APPROVAL FOR AN ALCOHOLIC BEVERAGE TO BE INTRODUCED INTO COMMERCE IN CONTAINERS BEARING THE LABELS AFFIXED BELOW:
DOCUMENT SERIAL NO.		
UNIVERSAL NUMERIC CODE, CLASS AND TYPE 8101		
VENDOR CODE 5508		
1. IDENTIFICATION		
a. BRAND NAME Paul Masson		Paul Masson, Inc. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070
b. CLASS AND TYPE Gewürztraminer		
c. PLANT REG. NO. OR BASIC PERMIT NO. (B, R or O) Calif-W-340		
2. APPLICANT'S SERIAL NO. (Required) S-61-G-750		
4. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS (Caps, celloseals, etc. If optional, so indicate) Net contents blown into bottle.		

THE APPLICANT HEREBY DECLARES, UNDER THE PENALTIES OF PERJURY, THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF ALL STATEMENTS APPEARING IN THIS APPLICATION, INCLUDING REPRESENTATIONS ON LABELS AND IN SUPPLEMENTARY DOCUMENTS, ARE TRUE AND CORRECT, AND TRULY AND CORRECTLY REPRESENT THE CONTENTS OF THE CONTAINERS TO WHICH SUCH LABELS WILL BE APPLIED.

5. DATE OF APPLICATION 1/6/77	6. SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT <i>Carl Storch</i> Carl Storch, Attorney-In-Fact
----------------------------------	---

PART 2 - CERTIFICATE OF LABEL APPROVAL

THIS CERTIFICATE OF LABEL APPROVAL IS ISSUED SUBJECT TO THE FOLLOWING QUALIFICATIONS AND TO THE CONDITIONS ON THE REVERSE.

7. DATE ISSUED JAN 11 1977	8. SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <i>Paul R. ...</i>
-------------------------------	---

FOR AFT USE ONLY

QUALIFICATIONS

95%
 NOT LESS THAN 95% OF THE VOLUME OF THIS WINE MUST BE DERIVED FROM GRAPES GROWN IN THE PINNACLES VINEYARDS.

AFFIX LABELS BELOW

MONTEREY COUNTY 1976
 GEWÜRZTRAMINER

Estate Bottled. All the Gewürztraminer grapes were grown at the Pinnacles Vineyards in Monterey County and cold-fermented. Well-defined varietal character and flavor that is intensified by Botrytis cinerea enhance this bottling.

Joseph Stillman
 WINEMAKER



PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
 SARATOGA, CALIFORNIA • ALCOHOL 11.5% BY VOLUME

FRONT

APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL
UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

EXHIBIT 35 P. 13
Exhibit 35 p. 13

(See Instruction and Conditions on Reverse)

PART I - APPLICATION

FOR ATF USE ONLY	
DOCUMENT SERIAL NO.	
CLASS AND TYPE CODE	8101
VENDOR CODE	5508
1. IDENTIFICATION	
a. BRAND NAME	Paul Masson
b. CLASS AND TYPE	Gewürztraminer
c. PLANT REG. NO. OR BASIC PERMIT NO.	Calif-W-340
2. APPLICANT'S SERIAL NO. (Required)	
T-100-0-750	

3. THE FOLLOWING PERMITTEE APPLIES FOR A CERTIFICATE OF LABEL APPROVAL FOR AN ALCOHOLIC BEVERAGE TO BE INTRODUCED INTO COMMERCE IN CONTAINERS BEARING THE LABELS AFFIXED BELOW:

Paul Masson, Inc.
dba Paul Masson Vineyards
13150 Saratoga Avenue
Saratoga, California 95070

4. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS (Caps, celloseals, etc. If optional, so indicate)

Net contents blown into bottle.

THE APPLICANT HEREBY DECLARES, UNDER THE PENALTIES OF PERJURY, THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF ALL STATEMENTS APPEARING IN THIS APPLICATION, INCLUDING REPRESENTATIONS ON LABELS AND IN SUPPLEMENTARY DOCUMENTS, ARE TRUE AND CORRECT, AND TRULY AND CORRECTLY REPRESENT THE CONTENTS OF THE CONTAINERS TO WHICH SUCH LABELS WILL BE APPLIED.

5. DATE OF APPLICATION 11/29/77	6. SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT <i>Susan D. Weller</i> Susan D. Weller, Attorney-In-Fact
------------------------------------	--

PART 2 - CERTIFICATE OF LABEL APPROVAL

THIS CERTIFICATE OF LABEL APPROVAL IS ISSUED SUBJECT TO THE FOLLOWING QUALIFICATIONS AND TO THE CONDITIONS ON THE REVERSE.

DATE ISSUED JAN 30 1978	8. SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <i>John D. ...</i>
----------------------------	---

FOR ATF USE ONLY

QUALIFICATIONS

AFFIX LABELS BELOW

1977
GEWÜRZTRAMINER

Estate Bottled. Gewürztraminer grapes for the 1977 vintage were grown in a special 25-acre plot in our Pinnacles Vineyards, picked at 22.4° Brix and crushed on September 29 and 30. After a soft pressing, the must remained in contact with the skins to extract aroma and flavor and was then cold-fermented at 55° F for three weeks. The residual sugar in this bottling is .18 gms/100 mls and total acidity is .69% by volume. Paul Masson 1977 Gewürztraminer is agreeably dry with exceptional spicy character, full bottle bouquet and nice lingering undertones.

Joseph Stillman
WINEMAKER

PAUL
MASSON

MONTEREY COUNTY
GEWÜRZTRAMINER
1977



ESTATE
BOTTLED

PRODUCED AND BOTTLED BY THE PAUL MASSON VINEYARDS
SARATOGA, CALIFORNIA, U.S.A. • ALCOHOL 11.5% BY VOLUME

FRONT & BACK

Form 1649 (REVISED JUNE 1968) U.S. TREASURY DEPARTMENT INTERNAL REVENUE SERVICE	APPLICATION FOR AND CERTIFICATION OF LABEL APPROVAL UNDER FEDERAL ALCOHOL ADMINISTRATION ACT
Part 1. APPLICATION	
For IRS Use Only UNIVERSAL NUMERIC CODE CLASS AND TYPE 8001 VENDOR 5508 1. IDENTIFICATION (a) BRAND NAME PAUL MASSON (b) CLASS AND TYPE Light Red Wine - Pinnacle (c) PLANT REG. NO. OR BASIC PERMIT NO. CALIF-W-310	2. The following permittee applies for a certificate of label approval for an alcoholic beverage to be introduced into commerce in containers bearing the labels affixed below. <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> PAUL MASSON, INC. dba Paul Masson Vineyards 13150 Saratoga Avenue Saratoga, California 95070 </div>
3. STATE ANY WORDING, EXCEPT REQUIRED INDICIA ON CONTAINER, NOT SHOWN ON LABELS. (Caps, cellophals, etc.) IF OPTIONAL SO INDICATE. NET CONTENTS BLOWN INTO BOTTLE	
4. APPLICANT'S SERIAL NO. (If any) T-21	
The applicant hereby declares, under the penalties of perjury, that to the best of his knowledge and belief all statements appearing in this application, including representations on labels and in supplementary documents, are true and correct, and truly and correctly represent the contents of the containers to which such labels will be applied.	
5. DATE OF APPLICATION FEB 11 1970	SIGNATURE OF APPLICANT OR SIGNATURE AND TITLE OF AUTHORIZED AGENT Morris H. Katz, Assistant Secretary
Part 2. CERTIFICATE OF LABEL APPROVAL	
This certificate of label approval is issued subject to the following qualifications and to the conditions on the reverse of this page.	
6. DATE ISSUED FEB 12 1970	DIRECTOR, ALCOHOL AND TOBACCO TAX DIVISION For Use of Internal Revenue Service Only
QUALIFICATIONS	

AFFIX LABELS BELOW



SEE INSTRUCTIONS AND CONDITIONS ON REVERSE

Int. Cl.: 33

Prior U.S. Cl.: 47

Reg. No. 997,378

Registered Nov. 5, 1974

United States Patent Office

TRADEMARK

Principal Register

PINNACLE

Paul Masson, Inc. (California corporation), doing business as Paul Masson Vineyards
13150 Saratoga Ave.
Saratoga, Calif. 95070

For: WINE, in CLASS 33 (U.S. CL. 47).
First use May 12, 1971; in commerce May 12, 1971.

Ser. No. 6,890, filed Nov. 20, 1973,

L. STRICKMAN, Examiner

REGISTERED FOR A TERM OF 20 YEARS FROM Nov. 5, 1974



Attest:

FEB 27 1980

S. S. Bakerley
Attesting Officer

Certified to be a true copy of the registration issued by the United States Patent & Trademark Office, which registration is in full force and effect. Record title is in Registrant

Sidney A. Dawson

COMMISSICNER OF PATENTS
AND TRADEMARKS

PRINCIPAL REGISTER Trademark

Exhibit 37

Ser. No. 239,920, filed Mar. 1, 1966

PINNACLE

Paul Masson, Inc. (California corporation), doing business as Paul Masson, and Paul Masson Vineyards
330 Jackson St.
San Francisco, Calif.

For: LIGHT RED WINE, in CLASS 47.
First use Dec. 29, 1965; in commerce Dec. 29, 1965.

L. STRICKMAN, *Examiner.*

REGISTERED FOR A TERM OF 20 YEARS FROM Feb. 28, 1967

Cancelled, Sec. 8

Attest:

FEB 27 1980

S. S. S. S.
Attesting Officer

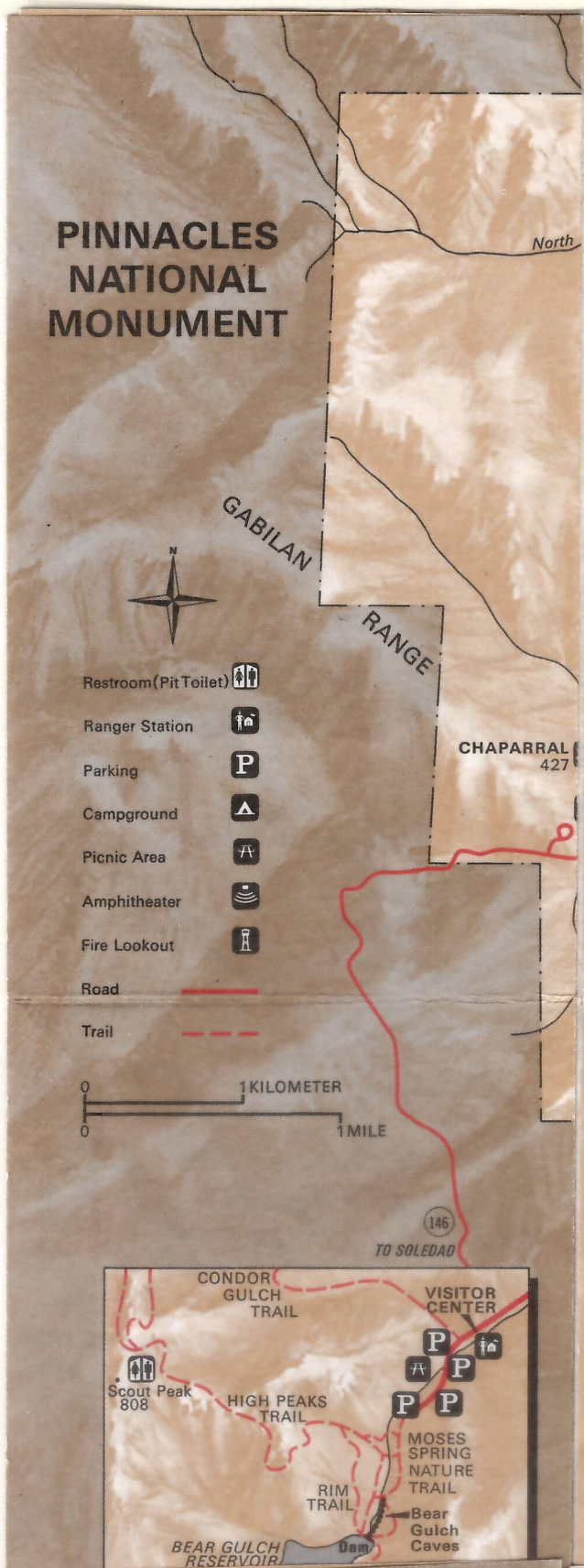
Certified to be a true copy of the registration issued by the United States Patent & Trademark Office and subsequently canceled. Record title is in Registrant

S. S. S. S.
COMMISSIONER OF PATENTS
AND TRADEMARKS

Pinnacles

NATIONAL MONUMENT • CALIFORNIA

PINNACLES NATIONAL MONUMENT



☆GPO: 1974-043-931/95

WE'RE JOINING THE METRIC WORLD

The National Park Service is introducing metric measurements in its publications to help Americans become acquainted with the metric system and to make interpretation more meaningful for park visitors from other nations.

ADMINISTRATION

Pinnacles National Monument, established on January 16, 1908, is administered by the National Park Service, U.S. Department of the Interior. A superintendent, whose address is Pinnacles National Monument, Pinnacles, California 95048.



NEW MASSON CRUSH PLANT

Paul Masson Vineyards, Inc., announced it will build a grape crushing plant with a capacity of 2.5 million gallons at Soledad.

Masson President Otto Meyer said that the company has to build up very large inventories in order to ensure quality control and proper aging. He said the anticipated increased production in the next few years of the San Ysidro and New Pinnacles vineyards made it imperative to build the large new crushing plant.

Thurs., May 19, 1966☆☆☆ S.F. Examiner

SAVE - HISTORICAL VALUE

Fresno, Calif.
Fresno Bee
(Cir. D. 112,498 - S. 140,338)

NOV 6 1966

All in's P.C.B. Est. 1838

Masson Vineyards Unveils Scientific Vineyard

New Soledad Operation Is Proof Of UC Research Job

By Leo Dollar
Country Life Editor

SOLEDAD, Monterey Co.—"Wow" is the only word for it. Would you believe the Paul Masson Vineyards, sober in the traditions of 114 years of wine-making, has gone "Mod." That is "mod," not "mad."

Judging by its new Pinnacles vineyard and winery at the southeast edge of this little Salinas Valley town, the venerable wine firm of Saratoga is putting the future look into California's wine industry today.

Not only is the vineyard the first in California planted strictly according to research scientist's climate determinations for location, but the winery plant shows no signs of old-style ways. Stainless steel replaces most of the traditional wooden cooperage; colored fiberglass and bright, natural-finish pine reflect light where dark redwood walls are usually seen, and ultra-modern architectural ideas in downtown banker's style distinguish the outside lines from the old factory look.

Starting Day

The occasion of this show-and-tell performance was the start of Masson's first harvest from the 425,000 vines planted four years ago here on the advice of the University of California grape scientists and a fervently expressed "thank-you" to the Davis experts from the Masson management. It also gave proof on the vine of the work started by UC 30 years ago to determine new planting areas for California vineyards from scientific evaluation of growing season temperatures for such premium table wine grapes. People are crowding out grapes in many places.

Fourteen such high class wine varieties are represented in the 31 blocks comprising the 1,000

acre vineyard now brightening the valley floor just east of El Camino Real and climbing up the lower slopes of the Gavilan hills. Among them are the flavorsome Flora and Emerald Riesling, relative youngsters that are distinctly California developments from Drs. Arthur Winkler and H. P. Olmo at Davis, as well as the ancient traditionalists such as Pinot Chardonnay and Gewurztraminer. It is intended mostly as a white variety vineyard, but there are also such "purple robe" varieties as Gamay Beaujolais, Pinot Noir and Cabernet Sauvignon.

Three Make Move

This new development, incorporating the new overhead approach to grape irrigation as well as the stylish new winery embellishments, goes back to 1955 when Paul Masson Vineyards began looking for new vineyard sites. With the Mirasol Brothers, who were facing the same problems, the company searched the state from the Sierra to the Coast Range. Their findings ended up pointing to Monterey County, agreeing neatly with the UC research findings on practically all counts: temperature, soil character, humidity, frost-safe and free of sunburn danger.

Accordingly, Masson, in 1960, acquired this site on the road



THANKS, UC—Otto E. Meyer, right, president of Paul Masson Vineyards, expresses his firm's appreciation for the University of California's nearly 100 years of grape research in his welcome to UC scientists at the dedication of venerable wine company's new Pinnacles Vineyards and Winery at Soledad, Monterey County. He is flanked by Harry Baccigaluppi, left, former president and current secretary of the Wine Institute, who was master of ceremonies.

leading to the Pinnacles National Monument, while the Mirasol bought sites across U.S. Highway 101 to the west. Planting began two years later, at the same time the Wente Brothers of Livermore, another one of California's leading premium wine producing firms, bought and planted land a few miles south at Greenfield.

Man-Made Rain

Miles of overhead sprinkler system, most of it in underground lines but some using pipes above ground at the height of the vines' cordons, have offset the skimpy 10-inch rainfall which kept this area out of the running as a wine district more than a century. It was obvious in the lush clus-

ters being out on the dedication day that they have paid off in a prime crop.

"Our company's multi-million dollar investment in planting this vineyard depended entirely on whether the university's findings would turn out right by this year," declared Otto E. Meyer, Masson president, at the welcoming luncheon in the new winery. "Now, after four anxious years — this first harvest of perfect grapes shows in tests the same flavor and high acidity in balance with sugar content that we get in our Santa Clara vineyards. It more than justifies our highest hopes and assures us a continuing supply of premium table and sparkling wines for the growing world

market in the 1970s and for decades to come."

Accepting the Masson plaudits at the gourmet luncheon session, UC president Clark Kerr, said he sees no reason to expect California to lose any of its agricultural eminence, in either production or research. Growing population will be at the base of the demands for increases in both, and the university will be called on for plenty of help.

He recalled from his European travels the many compliments on the reputation held by UC and its grape and wine scientists from the most eminent of wine experts in the Old World's highly respected wine centers. He added in an aside that he often got an even greater response when he introduced himself as a friend and co-worker of Dr. Maynard Amerine (Cal's famed enologist-gourmet-scientist) rather than as merely the UC president.

Unending Pressures

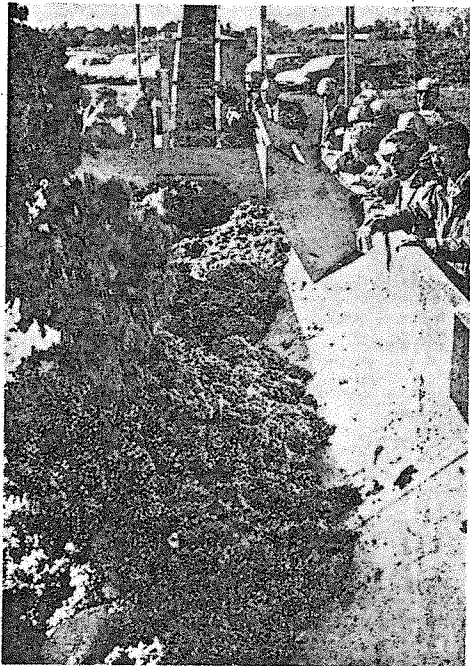
Concerning the population and UC's future work, he pointed out that the need for food and fiber will continue to increase in both natural and synthetic and that the problem of supply will be made more complex by the fact the state loses about 375 acres of land out of production each day while the population gains about 1,000 or more. Many allied sciences will have to be called on to aid agriculture and industry to meet these needs, he observed.

Dr. Emil M. Mrak, Davis chancellor, said in his remarks before Kerr's address that wine making can be expected to retain its character as an art as well as a science, in spite of the inroads made by mechanization and computers.

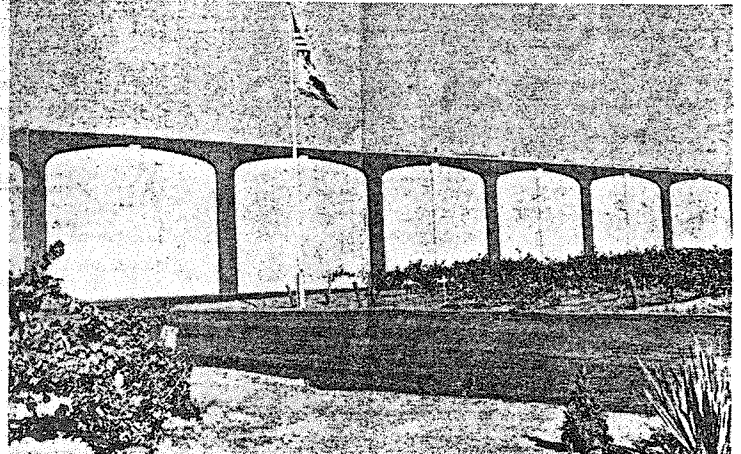
Wears Two Hats

"Wine-making is an art, and science is proving that many of our traditions have sound basis for existing through the ages. I think the future winemaker will be part scientist to be able to take advantage of the many discoveries, but he will still have to be an artist to know how to get the best from his vines. He will still have to rely on his experience and judgment and know his particular grapes and their origin. He will

See Next Page

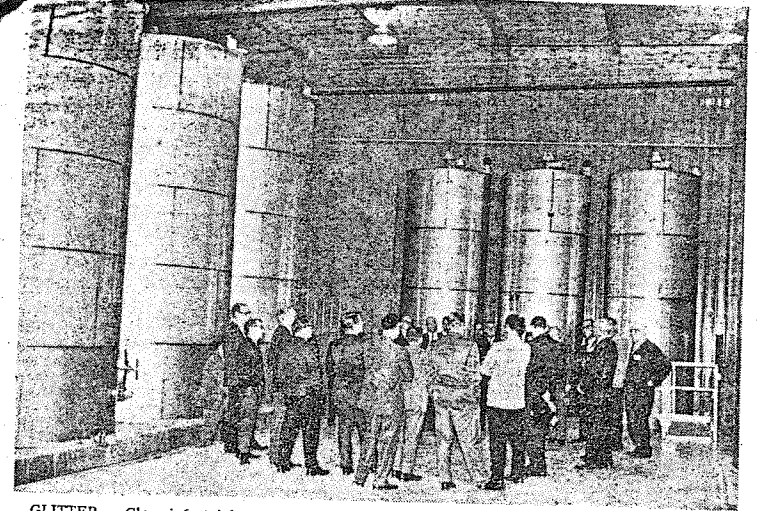


KITCHEN CLEAN—Visitors at the dedication ceremonies line the shiny new stainless steel crusher-receiver machinery to see fresh loads of Emerald Riesling grapes cascade into the auger from the pickers' gondolas. This is the first harvest from the new vines.



STYLING—Relief-styled arches in deep adobe brown, echoing the Mission era past of the country surrounding the new vineyard, accent the lighter

sand-colored concrete brick walls of the new winery which is surrounded by vineyards. Wayne Taul, Fresno, was designer and engineer.



GLITTER — Gleaming stainless steel fermenting and aging tanks line the walls inside the spotless new winery building. Ceilings are natural finished pine and the walls are fiberglass sheeting. Fresno's Valley Foundry & Machine Works, Inc. built and installed tanks, pumps and one crusher.

Coast Vineyard Proves UC System

From Page 10-F

still have to detect early if the wine will develop, and when to proceed to the next step in the process."

He recalled the UC Department of Viticulture and Enology was the only one to be formed by an act of the state legislature and told how the 1880 act stated the responsibility for studying and improving the state's grape and wine industry. He also told how it became the parent of the department of entomology in 1894 and the department of plant pathology in 1903 as necessary offshoots to its legislature-assigned

duties to Golden State viticulturists.

He explained that the findings which pin-pointed this vineyard location went back actually to environment studies in those first decades when quality was related to sugar-acid ratios and climatic effects on the vines. This work was heightened in the 1950s.

Quality still is the keynote of UC's grape research, he said. This is carried into the ultra-modern studies in accelerated wine aging by scientific control as well as the mechanical studies working to refine the UC engineer's ideas being tested in current prototype grape har-

esting machines.

Meyer, in describing the operations of this new plant, pointed out the juice currently being crushed will go on to the home plant at Saratoga for finish aging, blending, bottling and binning and reach retail shelves no earlier than 1969 and probably 1970 in most cases. This plant will have a total capacity of 2,600,000 gallons of wine; so that section and a half will be under a strain to keep up. But that should be no problem when this part of the coast country, which has been known for years as "the salad bowl of the West," can add parenthetically: "wine vat, too."



PASTORAL TOUCH — Another note of California tradition seen in the new vineyards which lie barely a mile from El Camino Real is the number of blue oaks left standing in the land replanted to

table wine grape varieties on former grain and vegetable acreage. Note, too, the overhead sprinkler head silhouetted against the foliage at the right.

Bea Photos

KITCHEN...
the only new...
kitchen...
...

Krumm
Top Merc
Grange Post
...

75¢

Wine Illustrated



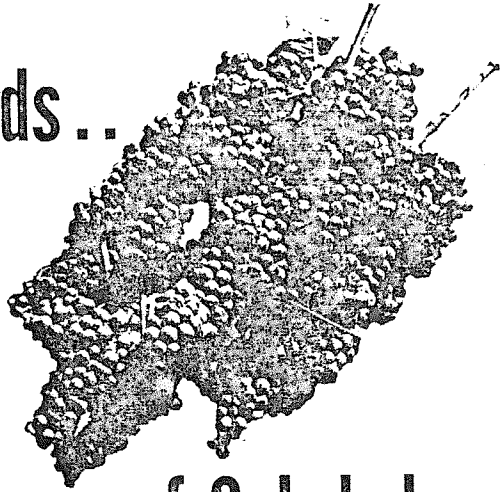
Volume 1 No. 4 1971

The Wines of Israel • New California Vineyard

Wine Tasting and Scoring • On Port

SAVE - HISTORICAL VALUE

The Cooling Winds ..



.. of Soledad

Perhaps the viticulturists of Paul Masson Vineyards should be classified as the luckiest in the world. Or the smartest. Or a combination of both. Because not until a complexity of events had occurred — not excluding the establishment of the predecessor vineyards in 1852 and the subsequent advent of Paul Masson's own arrival in California in 1878 — was the Salinas Valley remotely considered as a possibility for winegrowing. It was great for lettuce.

But in 1935, two experts from the University of California's famous Department of Enology and Viticulture, Drs. Maynard A. Amerine and A. J. Winkler, set out to develop a method for classifying California's viticultural areas into regions of climate-suitability. When the work of these two remarkable wine scholars was published in 1944, the upper Salinas Valley, known as the "Salad Bowl" of California, emerged as virtually ideal for the growing of wine grapes. But there was a war going on, and for the time being, that interesting shred of information was temporarily filed for future reference.

Fortunately for winebibbers, there was more than just an agreeable climate. The soil of the area tested out to be a deep, coarse, sandy loam, consisting chiefly of decomposed granite that had washed down into the valley from the crags of the Gavilan Range. Low in lime. And comparable in many ways to the ancient and honorable soils that grace the slopes of the Medoc and Graves districts of Bordeaux and the vineyards in Germany's Palatinate.

These two factors, then, should have been enough. But there was one additional touch of purest — possibly coincidental — magic. *The Winds of Soledad*. If that sounds unnecessarily melodramatic, it may be forgiven on the grounds of down-to-earth and certainly non-dramatic factuality. Because in the upper Salinas Valley, a cool, beneficial wind begins to blow across the valley *every afternoon*, clearing away the heat of the day, cooling the earth and its fruits, and — for grapes — promoting slow growth, high acidity and amplifying the flavor level to optimum.

By 1955, Paul Masson Vineyards had done some research of its own. And

had undertaken a search for a growing district with a view toward expansion. The United States — and the rest of the world — were showing obvious signs that a bigger, broader, more discriminating wine market was building. The pendulum of their hunt swung and stopped — to point out a thousand acre plot east of U. S. Highway 101 near Soledad. Quite evidently, Paul Masson's research agreed with the University's findings. Another well-known wine-grower, Mirassou, bought acreage on the west side of the highway.

In honor of the Pinnacles National Monument in the Gavilan Range, the new Paul Masson holdings were appropriately named "The Pinnacles," and by 1962, the slopes were ready for planting. To pile miracle upon miracle, the district was discovered to be phylloxera-free. To the uninitiated, phylloxera may be merely a fancy-dan word, but it's a word with the punch of a bulldozer to a winegrower. In case you didn't know, phylloxera is the insidious plant louse that virtually decimated the vines of southern France in the 1880's and literally ruined vintners whose winemaking traditions extended back into dim history. The total absence of this vicious creature made it possible — a rather rare phenomenon — for some of the finest grapes in the world to be planted and grown on their own root stock.

In other words, the historically-skilled, quality-oriented and enormously fortunate Paul Masson growers had acquired — and were actually developing — vine acreage upon which could be grown a great many varieties — some of the noblest grapes in the world.

Among the plantings — which have now been extended to some 1,800 acres — are included 13 classic varieties: Pinot Chardonnay, Johannisberg Riesling, Emerald Riesling, Sylvaner, Semillon, Sauvignon Blanc, Chenin Blanc, Gewurztraminer, French Colombard, Cabernet Sauvignon, Pinot Noir, and Gamay Beaujolais. A fourteenth variety, Flora, also growing at The Pinnacles, is a fairly recent development of the University of California's Department of Viticulture. This new grape demonstrates a delightful white table wine potential. And another 1300 acres are being planted this spring with noble varieties.

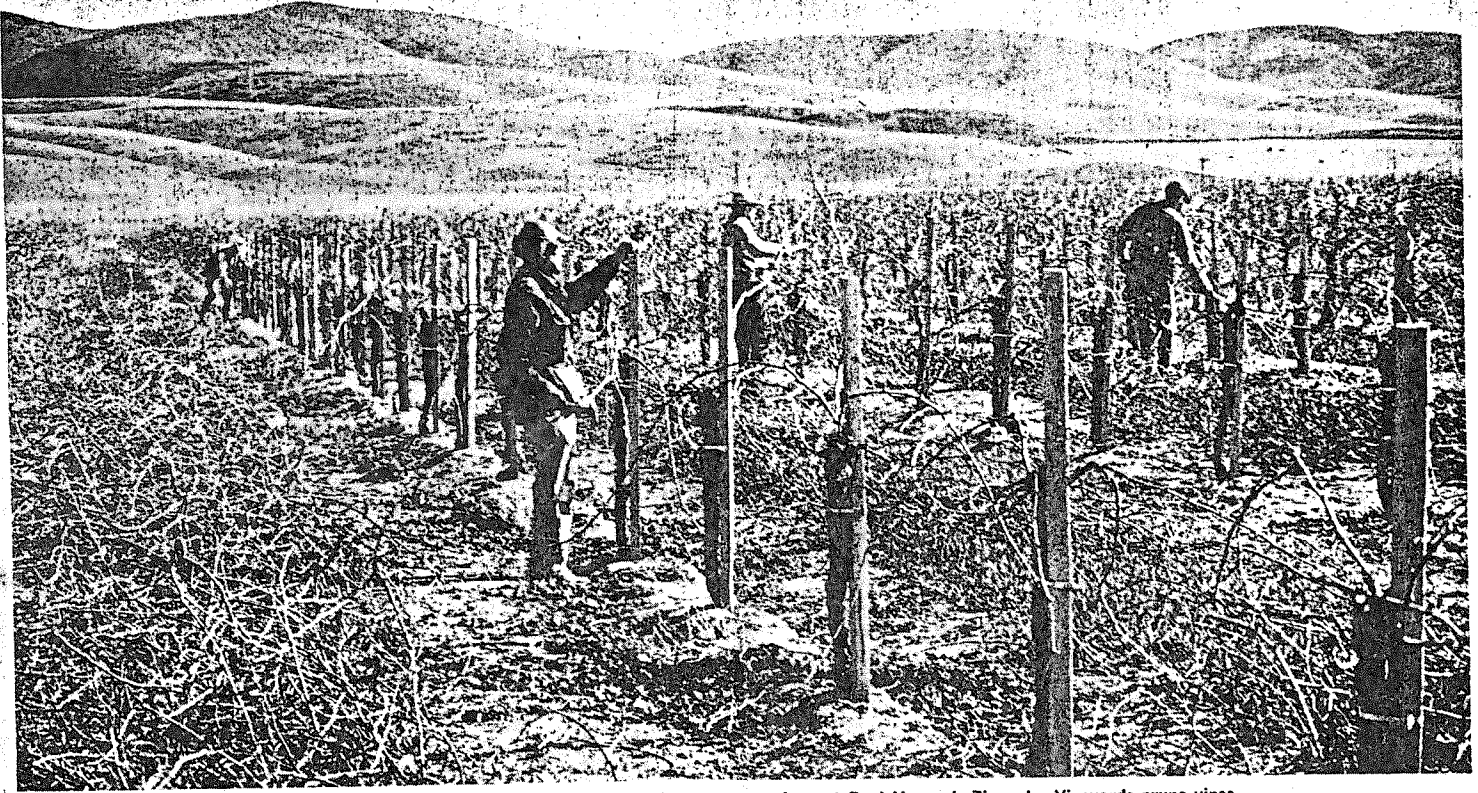
To a connoisseur of fine wines, that list should stand out in letters of purest gold, inasmuch as here are represented the most treasured wines of the Rhine and its tributaries, Bordeaux, Burgundy, Sauternes, the Loire, Champagne, Alsace . . . and California.

Engineering technology, too, plays a great role in the performance of this almost-incredible vineyard. Consider this: those noble vines may have artificial rain whenever necessary . . . thanks to a dozen miles of underground plastic and transite piping, 125 plastic lateral pipelines, and 13,500 overhead sprinkler heads. The water is pumped up from 100 feet below — from the astonishing submerged Salinas River.

The enological technology developed at The Pinnacles — from crushing facilities (separate for white and red wines) to the storage containers which can accommodate up to 2,600,000 gallons — should easily provide enough material to fill a full length book.

The Pinnacles should be regarded as an epic chapter in the history of winemaking. It is, once again, the story of an ancient art touched by the sorcery of modern science, and visited upon a new and hyperfertile environment. A long-lasting toast to Paul Masson Vineyards.





*2000 photo
Pinnacles
Monterey
Co.*

Following the busy autumn of harvesting and crushing grapes, workers at Paul Masson's Pinnacles Vineyards prune vines.

SAVE - HISTORICAL VALUE

Salinas Valley— newest wine district

The autumn rush of harvesting and crushing is over at Paul Masson's Pinnacles Vineyard and winery near Soledad. Workers are involved in the unhectic business of pruning vines and making cuttings which will be planted in a year, after they've developed root

recently to assign one of his top assistants to lead a tour of the vineyards and the winery itself.

Howard Tugel is Carrari's irrigation engineer. He also serves in other capacities as needed, including working nights at the crushers during

valuable as the winemaking firm has been expanding its operations in the Salinas Valley.

According to Carrari, Paul Masson has 3,200 acres in vineyards in the valley, including about 760 acres which are presently producing grapes. A total of 6,000 acres in the valley are being



Chenin blanc wine ages here.

Text by
Lee Quarnstrom

Photos by
Sam Vestal

The autumn rush of harvesting and crushing is over at Paul Masson's Pinnacles Vineyard and winery near Soledad. Workers are involved in the unexciting business of pruning vines and making cuttings which will be planted in a year, after they've developed root systems.

"We're kind of catching our breath now," Joe Carrari, vineyard manager, says, "but you should have been here two or three months ago."

But, because the harvest and crushing is over, Carrari was able

recently to assign one of his top assistants to lead a tour of the vineyards and the winery itself.

Howard Tugel is Carrari's irrigation engineer. He also serves in other capacities as needed, including working nights at the crushers during the harvest season.

Tugel, who commutes over the mountain each day from his Carmel Valley quarter horse ranch, originally went to work for Paul Masson as a chemist. But his background in irrigation engineering has proved

valuable as the winemaking firm has been expanding its operations in the Salinas Valley.

According to Carrari, Paul Masson has 3,200 acres in vineyards in the valley, including about 760 acres which are presently producing grapes. A total of 6,600 acres in the valley are being used for raising wine grapes, Carrari says.

Paul Masson buys grapes from other Salinas Valley vineyards.

But only grapes grown on the firm's own vineyards and made into wine at the Soledad winery can go into so-called "Estate Bottled" wines. The bulk of the wine produced at the winery is shipped to Paul Masson's Saratoga winery for bottling.

Howard Tugel says he likes good wine and enjoys working on the production line when Estate Bottled wines are being bottled. He also says he feels "the real art of winemaking is in the final blending."

A Paul Masson employe at Saratoga is the master blender for the firm, Tugel says, although several of the firm's top executives are qualified to perform the taste tests necessary to blend various wines.

Wines to be blended are kept in huge tanks—made either of redwood or stainless steel—at the Soledad winery. Reds, generally, are kept in the redwood tanks at a higher temperature than the white wines, which are kept in the stainless steel containers.

How much wine does the firm produce at Soledad each year?

Carrari estimates Paul Masson turned out 20 million gallons at the winery last year but Tugel thinks his boss' estimate is a little high. Tugel says, however, that over 22,000 tons of grapes were crushed in the modern, stainless steel crushers this past autumn.

Everything is expanding at the winery. More storage space is being built and more redwood tanks will be built in February. The firm is constantly looking at more land to either purchase or lease, Tugel says. And, he says, "someday we'll be doing a lot more estate bottling here when we have more grapes."

There's no doubt that Paul Masson is going to get bigger, at least in the



Photos by Sam Vestal

Chenin blanc wine ages here.

Salinas Valley. Carrari says conditions in the valley are great for grape-growing.

"We believe this is a fine place for grapes," Carrari says. "That's why we're planting so rapidly."

Paul Masson employs about 180 workers in the vineyard and about 35 in the winery. Some of the work is seasonal but Tugel says the workload is balanced out through the year in order to keep as many of the workers on the job as is possible.

Not many workers are needed for the filtering and aging which is going on in the winery now but the pruning and gathering of cuttings is going on in the fields.

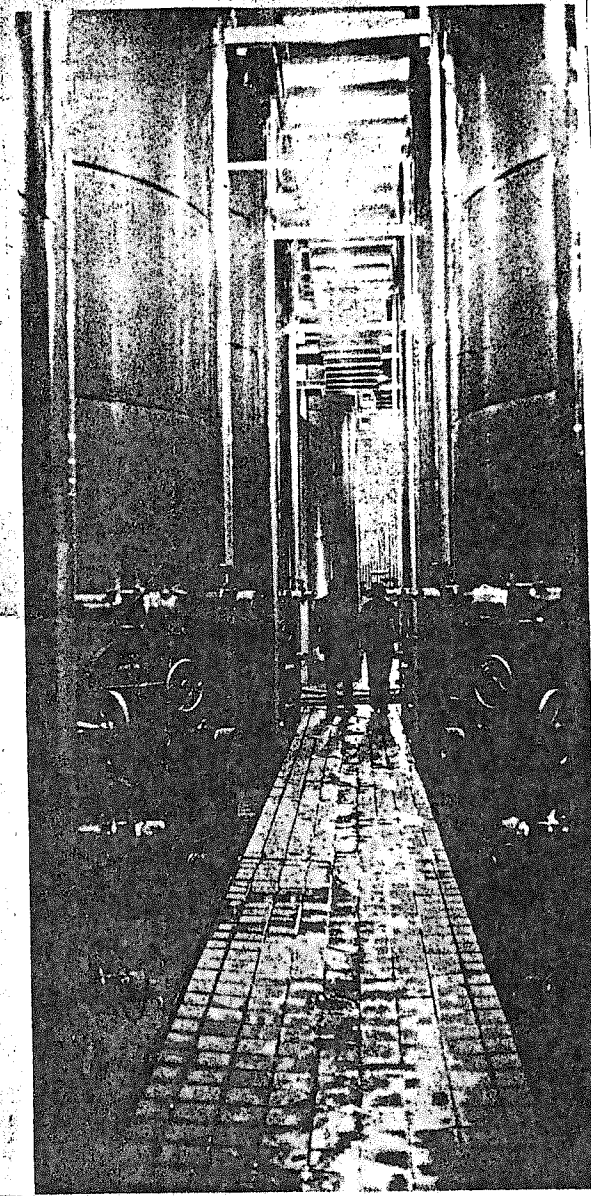
Temperatures in the Soledad region are almost perfect for grapes, Tugel says. The warm days and cool nights keep acid and sugar content of the fruit at a perfect level. The soil on the valley floor is also of prime quality, although Tugel says grapes will grow even in poor soil. But, of course, the yield is higher on the good soil.

Vineyards in some other areas are being pushed out by suburbia, Tugel says, pointing to Livermore as a good example of this process.

Tugel says he likes good wine and has been imparting some of his knowledge to the firm's employes in the vineyards as well as at the winery. By turning on the employes to the pleasures of fine wine, Tugel says, "I'm trying to get them to appreciate what it is we're doing here."

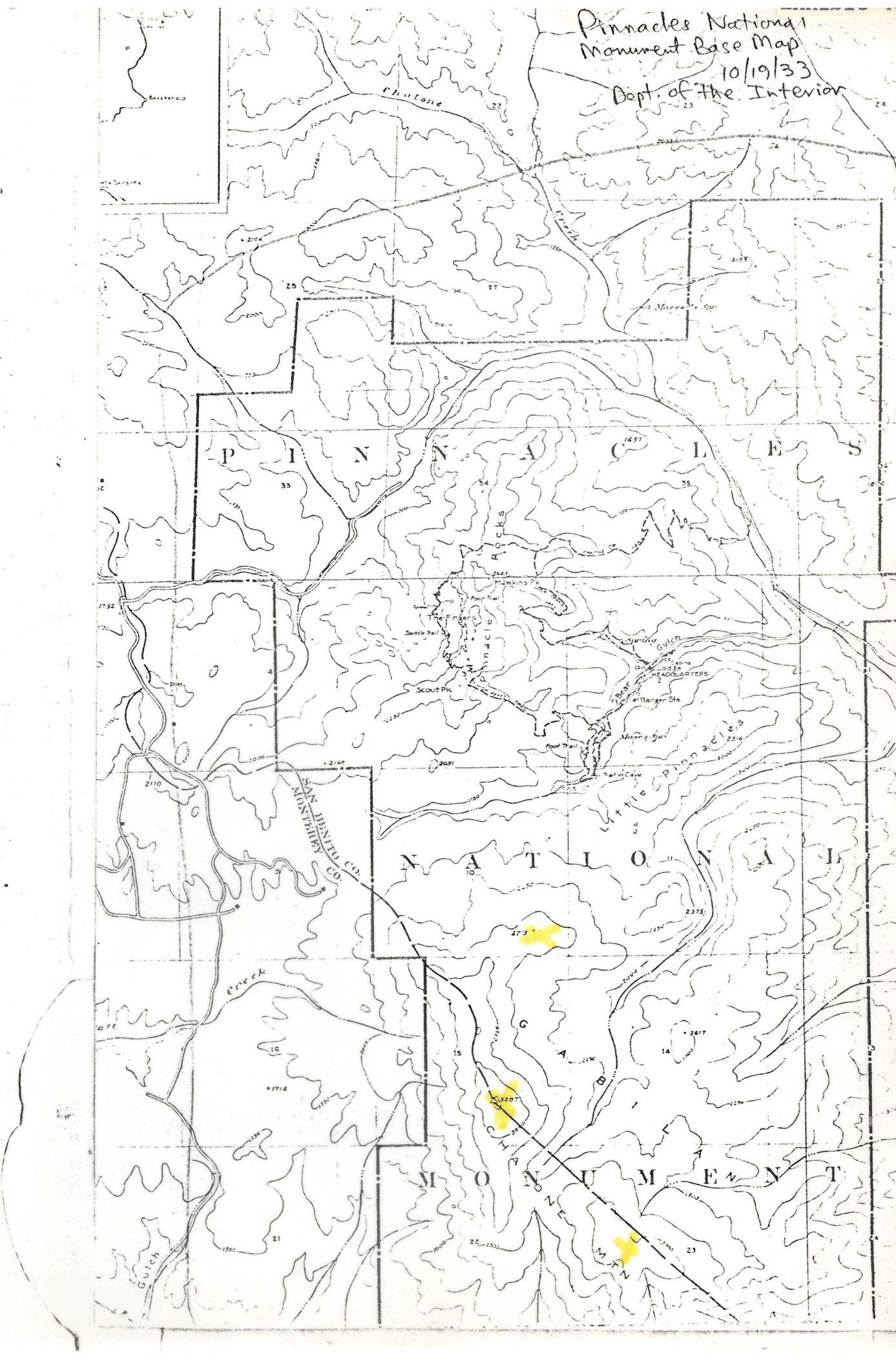
Otto Meyer, president of Paul Masson, has his office in San Francisco. When he learned of our proposed tour through his Soledad fields and winery he said something Tugel would surely agree with, even if Meyer weren't his employer:

"I hope you'll mention that we make some really outstanding wines there," Meyer said.



Paul Masson
PINNACLES VINEYARD

Pinnacles National Monument Base Map
10/19/33
Dept. of the Interior



P I N N A C L E S

N A T I O N A L

M O N U M E N T

SAN JENTIO CO.

C H Y

HEADQUARTERS

Ranger Sta.

Mineral Spring

Palm Cove

Pinnacles

Gulch

Pool Trail

Four Trail

Jackwain Pk.

Scout Pk.

The Finger

Swamp Trail

San Jentio

San Jentio

25

27

33

34

35

36

37

38

39

40

210

200

210

205

215

220

230

240

250

260

1732

1750

1800

1850

1900

1950

2000

2050

2100

2150

1718

1750

1800

1850

1900

1950

2000

2050

2100

2150

1500

1550

1600

1650

1700

1750

1800

1850

1900

1950

1500

1550

1600

1650

1700

1750

1800

1850

1900

1950

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

2110

2150

2200

2250

2300

2350

2400

2450

2500

2550

California Place Names
by Erwin Gudde (1969)

Page 60

Chalone, shā-lón', chā-lón': Mountain, Creek
[San Benito, Monterey]. According to Henry Henshaw (in Hodge), Chalone was the name of a division of the Costanoan family which lived east of Soledad Mission. *La lengua Chalona* (the Chalone language) is mentioned in a letter of January 13, 1816 (Arch. Arz. SF, Vol. III, Pt. 1, p. 6). On a *diseño* of the San Lorenzo grant the mountain is shown as *Gierro Chalon*. The Parke-Custer map (1855) places a Mount Chclone farther south, approximately in latitude 36° 20'. Goddard (1860) likewise misspells the name, but he has it in the right position. Hoffmann established the modern spelling for the name of mountain and creek.

3

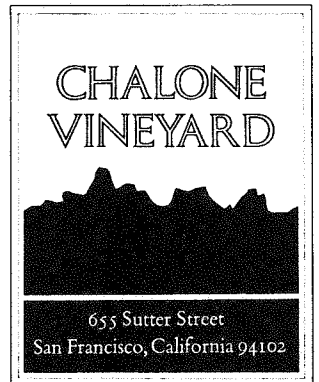
PINNACLES VITICULTURAL AREA

BATF Notice No. 338

PETITIONER'S RESPONSE TO THE

PRESENTATION OF

JOSEPH E. SEAGRAMS & SONS AND PAUL MASSON VINEYARDS



We should begin by saying we were very impressed with the testimony presented on behalf of the Paul Masson Winery and by its claim to have such a substantial investment in the trade name (or mark) "Pinnacles." As the undersigned stated in his summary remarks, we had no idea they set so much store in the name. Why didn't they come to us a year ago and talk the whole thing over? We have genuine feelings of kindness and generosity toward Paul Masson. It was not our purpose in filing for the viticultural area to deprive them of something which they considered valuable to them and into which they have honestly and in good faith invested time, effort, and money. We were however, under the impression that, under the Bureau's new regulations, they might well have to stop using the name "Pinnacles" on their label and in their advertising anyway, for the simple reason that their vineyards are not anywhere near the Pinnacles National Monument (even though by a cursory glance at a map they might appear to be). In the undersigned's closing remarks, we stated that (1) if the name "Pinnacles"

was all that important to Paul Masson and (2) if the Bureau could, under its new regulations, allow them to continue to call their wines after the name of a place from which, in our opinion, they don't actually come, then (3) we should be willing to relinquish the name to Paul Masson, notwithstanding our own mental reservations as to the propriety and accuracy of their use of it, and (4) we would attempt to come up with another name for the proposed viticultural area, e.g., "Chalone Peak," as being the other prominent geographical feature of the area.

On further reflection, we do not believe this is a proper way either for ourselves or for the Bureau to proceed. It should be made absolutely clear at the outset that we consider ourselves and Paul Masson to be friends. We like and respect their staff, and we admire what their company has done in promoting California wine. Moreover, they have never failed to respond generously when we have had occasion to ask for their help.

Notwithstanding all this, we do not believe either the Bureau or we should fall into a "apples and oranges" confusion of quite distinct and different legal concepts. Nor do we believe the Bureau should abdicate the responsibilities assigned to it (administering the F.A.A. Act and regulations issued pursuant to it, including designation of viticultural

areas), out of deference to quite a different set of laws (trademark) which may or may not even apply.

We very sincerely doubt that Paul Masson or anyone else could claim exclusive (trademark) rights to a geographical area it shared in common with others (-- let alone, an area it does not even geographically fall into). Could one winery, for example, claim exclusive, trademark right to "Napa Valley?" Moreover, the fact is that Paul Masson has not obtained either state or federal trademark registration for such claim of exclusivity. The most it has would be a common-law trademark claim. And, as must by now be apparent to the Bureau, there is certainly dispute between them and us as to which -- if either -- has legitimate trademark priority.^{1/}

Our point here however is that all such considerations are really irrelevant to the purpose of this proceeding. Although later in this submission we respond to some of Paul Masson's claims made at the May 2 hearing, basically our position is that the Bureau should not get into such matters at all. This is not a hearing to determine trademark validity

^{1/} While, as Mr. Altschuh correctly pointed out, Chalone Vineyard has not sought to use the word "Pinnacles" as a trademark, it has, since the 1960 vintage, used the silhouette of the Pinnacles as such a mark -- and that mark has been federally registered; see Exhibit 3, attached hereto.

or priority. Nor is it a proceeding to determine whether, consonant with the Bureau's new regulations, Paul Masson may, after January 1, 1983, continue to use the name "Pinnacles" as a brand or mark. Conceivably it may, under either subsection (i) or subsection (j) of 27 C.F.R. §4.39 -- in either case, with the further qualification, "brand" (cf. also §4.33(b)). But the presence or absence of "The Pinnacles" as an approved viticultural area does not necessarily have any relevance on that later-to-be-decided issue.^{2/}

Our proposition is very simple: If (as we believe has been made entirely clear, and which indeed Paul Masson does not oppose) the area we have sought to have accorded separate viticultural-area status is entitled to such designation, and if the most logical and proper name for such distinct area is "The Pinnacles," then the Bureau should grant the petition, including the name^{3/} -- simply and solely as an FAA Act matter,

^{2/} Paul Masson may have felt otherwise, in opposing our petition, since under subsection (i) the approval of a "Pinnacles" viticultural area would automatically have required the use of the word "brand." However, if this proceeding has proved anything it is that the area sought to be designated as "The Pinnacles" viticultural area has "geographical significance," within the meaning of subsection (j), apart from the Salinas Valley floor -- whether or not it is accorded approved viticultural-area status. That being so, the necessity of the word "brand" would arise anyway -- assuming the continued usage by Paul Masson were permitted by the Director at all.

^{3/} It was established at the May 2 hearing that neither Paul Masson nor, insofar as any one is aware, anyone else seeks to establish any other viticultural area under the "Pinnacles" name.

and without regard for (possible) trademark considerations, or speculation on another FAA Act issue (Paul Masson's continued use) which has not been briefed and is not now before the Bureau.

We reiterate what we said at the hearing, that the most important issue, to us, is the separate viticultural area, itself, and the name secondary. But "secondary" does not, as we develop below, mean "unimportant."

Before turning to the Seagrams-Masson presentation, and our response thereto, it is appropriate to supplement our Exhibits presented at the hearing with three additional ones.

Trademark Registration (No. 3).

Already referred to in footnote 1, earlier herein, this exhibit (sequentially no. 3, after the two offered by petitioner at the hearing itself) shows that, while Paul Masson has only managed to register the obviously irrelevant, and faintly silly, word "PINNACLE," Chalone Vineyard, which has used a stylized silhouette of the Pinnacles as its logo and trade mark (on labels and elsewhere) since the 1960 vintage, and has had that mark successfully registered. This graphic representation is unquestionably the Pinnacles silhouette (emphasized by the three references to the Pinnacles, elsewhere on the front and back labels, which

Mr. Altschuh pointed out at the hearing). It is, as a visual representation, a form of communication for more ancient than writing -- indeed, a "universal" communication.

Robert Balzar Photograph (No. 4).

Exhibit No. 4 is a photograph which appeared in the Los Angeles Times "Home" section on October 24, 1971. A dramatic presentation of the Pinnacles looming over foreground vines, it is a view looking northeast from a point near the center of the southern boundary of Section 8, T 17 S, R 7 E, on the Chalone Vineyard property. It was taken with a telephoto lens, which makes the Pinnacles seem much closer to the vineyard than they really are. It is nevertheless an actual view from Chalone's "Lower Vineyard." A copy of the magazine is submitted herewith as petitioner's Exhibit 3; the photograph itself appears (along with a smaller picture of Paul Masson's "vineyards in Soledad") at pages 14-15.

Calcite Crystals (No. 5).

Although somewhat difficult to discern, a close inspection of the Geologic Map of Monterey County (submitted with our original petition) reveals, within the boundaries of the proposed viticultural area, some small, elongated patches, light green in color, marked "ls." These are

the limestone deposits referred to in our petition. (In the map's legend, this formation is shown down at the bottom of the left-hand column, labeled "Sedimentary and Metasedimentary Rocks.")

When a concentrated deposit of limestone (calcium carbonate) is subjected to great pressure during its geologic history, it forms a rhomboid crystalline structure known as "Iceland Spar," or calcite, which is more or less transparent, depending upon its purity. Exhibit 5 consists of two examples of such calcite crystals from a deposit which is located on the Chalone Vineyard property.

The presence of limestone in the proposed viticultural area is significant from two standpoints. First, it is one of the geologic features which sharply distinguishes the proposed area from the Salinas Valley, and, second, it has an important effect upon the quality of the grapes produced in the area, and in the wines made from them. Although as stated in the hearing the effect of limestone, as it appears in wine produced from grapes growing in it, is not something which can be measured in the laboratory, it has to do with the depth and complexity of the wine as perceived by the human palate, including what is called in French the "goût de terroir," literally "the taste of the soil," that is, the special characteristics, discernible to the sensitive palate, which are unique to a particular plot of ground.

Response to Seagrams and Paul Masson Presentation.

Although as stated earlier we believe the Bureau should not get itself mixed up in possible trademark disputes, we do not wish to leave the Seagrams/Paul Masson claims unanswered.

We have already mentioned the one Paul Masson federal trademark, the single word "PINNACLE" -- i.e., "a lofty peak." This obviously connotes something entirely different from The Pinnacles National Monument, and cannot have been seriously advanced as an objection to use of the name "The Pinnacles" for the proposed viticultural area.

The three fictitious business name statements, filed in December 1976, in Santa Clara County, have about as little relevance. A "d.b.a." connotes nothing about location (Paul Masson could as easily have filed a d.b.a. for the name "Mount Rushmore Vineyard"); yet location is what viticultural-area designations are all about.

As to the heavy use of the trade name "Pinnacles," in the wave of exhibits of Paul Masson's promotional materials, a little bit more should perhaps be said.

Mr. Wells certainly made a strong case that Paul Masson had spent a lot of money advertising and promoting -- however fancifully -- the "Pinnacles Vineyard" and "Pinnacles Selection" wines. It was not clear, however, how much of the money went to the "Pinnacles" aspect, and how much

to the wines generally. In any event, apparently all this money was well spent, because the wines are selling and the company is obviously making a profit. Paul Masson also seems to have a very creative advertising staff. For instance, it was a nice touch, we thought, to take the original Paul Masson seal (see the front of the 3" X 5" brochure Paul Masson submitted, which unfolds into a long strip showing their complete line of wines) and substitute "A PINNACLES SELECTION" for the original words, "SARATOGA, CALIFORNIA," on the lower part of the seal. (One might add that the seal would look just as nice with the words "MONTEREY COUNTY" substituted for "SARATOGA, CALIFORNIA.") The point is, the seal was not designed for the "Pinnacles Selection" wines, and as far as we can see neither its artistic merit nor its promotional efficacy would be impaired one bit by changing the lower words.

When one turns to Paul Masson's little color booklet with the fold-out cover which depicts their full 1978 Estate-Bottled line, an even more interesting development appears. The prominent words appearing on the cover are not "Pinnacles Selection" or "Pinnacles Vineyards," but rather "Monterey Estates," as the designation of the vineyards in question. Whether this reflects an anticipation on the part of Paul Masson that, effective 1983, it may

no longer be able to use the "Pinnacles" name, or not, it certainly reflects a move away from an advertising campaign focussed on that name.

In contrast, the Pinnacles are extremely significant to Chalone Vineyard, and visually identified with it (by the silhouette) on every bottle, every brochure, every packing-box of Estate-Bottled wine which Chalone sells. It is also, as we have stated, the most logical and natural name for the proposed viticultural area which spartanly nestles almost literally in the shadow of the dramatic rock formation.

The alternate possibility we thought of at the hearing, "Chalone Peak" (as the other prominent geographical feature in the immediate area), is not as clear and accurate as "The Pinnacles." Not entirely incidentally, it would also be somewhat redundantly awkward on our label. Since the name of the viticultural area must be in type the same size as the varietal designation, our label would read:

CHALONE VINEYARD

CHALONE PEAK

CHARDONNAY

At least equally awkward, both to ourselves and to any future wineries which might settle in the viticultural area, would be the confusion caused by their resultant use of

what would seem to be, in only slightly modified form, our trade name on their wines. We wouldn't like it; and probably they wouldn't like it. And the public might not understand it.

Another possibility, known in some geographical parlance but not appearing on any map, insofar as we have found, "Chalone Bench," suffers from the same infirmities.

"Gavilan," which does appear on the maps, might be used, but it is even less accurate, referring as it does to the entire range of mountains. "Shirttail Gulch," "Stonewall Canyon," and "Bryant Canyon," quite apart from the obvious inelegances, are also somewhat misnomers, because the proposed viticultural area lies at the top of those geological features -- not, as is connoted, down in their bowels.

We reiterate, however, because it is important -- not simply to us, but to the wine-buying public: We do not want the viticultural area to fail for lack of a name. It is not haughty aloofness from all our winemaking friends on the Salinas Valley floor which prompted our filing of the petition. We are certainly "in" Monterey County, and have participated in numerous tastings and other events designed to promote Monterey County wines. We are a member of both the Monterey County Winegrowers Council and the Monterey County Grapegrowers Association.

But the plain fact is, our vineyards are not "of" the rest of Monterey County, in any sense relevant under the Bureau's wine-labeling regulations. And failure to give recognition to that fact, thus forcing us to join in their apparently-soon-to-be-filed viticultural area designation (or, to continue our present practice, of using simply "California"), flies in the face of the purpose of the regulation -- to give meaningful, differentiating, discriminating information to the wine-buying public.

One final point remains to be covered. Mr. Katz submitted several letters from vineyard people in the area, uniformly stating their association of the word "Pinnacles" with Paul Masson. Since nothing was said of how these people were approached, or what they were told when the (obvious) request for such support was made, the objectivity -- and certainly the spontaneity -- of the letters is at least suspect. Nevertheless, if that represented perception, that "the Pinnacles" meant "Paul Masson," were in fact the widespread one, one could argue that that fact, alone, could be fatal to our requested use of the name -- for, by denoting "Paul Masson," on the Valley floor, the name would be denoting precisely where our proposed viticultural area was not.

So we decided to conduct a little informal survey of our own. The ten questionnaires which we enclose herewith as our Exhibit 6 were submitted to merchants and businessmen who live and work in Soledad. Soledad is a very small town with many old-timers, and many of the responding parties are involved in a business which is the only one of its kind in town, i.e., there is only one pharmacy, one hardware and building supply store, one tire shop, one realtor, one shoe store.

Everyone who was asked to fill out the questionnaire willingly complied; no one declined; and each and every questionnaire filled out is submitted herewith. Those who asked the purpose of the questionnaire were told that the BATF was interested in knowing what the local residents thought of as "The Pinnacles;" that a viticultural area by that name was being proposed; and that Paul Masson was opposing the use of the name for the viticultural area because they had named their Soledad vineyards after the Pinnacles.

Two points should be emphasized: First, Paul Masson and the Paul Masson staff deal with all these local merchants just as does Chalone Vineyard and the Chalone Vineyard staff, and, second, the respondents are all long time residents of the Salinas Valley: there is not a Johnny-come-lately among

them. Second, it is important to bear in mind that the letters submitted by Mr. Katz in support of the Paul Masson position were all from people relatively new to the Salinas Valley, and, as noted, the writers of them are all in the vineyard business in the neighborhood of the Paul Masson vineyards. Further, Paul Masson's were the first major vineyard plantings in the Salinas Valley (having been planted for them under contract by the Mirassous). In other words, none of the writers of the letters which Mr. Katz read at the hearing were involved in viticulture in the Salinas Valley in any way before Paul Masson's entrance onto the scene.

What the enclosed questionnaires clearly show is that, contrary to the impression sought to be conveyed by Mr. Katz's letters, Paul Masson has not at all "captured" the "Pinnacles" name. Paul Masson has been there for some fifteen years. Yet, as far as the long-time residents of the Salinas Valley are concerned, Paul Masson's selection of the name "Pinnacles" for its Soledad plantings has no particular relevance or significance whatsoever. These people obviously do not include the Paul Masson "Pinnacles Vineyard" in their mental construct of "The Pinnacles."

It should be added that we did not feel it would be appropriate to ask any of the persons approached to respond to any questions specifically referring either to Paul Masson or Chalone Vineyard, because we did not want to suggest that they take sides on the present issues.

The area they uniformly described, however, is the area of the proposed viticultural area -- not the Valley floor.

Those responding to the questionnaire were the following:

Reno Preschini, Realtor

Al DeCarli, Owner, Soledad Appliance & Stereo

Jack Franscini, Owner, Soledad Pharmacy

Glenn Gilliam, Owner and operator, Glen's
Shell Service

Frank Johnson, Manager, Lacey's Auto Parts

Dennis Peverini, Owner, together with his
family, Soledad Tire Service and Valley Liquors
and Delicatessen (Dennis is 28 years old)

Emil Peverini, Father of Dennis and founder
of the family business.

Al Pura, Barber

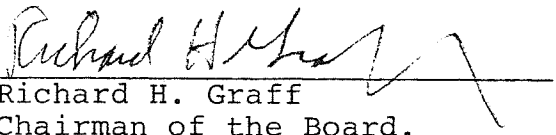
Dick Tankersly, Owner, together with his family,
Soledad Hardware and Building Supply. (Dick
is 34 years old)

Lester Zanetta, Owner, Zanetta Shoe Store.

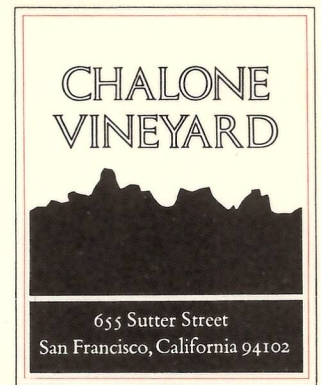
May 16, 1980

Respectfully submitted,

GAVILAN VINEYARDS, INC.
d.b.a.
CHALONE VINEYARD

By 
Richard H. Graff
Chairman of the Board.

November 10, 1981



Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 385
Washington, D.C. 20044

Re: Pinnacles Viticultural Area/
Proposed Rulemaking --
BATF Notice No. 386

Dear Sir:

Pursuant to Notice No. 386, published in the Federal Register of October 7, 1981, and reopening the record for Notice No. 338, the following is submitted on behalf of the Applicant for the subject Viticultural Area, GAVILAN VINEYARDS, INC., d.b.a. CHALONE VINEYARD.

In light of the Bureau's determination, we will not further press for the "Pinnacles" name for the Viticultural Area. With that name eliminated, Applicant believes that the most satisfactory and most proper designation for the Viticultural Area would be the simple and unadorned word "Chalone."

That name is, of course, the name of our winery itself. It is also the name of the two most distinctive

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
Page Two
November 10, 1981

geographical features of the area (outside of the Pinnacles Monument itself) -- and hence the origin of our Company's name -- North Chalone Peak and South Chalone Peak. Relevantly, it may be noted that one of the four U.S.G.S. 7.5-minute series topographic maps which were submitted with the initial application in this matter, of March 26, 1979, is called "North Chalone Peak."

In earlier testimony in this matter, we did in fact suggest the alternate name "Chalone Peak," but now believe that the word "Peak" should not be used. It implies that the Viticultural Area is situated at the top of a mountain, which it is not (it is on a benchland area, approximately 2,000 feet up from the Salinas Valley floor). Consequently, we believe use of the word "Peak" would be misleading. In contradistinction, the unadorned name "Chalone" bears no such misleading topographical connotation; at the same time, however, it is sufficiently closely related to those geographical features (the Peaks bearing the same name) as, we submit, to be a designation fully meeting the intendment of the Bureau's rules, namely, that the name be "locally and/or nationally known as referring to the area specified...."

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
Page Three
November 10, 1981

Certainly we know of no other area bearing the name "Chalone," so that no confusion in the public mind could arise. By the same token, no other winery, to our knowledge, in any way uses the name "Chalone," as was, of course, not the case with respect to the proposed "Pinnacles" designation.

In our post-hearing response of May 16, 1980, we indicated reluctance to use "Chalone" (or "Chalone Peak") as the name of the Viticultural Area, out of reasons of redundancy and the risk of possible "appropriation" of "our name" by other, future wineries, should such in time be established within the Viticultural Area. On reflection, however, and particularly in light of the Bureau's ruling on our originally-proposed name, we believe our initial reticence was not well founded. In fact, as the Bureau is of course aware, what we are now proposing is not at all uncommon in certain areas of France, where the name of one winery is the same as the wine-growing area while other wineries in the same area use the name as a location, alone.

In our May 1980 response we considered and rejected the alternate name proposed by the current rulemaking

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
Page Four
November 10, 1981

proceeding, "Galivan," as being less accurate than "Chalone" in pinpointing the location of the Viticultural Area, referring as it does to an entire range of mountains, extending well beyond the Viticultural Area, both north and south. Additionally, it has recently come to our attention that -- rather in the same manner as with "Pinnacles" -- the designation "Gavilan" has stirred some opposition, this time from a certain producer of Tequila, which apparently uses that name as a part of its brand name. For both of these reasons, we believe the choice of "Gavilan" would be significantly inferior to that of "Chalone."

In summary, our position, presented previously in these hearings and herewith, may be stated thus: (1) The area in which Chalone Vineyard is located is unmistakably distinct and different from the Valley floor from which it rises. We believe the record in this matter thoroughly establishes this fact, and that, indeed, no one disputes it. (2) The apparent intent of the Bureau's regulations respecting the establishment of viticultural areas is to make American appellations of origin more discretely and discriminately informative to the wine-buying public, much in

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
Page Five
November 10, 1981

the manner of the French model. Recognizing the uniqueness of the Viticultural Area proposed here would foster this purpose of greater information-flow to the public; conversely, denying it a distinct and distinctive name (and thus forcing the continued use of the quite undescriptive appellation "California" -- Chalone Vineyard's current practice) would defeat that purpose. (3) As a consequence of the foregoing, the Viticultural Area should not fail for a want of a name. (4) The name "Chalone" is identified with the two geographical features which with reasonable proximity mark the benchland area included in the Viticultural Area; additionally, at least locally the benchland area itself is known as the "Chalone Bench." Thus, although it is certainly not as nationally known as, for example, "Napa Valley," nevertheless, the name "Chalone" does, with reasonable exactitude, identify the area in question; correlatively, it does not pertain to or identify any other known area.

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
Page Six
November 10, 1981

Accordingly, it is respectfully urged that the
Bureau recognize and establish the Viticultural Area herein
proposed, pursuant to 27 CFR §4.25a, bearing the name "Chalone."

Respectfully submitted,

GAVILAN VINEYARDS, INC.
d.b.a. CHALONE VINEYARD

By



R. H. Graff
Chairman of the Board

Executed at San Francisco, California this 11th
day of November, 1981.

Paragon Vineyard Co., Inc.

(2)



5700 EDNA ROAD • SAN LUIS OBISPO, CA • 93401 • (805) 544-9080

November 16, 1981

Bureau of Alcohol, Tobacco and Firearms
Research and Regulation Branch
1200 Pennsylvania Avenue NW
Washington, D.C. 20226

Re: Notice No. 386 and 338
"Pinnacles" Viticultural
Area

Gentlemen:

We are informed that AFT finds that "The Pinnacles" would not be an appropriate name for this proposed viticultural area. We understand that two alternative names have been suggested: "Chalone" and "Gavilan".

In the writer's opinion the name "Chalone" is by far the most appropriate name for the viticultural area. "Gavilan" is used to identify a number of geographical features and locations in California. There is a "Gavilan Creek" which flows from northeast of the city of Salinas, 25 miles north of the proposed viticultural area. The "Gavilan" Range" of mountains defines the eastern boundary of the Salinas Valley, stretching from the city of Salinas to the city of King City, a distance of more than 40 miles. There is a "Gavilan Peak" and "Gavilan Mountain" in Riverside County, southeast of the city of Los Angeles.

The use of the name "Chalone", however, is limited to a small area closely identified with the proposed viticultural area. "Chalone Creek", "Chalone Peak" and "Chalone Bench" are all in the vicinity of the viticultural area. It is also of interest that the Pinnacles in the National Monument adjoining the viticultural area were formerly called "Chalone Peaks".

Bureau of Alcohol, Tobacco and Firearms
November 16, 1981
Page 2

We urge that the name "Chalone" be approved for the proposed viticultural area. We are enclosing excerpts from the book "California Place Names" which we believe support the opinions expressed herein.

Yours very truly,

PARAGON VINEYARD CO., INC.

A handwritten signature in cursive script, appearing to read "J. R. Niven".

J. R. Niven
President

JRN:mh
Enclosures

Chalone, shá-lón', chá-lón': Mountain, Creek [San Benito, Monterey]. According to Henry Henshaw (in Hodge), Chalone was the name of a division of the Costanoan family which lived east of Soledad Mission. *La lengua Chalona* (the Chalone language) is mentioned in a letter of January 13, 1816 (Arch. Arz. SF. Vol. III, Pt. 1, p. 6). On a *diseño* of the San Lorenzo grant the mountain is shown as *Cierro Chalon*. The Parke-Custer map (1855) places a Mount Chelone farther south, approximately in latitude 36° 20'. Goddard (1860) likewise misspells the name, but he has it in the right position. Hoffmann established the modern spelling for the name of mountain and creek. There is probably no connection with the rancheria *Cholam* or *Cholan*, which was in Salinan territory. See *Cholame*. Chalone Peaks are now called *The Pinnacles*. See *Pinnacles* and *Metz*.

Gabilan. The Spanish word for 'sparrow hawk' (*gavilán*) was repeatedly used for names of mountains in Spanish times. **Gabilan, gáb'-i-lán: Peak, Creek, Range** [Monterey, San Benito]. *Un gran cerro llamado del "Gavilán"* (a high hill called [hill] of the hawk) is mentioned in 1828 (Registro, p. 14). The creek is shown as *Arroyo del Gavilan* on a *diseño* of San Miguelito (1841). A land grant, *Cienega del Gabilan*, was granted October 26, 1843. The range was called *Sierra de Gavilan* in the 1840's (Castro Docs., II, 44), is mentioned as San Juan or Gavilan or Salinas Range by Blake in 1857 (Pac. R.R. Reports, Vol. V, Pt. 2, p. 139), and is shown as Sierra Gabilan on Goddard's map. The three geographic features now called Gabilan and a town of that name appear on the maps of the Whitney Survey. See *Fremont*. Riverside County has both a Gavilan Peak and Mountain. The letters "b" and "v" are often interchanged in Spanish.

Pinnacles. The name is applied to pillar-like formations created by erosion. The most notable are the **Pinnacle Rocks** [San Benito], mentioned by Vancouver in 1794 and included, since 1908, in *Pinnacles National Monument*, and the **Pinnacles** in *Yosemite National Park*. With the exception of *Pilot Pinnacle* [Lassen National Park] the word does not seem to have been used as a generic term. *Pinnacle Point* is the modern name of the rocky promontory of *Point Lobos* near Monterey. In 1878 the *Coast Survey* recorded the name *Pyramid Point* for the projecting rock. The **Pinnacles** in the *National Monument* in San Benito County were formerly called *Chalone Peaks*. See *Chalone*.

University of California Press
Berkeley and Los Angeles, California

University of California Press, Ltd.
London, England

Copyright 1949, 1960, 1969 by
The Regents of the University of California

ISBN: 0-520-01574-6

Library of Congress Catalog Card Number: 68-11311

Third Edition, 1969 revised and enlarged
Second Printing, 1974

Manufactured in the United States of America

ESTABLISHED 1861

CHARLES MASON 1861-1882
ROBERT W. FENWICK 1861-1896
DEWITT C. LAWRENCE 1861-1891
EDWARD T. FENWICK 1890-1942
EDWARD G. FENWICK 1927-1956
CHARLES R. FENWICK 1926-1969

BOYNTON P. LIVINGSTON
THOMAS B. VAN POOLE
G. CABELL BUSICK
EDWARD G. FENWICK, JR.
NATHANIEL A. HUMPHRIES
J. TIMOTHY HOBBS
B. PARKER LIVINGSTON, JR.
CAROL L. B. MATTHEWS
PAUL F. KILMER

MUNSON H. LANE, JR.
PATENT AGENT

LAW OFFICES

MASON, FENWICK & LAWRENCE

310 OFC BUILDING
1730 RHODE ISLAND AVENUE, N. W.
WASHINGTON, D. C. 20036

TELEPHONE: (202) 293-2010
PATENT, TRADEMARK AND COPYRIGHT CAUSES

November 18, 1981

OF COUNSEL
IRVIN A. LAVINE
R. LEWIS GABLE
WILLIAM J. DANIEL

CABLE ADDRESS: FENWICK
R C A TELEX: 248516
W. U. TELEX: 89-2542
TELEPHONE & TELECOPIER
293-2010
AREA CODE 202

VIRGINIA OFFICE
SUITE 308
2304 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22201

Chief, Regulations and Procedures Division,
Bureau of Alcohol, Tobacco and Firearms
P. O. Box 385
Washington, D. C. 20044-0385

Re: Notice No. 386

Dear Sir:

On behalf of our client Foreign Vintages, Inc., we are writing in response to the above referenced Notice of Proposed Rulemaking. The purpose of this letter is to put the Bureau on notice that our client objects strenuously to the adoption of "Gavilan" or a derivation of "Gavilan" as the name for the proposed viticultural area.

Our client's objection is based on the following:

1. Foreign Vintages, Inc. has established common law and statutory rights as owner of the trademark "Gavilan" for tequila.
2. Under established principles of trademark law Foreign Vintages' exclusive rights in GAVILAN extend not only to tequila but to related alcoholic beverages including wine.
3. The use of the name "Gavilan" to designate such an area would substantially diminish the value of the goodwill and reputation which Foreign Vintages has built around the trademark "Gavilan".
4. Use of "Gavilan" as the name of the area in question would confuse and mislead consumers who have been purchasing Foreign Vintages' "Gavilan" tequila for many years.
5. Officially designating the viticultural area under the name "Gavilan" would dilute the distinctiveness of Foreign Vintages' established trademark.

6. Petitioner, Chalone Vineyard, is aware of the trademark rights of Foreign Vintages in "Gavilan" and it is understood that Petitioner has informed the Bureau that it is not interested in having the name "Gavilan" selected but prefers Chalone.

7. Foreign Vintages, Inc. is a wholly owned subsidiary of Glenmore Distilleries Company who has recently acquired the Lawrence Winery in San Luis Obispo, California. Adoption of the name "Gavilan" to designate the viticultural area would effectively bar Glenmore and its subsidiary Foreign Vintages, Inc. from extending the use of its registered trademark "Gavilan" to wines.

From the foregoing, it should be evident to the Bureau that Foreign Vintages, Inc. in objecting to the use of "Gavilan" is in a position similar to that of Paul Masson Vineyards, Inc. and Joseph E. Seagram & Sons, Inc. who objected to the use of the name "The Pinnacles" because they had statutory and common law trademark rights in the proposed name. For the reasons advanced by the Bureau in Notice No. 386, the Bureau should decline to allow the use of the name "Gavilan" for the proposed viticultural area.

I. NATURE OF FOREIGN VINTAGES' RIGHTS IN GAVILAN

Foreign Vintages, Inc. commenced using "Gavilan" as a trademark for tequila in 1955 and on September 26, 1961 the U.S. Patent and Trademark Office issued Registration No. 722,067 to Foreign Vintages for its "Gavilan" trademark (See Exhibit A). A renewal petition is now pending in the Patent and Trademark Office. The "Gavilan" mark has been continuously used since 1955 and for the year ended June 30, 1981 sales of "Gavilan" tequila exceeded 19,000 cases.

Foreign Vintages' "Gavilan" trademark has been advertised in newspapers and magazines (See Exhibits B1, B2, B3, B4, B5, B6, B7, B8, B9 and B10).

Foreign Vintages' "Gavilan" trademark is registered on the Principal Register under the Trademark Act of 1946. The registration confers substantial benefits to Foreign Vintages. §7(b) of the Act [15 U.S.C. 1057(b)] provides:

A certificate of registration of a mark upon the principal register provided by this Act shall be prima facie evidence of the validity of the registration, registrant's ownership of the mark, and of registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate, subject to any conditions and limitations stated therein.

Between the fifth and sixth years after registration of "Gavilan" on the Principal Register Foreign Vintages filed a Declaration under §15 of the Act (15 U.S.C. 1065) stating that the mark had been in continuous use for five consecutive years and was still in use in commerce. The filing of this Declaration resulted in the registration becoming incontestable. Under §33(b) of the Act [15 U.S.C. 1115(b)] registrations which have become incontestable are conclusive evidence of the registrant's exclusive right to use the registered mark in commerce.

Use of the registered trademark "Gavilan" by Foreign Vintages serves three distinct purposes:

1. Identification of tequila;
2. Guarantee of the quality of the product; and
3. Advertisements for the products.

II. THE USE OF GAVILAN ON WINES WOULD CONFUSE
AND MISLEAD CONSUMERS FAMILIAR WITH
GAVILAN TEQUILA

Although the "Gavilan" trademark is registered for tequila it is well settled in trademark law that a trademark will be protected not only for the specific products for which it is registered but for those products which are sufficiently related to the registrant's product that confusion is likely to result if the same mark is used on both products. Wine and tequila are clearly closely related products since they are both alcoholic beverages sold through the same channels of trade to the same class of purchasers.

The courts and the tribunals of the Patent and Trademark Office have consistently held that there is a likelihood of confusion if the same trademark is used upon different alcoholic beverages. The following cases are illustrative:

1. Blanchard Importing and Distributing Co. v. Charles Gilman and Son, Inc., 353 F.2d 400: held that Blanchard's as used on liquor infringed Blanchard as used upon wine.
2. Coca-Cola Bottling Co. of Memphis, Tennessee v. Joseph E. Seagram & Sons, Inc., 526 F.2d 556: holding that Bengal Lancer as used upon non-alcoholic beverages was confusing with Bengal as used upon gin.
3. Castle and Cooke, Inc. v. Joseph E. Seagrams & Sons, Inc. 346 F.2d 621: holding that Royal Hawaiian was not registrable for liqueurs in view of prior use of Royal Hawaiian on Macadamia Nuts.

November 18, 1981

Page Four

4. The Fleischmann Distilling Corp. v. Maier Brewing Co.
314 F.2d 149: holding use of Black and White on beer to
infringe Black and White as used on scotch whiskey.

The foregoing authorities clearly support the position of Foreign Vintages that the use of "Gavilan" on wines will cause confusion and deception of consumers.

III. THE SELECTION OF GAVILAN BY THE BUREAU
WOULD EFFECTIVELY BAR FOREIGN VINTAGES
FROM EXTENDING THE USE OF ITS GAVILAN
TRADEMARK TO WINES

In addition to the marketing of tequila under the "Gavilan" trademark, Foreign Vintages, as its name suggests, distributes wines. Its parent company, Glenmore Distilleries Company, also distributes wines and recently acquired Lawrence Winery in San Luis Obispo, California. It is not unusual for the owner of a trademark to extend the use of the mark to related products. Adoption of "Gavilan" as a name of the viticultural area would effectively bar Glenmore and its subsidiary Foreign Vintages from using "Gavilan" as a trademark for wine.

IV. CONCLUSION

It is submitted that we have established that Foreign Vintages has a property right in the trademark "Gavilan" which would be seriously impaired if "Gavilan" is selected as the name of the viticultural area proposed in Notice of Rulemaking No. 386. Such action would constitute a taking of property without due process.

Under the circumstances and since the Petitioner has indicated that it prefers the name Chalone it is urged that the Bureau select a name other than "Gavilan".

Very truly yours,

MASON, FENWICK & LAWRENCE


G. Cabell Busick

Encl.



November 20, 1981

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
P. O. Box 385
Washington, D. C. 20044

Re: Notice No. 386

Dear Sir:

As the record will show, I have hitherto made no comments to you on the proposal made to the BATF by Mr. Richard Graff that there be a BATF-recognized viticultural area known as "The Pinnacles," with boundaries proposed by Mr. Graff.

I have finally decided to break my silence

- 1) in order to congratulate the Bureau for not allowing the use of the name "The Pinnacles" for the proposed viticultural area and
- 2) to make some brief comments on the situation.

The area specified by the proposed boundaries is neither locally nor nationally known as "The Pinnacles." The name that is associated with it is that of a single, small vineyard, Chalone Vineyard, which is surely not itself a viticultural area. And the name Chalone Vineyard, itself, has not, as a matter of demonstrable record, necessarily always signified wines made from grapes grown in the area! Indeed, wines made from grapes grown ca. 150 miles away from the area have been labeled and sold to the public as Chalone Vineyard. The boundaries proposed by Mr. Graff are so restrictive that they preclude the practicality of calling the area "Gavilan (or Gabilan) Mountains," for example. Under these circumstances it would seem most prudent to deny entirely to petitioner formal recognition of his proposed boundaries as a viticultural area, and to suggest to him that Chalone Vineyard may continue to use the the label indication of origin that it has always preferred to use on its labels, namely California.

Several years ago I happen to have carried on a correspondence with Mr. Graff concerning the significance of wine labels. During this correspondence Mr. Graff consistently maintained that

- 1) wine labels need not be honest, and
- 2) place names in brand names have no significance.

Chief, Regulations and Procedures Division
Bureau of Alcohol, Tobacco and Firearms
November 20, 1981
Page 2

Considering these unshakeable beliefs of Mr. Graff I am surprised that he should now be coming to you begging you to recognize some specific boundaries that he has put together, as a place-name viticultural area, a viticultural area that no one else in the country recognizes as such. Frankly, I do not know if you will want to weigh such factors in your deliberations, but it is my considered opinion that the petitioner has come to you with unclean hands.

Yours sincerely,

A handwritten signature in cursive script, reading "Edward J. Wawzkiewicz". The signature is written in dark ink and has a fluid, connected style.

Dr. Ed
(Edward J. Wawzkiewicz, Ph. D., Associate Professor)

EJW:rs