

FOR IMMEDIATE RELEASE

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Four California grapevine nurseries, Sunridge Nurseries, Inc. of Bakersfield, California, Caldwell Nursery of Napa, California, Herrick Grapevines and California Grapevine Nursery, both of St. Helena, California, announced today that they have filed suit against Vintage Nurseries, Inc., a grapevine nursery based in Wasco, California, for unfair business practices and false advertising in connection with the marketing and sale of grapevine clones, alleged of French origin.

A wine grape varietal, such as chardonnay, cabernet, or merlot, is not a unique individual plant, but a family of related plants whose members are similar but have distinct differences. Over the years, growers and other wine professionals have identified individual examples of particular varieties with unique and useful characteristics. These may include flavor, early or late ripening, limited productivity, and other characteristics. These individual examples are known in the wine and grape industry as “clones” of the varietal. In the last ten years, California winemakers have shown more and more interest in experimenting with new clones that can provide better wine for their consumers.

For more than 40 years, the French government has funded research into the identification and selection of grapevine clones, through a French governmental agency known as the National Technical Establishment for the Improvement of Viticulture¹ (“ENTAV”). After a rigorous selection and testing procedure, which can last more than a decade for an individual clone, ENTAV will propose a clonal selection for certification by the French Department of Agriculture. ENTAV maintains the French national repository of certified clones. Currently, there are approximately 935 certified clones in the collection, of which 700 are wine grape varieties, 75 are table grape varieties, and 160 are rootstock varieties. This research is unique in the world, and represents an extraordinary achievement and benefit to the wine industry worldwide.

Starting in 1998, the four nursery plaintiffs have signed exclusive license agreements ENTAV to import French certified clones into the United States. These licenses give the nursery plaintiffs exclusive access to the fruits of the French clonal research, and give California winemakers and growers a source of French certified clones that is reliable, authentic and legal.

Pursuant to these license agreements, the four nursery plaintiffs have imported and offered for sale certain certified clones which have never before been available in the United States. These clones include:

Cabernet Sauvignon 169
Cabernet Sauvignon 338
Cot (Malbec) 595
Grenache 362
Grenache 513
Mourvedre 233

¹ L'Établissement National Technique pour l'Amélioration de la Viticulture

Mourvedre 369
Viognier 642

The four nurseries have marketed and sold these certified clones to growers in California, and, pursuant to the requirements of the ENTAV licenses, have required each customer to sign a non-propagation agreement.

According to the complaint filed in the lawsuit today, Vintage Nursery is alleged to have marketed and offered for sale all of these ENTAV clones, and in doing so, is alleged to have engaged in one of two unfair business practices. If the clones which Vintage have offered for sale are not the clones stated in their marketing materials and catalog, then Vintage is alleged to be engaged in false advertising. If the clones which Vintage has offered for sale are the clones stated in their marketing materials and catalog, then Vintage is alleged to be engaged in an unfair business practice, since these clones have only been sold under an exclusive license, and sold only to customers who agree not to propagate or distribute them any further.

According to Craig Stoller, CEO of Sunridge Nurseries, “Clones are virtually impossible to identify by visual inspection or DNA testing. Nurseries who offer grapevine clones for sale must take extra special care to identify and track all of the material for each clone to insure that customers get what they have ordered. Under our license agreement with ENTAV, we have the right to obtain samples of each grapevine clone directly from ENTAV’s repository in the south of France. These samples are sent directly to US quarantine stations, and then delivered to our nursery, under strict controls. We can therefore insure that the clones offered for sale under the ENTAV program are exactly what they are advertised to be. Nurseries who offer these clones and who do not have the benefit of this source material, can never be sure that the clones they offer for sale are exactly what they think they are. This is a disservice to winegrowers everywhere and creates confusion in the marketplace.”

The nursery plaintiffs have requested injunctive relief and damages.