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What kind of intellectual common objects do Wine Geographical Indications protect?

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Introduction

Geographical indications (GIs) are often criticized “from outside” by economists, politicians, marketers... fostering the idea that GIs could be comfortable interest niches, jealously guarded by their “owners”. These judgements arise from the distrust of the aims, arguments presented and used by the actors defending and resorting to GIs in order to frame and reflect their action. Listening to these insiders instead provides quite a different account of GIs.

What is a GI? What is its purpose? Who is distorting the notion or using it rightly? Wine producers have raised all these questions on a regular basis. Among all GIs, wine GIs are not only the oldest ones but, the more numerous ones, the most widely spread over the world; they also gather the highest number of affiliates/members. Wine GIs gather hundreds of thousands of wine producers. And in France ten of thousands of producers have been producing and marketing their wines under GIs since the end of world war II. For years and years they have not stopped discussing about GIs and denouncing its good or bad implementations.

I would like to seize the opportunity offered by this workshop to leave aside for a while the reinterpretations of the “true” meaning of the GIs and to turn the attention to its users in discussing a few issues raised by GI producers since a few years¹. Indeed GIs do not only raise questions in the eyes of economists or sociologists. Theirs users too have to interpret the aim of the certification, its functions, significations etc.

This article starts by recalling the central notion of terroir and the economical purpose of the French AOCs as stated by their inventor, Senator Joseph Capus in the first half of the 20th century. It continues with demands originating from the European Commission regarding the quality proof brought by AOCs. A third section reviews recent “drifts” in the interpretation and uses of the AOC signal denounced by producers and which call into question their regulation and raise again the question of the proof of terroir. Finally we show that the demands for “objective” proofs reduce terroir to a particular modality of existence as a verifiable “thing” while its defenders on the contrary rest upon an interpretation of terroir as a non testable but nevertheless assessable “production” like most of the artistic productions. So the longstanding debate about GIs appears to confront two opposed views on GI products. Yet, we argue, it would be a mistake to try to simplify the notion of GI by discarding one of the interpretations in conflict. Indeed the success of the French wine AOCs appears to combine the strengths of both sides.

1. Terroir and not terroir

In the literature Geographical Indications (GIs) are mostly associated with a reaction towards globalization or industrialisation and therefore a political judgement about economy, world wealth distribution, and so forth (Feagan, 2007 ; Gade, 2004 ; Parrott, et al., 2002). However there is nothing alike in the legal texts defining the GIs: they do not say anything about globalization or industrialisation.

According to the Lisbon arrangement:

« In this Agreement, "appellation of origin" means the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.» Article 2 [Definition of Notions of Appellation of Origin and Country of Origin] http://www.wipo.int/lisbon/fr/legal_texts/lisbon_agreement.htm1

A GI product has a local specific quality due to both natural and human factors. In wine language, this association of human and natural factors is called “terroir” and it is at the very core of the invention of the first GIs, the French Appellations d’Origine Contrôlées.

What kind of link ties these human and natural factors with the GI product? In order to answer this question, we suggest turning towards Senator J. Capus, who managed to institute the Appellations d’Origine Contrôlées at the beginning of the 20th century.

J. Capus’ fight for quality

After the phylloxera crisis during the which almost all the European vineyards were destroyed and almost any kind of coloured water was sold under the name of wine, producers were preoccupied by the recovery of their ancient fame since consumers who had bought and drunk these beverages were not seen as able to pressure the market so as to help the raise of wine quality.

If the consumer could not help through its knowledge, then another means was required in order to show him which wines were quality wines and which were not. So the quality sign AOC was endowed with the task to guide the consumers and help them spend more money on the best quality wines.

The quality to be labelled was not something monolithic and included a variety of different types of qualities produced in different vineyards according to different processes, different grape varieties... These local qualities were called “terroir” qualities, which is according to the 2010 OIV common definition:

¹ This text is quite similar to the French legal definition of the “Appellation d’origine “:

« Article L115-1 Créé par Loi 93-949 1993-07-26 annexe JORF 27 juillet 1993
Constitue une appellation d'origine la dénomination d'un pays, d'une région ou d'une localité servant à désigner un produit qui en est originaire et dont la qualité ou les caractères sont dus au milieu géographique, comprenant des facteurs naturels et des facteurs humains" Article L115-1 du code de la consommation

“Vitivinicultural “terroir” is a concept which refers to an area in which collective knowledge of the interactions between the identifiable physical and biological environment and applied vitivinicultural practices develops, providing distinctive characteristics for the products originating from this area. “Terroir” includes specific soil, topography, climate, landscape characteristics and biodiversity features.” (Resolution OIV/Viti 333/2010)²

Again this definition links the wine quality to both human and nature activity. For each vineyard renowned for its specific and nevertheless high quality, the most significant and distinctive flavours - and sometimes-visual traits - were associated with a series of human practices and a definite geographical zone where natural factors occurred.

Authenticity against wines “artificialisation” by technology

The last 40 years have seen a huge growth in the number of wines claiming for quality, whether terroir quality or not. In order to help the consumer discriminate amongst all these hundreds of thousands of wines, a wine critique has emerged which assesses the wines qualities and publishes its marks.

Wine critiques are professional proficient tasters aware of wine quality. They do not only assess the wines but also teach the consumers to recognize and appreciate it, so that wine quality is not tight to the consumers taste but to a professional definition of quality.

But since a few years, winegrowers are grumbling. A part of them denounce a commercial “drift” which appears to be pervading the notion of terroir quality within definite French AOCs.

According to the defenders of an “authentic terroir quality”, in certain French appellations, the search for excellence - which can earn a wine top marks from the critics and also the top prices - has led producers to look for good marks by adapting their terroir quality to wine critique leaders. Therefore terroir quality tends to approximate certain critique tastes, which steers them away from seeking an always-improved expression of their *terroir* and leads to the “standardisation” of high quality wines. In their search for the best marks, they need to further differentiate again their quality and turn towards technical sophistication in order to reach ever more complexity, denseness, taste length and ranges... This is what “garage wines” have been criticised for in the past, or, more recently, quality wine production as a whole, in J. Nossiter’s film “Mondovino”. The “Parker” taste that defenders of *terroir* point out seems to them a far cry from reflecting the diversity of the Bordeaux *terroirs*.

² The French and the English versions show discrepancies. The first sentence of the French version is rather strangely formulated:

“Le « TERROIR » vitivinicole est un concept qui se réfère à un espace sur lequel se développe un savoir collectif, des interactions entre un milieu physique et biologique identifiable et les pratiques vitivinicoles appliquées, qui confèrent des caractéristiques distinctives aux produits originaires de cet espace. Le « TERROIR » inclut des caractéristiques spécifiques du sol, de la topographie, du climat, du paysage et de la biodiversité.

Literally is in English: “Vitivinicultural “terroir” is a concept which refers to an area in which collective knowledge, [« , » and not of] interactions between the identifiable physical and biological environment and applied vitivinicultural practices, develops [sic], providing distinctive characteristics for the products originating from this area.”

Indeed, to them, the intensive use of technology to please the critics is leading to all wines becoming products, which are increasingly “man-made”. Very high quality wines are therefore becoming pure “artefacts”, and grapes mere raw materials to be handled and processed according to the only views of the winegrowers. These wines, which reach the highest prices and should be at the pinnacle of the *terroir* quality they are supposed to personify, now only bear of *terroir* the name: they no longer reflect the presence of a particular vineyard, climate, know-how, etc. which make up a *terroir*. Their taste is becoming an arbitrary construction subject to the passing fancies and personal tastes of producers and critics.

Nature and man as “co-makers” of *terroir* quality

This controversy raises a crucial point of the *terroir* quality. These producers are accused of transforming the contribution of *terroir* to a mere supply of ingredients or raw materials, which the vine-grower and winemaker can control as one pleases. They stress the fact that nature cannot be reduced to a “supplier” as it is a full “co-author” of the wine.

In order to allow the natural factors to express themselves fully, winegrowers must refrain their “intervention”. They must seek not to mark the wine with their personal style or touch, but, on the contrary, make their art bring out the expression of nature. Indeed, winegrowers can be likened to musicians interpreting a music that has been written by nature. Their playing should not overshadow the work of nature. The winemaking process for *terroir* wines is non-interventionist: it is a “know-how-not-to”. Although winegrowers remain inventors, they are not artists creating styles according to their whims or to that of the critics who evaluate the results; they are craftsmen seeking authenticity that respectful of the nature work.

Rejecting corrupting modern techniques, but also technology in general, is seen as a virtue within these circles. It brings a renewed interest for “ancestral” techniques. However, it is not a step back. The use of these techniques is wholly oriented towards seeking and bringing out the *terroirs* overshadowed by the use of the modern techniques. The more basic they are, the better. However, they require the winegrowers to have know-how and mastery.

In order to look for the “authentic” taste of *terroir*, winegrowers proceed in a rather simple fashion, by discarding all the practices which are authorised, but which do not directly aim at the expression of *terroir* or which make it “artificial”. In the vineyard, all these winegrowers seek viticulture practices, which “respect” *terroirs* better. As a result, they often turn to practices that are reputed to be environmentally friendly. In the wine cellar, this leads them to reject all the techniques that rectify or enrich the wines, or even add yeast, enzymes or flavouring to them - notably through the use of new wood -, which are suspected of blurring or adulterating the expression of *terroir*. They are also said to make wines “artificial” by adding elements to the must, which are not present in the original *terroir*.

2. The CE claim for an additional guarantee

Yet the success of the GI, the critical work of the wine critique, the recent controversies raised by the producers themselves has raised a growing question: what kind of promise is a GI? What does it effectively guarantee?

The impossible définition of the « thing » *terroir*

Terroir has always remained a source of questions for scientists, as they are unable to stabilise any of its producer-claimed characteristic traits or predictable and durable effects (Anon., 2007). Despite their repeated efforts (Bohmrich, 1996 ; Morlat, 1998 ; Fischer et Bauer, 2006 ; White, et al., 2007 ; Saxton, 2002) (Thelier-Huche et Morlat, 2000), *terroir* quality does not easily fit with criteria. The variations observed between one vintage and another are sometimes more significant than geographical variations. Conversely, intra-territory variations may be greater than those observed between different territories. *Terroirs* are a combination of pedological, climatological, agronomical, wine-growing and wine-making factors, which scientists are unable to associate with specific *terroir* qualities, while the list of “variation factors” grows ever longer (Deloire, et al., 2005 ; Turner et Creasy, 2003) due to the introduction of the use of the cultivar or vine clone (van Leeuwen, et al., 2004) or the introduction of the indigenous microbiological fauna (Renouf, et al., 2006), for example.

Unable to point out *terroir* quality with simple presence indicators, scientists continue to consider this notion as a very questionable concept (Deloire, et al., 2008). The activity displayed by the actors in connection with *terroir* quality is analysed as “construction” work which makes *terroir* into a “cultural” artefact (Gade, 2009), a “human production” (Berard et Marchenay, 2000) (Demossier, 2000) (Crenn et Techoueyres, 2007 ; Gade, 2004) and not the expression of a “natural external cause” ((Van Leeuwen et Seguin, 2006). The self-limitation, which winegrowers impose on themselves concerning wine-growing and winemaking practices, is under suspicion, as it is difficult to determine the precise effects it has on the taste of wines. Economic research in particular has looked into the suspicion that *terroir* could in fact be analysed as a “social construct” (Olivier Gergaud, 2008) (Josling, 2006). It has also directed its attention to the promotion of *terroir* in the name of other – non-gustatory – effects which result from this wine production method, particularly in the name of sustainable development and the “positive side-effects” that it can be expected to have in economic ((Bassett, et al., 2007) (Barham, 2003) or social (Techoueyres, 2007) terms.

According to these works, *terroir* cannot be defined by a set of criteria. Since there is “no thing” behind the word “*terroir*”, it is at best as a social intellectual construct and an artificial market barrier.

These arguments support the conclusions of *terroir* opponents, among which wine producers who claim that customers are the only or last judges of quality and many economists who want to free the markets from any disruption.

A genetic definition of *terroir* and its additional tasting test

Terroir producers of course disagree. *Terroir* is not an easy thing to find and express. The lack of a precise and discriminating inventory of the *terroir* causes does not imply the non-existence of “*terroir*” but the lack of understanding of the notion by scientists. *Terroir* is the cause of the extraordinary differences among the wines and wines families acknowledged by history.

Indeed, the certification procedure rests upon a “historical genetic” understanding.

Terroir is defined as the specific human and natural ways of making which discriminate the different productions, that is the geographical localization of the vineyard and the specific vine-growing and wine making practices in use in that vineyard. The fact that

the winemaking techniques are “traditional” and quite old and that the local production has been renowned for a long time guarantee that the production is resulting from longstanding and successful terroir search. This is why it cannot be a recent opportunistic invention just aiming at obtaining the GI quality certification.

This solution allows for a test: the means by which the terroir wine is made are defined and verifiable as well as a series of consensual general wine defects less related to terroir, lack of alcohol, excess of acetic acid also allowing for analytic tests.

While the European Commission has accepted this historical understanding of terroir, it has urged to improve the “reliability” of the GI label: since 1970 it has made an additional tasting trial compulsory to award a GI.

To this end, the syndicate representative of all the GI producers selects a panel of producers of the GI area. Indeed they are the first interested in the success of their GI as a “good” renowned quality label and must therefore be implacable judges of the wines terroir quality.

3. Debates about the taste of terroir

For a long time, tasting panels have been pointed out for their permissiveness: almost all wines were passing the tasting test. The buyers who cared about quality were turning towards the wine critique as an additional and more reliable proof. Yet, this issue has recently become slightly more complicated. Every year since the beginning of the 21st century, a few renowned wines are denied the GI for not passing its tasting trial.

The wine maker as co-author or a simple assistant of nature?: naturalist and “interpretationist” authentic terroir schools

In their search for terroir, some winegrowers are trying to let the *terroir* express itself and more and more refusing to use corrective techniques. The sought of *terroir* and its concomitant renewal of the vine-growing and winemaking practices brings new flavours in the wines.

The taste of these wines is changing, but this change is not bringing about a new unity. On the contrary, there is much debate concerning which practices and which *terroir* tastes are “good”.

“Wine-producer 3: We get wines which really have a bit more to say if we respect the soil, the grapes and wine better. The wines truly are a bit more real, more mineral, have a bit more bite to them.” (Wine-producer 3, PdL, PF: 2ⁱⁱ)

Some wine-growers put forward the more balanced, purer, stronger, more resistant and more stable character of wines that have not been tampered with or disturbed, either during their growing or maturation process, by interventions destined to orient the development of their personality.

For others, refusing artificial aids during the wine-growing and winemaking processes makes the wines “true”, “simple”, “easy”, “light”, “digestible”, “healthy” and “easy to drink”ⁱⁱⁱ.

“Cellarman %QE5: To me, the product is enjoyed differently. No flavouring yeasts have been added. So it’s true that today, wines without sulphites, I think they’re already closer to the wines which were made before and it respects everyone better.”
(Cellarman %QE5, PdL, SBa: 2)

The more production processes are stripped of their artificiality, the truer and purer the wine becomes. However, authenticity expresses itself in very diverse ways. It includes both simpler and more complex wines. The expression of *terroir* is simpler, because it is not artificial, but also more complex, because no one is ridding the grapes of its infinite and fragile nuances by means of coarse practices. The signs of the *terroir* are varied and give rise to many interpretations.

Followers of “natural wine” school strongly recommend that winegrowers intervene as little as possible in order to let nature do its work and express itself. They seek to exacerbate the “vintage effect” which becomes a sign of a natural winemaking process. On the contrary, a number of *terroir* quality enthusiasts seek to master this weather variability, which accounts for only a small part in the aspect of *terroir*, and should not prevail. They insist on the return to an autonomous biological balance of the vineyards, leading to a greater consistency in production and a lesser sensitivity to extreme weather conditions. In these conditions, there is no need to resort to the must corrections which are authorised by the appellation decrees: “Natural” wines remain acid even in such hot vintages as that of 2003, and the lack of water puts less stress on the grapevines of “naturally” cared vineyards. This result can only be obtained thanks to the know-how of the winegrowers, who supervise, guide and orient the work of nature according to their own idea of the quality of their own *terroirs*. Yet by letting only the “indigenous” yeasts colonise the wines, they do not always obtain interesting tastes:

“Organic wine producer¹⁴: Whatever we do, we don’t add any yeast, that’s the first thing! After that, though, we have to think. There are many very complex elements. For example, fermenting temperatures: below a certain fermenting temperature certain yeasts do not work. So we can get taste alterations, etc. So you still have to know your business. Certain yeasts – *Brettanomyces* – give the wine a very unpleasant taste, and these are natural yeasts. So we could say: “What a *terroir* taste!”. No! We didn’t select these yeasts. We didn’t ask anything of them and then they come and give the wine a horse-stable taste, a dirty horse-stable, what’s more, and these tastes are natural.”
(Organic wine producer¹⁴, PdL, FC: 4)

Certainly, one does need to strip practices of their artificiality, but this has to be done with discernment and know-how.

Among the practices, which can be resorted to in order to rediscover *terroir* quality, it is no doubt the use of sulphites, which is the most controversial.

Modern oenology has listed a certain number of wine diseases and faults, such as ascence, ferric and cupric casse, ropiness and oxidation, which modify the aspect or taste of the wines. Oxidation is generally considered a wine fault. Sulphites, which have both antioxidant and antibacterial properties, are a key additive in the winemaking process. Like all additives, they are not naturally present in wine. Their use is therefore a subject of controversy, especially among “naturalistic” winegrowers. “Sulphite-free” wines, when tasted in the cellar, are quite often considered more interesting, complex and natural than the others. There are said to be very great wine-makers who manage to

produce masterpieces without sulphites. Yet this requires outstanding mastery of the entire winemaking process, from harvesting the grapes to bottling the wine. However, these wines are also more unstable. They evolve and change rapidly; become sensitive and fragile; referment and oxidise.

Provided that one has a well-informed distribution network, perfectly masters cellar hygiene and manages to convert all the sugars into alcohol, refermentation accidents can partly be kept under control. Nevertheless, wines rather quickly take on an oxidised, evolved character. For the naturalistic winegrower, that in itself is the very expression of nature. Other *terroir* wine-producers, however, criticise wines made without sulphites for having a rather conventional characteristic taste, which masks the complexity of the natural raw material and ends up uniformising “sulphite-free” wines.

“Wine-grower5: There are organic wine-growers who work without sulphites. The result is rather obvious. The wines do not hold. You can recognise a wine without sulphites. And I don’t like that, because there’s no identity anymore. We no longer know whether we’re drinking a cabernet, a syrah, a merlot...” (Wine-grower5, PdL, PF : 7)

Thus, it appears that the problem lies less with the oxidised taste than with the fact that it limits the variety of tastes in sulphite-free wines. For less nature extreme *terroir* interpretations, the argument in favour of nature is backfiring on it. The “sulphite-free” non-technique induces the simplification of *terroir* taste instead of bringing out its complexity. For these “*terroir* interpretationists” a good technique is not an absence of technique, but one whose use remains undetected.

This other school of *terroir* winegrowers claim that excessive use of sulphites harms the perception of *terroir*, but its absence also does the same, for the strong taste of the oxidation it no longer inhibits masks the subtle expressions of *terroir*. The oxidation of wines is defended by followers of “naturalness” as a particular feature of the newfound *terroir* quality, one which, to them, was certainly previously classic in wines and did not prevent drinkers from tasting the *terroir*. They often prefer a slight oxidised note to the use of alternative techniques, such as filtration, which, to them, can only impoverish the expression of *terroir*.

They argue that in answer to a pertinent question, “natural wines” suggest an excessive response of “non-interference”. They generally call for a measured and reasoned way of resorting to technology: letting nature express itself does not mean letting it run out of the tanks! Nature cannot express itself when just left to itself: it must be made to speak. This requires extensive know-how, but also a cellar well stocked with good winemaking equipment. The return to ancestral methods and to nature advocated by naturalistic winegrowers is suspected of concealing a lack of technical mastery, which only allows them to produce vinegary, oxidised, refermented and simplistic wines. They may be natural, but they do not express all the potential of the specificities of their native soil, because nature does not know how to make wine by itself.

“Authentic *terroir*” and “commercial *terroir*”

In some cases, some of the above wines are denied the AOC label, even though they come from the appellation zone and fully comply with the AOC technical specifications. Indeed, they are not deemed by the wine tasting panel of their AOC to satisfy the taste

criteria of their appellation, because they do not correspond to its “organoleptic canons of typicality”.

The certification procedure, which is the key to being allowed to display the AOC distinction, is not an irrevocable test. On the contrary, it points out the wine’s “faults” so that the producer can correct them and rectify the wine accordingly. However, these producers consider such adjustment prescriptions as the paragon of bad practices, leading to a loss in *terroir* quality. How could the result of *terroir*-friendly techniques be rectified? Is this not the very proof of the perversion of the procedure, which is inclined to adjust the taste of wines according to references other than the authentic *terroir*?

To them, it is therefore the perception of the typicality canons by the panel tasters, which has been distorted by their bad production habits and not the wines by good practices. The tasting panel members are influenced by the commercial orientations, which they hope to give their wines, and no longer know how to recognise the expression of *terroir*, or simply refuse to. It is therefore they who have to be reformed, and not the new *terroir* wines, which clear the way for a return to the true meaning of AOC.

The AOC discarded “authentic *terroir*” winegrowers are forced to market their rejected wine under the hardly flattering appellation of “table wine”. For them, their exclusion from AOC wines, far from calling into question the quality of their *terroir*, shows on the contrary that once the *terroir* is rid of its artificiality, the wines are able to express it more authentically. They indicate their discrepancy with the AOC panels by using fancy labels and names such as “It seemed to be good” or “Nought”... which calls the attention of their customers. Their protest feeds a new growing denunciation of the AOC wines “commercial drift”.

The GI called into question: GI are not “recipes”

Authentic *terroir* advocates are denouncing the strategies which they have seen some of their colleagues adopt in order to survive a growing competition on the wine market and they point out worrying signs to support their suspicions. Some producers of AOC wines, especially wines, which are not particularly famous, such as Corbières or Anjou, lower their prices or adjust their wines tastes on “demand expectations” such as soft tannins, well-known grape varieties, stronger or wooden tastes, etc. so as to better “fit the market” in the hope of boosting their flagging sales.

To the defenders of *terroir* authenticity, these two kinds of adjustment, whether in price or quality, are detrimental to the AOCs aim, the defence of *terroir*. Those seeking to lower the price of their wines only barely keep to the constraints imposed by the AOC and seek maximum profitability by greater yields. “Adjusting the taste of the wines to the market demand” is even more damaging, as it leads part of the producers to press for changes in the regulations of the AOC, in order to make them fit current fashionable tastes. They thus ask for the authorisation, for example, to add wood shavings to the tanks in order to give the wine wood overtones at a lower cost; or to indicate the names of the grape varieties on the labels instead of keeping to the AOC name as they are meant to; or even to plant grape varieties that are forbidden in appellation wines but valued in importing countries. They find support by all political economists who view the economic exchanges as the adjustment between “supply” and “demand”: “*terroir*” qualification is for them a hindrance to a fluid goods circulation, which needs to be adapted and updated.

For terroir defenders these practices uncover a prejudicial interpretation of the GI constraints as a 'recipe' which application allows for a quality label independently of all further adjustments of the wine to other marketing constraints such as "demand" preferences, calls for a greater stability and resistance of the wines to the transport, storage or display conditions. As the discussion between the naturalist and the "interpretationist" wine makers shows, terroir quality has not to be compromised with other logistic requirements.

All "Authentic terroir" defenders do not see the market as a direct adaptation between "supply" and "demand" where heterogeneous sets of constraints have to be optimised. They add an important mediator between both: terroir quality. Terroir quality is not the reflection of the consumers' needs but of the quality of terroir, the real aim of the GI wine and therefore a quality-generating constraint above all other market constraints. The consumer, the retailers are not necessarily good judges of this latter quality. And this is precisely why there is a GI: to protect the terroir quality from being drifted by commercial (i.e. consumer taste based) understandings of quality.

This "drift" in quality is normally checked by the tasting panel whose purpose is to verify that wines conform to the "typicality" of their *terroir* and to the superior quality expected of AOC wines. However, defenders of authenticity point out that "bad" wine producers are in the majority in the appellations where such problems arise, and that they preside at meetings where AOC regulations are amended. Furthermore, they are also the ones who determine which wines can be granted an AOC certification. The fact that the producers are both judge and jury, which was at first considered to be a guarantee of proficiency - seeing that they ought to be the ones most interested in protecting the superior quality of their appellations - is today backfiring on AOCs. It has made these same producers the most eager to distort this guarantee of quality to suit their short-term cash flow needs.

Reworking the test of terroir taste

The INAO (i.e. "National Institute of Origin and Quality"), the French institute in charge of delivering the various existing labels of quality, is looking into the matter and currently envisaging a reform of the AOCs.

Authentic terroir advocates have suggested the GI could be a winery certification. It would consist in verifying that the producer is using "terroir-friendly" farming methods and wine-making techniques aiming at favouring and developing the terroir expression.

A first step of the reform has consisted in reinforcing the control of the production techniques and vineyards are now accredited to produce *terroir* wines through an examination of the viticulture techniques used by producers. However, European legislation is becoming increasingly demanding regarding the delivery of quality labels. It does not content itself with mere proofs of commitment of the producers or of the use of certain practices which respect *terroir*. It also insists that the results, i.e. the specific tastes of *terroir* wines, be guaranteed and therefore a new tasting test being established.

Once the competence of the former tasting panels has been called into question, their composition is revised in order to include tasters other than the wine-producers accused of being incompetent, or both judge and jury, in the evaluation of the "good" quality of wines. The new tasting panels thus include wine stewards, critics, retailers and even consumer representatives. This means that producers are no more the

“owners” and therefore interested guardians of terroir quality. The terroir watchfulness is entrusted to a larger range of “terroir watchers”.

But how should they judge the *terroir* quality of the presented samples?

Taste scientists have joined their efforts to work this question out. They interpret perception as a process where a stimulus sent by a tasting object is received by subjects and processed by their neurological apparatus and brain in order to provide a sensorial image. Between the stimulus and the image, the signal is “submitted” to a variety of psychological, sociological, cultural and other influences. In order to eliminate them, taste scientists resort to blind tasting where subjects do not know what they are tasting and therefore cannot “influence” the way they process it, whether deliberately or not.

However, in spite of the use of blind tasting, the representations provided by the tasters do not drop off. Like the former scientists, taste scientists are looking for terroir as “something already there” which “emits” a taste like an antenna emits waves. The variability of taste is interpreted as the only result of the tasters and eventually the “context”. The inability of sensory analysis to associate the variability of terroir wine taste to “variation factors” has therefore led some of these researchers to declare food tastes to be irreducibly “idiosyncratic”, “personal” and “immeasurable” (Mac Léod, 2008), which therefore seems to invalidate any possible gustatory test of wine quality beforehand.

Following this conclusion, there would be no possible general assessment of taste. Of course, it is not the case. Especially in the case of wine, there is even a huge critique collective committed in assessing the quality of the wines. However, they do not resort to the same hypothesis about the “thingness” of terroir and terroir taste as do the taste scientists.

Terroir producers are fiercely opposed to a precise definition of *terroir* typicality beforehand. This would equate to defining in advance the result of their quest for *terroir*. To the *terroir* producers, that would be unconceivable, for not only do they not know where their return to *terroir* is going to lead them (i.e. which tastes it will bring forth), they do not either want to be restricted in their search.

The INAO has thus proposed that the panel tasting become itself a test to determine whether a wine belongs to a “taste family” - a more flexible notion than a list of gustatory criteria.

The *terroir* wine producers claim that it is impossible to fit *terroir* quality into specific criteria. Criteria are always too simplistic and rigid. Despite there being a few wine faults that are generally agreed upon, the proposed criteria fail to unanimously discriminate good and bad *terroir* interpretations. No fixed criteria can be said to be good or bad. There is always a gap between any a priori criteria and its “realisation” in a wine.

4. Terroir as not “some-thing”

For the “authentic terroir” advocates, a GI certification is a frame composed of minimalist criteria within which each terroir producer is engaged in the production of his own terroir interpretation. As the result of a creative production and an interpretation, terroir can be assessed *a posteriori*; however, it cannot be fully defined *a*

priori. This interpretation of a GI wines can be compared with cultural products typologies like UK, French, US, Italian, Indian cinema for instance.

Their opponent wine producers make a reverse reasoning: a GI is a recipe and terroir is the result consecutive to the use of a “recipe”, the certification criteria. Within this understanding terroir is “something” independent of any interpretation or individual contribution of the vintner and “caused” by a set of practices and the geographical localisation of the vines.

These two understandings of terroir are clearly fighting one against the other. We can differentiate them according to whether they see terroir as being the object of a quest and maybe an endless quest such as art, or as “something already there”, which requires definite techniques to be made apparent. These two different views of the ontology of terroir have important consequences on the property actors may claim on terroir.

If terroir is “something”, its presence can be re-cognized and the conformity of the wine tested, just like one can check whether there is actually strawberry in a strawberry flavoured yoghurt. Therefore, the consumers might delegate to the certification process the proof of its existence. Terroir is therefore no intellectual property, but a kind of physical localized property, exploited by the winegrower to which it belongs, just as a gold mine. The award of a GI means that wine-makers extract part of their terroir to put it into the wine.

If a terroir wine is a human-and-nature “production” interpreting terroir, then the terroir wine cannot be tested because there is no *a priori* set of criteria equivalent to the presence of a terroir production; however, just like artwork cannot be tested, it can be assessed. In the same way a piece of art cannot be “tested”; it is assessed by experts. The two “authors” can claim an intellectual property on the terroir. Of course, as nature is so to speak a belonging of the wine grower, just a slave would be, the vintner may claim all the intellectual rights for himself.

This difference in interpretation has important consequences on the conception of a GI as a quality certification. The idea and design of such an evaluation is different according to each side of the controversy.

The guarantee of a terroir “production”: A distributed non-Popperian proof

In the “terroir-thing” interpretation, terroir can always be reduced to combinations of criteria, be they practices or taste characteristics, that allow to detect its presence. The control of the certification is therefore a conformity “test” which allows to look for “misuses” of the terroir “recipe”.

The “terroir-production” interpretation on the contrary emphasizes the framed innovation brought by each new terroir production, which requires resorting to a very different assessment.

Indeed, contrary to taste scientists, wine tasters do not all discard sighted tasting as biased. They believe that a proper assessment requires a deep understanding of what they are judging. They therefore resort to thorough enquiries, for example by questioning the wine producers about their practices, visiting the vineyards, and comparing the wine with other similar productions. Sighted tasting makes it possible in each particular case to ask how *terroir* is supposed to matter, so as to focus on its relevant taste features.

When critics taste wine, they do not just let themselves be passively immersed like the blind tasters of the taste sciences. They also do active research, question quality and good taste repeatedly, and endlessly compare all similar products. They do not only keep to one tasting technique. They use sighted tasting to find out what they need to seek in the wine, but check these results with a blind tasting as soon as they seem too persistent and likely to turn into a “prejudice”. Wine critics do not content themselves with the results a product gave them on a single tasting occasion: they multiply their own tasting experiences and inquire about those of other wine tasters. Then, together, they all compare their experiences, assess the credibility of the said experiences, discard what they deem to be artefacts, and keep the perceptions which seem to them to be the most pertinent.

They thus reach another form of judgement, which, though more learned, remains temporary and collective. Just like the reflexive methodological analysis of the scientist or experimenter, the reflexive critical analysis, which is continually renewed, guarantees the reliability of the judgement of the critics, in other words, their capacity to indicate the quality of wines.

Critique-based control uses a method to impart generality on its judgement which differs from that generally used by science and described by Science and Technology Studies (Latour et Woolgar, 1979) (Latour, 1993). Whereas science proceeds by reducing the diversity of situations, taking them back to a laboratory situation made “representative”, wine critics proceed by continuously multiplying their tasting opportunities, the tasters and the tasted wines. In this way they become representative “in extension”, not “in intention^{iv}”. The generalisation of an evaluation is achieved through the accumulation of experiences instead of by induction from a controlled situation^v.

The need for an alternative proving procedure

The consequences of this different, unverifiable and non-falsifiable proving procedure, according to K. Popper’s terms (Popper, 1959), are significant. Testing quality, in particular, is rendered impossible, because it cannot be reduced to a test involving only a limited amount of “representative” people in a “representative” place at a “representative” moment in time. Yet though the descriptions and judgements provided through critique-based control may be unscientific, they are not “pure ideologies” or “metaphysical”.

The test, which the European Commission is asking for, is thus impossible. It is an unbearably “simplistic” method compared to the distributed procedure of quality evaluation. It demands representativeness where representativeness is irremediably lacking.

Recently, the president of one of the associations for the defence of *terroir* proposed another role for the panel tasting:

“To detect the undisputed faults, but with possibilities for an appeal, to use it as an alarm bell allowing the upstream wine-producer to be helped, to taste collectively so as to better work together and know the *terroir*: these are, for us, the only objectives of the tasting which our profession must have within the framework of the reform.” (Parcé, 2009): 4

The undisputed faults must always be reported, as before. However, the speaker suggests that the rest of the evaluation carried out by the tasting panel be devoted to collective discussion on *terroir*. This remark thus proposes to integrate the tasting into a vast collective control procedure, which ensures the link between *terroir* and a *terroir* quality. The proposal is certainly interesting. However, although it feeds the critique of wines, it does not allow any certification to be made.

As strange as this critical procedure may seem, it is actually not so rare. It resembles art critique, or the very distributed procedure of appreciating goods on the basis of their price. Discussion on the quality of the scientific statements proposed by researchers in their articles is a similar procedure, albeit in a different field: no scientist holds the ultimate truth and none is representative of the collective from which he or she comes. On the other hand, all scientists are asked to show that they know about the controversies surrounding their research subjects and that they know how to restate them so that they can analyse their own judgement. This competency is analysed by their peers before the article is published. Such a way of working could be transposed to that of the tasting panels. They could give a detailed report on their verdicts, with that report being in turn evaluated by peers prior to publication.

Should terroir be a « commodity » or a « production » ?

We have intended to show the variety of GI uses and terroir interpretations that have emerged since world war II and the GI implementation. The core of its hottest controversies is grounded on whether terroir is some thing delimited and that can be made independent enough from the human interpretation, like a scientific “objective” thing or if it is on the contrary a human production inseparable from it, as any cultural production.

This ambiguity makes terroir anything but a simple notion. In order to clarify the situation, one may think that the controversy about the “ontological nature” of terroir could be settled.

Right now the French INAO is facing an important decision. Should it or not leave the best terroir wines leave the GI family and resort to their ability to call the terroir wine critique for assessment?

GIs do not owe their fame and attractiveness to their independent third party control, which would make them objective and indisputable and therefore a “true” quality signal. This control does not guaranty any interest of the GI quality, and only a conformity to a set of predefined criteria. The very interest of GIs comes from the commitment of a rather small part of its producers towards a particular terroir quality.

Conversely, the highly committed quality producers do not owe the world fame of their GIs and the steady increase of the wine-lovers to the little circle of the wine amateurs and critics in constant interaction with the producers, but to the capacity of the GI

certification to black-box this quality into a few checkable criteria thanks to which it is made available in the worldwide wine market.

For drinkers who feel unable to assess the quality of a wine by themselves, a GI is a quality guarantee allowing them to buy something interesting without worrying about what quality is. For more quality-invested drinkers a GI is a promise that there is something that will catch your interest in GI wines, and the more you delve into them, the more you will get caught. This enrolment of new drinkers and conversion into wine amateurs is crucial for the quality highly committed producers.

The need for a strong engagement of the customer in the understanding, judgement and discrimination of terroir quality confines the discussion and consumption to a limited circle of interested actors and limits its possibilities of extension and “*intéressement*”³. The commoditization and the delegation of proof enabled by the controlled labels facilitates the “*intéressement*” of not-so-engaged wine drinkers who want for instance to drink good terroir wines but feel unable to judge it by themselves, do not want to spend too much time on getting information about the terroir quality claim of a wine and ask therefore for “*reliable signs*” to make their purchases.

Finally, the two understandings of GIs are in interaction; they exchange fame, prestige and buyers. And the two quality assessment procedures through a third part control and through a wine critique play an equally important but distinct role. The settlement of the controversy by a separation of the debating parts would certainly lead to the dropping down of the interest for the GI label. Following this conclusion, the controversies we have studied in this article about the use of the GI labels and certifications are inherent to the very existence of such a quality certification label. Yet, this does not mean that one should leave them grow as if they were without importance. On the contrary, keeping the balance between the two interpretations implies to adjust the legal frame of the GI so that none of both can become detrimental to the other. Yet in order to organize the coexistence of the opponents, an ambiguity has to be cleared. The commercial drift of the GIs calls for an adjustment of the wine quality to the “*demand*” while GIs have been invented in order to protect wine quality from its pressures. In order to stop the resulting signification loss, the link of criteria of the GI regulation with terroir quality has to be constantly reaffirmed and kept free from commercial temptations.

Conclusion: GIs as a political and economical tool

This long journey into the interpretations and uses of the GI labelling provides quite a different and more complex image of this controversial economical tool. GI label does not act *per se*. Their success is a collective achievement of producers, regulation, retailers, critics and customers all involved in the production and appreciation of an interesting quality. GI certification does not imply a commercial success. In France and other parts of the world, many GIs do not achieve any particular fame or acknowledgement as a quality production.

Our focus on the actors, their uses and the controversies they raise allows to grasp two core features of GIs: the distance kept with demand and the co-authorship between human and nature.

³ French word composed of two latin roots: inter=between, esse=to be.. It stands for the recruitment or enrolment by interesting others by any kind of means or interests and not only the economic one.

The first point does not mean that GI products escape the market regulations. It points out the framing of the agreement between the product and the customer. Instead of resting upon a “demand marketing” it resorts to a “supply marketing” where GI labelling and later product criticism play a major role in helping the customer to appreciate a quality, that is to adjust his taste, sensibility, understanding... to the product.

This feature allows people - be they members of new or old world - to collectively watch their productions and keep a certain control over the interpretations of their “quality”, what they are and signify. Why should customers be the only ones in deciding what a good Indian meal is?

Not all products achieve this through the use of a GI. Most of the “cultural” productions, paintings, music, literature etc. maintain a double sided understanding of quality as “commercial” or “non-commercial”. These products can indeed rely upon a longstanding critique, which assesses their quality while maintaining its interpretation at a distance of “commercial” requirements. Many GI candidates may resort to GIs because they cannot count with pre-existing critiques. Yet in doing so they would miss the second feature of GIs.

GIs are associated with “local”. The *terroir* notion at the heart of the French GIs, states a co-authorship between human and nature. It is an original feature in intellectual property protection, which could be applied to landscapes for instance. As reported in this article, the revival of *terroir* is strongly linked with the threat perceived by vintners of a fading of this co-authorship. Human-nature co-authorship is not synonym of local and leaves free range for new forms of intellectual productions.

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ⁱ This article is based on the work undertaken during the research programme "sans pesticides?" ("Pesticide-free wines?") which was funded by the Ministry of Infrastructure, Regional Development and Transport (MELATT) [Grant number B05501]. It was a study of the environmental qualification of wines and was based on an in-depth field study carried out, as far as the wine-growers were concerned, in the regions of Languedoc Roussillon, Jura and Pays de Loire. The field study was carried out between 2005 and 2006 (Teil, et al., 2007) (Teil, et al., 2011 (à paraître)).

ⁱⁱ These quotations are from the interview corpus of the above-mentioned study. All of our interview quotes use the same traceability technique. "Winegrower3" indicates the professional category of the person interviewed. "PdL" indicates the region where the interviewee works, here: Pays de Loire. "PF" are the initials of Pierre Floux who carried out the interview and "2" indicates the page number of the standardised interview transcript.

ⁱⁱⁱ In a few regions of France, oxidation is actually sought after and obtained through special processes, such as maturation under a film of specific yeasts, like the yellow wines of the Jura and the fino sherries of Spain, or a controlled oxidation which is, for example, used to obtain

rancio wines. The evaluation of the typical or sought out character of oxidation is never simple. It is still a matter of debate, for example, whether the oxidised character of Hungarian Tokaji wines makes their uniqueness and stand out from other sweet wines like Sauternes or whether it is a defect originating from the complete lack of attention wines commonly suffered from in Eastern cooperatives before the fall of the Berlin wall freed the markets and brought new oenologists into the wine storehouses.

^{iv} The descriptions “in intention” and “in extension” are two different mathematical set descriptions. The first one proceeds by indicating a property shared by all the elements of the set, and the second by listing its elements.

^v We have described elsewhere in detail the way wine criticism functions like a collective procedure of evaluation which makes its judgement objective, not by retrieving the observer, but by accumulating or including all of the observers (Teil, 2001).