

**Delicious enigmas:  
Legal geographical indication regimes in Bordeaux  
and the United Kingdom**

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In fulfillment of the requirements for the degree of  
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## **Declaration**

I, Erica Angele Farmer, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

## Abstract

This dissertation is based around a comparative ethnographic study of two geographical indication (GI) regimes--which protect place-based products under what is generally accepted to be the framework of intellectual property law-- the *appellation d'origine contrôlée* (AOC) system for wine regulation in Bordeaux and the Protected Food Names (PFN) system which protects artisan foods in the UK. Conceptually, the project considers the social construction of meaning in GIs, particularly in regard to the differences between legal/policy debates around protection and the ways in which producers and other actors engage with protected products in more sociocultural ways (especially in terms of policing of existing cultural norms or cultural heritage motivations). The project also explores the ways in which new networks of connection and belonging are being constructed out of legal status or the quest to receive it.

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## Chapter One: Introduction

### Introduction

In the world of wine, there is something called the *bouquet*. When you begin a tasting, one of the first things you do is swirl the wine around in your glass and smell it, getting a sense of the younger, surface flavors it contains. This is what the French call the *premier nez*, or first nose. In many ways, it is the wine's first impression. After that initial aroma, as the wine sits and aerates, you get another set of aromas, the *deuxième nez* (second(ary) nose), which may be the result of aging or other more subtle qualities of the wine. This adds a second dimension to the overall scent-- and by extension-- taste and experience of the wine. Then, at last, there is *bouquet*-- which is a little more nebulous. Not all wines have it, but all great wines do. It is not just the blending of the first two noses but something else, more emergent, both more than the sum of its parts, and ideally a bit of something else entirely. A product of quality, aging, and the passage of time, it is a bit of the wine's *je ne sais quoi*. To connoisseurs, the idea of bouquet unites the efforts of the winemaker, natural effects of *terroir*<sup>1</sup>, characteristics of the grapes and the quality of production in a different kind of harmony that is perceptible to the taster of the wine, as well as a clear mark of a *grand vin*. This type of emergent hybridity is a useful metaphor for the types of meanings held by geographical indications, the topic of this dissertation.

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<sup>1</sup> *Terroir* is a French concept that encapsulates the unique confluence between natural factors and products that come out of those natural conditions, as expressed in the qualitative characteristics that mark the products that come from specific geographical spaces.



The term geographical indication (GI) is an umbrella term<sup>2</sup> for a complex legal system that brings place-linked products into broader intellectual property (IP) frameworks through the legal protection of their proper names. Although such regimes have growing significance globally, the impetus for this type of legal protection began in France under the *appellation d'origine contrôlée* (AOC) system for wine, which was first codified in 1919 (Loi du 22 Juillet 1927 Modifie La Loi Du 6 Mai 1919 (Protection Des Appellations D'origine) (27 July 1927) Journal Officiel 7762). Broadly speaking, the legal regime seeks to align heritage value with economic policy, creating a tier of protected products with special demarcated and protected names, tying regional specialty products to places.

Geographical indications simultaneously fit into and subvert the structures of intellectual property law. As iconic products-- primarily beverages and foodstuffs-- they possess both intensely personal and instrumentally universalizing meanings at multiple scales. They act as a tool for heritage preservation, revitalization and invention. They are both more and less than "just food," as they provide a means of uniting groups, products, histories, and practice through material objects. As Sidney Mintz said in *Sweetness and power*, "[w]hat we like, what we eat, how we eat it, and how we feel about it are phenomenologically interrelated matters; together they speak eloquently to the question of how we perceive ourselves in relation to others" (Mintz 1986:4).

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<sup>2</sup> Although other terms are also in use which connect GIs with other varieties of collective property rights, I have made the choice to use the term "geographical indication," both due to its prevalence, especially in the literature and in usage by actors, as to well as to focus on the variant of such rights most closely related to my research interests. Especially due to my fieldsites and interests, choosing a term with greater breadth felt more likely to overstretch my conclusions further than I was comfortable given the foundation of my research in European cases, which necessarily simplify some relevant issues around differentials of power, types of communities, or social justice issues compared to a more international focus.

Given this inherent hybridity, geographical indications are also surrounded by a fundamental tension between the general and the particular. They are about both defining and leaving things undefined, naming and claiming as much as they are about broader, quasi-transcendental meanings which are very culturally or individually specific. "GIs are as close as it gets to an essentially contested concept within IP doctrine, despite [indications of geographical origin] existing in one form or another for well over a century" (Gangjee 2012:297). In many ways the types of values that underlie geographical indications are especially qualitative, and one of their unique qualities as a legal regime is the way in which they unify both a degree of justiciable fixity and cultural flexibility into a single legal object.

Regardless of other potential sources of value, there is something multivalent about GIs. In my research, I find a large part of their value to my informants derives from the opportunities for interpretation and reinterpretation of their meanings. The very fact that geographical indications feel important even amidst such fluidity highlights their value as signifiers. This hybrid orientation positions them in a way that evokes Homi Bhabha's theory of Third Spaces. He notes the value of "that Third Space, though unrepresentable in itself, which constitutes the discursive conditions of enunciation that ensure that the meaning and symbols of culture have no primordial unity or fixity; that even the same signs can be appropriated, translated, rehistoricized and read anew" (Bhabha 1994:37).

This dissertation is based around a comparative ethnographic study of two geographical indication regimes-- the *appellation d'origine contrôlée* (AOC) system for wine regulation in Bordeaux and the Protected Food Names system which protects artisan foods in the United Kingdom (UK). The

project considers the social construction of meaning in geographical indications, particularly in terms of the differences between legal/policy debates around protection versus the ways in which producers and other actors engage with protected products more socioculturally (especially in terms of policing of existing cultural norms or cultural heritage motivations), as well as thinking about the ways in which new networks of connection and belonging are being constructed out of legal status or the quest to receive it.

In terms of the cases, Bordeaux is important as the historical source of this type of regulation, and the source of the model for most European systems for geographical indication protection. Due to the sociohistorical context that led to the creation of the system, the AOC system embeds a number of social structures and ideologies into the structure of the law which have implications as that system spreads outward more broadly than the context of its creation. The United Kingdom provides a striking contrast because of both the external nature of the system there (since it arrives via the European Union (EU)) and the ways in which the details of the case trouble some of the fundamental embedded assumptions about what geographical indications are, what they can be used for, and what they should or should not do, both socioculturally and legally. Although my work focuses on two very different cases, they both seem to converge toward something more universal, tied to the tension around the ability to represent, sense, and define complexity, meaning, and importance.

Conceptually, I argue that geographical indications allow for the possibility of an enforceable legal framework to encapsulate qualitative, subjective sociocultural values. As a result, their ability to engage with such values,

social structures, and other forms of sociocultural regulation constitute a robust part of both what geographical indications mean *and* what they do, while also engaging with the types of claims for rights in cultural heritage and cultural productions primarily tied to discussions about traditional knowledge. Additionally, geographical indications simultaneously act within the realm of intellectual property law and outside of it, constructing a legal vehicle which is at once aligned with the values of Western philosophies of intellectual property (and cultural property/culture as property) and other to them.

Academic discussions about geographical indications conventionally operate in one of two different frames, a legalistic frame, which is focused on questions such as the nature of the legal rights granted, or ideas about enforceability, predictability, or definitions of products and practices, or alternatively, in a more sociocultural frame, looking to producers at a lower scale, as well as issues of political economy or dichotomies of power at a higher one. I would suggest that the current literature on geographical indications tends to be about distilling out the different layers of the system, with a certain tendency to focus on selected elements of what goes on to the exclusion of the others.

One set of these discussions looks at geographical indications as legal structures, thinking about them in terms of categories of rights, levels of protection (Armistead 2000, Babcock 2004, Broude 2005, Chandola 2006, Echols 2008, Lackert 1998, Marie-Vivien 2010, Nieuwveld 2007), and technicalities of harmonization (Agdomar 2008, Bashaw 2008, Bramley 2013, Creditt 2009, Desai 2007, Echols 2003, Gangjee 2007, 2012, Hermitte 2001, Josling 2006, Visse-Causse 2007). Economic analysis is also often evoked, particu-

larly in the context of collective bargaining and rights (Dentoni 2012, Ragnekar 2011, Thiedig 2000), such as the club goods concept (Buchanan 1965) which I will discuss further in Chapter Two.

Another major category of analysis is oriented around policy concerns. One set of these discussions looks at expansion of the system to non-European locations. India (Armour 2007:259, Das 2005, Balganes 2003, Gopalan 2007, Rao 2005, Singhal 2008:733, Srivastava 2003, Teubner 2008:18), in particular has a very expansive geographical indications policy<sup>3</sup>, and the rest of Asia (Augustin-Jean 2012, Chan 2012, Kuanpoth 2009, Suh 2007) has also increasingly joined in the practice of such protection. Latin American products are also increasingly being protected under GI regimes (Galtier 2013, Mitchell 2011)

Other discussion looks to the protection of GIs outside the realm of food-stuffs, often through analyses of handicraft GIs (Denicola ND, Gopalan 2007, Liebl 2004). Such articles also tend to engage with the ongoing debates about TRIPS and global inequalities between the developed and developing world, as well as the potential or actual defensive use of status to protect traditional knowledge from outside appropriation (Ragnekar 2004, Zografos 2006). These pieces also often look to geographical indications as a means of remedying the problems of protecting traditional knowledge through intellectual property (Coombe 2005a, Coombe and Aylwin 2011, Frankel 2011, Gopalan 2007:581, Panizzon 2006). Finally, there is a growing interest in geographical indications within anthropology and related fields as

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<sup>3</sup> India is one of the primary proponents of GIs outside of Europe. Its position on protection, however, is slightly broader than the European vision, in part due to a defensive orientation against outside appropriation, particularly in light of the registration of Neem and Basmati rice under trademark law. The law is slightly more expansive than the European statutes and is used politically by the government in this defensive posture.

a tool for producers to assert power against more powerful social actors or the State or as a possibility for local development (Bowen 2010, Galtier 2013, Roussel 2007, Suh 2007).

Against this landscape, I hope my work can contribute by adding an additional dimension to these attempts to categorize by centering on the GI system itself and traveling outward, rather than beginning from either producers or policy. By centering on the legal system itself, I attempt to bring out the relationships it engenders and supports as well as the social structures with which it engages and interacts. Thus the social meaning of the policy and categories involved can be made manifest through the experiences of those who both engender and are policed by the international GI system.

My work seeks to look at the spaces between these two presentations of geographical indications, using an interdisciplinary perspective to bring together anthropological and legal analysis to interrogate what happens in the gaps between theory and practice, as exemplified by the spaces between these different frames of discourse, presentation, and understanding. Mezey postulates a similar vision in her essay "Law as culture," arguing in favor of

looking to "thick description" to give a complex account of the slippage between the production and reception of law and legal meanings, of the ways in which specific cultural practices and identities coincide or collide with specific legal rules or conventions, thereby altering the meanings of both. In the slippage between a law's aims and its effects you often see this collision of cultural and legal meanings" [Mezey 2001:54].

According to the TRIPS agreement<sup>4</sup>, geographical indications are "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin" (TRIPS Sec 3, Art 22). Yet, even within this relatively straightforward definition there lie a multiplicity of meanings. Although place is nominally what is valorized, it largely acts as a proxy for values tied to natural conditions, methods of production, and localized traditions. To further explore these questions I will consider both what geographical indications mean and what they do, as acts of nomenclature alter and reflect social practices.

This tendency within the structure of my project is an attempt to consider "how words do work in the world" in the sense of Austinian speech act theory (Austin 1962) and also fits into more recent work in linguistic anthropology on language and performance. I will consider a series of relevant terms, the ways they are used, constructed, reconstructed and connected, as well as the ways in which the meanings they convey define relationships of various kinds. "Words, alas, aren't things. Things, especially complex things like performance, don't obey our words for them; they are subject to continual mutation and intermixture--which is another way of saying that they are continually open to metaphorical extension (States 1996:3).

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<sup>4</sup> The TRIPS agreement (Trade Related Aspects of Intellectual Property) refers to the often controversial legal treaty promulgated by the World Trade Organization (WTO) through which many of the major international intellectual property conventions have become directly enforceable through trade-based systems. Because of its linkage with the WTO, trade sanctions were used to force less developed countries to sign on to IP regimes that have been created from the perspective of developed countries. For a full discussion of the relevant concerns see Shiva 2001 and Commission on IPR 2002:9.

I would suggest that geographical indications fit well within the schema of linguistic prototype theory (Lakoff 1987)-- constituting best case examples of categories of products with high degrees of social meaning. GI products can be considered best cases of the varieties of products they typify, constituting a marked class of specialized, high value products with a certain kind of instant mental resonance. The tools of law both build out of and reinforce this role, investing them with additional meaning, even as their protection grows out of their preexisting meanings. As Vedery comments, "[s]ystems of social classification not only classify; in institutionalized form, they also establish grounds for authority and legitimacy through the categories they set down, and they made their categories seem both natural and socially real" (Vedery 1996:226).

Geographical indications were, as I have already suggested, not created out of whole cloth, but instead the wider category of rights is an outgrowth of the culturally specific AOC system in France. In the interests of better understanding the animating principles of such regulation, I chose to center my analysis on its place of origin-- Bordeaux-- to gain both a sense of the connections the regulatory system bore there, as well as the key concepts and ideas that would travel along with the structure of the law. The United Kingdom presented an opportunity to witness the complications of legal export firsthand. The fact that legal GI protection in the UK was a more or less complete extrapolation from the French case (due to its dissemination through EU vehicles) provided a near perfect opposite of the Bordeaux case-- a direct attempt to fit existing sociocultural elements into boxes crafted for the regulation of a different society. Thus the similarities and differences of the two cases, when combined, help to define the outer limits of what



geographical indications are. By looking to what values and concepts are shared between two very divergent cases, which may initially appear to be fundamentally opposed, provides a means of defining the core of shared meaning in GIs, as well as outlining the idiosyncrasies inherent in its various forms.

For the purposes of this dissertation I will use the phrase "GI status" to speak generally about the condition of products which are currently legally protected under a national or international GI regime. The term thus stands in for the marked condition of being part of the legal system around GI, rather than referring solely to place-linked products which are not currently part of those regimes. When I refer to the "system," I refer to the various interconnected legal rules and structures that define and regulate GIs.

### **Research questions**

As noted earlier in this discussion, the relationship between the general and the particular is an overarching theme of this project. In many of the same ways that Levi-Strauss postulated about totemic divisions, the set of categories in place "constitutes a sort of conceptual apparatus which filters unity through multiplicity, multiplicity through unity, diversity through identity, and identity through diversity" (Levi-Strauss 1966:153). The core goal of my research has been to study GI systems in context, focusing on the construction and policing of communities, interactions between policy and practice, and the differences between legal and sociocultural styles of dispute resolution. This dissertation is an attempt to bring anthropological "thick description" (Geertz 1973) to the study of the workings of geographical indications. Due to the divergence in meanings for policymakers, legislators, and producers in this area, the case presents an example of what Mezey

refers to as slippage-- a gap between policy and practice which holds important sociocultural implications (Mezey 2001). The questions look to elucidate the relationship between law and sociocultural context in the case of GI and the ways in which such context inflects, alters, and dictates practices of artisan food producers in my two fieldsites.

Specific questions include the following:

- What ideas and values are shared about GI products, who decides, and how? How do these different meanings interact/conflict/coexist?
- What legal and cultural fictions exist to sustain the system? How do those different narratives alter meanings, options and opportunities?
- How does cultural context shape legal practice and policymaking in this area?
- What forms of codeswitching or register shifts are used by actors when moving between law, policy, and sociocultural frames about GI?
- What is the relationship between legal and sociocultural policing of belonging among producers?
- How do the differences between geographical indications and other types of intellectual property manifest and change the options available to actors?

Law and anthropology are often positioned as disciplines in opposition, largely due to the differences of power presupposed by their subjects and objects; yet there remain areas in which the two fields come into contact. I would argue that GIs form a fundamental case of this, due to their fluidity, their abilities as iconic signifiers, and the ways in which they bridge the legal and the sociocultural through their very existence. I conceptualize them as boundary objects, in the ways in which they both reinforce and reflect sociocultural boundaries as well as in the ways that they constitute new kinds of communities and practice. "[T]hey are entities at the borders of discourses, that is entities which set up borders in themselves, but do not presuppose that a border is also an enclosure (Strathern 2004b:46). They present neither a case for legal analysis nor for ethnographical analysis

alone. Instead, I would claim there is great value from studying the gaps between the two disciplinary perspectives in this area through the ways in which social and legal practices constitute and alter each other. As Coombe comments, "[an] exploration of the nexus between law and culture will not be fruitful unless it can transcend and transform its initial categories (Coombe 1998b:21). Through a discussion of networks, coalitions, and negotiations around GIs I intend to shed some light onto the relationships between their legal and cultural regulation in both of my fieldsites. I hope that this hybrid perspective will allow me to better explore the complexities of those interactions and engage with what Coombe argues for in *The cultural life of intellectual properties*:

consideration of the *cultural* nature of the actual forms that intellectual property laws protect, the social and historical contexts in which cultural proprietorship is (or is not) assumed, or the manner in which these rights are (or are not) exercised and enforced to intervene in everyday struggles over meaning [Coombe 1998:7].

## **Literature Review**

The academic study of geographical indications connects with a number of anthropological themes and questions. For the purposes of this dissertation I will focus on four areas and related subthemes in the following literature review: food studies and the anthropology of food, scholarship on cultural property and cultural heritage, literature on legal anthropology, law and culture, and intellectual property (particularly in relationship to such rights in the context of traditional knowledge), and finally anthropology of space, place, and memory, via symbolic anthropology and semiotics.

Although these areas of connection are far from exhaustive as a context for a study of geographical indications, I hope that they will serve to bring out the role of GIs as signifiers of sociocultural meanings which engage with and

utilize the structures of law in the service of cultural heritage and related values. The relationships between these elements tie together the meaning and doing of GIs and the value of the synergies in the ways rights around them are constructed.

### **I. Anthropology of food/food studies-- food, globalization, and geographical indications**

In his introduction to the edited volume, *Food and globalization*, Sidney Mintz argues in favor of "food at moderate speed," advocating for a middle ground between fear of the homogenization of world food cultures and increasing specialization and resistance to change on the other (Mintz 2006). Especially in the face of contemporary globalizing influences, food generally, and especially heritage foods, are nestled-- not unlike geographical indications --in a space between the general and the particular in regard to their meanings and possibilities. As Richard Wilk notes, "[t]he extremes of slow and fast, local and global, artisanal and industrial, are ideal types; at some level they may be good intellectual tools, but all the real action takes place *in between*, in the complex and interconnected highways where Mintz's 'food of moderate speed' is traveling" (Wilk 2006:15).

Additionally, it should be noted that this tendency connects into the general/particular theme that underlies all of the major questions of this dissertation. In terms of food and culture, the literature postulates a pull between two poles, one of which sees a homogenization of food culture by international hegemonic actors such as McDonalds, Mondavi, and Monsanto and an alternative trend toward increased localization and preservation of heritage in the face of such perceived threats, through vehicles such UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005). Amidst these macro style

concerns lie a variety of interrelated tendencies that pervade discourse and practice in this area. I will, as Wilk does, consider "local and global as mutually dependent, each requiring and constituting each other; far from being opposites, local specificity and global homogeneity are two products of the same process" (Wilk 2009:93).

Anthropology has long been aware of the importance of food in the ways societies structure their lives. Levi-Strauss built his famous analysis of myth, *The raw and the cooked* (Levi-Strauss 1983), around food and categorization as markers of society, and numerous ethnographies have focused on food and relationships in contexts around the world. Following Mintz (1986), many contemporary works in the field explore the role of a specific food within its cultural context and related networks (Atkins 2010, Foster 2008, Lietch 2000, Paxson 2013, Terrio 2000, Valenzuela-Zapata 2003). The cultural differences between approaches to food is another major theme in the literature (Douglas 1969). The relationship between social structure and regulation is far from a new one. Food serves as a tool to transmit identities and to connect individuals to communities, real or imagined histories and places. "Anthropological work has produced a broad consensus that food is about commensality-- eating to make friends-- and competition-- eating to make enemies" (Sutton 2001:5).

Food holds social meaning and reflects the type of connections that are tied to societies more broadly. In her semiotic analysis of the meal, Mary Douglas notes the relationship between nature, culture, and context in this area.

If food is treated as a code, the messages it encodes will be found in the pattern of social relations being expressed. The message is about different degrees of hierarchy, inclusion and exclusion, boundaries and

transaction across the boundaries. Like sex, the taking of food has a social component, as well as a biological one [Douglas 1971:61].

Such anthropological understandings of food and its meanings also seem to be behind some of the motivations between urges to reconnect food, place, and communities. The nostalgia for lost relationships is often a key part of the rhetoric behind food revival movements. "This romanticization of the 'alternative' often takes a spatial dimension in the association with an idealized notion of the 'local.' The 'local' has been celebrated as fostering closer, more authentic relations and providing a counter-hegemony to globalization" (Kneafsey 2008:29). Quality, heritage, and provenance connect with ideas of tradition, authenticity, and simpler lives before the complications of modernity-- themes which appear both in the case of Bordeaux and especially that of the United Kingdom. Actual cultural loss-- or the fear thereof-- leaves people looking for something to hang on to, as these relationships between themselves and others and their ability to "know where food comes from" continue to change, leading to desires for reclaiming and a strong sense of nostalgia. And as Mintz comments, this loss is often tinged with real regret:

Local people have sometimes chosen the immediately apparent benefits of modernization, unaware that among those features of their lives that they would eventually give up in exchange were such things as the smell of fresh-baked bread, the flavor of freshly picked berries, the taste of homemade pickles, and the sense of satisfaction to be found in one's own competence [Mintz 2006:6].

In the face of this concern about lost heritage, the imagining or reimagining of those kinds of connections can be important to reestablishing identities in the face of global change (Boree 2012, Digiovine 2012, Fraser 2008, 2012).

Other concerns in contemporary food studies tie into environmental and social concerns more broadly. Sustainability and food security constitute a major area of focus (Baro 2006, Coates 2010, Himmelgreen 2010, Holt-Gimenez 2012, Lawson 2012, Markowitz 2012, Renzaho 2010), as well as work that looks at food within the context of health concerns (Brewis 2011, Nestle 2002, Paxson 2008), including diseases such as Bovine Spongiform Encephalopathy (BSE) and listeria, general concern about "sanitary conditions" for food preparation (Lietch 2009:52, West 2008) or in regard to nutrition and obesity (Halkier 2004, Nabhan 2009, Nerlich 2004, Yates-Doerr 2010).

Sustainability and environmental impact are concerns that have driven the move toward greater interest in organics and local foods. Food security can be seen to both benefit and be compromised by these movements, where on one hand there is a stronger sense of knowing provenance and conditions of production, though on the other, many traditional and artisan foods are tied to production methods such as the use of raw milk or traditional storage conditions that are considered less hygienic by national policy actors, a fact that sometimes compromises their producers (Lietch 2009:53, West 2012). This tendency to privilege medically "safe" food was seen as a particularly American quality by my informants.

Study of commodity chains and models of food distribution is another focus within food studies (Bestor 2001, Ponte 2009) seeking to trace the ways food reaches consumers and the connections between producers. The role of development and markets is also important. In the case of geographical indications, the desire for national and international policymaking entities to use such products as drivers for local development is increasing (Bessièrè 1998, Bowen 2010, Suh 2007), in much the same way heritage tourism has

been used as a potential driver for development in certain areas, raising many of the same attendant concerns.

Food is also frequently connected to questions of value and values, as my subsequent analysis will show. Locality is often conceptually tied to moral choices about questions such as foodmiles, Fairtrade concerns or authenticity (Delind 2011, DeSoucey 2009, Wright 2009). Other concerns include ecological sustainability, social and economic justice, and food quality and human health (Born 2009:126). The diverse meanings of the local reflect the full variety of these meanings, and most often several at once.

Consequently the politics and discourse around food in contemporary life is of powerful importance. The profound social construction of the meaning of foods makes them powerful sites of conflict among actors. The instrumental politics of choice is potent, and distinction and selectivity are held to hold broader meanings than they may appear to at first glance. As Heather Paxson describes with cheese, "The values that make artisan cheeses taste 'good' are related to those values that makes such cheeses 'good' to make. 'Taste' is relevant to production, economic efficiency is a consideration in consumption, and in both, class difference is reproduced while individual class mobility remains a possibility" (Paxson 2006:203). The frequently cited mantra of the Slowfood<sup>5</sup> movement is that food should be "good, clean, and fair" (Petrini 2007) and the full constellation of all of these values connect to define the meanings of food for specific actors.

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<sup>5</sup> The Slowfood movement grew out of a desire to privilege small-scale, artisan-produced foods and regional food heritage. It was founded in Italy by Carlo Petrini in response to concerns about Americanization of international food culture, and it is based around local chapters which highlight and support specialty food products. It remains controversial due to its particular vision of selecting and promoting products and places, as well as its ties to elite (e.g. yuppie or foodie) social groups. See also Lietch 2009, Petrini 2001, Petrini 2007.



Food is always tied to memory, the personal, and the qualitative-- the remembered, the constructed, and certainly the unique and the special. Perhaps it is no surprise that Proust's famous passage about the madeleine has been considered a key expression of this relationship between food and memory. He wrote:

No sooner had the warm liquid mixed with the crumbs touched my palate than a shudder ran through me and I stopped, intent upon the extraordinary thing that was happening to me. An exquisite pleasure had invaded my senses, something isolated, detached, with no suggestion of its origin. And at once the vicissitudes of life had become indifferent to me, its disasters innocuous, its brevity illusory-- this new sensation having had on me the effect which love has of filling me with a precious essence; or rather this essence was not in me, it *was* me...Whence did it come? What did it mean? How could I seize and apprehend it?...It is plain that the truth that I am seeking lies not in the cup but in myself...And suddenly the memory revealed itself. The taste was that of the little piece of madeleine which on Sunday mornings at Combray (because on those mornings I did not go out before mass), when I went to say good morning to her in her bedroom, my aunt Léonie used to give me, dipping it first in her own cup of tea or tisane. The sight of the little madeleine had recalled nothing to my mind before I tasted it...But when from a long-distant past nothing subsists, after the people are dead, after the things are broken and scattered, taste and smell alone, more fragile but more enduring, more unsubstantial, more persistent, more faithful, remain poised a long time, like souls, remembering, waiting, hoping, amid the ruins of all the rest; and bear unflinchingly, in the tiny and almost impalpable drop of their essence, the vast structure of recollection [Proust 1981:48].

The sensory and experiential elements of food (Leow 2012, Sutton 2011, Trubeck 2008:3)-- its connection to sensation, recollection, and individual bodies-- gives it a truly evocative ability to paint mental pictures through memory and personal connections. Food in both its embodied and abstract forms simultaneously always allows for an intensely personal and universalizable type of experience.

Personally, the traditional or specialty foods of one's home can be the tools of connection and affiliation (Duruz 2012, Ray 2009, Yano 2012). Sutton references Hannerz's work which described an incident where: "the first thing a Swedish couple did after a trip to Borneo was to drink a glass of cold milk at their kitchen table: 'Home is where that glass of cold milk is'" (Sutton 2001:7). One of my French informants echoed the sentiment. Despite being a globe-trotting oenologist, he told me, "I like to travel to wine regions and try the different wines of the world, but I always love to return [home] to Bordeaux and open a good bottle of Bordeaux wine" (interview B107). Food acts as a tool of remembrance, identification, differentiation, and reintegration. In the end, it just feels like home.

As well as a marker of place, food can also be used to define identity and nationality. Heritage foods are often one way immigrants and other minority social groups define themselves in the face of nationalizing or homogenizing influences (Law 2001, Von Esterik 2006). The combination of diverse cuisines, and their inclusion or exclusion, also defines more heterogeneous national food cultures, sometimes as part of an explicit policy of definition and belonging (Allison 2004, Appadurai 1988, Raviv 2003, Yano 2012). Speaking of the case on Feta cheese which came before the European Court of Justice, and which I discuss in greater detail in Chapter Five, Sutton notes that "in the wake of challenges by Denmark to the EU to have the right to produce a cheese called 'Feta,' Feta gained new 'national' significance...What was a taken-for-granted national product with local associations became a national symbol in which to debate issues of Greece's relation to the European Union" (Sutton 2001:85).

## II. Cultural property/cultural heritage

Another of the major areas of connection for this project is in relationship to cultural property, cultural heritage, and related debates. The power of cultural objects, including specialty foods, ties into discussions around the multivalent uses of material artefacts and symbols in international arenas. I will differentiate two different strands of this perspective in relation to the forthcoming discussion of geographical indications.

On one hand is the universalizing trend coming from international organizations notably the soft law conventions promulgated by UNESCO and ideas of cultural universalism. The concept of legally protecting cultural property and cultural heritage also comes with a significant history, as cultural objects and sites are frequently tied to initiatives for listing and preservation, often at the behest of state governmental actors.

Major cultural property conventions have been disseminated primarily since World War II. Initially motivated by a desire to protect iconic cultural sites from the effects of war, they privileged both tangible heritage, most often in the form of monuments and sites and the concept of a "universal culture of humanity." As a result of this Enlightenment sense of a shared global memory and heritage, legal protection was established to criminalize the destruction of historic sites within conflicts (Golden 2004). This drive for protection was also connected to the idea that cultural heritage *was* cultural property, and most often of the monumental kind, attached to a sense of the value of "civilization" and the great empires of the past. This ability of historic sites to create important narratives make them instrumental in a number of ways. "Monuments and works of art have

always shared, in times of trouble, the fate of the symbols they carried"  
(Chastel 2009:7)

Over time, however, the vision of cultural property and heritage began to broaden. Other conventions were developed to protect antiquities and other moveable cultural property from trafficking (UNESCO 1970), and more recently they have expanded to protect intangible cultural heritage, including performing arts, traditional craftsmanship, and cosmologies (UNESCO 2003, Art. 2), as well as "cultural diversity" under a 2005 convention (UNESCO 2005).

Although on one hand this type of protection might seem like a positive development, it is far from completely unproblematic. Lowenthal explains that "confining possession to some while excluding others is the *raison d'être* of most heritage. Each group's heritage is by definition domestic. The past we prize is our own; those of foreigners are alien and incompatible. Our legacy is jealously unshared (Lowenthal 2005:404). As in the famously fraught case of the Elgin marbles, cultural property is continually used to construct national and regional narratives about macro level identities. Similar attempts at creating narratives through cultural property can be seen in indigenous management of cultural sites as well (Creamer 1994). Ultimately heritage works simultaneously at the level of both the object and site and much more broadly as a constituent of (often heavily constructed) identities. "Within this area of law, it becomes clear that 'ownership' is in some sense impossible, as the claimants look to claim history and identity as much as (or more than) 'the things themselves' " (Flessas 2008:391).

Further inquiry also raises concerns about cultural reification, particularly when the sites or objects protected belong to indigenous or minority source communities, especially when such symbols are used in the service of nationalism or other efforts to build majority identities from them (Dietler 2004, Hobswam 1983, Hamilakis 1996). Concerns about (mis)appropriation of cultural property (Brown 2003, Coombe 1998, Coombe and Herman 2001, Guy 2002, Thomas 1999) are frequent even within societies, as in the case of double minorities (Ingram 2000:20, Sunder 2001) and also raise additional concerns when such cultural property is tied to commerce or cultural tourism (Bunten 2010, Comaroff 2009, Graburn 1976, Johnston 2006 Morales 2004, Stanley 1998).

The converse of this universalizing impulse is a tendency to localize, with nations and other types of communities looking to differentiate and control their cultural property/heritage. Links between cultural property and intimate ideas of personhood and identity (Carrier 1998, Flessas 2008, Hirsch 2010, Strathern 1998, 1999, Weiner 1992) is another of the fundamental aspects of the complication in this area.

People do not identify with their culture but live it in the sense that the destruction of sacred sites and cultural patrimony is literally the death of the self. The need to keep one's 'culture' as property (in heritage centers, museums, private collections, and 'sacred places') implies the power to do so is contingent on the capacity to maintain the right to a unique identity [Rowlands 2005:268].

Cultural objects are used as signifiers of identities, types of rights, and ways of ordering the world. The anthropology of property focuses especially on the relational nature of cultural objects and the ways they create social networks, communities and other systems of belonging. Texts such as Malinowski's work on the kula (Malinowski 1922), Mauss on gift exchange

(Mauss 1954), and other classic and more contemporary studies of other systems of exchange, highlight the types of connections which are built around cultural objects. Land rights and control over traditional territories also form an important set of relationships between property and peoples with implications for this project.

These issues are also especially important for museum anthropology and anthropologists who work with museum collections. The passage of the Native American Graves and Repatriation Act (NAGPRA) in the United States in the early 1990s drew greater international focus to these concerns, particularly in regard to the need for relationships between museums and source communities (Christen 2005, Geismar 2011, Kahn 2000, Pigliasco 2009). Similar initiatives and policies have increased the sociocultural importance of repatriation claims worldwide, as well, highlighting the desire among indigenous peoples to reclaim significant cultural items that have previously been alienated from them by majority populations. Community collaborations also often bring out the power of cultural objects to connect to other kinds of claims: for sovereignty, self-determination, and land rights. One reason for such localization is the fact that rights in land and cultural property often tie into broader concerns about self-determination and human rights for indigenous and minority source communities (Clifford 1998). The abilities of cultural objects to aid in the adaptation and reconstruction of identities makes them vital to cultural revival movements. For many communities that have long been subjugated to and oppressed by majority cultures, the possibilities that cultural property provides for self-presentation (Bunten 2010, Graburn 1976, Stanley 1998) are vital, as is the possibility of repatriation and reclamation of cultural objects from museums and other types of collections, be those

objects inalienable possessions (Weiner 1992), human remains (Thomas 2000) or sacred items. The ability to control the usage of secret/sacred knowledge and significant objects and sites (Gervais 2003, Gudeman 2001:32, Godelier 1990, Nason 1997, Weiner 1992) is also important in these discussions, and the ability to continue such regulation aligns with ideas about appropriate forms of cultural transmission.

Material culture theory engages with many of these discussions as well, with its orientation which turns material objects into concepts and back again (Buchli 2002, Miller 1998, Prown 1993, Stocking 1985). Issues related to culture and commodification are especially relevant due to the relationship between GI products and the market. Conceptualizing the roles and agency of both producers and consumers adds an important layer of nuance especially due to the importance reputational factors in their legal construction. Questions of culture and commodification are also quite salient, both as a concern and a possibility (Carrier 1995, Comaroff 2009, Douglas 1978, Miller 1998, Parry 1999, Stanley 1998).

### **III. Law, legal anthropology, property, and intellectual property**

As should be expected due to the subject matter, the dissertation also engages with anthropological work on law, cultural property, and intellectual property, as well as legal theory around property and intellectual property. Such studies were at one time the traditional heart of legal anthropology (Falk Moore 1978, Gluckman 1955, Llewellyn 1941, Maine 1861, Malinowski 1926), and cultural regulation of socially significant knowledge and its expressions happens widely around the world (Anderson 1998, Greene 1994, Leach 2007, Morphy 1991, Myers 1989, Strathern 1996:518). Such studies dovetail well with other classic anthropological

topics like kinship and social organization. There is also a growing literature on law and traditional knowledge (Armour 2007, Brown 2003, Feld 1996:24, Finger 2004, Guy 2002, Hafstein 2007, Singhal 2008, Taubman 2008, Visser 2004), and cultural heritage concerns (Brown 2003, Brown 2005, Coombe 1998, Smith 2007, Teubner 2008).

In addition to the other culturally based regulations available, increasingly the tools and language of cultural property are used by communities to assert different kinds of claims, often for self-determination, cultural rights (Cowan 2001, Goodale 2007, Reidel 2010, Robbins 2004, Smith 2007) human rights (Chanock 2000, Holder 2008, Jones 1999, Macmillan 2008, Merry 2003 Porsdam 2007, 2009, Silverman 2007), land rights, or other expansive categories (Brown 2003, Creamer 1994, Flessas 2008, Hale 2006:113, Merry 2001, Robbins 2004). The usage of intellectual property and other legal forms to protect traditional cultural expressions also constitutes a vital part of these discussions (Coombe 2009b, Graber 2008, Posey 1990, van Zanten 2009, Visser 2004, Zografos 2006).

The political implications of such uses of property are clear, as settler societies in particular begin to deal with competing claims of legitimacy from groups who predate those in power. This ability of property rights to confer other rights reinforces the importance of such rights legally, allowing a shift to occur from object to self in ways that a progression from the abstract ideals of human rights or international law can often fail to do.

Once we admit that a person can be bound up with an external 'thing' in some constitutive sense, we can argue that by virtue of this connection the person should be accorded broad liberty with respect to control over that 'thing.' But here liberty follows from property



for personhood; personhood is the basic concept, not liberty [Radin 1993:37].

In recent years, anthropologists have also begun to focus their attention on the structures of law, policy, and organizations within Western societies. Annalies Riles has looked at rhetoric and philosophy in international human rights organizations, for example, (Riles 2006) and within regulatory bodies (Riles 2007). Bruno Latour has applied his style of actor-network theory analysis to the French Conseil d'état (Latour 2010) in a similar vein to his analysis of scientific laboratories (Latour 1986). Looking to those with a more legal and linguistic orientation, Elizabeth Mertz has turned the focus to language and the socialization process of law school (Mertz 2007) while Conley and O'Barr have done similar work on the construction of legal language itself (Conley 1998).

In terms of sociocultural theory, this focus on language, social structure, and control echoes Mikhail Bakhtin, who references "the language of the lawyer, the doctor, the businessman, the politician, the public education teacher" as speech genres, noting that "it goes without saying that these languages differ from each other not only in their vocabularies, they involve specific forms for manifesting intentions, forms for making conceptualization and evaluation concrete." (Bakhtin 1981:289). Language as a tool for encoding power is often a question in the realm of legal language, especially when words have the power to lead directly to varieties of social change. Introducing intellectual property to these discussions only adds to these types of construction and control involved, as contested words and evocations gain legal protection in the ways they are imagined.

#### IV. Place, space, and symbolic meanings

As mentioned earlier in this introduction, geographical indications engage with the symbolic meanings of place due to their connections with their named locales. GI products are heavily tied to the value of place as signifier. The anthropological literature on space, place, and nostalgia (Basu 2007, Bender 2001). bring out the relevance of such meanings. At the same time, however, I would argue that the importance of GI products is far more than a simple evocation of place. Ideas about localities and geographic spaces tie to ideas about identities, history, and nostalgia, in much the same ways discussed earlier about heritage foods. Meanings are malleable and continually repurposed to serve the ends of both minority and majority groups. The process is dialogic and possesses much of the push-pull seen elsewhere in this description. As Bender comments, "[t]he process by which we make landscapes is never pre-ordained because our perceptions and reactions, though they are spatially and historically specific, are unpredictable, contradictory, full of small resistance and renegotiations. We make time and place, just as we are made by them" (Bender 2001:4).

Territory and identity play into the construction of communities and identities in fundamental ways. "In some sense it is the idea of 'us' as a body of people united by an uncountable number of things 'we' have in *common*-- a 'way of life' in the widest sense, a *common* territory of existence in which we live, whose landscape is familiar and recognizable" (Hobsbawm 1996:263). The specificities of place also play into the literature on consumption and the repurposing of cultural products in localized contexts (Foster 2008, Miller 2002).

The other fundamental symbolic component of geographical indications is their role as texts and linguistic signifiers, which will constitute a major theme of this project. Ideas of text, discourse and meaning, the importance of legal language, framing and codeswitching as well as performance and prototype theory are implicated in the social life of GIs. To this end, one major question of this dissertation will focus on what geographical indications do in the cultural context of both my fieldsites, and in the legal system more broadly. What kinds of discourse, codes, and frames are used to create outcomes? To paraphrase Austin (1962) what makes GIs "words that do work in the world?"

I plan to use the discussions I had with my informants in this way analytically-- treating geographical indications themselves as a type of text, as well as looking at the types of language that are used, cast, and recast around them to serve different kinds of social ends. To follow Silverstein and Urban, "[t]he text idea allows the analyst of culture to extract a portion of ongoing social action-- discourse or some nondiscursive but nevertheless semiotic action-- from its infinitely rich, exquisitely detailed context, and draw a boundary around it, inquiring into its structure and meaning" (Silverstein and Urban 1996:1). Treating geographical indications as a certain kind of sociocultural text, we can thus turn to linguistic analysis to better understand their function. Drawing from Foucault, "[t]o name is, all at once, to give a verbal representation to a representation and place it within a general tableau" (Foucault 1966:132). From these relationships meanings are built. "If we treat names as merely names, points of reference, then symbolism becomes a matter of reference: a microcosm of names is counterposed to a macrocosm of referents" (Wagner 1986:15).

Related to these roles of language is the question of who acts and what official (hi)stories are part of protection and recognition. In many ways I will argue that in regard to geographical indications, actors may be using the same language, but that even when using the same terms, they may not necessarily be talking about the same things, and conversely, even when they use different words, they may actually be talking about the same things after all. Thus I will be considering what people are talking about when they talk about GI protections, be that through self-defined meanings, instrumentally, or via a repurposing of terms used by other interlocutors. I will also consider something of the alternative orientation to this question, by looking at ideas of *je ne sais quoi*, the unspoken, and the "untranslatable," particularly in considering the power of shared concepts which are undefined linguistically or which function as multivalent signifiers that connect to shared values and assumptions. The words of protected names serve as Peircean icons, standing in for other connected meanings, and I would argue that GI products also operate within the construct of prototype theory, as presented in Lakoff's *Women, fire, and dangerous things* (Lakoff 1987).

A sense of the undefined can be connected to ideas of definition by opposition. Insider and outsider status is reinforced as "knowing" acts as a sign of belonging. As in the case of secret knowledge, initiation, acculturation, and connection an important part of this "gut feeling" that defines these culturally undefinable/undefined concepts. In most cases, I would say that although characterized as "untranslatable" these cultural concerns are more often willfully undefined for just these kinds of reasons. Connecting to those shared, but learned, meanings shapes the type of information for which geographical indications are semiotic containers.

Geographical indications also engage with performance theory in significant ways. The connection of a legalized geographical indication to a product leads to a fundamental change. The process and procedure of creating (and consecrating) production is a kind of performance that creates a text of both economic and social value. By way of example, as George comments, "[i]n the context of intellectual property law, if a judicial officer who is called upon to adjudicate in a case concerning the boundaries of an intellectual property object declares that those boundaries fall at a particular place, that declaration will have the effect that the boundaries will indeed fall at that point" (George 2012:124).

The next sections will move on from this discussion of relevant literature to add a few comments on methodology and project design which will inform the rest of my text, before presenting a brief overview of the dissertation as a whole.

### **On legal language and analysis**

One legal convention I found important to integrate into the project is the idea of "terms of art." The usage of certain legal terms can be quite technical and constrained, allowing for consistency of meaning by allowing practitioners to immediately understand the relevant details and requirements when such a term is used. Contrary to anthropological usage of words like "copyright" or "branding" which tend to proceed without a shared, set definition, when legal scholars use the term "copyright" they intend that word to encapsulate a certain specific set of elements and kind of legal practice, which includes certain philosophical ideas about creativity and another set about the market. Terms borrowed from law have tight meanings, and for the purposes of this dissertation I will default to legal

usage as a least common denominator approach to emphasize interdisciplinary clarity and minimize confusion. This value of specific language is a fundamental element of legal analysis.

Whenever possible, I have returned to the text of original court decisions, statutes, and proceedings and done a legal reading of the cases, in terms of procedure, themes, and the consideration of legal analysis. Connecting words, terms, and signification is very much part of this task of interdisciplinary translation, and as such the text of legal documents is important, as the nuances of language and legal reasoning are central to the inquiry. By and large, the rights involved here are legal constructions which balance various sets of competing values, and I have tried to highlight these types of relevant tensions throughout the dissertation as well as the places in which the interplay between rights, duties, and obligations comes to the fore.

### **On communities and perspectives**

The concept of community hovers behind some of this discussion, although my primary interest here is not to interrogate the concept ideologically. A precise definition of what community means in this context is somewhat difficult to construct, both because it is not really the operative category in which actors tend to consider these questions, and due to the multitude of intersecting, fluid coalitions and identities that surround various actors involved in the process.

Geographical indications do fundamentally depend on the idea of a collective, but as the rest of this discussion will present, the ways in which concepts of community and belonging are engaged can differ widely

depending on circumstances and are nearly always manipulated in strategic ways. One thing I do consider important is how more local processes are reflected as one moves from local communities through to regional, national, and international ones, even as the same driving philosophies continue to permeate all of the relevant discourses.

These links are also very tied to ideas about hybridity and emergent spaces, both in terms of legal and cultural regimes. Geographical indications operate between existing systems, and also engender their own. In the context of my work, such a concept builds even further than the idea that geographical indications reinforce sociocultural systems that are already there, and suggests that the system itself is the starting point for a new crosscutting cultural system of its own. Consequently, geographical indications are marked by both new and old groups bringing together simultaneously the values of Western intellectual property and the philosophical constructs of traditional knowledge systems and their regulation.

In relation to these types of questions, I seek to present the ways in which communities, collectives, and belonging are changing and weaving through the structures and expressions of geographical indications both as a legal and social system. In my French case, one sees a system where traditional values of community and association are reinforced by law, while in the United Kingdom communities are being constructed and repurposed for purposes of legal protection, evoking Turner's work on structure, antistructure, and *communitas* (Turner 1974:273).

Given the role of law in this case, it is important to recall the ways in which legal systems engage with, make, and define what communities mean as well

(Mertz 1994). What is true of indigenous communities is just as true for my informants in this case:

Emerging global norms demand that communities provide consent for the use of knowledge and resources, reflect upon tradition and consider their practices as forms of heritage. International laws and international institutions call for communities to exercise particular powers and propose that they hold particular types of properties. Where peoples have no institutions to engage in these negotiations and/or where states have not implemented laws to recognize them, 'communities' will nonetheless be located [Coombe 2011:118].

For me, I would say the value of the concept of community, or other similarly blurry concepts like consensus, is the very messiness of them, and the ways in which they construct and are constructed by discourse and practices. The ways in which inclusion and exclusion work, who belongs, and what, if anything, they can agree about are among the most important elements of what is going on in terms of cultural analysis. In many ways looking around the margins provides a way to see what brings actors together, when and how. In a way, perhaps this ability not to define is a bit of a luxury, since outside the context of indigenous or minority communities, the rights at issue tend to be more economic than self-definitional, or at least such stakes are a little lower.

Among my informants, the types of connections and discourses of groups and communities was largely fluid as well, particularly in the context of the United Kingdom. As I am doing elsewhere in the dissertation, I will take indefiniteness as the value, rather than trying to force strict definition on precisely what "community" means in some universal or transcendental sense. Ultimately I quite agree that "[w]e might accept that communities are made, not found, and that the culturalized localities we see emerging are globalized sites that invoke an armoury of transnational institutions and



agencies - without thereby prejudging their capacities as political vehicles" (Coombe 2011:118).

### **A brief self-reflexive aside**

As I discussed earlier, there is something fundamentally personal and qualitative about a number of my motivating concepts for this dissertation, and as with all anthropological projects, the choice of topics and approach has been personal. As an academic, I came to anthropology via a circuitous route, which informs this project, my research questions, and analysis in certain ways. My earliest studies in the academy were in literature and culture mixed with a significant amount of French critical theory and gender and sexuality studies. The role of cultural production as a means of resistance is thus an interest of mine. In my study of law those concerns expanded into an interest in law as a social and philosophical system, particularly in the relationship between law and culture and the push-pull relationship around society, regulation, and expression.

I initially studied cultural property in the guise of international institutions and cultural universalism, before becoming more involved in its role in defining identities and meanings through my work at the Smithsonian. My anthropological coursework, which began with my masters, sought to draw together some of these disparate strands together by focusing on communal rights, intellectual property, cultural heritage, and the uses of cultural property on a variety of stages.

The current project has been something of an evolution as well. After initially developing a project which would have been more institutionally focused, looking at the World Intellectual Property Organization (WIPO)

and its projects, focusing on the protection of intellectual property rights in traditional knowledge, it became necessary to shift my direction for pragmatic reasons. Taking the general concept of studying communal intellectual property rights as a new starting point, I identified geographical indications as a major next direction for intellectual property expansion, and chose to trace the phenomenon to its origins in Bordeaux because I was both interested in the ways in which law and sociocultural practice had combined to create this form of cultural property protection and intrigued by the practical and philosophical implications of the inversion of the traditional coalitions around intellectual property in this area.

Aside from informing my methodological approach and interest in various research questions, some of this personal history plays into the themes I have explored as well. One interest is the ways in which the legally-important tension between rules and standards poses difficulties for cultural protection. The ways in which a need for predictability serves to reify even in the face of the fluidity of culture raises one challenge, while the extreme specificity of cultural practices (in the sense of traditional ethnographical inquiries) makes their content often too unique to be universalizable into a regulatory apparatus. This play between certainty and predictability that troubles the boundary of the relationships between law and culture is a major interest of mine.

An additional interest is the tension between law and anthropology as fields/disciplines. Although they sometimes share language, it seems far less frequent for legal and anthropological actors to share meanings. In this case "they're using the same words but not talking about the same thing." Especially in the case of intellectual and cultural property, this

interrelationship brings into question traditional paradigms and broadens a vision of what law can, and potentially should, do. Although clearly this relationship will remain a conflictual one, some of my analysis is an attempt to bring the two disciplines closer together, even without being able to reconcile them (assuming one would even want to).

Additionally, I am drawn to questions of sensation, experience, and memory. What brings us together and why? To what extent are those connections facilitated by our connection to material culture and the experiences it evokes? This includes both the sensory, the pleasurable, and the embodied as ways to build relationships, connections, networks around our existence as human beings and our ways of relating to the world.

The hybridity and tensions that run throughout my research questions seem intrinsically valuable to me in their ability to transform either/or options into more inclusive ones. Translating the qualitatively meaningful into more universal terms is simultaneously a challenge and a boon. Ultimately, I think that the simultaneously individual and shared nature of something so qualitative and sensory is a particularly special type of meaning. The moments and objects that matter to us as societies are clearly a large part of what our lives are about.

### ***Types of data***

In preparation of this project I have assembled a variety of kinds of data from both the French and UK cases. While in Bordeaux, I conducted interviews with wine experts, commercial/marketing people, and syndicates/producers, including oenologists, historians, lawyers, and those involved with representation of Bordeaux wines both within and outside the

region. To augment these direct interviews, I also visited different areas of Gironde, to better understand geographical relationships between communities. I visited *châteaux* and related cultural spaces (museums and cultural centers) to explore the winemaking process and the ways in which the industry was portrayed in socio-historical context. To access historical dimensions and legal precedent, I also reviewed documents housed in the Departmental Archives in Bordeaux and the National Archives in Paris, which included early court cases, news articles, public policy documents, *cahiers des charges*, and diplomatic correspondence beginning from the earliest days of the AOC system. Additionally, several of my informants have published books and articles on related topics, which I have collected and reviewed in addition to other documents supplied to me in conjunction with my interviews.

For the UK-based material, there was less centralized information due to the nature of the system, necessitating a slightly broader and less focused strategy. Material there includes interviews with producers and representatives of producer groups as well as interviews with national PFN<sup>6</sup> scheme administrators and other actors associated with advocacy and administration of the system. I have visited various artisan producers including cheese and cidemakers, as well as markets and farmshops in a number of communities in the Western United Kingdom and in London. I have also collected and reviewed domestic case law, news articles, and product dossiers. In addition to PFN specific material, I have also pursued interviews related to food culture in the UK, particularly in relationship to local and organic foods, markets, and product certification.

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<sup>6</sup> The PFN system serves as the national GI system in the UK, although its authority and administration derives from the EU, as will be discussed further in Chapters Five and Six.

Finally, there is additional material dealing with international aspects associated with the various systems and associated food culture and crosscutting some issues shared between the French and British cases. These include legal cases, arbitration rulings and other decisions from the European Court of Justice, European Union, World Trade Organization, and regulatory and administrative materials. Elements relating to marketing and representation run throughout much of the material as well.

In using these sources, I have sought to combine localized perceptions given to me by my informants, with more official discourses about heritage and GIs being presented in various other fora. I also have tried to draw out the ways in which the projected clarity of law obscures a wide spectrum of sociocultural practices, negotiations, and possibilities by tracing language, relationships, and texts in this way. My goal in doing so is to look inside the gaps between the experiences of the various actors operating in and around international GI systems in the interest of better understanding the relationships between actors, disciplines, and objectives in the area of GIs.

### **Dissertation Overview**

The chapters that follow will highlight the broadly defined themes and questions presented in this chapter in a number of ways. Following the introduction to the material here, Chapter Two examines philosophical debates around international GI policy in conceptual terms. It sets out the arguments and attendant implications that underlie pro- and anti-GI perspectives in a theoretical sense, to better ground these issues for later discussion.

Chapters Three and Four are an ethnographic study of the *appellation d'origine contrôlée* (AOC) system in Bordeaux. My focus is on wine culture, heritage, and tradition as experienced there, with a specific interest in conflicts and how they are resolved through both legal and extralegal avenues. Chapter Three sets out some of the historical and cultural context of winemaking and AOC in Bordeaux, and centers on a discussion of major terms and concepts that underlie the construction of heritage value in Bordeaux wines. Chapter Four will build upon this vision of the construction of heritage value by looking more deeply at the structure of the system (through a discussion of organizational actors, their roles, and interrelationships), before moving on to an exploration of four specific conflicts and the sociocultural and legal issues that were raised in their resolution.

Chapter Five addresses the shift from the national GI system of AOC in France to attempts at European GI policy, harmonization, and administration. This shift presages broader initiatives to encourage the spread of GI systems and the emergent conflicts that derive from such expansion. The chapter will outline the actors on the international stage and trace several international disputes over the meaning of geographical indications in relationship to questions of cultural identity, nationalism, the role of language and naming, and the role of politics and power differentials in the international arena. Additionally, this chapter is necessary to provide background for Chapter Six, as the Protected Food Names (PFN) system in the United Kingdom is directly derived from and largely administered within the European scheme.

Chapter Six presents the contrasting ethnography of the UK PFN system. In opposition to the French case, GI protection in the UK must address different issues which arise from the different experience, context and history of UK food culture. Considering the difficulties and successes of this different scenario in tandem with the *sui generis* case of France raises questions of both new possibilities and challenges that suggest the outer limits of international GI protection in context.

Finally, Chapter Seven will conclude the dissertation with a discussion of further implications of my work in the context of my initial research questions, while also highlighting the broader significance of my work to anthropology, law, and other relevant disciplines.

## Chapter Two: Philosophies, ideologies, connections, and the conceptualization of GI status

Through their ties to places, people, histories, rights, and economics, geographical indications act as carriers for a multiplicity of meanings. As the previous chapter has begun to set out, these meanings are tied not only to what GI products and status *mean* but also to what they do. The complexity of these relationships can lead to major ideological splits around their legitimacy and importance, as the current chapter will present.

As suggested in Chapter One, the role of geographical indication law in context is inflected by social history, other preexisting systems and relationships, and different orders of value. Stated (and unstated) ideologies mark the types of arguments that can be made for or against legal status, and embed and reflect those values and ideologies in the types of rights that are available, how they are conceptualized, and how they can be used. This connection highlights some of the reasons for the differences between the perspectives of the major global actors in their respective understandings of what GI products are, and their perspectives on whether the kinds of values those products stand for are recognized or not.

The focus of this chapter will be on the philosophies and ideologies behind GI status. It will present some of the major arguments for and against the existence of special status for the types of products protected under GI regulations and examine the stakeholders and coalitions for and against protection, as well as the elements which bring them together. Following this introduction to the major themes, the last two sections of the chapter will contextualize some of the details of GI protection, looking to the



relationship between GIs and particularity and the interconnections between GIs and other types of rights.

This background context is intended to situate the ethnographic chapters to follow. These legal and philosophical concepts are key themes that run throughout the remainder of this dissertation and will highlight the discussion of GI rights in practice. The relevant debates introduced here show the more abstract elements of the connections between heritage, economics, and politics that will define the dynamics of geographical indications at various points of my analysis elsewhere.

### **Geographical indications and opposing philosophies**

GI products needfully engage with history through the details of the ways they are socially and legally constituted. Their value derives from both emic ideas of their meaning and more external perceptions of their reputations. They are fundamentally tied to their social contexts and very much aligned with ideas of cultural heritage (Broude 2005:631). They must be associated with places and recognizable, in at least some ways binding communities to those locations and related production practices.

Ultimately, for a geographical indication to make any sense at all, it must already hold meaning as a name with sociocultural importance. "Their presence authenticates and validates not only a local production, a *terroir*, but also a mode of presentation, a *mise en scène* (in which they participate) and a mode of distribution" (Chaudat 2004:10).

As discussed briefly in Chapter One, the WTO's TRIPS agreement defines geographical indications as "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a

given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin" (TRIPS Sec 3, Art 22). This definition highlights products differentiated by their qualities with special, recognizable names tied to specific places and origins. The concept, at a broad scale, keys into these elements through connections with history, particularity, and uniqueness, all concepts which remain contested within international policy arenas.

Philosophically the protection of geographical indications is not valorized equally around the world -- with Europe being the leading proponent of such protections (Commission on IPR 2002, Nieuwveld 2007:895), while nations such as the United States, Canada, and Australia find such individualized protection unnecessary as a policy, relying instead on the trademark system, which provides similar protections under an already existing form of intellectual property law. What are the reasons for the contrast? The two perspectives are separated around the sources of particularity that attach to the types of products protected under the legal rubric.

Western Europe is the major proponent of geographical indication status and policy, with the vast majority of geographical indications being based there (especially those for wine and spirits and many of the other most commercially 'high value' products). In 1998, there were 766 recognized geographical indications worldwide, with 95% of those in Europe (Commission on IPR 2002). Today, although the number of protected products and breadth of types of products has increased, the proportion is still heavily skewed to European producers. One of the big debates over international GI status and TRIPS is the legally required strength of the protection mandated by the law, especially around Article 22, which allows stronger protection

for wine and spirits than other types of geographical indications (Echols 2008:62, Lackert 1998, Rangnekar 2004:19). In this way, there remains an inbuilt differential of power, as protected wines and spirits tend to be more associated with European powers, while other potentially protectable products (i.e. craft objects, foodstuffs) are more frequently those belonging to the developing world and less powerful indigenous communities.

The dissent about the conceptual role of geographical indications is longstanding, dating at least as far back as their French origins. According to materials in the Archives in Paris, much of the early promotion of the scheme initially was spent not only on publicizing the lists of protected products but also in convincing other governments that the system was the best policy to pursue in this area (Archives Nationales, Paris, F/10/2173). As one of my informants, a French lawyer, characterized it, "[t]he Anglo-Saxon world is a world of brands, and the European Union is a world of *appellations d'origine*. It's a battle between two different worlds that try to impose their views on each other (interview B111)." In the case of geographical indications, one also finds a slightly different coalition than one finds in many other international legal arenas. Rather than the classic developed vs. developing world debates that have developed around other forms of intellectual property, particularly in the context of the TRIPS agreement (Gervais 2008, Lackert 1998, Lakshmanan 2008, May 2006a, Shiva 2001), the nature of geographical indications reconfigures the stances among major players in the developed and developing world.

Against the European vision of GI products are the major settler states, which tend to oppose both broadening of the system, and largely the

system itself.<sup>7</sup> Since the preference in the United States, Canada, Australia and the other anti-GI states is to consider the product itself as unique, as opposed to unique to its geographically-named place of production, such products are deemed to be adequately protected under existing trademark laws, which guard against falsification of origins and misrepresentations of product identities more generally. Geographical indication status is seen to needlessly privilege products that could also be regulated through means that do not negatively affect domestic producers (Daley 2005:53).

In large part, the fundamental ideological divide around geographical indications derives from the legacies and realities of migration and colonization. Historical movements of people have unmoored certain products from their geographical origins, especially in the case of settler societies, while longstanding historical links between products and place remain the hallmark of others, especially in Europe, where such products are heavily valorized. "Immigrants left the EU...bringing with them products made with the same or similar methods as their 'home European countries.' Over time, these geographical names became references to types of food. This natural migration has led to a large battle between two powerful regions" (Nieuwveld 2007:921).

This dissonance around national identities reflects some of the vision Gellner saw between nation and identity formation in the Old World and the New World. "The old worlds were, on the one hand, each of them, a cosmos: purposive, hierarchical, 'meaningful'; and on the other hand, not quite unified, consisting of subworlds each with its own idiom and logic, not subsumable

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<sup>7</sup> Canada has made the controversial decision to phase out protection of a number of important GIs, including champagne, over the next few years (Daley 2008:51). This was definitely a concern of several of my more policy oriented informants, and the international implications of this remain to be seen.

under a single overall orderliness. The new world was on the one hand morally inert, and on the other, unitary" (Gellner 1983:23). Historicized regional identities are built into the philosophies that valorize GIs the ways they do, and with different trajectories, those arguments are changed and redirected toward other objects.

The anti-GI stance does not deny such products are recognizable and distinctive in many ways, but the type of precise synergy between place, product, process valorized in the European orientation is considered less necessary than a qualitative sense of the product as type. The style or concept of the product holds the value, rather than representing corollary effects of where it comes from. The claim is that the meanings of these names are more of a general nature than a specific one, and that from a policy standpoint it is problematic to single them out. From this perspective:

the Old World, striving to maintain global competitiveness and global market share wants to recapture the names of old; names which old immigrants took with them to the new countries, or in other words, the New World. Today, hundreds of years later, in some cases, these names and images are well-established and no longer create the same association they may have had before all the colonisation occurred. In other words, this analysis concludes, it is too late [Nieuwveld 2007:892].

These are not the only sets of voices to be heard, however. A third perspective within these debates comes from the developing world. GIs are increasingly being protected there, and the traditions of regionally based products in many developing nations aligns well with the types of connections seen within the European perspective mentioned here. Consequently, many of these nations are in favor of expansion of international GI regimes, both because they have products they wish to protect, as well specifically as a development tactic (Galtier 2013, Roussel 2007, Suh 2007). That said,

however, developing nations tend to align with the movement on slightly different terms and in the service of different sets of motivations (defense of cultural property seen as potentially exploitable by the West), different objects (e.g. regionalized handicrafts) (Denicola ND, Gopalan 2007, Liebl 2004) and different stakes in terms of power and clout for advocacy.

The places with the strongest attachment to geographical indication systems are the places that are most likely to be able to take advantage of them, due to their demonstrated, longstanding histories of production of particular products in particular places, over many years, if not centuries. Traditional European foods form a case *par excellence* of what the system seeks to protect. Such products tend to be regionally marked and specific with long historical connections to their places of origin, both by traditional production and usage as well as reputation.

Since place has been dislodged from its ability to generate special factors, the product takes precedence as an object, rather than as an incarnation of broader ideas about place, expertise, and technique. Consequently, trademarks and branding through corporate recognition prevail, rather than the more nebulous concept of regionally demarcated products. The difference can be seen to center around ends and means, as one side privileges both the final product *and* the conditions under which it is produced, while the other privileges the product and instead of the specific characteristics of process and quality of place that are considered vital to the other conception.

For those who believe in geographical indications, "[t]he real disloyal and fraudulent occurrence is what happens when certain *appellations* are taken

as generic terms and it is considered that a 'beaujolais' would be a common name to designate a light, fruity red wine, that 'chablis' designates a dry white wine, as much as 'champagne' is nothing more than a bubbly wine (Olzak 2001:5), whereas for those who disagree, these names only mark genres of products. From the opposing perspective, "Is it fair to claim after hundreds of years of fair use that these are 'my products'?...Nobody thinks of Dijon mustard as...coming from Dijon, France. No, it is a type of mustard." (Cabot 2003).

### **Situating France and the UK**

The presupposed vision of a GI product is one that links together place, product, and process together in a way tied intimately to the culture and reputation of its specific place of origin, through qualities and connections associated with longstanding social histories, places, and practices (Echols 2008:1). It is through the conjunction of these factors that legal meaning is constructed, and that meaning is a reflection of the sociocultural meanings that underlie those connections.

Within these debates, Bordeaux falls at the heart of GI philosophy, with a certain naturalization of the social structures in place there reinforcing values already held within the law. My second case, that of artisan food producers in the United Kingdom, is a more hybrid one, with some of the same relationships to place seen on the Continent, but a far less robust history of this type of systemic valorization of specialty products.

The specific cases of GIs (French AOC and UK PFN) featured in this dissertation are strongly divergent in a number of ways, even as they are connected conceptually through the mechanisms of international GI law.

AOC in France is a *sui generis* regulatory system, the legislative consecration of longstanding social practices (Visse-Causse 2008:5). Under the law, groups of producers create a list of definitional requirements for the protected product and set forth the physical boundaries of a localized region, and those traits are then associated with the protected name of the AOC. The Protected Food Names system is founded on similar principles, as altered through their connection to the EU. The requirements-- of producer groups and boundary definition-- are primarily the same, but the EU system normally operates on a tier superimposed on national GI regulation, requiring additional oversight and international negotiation at various stages. The UK is somewhat of a special case, however, because although PFNs there are nationally administered, they are granted and regulated through the EU, due to the absence of an independent domestic GI regime. The realities of this are particularly salient in the UK, as will be discussed in Chapters Five and Six. Aside from these differences, both cases are inflected by differences between the common and the civil law, as well as different perceptions of rights and duties relating to national legal cultures. The French fondness for centralized regulation, for example, provides something of a backdrop for some of the workings of the system, as do the connections between AOC and fraud legislation as well as the structural realities of the wine industry.

In the case of geographical indications, I would argue that the process of conferring status works similarly to that of illocutionary speech acts as described by Austin (Austin 1976). The wines and artisan foods I will discuss in my cases play the role of cultural objects and symbolic icons, and are transformed by the cultural and judicial acts of naming and setting of boundaries, with the result being an even broader symbolic, sociocultural



resonance, as legal status reinforces and confers new kinds of power over both these products and their names. As a consequence, the creation of product dossiers and other acts of naming and defining, is of vital importance. Both that act and the process overall confer power, power which derives simultaneously from systems of social regulations and legal imprimatur. To look to Foucault, "[i]n regard to the act of recognition within social existence, the imposition of a recognizable name operates as a veritable transmutation of the named thing, that ceases to exist as a stage of being, that is to say an exercise which is tolerated, illegally or illegitimately, and becomes a *social function*" (Foucault 1966:560).

Geographical indication status is a particular kind of markedness that operates as a shorthand for cultural-- and especially reputational-- values in legal and economic spaces. Thus the scope and intensity of *appellation d'origine* protection in France is very much a protest of the unique and particular against the idea that there is nothing 'special' about these iconic products. There, the uniqueness and heritage of GI products always matters. In fact, arguably, the very point of geographical indications presupposes an opposition between cultural uniqueness and the specificities of heritage and generic ideas of product categories. Culture is always particular, and thus, how can it possibly lose its meaning and become a universal?

The debate is, of course, deeply imbued by context. When I mentioned the problem of indifference to geographical indications by many in the United Kingdom, many of my French informants would respond with something like, "Of course they aren't that interested...all they have is Scotch..."<sup>8</sup> Especially

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<sup>8</sup> Needless to say, a number of my UK informants were quick to disagree. The issue of scale has lessened the clout of many UK GI producers, but by and large they tend to align well with continental views on the value of *terroir*. These issues will be discussed further in Chapter Six.

on the Continent, these products can never be anything but particular-- separating the process from the *savoir faire* is a way of destroying what they are all about. The role of geographical indications is not about pure protectionism, but more importantly draws on ideas about artistry, heritage, cultural diversity and other broader meanings, the kind of values that are fundamentally difficult to dislodge. France is not alone in this. Referring to the GI specifications for Parma ham, an otherwise rather prosaic British informant of mine told me, with a certain sparkle in his eye, "[t]he application for Parma ham is just beautiful. It's all about the Italian breezes and gazing on beautiful hillsides. Some of it is just poetry" (interview U121). The evocative spirit of GI products is the kernel for what the protected term is really standing for.

The experience of artisan food producers in the United Kingdom brings out the alternative to this type of cultural value. There, valorization of the particular manifests in a sort of salvage mentality, a kind of definition by exclusion. As the informant quoted above put it, "[i]t's about stopping names from flying all over the world" (interview U121). The case *par excellence* is that of Cheddar cheese, originally made in Somerset, taking its name from the caves of Cheddar Gorge where the cheeses were left to mature. Yet, as an American, I found it both surprising and positively intriguing that Cheddar was an actual place, which is telling for the loss of connection. I was told by one interviewee, "[w]e've lost control over the name 'cheddar.' Now they make it all over the world-- in the US, Canada, New Zealand....they make it in all kinds of different ways...It's history. We've lost it" (interview U103). This idea about loss and salvage can be seen in efforts by the British food heritage movement to reclaim traditional recipes and products.

At base, however, like many other things, geographical indications are also fundamentally attempts of groups to preserve elements and philosophies of their way of life with legal structures. The linkages between the material, the legal, the ephemeral and GI products are fundamentally constitutive of identities. In the way in which Guy describes in her book *How champagne became French*, such products are "perceived as having eternal qualities that disguise social and cultural constructions" (Guy 2003:6). The ability to save or recreate these culturally familiar products also reflects a view that the link between place, people, history and products is fundamentally difficult to sever and perhaps impossible to completely lose. In their ability to cordon off and protect some of that uniqueness, geographical indications stand to preserve elements of cultural integrity that make the product special, and specific. Though the validity of the argument may be questioned, one major justification for GI protection is the sense "that beyond the private interest and public welfare effects of legal protection, geographical indications are required for the preservation of local traditions, national culture, and cultural diversity" (Broude 2005:631).

### **Geographical indications and particularity**

Particularity and a Bourdieu style notion of distinction (Bourdieu 1979) or distinctiveness resonates with the differences between these perspectives. The relevant issues and narratives that derive from them are structured in opposing, though not necessarily opposite, ways. Although both regimes recognize the qualitative specificity of products, the stances differ in the ways they conceptualize the universal and the particular.

Advocates of geographical indications stress the importance of a place-based particularity which derives from a connection between the natural and the

sociocultural, a type of absolute uniqueness that derives from intensive synergies in the ways in which products are created, conceptualized, and produced. Opponents, in contrast, also value the particularity in products, but see other values and considerations as equally important as *terroir* and associated concepts. This difference in valuation makes the existence of a special regime of protection for these kinds of products unnecessary, and in some circumstances even suspect. Ideas about the meanings of products, processes, and conditions form a dividing line to how the two positions are conceptualized. As a consequence, an acceptance of the value of certain kinds of uniqueness acts as a precondition for valuing and constructing the idea of GI status, resulting in a system that naturalizes geographical indications, in many ways, nearly from the beginning.

The pro-GI stance in its strongest form positions these products as possessed of a certain ephemeral, almost transcendental, quality that cannot be dissipated under any circumstances. According to INAO (the National Institute for Appellations d'origine), the semi-governmental entity that oversees the French AOC system:

One has occasionally asserted that some, at least, products of the vine take their special properties from the particular character of the soil or climate of a given region, and as a result, it is *impossible* to find others with the same properties. If this is really true, one could say that the particular region that produces these products is in possession of a natural and absolute monopoly; it seems therefore that the geographic denomination that serves to designate it can *never* be, properly speaking, used in a 'generic' sense through usage or habit" [INAO 1985:6, my emphasis].

## Thinking through the general and the particular

### Trademarks and geographical indications

One of the most contentious conflicts regarding geographical indications is their relationship to trademark law (Bashaw 2008, Creditt 2009, Gangjee

2007, Nieuwveld 2007:896, Wattanapruttipaisan 2009). From the very beginnings of the French AOC system there have been debates as to why geographical indications should not be protected under trademark law instead. The early years of the program show numerous policy documents orienting other international actors to their role and differentiating them from the business orientations of trademark (Archives Nationales, F/10/2173), and even today, the split about protection is still far from uncontroversial. GI opponents argue that trademark protections are enough to protect geographically-marked products from fraudulent usage of their names and passing off regarding their qualities, while GI advocates feel they need a separate system to be protected adequately and appropriately.

A trademark is tied to a product, name, or style, that is recognizable as associated with an individual, corporation, or group. Derived as a consumer protection system, such marks were conceived to protect consumers from misleading, inauthentic products masquerading as others the consumer might want to buy. By protecting names associated with certain products, the hope was that consumers would be able to differentiate by these names between similar alternatives as a means of quality control.

One major facet of trademark law with importance in these debates is the requirement that protected names be arbitrary<sup>9</sup>, i.e. they can not be purely descriptive or a common name for a type of goods. There is nothing about the name McDonald's™, for example, that would naturally evoke hamburgers, aside from its connection to the restaurant and its franchises. Linguistically, the process is one of assigning new meanings to otherwise

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<sup>9</sup> Rosemary Coombe explores the ways in which use of names and images associated with indigenous and minority groups are used as arbitrary signifiers for trademarks at length in *the Cultural life of intellectual properties* (Coombe 1998).

meaningless terms, which then become holders of value (Coombe 1998:55). The arbitrary nature of the trademark itself means that the meaning it signifies is derived entirely from the product or business behind it. Geographical indications, though protected in similar ways, possess fundamental differences from this. The signifiers being protected are anything but arbitrary. The names have identities outside of being product identifiers—they are located spatially, temporally and culturally: they are places, or sometimes the places have taken their names from the products. This is the exact antithesis of an arbitrary trademark. A geographical indication with an arbitrary name would not be a geographical indication at all.

GI legislation explicitly addresses the lack of compatibility between the two categories. Producers are explicitly forbidden to hold both PFN/AOC and trademark in nearly all cases.<sup>10</sup> Another reason, however, for the confusion around the two categories is broader social awareness of the existence and function of trademark than of GI or other collective marks. A lawyer who works with a number of PFN producers in the UK mentioned that this is a frequent problem in his practice.

There is a direct conflict between the two. Lots of times people go for trademark without realizing a PFN or a certification/collective mark is most appropriate. But those are harder to get and cost more. Lots of people don't understand what a GI is, but they vaguely understand what a trademark is. They don't understand the difference in philosophy. And at the end of the day it doesn't matter because they're dealing with people who are equally ignorant. There's a lot of

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<sup>10</sup> In my work I have actually come across the occasional exception to this rule, which largely seems to occur from incomplete interaction between systems, or grandfathering in products protected for GI-style reasons under other regimes. The case of Jersey Royal potatoes, how example, seems to allow for both because it is not a complete EU member, and thus is protected via 3rd party state rules. Stilton cheese was also trademarked in the UK prior to the institution of the PFN program, and Roquefort cheese in France seems to be a similar case.

ignorance around this so simplicity makes them go for trademark [interview U119].

Successful trademarks are connected to a progression over time from the general to the particular then back again. Their names are protected and enclosed from wider use within society, allowing the power of the brand to grow, increasing its reputation, scope, and cultural presence, and ultimately, with some trademarks, the progression through the system is complete, with their cultural ubiquity converting their products to concepts instead through genericization.

Geographical indications follow a different trajectory, which I would characterize as a series of qualified particularities. With a GI product, the starting point of the protected signifier is already particular, due to the need for established reputation within its region of origin. GI-protected products are, from their beginnings, marked and culturally particular. Once protected status is granted, definitions and boundaries around the product are reinforced, as social practice and in-group/out-group status are reinforced. Status becomes a reinforced type of particularity that also builds upon cultural values and norms, and place-related characteristics become even more intensely valorized due to these other connections.

### **The generic**

In many ways, the idea of the generic<sup>11</sup> hits at the heart of the differences behind the two philosophies discussed in this chapter. If place has authorship ability, there is simply a fundamental difference when one product, however similar to another otherwise, is produced in a different location. It is not that the product could not also be special, but it is simply not the same.

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<sup>11</sup> For other perspectives on the connections between GI and the generic see Audier 2003, Desai 2007 and Rangnekar 2010.

I would argue that due to their relationship with particularity, GI products are constructed as the fundamental opposite of "generic." According to the regulations for the European Union's Protected Food Names (PFN) program, "generic' means the name of an agricultural product of a foodstuff which, although it related to the place or the region where this product or foodstuff was originally produced or marketed, has become the common name of an agricultural product and foodstuff in the Community" (EC No. 510, 3(1) (2006)).

Perceived generic status is often the biggest objection to the registration of a geographical indication.

In intellectual property theory, a trademark becomes a generic when, over time, it stops identifying a particular branded version of a product and comes to define a category of product itself. Examples of this process in progress can be seen when we refer to making a Xerox™ instead of a photocopy, put our leftovers into a Tupperware™, or when we reach for a Kleenex™ instead of merely a tissue. Genericization is the very value of a trademark coming back to destroy itself-- linguistically a merging of the signifier with the signified-- and intellectual property law gauges the phenomenon to determine whether protection should continue. With a generic, the success of the trademark holder is considered nearly absolute, extreme enough to invalidate the need for continued protection. Market domination is complete, and a limited monopoly operates as a more or less unlimited one.

Legally, however, neither successful Protected Food Names nor *appellations d'origine* can ultimately become generic (EC No. 510, Article 13(2) (2006)), AOC Article 10), as can happen with a successful trademark. This means



that once these names have been claimed, there is little to no way for the market and the public domain to reclaim them. Opponents see this as directly in conflict with the values of intellectual property law, due to the normal presumption that the monopoly granted under intellectual property legislation is meant to be limited in both scope and duration, rather than perpetual.

The problem with not allowing a special regime for geographical indications is that the genericization rules continue to apply. Arguments have been made in various fora that a number of major geographical indications are actually generics, including a number of designations for wine and spirits as well as Basmati Rice, Dijon Mustard, and a host of other GI-protected products. GI regulation, however, grants such names stronger protection than they would receive under trademark law (Visse-Causse 2007:121). They cannot become generic once registered, and consequently once status is granted it is normally permanent.

These relationships between the general and the particular are philosophically and practically built into the structure of GI law. The play between uniqueness and wider meanings and connections is an important one, as will be highlighted in the following sections.

### **GIs and interconnections**

I would argue that geographical indications act in a form not unlike the musical concept of "variations on a theme." The protected term and the dossier behind it set the outside definitional boundaries of what the GI product is, but the sociocultural value is in the breadth and possibilities of

expression within the limits thus set out. Identifying the product "theme" in this way allows for the management of uncertainty for consumers, who possess incomplete information about product expressions, while simultaneously allowing producers the options to continue to exercise a number of options which allow for the creation of individualized "variations" of products within the category thus defined. The specific instances of the protected category allow one to "with the help of transformations, pass from the horizon of individuation to that of more general categories" (Lévi-Strauss 1966: 174). "A unity divined from the heart of diversity is claimed in advance" (Lévi-Strauss 1966:176) The collection of all the variations is what defines the theme, even as each individual instance is an expression of that theme. Extending the musical metaphor a little further, "if it is meaning we would study, then the meaning is in the music, and only contingently in its possibility" (Wagner 1986:9).

### **Creations and creativity**

Geographical indications exist in a position that is both conceptually similar and fundamentally different from other forms of intellectual property. These are products which have been around for generations and converted into symbols, acting as cultural shorthand for not only what they are, but also for broader community and cultural identities as well. This shared heritage value constitutes the core of why geographical indications matter, as well as the legal justification for their protection.

One difference in this orientation is the role of creation and creativity. Premised on Romantic ideals of authorship and values tied to that orientation (Chander 2004, Coombe 1998:211, Litman 1990:1009, Rose 1998)

international IP regimes (which additionally owe much of their contemporary philosophy to the power and interest of the United States in these matters) focus on a vision of creation that assumes works protected under their umbrella are new and without preexisting antecedents (despite the fact that this is a legal fiction in many ways). As Litman puts it, "[o]ur copyright law is based on the charming notion that authors create something from nothing, that works owe their origin to the authors who produce them" (Litman 1990:965).

Geographical indications, however, assume precisely the opposite. They are more fueled by anthropological style perspectives on creation, which realize that "there is never any *terra nullius*" (Strathern 2004:40) and acknowledge the possibilities of knowledge sharing and cultural transmission associated with living sociocultural phenomena. Authorship and creation of GI products come directly from shared practices which act as starting points for product applications, and the legalized links between product and place act as a proxy for the knowledge and other factors that create the value. To extend this even further, Hermitte proposes the idea of *terroir*<sup>12</sup> itself as a co-author of GI products:

In a certain way, the collective and the *terroir* are considered by the law as co-authors of the product, and it is the *terroir* that gives it its name. The same as each physical person has a name that constitutes one of their attributes, each identifiable *terroir* has this attribute that it contributes to the region it designates [Hermitte 2001:203].

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<sup>12</sup> As will be discussed in detail in Chapter Three, *terroir* is a concept that encapsulates the unique confluence between natural factors and the products that come out of those natural conditions. It tends to be applied to agroalimentary products in terms of how such factors create the unique particularities that mark the products that come from. For example, the way the qualities of the grass on which a cow grazes influences the cheese ultimately made from its milk. In the case of wine, it has to do with the way the characteristics of the grapes used differ related to the soils, weather, and other natural conditions specific to their place of production.

As I will discuss in more detail in subsequent chapters, the ability of winemakers and other artisan producers to manage and exploit the characteristics of *terroir* is one of the more valued elements of GI products. The ability to both introduce and control uncertainty adds a marked degree of creativity to the process. Yet, despite this value, there remains an equally strong valuation of the raw materials of production which channels through this idea of *terroir*.

### **Collectives, clubs, and commons**

Another fundamental part of the legal construction of GIs is their role as communal rights. As such, their shared nature raises questions about the nature of what is shared and by whom-- connections to ideas about clubs and the commons. I would argue that GIs represent one of the alternative types of commons discussed by Rose, the idea of a managed commons (Rose 1986:744) or limited common property regime (Rose 1998:132,139), as legal rights in the genre-based theme of the protected product is shared by groups of producers. This configuration evokes ideas of property held in common by and managed by a community, to the exclusion of outsiders, in a way not unlike shared resources in small scale societies, for example.

One approach to considering such issues further has been in the context of the consideration of GIs as club goods (Dentoni 2012, Ragnekar 2011, Thiedig 2000).

Drawing from Buchanan's 1965 article, "An economic theory of clubs," such a theory argues that GIs are built around resources which are simultaneously excludable and shared, bridging the gap between public and private as the monopoly right to use the protected name leads to a resource in common.

The value of protection is a collective right to exclude (Ragnekar 2011:14), which simultaneously protects the value of the designation while allowing it to be exploited in multiple ways, as I discussed early in regard to "variations on a theme. "Club goods (CGs) present one of the archetypes at the periphery of the public and private. These goods are characterised as exhibiting non-rivalry in consumption (for club members) and the possibility of exclusion in appropriating the benefits (by non-members)" (Ragnekar 2011:16). Many of these characteristics also dictate another source of value in GIs, their ability to protect traditional knowledge and traditional cultural expressions.

### **Protecting traditional knowledge**

"[T]hrough traditional knowledge and the current IP regime make the strangest of bedfellows, GI, a form of IP, is popularly prescribed as the best available method of protecting traditional knowledge" (Gopalan 2007:58).

The problem of protecting traditional knowledge (TK) is a longstanding conflict in international intellectual property and cultural property debates (Armour 2007, Barclay 2005, Bérard 1996, Blakeney 1998, Briggs 2005, Coombe 2001a, 2004a, 2009b, 2012, Graber 2008, Hafstein 2007, Marcus 1998, Mascarenhas 2006, Recht 2009, Zent 2007) and due to their characteristics as a legal form, GIs are often postulated as a potential solution to that quandary. "Numerous GIs and trademarks (TMs) protect the reputation and distinctiveness of products that embody forms of TK, and indeed the rules and regulations governing use of GIs, certification TMs, often codify and define traditional production methods" (Taubman 2008:91).

Where more traditional forms of IP (e.g. copyright, trademark, and patents) are constructed with limitations that make them less ideal for the

protection of cultural significant forms of knowledge, the breadth of the type of rights afforded to GIs allow for solutions to some of the fundamental incompatibilities between cultural property and intellectual property law.

The fact that GIs are communally shared, can be built upon generations of traditional practice, cannot be alienated, and are difficult to lose are just some of these aspects. Due to the types of harms that are attached to the misappropriation of traditional knowledge (CIEL 2007:2) which are particularly connected to ideas of identities and personhood, being able to take advantage of these aspects is especially helpful.

IPRs are no longer merely tools to solve economic public goods problems; they are deployed to further objectives as seemingly unrelated as identity politics, rural development, ethical consumption practices, preservation of biological and cultural diversity, and indigenous self-determination. Issues of recognition, redistribution and even human 'dignity' are voiced as concerns that must be addressed if IPRs are to have legitimacy in the extended social domains in which people are being asked to embrace them [Coombe 2013:1]

Finally, this relationship with traditional knowledge is part of the value of my comparative study of GI regimes within a European context. Given the association between TK and GIs, the arguments made in favor of the latter can be extrapolated from these cases to other contexts, providing useful leverage for indigenous and other less privileged communities in their struggles for recognition due to the valorization of such rights in this context.

### **Partial conclusions and next steps**

The analysis thus far has focused on situating the material to come in the subsequent chapters. GIs are constructed as complex and often

controversial signifiers, which represent certain visions of particularity and markedness and act as holders for a multiplicity of values. Ultimately, the philosophies, debates, and structures around geographical indication are only a small part of the story. Although the requirements for legal status set forth certain parameters, these outside limits do not have the ability to represent the practical implications of such philosophies on producers and other actors, as well as the ways in which cultural practice changes and reworks the meaning that status grants. Moving onward from this conceptual frame to explore these questions of values and social significance, Chapter Three will provide a detailed study of the French *appellation d'origine contrôlée* system focused around key terms and sociocultural meanings. Following that thematic presentation, Chapter Four will take those themes in a more structural direction, looking to actors, disputes, and negotiations around contested values in relationship to AOC.

## **Chapter Three: Bordeaux wine and appellation d'origine contrôlée: Constructing heritage value**

### **Part One: Placing wine in Bordeaux**

Following the conceptual discussions and analysis of the previous two chapters, the next two chapters will be organized in a more ethnographical vein. The focus of Chapter Three is a discussion of wine and wine related practices in Bordeaux within historical and contemporary contexts, through a discussion of qualitative concepts, localized perceptions, reputations, and values. The chapter will begin with a brief historical overview of the region,

the basics of some of the important geographical relationships, and a capsule overview of the winemaking process.

The following section will center around three key terms and the ways in which they are employed, contested, and constructed through various regionalized practices. *Terroir*, *assemblage*, and *typicité* are three French concepts which are vital to discussions of Bordeaux, despite the fact that they are all notoriously resistant to translation. In extreme shorthand, *terroir* stands for the role of natural conditions, *typicité* for human intervention and artisan production values, and *assemblage* an extreme example of unique, individualized particularity which brings the previous two terms together. The interconnections between these concepts highlight the type of synergy that is at the core of French AOC law and the ways sociocultural and legal values overlap in practice.

The final section will turn to "*usages locaux, loyaux, et constants*"-- the key phrase of the AOC law-- and revisit ideas of *terroir*, *typicité*, and *assemblage* alongside those and other related concepts. Drawing outward from these concepts and the legal test to expand the constellation of meanings and signifiers that connect to wine in Bordeaux will highlight the ways in which *appellation d'origine contrôlée* is a strongly culturally embedded system, generated out of a particular sociocultural, legal, and historical milieu, which aligns with Bourdieu's sense of habitus as simultaneously "*structure structurante*" (structuring structure) and "*structure structurée*" (structured structure) (Bourdieu 1979:191).



## Impressions of Bordeaux

"No one comes to Bordeaux to visit the city," an informant who works in the tourist industry told me (interview B114). Historically, the primary attraction of the area has been the vineyards. Geographically, Bordeaux is located in the south-west of France, in the region of Aquitaine, department of Gironde. It is home to a population of approximately 230,000, and serves as the seat of a broader area that encompasses a number of wine regions, which represent a staggering total of 60 different wine-related AOCs.

Even today, the city is not the primary focus, despite the fact that it remains an important administrative center for the region. Recognition of the city proper as a significant site is growing as well, however. Since 2007, it has been a designated UNESCO heritage site<sup>13</sup>, particularly in the area of the harbor, the Port de la Lune. This area was the historical heart of trade in the region, where wine would leave the town on its journey to the wider world. The historic centre features a number of administrative buildings, including the customs houses, Chamber of Commerce, and the very modern Cité Mondiale, home of a number of governmental organizations involved with wine and agriculture. Additionally, in recent years the quais beside the port have also been subject to a number of beautification projects, which allow one to walk the circuit of the harbor. Today the area is spotted with joggers, families with strollers, people walking their dogs, a convention center, and an outlet mall.

As this description may suggest, for all of its historical heritage and beauty, Bordeaux is far from old fashioned. The administrative center for the Gironde region, it is home to a number of important governmental

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<sup>13</sup> The World Heritage List entry for Port de la Lune can be found at <http://whc.unesco.org/en/list/1256/>. Accessed 2 September 2013.

organizations. The city centre and its suburbs are served by a set of high tech green monorail trams which form one of its major means of transport, and there is a budding technology industry in nearby communities which is growing up beside the historical agricultural production of the area. Additionally, Bordeaux is also home to a sizeable university community, divided among four area campuses both within the city and in nearby suburbs.

Just across the street, however, begins a more traditional section of the city. Chartrons, the merchant quarter of Bordeaux, is located just beside the Port, and as one wanders its streets, placards announce the premises of the *negociants* who drive sales in the wine industry. Many of these remain family businesses and occupy buildings constructed centuries ago by the successful bourgeois wine exporters who came to the region from France and elsewhere in Europe to reap the benefits of the industry.

Outside this centre, one moves relatively quickly out to the periphery of the vineyards that drive the city and region of Bordeaux. You do not need to go far to find the vines. With little more than thirty minutes of travel by train, bus, or car, they are everywhere-- by the roadsides, visible from the windows of trains, even mixed in with residential neighborhoods. *Château Haut-Brion*, one of the most important properties in the region, is close enough to the contemporary city centre to be nestled between suburbs.

The classic architectural image of the region is a building in a castle-like style built in the golden local stone of the region, topped with wrought iron accents. These types of façades can be found, differing primarily in terms of scale and grandeur, in communities for miles around and, of course, in images on the labels of the bottles of wine that are sent from Bordeaux to places

around the world. The towns are not terribly large and are scattered across the region, providing little seats amidst the vineyards. There is a road through the center of the Médoc peninsula called the "Route des *châteaux*" because of the number of prestigious wine *châteaux* that line its sides. It is hard to go far without seeing the elegant stone façades of these buildings, the orderly rows of vines, and the occasional tractor or other piece of agricultural machinery.

One of my informants made the connection between AOC and the importance of the *paysan* in French culture. Even if that traditional role has arguably changed, it is clear that the importance of the country has not. The land, the countryside, and its products maintain a marked position in everyday experience. As Durand describes, this sense of history and *esprit* are associated in the French social imaginary. "The vine contains the accumulation of years of know-how and tradition. The vine makes manifest, within the plant itself, the long collective memory of the winegrowing profession" (Durand 2009:199).

### **A (very) brief history of Bordeaux wines**

As one of my informants commented, "[o]nce upon a time there were only three wines: Bordeaux, Champagne, and Burgundy, and even today that is still something of the case" (interview B106). Though perhaps a little hyperbolic, his sentiment remains largely correct in some ways. If one knows little or nothing of wines, it is still quite likely that the name Bordeaux mentally resonates with ideas of quality or prestige. Even as wine consumption changes and diversifies, the reputation of the region's great wines remains.

Bordeaux's wines have a centuries old reputation. Although their regional importance preceded even that historical moment, the international prestige of Bordeaux was cemented in the middle of the 12th century when Eleanor of Aquitaine married the English king Henry II, bringing with her wines from Bordeaux, her native region. Claret<sup>14</sup> was soon in vogue at the English court and further afield. The reputation of Bordeaux wines was not confined to Europe either. American president Thomas Jefferson is known for his early descriptions of his preferred Bordeaux wine properties in itemized detail (they are all in the Médoc) and lauding the quality of the wine of the region (Markham 1998:51). These two high profile examples, among many, just highlight the long international and outward looking nature of the region as well as its cultural importance.

Historically, cabernet sauvignon and merlot have been the primary grape varieties of the region-- with the ability to grow the former being tied to advances in technology which allowed for better drainage on the Left Bank of the Gironde estuary to accommodate the vines (interview B107). Technology also allowed for a move from younger-drinking white and rosé wines to the red wines that are now most associated with the Bordeaux name, when production changes allowed for the longer cellaring times required by more robust cabernet-driven wines. White wine grapes were also previously planted more broadly, but as the region's reputation for red wines continued to be cemented, many of the white varieties stopped being planted. Certain secondary varieties have changed or gone out of fashion

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<sup>14</sup> Claret is sometimes used as a generic term referring to a Bordeaux red wine. In practice, however this is somewhat interesting and arguably confusing. The wines that initially made the region's reputation were not reds at all, but rosés. Such wines are still produced today (though infrequently exported) and are "clairets"-- which fall stylistically between a conventional rosé and a red in terms of both color and taste. It was only with advances in storage (aging) techniques that wines could be cellared for longer periods of time, allowing for the growing importance of red wines that needed long-term aging in order to be truly drinkable.

over time as well, in accordance with changes in style and preferences. Current changes in taste have led to an increase in the use of merlot throughout the region. One reason for this change is the fact that wines with greater merlot content require less cellaring time to reach their peak and tend to be somewhat more accessible to amateur and international plates than the "bigger" (more tannic and intense) wines of the Left Bank.

Over the course of generations, an international merchant class developed in Bordeaux to support the wine industry. *Courtiers* were responsible for acting as liaisons between winegrowers and the group of *negociants* who then sold the wine to the broader public, within and outside Bordeaux. This class operated largely based upon reputation and was responsible for identifying and reinforcing localized standards of quality and distinction. Until quite recently, wine was not sold directly from *châteaux* to the public, and such connections were previously the only way to bring one's wine to market. In fact, in the days before AOC, it was the reputation of the *courtiers* that would provide assurances of quality and economic value (in terms of appropriate pricing) in a world populated by a multitude of wine producers with little officialized standardization.

### **Regional geography and appellation d'origine contrôlée**

"Bordeaux is a political entity. That map is really the key to all of it. In Bordeaux, it's all about that map" (interview B106).

The map of the Bordeaux regional AOCs produced by the CIVB<sup>15</sup> (Conseil interprofessionnelle du vin de Bordeaux) (Appendix 1) maintains a considerable presence. This image of the region's specialties provides an entrée into the complexities of regional wine culture and is posted on walls all across the

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<sup>15</sup> CIVB is an umbrella organization which works with most of the major wine organizations in Bordeaux. Its role will be discussed further in the context of the major regional actors discussed in the following chapter.

city as a capsule explanation of what Bordeaux is all about, often without any further detail or discussion. The map is color coded by style of wine and creates a visual that weds regional (geographical) elements with cultural ones (wine types). Beginning from this birds-eye-view of the region, one can better understand the divisions and subdivisions that mark Bordeaux and lie just beneath the surface of the AOC system here. After all, since part of the reason for the development of the system was to preserve the integrity of the wines produced here, as opposed to wines which were brought into the region and sold through the port, the limits of political boundaries matter, and always have (Markham 1998, Chevet 2009).

The historical heart of the Bordeaux region is Graves, now located just south of the city proper. It is here that the first vines were said to have been planted, and the style is considered the "classic" Bordeaux. The area takes its name from the soils of the region which are comprised of gravel ("*graves*" in French). To the northwest of the city is the Médoc peninsula, nestled around the Garonne river and the marshy coast of the West side of the estuary. The wines of this region are marked by a powerful, structured style, and include many of the most prominent properties of Bordeaux. The Côtes de Bordeaux are to the east, primarily just across the estuary, and encompass a variety of "coastal" *terroirs* primarily found on the right bank, which until 2010 belonged to separate AOCs (e.g. Côtes de Blaye, Côtes de Bourg). Slightly further south is the Libourne river valley, home to the major Right Bank communities of St. Emilion and Pomerol. This area too, maintains a long historical claim to quality, and along with, and in opposition to, the wines of the Médoc, is seen to be the other great style of the region. To the south of the Libourne valley, between the Garonne and Dordogne rivers

is the oddly named Entre-deux-Mers<sup>16</sup> region which is known principally for its white wine production, centered around sauvignon blanc. Finally, in the valleys south of the Graves lie a string of communities known for their unique and high-quality sweet white wines (*vins liquoreux*), the most famous among them being Sauternes. Each of these different subregions is home to a group of AOCs which vary in prestige but share elements of style and *terroir*.

### **Communities, people, and appellation d'origine contrôlée**

In the face of a potentially complex system, one likely question is, "with so many *appellations*, how does one wind up with a particular one?" Despite the proliferation of choices, making the decision is pretty clear cut-- the bottom line as a producer is to use the smallest and most prestigious *appellation* to which you can legally lay claim. The system is more or less a nested one, with greater specificity and prestige as one limits the number of fellow AOC members. The biggest AOC in the region is AOC Bordeaux. Provided it is produced within the borders of the Gironde region and adheres to the standards, any wine from the Bordeaux region can lay claim to this *appellation*. As a result its specifications are also broadest-- it includes more grape varieties (including white wine grapes), and the full spectrum of regional *terroirs* could fall under its title as well. Thus, although there is some degree of control over the production, a label of AOC Bordeaux does not impart all that much additional information, and thus only serves to slightly mitigate the consumer's ignorance as to the qualities of the wine he or she is buying. AOC Bordeaux superieur is a slightly tighter fit, with more strict quality standards than general AOC Bordeaux, but still it is more or less a "Bordeaux wine" to a slightly higher standard. After you move inward

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<sup>16</sup> Although its name translates as "Between two seas," the region is actually only bounded by the two aforementioned rivers.

from the Bordeaux *appellation* you have regional *appellations* that take their names from the subregions of the area. In the case of these *appellations*, you gain greater consistency of *terroir* due to the smaller scope of the space. You often get regional styles as well, due to commonalities in grape varieties planted or similar traditions of *assemblage*. AOC Médoc is an example of such an *appellation*. Its wines are known for their marshy *terroir*, the use of cabernet sauvignon grapes, and a more structured style than one would find elsewhere in the region. The divisions can go still smaller, to communal *appellations*. These tend to be based on a town or cluster of towns with even greater similarities in *terroir* and style. AOC Pauillac is one of the most prestigious of these community AOCs. This type of construction is one of the many ways in which AOC and other related structures map onto existing social hierarchies. AOC is constructed in a tiered way, and as the cohorts become smaller and more clearly defined, you gain greater consistency of *terroir* due to the smaller scope of the space and more clearly defined regional styles as well, due to commonalities in grape varieties planted or similar traditions of winemaking

The smallest of these appellations are often the most prestigious ones, and sometimes certain *châteaux* can also act as special cases— as the case par excellence of a regional style. Amid the class of protected expressions of the AOC they are the most typical, aligning the style, qualities and prestige factors that define that appellation. A number of my informants noted that as early proponents of the AOC law suggested, the real value of the system was for producers on the fringes, who can then use AOC status to build connections to these prototypical properties. Smaller, less prestigious producers gain more incrementally from being able to use the name of the AOC than elite producers, who have access to other kinds of markets more



keyed to the name recognition of their particular *châteaux*, for example. "The best of the AOC will always get the benefit," one oenologist told me. "It's the periphery—the folks on the outside—where it matters more. It really doesn't affect the Latours." Situated within such a system, the value of the ability for variation within the wine AOC may become clearer. The breadth of the construction of the documentation necessary under the law allows a number of properties to conform to a recognizable style of production while still permitting a range of producers to take advantage of the economic and social values of the distinction derived from the protected name. As mentioned in Chapter Two, the ability to protect a number of variations on a single product theme is at the core of how GIs function.

So, based upon all this structure, what is the strategy for producers? The choice is more or less a singular one. You choose the highest prestige *appellation* you can use, which tends to also be the smallest. By doing this, producers ensure that the shorthand of AOC is most effective. A restrictive *appellation* provides the most information to consumers about style and production inputs. It adds to the "knowing what you'll get" predictability that forms a major part of the system. The value of the unpredictable is contrasted to a need for a certain simultaneous need for predictability as well (interviews B123 and B119). I would argue that *appellations* tell more than varietals do, by encapsulating information about style, tradition, and production (culture and practice) that imparts nuances hidden when they are discussed solely in relationship to grape variety. The "what" and "where" of these wines obviously matter in the construction of *appellations*, but the additional embedded information can also impart knowledge of the "hows" of production as well.

AOCs are truly constructed as collective rights. When I discussed the process of acquiring a designation with an INAO official, the first caveat he had was the need for a group of producers. When I asked what would happen if you did not have such a group, I was told "well, then you just go and get a trademark" (interview B108). *Appellations* mark not wine *per se*, but historical wine producing communities which can lay claim to "*usages locaux, loyaux, et constants*," a phrase which will be discussed more closely later in this chapter. The right is somewhat divorced from the commercial-- which resonates with the opinions of many of my interviewees that highlight the fact that wine in Bordeaux is an artisanal product. Time and again I've been told and given examples claiming that wine in Bordeaux "is not an industrial product." Producers in their capacities as creators of products, holders of *savoir faire* and tradition are the targets of protection just as strongly as the products themselves, which is markedly different than the functioning of other property or intellectual property style rights.

In many ways the legal AOC regime connects with existing social structures which have longstanding importance in the French wine industry. In terms of both business/economic interests and quality controls, the *negociants* and *courtiers* of Bordeaux possess a longstanding and important power in presenting Bordeaux wines both locally and further afield. Given limitations on direct sales at *châteaux* and a bewildering variety of estates producing for the market, the *courtiers* and *negociants* used interpersonal connections and connoisseurship to build the reputations of the great *châteaux*, distinguishing those which were worth their prices from those which were only sad imitations. This side of the industry is where tastemaking happens, and before the legal shorthand of *appellations* arose, it was the reputation of the various brokers that labeled the outputs of a vineyard. The system

was simultaneously very personal and particular, in terms of taste and personal connection, and needfully broader than that, in terms of wines that would appeal to the broader tastes of the wine importing public. In this way, the place of gatekeepers that surrounded it provided the validation of the broader values about what Bordeaux wine should be.

Finally there are the classifications. In addition to AOC, there are a number of longstanding classifications in place in Bordeaux which rank properties among various area subregions. The most famous of these is the 1855 classification, which was created for the 1855 Exhibition in Paris, and established the list of the most highly regarded wines of Bordeaux, the *grand cru classés*. This type of ranking predates the classification, and comes from the ways in which courtiers ranked properties in various areas based upon how much they would fetch on the market. In conjunction with the Exposition in Paris, Napoleon III wanted to showcase the best products of France, and Bordeaux was asked to submit some of its wines. The local Chambre de commerce created a selection, which was drawn from the wines which commanded the highest prices at that point in time. This list became the hallowed 1855 Classification and remains the height of regional prestige even today (interview B104, Markham 1998). Hierarchies within hierarchies, classifications tend to sit on top of many of the kind of social structures and tiers of value that already function in the area (Chauvin 2010).

Again, defining quality and style remain major goals and arbiters are far from social outsiders. The 1855 classification depended on preexisting valorization of quality and the tiered *cru* system of ranking growths-- its creators were the very *negociants* and *vignerons* who dictated wine quality and practice to begin with. The other three regional classifications-- Graves, St. Emilion and

the *cru bourgeois*-- are similarly conservative systems both because of elements of wine practice and because they are insular, even though their stated goals are somewhat more egalitarian.

The value in belonging is both the ability to use status but also to police it. This concept often comes to the fore in discussions when various actors refer to the need for certain properties to act as leaders within syndicates or other organizations to sustain those values. The idea is that status also comes with duties and responsibilities.

The risk of 'free riding' leads to the lowering of product quality or the loss of reputation of the collective sign. Thus it is important that producers find modes of internal organization that guarantee a certain level of respect of commitments, in the interest of the functioning of the system within their ensemble [Valceschini 2002:8].

An interesting case of this relationship between special rights and special duties that came up in my research was that of *Château Couhins*, which, due to its role as a governmental site owned by the Agriculture Ministry, found itself stuck between the demands of its scientific research agenda and its AOC Pessac-Leognan and Graves *cru classé* status. In the words of my informant:

We had a unique challenge here. No other *château* has to consider the best way to balance the two in the same way. But being a *grand cru* is not only tradition. A *grand cru* also has to be a leader to change the system and improve the quality of production. It is possible to integrate some tradition and also some innovation. Our image with the other *grand crus* is improving. We haven't changed that much, but we've explained what we're doing more. And we make sure that the *cru classé* doesn't come from any of the experimental plots. It has helped a lot since we started being more involved in the marketing and promotion of the *cru classé* group. Before they said we weren't doing our share. Because there aren't very many *cru classés*, they all need to be locomotives in that [interview B105].

In all of these cases, social categories, winemaking practice, and various regulatory systems reinforce each other, raising the stakes around belonging and the creation of consensus. Sociocultural regulations and rules both spoken and unspoken act as drivers for decisions and possibilities for producers.

### **The life cycle of wine**

*La vigne, le vin sont de grands mystères. Seule dans la règne végétal, la vigne nous rend intelligible ce qu'est la véritable saveur de la terre. Quelle fidélité dans la traduction!*<sup>17</sup> --Collette

At its most basic, the creation of wine is a relatively simple process. Starting from grapes, one allows naturally occurring yeasts to act upon the sugars in the fruit via fermentation, creating alcohol. Yet although basic fermentation is not very complicated, this most basic vision of production is not the picture of current practice in the wine industries of today. Instead, the process is more of a blend between art and science in the aid of the natural process of fermentation. As such, it encompasses a number of activities which are controlled in particular ways by the growers and producers of wine. Although this process is obviously not absolutely uniform, the following section sketches the general outline of the steps that go into winemaking.

Grapevines begin with the soil-- in Bordeaux, possible soil types can range from the marshy conditions of the Médoc, to the eponymous gravel of the Graves region, to more calcium rich soils, and a number of variations in between. Each soil type imparts distinctive qualities to the plants that grow in it, and different grape varieties are more or less suited to conditions due to

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<sup>17</sup> The vine and wine are great mysteries. Alone in the vegetable kingdom, the vine makes intelligible the true taste of the earth. What faithfulness in translation!

factors such as the ability of the soil to drain moisture or its mineral content. Thus, one of the first choices of the winemaker is what type of grapes to plant. Due to various conditions, there are better and worse answers to that question, but the decision can remain an individual and non-absolute one. There is no particular reason, for example, that the soils of Bordeaux are unsuited to growing white wine grapes. That said, however, as a result of tradition, 90% of the region is currently planted in red grape varieties, although that is a connection that has changed over time, at least partly in response to demand. So although there are better and worse choices, no natural factor necessarily precludes the growth of certain varieties, although dictating traditional regional *cépages* (grape varieties) is very much the province of AOC. The principal *cépages* of Bordeaux are cabernet sauvignon and merlot, and these two principal and prestigious varieties thrive in the conditions of the region.

From varieties, one passes to the grapes themselves, which must grow to maturity before being used in the finished wine. They need to achieve a certain sugar content both to add sweetness and also because it is the sugars in the grapes that provide the wine's ultimate alcohol content. It is not solely the juices from the grapes that matter, however, the other components of the fruit are just as important. The grapes' skin and seeds are the source of the tannins that give texture and complexity to wines, particularly red wines. They also supply its color. As the grapes mature, these elements mature along with the fruit. One of the tricks of harvesting is knowing when grapes have achieved an optimal balance between sugar content and the maturation of their skins and seeds.

Once the grapes have reached maturity they are harvested. Although this can be done by machine (and often is, especially in the New World and Australia), in Bordeaux the preference remains for harvesting at least partially by hand, to allow for human oversight about potentially damaged or unhealthy fruit entering the winemaking process. Human handling is also less likely to bruise delicate grapes. After harvest, the selected grapes are pressed and added to large barrel shaped vats called *cuvées* while primary fermentation occurs. The skins and seeds coalesce into a layer which is skimmed off, and the liquid product is the *vin du goût*. This *vin du goût*, the first taste of the wine to come, ferments here for several weeks. After this initial stage is complete, the wine is transferred to oak barrels to mature and undergo a secondary form of fermentation (malolactic fermentation). After this stage the wine is blended by the *maître des chais* through the process of *assemblage* into the finished wine to be bottled.

Finally, the wine remains in the cellars of the *château* maturing for the next two years, until it is time to be bottled and released to the public. In Bordeaux this first glimpse of the finished wine happens in the spring at the annual *primeur* tastings, where experts and *negociants* come to taste the wine and buy the futures of the year's vintage. Wine is ultimately sent to shops by way of this process or other deals with *negociants*, who provide wine to shops and end consumers.

### **Creating constructions of value in Bordeaux**

As discussed in the previous chapter, where singular and exclusive uniqueness is fundamental to the construction of other forms of legally protected intellectual property, geographical indication systems are premised upon

broader ideas of what is shared and significant. Synergies between elements and meanings are at the core of this function. In Bordeaux, the three concepts of *terroir*, *typicité*, and *assemblage* highlight relationships between the natural and the human, and are considered to create something of the unique spirit that marks a great wine. None is enough, alone, to represent the sociocultural value and *je ne sais quoi* of the region's wines, or to justify their AOC protection, but the convergence between the three highlights the specificity of place, uniqueness of production, and the *savoir faire* which underlie the importance of wine and heritage in Bordeaux.

Although I will attempt, for the purposes of this dissertation, to pull apart some of the intricate web that brings these concepts together, in practice and cultural understandings they are so intimately interconnected as to make such a task impossible in any meaningful way. In practice, people speak of these three concepts in tandem, each blending together and shading into the next. *Terroir*, *assemblage*, and *typicité* highlight shared bodies of knowledge and philosophies about land, spaces, practices and belonging. As a result of that, they can be used as a group to better construct an image of what "Bordeaux wines" mean in Bordeaux, France, and the wider world.

## Part Two: Thinking about values

A visit to *Château Latour*, one of the most prestigious winemaking properties in Bordeaux, begins with a viewing of a short film, entitled "Birth of a *grand vin*<sup>18</sup> 2005." Only about five minutes long, it has no dialogue, only a gorgeous series of impressionistic images of the winemaking process set to

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<sup>18</sup> "Grand vin," which translates as "great wine," is a term frequently used to describe the more prestigious, higher quality wines of the region. In some circles it is synonymous with Grand Cru Classé, but the use of the phrase is not regulated. In practice it tends to mark wines of recognized higher quality status such as the *cru classé* and *cru bourgeois* (both of which feature in the next chapter) and colloquially it is used to designate an especially well made wine of high quality. Because of its cultural implications I prefer to use the French term than its translation in this instance.



classical music. The film juxtaposes scenes of the grapes and the landscape through the passage of the seasons with images of the people whose efforts go into the vini-viticultural<sup>19</sup> process as they go about their work. All told it traces the first two years in the life of the 2005 vintage, from planting through pruning to harvest, before the grapes are converted into wine, which is then blended, aged, and bottled. At the end of this beautifully produced, lyrical "life story" of the wine, a single phrase appears on the screen.

"*L'homme et la terre a créé nos vins* (man and the land have created our wines)" floats over the final image before the screen fades to black. Both philosophically and practically, this interconnection between the natural, the artisan, and the unique lies at the heart of Bordeaux winemaking.

Such relationships were frequently part of the responses when I queried my informants with one of my most useful fieldwork questions: "What do you think is special about Bordeaux wine?" One of them, an academic researcher at the University, after noting he was expressing his non-scientific opinion, responded this way. "If you're talking about the style I'd have to say two words: balanced and complex (*équilibré et complexe*)<sup>20</sup>" my interviewee replied. "It's hard [to explain]. I guess what I mean is that I want a wine that doesn't have an easy one word answer when someone asks you what it's like...That's why I don't like wines that try to be like the Australians-- this

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<sup>19</sup> Although some dictionaries may consider them synonymous, I follow the usage of my informants in considering "viculture" and "viticulture" separately. The latter is the cultivation and care of grapevines, while the former is the winemaking process-- everything that happens once the grapes are harvested. I tend to use the adjective "vini-viticultural" when referring to both of these concepts together.

<sup>20</sup> Both of these terms are used with a certain specificity of meaning in wine circles. A 'balanced' wine is one that is not too fruity, too sweet or too tannic. A wine that isn't balanced will predominate in terms of one or the other. Classically, this is a characteristic that has been seen as a major mark of a good Bordeaux wine. A 'complex' wine is similar, but implies a certain layered nature of the consumption experience. There will be hidden flavors that take a while to appear, or other characteristics that are second-order type sensations. For example, this kind of a concept manifests in the idea of "bouquet," often considered the mark of a *grand vin*, where there is an emergent set of scents the evolve during the aging process that have not been present at either earlier stages, or at the first experience of a tasting.

'international taste' (*goût international*). They're too generic and easy-- it makes them into caricatures" (interview B108). This idea of balance and equilibrium provides a useful metaphor in thinking about not solely a good glass of Bordeaux, but also in the ways cultural understandings blend ideas about the natural, the human, and the unique to construct the heritage value of a Bordeaux wine.

### ***Terroir* 'defined'**

*Terroir* is a French concept that derives specifically from wine culture. Often said to be impossible to translate exactly, it encapsulates the unique confluence between environmental factors and the products that come out of those natural conditions. When applied to agroalimentary products, it represents how such products capture the unique particularities that come from their origins in specific places. In the case of wine, *terroir* has to do with the way the characteristics of the grapes used differ because of the soils, weather, and other natural conditions found in their places of production.

As briefly mentioned in the previous chapter, the concept of *terroir* aligns with a broader belief in place-based particularity that defines the specific qualities of products from individual places with the uniqueness of those spaces. The argument is that if geographical spaces make a difference in the creation of agricultural products, then by extension, similar products from different (and especially distant) places *must* have unique identities. *Terroir* is the biggest mark of the role of the natural in wine production (and has resonance which will return elsewhere in this project as well). Those who create and assess wine know that the source of many of its qualitative

aspects come from the conditions of the growth of the grapes that are its raw material, be that in terms of scents, flavors, quality, or balance.

The *terroir* of the Bordeaux region is especially well situated for producing quality wines. Its climate and soils suit two of the most well-regarded and temperamental of grape varieties, merlot and cabernet sauvignon, and its long growing season allows for a length of maturation time that is nearly unique among wine regions. An array of unpredictable natural variables must come together to create a "*grand vin du Bordeaux*," and it is through this lack of constants that human intervention gains in importance. Ultimately, the natural is not enough, but only the first step of a process that also depends on the skills of producers in creating something new and unique from the natural components present (or possible) in the places where they work.

### ***Terroir as social construction***

*France has very cleverly marketed itself with this whole AOC thing. The whole mystique in the land, you're just drawn into it. Is it really real or just a load of bullocks? Who knows? Who cares?* (interview B125)

As the UK-based wine educator referenced above related, for all the value assigned to *terroir* in Bordeaux, the concept is nothing if not nebulous, especially in its relationship to AOC regulation. Interestingly, despite the importance of the role of place and the land in the construction of that system, from its very beginnings the relationship between *terroir* and AOC status has never been clear-cut in the region. One of the peculiarities is the fact that while other regions tie AOC status directly to the existence of particular *terroirs*, Bordeaux *appellations* consist of a multiplicity of *terroirs* in a single, culturally defined region. As one of my informants, who acts as a wine educator at Bordeaux's wine school, told me: "*Terroir* is really the

Burgundian system....there AOC and *terroir* have a near perfect overlap. But in Bordeaux things are not so neatly delineated. There are always multiple *terroirs* within every AOC. It has more to do with region [and practice] " (interview B123).

Thus, upon reflection, it begins to be easy to see why *terroir* alone is not enough to explain the broader importance of Bordeaux wine heritage, and to see why a legal system that was constructed based upon the particular needs of the region might choose to look beyond the natural to the human components of heritage value as well. In Burgundy one can argue that the value of AOC is directly and intimately related to the land, but in Bordeaux, the differences are such that if AOC was solely about *terroir* the system would function completely differently.

Aside from the coexistence of *terroirs*, there is an additional problem, since even then, the concept persists in being heavily socially constructed (Demossier 2011, Teil 2011, Trubeck 2008, Valceschini 2002, Ulin 2013, West 2013, Wilson 2000). How do people know what *terroir* they have, for example? The short answer is that they *don't* always know precisely, especially when it comes to questions of soil types. Despite its importance, *terroir* is not exactly the same as geology anyway. In the *Château d'Arzac* case, which I will discuss in detail in the next chapter, this battle between naturalistic ideas about what defines AOC comes into direct conflict with ideas of a more historical, cultural practice-based vision. In this instance, after a messy court battle, the latter won. Interestingly, in the aftermath of the case, the wine syndicate has begun work with a geologist who, in the words of their vice president, will "teach us to understand our soils." When she mentioned this fact, I was admittedly a little puzzled about what was

going on. "But they're not all the same *terroir*, right?" I asked. "Oh no," she replied matter-of-factly, before giving me a detailed description about the alternation between climates and soil through the length of the region (interview B121). Yet she still thought value remained in the project, even as she acknowledged that using *terroir* as the basis for any real changes was likely to be a political minefield.

All of this said, even with the fundamental un-naturalness of this nominally natural component of winemaking, it seems equally troubling to devalue its importance altogether. One way in which this problem is dealt with is in the sociocultural perceptions of the relationships between *terroir* and other cultural concepts, including *typicité* and *assemblage*. One interviewee noted, "Here AOC is not just about *terroir*. It corresponds to a region but it is also related to human factors there" (interview B107)-- managing, in one fell swoop, to combine AOC, *terroir* and *typicité* together into a complex of meaning about how wine works in the region. Asked about winemaking and value, another replied, "It really is about the soil-- but that's just the starting point, it's also more than that" (interview B119).

The problem about *terroir* is that its effects are hard to define precisely even in the best of cases. Like the other concepts I have been discussing, I would argue that the concept of *terroir* functions as a placeholder for one specific component of value which in part is important due to its very resistance to translation. The informant referenced at the beginning of this section, who works as a wine educator, was particularly open about what she thought was going on. "I think we make up these things so that we can remember them. We conceptualize because there's just so much to take in.

We don't know the half of it, but we conceptualize to make ourselves feel like we know loads" (interview B125).

Even assuming such concepts are simply placeholders, they are additionally and often purposefully intermingled in the ways people think and talk about winemaking in the region. Although they use terms in isolation, people consciously obfuscate the connections between those concepts and related ones. In many ways, the values of these concepts are mixed, separated, and blended again, even as we are told they are unexplainable. As the wine educator mentioned earlier finished, "You can look at people studying for this master of wines-- which is the strongest wine credential you can have, only a couple of hundred people in the world have it. And you can ask them what's the real difference between *terroirs* and they *still* shrug..." (interview B125)

### **Assemblage: the artistry of Bordeaux winemaking**

*Assemblage* is one of the major hallmarks of Bordeaux wines. Unlike in other parts of the world, where wines are identified by and often include only a single grape variety (*monocépage*), Bordeaux wines are blends of at least two, and often three or four varieties of grapes. The primary varietal of the blend differs depending on which side of the Gironde estuary the *château* is located on. The dense, structured, tannic wines of the Left Bank take that quality in large part from the qualities of cabernet sauvignon, a difficult grape to grow, which thrives in the marshy soil of the Médoc peninsula in the west of the region. On the Right Bank, in the river valley of the Libourne, merlot, with its smoother, fruity notes, dominates. Other secondary varietals are also part of the *assemblage* process, principally cabernet franc and petit verdot.

Unlike in many other world wine regions, the weather of Bordeaux is both a blessing and a curse. Due to its relatively temperate (and northerly) location, Bordeaux can provide a particularly long growing season for grapes, which is vital for the high quality cabernet sauvignon grapes its wines are known for. The length of time required for grapes to reach maturation also allows for the highest quality of tannins in their skin and seeds, as opposed to those grown in warmer climates where the weather requires earlier harvests, lest the flesh of the grapes overripen. Although Bordeaux has an ideal climate for maturation, however, an extended growing season also has its cost-- more time for things to go wrong-- in terms of bad weather, pests, and other problems that impact grapes as they mature. Centuries ago, the region's winegrowers decided to solve this problem by not relying solely on one grape variety. Merlot, the other main *cépage* of the Bordeaux region, matures earlier and possesses different qualities than cabernet, and grows very well in the area. By blending the two (and other varieties) together into final wines, winemakers were able to allow for greater consistency in style over time, regardless of the vagaries of the year's harvest, thus leading to the regional importance of *assemblage*<sup>21</sup>.

*Assemblage* in the field of wine also evokes Lévi-Strauss and his visions of *bricolage* and *assemblage*. Recombination provides a source of uniqueness which is granted significant cultural value. In the same way as the *bricoleur*, the winemaker "[gives] an account of his personality and life by the choices he makes between the limited possibilities. The 'bricoleur' may not ever complete his purpose but he always puts something of himself into it (Lévi-

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<sup>21</sup> *Assemblage* is a particularity of Bordeaux in many ways. Blending is not the French winemaking norm, and *monocépage* is actually quite prevalent in other regions. That said, the Bordelais are very attached to the concept and have internalized a certain sense of the value of the process in and of itself. Other informants admit that the reason people in the region privilege *assemblage* is not necessarily because it's better, but because that's "what they do."

Strauss 1966:20). The idiosyncrasies of wine production inject human intervention into the process and set a certain personal fingerprint on the final product. One of my informants put it this way. "I think it is the risk that makes Bordeaux wines great-- the need to mix the *cépages*, the unpredictability of it" (interview B107).

As discussed earlier, *terroir* possesses some authorship ability in the creation of a great wine, but the winemaker is just as vital to that end product as well. This importance of human intervention also weaves into the following concept, that of *typicité*, as will be seen in the section that follows.

### **Typicité: Human choices and interventions**

*Only two things count for wine, color and aroma. That's the only difference between a vin de table and a grand vin. That's typicité. It's the product of the choices that people have made: the grape varieties they've used, the assemblage, the experience of the viticulteur, how he marries the vines together...(interview B107)*

The end product of *assemblage* is always a unique artisan one, due to the individual choices of the people who create the wine and the effects of *terroir* on the grapes used in the vinification process. One consequence that manifests as a result is a need for that human intervention to introduce a certain standardization across vintages. The idea is not to create a homogenous, perfectly identical product, but to make the best possible product for any given year, while recreating a certain standard of quality and predictability for consumers. Making this happen is very much a human process.

The product of these choices is connoted by the term "*typicité*." The definition I was given was that *typicité* "is the result of the work of man



within the region" (interview B107). In a broader view, people, nature, and perhaps technology combine together to create what multiple interviewees characterized as the "*meilleur vin possible* (best wine possible). Time and again, I was told that the difference between a good wine and a great wine tends to be the efforts and expertise of the wine producer. Given these sorts of perspectives, artisanal production is very much part of winemaking in Bordeaux, both historically and today. As a result, human effort, experience and this type of individualized production is a fundamental part of each wine. Traditional knowledge and practices bring together the natural, the traditional, and the technological to create a product that is very much bordelais.

In the end, this *typicité* is the sort of "style" that is being captured under AOC. *Terroir* does not hold the value of AOC in isolation-- it is only through the process of transformation at the hands of people that its qualities can be expressed, through their manifestation in the final product-- in this case, the finished bottle of wine. Ultimately, *typicité* (and AOC) try to capture that ephemeral essence of what makes products special and "other" than similar alternatives to be found in the market. As one informant noted, "It's about knowing the style is going to be consistent. If I order a St. Julien it should taste like a St. Julien, not a Pomerol, and that comes down to the soil and the practice and the grape varieties and all of that put together" (interview B119).

People both inject and restrain uncertainty in the vinicultural process. They can choose *cépages*, how much and where to plant (taking advantage or not of *terroir* qualities), decide which wines to combine through *assemblage*, how to harvest, which techniques to use, how and when to use technologies, and

create *château* "styles." Human particularity is very much part of what marks a great wine in contrast to merely a good one. There are a lot of choices to be made that would never happen without human intervention, and thus *typicité* seems to be at the core of the magic of winemaking. It is certainly not the only element, but in the end creates a vital part of regional vini-viticultural practice. Due to the necessary convergences of all three of these factors, the perfect wine is always an ideal, and even if it could exist, it would still always be ephemeral, unique, and impossible to recreate, due to the optimal recombination of factors that would need to recur both in terms of weather and the combination of the varietals in the final product.

To sum up this portion of the discussion, at its most conceptually simplistic, *terroir* provides the raw material for *assemblage* which manifests by way of *typicité*, but the sociocultural connections between them are more intricately interrelated than that easy characterization initially reveals. As one might also expect, the concepts are far more contested as well, especially when they come into contact with the similarly contested meanings of AOC itself.

### Searching for style

Another place to see this sort of blending of concepts and orders of value can be seen when one explores another, nominally less opaque idea, that of *appellation* style. A direct result of the combination between *typicité* and *assemblage*, such regional styles have historically been the basis of the definition of in and out groups around the various *appellations*, even before the AOC system was institutionalized early in the 20th century.

That said, however, it is also widely accepted that many of these boundaries are also blurring in current practice. When I asked about AOC in this way, one informant told me that he felt oenology training on such matters was outdated-- assuming it ever had been relevant.

Does AOC matter? *Appellation* matters, but not in the way it's been twisted to matter. *Terroir* is not one size fits all in all regions- people don't realize this when they complain '*appellation* quality is not what it once was.' Since in Bordeaux they aren't coterminous, there is no such thing as '*appellation* style.' You can describe the style of a property, but that's it [interview B106].

*Appellation* styles have always been cultural fictions, even as they have been mobilized as descriptors of regional practice. Style descriptors work as placeholders for cultural values about the general idea of what it means to belong to certain AOCs and not others. In my files I have a series of tourism brochures for the region produced by various organizations. One of these attempts to present the various regional *appellations* to be found in the broader AOC Médoc. Several pages are dedicated to each *appellation*, with a description of the style, all of which are equal parts lyrical and hopelessly qualitative. Saint Estèphe is noted for its "secret alchemy," Haut-Médoc wines are portrayed as "delicious enigmas," and those from Listrac-Médoc provide "a distinctive taste of eternity." Although the style descriptions are flowery to say the least, not all of them are just the embellishments of the brochure's authors. When you ask an oenologist or winemaker what a wine from AOC Margaux is like, often the first thing they say is "feminine," just as it is described in the guidebook. Despite being very obviously vague, undefinable and of the "I know it when I see it" variety, the concept still very much resonates in practice. It is part of the reason *châteaux* try to recreate the historical ways in which their wines have been

described, also known as "maintaining *château* style." Ideas of "style" bleed into the wider *appellation* as well, for better or worse.

When I visited *Château Margaux*, after a while, the woman leading our tasting began discussing the state of the *appellation*. She clearly thought some of their peers were not really making "Margaux-style" wines-- a fact she illustrated with an anecdote about ordering a bottle of "Margaux" at a restaurant which was without the finesse she had expected from it (interview B120). When I asked a representative from another *château* how she thought regional practice (in Margaux) had changed, she too thought about style, relying on a shift from the classical "feminine" style of the region to something different. "The style of Margaux has changed a lot since 1995 or so," she began.

Before it was feminine. Elegant...smooth...almost too light...but the new generation has been trained in the New World, and they make wine differently. The new style is much more structured and powerful, and a bit more homogenous than before. That's how they make wine [in the New World]-- they have fabulous technique but less intense *terroirs* [interview B121].

Finally, just to confirm that this is far from settled in the minds even of producers, I will end with a moment from another of my *château* visits. I was taking part in a tasting, and the *maître des chais* (who is responsible for the *assemblage* of the wine) was in attendance. I struck up a conversation, asking what I thought was an easy question. "How would you describe the style of your wine?" I asked. He stared at me somewhat blankly and I attempted to reframe the question. Awkward silence intervened again as he thought for a minute. "Umm...I guess it's in the style of Margaux?" he replied after a few more moments (interview, 30 October 2010). Given that this

*château* is actually part of the neighboring *appellation* of Haut-Médoc, maybe this hadn't been such an easy question after all....

Ultimately, the heritage value in Bordeaux wines comes not from any one of these factors but a fuzzy combination of elements from among them. The value *is* ultimately the complex between them, the inability to unravel, and the unknowable, unpredictable experiences that combine in the creation of the final wine. This open, yet hidden, nature around concepts of the winemaking community helps to build insider/outsider relationships and reinforce cultural knowledge. Arguably, these concepts function to bind people together and hold broader meaning in large part *because* they are so fundamentally problematic and difficult to unpack. Perhaps this is simply a case of what Davidson means when he argues about the great concepts of philosophy being important in large part because of their elemental inscrutability. He claims:

This is, after all, what we should expect. For the most part, the concepts philosophers single out for attention, like truth, knowledge, belief, action, cause, the good and the right, are the most elementary concepts we have, concepts without which (I am inclined to say) we would have no concepts at all. Why then should we expect to be able to reduce these concepts definitionally to other concepts that are simpler, clearer, and more basic? We should accept the fact that what makes these concepts so important must also foreclose on the possibility of finding a foundation for them that reaches deeper into bedrock [Davidson 2005:20].

Even in spite of indefiniteness, unlike philosophical verities, this very cultural, very consciously undefined complex of signifiers simultaneously manages to be embedded in and policed through the mechanisms of AOC law. The remainder of this chapter will look to how interrelationships are constituted between the legal system itself and the cultural milieu in which it developed

through an analysis of the qualitative balancing test of the AOC law, *usages locaux, loyaux, et constants*.

### **Part Three: *Appellation d'origine contrôlée* in practice: *Usages locaux, loyaux et constants***

#### ***Usages locaux, loyaux, et constants***

The concept of *usages locaux, loyaux, et constants* (local, loyal, and constant usages) is at the heart of the *appellation d'origine contrôlée* system. Serving as both a legal balancing test and an approximation of untranslated sociocultural values and *je ne sais quoi*, this set of linked factors serves to connect geography, notoriety, and tradition within Bordeaux wine culture in fundamental ways, while simultaneously creating an enforceable legal framework that allows for the interpretation of culturally based evidence.

The phrase defines a set of necessary but not sufficient conditions that together constitute a synergistic marker that stands as a proxy for socially constructed meanings about Bordeaux wine. In a technical way, the formulation acts as a means to simultaneously allow for the type of predictability required by the strictures of law while preserving a certain amount of space that allows for the flexibility and negotiation that sit at the heart of all social practice. As a consequence, the role of social construction and policing sits at the heart of the legal regulation of AOC, and I would argue that the strength and enforceability of the system comes in large part from the attendant ability of the AOC system to allow for variation within boundaries, which allows legal and sociocultural frameworks to align in productive ways around the regulation of tradition knowledge in the realm of Bordeaux wine.

The legislative formulation acts as a marker for a variety of factors about place, history, heritage, and the construction thereof. The first prong, *usages locaux*, creates a link to a particular, definable locality. The second, *usages loyaux*, requires recognizable connections between the wine and the defined locality, recognizable not only by insiders, but neighbors and outsiders as well. Finally, *usages constants* asserts the time-honored nature of wines already defined as unique, recognizable, and attached to local practices. Through the combination between these elements the juridical test stands in for a set of qualitative values about what differentiates an AOC wine from a particular place from that of its neighbors and others available for sale in the wider market, simultaneously allowing for a degree of predictability and an intense connection with sociocultural practice within the region.

Early proponents of the AOC legislation were quite explicit in the role they saw for these factors, both in the context of prestige as well as stylistic predictability. All of this makes the court inquiry one of hearing evidence of cultural practice to answer three fundamental questions:

1. Is the wine/product in question linked to a place?
2. Is there a recognizable tradition of practice linking that product with the place known both inside and outside the community?
3. Is this a time-honored linkage reinforced by the passage of time?

In many ways, the value of the legislative formulation lies in the type of clarity it brings to court determinations about status. Cultural value will always be difficult to define, even as it remains fundamental to such an inquiry. The test allows for the possibility to tie strongly into the types of

philosophical values that led to protection in the first place, allowing the courts to serve as arbiters of practice without needing to define and dictate precisely what practice is. In the end, these kinds of gut-feeling assessments and qualitative associations are, I would argue, just the reason why a balancing test like this one can be of value for both legal and sociocultural actors. Just because cultural fictions are contested does not mean that they do not still act as important holders of sociocultural meanings. In the face of the potential and growing contentiousness around what style (or AOC for that matter) means, the flexibility of a standard of this kind allows social practice to shape law and regulation in complex ways.

As the test suggests, localized values and shared practices are at the core of French AOC. To highlight some of these issues in practice the next segment of the chapter will explore this negotiation of shared values in relationship to tradition and technology in the region and the ways in which that relationship is nuanced and constructed. The following section will look to questions of presentation and representation, and the narratives used to build internal and external reputations.

### **Tradition and technology**

One day I took a trip to Blaye, a small town on the east bank of the estuary, and while I was waiting for the bus I wound up chatting with a woman. She asked if I was English. "American," I replied. "An American in Blaye!" she exclaimed, completely shocked at the prospect. I went on to explain that I was traveling to different towns around the region to get a sense of the relationship between places and the wine culture, and she seemed somewhat impressed, even though she still seemed to think I was a



little off. Yet she also insisted that it was great that I was able to visit Blaye because it was so historic. "It's been here since the Romans," she noted, gesturing at the Citadelle and miscellaneous Gallo-Roman ruins nearby. "Nice to visit but not to live." She went on to explain how she'd lived in the Centre Ville of both Blaye and Bordeaux and was ecstatic to be moving to a newer build home outside the city proper. It was built in 2006. She appreciated tradition, but at the end of the day, she seemed to prefer the idea of central heating.

This anecdote highlights the type of pragmatism that marks my experience in Bordeaux. Ideas about heritage are very consciously non-fetishized, but rather are naturalized in a habitus-like way. Heritage is so important and everpresent that it is taken for granted. Though it is clearly important, the performative aspects of heritage are somewhat foreign to the regional experience. Absolute purism tends to be hard to find here, even among more traditionally focused actors. At the end of the day, Bordeaux is strongly marked by a fusion between a sense of tradition and the forces of change and technology.

All of that said, what does tradition mean in Bordeaux? Assuming it means anything at all? Despite the staleness of the concept, there is a certain validity to exploring the shared elements that multiple actors do value, and in the end, there are a number of common threads that seem to be broadly shared in regard to tradition in the region. The contemporary interpretation of tradition in Bordeaux is very much a mobile and changing one, but there are certain elements that are seen as more fixed than others, primarily around history, viticultural practice, and vinicultural practice.

History does manage to establish a shared value in a broad idea of tradition. The longstanding importance of the region and its role in bringing high quality wines to the world are a key in nearly everyone's conceptions. The fact that *châteaux* have been around for centuries, and the history of winemaking practice and the heritage of the properties in terms of families and inheritance, styles of winemaking, and simply as places, is an important part of how Bordeaux has always presented itself, and continues to do so. In many ways, tradition is lodged here in terms of a "story of Bordeaux," the establishment of a region of repute and value that centers around the production of wine. Historical heritage is a justification for international importance, and the role of Bordeaux as a player in national and international markets, as well as the culture of the world.

What is traditional viticulture? Primarily, the choices of *cépages*, especially the use of regional varieties in particular *terroirs*. Another sense of traditional best practice is harvesting grapes by hand, and the use of human actors for certain delicate elements of the process rather than resorting to machines. In terms of viniculture, traditions of *assemblage* and production are writ large. Even in the face of other options and potential technological aids to the process, everyone seems to agree about its importance, and that it is a nuanced procedure based on deriving the best of both its natural elements and the skill of winemakers.

Barrels are also a clear traditional element. The wood of choice is 100 plus year old French oak and barrels are made in the same 225 liter size they've been made in for centuries. The most prestigious *crus* tend to continue the use of handmade artisanal barrels made at only a handful of major barrelmakers. Seguin Moreau, in Cognac, is one the most famous makers, and

supplies many of the most important *grand cru* estates. Even today, every stage of the production process there is done or supervised by hand, from inspecting the oak to measuring the size of staves to toasting the insides of barrels to testing them for watertightness. And those are just the "mass produced" ones. In the case of their larger *cuvées* and barrels, "[e]very one of them is handmade to order to the client's exact specifications. They're the *haute couture* of barrels" (interview B118). Such importance is not taken lightly in the least. In another instance of this, even today *Château Margaux* still makes 400 of its yearly supply of barrels by hand, in-house at the estate (interview B120).

So what values are not shared in this regard? Just as there are clear shared positive elements, there are just as clear problems in the shared ideals for appropriate practice. The first major sin is to "be an industrial product (*être produit industriel*)". The spirit of this is that winemaking is meant to be an art rather than a science. Doing too much by machine when those elements can be done better by hand is seen as suspect, and overreliance on new technologies and techniques for the manipulation of the winemaking process is actively frowned upon.

An oenology professor conceptualized the distinction for me in this way:

There are two kinds of technology, in my opinion. There is corrective technology, which is pretty common in Bordeaux-- fixing problems with *millésimes*, reverse osmosis, filtration, things like that. More experimental technology, that is rare in Bordeaux. Things like extraction, oxygenation. People respond badly to those here. Technology for technology's sake. Here the most simple and gentle (*le plus simple et le plus doux*) is the technical preference (interview B107).

Australia is often seen as a *bête noir* for this perceived overuse of technical skills, especially in terms of the extremes in which both machinery and technology are used to make heavily mass produced wines. There is very much a battle against standardization and corporatization of wine production. "Businesses like McDonald's or Monsanto and, as we will see, Mondavi, become the symbols of that shameful globalization that imposes homogeneous standards to the detriment of local diversities" (Torrés 2005:8).

These concerns dovetail into the second concern, which is for a wine to "*manquer de character* (lack character)." In many ways, the reputation and value of Bordeaux wines is premised upon their uniqueness. Due to the convergence of elements described in the previous chapter, try though they might, even neighboring producers are absolutely incapable of creating identical products, even if they attempt to, thanks to the vagaries of *terroir* and *assemblage*. This uniqueness is seen as a regional value to be encouraged. Increases in homogenization and so-called lack of character are seen to be at odds with the spirit of Bordeaux. Concerns about the influence of Robert Parker<sup>22</sup> and his system of wine grading as a force changing the style or character of wines also reflects this fear of the loss of "personality."

Finally, there is a less defined idea which aligns with trying to be something you are not-- be that in terms of fads like speculation in garage wines, allowing global tastes to radically alter practice, or faking the aging process

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<sup>22</sup> Robert Parker is the most famous of American wine critics, known for his creation of a wine grading system that scores wines on a 100 scale, published in his newsletter *The wine advocate*. Due to the popularity of his system (especially in the United States), his ratings are a major factor in the pricing of Bordeaux wines today. The 2004 documentary film *Mondovino* features extensive interviews with Mr. Parker (Nossiter 2004).

with technology instead of actually allowing changes to take place naturally. The common element here is a concern when new sorts of practice are introduced for external reasons rather than simply sticking to the local values and systems of decisionmaking on best practices .

By and large, technology *per se* is largely seen as benign, just another useful tool in the arsenal of producers seeking to make the best wines they can. It boils down to a perspective that technology is to "make the best wine possible (*faire le meilleur vin possible*)" by "doing what we've always done." (interview B107). Methods for growing and tending vines maintain centuries old techniques, with technological innovations mainly to refine existing practices. Even in my discussions with those engaged in technological research, there is a sense that existing viticulture should not be radically changed. INRA, the agricultural ministry, is specifically tasked with coming up with ways to decrease external inputs into the process. The use of non-invasive techniques like GPS and infrared technology to determine harvest dates, is meant to improve traditional methods of determining ripeness, not to replace them (interview B105). Another of the professors at the university sought to explain how he saw this tension in his work as well as in broader public perception. He said:

There are TV programs that show how wine is made that make it appear very technologic and mechanical, like something devilish (*quelque chose du diable*). That leads to public distrust of technology in wine production even though it's not all that representative. It's a process of adapting technology. I don't have anything against technology. It's less poetic, but it gives interesting results as well [interview B109].

Vinicultural practice is not immune to change either. *Château Haut-Brion*, one of the top four of the prestigious 1855 *grand cru classés*, the most high profile and expensive of Bordeaux wines, lets its wines ferment in specially

designed, state-of-the-art metal tanks, created by a former owner of the vineyard about 60 years ago (interview B101). I spoke to another interviewee about that type of usage of technology in the face of reputation and tradition. He mentioned:

The next place to do that was *Château Latour*<sup>23</sup>. It's definitely easier when the leaders do things like that. If it had come from lesser producers it may not have caught on...People [from outside may] think it's 'cheating,' but it's just a tool to make better wine more easily." [interview B106].

*Château Latour* is similarly technological. The tanks used there are designed specifically to maximize the qualities of each of their individual parcels and the entire system is monitored on a personalized stainless steel panel-- all polished metal and colored lights-- that continually monitors and posts the temperature and humidity of each *cuvée* in the building (interview B121). It's not your great-grandfather's system of production, more like something out of James Bond. Many of the major *châteaux* are under renovation now, and changing the way they make wine is very much part of the image and practice that lead to the future.

### **Presentations and representations**

As discussed earlier in this chapter, AOC status depends in a major way on the establishment and reinforcement of internal and external reputations, which also constitute a major part of the legal balancing test, as well. Especially as such perceptions shift with time and less traditional influences (including effects of globalization and new technology) what continues to be shared and who has the authority to make such decisions remains very important, both socially and economically. This section will consider the ways in which internal and external reputations are produced and reinforced,

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<sup>23</sup> *Château Latour* is another of the top four of the 1855 Classification.

especially through discussions of gatekeepers, arbiters, and others who build these types of narratives.

One element in the creation of the meanings of reputations in Bordeaux is the narratives of real or imagined histories that are in place as *châteaux* attempt to recreate wine stylistically similar to that made centuries earlier in their histories, or the real or imagined contrast between styles and *appellations*. What defines the individual style of a particular *appellation*? What is the way a *château* should present itself and its winemaking? These are just a few of the major questions raised by reputations and meanings around the various *appellations*. When questioning this idea of reputation and representation, in some ways it seems that heritage is both there and not there. As I was told when I arrived on one *château* visit, "It is very original, your research. It is very interesting for someone to think about tradition like that. We take tradition for granted here in Bordeaux" (interview B105).

To clarify that sentiment, I would say that in Bordeaux, heritage operates in two registers, one of performance and one of representation. I would consider the first to be in terms of reputation, tradition, and practice. Bordeaux certainly has the pedigree and history to lay claim to an idea of heritage, and it does. The tradition of winemaking is both strong and passionate. As one informant put it, "Bordeaux has good luck. We already have a very strong image. For many people their dream is Bordeaux [wine], plus we have our historical heritage. We have all our *châteaux*, and nobody else [in the industry] has that" (interview B114). The greatness of the region's wine is well recognized, as is the experience of the region as a place. This is the strength of the cultural presentation, but in many ways it is taken a bit for granted.

In contrast, ideas about the active representation of that heritage remain more emergent. An informant involved in encouraging local wine tourism lamented, "[the producers] don't understand how to sell tourism, they know how to sell wine" (interview B114). Museums and image-focused representation of the wine heritage of the area remain somewhat hard to find, though their number is increasing. There is a growing sense of a need for more externally focused imagining of heritage, however, in the form of oenotourism initiatives and efforts to demystify and popularize Bordeaux wine culture in new ways, both within and outside France.

Marketing is a word that seems to be on everyone's mind. The shift among markets was a frequent topic of nearly all my conversations. Although Bordeaux has always looked outside itself, the changes in wine production worldwide have not passed it by<sup>24</sup>. Domestic wine consumption in France has long been decreasing overall, in part due to prior campaigns about the ill-effects of alcohol consumption. Even with the region's international reputation, the French market is still the biggest for Bordeaux, as it is for all French wine regions. Although worldwide consumption continues to increase, the patterns of *how* wine is consumed are changing, which means that Bordeaux must learn to appeal to new places, and people who may not have traditionally turned to the region's wines. Nearly all the major players have begun to change the ways they appeal to outsiders as well as their fellow Frenchmen. This is notable especially in relation to education initiatives and other attempts to demystify local wine culture.

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<sup>24</sup> For further discussion of these issues see Demossier 2010.



## Presenting Bordeaux wines to the world

Another facet of this phenomenon is the way in which the industry presents itself. There is currently no dedicated wine museum in Bordeaux. The first attempt at such a dedicated space is expected in 2014 and still in the planning stages (interview B103 and B114). The closest approximations are a small, relatively new permanent exhibit at the Musée d'Aquitaine and the newly (re)opened Musée de vin et négoce opened in the Chartrons district. Otherwise there are scattered smaller exhibits and *château* archives, none of which are particularly accessible or available to the wider public. I found the lack of such officialized narratives about heritage somewhat surprising, especially given the region's prominence in the global wine industry. What is presented is peculiarly backward looking: displays of dusty old bottles, decaying winemaking implements, and faded photographs. The image is very much one of the past, an emphasis on tradition and history rather than a more dynamic space to engage with current ideas and practice. A contrast to this can perhaps be seen in the individualized websites of the various *château* properties, which reflect more organically the type of intense intermingling of past and present, history and innovation, that mark Bordeaux today. They are beautifully presented and state of the art, situating the sites and their wines both in the context of the property and Bordeaux as a whole.

Yet another constructed narrative of the region can be seen in the *château* visit. The experience of visiting a *château* in Bordeaux is largely a consistent one. You arrive at the property, which tends to consist of a sizable amount of contiguous parcels of land, which surround a large building, sometimes in the form of a castle, built out of the ubiquitous golden stone of the region. As opposed to the case in other regions of France, estates here are sizeable,

as the land was less commonly divided by either politics of inheritance as is was elsewhere in France (interview B106 and B112). One reason for this is the lesser influence of the church, which had smaller land holdings here than elsewhere in the country. In other areas, lands held by the nobility and the clergy were largely confiscated during the Revolution. Due to these and other historical particularities, the estates of Bordeaux remain large and stately today.

Most visits begin where the wine itself begins, with the vines. Visitors learn about the types of grapes planted, usually down to the total percentage of the harvest, and are given an idea about the production and harvesting methods at the property. One hears about the *terroir* and any particular vinicultural choices that are unique to the *château*. From there one progresses to the area where the wine is produced, where large, typically stainless steel *cuvées* constitute the site of the primary fermentation process. Another theme is the particularities of *assemblage* and sometimes something about the preferred style of the wine. From there it is to the cellars where the wine is aged, often with a discussion of the choice of barrels and the characteristics they bring to the wine. Finally there is the *degustation* (tasting), where the visitor can get a sense of the end product of all they have seen beforehand.

Significantly, the Bordeaux *château* visit is about the experience-- the how and where of the wine, not simply a sales pitch. "They aren't trying to sell the wine, it's name recognition for the future. So that when you're in a restaurant you think, 'I went there. I remember that place'" (interview B106). The model is very different from the American one seen in Napa Valley, for example. One of my informants opined, "Napa Valley is like the

Disneyworld of wine. You never see the property, it's like a glorified shop. It's all about marketing to sell. In France you can't just sell wine like an industrial product...It's cultural" (interview B114). Most *châteaux* in Bordeaux do not charge for visits, although they tend to require appointments, and the goal tends not to be one of acting as an outlet for direct sales. This focus on the experience aligns strongly with the historical economic model which was based around the *courtiers* and *negociants* as gatekeepers to external markets.

Although very much vineyard based, sometimes the experience of a visit can seem somewhat counter to a certain image of Old World winemaking. The scale of operation tends to be large, in particular due to the size of the estates involved, and the region has a long history of selling its products to a wider world. Most of the largest *châteaux* are legally incorporated, and especially today, ownership of many major properties is in the hands of retired *negociants* or other international businessmen. Wine has always been a cornerstone of the regional economy and very big business here, and this is marked in the experience. One of my informants takes groups of foreign tourists, particularly Americans, to visit some of the major regional *châteaux*. He mentioned that many are taken aback at the dissonance between their perceptions of the region and its realities.

Everyone has this vision of what it's going to be like, and it's usually different than what they find. Burgundy is more 'traditional' and mom and pop style. People often come to Bordeaux looking for that and don't find it. They want to ring a little doorbell somewhere and have some old guy come out of the back and sort of show them around. And then he goes down to the cellar and pulls out the dusty bottle of the good stuff, and it's the best wine they've ever had. But that's just not how we do things here [interview B106].

Bordeaux is very much a mixture between "traditional" and very modern elements in a delicate, but culturally recognizable, balance which may seem strange to outsiders. Heritage is certainly not something that is seen there as mired in a certain vision of the past, though there is a very studied sense of when progress is advisable and/or necessary.

These structures, connections, and narratives blend together to create different types of fuzzy consensus around style and concept in many ways. They are not about hard absolute standards, but rather "I know it when I see it" kinds of determinations of what does and does not belong. There is a valorization of the ambiguous, be that in terms of *je ne sais quoi* or the desire to take the best of technology to create the elusive *meilleur vin possible*.

All of which brings out the array of what Bordeaux wine and winemaking practice is and is not. It is not industrial. It is contemplative and a bit lyrical. It is all about the delicate synergy between elements-- not a recipe or a formula. The taste of the consumer might be important, but it should not dictate practice. It is a human activity, not a mechanical one. It is regional and regionally specific and retains certain subtle distinctions that have marked it over time. It is not about cutting corners or presenting itself as something it is not-- such as false aging with woodchips. It is not about technology for technology's sake. It is about balance and equilibrium which are vital but difficult to define. The ambiguities of these are the stuff of social practice. Tradition is as fluid as the culture that produces it, and as is to be expected, systems and practices that may initially appear unitary are in reality far more subjective.

## Representation and oenotourisme

*Consumption has gone down a lot now. Things are changing. Now you have to seduce the consumers. The old way of selling Bordeaux is dead. Now wine needs to be treated as a multifaceted product. It is a cultural product. You need a different approach now. We address ourselves to the wider public (au grand public) (interview B120).*

Wine tourism is still a new phenomenon in Bordeaux. Despite its external focus in terms of orientation toward the market, the idea of presenting wine culture to outsiders is still something of a new phenomenon.

In Aquitaine, wine tourism has stayed, even more than in Burgundy, at the level of the vineyard. Protected by the privilege of Bordeaux wines, recognized for their excellence throughout the entire world, it is before anything else animated by business, tourism being reserved for the Atlantic beaches, the Basin of Arcachon, or the wilderness tourism of Périgord. Traditionally, the great *châteaux* did not sell directly to visitors, and the *negociants* were not in relationships with the tourists who could traverse the vineyard! [Lignon-Darmaillac 2009:11].

Thus the current moment is one of exploration and reevaluation of representation for the region. Particularly due to the complexities of the AOC system and the types of specific regional knowledge it requires, there is the need for structural education efforts to open Bordeaux, which has traditionally been a very closed place in certain ways, to the world.

Bordeaux has a reputation of insularity that often goes hand in hand with its prestige (Lignon-Darmaillac 2009:37). Since merchants and *courtiers* have such a vital position in the distribution chain here, efforts at promotion have largely been directed to them, with tastings and other events being largely closed, invitation only events. It has long been a specialist space, limited only to those specialists. As several of my interviewees noted, it is quite recent that Bordeaux has addressed itself to the "*grand public*."

Today this picture has all begun to change, albeit slowly. At present there are really only three major tourist offices in the region, one in the centre of Bordeaux and one on each side of the Gironde, in St. Emilion and Pauillac. Otherwise, the infrastructure tends to be more or less nonexistent. Some of the larger towns might have a map of the community that can be located in another municipal building, but even that tends to be rare. Recently there has been a sense that this is not enough, which has led to a major initiative to create a wine heritage center, due to open in 2014. It is intended to be a physical and intellectual gateway to the city and its culture, which of course is built around its wines (interview B103).

Yet although there is little cohesive strategy, across the region smaller initiatives are bridging the gaps. Individual consultants and specialists, including several of my informants, have done smaller tours of properties for years, largely built on the strength of their personal connections. More officially, the different *appellations* have occasional open houses and invite the wider community to visit properties throughout the communes on certain days. The first of these began in the Médoc in the early 1980s. Many *châteaux* do allow individual and group visits, although these are normally by appointment only, and there may or may not be English speaking staff, for example.

Other efforts are focused on representation of the region in other places. The syndicate of Médoc is currently in the midst of an outreach effort to promote the wines of the subregion as well as to demystify the complexities of AOC. It has been sending experts around the world, to China, the US, and other locations to explain the system to culinary

professionals, on the assumption that they hold great power in bringing wines to the broader public (interview B115). There have also been special events in targeted cities to introduce Bordeaux wines there. The 1855 *grand crus* use a similar strategy, and have made an effort to associate their wines with fine restaurants and great chefs, creating a stunning illustrated cookbook featuring each of the *cru classés* to cement this relationship to great gastronomy as well as simply great wine culture (interview B104). The Confreries gastronomiques, a wine related club in the vein of the Rotary Club, has set up chapters of their organization in locations around the world, including Asia, the Americas, and Africa, with the goal of promoting the wines of Bordeaux through social members club activities, including charity events, tastings, and wine tourism (interview B106).

### **Monsieur Parker, globalization, and the role of new markets**

*me: What do you think of Mr. Parker?*

*Z: It was an error to open the doors to Parker. He has created a value and hierarchy that are too personal. And who is he? A nobody from the street! (Un je ne sais qui de la rue!)* (Interview B109).

Given this moment of the forging and reforging of regional reputations, it is not surprising that some kinds of change are more palpable than others. In a number of my interviews, I asked my subjects about the influence of American wine critic Robert Parker on practice in the local wine industry. The exchange above was part of one of the most critical, yet nearly everyone who discussed the issue with me felt a degree of concern about the influence of an outsider and especially a single personality (along with the grading style he created), on the way things are done in Bordeaux. The most anti-Parker sentiments lamented his influence in homogenizing wine production, particularly in the region of St. Emilion. The most forgiving appreciate Parker's interest that has drawn the eyes of the world to the

region yet again, but nearly all questioned the influence of his personal taste.

The other facet of this type of dictation from outside is the growing desire to present local culture *a l'exterieur*. This is seen in a much more dynamic way. "*Le marketing*" is on everyone's minds, and across the sector the desire to educate, demystify and present is heavily apparent. New initiatives are teaching the international culinary community about the nuances the Bordeaux region (interviews B106, B115, and B119) a new oenotourism magazine was launched just three years ago (interview B114) and international communities are being formed to connect the world's consumers of Bordeaux wine (interviews B122 and B123) syndicates are not immune to this enthusiasm either-- AOC Margaux, for example, hopes to create a heritage center of its own (interview B121).

New communities are also starting to be of importance. changes in the importance of wine globally, new possibilities of consumers and new types of education have become important. One informant noted, with grudging approval that, "[t]he Americans know a lot more about wine than they used to" (interview B119). When this topic came up, many also mentioned the opening of the Chinese market and the challenges and potential opportunities this had presented for them (interviews B104, B114, B118 and B123).

Another important element is the need to relate better to other markets, especially in contrast to an international system primarily built upon single varietal based wines (*monocépage*). In America, for example, there is a cultural prejudice against blends. Consequently, in reaching out to that



audience, it is fundamental to explain the value of local techniques as well as broader concepts about AOC. To the uninitiated, the Bordeaux system can seem intensely complex and fragmentary, very much in need of demystification and further information. Some, however, are trying to meet consumers in the middle. Philippe Raoux runs one of the premier oenotourism sites in Aquitaine. La Winery, an increasingly popular cultural site in its own right, which features wine education, art exhibitions and concerts, restaurants and other special events was his idea. "Why did you decide to create a site like La Winery?" I asked him.

We're also negociants, and we knew the experience of Napa Valley and wanted to bring a new experience to Bordeaux. So it's a Winery Californienne. It's the brand (*le marque*). We don't have that word[, Winery,] in French, but we wanted to create something similar to the American model-- with the gift shop, and the restaurant and the events all there. We wanted to create a place to promote the culture of wine. That was very important [interview B120].

His new model is working. La Winery has won numerous awards and in 2009 had 50,000 visitors. In addition they focus on education based on personal taste, not AOC per se. "It's about a cartography of taste," he told me, "We try to simplify some of the complexity of it for our visitors. That way when you don't know the label, it's easier to pick based on taste. One can wander through the world of wines without losing one's way. It's marvelous." (interview B120).

Another concern that comes from outside is the increasing focus on health and safety that has grown in recent years. This is reflected both in a need for regulation in terms of production inputs as well as in effects on consumption patters. On a positive front, producers have responded to such concerns by increasing the traceability of the elements of their wine through uses of technology, which provides a useful response that still interacts

well with cultural practice. The negative of this focus is its contribution to less alcohol consumption domestically due to a fear that the daily consumption that was the historical norm would be unhealthy. Coupled with the trendiness of foreign beverages (like beer and cocktails) and drinking patterns (including the spectre of Anglo style binge drinking) there is a fear of losing the next generation (Demossier 2010). Consequently many efforts have recently been put in place to glamorize wine consumption to the younger generation. CIVB has played a large part in this through a targeted advertising campaign. My favorite ad features a young couple seated at a bar with the caption, "Give your princess a *château*."

Finally, there is a vision of these issues on a broader international scale. A big concern is maintaining individuality in the face of homogenization due to the importance of global taste, in the tradition of the 2005 UNESCO convention on cultural diversity. Former French President Nicolas Sarkozy made this something of a priority<sup>25</sup> (Naulin ND), and the importance of a protective stance of this kind is something that was not lost on my informants. As Demossier says, these elements combine to position those interacting with wine as ambassadors for a certain type of localized knowledge and identity. She writes,

The recent upsurge of wine culture in France has, to some extent, contributed to the construction of the connoisseur as a repository of collective memory, who shared his time between drinking wine and buying books, guides, and map of French wine-producing regions in order to make sense of a complex world" [Demossier 2005:142].

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<sup>25</sup> The "gastronomic meal of the French" received protected status in 2010 under the 2003 UNESCO intangible property convention. A number of my informants referred to this and similar projects as pet interests of President Sarkozy. Naulin explores some of the political machinations which went into application in her paper.

## Quality, price, and connoisseurship

When asked directly, my informants' perception of the validity of a relationship between AOC and quality were quite mixed-- with opinions running from "absolutely" to "of course not." Even the most qualified response, however, considered them shorthand for the consumer, marking the production inputs that have gone into the making of the wine. In this formulation, *appellations* and the *cahiers des charges* associated with them (and required by law) can define what the consumer might not otherwise know-- the grape varieties used, alcohol and sugar content, *terroir*, etc. that are dictated by the legal requirements for inclusion. Since consumers cannot know everything, *appellations* provide some ability for them to predict product characteristics without needing total information. "You get what you expect. If you order champagne, you know it's going to come with bubbles" (interview B106). This is especially helpful in a place like Bordeaux, where each wine is, by definition, very different from that of its neighbors due to the idiosyncrasies of *assemblage*. *Appellations* can approximate a style at least in part, and even if incomplete in informing consumers, they must, by definition be clearer than *monocépage*. One of my interviewees, a retired oenology professor, was quite adamant about this, claiming "a *cépage* is never [solely] enough to describe a product" (interview B109). He felt there was also a need to know where it was from, above and beyond *terroir*, which seems to hit at the spirit of AOC regulation.

Pricing is another interesting piece of the AOC puzzle. It is absolutely certain that prestigious AOCs have enormous economic value. For example, I was told, "[b]eing able to put Margaux on your label is the closest thing to a license to print your own money" (interview B106)<sup>26</sup>. Prices for wine

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<sup>26</sup> *Château Margaux* is one of the big four grand *crus* from the 1855 classification, and one of the most expensive wines in Bordeaux. There is also an AOC called Margaux, a highly prestigious designation in

categorized as AOC Margaux can bring prices up to three times those in adjacent AOC Haut-Médoc (interview B120). In regard to AOC Pessac-Leognan in the Graves region, I was told that prices were 30% higher for wines which belong to the more elite Pessac-Leognan *appellation* versus the broader Graves *appellation* (interview, 26 Nov 2009). Once properties can add *cru classé* status to already prestigious AOCs, their prices tend to trend even higher. Status very clearly both reinforces and creates prestige in regional wines.

This also explains the anxiety that exists when it comes to losing AOC status. The bottom line is that having access to these labels provides enormous economic leverage for a property. Much of this is also interesting because prices have always been a big part of the AOC/*grand cru* equation. *Premières crus* (first growths) are designated not by their intrinsic qualities but by their historical asking price over a period of years. When Napoleon III had the 1855 classification drawn up, price was the major criterion to dictate the "best" wines of the region. Historical price scales were consulted to define the top-selling premiers *crus* of the various regions (Markham 1998:31, 49). Those deciding on the category were also people very much interested in prices-- members of the Chambre of commerce, which included businessmen and *courtiers* involved in the wine trade, rather than necessarily producers. The problem with this association between price and status in the region can arise because the consumer is not always aware of the rationales, both historical and contemporary, that combine with bare price criteria in granting marked, prestigious status. "People don't really understand how these classifications are made. They think it's all about analysis and taste tests. But it's not about that at all" (interview B105).

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the Médoc

Drawing from the image of wine as an elite product, the idea of Bordeaux wines as a luxury persists for a number of reasons. As domestic consumption decreases, "People may be drinking *moins et moins, mais mieux en mieux* (less and less, but better and better quality)<sup>27</sup>," and that pattern has long been marked in terms of international consumption. The United States, for example, imports less Bordeaux wine by volume, but a far greater proportion of *grand crus* and prestigious *appellations* (interview B115). Chinese visitors often come to Bordeaux and insist on going to a laundry list of only the most prestigious of *grand cru châteaux*, and often see other properties as valueless, much to the chagrin of their French contacts (interview B118). Not surprisingly perhaps, AOC status tends to bring an even greater benefit to more prestigious, core producers within regions, who are often seen as the epitome of a region's style, rather than the more peripheral producers who may approximate the regional style less completely (interview B110). Lifestyle issues continually came up in my interviews, with perceived luxury status figuring as a major part of the mystique of Bordeaux. In other ways, the problem is to preserve this sense of elite value while losing something of elitist attitudes about connoisseurship. "The problem is how to get rid of the confusion but still hang on to something special. For wine educators it's about losing the mystery but keeping the magic" (interview B119).

So is quality the same as price? The system seems to take it as a given, at least in part. In practice I was told that one major factor in whether INAO will accept a new AOC for a particular product is whether the market will support charging more for such a product than similar products of the same type (interview, 26 November 2009). This fulfills the notoriety prong

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<sup>27</sup> This particular formulation tends to constitute a familiar refrain when you ask about changing patterns of consumption both in France and at a global scale.

required to grant protection. Price becomes a marker for higher quality and additional intrinsic value of some kind. Like organics, luxury goods, and other lifestyle products, the idea of the market dictating value is very much alive here. If people pay more for it, something about the product must be better. One of my informants compared it to how some people feel about caviar, not really understanding why they should like it, but buying it anyway since it is an elite product, regardless of (and often due to) the asking price (interview B115).

Yet there remains an incompleteness in the quality/price linkage. Although it is certainly a component of what goes on, AOCs mean something more than that as well. The fact that people react to the relationship between AOC and quality so strongly implies there's something else to the inquiry in the minds of my informants. In part it seems to be the lack of shared perception of what "quality" means. For a product that depends so much on the perception of the drinker, perhaps that is inevitable and appropriate. The role of human agency and the *savoir faire* of producers come up frequently, as does the idea of the importance of nature, climate and *terroir*. When I asked what is special about Bordeaux wines, the responses ranged similarly, from "nothing" to "luck" to "history" to "asking price" or "*assemblage*." I think what quality means, and what qualities it includes, is one of the defining questions I have come across in this study of the AOC system.

## Conclusions

The foregoing discussion of the social construction of Bordeaux wine heritage is meant to highlight some of the factors that unite to create cultural understandings of the value and importance of wine in the region, while also showing the spaces in which negotiation around such meanings might, or might

not, occur. Moving on from this initial portrayal of Bordeaux and its wines, I will progress to a discussion of the actors and interests that surround AOC. Regardless of the details of debates, the heritage value discussed here is the philosophical heart of what is at issue, even when legal technicalities, political or economic motivations, or decisions about belonging are nominally what arguments are about. None of those conflicts would matter if Bordeaux wine and AOC did not matter, and, in fact, I would suggest that this sociocultural valuation very much influences the way in which the political structures and legal and extralegal conflicts articulate in the world.

## Chapter Four: Bordeaux wine and *appellation d'origine contrôlée*: Interactions, negotiations, and disputes

### Part One: The structure and mechanics of *appellation d'origine contrôlée*

After the terminologically based discussion of values in the previous chapters, the current discussion will begin a more structural look at these concerns, beginning with a discussion of some of the major institutional actors in the region and their interactions. The chapter will conclude by considering two sets of cases which will show the ways in which sociocultural and legal systems of regulation interact, focusing on questions of boundaries, categories, and belonging.

#### Legislative history and context

Contrary to what one might expect, French AOCs are largely derived from grassroots concerns. This has historically been the case since their beginnings, and persists today. The initial drive for protection came at the suggestion of producers. The system grew out of a historical moment of crisis for Bordeaux. Concerned about fraud and misrepresentation due to the crisis of overproduction that marked the turn of the 20th century, producers began to lobby for legal protections of their products in relationship to quality and authenticity.

The phylloxera louse had nearly destroyed the vineyards of Europe and left the French wine industry in shambles, and solutions to the problem, particularly the use of North American hybrid vines, remained controversial. Supplies of wine dwindled, but in the aftermath there was a shift in the opposite direction. There was massive overproduction and little quality control as the wine industry struggled to recover. As a result of the glut of supply, manufacturers resorted to less than honest methods to promote



their wines. Producers throughout France began to give prestigious (and false) names to their wines to obscure actual quality and build on the reputation of other vineyards, in the hope that doing so would help increase sales in an overcrowded market (interview B107, Roudie 2001:14). Those prestigious names were often those from the Bordeaux region. As it was described to me, "[t]he whole world was committing fraud" (interview B112). The immediate concern of other producers was confusion about the standards of quality within regional wines. It was in the aftermath of this scenario that many of the producer groups were formed, as well as the *caves cooperatives* (which allow for shared facilities for bottling within communities) (Chevet 1999:258, Roudie 2001:13). When the efforts began to promote AOC legislation, it was to allow for a legal framework to stave off such misrepresentations, and to make sure that the wines being produced lived up to the prestige of the names being applied to them. Local producer groups in the region motivated political interests to set the system in motion.

*Appellation d'origine simple* (AO) (i.e. not "*contrôlée*") was the historical antecedent to AOC. The legislators who created the AOC regime did not create a new legal regime out of whole cloth, but instead institutionalized preexisting practice in the regional wine industry. At its most basic, AO is a stated geographically based term that was used to identify products originating from particular places. There were no officialized standards or checklists, but there was recognizable usage of certain terms in certain communities that long predated the beginnings of official AOC legislation. In doing so, AOC became a codification of a long accepted cultural conception of the linkage between products and place, particularly aligned through the idea of *terroir*. The shift to AOC protection was to allow for

greater oversight and regularization of what production practices looked like and to prevent imposters and inauthentic products entering the marketplace under certain names, not the creation of a new concept. AOC reinforced and strengthened an existing cultural orientation toward the artisan production of foodstuffs that reflected a broader set of cultural values.

According to Prof. Philippe Roudie:

The wines of Bordeaux have a very ancient reputation, it made sense to safeguard the traditional characteristics of the culture and of vinification; from there the recourse to '*usages locaux, loyaux, et constants*', allows one to determine if this commune, this parcel, this grape variety, this cultural practice...conforms in terms of tradition. The delimitation of appellations is not, prior to anything else, anything more than the juridical consecration, founded on scientific bases, of an ancient state of being [Roudie cited in Hinnewinkel et al 2008:26].

### **Looking at the legislation**

The first article of the 1919 AOC law (Loi du 22 Juillet 1927 Modifie La Loi Du 6 Mai 1919 (Protection Des Appellations D'origine) (27 July 1927) defines the cause of action, which aligns very clearly with the protective function mentioned above. It states that in the event of the misuse of an appellation with "*usages locaux, loyaux, et constants*" a group of producers can bring a claim to stop the inappropriate usage of the AOC. Thus the remedy is primarily stopping misuse, a direct response to the perceived harm of violation, which is the presence of the offending product in the market. (Even today, the primary consequence of AOC violation is the complete removal of the offending product from the market). Article 2 states that the case is brought to a Tribunal Civil in the region where the infringement occurs. This factor localizes some of the enforcement, allowing those involved with a trial to have a closer sense of the influence of the reputation of the wine both within the region and elsewhere.

One of the more salient factors for my project is Article 7, which creates the rule that decisions about AOC status must apply to all similarly situated parties. This means that a single producer cannot argue against his neighbor making a product which will be protected under a names AOC provided that the requirements for status are met. It is a shared right for the community, not something an individual can have total control over. This principle is firmly reinforced by a series of early cases, focused on the Sauternes region, which I will discuss further later in this chapter. It was through these early disputes that AOC Sauternes was expanded to neighboring communities outside the political boundaries of the town itself, due to individual producers who claimed historical ties to the AOC style. Finally, Article 10 deals with the issue of generics, and it sharply reflects the French perspective on the specificity of products and *terroir* as discussed in the previous chapters. It is completely clear. Under no circumstance can AOCs be considered to be genericized or to fall into the public domain.

In order to apply for an AOC, a group of producers must come to a certain amount of consensus regarding both regional and definitional boundaries to avail themselves of protection under the law by creating the legally required *cahier des charges*. The structures of the system reinforce the fact that AOC rights in France are intimately linked to shared, community rights, rather than individual interests. Applications for AOC status customarily come from the regional wine syndicates which link producers to one another, and only collectives which have been in place for at least six months can instigate the process (INAO 1985:27). They agree on the description that will constitute the *cahier des charges* and submit those definitions as part of the application. The AOC system is managed by the Institut national des

appellations d'origine (INAO), an organization created in the 1930s to allow for smoother administration of the system established under the 1919 law. It too links the syndicates together, and uses them as regional adjudicators of quality in both official and unofficial capacities. INAO then falls under the shared authority of the Ministries of Fraud and Agriculture, both of which automatically accept decisions made by syndicates and confirmed by INAO (interview B108). With the expansion of AOC to other food products, a parallel system was created which operates in the same way only with a different set of decision makers linked to the particular agroalimentary industries in question rather than to viticultural interests, e.g. cheese-related AOCs are evaluated and regulated by representatives from the cheese/dairy industry.

The links between AOCs and consumer protection in France are strong. One main tool of enforcement against misappropriation of status (as AOC or *cru classé*) is the governmental fraud minister, who is also tasked to product health and safety standards (interview, 23 November 2009). The harm is seen to attach to the consumer, who is confused by the misappropriation into buying an inferior product cloaked in the guise of a superior one. The AOC legislation is also strongly linked to the general 1905 fraud prevention statute. One of the main concerns of the industrial property office (INPI), which is in charge of trademarks in France, including those for vins de marque (branded wines produced by business concerns and thus which hold no claim to AOC status), is prohibiting trickery (*tromperie*). For example, there is a specific list of terms like *château*, *cru*, and *tour*-- geographical and wine terms often used in the traditional names of famous AOC designated wines-- which are subject to strict usage requirements before they can be part of a wine's trademark (interview, 20 January 2010).

As stated before, the AOC process begins with a group of producers who seek status under the legislation. Legally, to be part of an AOC, the group applying for status must create a set of requirements called a *cahier des charges*, which outlines a number of key elements of the wine associated with the prospective appellation. This includes decisions on six major factors: 1. region, 2. cépages (grape varieties), 3. sugar content, 4. alcohol content, 5. yield, and 6. method. Each of these defining factors creates a marked effect on the wines that are ultimately produced, and highlight some of the particularities of GI products.

Region is important largely because of *terroir*, although in Bordeaux many AOCs encompass a number of different soil types. Regardless of the lack of absolute homogeneity, however, the reason for delimiting a region is a combination of *terroir* and local practice, designed to highlight the links between the character of the wine produced and its place of production. The second factor is the cépages, or grape varieties, that can be used. Most regions have varieties of grapes which are traditionally used there, which constitute a part of the regional style. The *cahier des charges* outlines these, including both permitted primary and secondary varieties. Although it outlines which grapes can be used (and using other varieties means exclusion from AOC status), it does not outline the proportions of those varieties that must be used. This still allows for a great deal of variation among producers, especially in a region where the practice of blending grape varieties is the norm. This definition of cépages can lead to the occasional idiosyncrasy, however. One of these is the case of Bordeaux blancs.

Although white wine grape varieties can grow in the region (and do, particularly in the central Graves region and the Entre-deux-mers region in the east), many of the more high profile appellations are based solely around red wines. As a result, the white grape cépages are not included on the list of permitted varieties for AOC status. Consequently producers who make white wines in those areas are generally forced to revert to AOC Bordeaux status, which though far less prestigious, allows white grape varieties to be used. This means that even if *Château Margaux*, one of the most high profile and prestigious regional *châteaux*, part of high-value AOC Margaux, makes a white wine, that wine cannot be considered AOC Margaux, but must instead be classed as AOC Bordeaux. This is perhaps just another reason for the generally low international profile of Bordeaux whites, due to their forced existence on the fringes of the AOC/prestige spectrum.

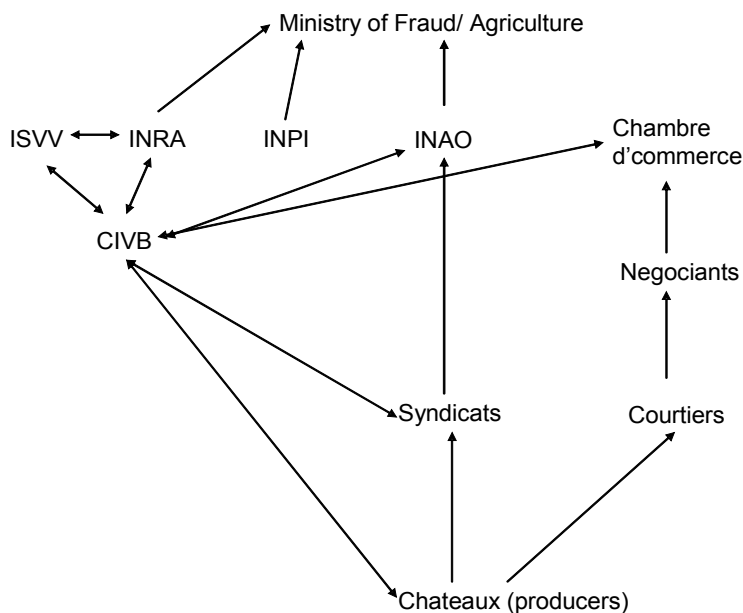
Third in the list of factors is sugar content. This serves as a marker of the ripeness of the grapes at the time of harvest, and relates to the fourth factor, alcohol content, because the sugar content of the grapes is vital to determine the ultimate alcohol content of the completed wine. Yield is important because of the effect of the vines' productivity on the overall quality of the grapes they produce. Given the construction of the vine plants, nutrients that they take in spreads between each of their constituent parts. As such, the plant's resources are divided among each of the leaves, grapes, and branches it produces. Lowering yield by pruning the vines leads to more investment of resources by the plant into the remaining grapes that the vines produce, which in turn leads to higher quality fruit. This factor is often even more exaggerated for *cru classés* or other high prestige properties, which often deliberately lower their yields even further to

improve grape quality, leading to even better raw materials for their winemaking.

Finally, there is the question of method. This can be any special means of production that leads to the special characteristics of an AOC product. The classic example is champagne, which must be made using the *methode champagnoise* (secondary in-bottle fermentation that creates its trademark bubbles). Another example is that in the production of AOC Cognac a certain kind of still must be used for distillation as a necessary part of the requirements for protection. Another case is wine from AOC Sauternes, which must use grapes effected by the *Botrytis cinerea* fungus (noble rot) to be qualified for status.

### Actors, interrelationships, and hierarchies

Figure One: Organizational actors associated with the AOC system in Bordeaux



The actors that surround the AOC system are part of an intricate web, united by shared interests, approaches, and goals. Despite the perceived strength of governmental control evidenced in perceptions of the French

republican model, in this case, power lies elsewhere. My informants belong to a number of different groups that highlight the various strands of these webs of power, representing business interests, science and research initiatives, heritage, marketing, and the production of wine in Bordeaux. Each of these orientations represents a piece of the wider puzzle that is the overall working of the AOC system in Bordeaux.

There are a few major overarching administrative entities important in the region. CIVB (Conseil interprofessionnel du vin de Bordeaux) is arguably one of the most important organizations in Bordeaux. Funded heavily by the French government (to the tune of 30 million euros, even after recent budget cuts) its mandate is expansive. Gathering of economic data, marketing, education, international interactions, and producer support all fall under its umbrella, and the organization serves to coordinate among many of the multitude of organizations and communities that operate within the region.

INAO (Institut National des Appellations d'origine) is the organization responsible for the national administration of AOC in France. Created in 1935 under the aegis of streamlining administration under the 1919 AOC law, INAO is responsible for review of applications for AOC status, as well as coordinating nationwide GI policy. The current mandate also includes oversight of a number of certification systems including those for AOC wines, vins de pays, agricultural and forest-based products, the Label Rouge scheme,<sup>28</sup> and traditional specialty guaranteed (TSG) products (which fall under the PFN scheme). There is also a smaller, but less important focus on organics (interview B116). Although national, INAO operates regionally, with a total of 25 different branch offices located among the various regions of

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<sup>28</sup> Label Rouge is a designation for specific high quality meat products.



France. In Bordeaux, the operations focus on wine, but also encompass other important agroalimentary products including *foie gras*, salmon, and pine trees (interview B108).

INPI (Institut National de propriété industrielle) is the organization in charge of the administration of trademarks in France. This is not really the province of AOC, but it can provide a look at the outside limits on other producers, as well as what does NOT constitute AOC. *Vins de marque*, which are commercially produced and outside the scope of AOC protection for various reasons, are regulated by the office, under the aegis of fair competition and consumer protection. There are also limits to using wine terms which can be associated with AOC. No AOC can be used as part of a trademark nor, as alluded to earlier, can a series of wine words be used without the existence of the specific architectural or physical features they describe (interview, 29 January 2010). Such protection outstrips the normal scope of trademark protection-- forbidding completely the use of terminology even if some of it may be true and/or non-confusing.

Another locus of power is the academic world. As in other areas of French life, there is not the same schism between academic and professional life that one sometimes finds in other countries. Academics play a real role in the daily life of Bordeaux wine: they train future wine professionals (and this is not insignificant in a world where most *maîtres des chais* hold masters' degrees), study the properties of wines and its inputs, analyze the science of its production and even health claims, add to its interpretation and situate it within the broader framework of French sociocultural life. Studies at the faculty of oenology, for example, have changed the way white wines are made in the region (interviews B107 and B119), and cutting edge research is

continually applied to improve both vinicultural and viticultural practice in Bordeaux and elsewhere (interviews B105 and B109).

ISVV (Institut des Sciences de la Vigne et du Vin) is a relatively new entity which brings together expertise and training about wine in all its roles, from the historical to the scientific to the oenological to the medical to the cultural. Created as the request of the Conseil General of Aquitaine, the institute was designed to bring together sections of the university with other relevant parties around the study of vini-viticultural practice (interview, 3 December 2009). It also is responsible for the training of a next generation of international wine professionals. The newly created department moved into its newly constructed space in the town of Villenave d'Ornon, just south of the city, in 2009, creating a specialized centre for the study of wine. That said, the merger has not been without its controversies due to slightly different traditions among the combined organizations.

Aside from the wine related departments of the university, ISVV also includes representatives from INRA (Institut National de la Recherche Agronomique), the government agency responsible for scientific research into agriculture. In Bordeaux, many academic activities of the organization now take place at the ISVV facility, with ISVV and INRA staff sharing labs and research projects. INRA also runs *Château Couhins*, a vineyard in the nearby Graves region (AOC Pessac-Leognan), as an experimental space as well as a normal vinicultural one. (As discussed briefly in Chapter Three, the property still maintains prestigious AOC and Graves *cru classé* status). On that site INRA works to test noninvasive techniques to maximize wine quality, using new technology including GPS, infrared heat sensing, and geological sampling

to predict ripeness, guard against disease, and produce the highest quality wine with the minimum of outside inputs (interview B105).

Business interests constitute another major component of the AOC related networks, and are represented by groups of merchants, some of the economic and business aspects of CIVB, and the local Chambre de Commerce. Due to the historical links of the region with export, as well as the absence of direct sales from *châteaux* until relatively recent memory, the force of business in Bordeaux has a long history. The city even has a newly renovated museum in the heart of the merchant district-- *Le Musée du Vin et du Négoce*-- which highlights this longstanding importance. The city grew wealthy in part from the efforts of businessmen, often foreigners, who brought the wines of Bordeaux to the world. The business world was also the first to actively promote the value of Bordeaux wines on the market. Before formalized *appellations* even existed, the reputation of particular negociants was the best way to be certain that wines of a particular *château* were worth their asking price. Business has always been an important part of Bordeaux wine. The region's prestige derives, in part from business structures put in place by the merchant classes, particularly the *courtiers*, who served as arbiters of wine quality, long before the existence of the legalized AOC system. The famous 1855 Classification of Grands *Crus* is also the product of the Chambre de commerce, as is the system of selling *en primeur* and other particularities of the Bordeaux situation which have much to do with the actions of the business community in the region. Wine depends heavily on reputation, and for all the poetic impression it makes on both its creators and its consumers, it also persists because of its monetary, as well as its cultural value. Somewhat cynically, when I asked

one of my informants his opinion on what makes Bordeaux wines special, he replied, "the fact that people will pay so much for them."

As a result of their importance in the region and its imaginaries, the 1855 *grand cru classés* maintain a communal presence as well. The Union des Grand Crus is responsible for the largest tasting of the *primeur* season each spring, and engages internationally in its own marketing and legal enforcement of status. My fieldwork coincided with the 155th anniversary of the classification, which was commemorated by a tiered international rollout of publications, events, and celebrations of the milestone. Plans are already under way for even grander celebrations in 2015. They also maintain a separate Conseil des grands crus, which acts as an advocacy arm, assisting members with questions of infringement and other violation/misuse of status. By and large, even when they do resort to legal action, this tends to be a simple process, because the protections are stronger and entrenched in the style of French civil law fraud statutes. Their counsel told me, "By and large the state takes care of it. It's a low cost solution [both monetarily and in terms of effort]. Not like in the US with your litigation based system. It's not so difficult here" (interview B111).

Finally, there is the most important group of all, the producers. Without them, there would be no wine. They take the responsibility of carrying on the region's traditions quite seriously. Groups of producers work constantly to improve practice, and the goal of all is to continue to reinforce the quality of the region's wines. Thus, they cooperate through shared facilities and technologies, compete against each other in the market, and work together to preserve traditional practice and styles of production in the face

of perceptions of less culturally grounded, more industrial production elsewhere in the world.

As discussed in the previous chapter, syndicates are one site of collective power for producers. These groups date back decades and sometimes centuries, and unite around production in certain communities. The groups have long been used as means of sharing information, facilities, and ideas about best practice. Producers belong to the syndicate as a way to align with other winemakers in the community. Now that the AOC system is in place syndicates have the additional role of standardizing the definitions that confer status, acting as major sites belonging both abstractly and in terms of practice: through shared marketing efforts and the use of facilities that enable smaller producers to bottle their produce at all. Syndicate membership thus functions in both a cultural "belonging" frame, as well as within the political/legal framework, or an economic one. Syndicates are increasingly important as the French government decentralizes certain functions of INAO, with partnerships between syndicates and the private sector growing more important in the policing of *appellation* norms and standards. These communities also stretch further than simple production. Union Girondine, one of the most important vinicultural newspapers in Bordeaux, is an outgrowth of a smaller publication that started with the syndicate of AOC Cadillac. Syndicates engage in internal policing and interface with AOC as well. One of the most important elements of this is the creation of the details of the cahiers des charges, which originate here before traveling up the chain to INAO for approval.

All of these actors and networks help to diffuse power throughout a number of social structures which both interact with and work alongside the

AOC system. As Bourdieu comments in *Distinction*, "[o]fficial systems of classification, like the theory of three orders, create through an express and systematic manner that which unofficial schemes of classification do through a tacit and practical manner" (Bourdieu 1979:559).

## **Part Two: Negotiations and Controversies**

The next section will consider two sets of conflicts around AOCs in Bordeaux, looking at questions of social construction and regulation as well as of belonging and boundary setting. Anthropology in general, and anthropology of law in particular, has a long tradition of considering questions of conflicts and their resolution. In addition, such incidents are also legally useful to consider because they often represent the times social and legal norms come into question, as formal Western-style legal structures are often a last resort in the case of social conflicts. In choosing these cases, I have sought to identify situations where sociocultural and legal/administrative norms have come into conflict and to consider the ways in which such negotiations and conflicts change both legal and sociocultural categories. To quote Turner,

It is in the redressive phase that both pragmatic techniques and symbolic action reach their fullest expression. For the society, group, community, association, or whatever may be the social unit, is here at its most 'self-conscious' and may attain the clarity of someone fighting in the corner for his life (Turner 1974:41).

### **Battles over borders and boundaries**

In the context of AOCs, questions about boundaries constitute a major issue, particularly through their ability to define and differentiate. Even as these discussions provide a space for consensus and dissent about practices, reputations, and the limits of conceptualization, they also serve as a locus for belonging. Rights are held communally, defined by producer groups, and

reflect a consensus about values, and once status is granted, conforming to standards gives producers the ability to belong allowing AOC to possess powerful possibilities to connection producers. Such an orientation is not completely unproblematic, as the following examples will show. At the same time, however, I would argue that rather than an adversarial model, even in the case of conflicts that arise under the terms of the law, the underlying issues tend toward more anthropological ideas of belonging and social policing, rather than the zero-sum vision often associated with litigation. As a further example of how the legal system is used in the advancement of social battles for belonging, I will present two cases-- the more historical one of the expansion of AOC Sauternes and a more contemporary conflict over AOC Margaux.

### **The sociopolitical construction of AOC Sauternes**

The next section will consider the ways in which the concept of *usages locaux, loyaux, et constants* developed within AOC Sauternes in the early years of the existence of the law. This case highlights some of the negotiations and complexities around the definition of locality, style, and reputation in regard to the wine produced there.

Specific natural conditions, in the guise of microclimates, are vitally important to both the style and quality of wines that are part of this AOC, which encompasses some of the area's most famous sweet wines. Southeast of the city of Bordeaux, the region is within a valley whose specific weather conditions have a fundamental effect on the grapes grown there. This is the home of the fungus *Botrytis cinerea*, known colloquially as "noble rot." While in other climates the fungus simply kills grapes, the combination of early fog and warmth found here has a different effect—the fungus "roasts"

the grapes on the vine—super concentrating the sugars of the grapes. The consequence of this process is a far lower yield than other vineyards and a sweet, candied-tasting wine with a depth of fruit flavors very particular in style. The communities of Sauternes and Barsac are located at the heart of this microclimate, and thus lay claim to being the best examples of these unique wines. The effects of the microclimate are considered less pronounced in neighboring areas, and as such, wines placed outside the appellation's boundaries are forced to use the related, but less prestigious, designations for sweet white wines, such as Loupiac and Cadillac. Thus, although linked to natural factors, regional limits are legally confirmed not by *terroir* alone, but also by the practice-based assessment of the "*usages locaux, loyaux, et constants*" test.

This preeminence of cultural parameters, rather than solely a "natural" or *terroir*-based analysis, can be seen at once in a court decision related to the very *terroir*-based question of whether the position of alluvial plains should effect AOC membership for the Sauternes *appellation*. In that instance, the court held: "[T]he area of production imposed in order to qualify for the right to the *appellation d'origine* should be consecrated not because of geographic elements or the qualities of the soil or the wine, but through *usages locaux, loyaux, et constants*" (La Petite Gironde 1932). Thus natural factors alone are not enough, but must instead be connected to recognizable sociocultural practices to ensure protection under the law. The individual qualities of place are not enough, and the additional element needed is a sociocultural consensus around qualitative factors and perceptions.

Additionally, agreement about membership in the Sauternes production area is far less clear than it might otherwise be, in part because the political



boundaries of the town were set well after winemaking practice and custom had been created and had begun to police the Sauternes style. The region of protection has always extended beyond the town itself, and the legal rule states that when a producer appeals to add wines from a particular property to an *appellation*, if the court grants status, that status also transfers to the other producers of that community. This means that with each subsequent successful challenge to AOC membership, the boundaries of protection shifted in connection to the cases made by the parties about the reputational factors of the legal test. Again, shared perceptions about reputation play a key role in defining the scope and objects of legal protection. "The judges decided that usages giving rise to the appellation should be born of collective custom...and cannot be justified by habits, no matter how ancient, that are followed solely in isolated domains" (*La France* 1923).

There are over fifteen years worth of early court cases trying to define the boundaries of the region, which add segments onto the Sauternes map in this way. The year 1914 saw the accession of *Château* Respide in St. Pierre de Mons, which was the case that ultimately led to the rule about adding communes based upon individual cases. The year 1922 saw a series of challenges brought by surrounding communities, which led to practice-based splits decided on a case-by-case basis. The neighboring communities of Sauternes, Barsac, Preignac, Forgeus, and Bommès attained AOC Sauternes status, while Pujols, Budons, Cérons, and Podensac did not. Appeals and reapplication occurred in the ensuing years, but the list of prescribed communities remained primarily the same (Gironde Departmental Archives, Bordeaux. File 7M196).

## AOC Margaux and the *Château d'Arsac*

The next case brings these boundary-setting processes and negotiations into a more contemporary period. *Château d'Arsac* is a historic property with a long reputation which is located in the commune of Arsac, one of the five communities permitted to belong to AOC Margaux. Originally owned by members of the nobility, the *château* has changed hands a number of times and possesses a somewhat checkered history, including over thirty years of abandonment followed by a major expansion, including an eighty year long decline which began in the mid 19th century (Méric 2000:135).

The vagaries of history aside, however, the wine of the property has long been prestigious. It was a 4<sup>ème</sup> *cru* in 1855 (Méric 2000:82) and has long been part of the *cru bourgeois* classification as well. By 1919, wine from the property was sold as *Château d'Arsac-Margaux* (Méric 2000:116). In terms of status, however, it is here that the plot thickens. Somehow over the next several decades, that explicit linkage to Margaux vanished. Méric notes a "first mystery: why in the harvest statistics of 1939, *Château d'Arsac* no longer mentioned its Margaux tag from 1920?" (Méric 2000:120) From there, things were only to become worse in terms of its status.

AOC Margaux was formally created in 1954 and its boundaries delimited in 1956. At that time, the owners of the property made no claim for status, and in the end, *Château d'Arsac* was not included, instead being relegated to the less prestigious neighboring AOC of Haut-Médoc. I was told that one reason the property lost status was because it was not planted at the time (interview, 26 November 2010). Méric counters, however, with another option which is perhaps even more interesting in the context of legal regulation and AOC. "And there is found the second mystery: *Château*

d'Arsac was out of operation. But were there still vines? Certainly, but it missed, to put it very precisely, the declaration of the new viticultural harvest" (Méric 2000:121). Was, it in the end, a certain laxity in the observance of rules and definitions that led to the later drama?

The present controversies over the *château* date back to the 1980s, when it was acquired by the family of (now *negociant*) Philippe Raoux. The whole affair started when the family discovered that AOC Margaux was in the course of revision. Knowing that the property was omitted from the AOC in the 1950s and arguing that its omission had nothing to do with the quality of the *terroir*, Raoux suggested that the *château* should be permitted to be part of the appellation.

In August 1986, he went to INAO on behalf of the *château* and asked to be included, and did the same at the Margaux syndicate. Since everyone was on their annual summer vacation, he was told to come back in September to discuss things further. In the interim, he found a number of references to the property in books on the historical *appellation d'origine*, becoming more and more certain that the omission of the property from the original AOC boundaries was not a considered decision, but merely a historical accident.

Yet in September when he went back to the president of INAO and the syndicate again, he said, "they told me that it was Haut-Médoc. My father had been tricked or mistaken (*trompé*)" (interview, 12 November 2010). There was no discussion, and that was expected to be the end of the story. With Raoux, it was not. Instead he went to a specialty lawyer to contest his exclusion. Ultimately, it became clear that the only way to include *Château d'Arsac* would be to change the borders of AOC Margaux.

The boundaries of the Margaux appellation are derived from an 18th century map of the area which demarcated the places that were planted at that time ("La Guyenne cartographiée"). *Château d'Arsac* is on that map. The syndicate was well aware that a historical claim to AOC status for the property was strong. In support of the claim they also did a soil test, however, and discovered that most of the property is *sable noir*, which I was told, upon further explanation, "is a kind of soil that is only good for growing bread" (interview B121). Although there is a height that is more similar to the *terroir* of other parts of AOC Margaux, but it constitutes only a tiny fraction of the overall property.

These were the positions of the parties in June 1988 when Raoux requested a revision of the 1956 delimitation. The case traveled up to the court system to the Conseil d'État, which annulled the syndicate's refusal of the revision in 1993. Ultimately, forty acres of the property were added to AOC Margaux (the rest of the property remains in AOC Haut-Médoc). Dissent remains today about the final categorization of the land, with some feeling Raoux's political power affected the outcome, as well as the proportion and sections of the estate which were granted status. A representative of the Margaux syndicate commented, "everyone involved with the assessments was very competent, but it was very political too. Monsieur Raoux is very well connected. He knows a lot of people. It went all the way to the Conseil d'Etat...That's the highest court we have...it's like...It's like appealing to God (*le ciel*)" (interview B121).

For Raoux, once the dust finally settled, "the war was over, twelve years later" (interview B120). That so-called war was not without its casualties.

"The other producers thought of it as a collective violation," he admitted. "Things are better now, but it was really bad at first. It was hostile but ultimately it was a good result." Raoux feels that they were threatened by the accession and did not want to rethink the borders. This is clearly the case, though those in charge claim it was not solely reticence, but a desire to preserve the quality and historical status of the appellation.

It is an incident that still rankles, and the results have changed practice as well. "Thus ended a unique affair since the creation of Bordeaux AOCs, and some questioned if it was not a dangerous precedent" (Méric 2000:134). The Margaux syndicate certainly seems to think so, and the whole scenario is seen as suspect by those outside the community as well, with the drama also receiving interest in the international wine press. If nothing else, it has upset the status quo. I was told, "[AOC] Margaux has really reorganized around land lately--especially post lawsuit. After *Château d'Arzac* everything changed. Everyone got reassessed" (interview B119).

It seems that in the face of incidents like this, actors are often searching for something objective to hold on to. The new movement is about justifying geologically the decisions being made about AOC boundaries. The appellation has hired a geologist to map the area's *terroirs* and to define the attributes of "true" Margaux properties. "After all," they argue, "it's the soil that speaks," even as they admit any potential declassifications will be a problem because of history and politics. Problematic issues of authenticity aside, the reality, of which all are well aware, is that "everyone wants the most wine possible within the appellation" (interview B121).

I would argue that despite the recourse to litigation in this case, the fundamental issue is one of belonging. Raoux's first recourse was to the syndicate, and thus to the traditional regulatory structures of both wine and AOC, and it was only upon its refusal that he made the decision to go to the courts. Although the legal system was called upon to intervene, the desired end result was not to invalidate the AOC, but rather to gain status within it. I would additionally note that this type of behavior does not appear to be an isolated phenomenon in the Bordeaux region. In this case too, the first line of defense appears to be tied to social methods of policing and regulation-- through internalized negotiations and discussion-- before the technicalities of the legal system become involved.

These two sets of boundary disputes highlight questions of belonging and the ways in which *terroir* and cultural practice work not alone, but in tandem, to produce the type of synergy protected under AOC. As agendas and actors change, questions of what is shared and what is worth fighting for can change, shifting social practices, relationships, and meanings as they do so.

### **Clashes and classements: Classifications, categories, and belonging**

My second set of case studies looks at the court cases that have recently shaken two Bordeaux institutions, the St. Emilion classification and the *crus bourgeois*. I will consider the disputes over the two classifications in regard to how they inflect ideas of belonging and hierarchies in contemporary Bordeaux. They also bring out the ways in which traditional sociocultural hierarchies have been influenced and reimagined over time and in the face of legal alternatives to traditional means of social policing.

If AOCs delimit productive territories with different levels of precision (communal and regional AOCs) and hierarchize the territories among themselves, the professional classifications distinguish in the

midst of productive territories different 'classes' of growths, according to criteria that differ depending on the classifications [Chauvin 2010:21].

The most well-known of these classifications is the 1855 Classification. As mentioned earlier in this chapter, this classification refers to the list of 61 red wines and 27 sweet white wines drawn from AOCs Médoc, Graves, and Sauternes, designated as *grand crus* (first growths), the *crème de la crème* of the region's wine production. Aside from this classification, schemes were also created in the 1950s in both St. Emilion and Graves to class their most important properties. The *crus bourgeois* list goes back centuries, though it has become official only recently, as discussed later in this section. Classifications add additional prestige, distinction, and communal identity to the already ranked AOC system. As such, they reflect an even more attenuated vision of the ways in which AOC, prestige, belonging, control, and identity interconnect around Bordeaux wines.

### **L'affaire St. Emilion**

Despite being a high prestige appellation based in a UNESCO-listed medieval village, within recent memory, St. Emilion has been one of the more controversial of Bordeaux appellations. It has been less conservative in recent years than formerly, departing from traditional practice in attempts to bow to the international market in a number of ways. Often in my interviews, other members of the wine community questioned what was happening there in terms of practice. As mentioned in earlier chapters, one key feature of the French wine industry is the community self-policing that maintains the structure of the system. Yet in 2006, scandal hit St. Emilion.

St. Emilion, the historical region to the east of the city of Bordeaux in the valley of the Libourne river, has been making wine since the time of the

Romans. It is one of the most well preserved historical villages in the area and is also one of the most well-regarded wine communities in Gironde today. Yet, due to a set of sociohistorical factors from the 19th century, none of its wines figure in the prestigious 1855 wine classification (interview B106). That classification was built upon historical pricing scales. At that time, despite their quality, St. Emilion wines were not as expensive as similar properties elsewhere, and as such their prices were too low in 1855 to even be considered for the list. A century passed, however, at which point selling prices in the region had equaled or exceeded those of wines that were in the classification. Consequently, in 1955 representatives from the local syndicate went to those in charge of the 1855 Classification and asked for inclusion. They were denied. By way of reaction, the commune created its own system of classification which relied on more than the price standards which drove the 1855 Classification-- instead establishing rules that would look at price, *terroir*, tasting, and production facilities, and be reevaluated every 10 years.

The rules created three tiers of prestige status: *Premier grand cru classé A*, *Premier grand cru classé B*, and *grand cru classé*. Based upon the standards, producers were required to qualify under the established rules for eight out of each ten years to maintain their status within the hierarchy. This requires a certain orientation in production, which includes lower yields and other measures of increased quality, in addition to the baseline AOC standard. For the first few decades all went well, and the internal regulation held, but now the St. Emilion classification has been called heavily into question due to events surrounding the 2006 revision of the list (interviews B105 and B106).



The top tier of the classification has stayed more or less stable since its creation-- with two *châteaux* on the top tier and ten or eleven on the second. The lower categories are much more crowded and less stable. Previous practice was that if you failed the review of your status and were demoted to the lower tier, you went back and worked harder so you could get re-promoted next time. There were notable cases of producers being demoted in both 1986 and 1996, with the producers regaining status at the next re-evaluation.

In 2006, however, eight *châteaux* dropped down in the classification. This time, rather than follow the normal internal policing-- i.e. spending the interim until the next reclassification conforming to practice to allow for re-promotion-- they went to the court system. As one of my informants told me, "the American disease [--litigation--] struck Bordeaux" (interview B106). Why this happened is somewhat unclear. It may have had to do with economic conditions and the fear that the businesses involved felt they could not survive ten years until reevaluation. Another argument was that there was perceived bias in the composition of the classification panel (interview B105).

The cases went to the administrative court where the litigants started targeting technicalities. After a two year soap opera of reversals and re-reversals the classification was overturned, and the list reverted to the 1996 cohort. All eight of the *châteaux* which challenged the reclassifications were successful in their appeals. To add to the chaos was the additional problem of those producers who had followed the normal cycle of reevaluation and been promoted as a result of ten years of long effort. In the wake of the ultimate court decision, local lawmakers had to create

special legislation to allow those properties which had been promoted to keep their increased status, lest their efforts to improve the quality of their wines be lost in the crossfire of the other dispute.

The scandal has ripple effects and consequently raises many concerns by actors across the wine industry. In consequence there seems to be a sense of anxiety among a variety of actors in the region about the dangers of legal intervention in these socially based systems. Even the legal counsel for the 1855 *grand crus* was concerned about the influence of lawyers and courts in the dispute. "Lawyers ought to respect the rules of the classification [and not bring such claims]," he argued. "There are rules to how these things work for a reason, and I don't think the courts should be involved" (interview B104). The Graves classification was due to be redone in 2006, but it was not, at least in part because of what happened in St. Emilion. A number of my informants were quick to note that the drama had absolutely killed any possible movement to reevaluate the 1855 list (interviews B104 and B105). The stakes are too high, and the list too important to too many in and outside the region, to bear the risk of similar legal intervention. Additionally there is a perception that the legal intervention into the normal workings of the classification has cheapened the St. Emilion classification, robbing it of its meaning and relevance in regard to prestige and standardization.

The unsettling nature of this experience highlights the way internal community policing is meant to maintain the system. Legal intervention is seen as a source of external control and hostility-- a refusal to conform to the way things are. The visceral sense that this is "the wrong thing to do" shows what an outlier it is, in a world where the preference is for maintaining internal rules before resorting to law. Yet this was not an isolated incident.

A little more than a month after the St. Emilion crisis another Bordeaux classification collapsed. This time it was the *crus bourgeois*.

### **The rise and fall of the *crus bourgeois***

The *cru bourgeois* classification is one of the oldest of the regional markers of prestige among area wines in Bordeaux and has been around for centuries. Its name derives from the fact that under British rule, certain merchants received a tax exemption which allowed them a chance to acquire larger fortunes than their neighbors. Over time, they made a habit of buying up the best properties in Bordeaux with their gains. After generations of such transactions, the term "*crus de bourgeois*" became a traditional mention designating these best properties, a marker of the quality of the *terroirs* and the wines made there, leading to the designation named the classification. Despite the label's longstanding pedigree, however, *cru bourgeois* status was never officialized legislatively until 2003. Prior to that time, the closest it had come to standardization had been a 1932 list (of 444 properties) that was widely used by negociants, but which was never formally recognized by the French government (interview B122).

A syndicate, the Alliance des crus bourgeois, was created in the 1960s, in large part to bring some order to the group in a slightly formal way. This drive was furthered when the European Community, presumably for trade purposes, asked for an explicit list of the things that made a *cru bourgeois*, and why. Finally, after decades of non-official status, on November 30, 2000, an official classification was created by *arrête ministeriel*. Under the terms of the new rules, 500 properties submitted dossiers and applied for the degustation stage of the process. Ultimately, a total of 247 were

classed into a formal list published in June 2003. That is when the trouble began.

The proprietors whose properties were left out of the list began to agitate against its validity. The hostility only grew over the years to come. The dissenters ultimately found a point of attack in the person of the president of the *crus bourgeois*, due to the fact that he was a vineyard owner as well as on the jury (though this was required by statute and he had abstained from reviewing his own property). Despite the fact that an 18 person committee and all the *cru bourgeois* members had agreed on the system of review beforehand, they concerned parties went to the courts in 2007 and won the right to apply again. In the end, however, the results of the second review were never published. After three years of infighting, the classification collapsed instead as it was invalidated by the courts-- leading to a scenario in which none of the proprietors, listed or not, were permitted to use the term *cru bourgeois*.

"Why do you think they ultimately went to the legal system about this?" I asked a representative for the classification. "They had run out of other options. They'd already attacked the president [of the *crus bourgeois*] and poured petrol in his vineyards. There wasn't much else they could do" (interview B122). In the end, the law seems to have been a bit of a last ditch solution when normal avenues of rabbleroxing and complaint failed to make the necessary inroads. The representative of the Alliance of the *crus bourgeois* quoted above suggested, however, that the collapse was a bit of a pyrrhic victory for this was not the last of the *crus bourgeois*. "I think they were really just looking for a weakness," she continued. "But I think in the

end they realized too late that it was all a big mistake because everyone lost the right to use the term *cru bourgeois*" (interview B122).

After the collapse, the Alliance decided to try for a new beginning which would bring together the disparate interests and allow the classification to come together again. Thierry Gardiner, the organization's president, asked the existing *cru bourgeois* producers if they wanted to continue, and they all voted yes, feeling that there was a value and importance to the label and status. In an attempt to reestablish the group, he then went to the Minister of the Economy to see what could be done.

Ultimately, the Alliance reopened the organization to the former dissenters and let them take part in crafting a new review process. They designated an outside organization, Bureau Veritas, as an objective group to maintain impartiality, and defined a new *cahier des charges*. The group agreed on the new rules in November 2009 and review began in January 2010. It established a two part process based on estate visits and blind tastings, with Bureau Veritas providing appropriate oversight. The new system also places a premium on traceability of products, which are tagged through special labels and barcodes as part of the certified production, as well as being reviewed each year, a frequency and attention to detail absolutely unheard of in the region. The results of the new classification were revealed in September 2010 to much fanfare and international interest. The changes have also made the group more contemporary in its orientation, especially as it connects to international desires for hygiene, traceability, and formalized certification in their food products.

The early reaction to the new system has been largely positive, both in France and abroad. Though some of the new elements may not resonate as much with French consumers, the value of the group remains:

People here are more conservative, but they're still glad [the crus bourgeois] exist. If we hadn't reached this compromise there would have been no more use of the cru bourgeois name after 2008. Sure, they always compare [today's list] with the 1932 list, but a lot of things have changed since then-- there have been wars, agricultural changes, and all kind of things-- it cannot be the same, but for classical consumers it is important to have crus bourgeois. Without them, there is a hole in the wine culture in Bordeaux. It's about good wines you know you can still afford for special occasions and things like that. The grand crus are beyond the pale [pricewise] for most people, even within their lifetimes, so it's nice to have the cru bourgeois when you want a guarantee of quality that you can actually afford to buy [interview B122].

Ultimately, these two cases bring out some of the ways in which belonging and conflict are inflected by social structure and the legal systems in place around Bordeaux wine. Sociocultural systems of policing remain a preference, but legal changes have provided new options and sources of power in the case of dissent.

## **Conclusions**

Through this presentation of Bordeaux and AOC, I have sought to highlight both the structural integrity of the system and the complexity of the cultural context which it both supports and from which it is derived. Bordeaux wines are valorized because of both their ambiguities as well as because of the ways in which they are culturally imagined, and those nuanced visions and meanings constitute a very real part of both the structure and the realization of AOC as a geographical indications system.

The following chapter is an expansion from this one, taking the structures and implications of Bordeaux *appellations* into the wider world. The European Protected Food Names system is built largely out of the conceptual fabric of AOC, but stretched over a broader variety of cultural contexts. The following chapter will set out the mechanics of this European Union-wide GI system, looking both backward to its French antecedents and forward to my second case, the UK version of the PFN system.

## Chapter Five: Broadening the meanings of geographical indications

*'behind each cheese there is a different grass under a different sky: fields encrusted with salt deposited every day by the tides of Normandy; fields perfumed with aromas of sun and wind from Provence; there are different cattle with their cowsheds and seasonal moves to new pastures; there are secrets of production handed down over the centuries. This shop is a museum: when visiting it, Mr. Palomar feels, behind every object displayed, the presence of the civilisation which gave it shape, as if he were in the Louvre'*

This evocative passage, with its whispers of landscape, lyricism, place, and connection, from *Palomar* by Italo Calvino, can be found cited within the legal discussion of the decision of the European Court of Justice's Feta cheese case<sup>29</sup>. So what precisely led the Court to start quoting Italian literature? I would argue that the fact that it did says something vital about the very nature of geographical indications as law, and the ways in which they allow for the construction of narratives which allow for their strategic use as cultural property within international arenas.

In adjudications related to geographical indications, cultural evidence-- of reputations, histories, connections, and relationships-- forms the heart of the relevant inquiries. In this case texts, narratives, and officialized (hi)stories function as both evidence and the very stuff of regulation. Qualitative notions, such as the concepts of *terroir* and *typicité* discussed in Chapter Three, key easily into the wider subjective interpretation that can be found in literature, constructed histories, and other types of cultural narratives. Calvino is also not the only author to be recruited for legal duty. Other works-- from *Don Quixote* to the Bible-- are also called upon to document

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<sup>29</sup> cited in C-465/02 and C-466/02 (joined) *Federal Republic of Germany and Kingdom of Denmark v Commission of the European Communities* [2005] ECR I-09115 at paragraph 198.



sociocultural meaning in this arena. This infiltration of the lyric into the legal is just another marker of the juxtaposition between immanent philosophical and political economic meanings in the connections being built around geographical indications.

The legal protection of geographical indication provides states and supranational actors with a golden opportunity to present and (re)present value and values on a global stage through the construction of legally recognized narratives about possession, ownership, and creation around these products. In these cases and controversies, "[t]he law, when it encounters the path of a social negotiation which is perceived as legitimate, identifies territories, toppling as if by magic the territory perceived as social, immanent, into a territory perceived as natural, transcendent" (Jacquet 2005:12). The ability to crystallize and legitimize practice, places, and identities is one real consequence of this type of protection, as evidenced by the ways protection also aligns with intangible heritage listing initiatives, like the recent protection of the gastronomic meal of the French under the UNESCO cultural diversity convention (Naulin ND). Such usages are also further reinforced by the use of cultural evidence in support of relevant claims as well.

Geographical indications and intellectual property are both particularly susceptible to these types of uses due to their conceptual flexibility, which allows geographical indications to act as containers for a variety of different types of meanings. George postulates the idea of intellectual property in general as a floating signifier, arguing that

in [hard cases], and particularly when the objects of regulation can constitute valuable assets whose regulation can have striking social effects, the meaning attributed to or understood by the term

'intellectual property' is determined to be an essentially contested concept or a floating/empty signifier with multiple and shifting meanings [George 2012:83].

This fluid ability to bring together cultural concerns and economic monopolies moves GI rights even further into the territory of power in fundamental ways. Additionally, this ability to hold multiple meanings is only augmented by the intrinsic power of food and foodstuffs to function as containers for multivalent meanings as well. After all, "within a community that shares a culinary 'language' food has expressive meaning communicated in many registers beyond the simple ingredients" (Wilk 2008:101).

The first section of this chapter will look to the structures, actors, and enforcement of geographical indications in international arenas, including interactions between states and other crossborder stakeholders before discussing a number of themes raised in international conflicts and ending with a discussion of some major international disputes about GI status and their results.

### **The international structures and control of geographical indications**

As geographical indications debates move from a national to an international scale, the philosophical assumptions and policy objectives behind them are shifted and recast again, as local signifiers take on broader national and international significance. Here too, courts act as arbiters to weigh evidence of sociocultural practice, but in this instance with international implications, rather than more local ones. The discussions can be essentializing. They do, after all, deal with products which constitute a privileged class of very resonant signifiers, a power that only increases as their reputations extend

beyond their places of origin. Such signifiers aid in the construction of national identities, acting as representations of unifying principles.

The discussion thus far has led through the philosophies behind geographical indications law before moving to a concrete case of the system at its origins in Bordeaux. This section will show the further shifts as *appellation d'origine contrôlée* spreads from those beginnings into the more general realm of exportable law. The European Union plays a major role as drives to harmonization generalize a system with truly particular elements. This chapter will look to what happens when you look outside of national boundaries and broaden geographical indications-- in terms of enforcement, international disputes, and export of the system. With the influence of external perspectives, geographical indications become broader types of signifiers, rather than solely being constructed by the nation, and as such entangle themselves more fundamentally with ideas of sovereignty, belonging, ownership, and control (physical and metaphorical).

Although it was born in Bordeaux, the influence of the *appellation d'origine contrôlée* system has not been confined to France. Even in its earliest incarnations it proved a model for geographical indications legislation elsewhere in Europe. Spain, Italy and Portugal all drew direct inspiration for the creation of their national GI regulatory systems. The cultural specificity of AOC was not lost on early policymakers, but the system still provided a widespread and lasting model. Although there was a perception that the system was "typically French," that sense was coupled with a perception that it was "complicated but allowed for good results" (interview B112). This type of spread is not solely historical, but has been increased through the

European Union's adoption of the transnational harmonization of the Protected Food Names system.

Figure Two: Map of international GI-related actors by role

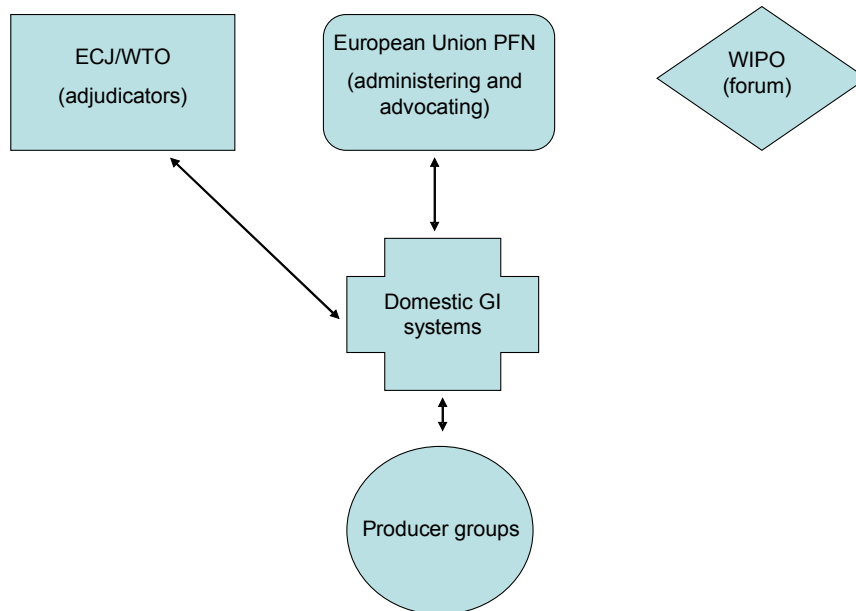


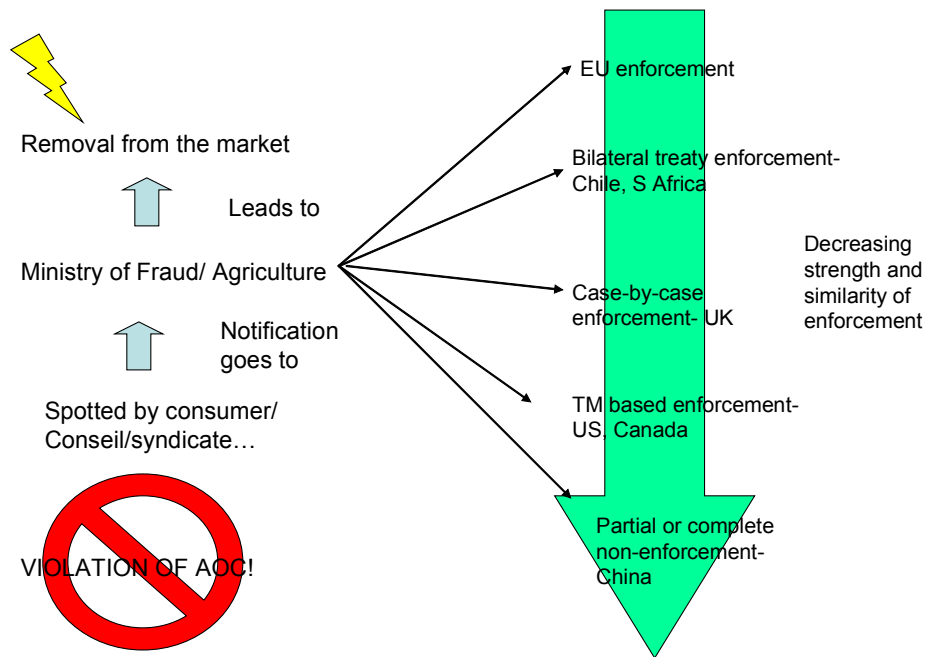
Figure Two presents some of the actors and relationships behind the administration of geographical indications internationally. Both the cases of the United Kingdom and France are represented here in the context of domestic and extraterritorial factors which will be discussed in further detail in this and the following chapter. The European Court of Justice and the WTO are the two primary arbiters around international GI questions, with the former receiving referrals from domestic courts within EU member states and the latter acting as an arbiter through administration of the TRIPS agreement. EU PFN policy is coordinated administratively through Brussels, with applications being sent there after leaving national regulators, as will be discussed later in this chapter. WIPO acts as a source of theory and policy, but largely is subordinated to the WTO in current practice.

The two domestic pathways represented here diverge in ways that are not immediately apparent in this diagram. While both sets of GI applications begin with producers, the power and consolidation of those producers differ greatly. In France, wine syndicates hold a great deal of political power, which is only increased by their role in the AOC system. In contrast, the UK scenario features far less powerful producers banding together in largely ad-hoc associations to advance PFN application. The other less obvious difference is at the domestic tier, where French applications will most likely already have received French AOC system before progressing onward to the EU stage of the process, while UK applicants enter the EU stage without any possibility of domestic protection, as discussed in greater detail within the UK case study.

### **Interactions and enforcement**

Moving back to France as an example, the next section will consider the possibilities of enforcement and the types of networks and conflicts which sustain this part of the system there. The strength of a legal system, especially one with international reach, often comes from its enforceability. As alluded to earlier, enforcement of national laws extraterritorially is never an absolute certainty, due to the inbuilt deference to national sovereignty within Western legal structures. GI laws pose no exception and extraterritorial enforcement and protection is not necessarily automatic, and nearly always the work of major formal and informal national negotiations.

Figure Three: International enforcement possibilities for an AOC violation



As represented in Figure Three, the basic enforcement of AOC in France works like this. An infringing product appears on the market, e.g. a wine is labeled AOC St. Julien, but it is not made by a producer who is part of the AOC, and is perhaps even made outside of Gironde altogether. Anyone-- be it an individual consumer, a producer, or a representative of the syndicate-- can note the violation. It is then reported either to the AOC syndicate, or directly to the Ministry of Fraud. The scope of possible injured parties is marked by this breadth of legal standing which allows not only producers or AOC members to challenge infringement, but also consumers and, by extension, society as a whole, to preserve the integrity of the system. Infringement is conceptualized as a social harm, and thus, in a very real way, "an attack on an AOC is an attack against the French State" (lecture, Bordeaux Ecole du vin, 14 December 2009).

Provided the problem is a simple one of misrepresentation, the complaint will be verified by the Ministry of Fraud. If the violation is a simple, clear-cut

one, the infringing product is simply removed from the market in its entirety. If a similar breach happens within the European Union, the result is more or less the same as the internal French model. Since the regulations of the Union require member states to respect the trade legislation of Union partners, the picture of enforcement in member states is nearly identical, and there are specific directives in place about various agricultural products, including wine, which make the results even more certain. If an infringement happens in Italy, for example, the French Directory General of Repression of Frauds will contact its Italian counterpart. They reference the infringement and the rule about shared enforcement, and the offending products will be completely removed from the market immediately, just as in France (interview B111).

Negotiated protection, often nearly identical to that provided domestically or via the EU can come from bilateral treaties with third party states. Rather than an automatic understanding of protection as is, these documents reflect intense international negotiations on national aspects of protection. Taking such concerns into account can be easier with a specific, adapted document of this kind. There is not necessarily the same need to harmonize legislation as there is across the European Union. Instead states-parties can also allow for case-by-case exceptions in certain cases. In Chile, for example, there was a tradition of using the phrase *cru bourgeois* to designate certain local wines which has been permitted to continue as part of a negotiated agreement (interview U115).

Finally, these protections are often part of broader trade legislation which allows even stronger incentives for governmental enforcement. In failing to protect a wine AOC that is part of a larger trade agreement, states can be

liable for breach of the entire agreement and all its terms, not solely the part dealing with AOC. The third-party scenario runs like this. A violation is discovered. If it is an EU-third party treaty, administration runs through the European Union, though if the treaty is directly between France and a third party state, things work the same way. The EU (or French) minister contacts the Chilean government, for example, about a misuse of an AOC label. If they do not act appropriately in response, pulling the offending products from the market, they are threatened by the European Union (or France) with legal action. In the case of multipart trade agreements especially, this can provide a major incentive to take care of minor infractions, lest the entire treaty be invalidated by a small fault (interview B111).

The next possibility is that of enforcement by third party states without bilateral agreements or direct obligations through the European Union. This was presented to me as the case of enforcement in the United Kingdom. Since there is not EU membership, adherence to the rules are not guaranteed, but because of partial political buy-in the leverage is better than it would be in a wholly independent case<sup>30</sup>. In such a case often the only recourse is a heartfelt appeal to the Minister of the Economy. The Fraud Ministry is left making an appeal to some sort of international goodwill, *quid pro quo*, or political motivation that can justify the economic intervention. The lack of a native system for GI protection in the UK can be read as a potential hostility to such protections in the abstract, which highlight the delicate nature of enforcement in such cases (interview U114). Other non-treaty obligated states can choose to protect geographical indications in some ways, though not as completely as the European Union does, most often by using trademark law on the facts of individual cases. The United States

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<sup>30</sup> This would not apply if the product was an EU PFN, however, since the UK does belong to that system.



follows this model, using existing trademark statutes to deal with GI infringements as cases of trademark violations. As I discussed in Chapter Two, this approach can sometimes lead to real loopholes, especially in the case of concepts like generics, or in terms of the strength of overall protection. Due to international legal principles regarding national sovereignty, it is possible for states to choose not to enforce laws of other states, particularly if they claim those laws contravene national public policy. For example, Canada's rationale for not independently protecting GI products is meant to guard Canadian business interests from what the government sees as an unfair protectionist regime to bolster foreign governments at the expense of local businesses (Daley 2008:53). As a consequence, the assumption of generic status there is particularly high. The government does, however, protect geographical indications under national trademark laws, particularly on a "likelihood of confusion" rationale. Interestingly, the government has taken this a step further by controversially planning to continue unlisting a number of high-profile geographical indications over time, which is quite problematic from an international policy perspective (Daley 2008:51). To put it even more simply, as one of my informants opined, "Canada doesn't want to protect [GI] Parma Ham because it already has a Parma Ham Company" (interview U115).

The final possibility is complete nonenforcement, and there the situation can be quite bleak indeed. China, notorious for its non-enforcement of international laws in general, and especially those regarding intellectual property, is a growing market for Bordeaux wines, particularly the most prestigious ones. When I asked one of my legally trained informants about the implications of this, he commented that "China is like a third system entering the debate. There's no real way of predicting what they will do.

They do whatever they want, especially with protection for intellectual property in general. What's important for them is the money..." (interview B111).

In the case of France this type of protection and the negotiations around them are prioritized both legally and socioculturally. In the French case, "*Terroir* became, in many ways, the repository for the accumulated historical memory of France; wine became the realization of a resulting French *esprit* in the material world" (Guy 2003:44). When moving outside of that milieu, however, the possibilities can become far more complex.

### **Spreading geographical indications through Protected Food Names**

The Protected Food Names (PFN) program, which began in 1992, is an EU effort to standardize geographical indication policy. Under the umbrella of PFN fall three different tiers of product labels: DO (protected denomination of origin), PGI (protected geographical indication), and TSG (traditional specialty guaranteed). PDO is the tightest of the three, requiring all production steps and inputs to be linked to the geographic place named. PGI requires at least one major part of production to be linked to the place. TSG is much more tied to methods of production in a very general geographic area (often nationwide) (DEFRA 2012, European Commission 2012).

Figure Four: Comparative paths of the PFN application process

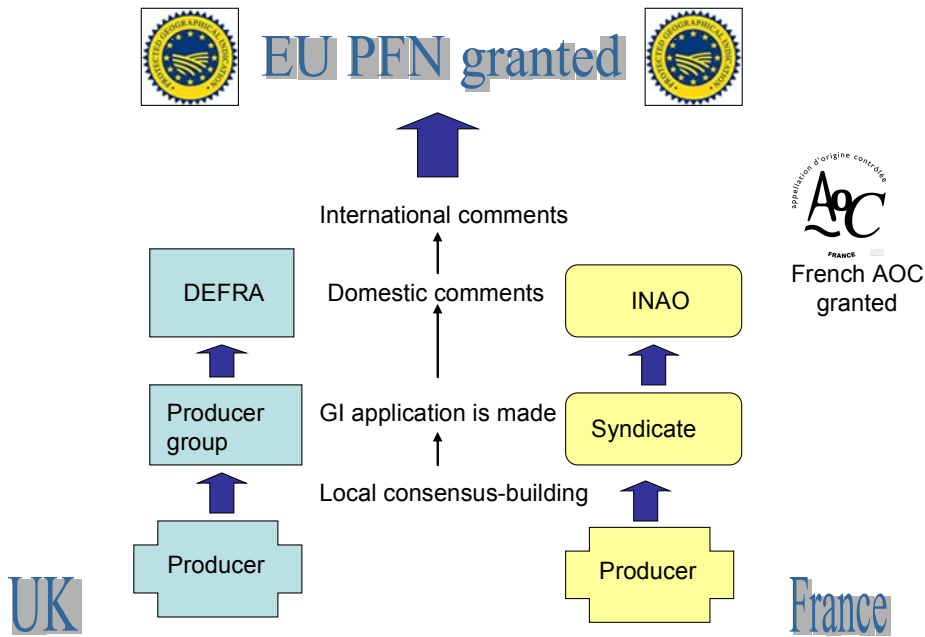


Figure Four traces the GI application process in my two fieldsites in relationship to EU PFN application. Procedurally, the process still begins within individual member states, where domestic authorities review applications for status. In the case of countries with national systems for the protection of geographical indications, this can be basically a formality, as the EU system serves as a sort of double registration. In the case of France, for example, there is simply the possibility of passing along a successful AOC application to the European Union for additional protection, meaning producers can then hold both AOC and PFN status (interview B116). This detail will, however, have more importance in the case of the United Kingdom, due to its absence of a national regime of this kind.

At this first stage, applications are subject to review and comment by producers and other concerned parties domestically before they are passed along to the relevant EU authorities. Once the application leaves the member state, domestically based complaints are normally precluded

(interview U119). At the EU, once the formalities of the documents are verified, the applications are again open to review and comment by interested parties throughout the European Union. Once this hurdle is passed, official Protected Food Names status is conferred on the product, which is formally required to display the appropriate PFN label in the future.<sup>31</sup>

The earliest applications, which appeared in the early 1990s, were 'fast tracked' under Article 17 of EU Regulation 2081 (Council regulation (EEC) No. 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs). Under that legislation, for the initial period of the program, 1992-1994, several hundred applications were reviewed en masse, with less public consultation and no publication requirement. As a government official in charge of the program explained, "They reviewed a huge number of applications in those early years, and of course there was some horse trading. You vote for my application, I'll vote for yours. That kind of thing...A lot of the broad, more contentious PFNs are often from that first wave (interview U115). The concern seems to be that the fast tracked applications tend not to be as specific about material and process as those being filed today. When I asked another of the scheme's UK administrators about this issue, she was quick to echo the concern I heard elsewhere. "The standards have increased a lot. I'm not even sure a lot of those early applications would even make it today," she replied (interview U113). Some of the dossiers from the early PFNs are beginning to be reviewed now, in partial response to such concerns. The West Country Farmhouse Cheddar PDO, which I will discuss at length in the

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<sup>31</sup> This requirement only became compulsory in 2010 though most Continental producers already tended to use the symbols. This has only recently become the case in the UK. (interview U114).

next chapter, was one of these fast tracked applications, a potential source of some of the flaws that persist in its structure today (interview U114).

Looking at the text of the PFN legislation, originally published in 1992 (Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs), one finds very similar content to the principles and regulations involved in the French AOC legislation. The preamble to the regulation is quite specific, including in explicit form each of the major rationales underlying the passage of the EU legislation. It begins by acknowledging the importance of agroalimentary products to the regional economy. This type of argument tends to be used by policymakers along with the types of concerns raised in the second subsection, which highlights the potential value generated by PFNs for rural economies, reintegrating the policy goal of using geographical indication status as a cultural and economic resource. The next two arguments relate to consumers, asserting the right of consumers to firstly know where their food comes from, and secondly to have fuller information about products to "be able to make the best choices" (EC No. 510, Preamble (2006)). Regulatory arguments also constitute a major part of the text: Section 5 deals with labeling regulations, Section 12 with harmonization with the TRIPS agreement, and thus other forms of intellectual property law, while Section 6 advocates the creation of an EU-wide community approach to PFN questions. Finally, Section 13 sets a national treatment<sup>32</sup> obligation for non-EU countries as well members of the European Community.

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The limit, and perhaps the heart of the regulation is that, "[t]he scope of this Regulation should be limited to certain agricultural products and foodstuffs for which a link exists between product or foodstuff characteristics and geographical origin " (EC No. 510, 3(1) (2006)). Protected Food Names are conceptualized as true geographic indications, and thus the link between the object of protection and its geographic origin is paramount. Products are not protected *per se*, but as a result of the confluence between their uniqueness and the places that are associated with that uniqueness. The definitions set out in the regulation also reflect the intimate connections to the idea of *terroir*. PFN products must link to three elements in order to merit protection under the scheme: 1. they must have an origin in a specific place, 2. they must reflect special qualities derived from their link to that place, and 3. production must be linked to that place, its qualities, and (ideally) a longstanding traditional method of creating the product.

Article 3 deals with the important issue of generics and disallows regulation of a name already denoted as "generic." As discussed in Chapter Two, this fact is one of the cores of debate about GI policies, and the importance of the concept will be seen in practice in the discussion of the European Court of Justice cases later in this chapter. Importantly, however, the flip side of not protecting generics in the first place is the fact that successful PFNs can not ultimately become generic (Article 13(2)), as can happen with a successful trademark, mirroring the important protection for AOCs referenced in Chapter Two. As discussed there, when a product is deemed to be genericized, it loses trademark protection, on the assumption that it has ceased to be an individual product and is now, a genre of product instead. Referring back to prototype theory, the product has become a best case of

the relevant product category, and as such is legally deemed not to require further protection on the market.

Group rights and the extension of those rights are again similar to the AOC case. Under Article 5, "Only a group shall be entitled to apply for registration," and in a parallel to Article 7 of the AOC statute, the extension of Protected Food Names status works the same way. If new producers can fit the specifications set forth in the formal dossier, they are permitted to be part of the Protected Food Name. Under Article 8 of the regulations, a registered PFN "may be used by any operator marketing agricultural product or foodstuffs conforming to the corresponding specification." Where those community connections and values fuels the French connection, those elements are less strong in the UK, as will be seen in Chapter 6. In the United Kingdom, there are fewer preexisting producer associations, which has led the PFN system to function as an impetus to the creation of such social connections, whether regionally, nationally or internationally.

The types of infringements guarded against are also similar, though somewhat more particular. Protected Food Names are protected against "direct or indirect commercial use" of the name by products not covered by the specifications (Article 13(1)a)), as well as other potentially confusing practices. These related practices include referring to products as PFN-style (i.e. referring to a non-PFN cheese as "Parmesan-style" cheese), giving false impression of origin through similarities of packaging and presentation, and other practices that "mislead the consumer as to the true origin of the product" (Article 13(1)b). Ideas about customer confusion and misleading usages also connect to ideas about uniqueness and distinction.

Finally, the legislation prohibits a conflict of systems. Producers must make a choice in product protection. They can have a trademark or a PFN, not both. This conforms with the broader dissonance between the two forms of protection as discussed in Chapter Two. However, in Chapter Six, I will present a set of issues that arise in the UK which show a certain conflation in practice between the two, regardless of the actual terms of the regulation.

### **What do we talk about when we talk about geographical indications?**

#### **Naming and claiming**

Regardless of scale, the political element of GI is above all about what names mean as signifiers, what they stand for, and how those connections are forged. Geographical indications are not solely words but words which powerfully create something by virtue of their meanings. The discourse around geographical indications and status consistently flips between the general and the particular, as actors at assert the value of protected products as both specific instances of local practice, and often local heritage, as well as symbolically as markers for national identities or "the traditional" within their places of origin. The names at issue function quite strongly as signifiers of products whose meanings are very much part of complex visions of national identities. Geographical indications and the products behind them work as icons in the Peirce-ian sense, abstracting beyond the products they represent to broader ideas about national foods, identities, and the images attached to them. They function as specific containers for a broad array of qualitative meanings.

In addition to their symbolic, semiotic form, geographical indications also have a speech act (Austin 1962) style function as well. The act of legally naming products and places, granting status, and creating definitions fix things and change outcomes and positions in the transformative way that speech



acts do. Defining, affirming, or confirming these words very explicitly works to preclude other possibilities and interpretations in ways that have direct and major economic implications. "In the context of intellectual property law, if a judicial officer who is called upon to adjudicate in a case concerning the boundaries of an intellectual property object declares that those boundaries fall at a particular place, that declaration will have the effect that the boundaries will indeed fall at that point" (George 2012:124). Naming is also a very direct means of claiming, and thus the words used, how they are used and perceived is absolutely vital.

### **Geographical indications and national identities**

As a result of their status and orientation, geographical indications key in with ideas about the nation. Along with trade implications that keep them tied to the international arena, they designate a certain ethos of the national (Nieuwveld 2007). In some ways food products form a case *par excellence* for this type of project. There are few things more everyday and elemental to human experience than food. Yet some foods are iconic. They are what you remember from your travels. Or what you bring back as souvenirs. Or the first good example of something that comes to your mind. They become cultural shorthand in a way that has instant meaning. Those are the products geographical indications are all about. Around geographical indications, cultural practice is reinforced, consolidated and validated by the hand of the state, via the legal system.

Nations are nothing if not constructed, and GI products can be used quite effectively to articulate the type of us/them cultural differentiation a State might desire. Food and drink are not only elemental, but strikingly individual at the same time. "A cuisine is one of the most distinctive

expressions of an ethnic group or, in modern times, a nation" (Ory 2006:443). They key into ideas about tradition, heritage, identity and cultural transmission because they acts as symbols of the kinds of difference that are recognizable, easy to value, and difficult to argue against in terms of cultural significance. Food's ability to define members of the group versus others is fundamental. "Food helps to order and classify social norms and relations-- dog meat on a plate may be a sign of impurity and barbarism in same cultures, a tasty delicatessen in another. These orders are unstable, with room for change over time, as well as subject to internal differentiation" (Nützenadel 2008:1). Contested and changing though they are, food-related practices also constitute an area in which lines are drawn, where "[t]he primary strand in the meaning of 'us' becomes 'not them.' Food is clearly instrumental in the identification of 'other' nations" (Ashley 2004:83). Such stereotypical but contested ideas of identity remain a means of "useful self-recognition"-- to cite Herzfeld-- although those self-same stereotyped identities become rallying cries in the face of contestation by outsiders.

Such concerns also reflected the broader debates around geographical indications. Their major proponents see such products as unable to be detached from regional identities. The very elements of the land, soil, and weather that make these special products allow for an othering that reinforces social divisions as well. In these ways, geographical indications and the ways in which they are claimed and represented highlight the role of cultural property in constructing national identities. Consequently, the boundaries that surround geographical indications, whether real, constructed, or imagined, are important and visible signifiers of cultural meaning.

As Vedery does, I will consider nation "as a construct, whose meaning is never stable but shifts with the changing balance of social forces," also considering the deliberately political ways in which national narratives are constructed (Vedery 1996:230). In many of the ways discussed elsewhere in this dissertation, the nation-state, like communities of both larger and smaller scales, is constituted by other extant systems of power and control, which grant it legitimacy, even as it controls and polices their boundaries. The State and society are mutually interdependent. Habermas notes the power of this type of mutually constitutive fiction, noting

It was the national community that generated a new kind of connection between persons who had been strangers to each other, so far. By this, the national state could solve two problems at once: it established a democratic mode of *legitimation* on the basis of a new and more abstract form of *social integration* [Habermas 1996: 284].

Yet as Gellner comments, "[n]ationalism is not what it seems, and above all it is not what it seems to itself. The cultures it claims to defend and revive are often its own inventions, or are modified out of all recognition" (Gellner 1983:56). Invented histories and narratives thrive on multivalent signifiers such as those at issue here, allowing iconic objects and images to be used, purposed, and repurposed into what those in power imagine or desire themselves to be.

### **Connections, values and systemic power**

It is naive to underestimate the importance of economics and power in a scenario like this. For better or worse, the fact that geographical indications are often tied to major economic interests is very much part of the reason for the uptake of such initiatives among the major players of the European Union, a fact sometimes looked upon dubiously by non-rights holders. Given the very real benefits that come from status, motives can seem mixed and

divorced from the more lyrical philosophies of protection. As one informant commented about the PFN for Melton Mowbray Pork Pies, "[f]rom the outside looking in, Melton Mowbray went in for commercial reasons. They're lovely people, but they were trying to get a commercial advantage" (interview U121). For better or worse, geographical indications are a form of economic protectionism, just as much as they are a system of cultural (heritage) protection, and that orientation means that systems and differentials of power can be built and reinforced around their protection.

The economic revenue from geographical indications is large and growing. Even in a country with as little acceptance of the program as the United Kingdom, revenue from GI products was recorded as the among the highest in Europe based on a 2010 EU report on the PFN system. Yet even in the face of potential monetary return, the very concept of protectionism can rankle. Many of my UK informants saw the system as another instance of the ever increasing EU regulation of all social life. Given the context of intellectual property, there arises a concern that this type of enclosure of the public domain resembles corporate takeover in similar arenas. Large scale and often heavily entrenched organizations are a fundamental part to the system, particularly on the Continent. So factors of strength and longevity can lead to the privileging of PFNs with large lobbies or strong national buy-in in a way that other products cannot. One of my UK informants was quick to point out the difficulties that lack of preexisting social clout provided to local PFN producers. "Parmesan cheese is kept in banks in Italy...as money! That's how powerful they are. And then we have our West Country Cheesemakers, all eleven of them. Y'know, they don't cut the same mustard...(interview U113).

Another of my UK-based informants was involved in the inspection of facilities for GI Parma Ham. In Italy, production consortiums control prices, production and quality, including performing their own inspections. EU harmonization required independent inspection. His sense of the start of this was that the Parma Ham consortium was really "bullish" about protecting their name and went along with the regulations in name only, just to maintain that control. Eventually his company had a falling out with the group, which involved the Italian government in the dispute and removed his company from the project. This led him to go to the European Court of Justice about anticompetition concerns. In the end, however, politics intervened and the company was told by the UK's agriculture ministry to withdraw the claim. In return for the political decision, Italy agreed to allow import of British beef (interview U121).

Protection has become a sticking point in international trade negotiations as well. A recent EU trade treaty with Switzerland was delayed over concerns about PFNs for Gruyere and Emmental cheeses, since those names are shared by cheeses made in Switzerland which are not part of the official PFN (interview U115). Control over names that cross borders can also raise concerns, and Brussels is very much a site where deals are made and rivalries that may or may not be relevant to geographical indications come into play. Troubles of this sort about international control and enforcement of geographical indications are broadening along with the system.

As another example, in the course of my research I found that an entire book had been dedicated to arguing in favor of Peruvian use and control of the geographical indication for Pisco, a famous alcoholic spirit from South America (Gutiérrez 2005). There have been years of debate over the rightful

creators of the beverage and what its "traditional means of production" may be. Both Peru and Chile have claimed GI status, and the claims of the two countries are differentially recognized in the international arena, based upon the various diplomatic ties among countries (Mitchell 2011). One thing that is clear is that the stakes are high. The author of this book is a former ambassador, and one of the two introductions comes from the head of the Foreign Relations committee of the Peruvian Congress, the other a highly ranked professor from the national university (Gutiérrez 2005:1, 13). The idea is to represent that in cultural, political, legal, and economic terms, "Pisco is as Peruvian as *llamas* and *arroz con pollo*" (Broude 2005:662), and consequently the cultural property of Peruvians rather than Chileans. Pisco is tied up with the image of the nation, and as such, the need for protection of its unique Peruvian-ness is vital in both sociomythological terms as well as in very real economic ones. The author states his case most strongly "In the universe of multiple elements that compose [Peruvian] patrimony, one of the most characteristic is Pisco: an authentically national spirit, that emerged at the beginnings of the colony in the south of the country, and whose quality and prestige transcends frontiers, having already become a symbol of Peruvian-ness" (Gutiérrez 2005:25).

The idea of community based power also is implicated in the expansion of geographical indications, as it is both easier for products with longstanding community ties to apply for status and also to maintain and take advantage of status, in part due to the economic costs of application and inspection. Such economics and power of the system also manifest in terms of who gets left out of coalitions and the options available to them. In France, belonging to a regulatory system-- if not AOC, another of the lower tiers below it-- can make significant differences in the profitability of a vineyard,

and losing AOC status often means the loss of certain markets and sometimes the ability to sell profitably at all. Being able to belong to the legally protected in-group is vital to economic survival in many ways. The strength of status makes being excluded from the system an often untenable option. In the United Kingdom, by way of contrast, the outlook for nonstatus holders is a bit less bleak, in part because the overall system has less scope, power, and control. In fact, externalities can actually favor individual producers who differentiate themselves from the PFN crowd, since they escape the communal obligations that status requires.

Overall, on the international stage, the networks of power are both GI-derived and preexisting, and often the paths of economic gain are reinforced by the conjunction between social and legal power. However, in low power scenarios such as the United Kingdom, there does also appear to be a process of social power beginning to attach to producers who hold legal status, especially as new kinds of networks and coalitions build around geographical indications.

### **Expansion: New motivations, broader objects, and spread**

Finally, there are new elements that are entering into GI discussions as the system continues to grow. Among these are the uses being made of status as part of development policies and new voices from the developing world making claims for status. The step beyond the current, primarily food-focused international GI regime is to move into other geographically-bounded artisan products, particularly craft products. This extension plays a large part in the interest of the developing world in the possibilities of protection. While many of their foods might not be as recognizably iconic outside their territories as the big European geographical indications, certain

handicrafts may be. Particularly in the wake of the ever increasing importance of cultural tourism, the issue only stands to be more relevant over time.

Two big concerns underpin the problem of expansion. The first is about the less bounded nature of handicrafts, which lay claim to less *terroir* elements than food products, and the second involves the scope and force of protection to be extended to non-food geographical indications. Besides these logistical concerns, settler states are even more reluctant to broaden the reach of geographical indications than they are to protect existing ones, due to the concerns and motivations discussed earlier.

The concern about the less bounded-ness of craft products is one of the classic anti-GI arguments. While agroalimentary goods are often connected to where their raw materials can be grown, crafts are more skill driven and mobile. The raw materials often are less important than the techniques used or the training of practitioners. The resultant problem has to do with skill, migration, and cross-border concerns. Due to the fact geographical indications are associated with a specific place, even though that linkage is at least partly a shorthand proxy for other motivations, the names and protection they carry remain connected to that place. Yet people, especially in our global and post-colonial world, tend to move. The classic problem happens when a traditional craft producer leaves the location named in a geographical indication and wants to continue to make the protected craft in a new place (Liebl and Roy 2004:64). A UK case of this phenomenon is that of Newcastle Brown Ale, which won geographical indication protection and then lost it by moving its place of production outside the boundaries set out in the GI application (interview U123).



Though the precise contours of what geographical indications stand for tend not to be stated explicitly, they protect these conjunctions of names and places because of a set of beliefs about quality, cultural integrity, and heritage value. While identifying the values that inspire the need for a geographical indication in the first place and how they relate to the realities of culture and production remains a difficult task for legal arbiters to precisely define, as long as the model is derived from one tied to *terroir* related production, the link with craft processes and other less *terroir* style traditional knowledge will remain less exact than it might be.

Building off of this more thematic and functional discussion of geographical indications, I will now look to some of the GI disputes which have advanced to adjudication in major international courts. They engage both with the elements of the law that have run through the earlier chapters as well as its underlying philosophies. Additionally they introduce national/nationalist concerns very explicitly into the debate, as major international interests, often economic, are implicated by the results.

The *Feta* case looks very broadly at ideas of *terroir*, technique, and the generic, in a context of a very broad transnational geographical indication; the *Parmesan* case looks at issues around generics, forms of protected names, and the question of evocation; and the series of *Budweiser* related cases raise the fundamental clash between trademark and GI regimes, especially in terms of internal and external reputations, likelihood of confusion, and value attached to a very recognizable international name. All of these cases hinge upon bringing culturally based evidence of practice before the European Court of Justice (and other arbiters) in an attempt to address the questions that underlie GI protection. There is also a major

international case about the PGI for Melton Mowbray Pork Pies, which I will examine in context as part of the next chapter.

### **Working through disputes**

As noted earlier, there are a number of fora in which legally based GI disputes can be brought. National agency review of PFN applications, for example, is open to comment by interested parties both within the nation of application and that process is also repeated in the EU before status may be granted. National courts can also act as arbiters before applications pass to the EU stage, or national courts can also refer cases to the ECJ for decision there. Crossborder disputes can be decided by the ECJ as well, or be subject to arbitration at the WTO (via TRIPS connections). This section will focus on three relevant ECJ cases to show the ways in which the themes of this dissertation surface in these sorts of international adjudicatory spaces.

#### **The Feta case<sup>33</sup>**

The Feta cheese case revisits many of the concerns about geographical indications raised earlier in this text, notably those of internal and external reputations, *terroir* and ties to place, as well as the scope and values behind legal protection.

The PFN for Feta cheese has long been a controversial one in the European Union, in large part because of concerns about genericization and production in areas outside of its original region of origin, in line with many of the reasons discussed in depth in Chapter Two. The legal decision finds the European Court of Justice questioning the role of geographical indications

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<sup>33</sup> *C-465/02 and C-466/02 (joined)- Federal republic of Germany and kingdom of Denmark v Commission of the European communities (2005)*

and what they stand for, while critically examining the role of the generic in the case of a very recognizable GI with broad regional connections.

Feta cheese was one of the first batch of PFN applications submitted under the fast track procedure to the EU. Formal status for the PDO was granted on 12 June 1996 (Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92, Para 1 and 2). After the initial registration of the name, several requests for the annulment of the PDO were made. The name was unregistered in 1999 before being republished in 2002 with an improved dossier. The annulment issue was raised again in 2005, when Germany and Denmark, with French support, tried to challenge the protection again, this time on the substantive grounds that the dossier was not specific enough and that the term "feta" was generic. Against this procedural posture, I will look to the text of the 2005 judgment and the opinion of the court, particularly in relation to broad issues about internal/external reputation, *terroir* and linkage to place, the role of geographical indications, and the debate over generics as raised in these texts.

The decision begins with a strikingly poetic description of the longstanding importance of place-based products, from the Cedars of Lebanon in the Bible to references in Don Quixote and other works of global literature (*Feta*, ¶5). It also performs a more traditional legislative history, following the spread of geographical indications from wine to foodstuffs, and highlighting the importance of ideas like *terroir*. Ideas about the importance of naming in economic terms, especially in relationship to the consumer, are also vital. The court notes quite explicitly that "i>n a world dominated by symbols,

where advances in trade offer numerous alternatives to the consumer, the name of a product has emerged as a decisive factor when it comes to making a choice, hence its economic significance" (*Feta*, ¶11). The linkages between culture, heritage, and economic value are stated early and strongly. This need to specify the linkages between the definable elements of the legal regulation is in part motivated by the qualitative nature of the actual intellectual property which is being protected. As the Court is quick to point out, "protection does not extend to all names but only to ones which encompass a dual connection, both spatial and qualitative, between the product, on the one hand, and its *appellation* on the other" (*Feta*, ¶31).

There is an extensive discussion of the *terroir* qualities of the Greek regions where Feta is made, looking into conflicting descriptions of what PFN Feta cheese looks like as opposed to the infringing cheese produced in Germany, and how the various itemized elements of its production plays into its final expression. Following this analysis, the court finds that "the quality and characteristics of feta are attributable to the areas of Greece where the cheese is produced, since a basic link has been established between its colour, aroma, texture, taste, ingredients and inherent properties, on the one hand, and the natural environment in which it originates, the culture which supports it, and the traditional production process used in Greece, on the other" (*Feta*, ¶197).

What may be more anthropologically interesting is the willingness to accept a necessary amount of non-conformity and variation among creators of PFN Feta. The court follows the discussion above by stating that its

finding is not weakened by the fact that there are certain differences between feta from different regions of Greece or by the lack of uniformity in other aspects, such as the geography and the quality of

the pasture, since the common features predominate and the basic catalysts are the same....The sheep and goats of Thrace and Thessaly are very similar to one another but are strikingly different from Scottish, French and Spanish sheep and goats. The same applies to the food they eat, the mountains or meadows where they live, the climate they experience, and all the other conditions which have a bearing on how the cheese comes into being [*Feta*, ¶198]

The definition of Feta is particular enough to deserve protection, despite the fact that its expressions cannot be homogenous. The class of possible expressions remains distinctive enough to justify the hand of regulatory law. The individual specificity of these conditions are enough to bring GI products into the more familiar philosophical scheme of the rest of intellectual property.

To refuse to authorise the monopoly of the name, including in cases where the cheese is produced by the same method elsewhere, would be on par to depriving an inventor of his patent rights on account of the fact that someone else came up with a similar creation after registration of the invention [*Feta*, ¶183]

This analysis engages with the discussion of generics as well. Referring to generic status, the court comments that a generic term requires "[t]hat character is attributable either to the word itself-- in that it has always been generic-- or to the fact that it has gradually become generalised. Such names have either never had or have lost their indicative function and cannot therefore be used to distinguish by reference their origin" (*Feta*, ¶131). There is often a certain circular logic that occurs when infringers argue that products have become generic. Infringement tends to hinge upon consumer confusion based upon associations with a product name-- a particular shared sense of the value that attaches to the name in question, generic or not. In the case of potential (mis)appropriation, it is always the case that producers have used the name because it meant *something*, culturally and economically (*Feta*,

¶176). There is also a balancing between insiders and outsiders, consumers and producers that play into these meanings.

The formal judgment reiterates the main points of the opinion, noting that although Feta is not the name of a place itself, it has been proven to be geographically linked to the cheese in question. Looking to internal reputation, it notes the specific regions within Greece which are recognized traditional sites of Feta production. Externally it questions the ways in which Feta is being appropriated by those making it elsewhere through the tendency for associating the cheese with Greece even when it was made in other locations. In the end, the court finds that the GI protection for feta is appropriate and Germany and Denmark are in violation for allowing contravening uses. In this case, and going forward, they are legally required to enforce PFN Feta under the terms of the EU system.

### **The Parmesan<sup>34</sup> case**

The Parmesan case brings up a number of concerns about the symbolic value of Parmigiano-Reggiano, as the court considers issues regarding genericization and evocation-- looking to the broader signification inherent in the protected term, and the ways in which meaning connect to it for consumers.

Procedurally, the Parmesan case arose over uses of the registered PDO Parmesan for cheese sold in Germany but produced outside the designated region in Italy. The most important issues raised are that of generics, what form the protected name should take, and the evocative usage of protected terms.

Parmesan was also protected under the initial fast-track process, receiving status in 1996. At one point the court notes the lack of consultation at

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<sup>34</sup> Commission of the European Communities v. Federal Republic of Germany--C-132/05 (2007)

that time as well. The case I will discuss arose following a 2003 letter asking for enforcement of PFN protecting Parmesan in Germany. According to Italy, "[t]he term 'Parmesan' was, according to the Commission, the translation of the registered designation 'Parmigiano Reggiano', and its use thus constituted a breach of Article 13(1)(b) of the Basic Regulation" (*Parmesan*, ¶10). Germany argued that:

although the term 'Parmesan' had historically originated in the region of Parma, it had become generic and was used to designate hard cheeses of diverse geographical origins, grated or intended to be grated. Therefore the term 'Parmesan' is different from the designation 'Parmigiano Reggiano' and its use [did] not constitute a breach of the Basic Regulation [*Parmesan*, ¶11]

As mentioned elsewhere in this text, "generic' means the name of an agricultural product of a foodstuff which, although it related to the place or the region where this product or foodstuff was originally produced or marketed, has become the common name of an agricultural product and foodstuff in the Community." Thus the argument made was that Parmagiano-Reggiano was not a name linked to a specific regional product, but rather a shorthand general term for a type of product. Germany lost on this prong, however, with the court finally finding " that historically there has always been a close connection between the particular geographical region of Italy, where the cheese comes from, and the term 'Parmesan', a fact which demonstrates that the term has never, at any point in time, lost its geographical connotation" (*Parmesan*, ¶20)

Similarly to the argument in the *Feta* case, the courts finds that "[i]f the name 'Parmesan' were really a neutral term without such a connotation, there would be no plausible explanation for the efforts of manufacturers of imitations to establish through words or images a link between their products

and Italy (*Parmesan*, ¶21). Another argument attempts to claim that only the full name Parmesan is protected, while the shorter form is not. Parmesan is claimed to carry different connotations from the longer term, bearing broader, more colloquial meanings than the more formal GI, though this argument also fails.

Finally there is a discussion of evocation, which focuses on the iconic (in Peirce's sense) qualities attached to the signifiers of the GI term. This happens when one mobilizes others of the related constellation of signifiers that attach to the specific GI signifier, with or without using the protected name, to conjure up the mental image of the protected product (and ideally to associate your product with those qualities). This is considered to be an infringement of the GI just as much as the bald use of the name, though it can be a much more difficult thing to prove. In this case, arguing that the infringement is through evocation grants value to PFN Parmaggiano-Reggiano not solely in its specificity but in the broader associations attached to it as well. Evocation is read broadly here, again allowing for an expansive qualitative sense of what geographical indications are about, since "[i]t is possible for a protected designation to be evoked where there is no likelihood of confusion between the products concerned and even where no Community protection extends to the parts of that designation which are echoed in the term or terms at issue" (*Parmesan*, ¶55).

Ultimately, the court finds that

There is phonetic and visual similarity between the names 'Parmesan' and 'Parmigiano Reggiano', and that in a situation where the products at issue are hard cheeses, grated or intended to be grated, namely, where they have a similar appearance. In addition, regardless of whether the name 'Parmesan' is or is not an exact translation of the protected designation of origin 'Parmigiano Reggiano' or of the term 'Parmigiano',



the conceptual proximity.... and those phonetic and visual similarities are such as to bring to the mind of the consumer the cheese protected by the protected designation of origin 'Parmigiano Reggiano', when he is confronted by a hard cheese, grated or intended to be grated, bearing the name 'Parmesan' [*Parmesan*, ¶2]

As a practical matter, consumers are unlikely to distinguish between the full name and its translation, and the broader conceptual meanings of "Parmesan" are strong. Consequently, the German government was required to enforce Parmesan as a PFN, just as strongly as they would protect Parmigiano Reggiano.

### **Budvar vs Budweiser**

The ongoing series of legal disputes around the use of the name Budweiser highlight in bare relief some of the practical aspects of the conflict between the GI system and trademark regimes. Aside from raising legal questions about likelihood of confusion, it also raises sociocultural questions about where meaning comes from and how those meanings attach to signifiers.

The recent European Court of Justice case decided in 2011 (*Budějovický Budvar, národní podnik v Anheuser-Busch Inc.*, C-482/09 (2011)), but is just the last in a long series of disputes between Budweiser and Budvar, who have been litigating off and on since 1880. The claims traveling between national courts and the ECJ implicate ideas about consumer confusion, internal and external reputations, and the conflicts between trademark and GI regimes.

Budvar style beer has been produced in the Czech Republic for centuries, but was legally first protected in the 1970s as an *appellation* within the EU, and there have also been specific communal trademark applications as well. The Anheuser Busch brewery, producer of American Budweiser beer, opened in St.

Louis, Missouri in 1852. At the current stage in the history of these products, both have strong reputational associations and a potentially high likelihood of confusion for uneducated consumers.

These cases are really the quintessential battle between two legal worlds that my informants referenced to me. It pits two very lucrative, recognizable products against each other. There is also a strongly geographical skew in reputation-- Budweiser is not only a trademark but very all-American in orientation, where Budvar is widely available and exported in Europe. Basically, one could argue that Budweiser presents the elemental similarities and fundamental conflict between the two protection regimes. If one uses the *usages locaux, loyaux, and constants* formula, it works for both. The only real positional difference between the two is in the nature of ownership of the rights at hand: one is individual/corporate (US Budweiser) and the other communal (Budvar): hence one works as a geographical indication and the other as a trademark. In technical legal terms, these cases have historically cycled through various European courts which make very narrow decisions, often sending them back to lower courts on questions of fact. Although a final resolution to the problem seems unlikely to come anytime soon, the fact that this battle may be perpetual and unsolvable shows the problem of harmonizing the two systems. All of these cases are far bigger than esoteric legal debates. They engage with the core philosophies around protection as well as the technical complications geographical indications raise on the broader international stage.

## Conclusions

In the end, this look at international conflicts about geographical indications reveals a number of common themes which resonate strongly with the

values of GI status generally and the uses to which they can be put at all scales. The importance of the synergies discussed in the earlier chapters connects to these cases as well. Defining products, boundaries, and reputations remains important as the political implications of status spread more broadly.

Ultimately, the move of geographical indications beyond national boundaries and into more political arenas raises the stakes and alters the rhetoric of disputes and meanings. Harmonization and politics come more strongly into play, allowing enforcement and power to potentially be contested in a number of ways. Thus, nationally and internationally, there is a simultaneous push-pull of expansion and contraction in the multiple roles GI products assume. Yet, here, as throughout these discussions, the lyrical feelings and resonances of the products engender are just as important as their legal technicalities. In many ways the shift in scale solely raises the stakes on the types of meaning and *je ne sais quoi* that circulate elsewhere in the system.

From this more international view, the following chapter will again retract in terms of scale to present some of these complications in the context of my second case study, that of Protected Food Names in the United Kingdom, where I will explore the ways in which the principles and practices of geographical indications are inflected by the sociocultural context of the United Kingdom.

## Chapter Six: Protected Food Names in the United Kingdom

### Part One: Contextualizing geographical indications in the United Kingdom

Compared to the embedded cultural specificity of the French case, GI protection in the United Kingdom presents a very different vision, with the regulatory apparatus of the system being taken from the European Union and overlaid upon a cultural context with particular differences from the sociocultural histories of regional foods on the Continent. In contrast to the ordered, Bourdieu style *structure structurante/structure structurée* of the French case, the operation of the United Kingdom's PFN system presents a vision of order emerging out of, or often in spite of, chaos, where a number of gaps between policy and practice are shifted by elements of the context in which the system is embedded in culturally specific ways. The present moment remains very much an emergent case of the ways in which GI rights are evolving. Yet it is also important to remember, following Turner, that "Yesterday's liminal becomes today's stabilized, today's peripheral becomes tomorrow's centered" (Turner 1974:16).

Due to the way AOC is constructed in France, the relationship between culture, commerce, and social perceptions binds tightly together through cultural practice. Consequently, when legal actors and institutions enter into that equation, the crosscutting interrelationships involved can be used to construct robust evidentiary and sociocultural connections between places, people, and processes in a relatively straightforward way. By way of contrast, I would argue that in the UK case, because the system does not conform around actual lived practice, there is no matrix connecting the social and regulatory strands around status in a consistent way. As a result

there is a split between two different approaches to GI, with one orientation focusing on PFN in a heritage based register, while an alternative focus constructs protection in a way more consistent with trademark law and its values.

As a consequence of this split, outcomes tend to differ based upon which philosophical strand underlies applications. Within this conceptualization, while "cultural" motivations may not fully connect to the legal system, they can be used to construct GI style protections for producers whose concerns map more closely to the type of value complex that defines Continental geographical indications, through ideas about *terroir*, artisan production values and the like. Where motivations are more intensely commercial, adversarial, anti-belonging style tendencies often scuttle abilities to construct applications, lead to overbreadth or other unsettled definitions, and set ambiguous or problematic precedents which may leave actors open to legal challenge now or in the future. All of this is not to valorize some sort of ideological or practical purity in the heritage strand-- as with all intellectual property, linkages between lyrical meanings about culture are necessarily and often explicitly tied to the realities of the market as well as different ideologies, goals, and agendas. Rather, I claim that the more aligned applications are with broader French-style values, the greater the ability of producers to satisfy both legal requirements as well as to advance values associated with the specialized artisan foodstuffs.

Based upon differences of both history and structure, a number of contrasts and complications arise due to the slippage between policy and practice around geographical indications in the United Kingdom. These elements will weave through the cases presented in the remainder of the chapter,

highlighting the ways that the sociocultural context and conditions of the UK inflect the expression of the legal system. The trickle-down nature of the system has important implications in the UK case. Where Bordeaux has a *sui generis* system built upon longstanding social practice, producers in the UK are in a position of constructing something new through disparate pieces of cultural practice, rather than solidifying something that preexists the system.

In *The invention of tradition*, Hobsbawm commented that "the strength and adaptability of genuine traditions is not to be confused with the 'invention of tradition'. Where the old ways are alive, traditions need be neither revived or invented" (Hobsbawm 1983:8). That said, even in a space like the UK where traditions *are* being rediscovered and recreated, the possibilities that come with that position can be fundamentally integrative and constitutive of identities, values, and communities as well. When values are congruent, this type of context is less of a problem, but when there are differences, imposing external regulatory systems on opposed or alternatively-directed local conditions can seem like an attempt to fit practices into ill-fitting boxes designed with another place in mind. Another element of that mismatch is a difference in timescale. Since the UK system is imposed on the context rather than vice versa, producers there are starting at the beginning and trying to understand the system even as they use it-- allowing for a very emergent scenario as they try to map the law onto the realities of everyday practice. In the end this means that the UK is playing catch-up in terms of conceptualizing food heritage as well as in protecting it.

These differences also link into a different orientation about food heritage and what best practices look like. Consensus, when it exists at all, carries

less strength here, and organizations of producers serve different functions than the powerful food-related syndicates of the Continent. The scope and intensity of power and authority is largely diffuse, inflected instead by ideas about self-reliance and individuality. Finally, the outcome of these elements is manifested in uptake and usage of the system. Where capture of producers by the system is almost complete in France, in the United Kingdom a large amount of space remains uncaptured by the structures of the system, allowing for the possibility of producers going it alone.

Though the social construction of artisan foods in the United Kingdom has some similarities to conceptions of similar products in France, definitions of "local, loyal, and constant" style factors are broader and less fixed, and inflected by ideas of distinction that are even stronger than they are in the French case. The idea of the local shifts into a constellation of meanings about locality, which is often heavily connected to regional reputation, making the construction more interconnected than simply the idea of origin. The loyal and constant factors seem to collapse into a single overarching reputation factor, instead of splitting into internal and external perceptions. I would argue that this is largely by virtue of the interrupted histories of foods in the region, the shorter histories of (agreed) practice, and the somewhat insular nature of many artisan foods outside their regions of origin. Finally, in addition to the other factors, there seems to be a set of other concerns at work which are about differentiation and distinction in Bourdieu's terms, linking heavily around ideas of class, economics, and power.

### **History and context of food heritage in the United Kingdom**

*me: What do you wish was different?*

*E:I wish that everyone, regardless of class barriers, shopped at farmers' markets. I wish there was planning against supermarkets killing off high streets. I wish farmers were taken more seriously and getting paid a decent honest wage. I wish food would stop being treated like a commodity. It's what we put on our plates and what we put in our bodies. What can be more important than that? (interview U117)*

For many people, the idea of "food culture" in the United Kingdom remains somewhat of a punch line, even today, and the effects of its perceived lack of value have considerable consequences for artisan food producers. As one of the producers I interviewed lamented, "there's just less respect for artisan production in England" (interview U109). Whether his assessment is true or not, a number of factors contribute to the relatively low profile of artisanal food culture in the United Kingdom, and a lack of valorization of artisan foods has significant consequences for geographical indication policy and practice here, in both explicit and more subtle ways. This section will discuss some of the countercurrents which play into the cultural context of regulation in the United Kingdom, both historically and today, exploring those factors that shape the state of food both as culture, heritage, and business, through a focus on historical trends and policies, market structures, and attitudes toward practice that impacts the workings of the Protected Food Names system.

Although, like the rest of Europe, the United Kingdom was once a primarily agricultural nation, the industrial revolution and rapid population growth changed that pattern. Small scale food production eventually became too expensive to sustain the burgeoning population, especially with the rapid growth of the city of London, and the late 1800s saw greater and greater numbers of imports, with less grain and meat coming from domestic sources to cut the cost of living and subsidize the lifestyle of British consumers



(Burnett 1979:137). "The disappearance of the commons was the hard price the labourer had to pay for the maintenance of his dietary standard at something like a constant level at a time when the growing pressure of population upon the land could have been as disastrous for England as it was for Ireland" (Burnett 1979:22). England continued its increasing dependence on food imports into the new century. The first real attempts at regulation of food supplies came during World War I, when the Ministry of Food was established, in part because of the need to respond to food shortages caused by German U boat blockades (Burnett 1979:278). The interwar period saw an increase in domestic agriculture, but imports still stood at 60% at start of World War II, representing 10.5 millions tons of food in 1942 (Burnett 2004:227).

Even more than the legacies of industrialization, however, the real or perceived breakdown of rural food traditions is seen to be a result of post World War II government food policy as instituted by the Ministry of Food. Both during and immediately after the war, government policy was focused primarily on food's nutritional content and the ability to be reproduced in quantity, rather than the individuality or craftsmanship quality of foodstuffs. As noted in a recent article on the cheesemaking revival in Britain:

Before the First World War, Britain could boast some 3,500 independent cheesemakers. By 1945 this figure had fallen to fewer than 100, according to Juliet Harbutt, the grande dame of the British cheese industry and organiser of the annual festival. At the height of the Second World War, the Ministry of Food ordered all milk producers to contribute towards a single National Cheese. With Britain battling for its very survival, taste, of course, was very much a secondary issue. Nationalisation meant the end for many small creameries [Brown 2007].

Government policy was focused on quantity rather than quality. To sustain the nation and allow for efficiency, individuality of foodstuffs became a target. With homogeneity as the preferred value, the individuality of heritage foods and artisan production was selected against. Over time, this led to a decline in overall food diversity and the extinction of many local food traditions. Davis notes the role of World War II in the fate of British cheese. "The most important effect of the second world war was to stop the production of the minor, shorter-keeping varieties such as Caerphilly, Lancashire, and Stilton. Farmhouse cheesemaking further declined because of labour shortages and other factors" (Davis 1981:49). Although there was not continuing prohibition of regional foods after the immediate post-war period, in many cases the damage had already been done. Today many of the major PFN proponents are faced with the task of rediscovering or reviving many of these "lost" traditions, and even with products that have managed to survive, their scale and importance has most likely been stunted as a result.

Changes in distribution also had their effects on regional and artisan production. Long a heavy food importer, the mid twentieth century saw an even greater homogenization of distribution channels within the United Kingdom, the so-called "decline of the corner shop" (Burnett 1979:291, Herbert 2000:198). In the UK today, a handful of major supermarket players control over 75% of the grocery market (Kneafsey 2008:6) and encourage a further drive to homogenization and a privileging of cheap food over quality food (BBC News 2005, Finch 2007, Simms 2007), which has impacted the economic viability of the production of artisan foodstuffs in the broader market, as well as their availability to consumers.

Given this shift there has been a wider movement from traditional small scale markets (esp. local foodshops) to massive, nationally controlled megachains. Consequently such chains have gained the power to dictate much food practice at a national scale due to the extent of their overall market share. For specialty food producers, outlets thus become very small and local, or niche (SOAS food forum, 29 March 2011).

### **Presenting UK food heritage today**

These histories have created a regionalism of production which, though focused on geographical location, is not particularly connected to an idea of *terroir per se*. Localities become even *more* local than they might be otherwise, as products produced in various localities are limited to their specific regions, due to transportation costs, issues of preservation, or scale, facts which can curtail awareness of the existence of products outside their places of origin. The consequences of this type of division or isolation remain with today's food advocates. Explaining how such issues had set the stage for her current role, one UK food educator told me:

From the 40s and 50s until the 1980s there was a deliberate attempt to standardize and homogenize food here so that it would be more easily managed. The idea was to make it square and bland. It was a deliberate assault on diverse food culture. So we weren't standing still, we actually wound up going backwards. We're still dealing with the legacy of that history today (interview U113).

The present moment is a more hopeful one, however, marked by an increase in the importance of and awareness about food in contemporary culture. Foodie culture, celebrity chefs, concern about provenance and sustainability and other concerns have dovetailed into a major moment of cultural importance.

Interest in food has burgeoned in the last 15 to 20 years, and in the context of such values, producers are acting accordingly. The number of small scale specialty food producers in the United Kingdom continues to increase, and connections to high profile figures including celebrity chefs and pop culture figures serve to connect artisan production, the good life within current cultural trends. As one of my informants commented, "[c]heesemakers are lucky. They have Alex James[, from the rock band Blur,] who has reinvented himself as a cheesemaker in Oxford. You can't buy that kind of publicity!" (interview B124).

Also in the context of this new valorization of food, there is also a burgeoning sort of salvage movement at work as well. One of my informants had a very proactive approach to the issue. "Compare it to our architectural heritage," he told me. "We have the National Trust and they make lists and all of that. We ought to list our iconic food heritage too." (interview U113). He works on a program that seeks to preserve traditional food skills and recipes, comparing those who pass on such skills to the "living treasures" carriers of intangible heritage in Japan. This role of artisan producers as stewards of heritage reinforces the role of craft producers as holders of important skills and symbols of sociocultural identities (Herzfeld 2004:31). Embracing this kind of value is seen to add legitimacy to the artisan food movement, as it ties products to ideas around reputation and history. To align the movement with global trends in heritage policy acts to add respect to the cause, as advocates seek to expand its reach. This type of structural positioning echoes Lietch's work on artisan production in Slowfood's Italy. "In this kind of strategic symbolic reversal, the food artisan is envisaged not as a backward-thinking conservative standing in the

way of progress but rather as a quintessential modern subject, holder par excellence of national heritage" (Lietch 2009:53).

At ADAS, the organization in charge of promoting the Protected Food Names scheme, there is an active search of the historical literature in progress to try to identify potential applicants for protected status. Food heritage advocates are beginning to see the potential for real positive change in attitudes and practices. As the educator referenced earlier noted:

I see it as a pivotal time where many elements of the food industry have just converged together. We've still got a long way to go, but there are positive signs that we're seeing. There's positive interest. It's now folding into our concerns with sustainability and carbon footprint and so on....food has always been political, but I don't think it's ever been as political as it is now. With a big and a large "P" [interview U114].

### **Structures, themes, and complicating the system**

Structurally, the Protected Food Names system in the United Kingdom is somewhat divergent both from the internal structures of AOC in France and EU PFN. As I mentioned briefly in the previous chapter, due to a lack of a domestic equivalent to the AOC system in the United Kingdom, although other countries have the ability to fast-track applications via their existing national systems, producers in the UK are forced to apply to the European Union for protection as a primary option for legal protection in this regard. Consequently, although there is coordination for the program at national scale, ultimately the granting of status is not a matter of national control, which means that there are gaps between policy and practice with significant implications for producers, as well as for the expression of the system.

The application process often begins slightly differently as well. Although they can still begin with associations of producers, in practice, UK PFNs tend

to begin with individual producers, primarily due to a lack of importance of producer organizations. A number of policymakers, fellow producers, and other actors are also involved in encouraging new applications. After deciding to make an application, producers then must put together a group of fellow producers to put together the required dossier to submit to DEFRA (the Department of Environment, Food, and Rural Affairs), the organization responsible for the administration of the program in the UK. When the dossier has been agreed upon, it is then submitted to DEFRA for review and comment by fellow producers within the United Kingdom. Once necessary changes are made and DEFRA is satisfied, the application is then sent on to the European Union for review. At this point, the final decision is out of DEFRA's hands. This is a major difference from countries with national GI regimes, because in those cases this stage would likely confer some domestic GI protection on the producer. In the United Kingdom, however, applicants still remain at the mercy of the European Union for a final decision about status and protection itself. The remainder of the process is the same as the EU PFN process, with a second review and consultation period, and ultimately, if successful, conferral of PFN status.

In December 2011 there were a total of 46 Protected Food Names in the UK, with the most recent, for Lough Neagh Eels (the first PFN from Northern Ireland) having been granted in November (email communication, 26 January 2012). Despite the relatively low overall importance of the program in popular consciousness, the UK remains the 4th in revenue from GI products within the European Union, primarily powered by high-value PFNs such as Scotch Beef, Scottish salmon, Welsh Beef, and Welsh Lamb (interview U115). The majority of UK status holders fall into the PGI category of protection, the second-most stringent tier of PFN protection.

For the following section, I will explore the ways that practice in the United Kingdom does or does not conform to the type of conceptual "local, loyal, and constant" framework I have described in Bordeaux. Although this is not the operative formula for the Protected Food Names program, as it is for *appellation d'origine contrôlée*, the test does provide a useful way to think about the linkages between elements in the creation of UK-based geographical indications by allowing me to question how elements of practice fit and where the categories shift. Following that discussion I will introduce some other elements that inflect the PFN system in the UK through Bourdieu's idea of distinction, considering the role of class and connoisseurship, economics and pragmatism, and scale and power in the workings of the system.

## **Part Two: Sociocultural inflections of the legal system**

### **Constructing artisan foods in the United Kingdom**

As discussed earlier in this chapter, the meanings of the sociocultural factors that construct geographical indications are shifted by the different realities of the social context in the United Kingdom. To explore those differences, I will consider three different elements of the ways artisan foods and their regulation are conceptualized in the United Kingdom: the role of the local, reputation and history, and ideas of distinction.

The role of the local is a strong recurring theme in the United Kingdom in general, as well as in the context of food heritage as discussed here, and although it may seem to be a clear enunciation of the value of place, the value of the concept in practice is much more diffuse. The local functions as a constructed container for a series of not sharply defined conceptual meanings, rather than as a single overarching source of shared values. I

would argue that the most transcendental value of the local at work here is as a proxy and opposition, and that the fluidity of its definitions is precisely why it operates so meaningfully for producers and consumers.

In addition to locality there are reputational and historical elements at play, due to the kinds of historical legacies discussed in the previous section. Consequently, there is a salvage mentality at work in the conceptualization of artisan foods, either as a way of reconciling with a sense of loss of tradition or trying to reconnect with a former way of life and relating to food and the land. These concerns highlight the hybridity of the UK case in the global context, as regionalism is important on one hand while being somewhat unmoored from its historical connections on the other.

Finally, there are a series of concerns about distinction and differentiation, which build upon ideas about individuality and class, as well as concern about the influence of outside regulation. Distinction is implicated by the markedness of GI products, as well as the need for consumers to select between systems of value, particularly in terms of the choice between locally or artisanally produced products.

As another consequence of the less systemic nature and different historical context of the GI system in the United Kingdom, I also found myself confronted with other kinds of values and concerns operating in tandem with the philosophies of geographical indications. One thing that became clear rather quickly was the fact that although there were definitely concepts of belonging at work, those types of connections were somewhat mobile and changing. In earlier drafts of the dissertation, I occasionally debated on whether to refer to English attitudes, or even whether the ideas I was



considering were shared outside Devon, or the West Country. The idea of an overarching idea of British culture or Britishness was very much not the case in my experience. Regional identities and (as will be seen in the following section) local identities build atop each other in many people's minds. Ward notes that local identities in the United Kingdom serve as building blocks of broader national and State identities, with allegiance progressing from the street to the neighborhood to the town to the country to the region to the nation and ultimately to the Empire (Ward 2004:68). The social construction of identity in the UK is seen as particularly strong, especially due to the different nations (e.g. Wales, Scotland) combined into the nation-state, several of which have stronger claims to coherent identities than the State as a whole.

Gamble and Wright comment:

Nationalists draw the conclusion that the primary national identity should determine the boundaries of the state, and press for the breakup of the United Kingdom into its component nations. On this view, the British state and the British national identity was always a sham, a political creation which suited the interest of those groups in all nations which favoured the Union and wished to create a new supranational focus for loyalty and allegiance" [Gamble 2009:1].

This constructed nature of national identity does not remove its value, however. As Anderson noted, "In fact, all communities larger than primordial villages of face-to-face contact (and perhaps even these) are imagined. Communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined" (Anderson 2006:6) Perhaps more interesting to me, in the present case, however, is the argument they make later in the piece, where they claim that "[t]he very capaciousness of 'Britishness,' a mansion of many rooms, enables multiple identities and loyalties to flourish within it, which is a strong argument for

not trying to pin it down in a way that excludes. There is great merit in something so slippery and elusive, perhaps even something 'very British' (Gamble 2009:7).

Even as he admitted how complicated this can make things, one of my informants, who works in marketing, told me "diversity is a great tool to use to engage with consumers. We sell stuff on the back of national and regional identities all the time." He then told me about constructing an entire campaign around conflicting methods of how to make "proper" afternoon tea, that is Devon cream tea or Cornish cream tea. Regional differences dictate the order in which one should put the jam and cream on one's scone-- the order is scone/jam/cream in Devon and scone/cream/jam in Cornwall (interview U107). This is the subject of lively regional debate; my informant who marketed Cornish clotted cream referenced the idea of the "proper" way to make tea in her interview as well (interview U112).

It simply feels beyond the scope of the present project to even begin to come up with a broad concept of fixed identity in the UK. Instead I have chosen to engage with the sentiments and concerns that my informants use to construct their identities and perspectives rather than to pin those concepts down in an incredibly fixed way.

Regional identities are therefore like national identities. They are problematic and varied. They entail the divisions that seem to forget identities of place, but their fluidity has enabled them to survive the processes of modernisation and the development of communication. Ultimately, they complement the nation, allowing Britishness to emerge from an apparent diversity of regional identities in which often the same (national) values are validated [Ward 2004:72].

## The lure of the local: place and proximity

Time and again while doing my research, I found myself speaking to people about local food: its relationship to organics, heritage movements, and economics. Although references to price and quality would often enter the discussion, another element of locality emerged in my discussions as well-- a sort of preference for the local as something with a quintessentially national character. In many ways the idea of local food in the UK is defined oppositionally. In one way, it is a marker of origin-- it is from this place, rather than another-- but there are a number of other registers at work as well. The local also opposes to the commercial, with local food being differentiated from heavily commercialized products sold by corporate supermarkets. Local food is also constructed in opposition to elitism, with less of a classed image than one may find with organics, for example, but rather as something everyday, i.e. nothing fancy. There is a valorization of elements that are less replicable, less definable and even less homogeneous than in other contexts. Distrustful though producers and consumers might be about things like foodmiles<sup>35</sup>, or the virtues of organic farming, there remained a sort of magic in the concept of the local, and this opposition between the local and "everything else" was important and part of the fabric of communities and identities. I would argue that when surface reasons are stripped away, the local as a concept retains some of the *je ne sais quoi* quality that underpins the French case as well. One of my informants, who markets a number of regionally produced foods in the UK, explained it to me this way:

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<sup>35</sup>The concept of foodmiles is used to refer to the environmental impacts of consuming products. The idea is that to reduce one's carbon footprint it is best to consume foods that have not traveled a great distance to reach the consumer. It is often used to counter the valorization of organics, since organic products can actually have a much greater environmental impact than local ones because they may need to be transported much further to reach the end consumer.

In the UK, all of the environmental stuff, the footprints, the mileage, I think it's all a justification really. They just have a preexisting preference for the local that they want to justify. I think it's a national personality in a lot of ways. There's this proximate, clan orientation working here. We love that local thing...There are some very British things about this and some very un-British things. It's a real mix between conformity and non-conformity [interview U107].

Like nearly all the major concepts of this dissertation, the value of the term local is its ability to build interconnections, not its ability to be defined. It works as a placeholder and a descriptor allowing those who understand and "belong" to define what value(s) are important to them, and which are not. "Local affords a different use. This is a relational epithet, for it points to specificities and thus to differences between types of itself-- you cannot imagine something local alone: it summons a field of other 'locals' of which any one must be only a part" (Strathern 1995:167).

In the end, the "local" is a proxy for values tied to history, cultural understandings, and regional information that may be lost on uneducated outsiders. Unpacking the idea of locality in this context, three different sorts of values seemed most important to what was going on in the case of my research. Firstly was the value of physical space and distance, in terms of foodmiles, local communities, and a sort of neighborly proximity. The second was the very indefiniteness of the idea of the local, which seems to be even more useful because of its lack of fixity. This is especially important in a context where producers are adamantly in favor of diffuse standards and individuality rather than conforming to external suggestions about practice. Finally there is a valuation of simplicity and the everyday-- the idea that local foods are for regular folks, a fact that fits well with an anthropologically broad idea of culture, as the everyday rather than solely some sort of reified elite practice. These meanings are opposed to those of

other products, notably organics, which are seen as markedly classed. I will end this section with a short discussion of these issues in the context of the case of Somerset cider, showing the value of the local in practice as well as relationship between local issues, desires for status, and the reputational factors I will discuss in the next section.

### **Unpacking the local: local food and belonging**

After hearing the term thrown around repeatedly in other interviews, while visiting with an artisan cheesemaker in Somerset, I asked him, "What's up with local?" "It depends if you're selling or buying," he began. "The foodmiles thing is a lot of the 'local equals good' thing. It may well be the emperor's new clothes but because you're local you support it. It's nearly out of principle. Local feeds into pride of place. It's like your local football team." (interview U106). Regardless of other considerations, there remains a sense that "the local" is always worth rooting for, as an almost patriotic duty to one's native place. In relationship to food, it was attached to ideas about products and local jobs and support of the local economy, sustaining and supporting handmade or traditional methods, heritage concerns, and just "knowing where food comes from."

There is a certain neighborliness, or "we're all in it together" mentality in what goes on. Supporting local producers is a way to support your community, especially in the face of mass market supermarkets, homogenization, and decreasing food quality. The coordinator of a set of UK-wide farmers' markets agreed. When I asked what she always or never had at her markets she said, "You should never have products that aren't made in the area. You should have things that are specific to that area. It depends on the traditions and the farming in the place you're talking about. It should always

reflect what the farming community in the area is doing" (interview U120). Ultimately, the value of the local in these cases is about communities, reclaiming personal connections in the face of countervailing influences. On one of my farmshop visits I was told that even with the current economic crisis, sales of their local products had not gone down, despite the fact that they continued to be slightly more expensive than comparable supermarket products. "People still like to support their local community. Sometimes they know the farmers, and they appreciate the quality. Even these days, it's still worth a little more (interview, 24 March 2010).

The other major theme that came out strongly in many of my interviews was an idea of loss. There was occasionally a palpable sense of wistfulness as my informants discussed things like pre World War II food diversity, or the time before the supremacy of the major supermarkets. These ideas of nostalgia key into another set of social constructions in the UK, notably the valorization of the countryside, and particularly the role of the village, in the construction of national narratives. So what exactly is it that people think they have lost? Some might argue that

It is a 'face-to-face' community where 'everyone knows everyone else.' People work with others they have grown up with, they buy their food in shops owned by men and women who have a detailed knowledge of their personal and family history, and they spend their evenings in much the same company. The simple fact of living in a close-knit community dominates social relations [Williams 1963:6].

Did this glorified image of village ever truly exist? Maybe at one point, but as with most concepts of this type, it is most likely just as imagined as it ever was real. Yet the idea of the untrammelled village of simpler times still exists very strongly in a certain social imaginary. The countryside is seen as the 'real' essence of Englishness and "I]images of the real England emerge in

Thomas Hardy's Wessex, in the Cotswolds of the Arts and Crafts Movement, in the tradition of English pastoral poetry, in children's literature, such as Kenneth Grahame's *Wind in the Willows* (1908) and the Beatrix Potter stories (1901-18) (Ward 2004:55). Barbara Bender notes a similar phenomenon in the way that the landscape of the countryside is used in such constructions (Bender 2002), with the idealized "Constable painting" image being seen as the true heart of England. Perhaps a more realistic vision than these idealized images of rurality and the values of the village comes from Strathern's work on the village of Elmton (Strathern 1981, Strathern 1982). In her chapter, "The place of kinship," she notes:

Within the categories of English culture at large, villages are seen as exclusive, in-grown and above all 'natural' communities. The fact that the idiom of village-ness may come to apply to only some of those who live there we unthinkingly account for by simple regression: the whole village *was* a community til outsiders came in [Strathern 1982:248].

This keys more closely to my experience. For my informants, ideas about belonging are very much constructed and naturalized in the connections between values and meanings. It is about in-groups and out-groups, insiders vs. outsiders, however they are defined, and when the terms of the debate shift, perhaps those loyalties do too. The relationship between the food you eat and being "one of us" seems just as compelling, if not more so, than the formalized policy rhetoric and discourse around such products which tends to privilege more global concerns rather than small scale ones.

### **Unpacking the local: The *je ne sais quoi* of local food**

Another key element in the importance of the "local" hinges upon the fact that there is no singular definition of what precisely local means. Unlike organics or certification marks, there are no agreed standards, but rather a vague sense of where boundaries and parameters lie. As has been a theme

throughout this dissertation, the value of the undefined is quite salient here as well. Several of my informants with awareness of the French system told me, "local is like our AOC" (interview U105), including both explicit and implicit shared values under an apparently opaque label. If nothing else, there seems to be a sense that "local" is complicated, even as it is valorized as important. One part of the value of the system is that the flexibility of the concept allows it to shift and accommodate priorities depending on context. This can be highlighted in the ways in which local foods are contrasted to organic foods, as well as in their ability to engage with a hierarchy of values which requires consumers to make choices about the reasons local matters.

Thinking about these issues around definitions and categorization, I asked one farmshop buyer how they decided what to sell in his shop.

First we start with things we grow on the farm, then within the net of local farms we support, then within the region [-- the Southwestern UK]-- especially for specialty kinds of products. If we're sourcing from outside of Devon then we start thinking about things like organic or fairtrade [interview U108].

Local, as used in the food industry today, is all relative. Yet despite its lack of precision, it seems to hold real value socially for consumers. Contrast this with organics, which though allied to tight environmental standards and a very circumscribed meaning, lack the same sort of "naturalness" for the majority of consumers outside a very particular subset. For better or worse, to many consumers, "[l]ocal is worth a little more. It might be homemade or from someplace you know. Organic is probably a con" (interview U108). In farmers' markets as well, "[o]rganic is just not a driver in the market. Local food is what they've come for. Local has a quality that speaks to the consumer. Organic just equals 'more expensive.' Other qualities are seen as



higher on the list than organic is. It's just not a mainstream thing." (interview U120).

Yet both local and heritage foods, which are far less easy to define, have broader appeal. London Farmers Markets defines "local" for the London metropolitan area as within 100 miles of the city of London (interview U117). One of my more cynical informants was quick to point out that France is less than 100 miles from London as the crow flies (interview U119), but in the end, the local and its value are in the eye of the beholder. In the West Country, the preference for local foodstuffs is everpresent. Just as one cannot pick up a menu in Bordeaux without finding it littered with references to AOC wines, one can scarcely walk by a farmshop or non-chain restaurant in Devon without being confronted by a valorization of locally produced food. As in the case of many of the other concepts discussed here, part of the power of the local is its very nebulousness of meaning. In remaining part of shared cultural perceptions at various scales, it functions as part of the preexisting dichotomies that function between communities, regions of the UK, and the UK and the rest of the world.

### **Unpacking the local: food as everyday culture**

A final set of potential meanings for the local comes from the valorization of local food and its ties to simple, everyday life. This is about everyday culture, not the exceptional-- the type of food that average "regular" people could eat on a daily basis. In an interview with the coordinator of London Farmers' Markets, I asked her about her goals.

I have this favorite quote. It's from Jane Grigson...the food writer? She says, 'We have more than enough masterpieces. What we need is a better standard of ordinariness.' And I think that's really true. It's always been a really meaningful quote for me. I guess that's what

we're looking to do, come up with a better standard of ordinariness... [interview U117].

Much of the food heritage movement is about recreating the connections between people and their food, loosening their ties to corporate interests and hearkening back nostalgically to times when people were more connected to their communities and the foods produced there. Salvage and simplicity are cast as fundamental issues in the construction of local and artisan products in opposition to mass-produced ones. Another of my informants put it this way:

British people love a market, but there's something un-British about supermarkets. There's an anxiety around that stuff-- local communities versus global multinational businesses. Local food is a way to try to recapture what's been lost. It's the loss of British food culture. There's been a slide since the post-war period. Lately there's been a strong response to niche products, but they don't change the system [interview U108].

Against the backdrop of the foregoing discussion of the idea of locality, I will now explore the ways in which some of the relevant issues manifest in a particular case, that of cidermakers in the Southwestern UK.

### **Cidermaking in the Southwest: Opting out, associations and orientations**

As I developed the UK-based phase of my project, I spent some time in Exeter as a local research base. One afternoon I went to Dart's Farm, a large regional farmshop not far outside the city. Exploring the space, I wandered into the area dedicated to alcohol-- primarily beer and cider-- where I struck up a conversation with the man in charge of cider tasting there. As I chatted with him about my research I mentioned I was looking into ideas about PFN. His eyes brightened with recognition. "You should really talk to my boss about that," he said, going into the back to find him.

When the boss came out, I again described my project and he replied, "Oh, we thought about going for a PGI, but we decided against it." This was the anthropological moment, of course, and we spent the next couple of hours discussing his views on cidermaking, regulation and the like (interviews U101 and U102). Ultimately, the decision had come down to status "not being worth it" to him and his fellow producers. I spent the next segment of my fieldwork exploring why that might be the case.

Cider in the Southwest is intensely local. In part, the decreased value of PFN status comes from a more inward looking orientation to practice (interview U102). There remains a vital valorization of the localness of cider in Devon and Somerset particularly. It is a country based product, to be acquired only at one's local pub or shop, enjoyed as part of the experience of being there. In the West Country traditional "scrumpy"<sup>36</sup> cider tends to be sold in small quantities through farmshops or farms themselves, often hand blended in liter sized plastic jugs. Stills tend to be small and quantities limited (interview U106). It tends not to be carbonated like more commercial ciders sold in many pubs, is often not pasteurized. Even when they *are* more commercial in style, many ciders simply do not travel far.

While I was chatting to the older man selling cider in the farmshop mentioned earlier, I asked him to tell me about what makes a good bottle of cider.

L: If I like how it tastes and it's not watered down, then it's a good bottle of cider. That's all I need.

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<sup>36</sup> Scrumpy cider is the traditional form of cider prepared in the UK. Cider is produced from different apples than eating apples and cider apples mature later in the season. They tend to be much more tart and tannic than eating apples, and the juices of the various varieties are blended together into the final product. Its alcohol content tends to be high due to the sugar content of the apples. It is normally unpasteurized and uncarbonated.

me: Would you ever think it was worth having a PGI or something like that?

L: We don't need to worry about that stuff...it's just cider.

me: But if people are coming to your store and asking for it by name to remind them of their trip to Devon, it must have some value, right?

L: Well I guess you're right about that. [shrugs] [interview U101].

The Southwest Cidermakers group, an organization of representatives from various producers in the region, found the complications of coalition building and definitions thwarted the process of applying for status. In my discussions about cider, the particularity of its production were quite clear. Historically, cider production in the UK has been a very individualized and small scale in terms of production. Apples have long been grown on farms throughout the Southwestern United Kingdom with families producing small quantities for their own use and either selling the rest at shops or using it to pay others who came to labor at the farm (interviews U106 and U110). Against this type of ubiquity, perhaps it is not surprising that producers would question the authority of others-- outsiders or not-- who try to "tell them how to make cider."

The Southwest Cidermakers Association is an intensely broad group, with members including mom and pop producers as well as representatives from the UK's big three cidermakers, and many of their members see this as a strength rather than a weakness (interviews U101, U104, and U111). Defining what good cider is does not necessarily constitute a priority but there still remains a certain sense that "one knows it when one sees it." Inconsistent practices and definitions are consequently valorized and the mark of the individual producer is quite important.

There also seems to be a lack of such purpose within the mandate of the association. When I asked another of its members about the failure to complete the application process, he told me that besides a resistance to the general concept, "[p]eople think it's worth having but they don't really have the desire to do the work. There's a lot of paperwork and stuff, and it's a lot to do for no major benefit (interview U104). In many ways the group had less authority and ability to create an application because this was not what it was meant for. Finally it seems like producers may see the lack of shared best practices as an asset-- the ability to adapt to niche market and ways to avoid oversight especially in the face of big producers and competition.

The case of cider in the Southwest highlights the inflections of the local in relationship to a small scale, locally based product which is primarily inward looking. More intimate relationships and associations act as drivers rather than the externally imposed assessments of outsiders. Local is ultimately in the eye of the beholder, and producers and consumers arguably like it just that way. From here, I will look to see what happens when that focus shifts outside, looking at the role of reputation in constructing artisan foods in the UK.

### **Reputation: place and awareness**

*We were much more homogenized here earlier on than on the Continent. Because of that I feel we have less of a sense of the value of place. As time went on, we just kept losing the links. People thought about it as just the recipe. If we know how to make it, why can't we just make it here? They didn't understand that it mattered where it came from (interview U118).*

The idea of reputation for artisan foodstuffs in the UK is arguably just as flexible as ideas and constructions of locality. Especially in the face of a

salvage mentality of many producers toward the foods they make, usages of the social construction of history and reputation can be pragmatic indeed. The products protected tend to be local and regionalized even within the United Kingdom, which means extending reputations outward to Europe or beyond can be difficult.

Reputation operates in three registers, aligned to ideas of the loss, salvage, and (re)construction of food heritage. Ideas about best practices are complicated by broken histories or products which have fallen out of production. Reclaiming culture is a frequent motivation. The process of creating and recreating narratives is a fundamental part of what is going on as part of the application for and use of PFNs, with status being used as an authentication of practice which may or may not have widespread acceptance. Salvage and reconstruction figure largely in some of the attempts to expand the system in the UK, as naming and claiming is used as a pragmatic technique to revalue heritage as a resource. As an informant based at Slowfood noted, the fundamental problem comes from the fact that "[t]here just aren't enough products that are still tied to a small place and traditional methods" (interview U119). Thus, the process is one of an active and often contentious reconnection and reestablishment of reputation, rather than a straightforward presentation of shared understandings. To illustrate some of the issues at work with reputation, I will present the tale of two cheeses (and their PFNs): Stilton and West Country Farmhouse Cheddar. The ways in which reputations are made, lost, and contested mark both of these cases as well as destabilizing some assumptions about the values at work around artisan cheese.

## Stilton cheese: Staking claims to the "King of British cheeses"

The case of Stilton cheese, one of the oldest and most well-regarded products marked by the UK PFN program, manages to stake claims to identity through history and longstanding status, but even in this case, at the edges of the PDO one finds over and underinclusiveness, dissonance around values, and debates about the value that should be granted to place, production, and history.

When I started my work on PFN in the UK, time and again I would walk into markets and farmshops, where the exchange would go something like this:

me: So tell me about your cheeses...

Shop clerk: Well this one is from Farm X, and this one is from Farm Y. They're all local except for the Stilton...they have a special thing so only certain cheesemakers can make it...

Stilton cheese is one of the most recognizable of UK PFNs. The so-called "King of British cheeses," it retains a long history of production in the region near Melton Mowbray. Unlike many other PFNs it takes its historically geographical name not from its place of production, but from its place of sale. The cheese, a blue, soft, rindless "stinky" cheese, had been traced to a handful of producers based in the region. Although the specific dates of origin are unclear, in the mid 1800s Cooper Thornhill, the local innkeeper at the Dell Inn in Stilton, took advantage of his location beside the well traveled Great North Road to promote the cheese. The recipe probably originally came from an area woman named Frances Paulette, and the recipe, production, and punching the cheese to allow mold inside may well have been developed in conjunction with the innkeeper himself (interviews, 29 June 2010). Soon Stilton cheese was attached to the town by a strong UK-wide reputation for quality and style. Stilton has been protected legally

since the 1970s when it was granted trademark status in honor of its wide reputation.

The Stilton cheese PDO today includes six dairies which make the cheese in three counties in Leicestershire. According to the registered dossier: The cheese gained its reputation from being sold at the Bell Inn, a coaching inn, at the town of Stilton on the Great North Road in the early 18th Century. The first literary evidence is in Daniel Defoe's "Tour through England and Wales" published in 1727 where he notes that in 1722 he passed "through Stilton, a town famous for cheese" (Stilton PDO).

In the creation of the PFN dossier, Stilton was defined by the applicant group to require pasteurized milk in its production. This was a strategic choice meant to minimize the types of hygiene concerns that often trouble soft cheese, particularly those made with raw milk. It is not an idle fear either. One of my informants formerly worked as an importer of French soft cheeses to the UK. The listeria crisis of the 1980s<sup>37</sup> was the end of that career. He told me, "When I saw the paper that day with the headline, 'This cheese killed my baby!' I knew it was time to get out while I still could" (interview U106).

This specification led to an interesting case of a popular producer choosing to opt out of the PFN system. John Schneider, a Nottingham based cheesemaker produces a well-known Stilton alternative, which he markets under the name of Stichleton. It is sold through London cheese shop Neal's Yard Dairy, as well as stalls in foodie dominated Borough market and on the

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<sup>37</sup> Listeria is a an infection caused by consuming products contaminated by the *Listeria monocytogenes* bacterium. There was a major outbreak in the UK in the 1980s linked to soft cheese. For more information see <http://www.cdc.gov/listeria/>



menus of a number of high end restaurants in the city as well. Yet Stichleton is trademarked, not part of the PDO. The reason is a debate over authenticity and the best ways in which to make Stilton in today's world. Rather than change his recipe to use pasteurized milk, John chooses to make his PDO Stilton style cheese using raw milk. This is additionally interesting because it shows a possible conflict between production values of PFN standards and traditional artisan methods of production. "These new producers are protecting Stilton, but they're not protecting Stilton as it was originally made. They had to make Stichleton to make Stilton like it was traditionally" (interview U119). The case of these two varieties shows the ways in which pragmatic alternatives to GI may be necessary, especially against the backdrop of unsettled practice in the UK.

Another slightly more spurious challenge has also been raised to PDO Stilton as well. In the town of Stilton itself, several villagers, including the current owner of the Bell Inn, have attempted to try to claim the name of Stilton for cheese made in that town (Charles 2011). Claiming to have found reference to a cheese made in Stilton which bore its name, he is trying to assert that this other, reputationless hard cheese should hold the PFN status. The problems of this are clear. Allowing the dissonance around the definition would have catastrophic consequences for producers, as the confusion would totally defeat the core principles of status. As one informant weighed in, "I don't think that the consumers would be very happy about that. If you buy a Stilton cheese you think you know what you're buying. If you got a cheese that was different than that, it would be a problem" (interview U121). As in the French boundary-setting cases from Chapter Four, and the case of Melton Mowbray Pork Pies, which will be

discussed later in this chapter, the ability to decide on definitions and narratives of histories is an important one.

These two cases show that PFN Stilton is far from conceptually unassailable, despite its legal protection. The questions posed seem to be, firstly, how traditional should a PFN product be, and secondly, whose tradition is it?

The following case explores what happens in the face of a perceived loss of tradition, or at the very least a diminution of the types of synergistic connection that I have mentioned elsewhere as the core of GI protection.

### **West Country Farmhouse Cheddar: Generics, over/underinclusiveness, and "losing Cheddar"**

The PDO for "West Country Farmhouse Cheddar" is a case that inspires a great deal of debate, both within the industry as well as in terms of policy concerns. In those conflicts it brings to the fore the practical implications of the generic doctrine, as well as the difficulties of defining or redefining practice once traditional links between product and place begin to slip or disappear altogether.

West Country Farmhouse Cheddar was one of the first in the United Kingdom, issued in 1993. Today the Protected Denomination of Origin comprises a total of 13 producers of cheese located across the Western UK. West Country Farmhouse Cheddar is defined in the PDO dossier as a "cylindrical or block shaped firm cheese, creamy yellow in colour, made from cows' milk. [It possesses a nutty full rounded flavour with a hint of sharpness achieved through natural maturing," and production takes place in historical counties of Dorset, Somerset, Devon, and Cornwall. Although the specifications in the dossier express a preference for milk from the

cheesemaker's own herd or local farms, the regulations also suggest that milk from neighboring areas can be used "in times of shortage" (West Country PDO). The defining characteristic of cheddar cheese, however, is less these components than its means of production. "Cheddaring" is the process by which the curds are folded and refolded to create the defining texture of a hard cheddar cheese. The name of the finished cheese is taken from its traditional place of maturation, the cave complexes of Cheddar Gorge, in Western Somerset, where farmers would take advantage of the cool temperatures to allow for the extended period (nearly a year or more) during which the cheese was exposed to the air and local molds, to allow it to attain the proper maturity.

Although it once maintained these connections with Somerset and Cheddar Gorge, Cheddar was in many ways a victim of its own success. Quite popular as cheeses go, it began to travel with emigrants from the region, who carried it all around the English diaspora, and because its identity was primarily associated with its production process rather than its place of production, different "cheddars" sprang up all over the world (Davis 1981:48). Cheddar became simply a hard cheese produced by the cheddaring process, and not much more. This is why today there is a need to further delimit GI cheddar, rather than just being able to protect the name "cheddar" in all its forms.

Thinking back to the earlier discussion of the generic, this is in many way the fear of the French-- that of letting the control of product definitions and specificity slip away from them. Without the ability to define, the sociocultural value of the protected product slips in a certain way as well-- perhaps the reason by the lament of several of my informants that they had "lost Cheddar" (interviews U102 and U111).

Once this kind of linkage between product and place is severed, is there any reclaiming it? Without such extant sociocultural ties, factors like the role of the *terroir* of Somerset (which implicates local milk quality, traditional cattle breeds, and the types of molds native to the area) or traditional maturation process (wrapped in cloth, rubbed with animal fat, and kept in caves for a year or more) did not maintain a presence in the cultural construction of what cheddar cheese is. Instead, interpretations of "cheddar" cheese are many, and contested in ways that can call the PDO into question in fundamental ways.

The United Kingdom is peculiarly positioned in terms of these generic debates. In many ways it is rooted in a hybrid space-- with the ability to align products and places that settler states cannot mobilize, but also confronted with a historical rupture around the links between products and places. As such, producers find themselves in a position where they need not only claim authority to define the meanings and production methods of cheddar, but also to assert that those claims of value remain strong enough to still be asserted in the first place. In this way, the PFN system is being used not only for classic geographical indication functions, but also as producers attempt to preserve or reassert the elements of cultural heritage value that make their products special, and specific through shifts between orders of value and repurposing the meanings of their activities.

Although the group of PDO cheddar producers is relatively limited, it is far from homogeneous. There are a wide range of different producers, methods and interests at play. This leads to a tale of two very different styles of cheese, which nonetheless share the name (and PDO) of West Country

Farmhouse Cheddar. The primary similarities are minor: production within a broad swath of the Southwestern UK and the usage of the cheddaring process. The contrasts, on the other hand, are both major and striking. On one hand you have small scale, artesinally produced cheese, which valorizes the nuances of raw milk, hand production, and *terroir*, as well as the skill of individual cheesemakers, traditional production and recipes. On the other hand is a much more commercial kind of product, with a stronger emphasis on consistency, replicability, and volume. The milk is pasteurized and the method of maturation is shorter and in completely different conditions (wrapped in plastic as opposed to unwrapped and exposed to natural fungi in open storerooms). Yet the vagueness of the defined standards allow both types of producers to conform to the requirements itemized in the PDO. Given this setup, the salience of PDO definitions is somewhat problematic--having to please such a wide range of different producers with divergent production styles leaves meaningful common ground minimal. Smaller artisan producers, in particular, consider the PDO group to be vastly overinclusive and often eye the categorization warily as a result.

These problems of authority and definition can provide one very real reason that producers choose or refuse to align themselves with the PFN system. Among my informants, debates often hinged upon whether to belong to the system or whether "opting out" would be the best way to preserve their concepts of product value. The overbreadth of definitions was seen to constitute a major problem. During one of my interviews, I asked an informant who had previously been affiliated with the PDO why he had chosen to "opt out" of continuing that status. "I didn't want to be associated with it," he said. "It downgrades the quality because it's too broad, and there a number of things that matter to me, but not to the PDO" (interview U106).

Feeling their individual reputations and values are jeopardized by a PDO which is oriented differently to their preferred methods of practice, many prefer to "go it alone," relying on their own integrity rather than the "shared" values of a largely inchoate group.

Aside from concerns about individual goals and reputations, the other reason to opt out is due to the current low profile of the system. Given confusion and/or ignorance about the meanings and importance of PFN, some producers consider the time, expense, and difficulty of application not to be "worth it" to them (interviews U103 and U121). Currently the publicity and all other non-application functions of the system are undertaken by a single government employee. As another informant familiar with the PFN program pointed out, "if you want to [protect GIs] you need to support it with a heavy marketing budget. Right now it's the collective efforts of individual companies that are growing the market. It's the brands, not the PFNs" (interview U111).

Faced with a system which they see as divergent from their production values, producers look elsewhere for sources of authority and valuemaking. In the case of cheddar, one alternative is through an association with the Slowfood Presidium program. In keeping with their valuation of handmade, small produced anti-"fast food" products, the Slowfood organization has selected a number of products worldwide which they felt conform to such an ideology (Lietch 2009). In that context producers have been able to create a tighter, more AOC-style set of norms, reviving some of the traditional relationships between *terroir*, practice, and "cheddar cheese."

"Artisan Somerset Cheddar" was one of the first international Slowfood Presidia. The group involved is a far tighter and more exclusive one than the PDO, consisting of only three small scale producers in Somerset, all of whom also belong to the broader PDO. In creating the Presidium, Slowfood asked those producers to identify what they saw as the fundamental qualities of artisan cheddar (interview U103). The final list included seven factors to define Artisan Somerset Cheddar. They include: 1. linkage to Somerset- citing the *terroir* value of the region, 2. the usage of one's own cows to allow control over the milk, 3. the use of raw milk, meant to give added dimension and character to the final cheese, 4. the use of pint starters, the traditional means of starting the curdling process, 5. use of animal rennet- the traditional enzyme used to initiate that process, 6. cloth binding of cheeses for the maturation process, 7) aging for at least 11 months. Needless to say, these rules are considerably stricter than the general ones of the PDO, if solely through their number and specificity. Slowfood, for its part, trumpets the Presidium as a "cast iron endorsement of authenticity."

The producers of "cheddar cheese" in the Western United Kingdom are faced with a difficult problem. How, in the face of eroding (and arguably lost) global valuation of traditional associations between cheddar and its origins and historical *terroir*, can they reestablish a standard of more "authentic" practice when confronted with the countervailing pull of the generic? In the case of West Country Farmhouse Cheddar there has clearly been an attempt to assert such standards, but the loss of classic AOC-style connections has led to a crisis of authority, leaving individual producers to feel threatened by the overbreadth of the system. The alternative system of the Slowfood Presidium program seems to act as an intentionally self-

aware attempt to reassert the type of specific values which would reconnect *terroir* and practice in ways that underpin more successful geographical indication systems.

### **Distinction: place and differentiation**

In many ways, I would argue that the UK provides a better example of Bourdieu's principles of distinction than contemporary France, especially in regard to attitudes toward foodstuffs. Ideas of elitism and status clearly lie behind some of the potential problems with artisan food and PFN. The resonance of these issues became clear to me on a number of occasions when I would describe my project, or the fact that many of the products I studied were sold at Waitrose, the most "foodie" of the main UK supermarkets. "Oh, Waitrose...." the response would go, "That's the *middle class* supermarket."

Artisan foods, particularly the types that hold PFN status, do hold a certain othered markedness in the market. They are by definition separated and opposed to other similar products, particularly by the qualities that constitute their dossiers. When I asked another of my informants about his views on the local, this was his response:

I think there are two things going on with local. The first is that there's this foodmiles thing, with it being so many miles from London. And there's the second, 'It's from this island in the middle of nowhere off Timbuktu and shipped in from there and you have to pay a premium for that.' I think the latter is a lot bigger, especially in London where people have the money to pay for it [interview U119].

The role of organic foods reinforces some of these perceptions. My farmers' market contacts explicitly told me they tried to distance themselves from organic foods for just this reason. As one commented, "[o]rganic does have



the misfortune of being seen as classist. I know someone who uses 'organic' instead of 'yuppie'" (interview U117).

There is also a view of distinction that is premised slightly differently, less upon class than on practice, in ways that are more reflective of the situation on the Continent. Although it too tends to type onto a certain model of wealthy liberalism, the broader goals of the Slowfood movement try to capture an interest in the process and practices that create foodstuffs, rather than products *per se*. The coordinator of their Presidium program tried to explain this broadening of the ways people think about food to me.

We don't have certification, which can be good and bad. There are so many labels these days that it's just confusing, and nobody really knows what they all mean anyway. We make a choice not to add to that. But it's hard. When I was meeting with the supermarket they asked, 'Well, which products are they? We'll stock them.' I had to explain to them that that's not really the point. 'Can't you just put a snail [the Slowfood symbol] on it or something?,' they asked. But that's not what it's about. You know it when you see it. It's having a sense of what's good, clean, and fair. It's about what you think that means. It's educating consumers. You can have a Slowfood burger. Or chips. Or baked beans. It's about the food, not the content [interview U118].

Regardless of shifts away from classist interpretations, distinction does provide a great deal of social and economic value, although perhaps in a slightly more generalized way than in places where specialty products of this type are seen as more regional than classed, as they are in France. In the end:

People like buying foods they can't get anywhere else. What they want is things they can't get otherwise. That particular cheese from that farm, that gets made with that milk-- that is the special cheese they like. It's food with a difference. Artisan-made means that

they're getting something that other foods don't have [interview U120].

Although the cultural and the commercial coexist in all cases of geographical indication (and all forms of intellectual property generally), among UK producers in many cases, commercial values tend to particularly overshadow and antedate cultural ones. For artisan producers in the United Kingdom, I would argue that although heritage value is important, it is mobilized differently and in a far more strategic manner than it might be otherwise. As a result, there are a multiplicity of different paths which obscure any single path of authority, control and connection among actors. This can manifest through the markedness of status as a certification mark, instrumental usages of protection, and the use of status to construct other relationships, such as those related to cultural tourism.

### **PFN and quality**

Another important meaning of PFN status in the UK is a fundamental relationship to quality control and other governmental and nongovernmental certification marks. A certain confusion about the meanings or usefulness of geographical indication status in the UK tends to manifest in the perceived possibilities the system holds for producers, especially as the multiplicity of symbols also potentially confuses consumers as well. Additionally, there is a sense that certification marks are generally of limited usefulness, due to their overuse and their inability to convey appropriate social meanings to the products they mark. According to my informants, in many ways getting PFN status was seen as getting just another governmental stamp of approval, rather than directly reflecting the types of heritage value elements that mark geographical indications. Consequently many producers find themselves wondering "why do I need it?"

One of my informants claimed part of concern about the Cheddar PDO as a business tool was that it wasn't clear what the label meant.

[Being part of the PDO] has to be distinctive. If the only thing you do is put a different label on it, it doesn't work, and it devalues the whole scheme. With PDO/ PGI you have to market it. It's the same thing that happened to the "Red Tractor"...it was supposed to be this symbol to designate "fresh foods" but no one really got what it meant. Now nobody uses it anymore [interview U106].

In many ways, PFN status is perceived by both consumers and producers as "just another mark on your package." The dilution of meaning does seem to lead to a lack of awareness and uptake from which the system suffers. On a number of occasions interviewees brought up issues of policing, arguing that a tighter standard setting function would serve to reorient meaning into the system. One producer suggested that although the PDO was not of much benefit to him now, he saw the ability to better maintain pricing, standards, and marketing as one potential benefit. In a world with an ever growing array of product options, he thought status helped with consumer confidence since "what they're buying is what they expect" (interview U103). Another informant, who markets PFN clotted cream noted:

I don't think Joe Public understands what it's all about. It's some logo. Some mark of quality but they don't know more than that really. DEFRA should be doing more to educate people, because you can't figure out easily what it means. I think it's easier to just focus on the other elements of the product because otherwise you wind up needing to do an entire education campaign just on [PFN] [interview U112].

This lack of awareness is clearly a real sticking point about encouraging the use of the system. The ADAS representative of the PFN system agreed. She

spoke of certain reticence of PFN holders to even display the symbol on their packaging<sup>38</sup>.

Big producers like Scotch Beef and Lamb have always had [the PFN symbol] on there. Scottish Salmon only do it when they sell abroad. They told me, 'In the UK we don't put it on our package because nobody knows what it means, but we put it on when we sell to France and Italy because they do' [interview U114].

Although this marking function of geographical indications is one of the system's primary meanings today, it is far from the only one. One of my informants works for an advertising agency that represents a number of UK based PFNs. I asked him what his clients thought about the values of status.

They don't think of it as a protectionist thing at all. It's like a medal or badge of honor. Holders tend to think of it as a positive thing-- it's something that proves their marketing claims, qualifies the marketing story and proves that it's true. It's also a way of protecting their heritage. Everything is "written down for safekeeping" to preserve what they're all about [interview U107].

### **Standards, individuality, and protected products**

Another key feature of the way PFN functions is through its ability to represent authority and control, both in terms of potential fellow group members and in opposition to other (often large scale) holders of power. These scenarios bring into relief the relationship between protection and promotion that coexists in the heart of geographical indications, especially in the context of the UK situation. The first case can be implicated when producers use status as a way to limit the activities of peers and potential competitors. The second is a question of reorienting power and scale from non-peer actors who are holders of power, in this case the big UK supermarket chains.

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<sup>38</sup> As alluded to earlier, as of winter 2010 the EU PFN label must be displayed to ensure protection. Prior to this point few PFN producers featured it prominently on their products, if at all.

Due to gaps in preexisting authority, the ability of single producers to dictate standards of practice via geographical indication can be amplified in the UK case. In a defensive posture, a PFN "stops someone else from making what you are and calling it the same thing" (interview U103). This order of disconnection can manifest itself as a zero-sum, either/or style orientation where some producers use status defensively as a way to stop dissenting practices of production. These can lead to downright adversarial conflicts, since more than a bare desire for self-definition, there is often an explicit sense that one's neighbor is "not doing things the right way" and should thus be targeted. This type of orientation makes building consensus quite difficult. One informant told me of her difficulties in convincing feuding neighboring sausagemakers to come together long enough to collaborate on a joint PFN application (interview U114). Similarly, part of the reason for the long delay in granting status to Melton Mowbray Pork Pies was the series of challenges brought by producers whose products failed to conform to the dossier created by the Melton Mowbray Pork Pie Association. The dissenters were "in favor of status if they could be part of it, but if they couldn't, they didn't want anyone else to have it either" (interview U119). Additionally, there is a sort of "first past the post" mentality at work, with early adopters being able to use application as a proxy for actual decisionmaking authority. That said, however, the zero-sum perception pulls the other way as well, with some deciding against application because of the autocratic perception of those who seek to establish status. One cheesemaker expressed concern about putting together an application because he was concerned about the response from his neighbors or other similar producers who got left out. His concern was that they would question why he could take the name and be able to stop them from doing so (interview U103).

Other producers refuse to agree because, "It's hard getting people to look past their individual interests. It's not altruistic-- often they're trying to corner the market or reinforcing small scale rivalries from the past" (interview U114). Although users of the scheme currently perceive a right associated with PFN status, there is a far lesser sense of any particular set of ancillary duties attached to such a right. Perhaps this is a case of the differences in civil and common law approaches to the role of individuals in society. Where in France, being a member of an AOC is also associated with membership and advocacy within syndicates and other related organizations, in the UK, PFN membership is not associated with a belief that one *must* do so, and there are fewer consequences for non-integration with a wider community.

Later in one of the interviews referenced above, one of the PFN scheme administrators lamented the difficulties of raising awareness of the more inclusive elements of status.

Welcome to my world. It's the bigger picture that's the problem-- they don't really understand the full impact of having a PFN. I'm constantly explaining to them what it's there for, and what it's not there for...It's not there to monopolize the situation, and some producers that have had it for a long time think that it is [interview U114].

All that being said, however, the UK situation is more mixed than the previous description might suggest, with my informants citing, by way of example, the decision of a single cheesemaker who applied for PFN status before using his higher profile to encourage others to begin making the newly protected cheese as well. (interviews U113 and U114)

The opposite orientation to this protective twist is the way in which marking status is being used as a way to push back against other systems of power. PFN status is also used defensively, its quality value acting as a way to bolster product reputation and the price it can command in the market. One of my informants very affirmatively uses such potential as a way to encourage others to apply for status.

It gives you something you can use against Tesco-- you can say, 'I'm sorry I'm not legally able to change to cheaper ingredients.' Things like that. It allows you to preserve integrity. With PFN it's like when you're visiting a new place and you're hungry. And you're trying to figure out where to eat. And you see in your guidebook that there's a Michelin starred restaurant in town and you think 'Well, I can eat there. I know it's going to be good.' It says something about provenance, history, heritage, skills, quality, and inspection. With PFN you're more likely to get a welcome from the knock at the door [interview U113].

In the end, quality and integrity get an extra benefit from the legal structures that protect the product, especially in a world where consumers increasingly value heritage, traditional production, and personal connections with the products they buy.

You'll succeed if you understand what's needed in the market and that can be backed with a heritage or a revival recipe. It's 'what story are you telling? That's what people want to hear. They want to hear a story. And then if you have some history around that. And some story around that makes it more...worthy. A worthy cause...(interview U114).

### **Making places through GIs**

Finally, PFN status can create new identities for places as well as products. This ties into heritage tourism initiatives and attempts to use PFN products as attractions to local areas. This type of relationship between food and heritage tourism is a burgeoning trend, which aligns with related Slowfood initiatives to designate regional artisan foods and locales around the world

(Dokur 2011). The ability to market artisan foods and the places that create them continues to increase with awareness of the system, especially as food heritage continues to increase in popularity. Such an assumption also underlies governmental policies which encourage communities to come up with local GI products to protect struggling local economies-- as noted and explicitly stated in the preamble to the EU PFN legislation.

Melton Mowbray has chosen to market itself explicitly as a site for the production of PFN products. As one disembarks at the train station large signs proclaim your arrival in the United Kingdom's "rural capital of food." I asked an informant, a local councilman, how the initiative had come about.

Well, there are a lot of food based connections here. We have the third oldest livestock market in the country. That gets pretty busy over the school holidays...Afternoon tea was invented here. And we have Stilton and Melton Mowbray pork pies. We thought, 'wouldn't it be great if we could be the rural capital of food?' And it turned out no one was using the name, so we took it. There aren't too many other places that could have really claimed the title anyway....It's been good so far. It preserves tradition and reputation in a rural town. 250,000 people came to the main street pork pie shop last year and our population is only 25,000, so there must be *something* there [interview U116].

The initiative has been major in lowering local unemployment (at least prior to the recent economic crisis) and 60% of jobs in the town are related to food in various capacities (interview U113). Thus, Melton Mowbray shows just one case of how PFN and the status it conveys is being used to recast local places, as well as the products that are made there.

Despite the divergent meanings of status under the PFN system, as its connotations become more entrenched and producers look outside the United Kingdom for other models for their practice, there also seems to be a



phenomenon of these divergent paths looping around and reconnecting, as well as highlighting other social values, particularly that of locality, which loom larger in the UK context

### **Scale and PFN**

One other important inflection of the UK system is the role of scale and power in the making and protection of products. Practically, it seems that producers' strategies work best at the ends of the spectrum--when focus is very small or very large-- due to the ways in which markets are divided and the types of consumers who are available. The UK PFNs which are most similar in spirit to Continental PFNs are small in scale, while those that are most economically successful tend to be both broader more likely to be related to larger business concerns and lobbies.

While I was visiting the town of Cheddar, I spoke to a small cidemaker during my visit to his farmshop. Over a glass of his homemade cider, we started talking about some of the practical difficulties of scale and production. "Cidermaking used to be something everyone did," he told me. "Everybody had their little still, but now with the duties and the big commercial producers you just can't compete" (interview U105). He told me that each pint cost him incrementally far more than it did for larger scale producers, noting that the reason he sold from his shop was in part to be able to cut out the middleman. In contrast, an informant based at a larger manufacturer lauded both broader scale and the ability to be more consistent in the product he produced (interview U104).

Speaking about issues of scale, another of my informants cast the issue as an opportunity to niche market, especially through alternative channels and to consumers who share his values. I asked him what made him start making cheddar cheese. He replied:

About ten years ago I decided I wanted to make cheese-- but on a decent scale-- not just a little shop where you sell out of the back. When I decided to do it I thought 'the only thing I won't make is Cheddar-- It's such a cliché...' but then this place came on the market and it was too good to pass up. [The space] was really different then-- really touristy. But I decided to do things differently. There are 200,000 tons of cheddar made each year. Out of those, only 2000 are made in the round. And out of those 2000, only 600-700 are artisanal. So there remains a massive opportunity to make cheddar in reasonable quantity but with high quality... People prefer different things. The only thing that would mortify me is if they said my cheese tasted the same as the industrial stuff" [interview U106].

Opportunity or liability, however, this issue of scale can also lead to a certain distrust of large scale manufacturers, both within the United Kingdom and elsewhere. One informant questioned the strength of the Parma Ham lobby and their ethics in regulating supply and demand. In his estimation, "[t]here aren't enough pigs in Italy to make that much Parma ham" (interview U121).

To further explore the ways in which distinction, uniqueness, and the value of the differentiation come to the fore and both connect and diverge from the spirit of GI law, I will look to the case of the PFN for Somerset Cider Brandy, which brings out the ways in which the role of single producers and the vagaries of the system play out-- against a background of heritage value and emergent international connections.

## Somerset Cider Brandy: single producers, constructing communities and the difficulties of international politics

Somerset Cider Brandy is an apple brandy produced outside the town of Martock in south-central Somerset. The business is owned by Julian Temperley and is also linked to his cider company, Burrow Hill Cider. The farm consists of 150 acres where they grow 40 varieties of cider apples. Cider has been produced there for over 150 years, and Julian and his team have been making cider brandy for nearly twenty, adapting Calvados style production to the apples grown on the *terroir* of West Somerset. Although their production of cider brandy is relatively recent, they link to a tradition of production which dates back to the 1670s. Additionally, the orchard was designated by the Long Ashton Research Institute as one of the three best places for growing vintage cider apples in the UK, marking the property as more or less the equivalent of a French *grand cru* in terms of cidermaking *terroir*.

The PFN saga around Somerset cider brandy began in 2008, when European Union policymakers decided to drop the term "cider brandy" from the "spirits list," an official list of names permitted to be used for spirits in the European Community<sup>39</sup>, including the UK. One of their distiller friends noticed the omission and mentioned it to Julian, but at that point, it was too late to alter the list. Without the ability to use the term "cider brandy," they would be forced to sell their product as "cider spirit," a term without the same prestige, name recognition, or value in the marketplace. Losing the name would be tantamount to losing the business. Realizing the significance of the error, the

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<sup>39</sup> When I asked about the circumstances under which no one protested the removal of cider brandy from this formal EU spirits list, I was told that French apple brandy producers did not mind because they were able to use the AOC for Calvados, and that there were not other stakeholders likely to end up in the situation that the UK producers ultimately did.

authorities in Brussels offered another option. They would fast track Somerset Cider Brandy for PFN status.

This proposition is not as simple as it seems, and required an involved process of network-building in support of the application. This involved building local and regional connections within the geographical space of Somerset as the home of cider brandy. Another coalition had to be built around the product itself--that is, cider brandy as an artisan produced beverage with stylistic connections to other places-- in this case, the Calvados region in France. Next there were also connections based around the system itself, which link into efforts of UK PFN producers to aggregate in support of their common interests. Finally there are connections to international politics, which are exacerbated by the structural particularities of the UK case. All of these are vital kinds of connections, but at the same time, somewhat more emergent than they might be in another context.

The necessary connections began through their local community. In order to fulfill the requirements of the PFN application process there was a need to create a group of Somerset based cider brandy producers. Especially given the circumstances of the application, this was very much a production without a preexisting producer association. To begin the process, the group at Burrow Hill came up with a handful of others who make cider brandy in nearby communities, but as a practical matter, the group is primarily in name only. "We put together a group of producers-- there are a couple of others in the area-- but we're really the driver for this," they told me (interview U110).

Additionally there is the question of standard setting. Although there was initially some suggestion that a bare minimum application would probably suffice to achieve protection under the circumstances, the people making cider brandy at the distillery felt that part of creating a real, legitimate GI dossier was creating a certain standard of required production quality. As a *de facto* single producer applicant they were able to do just that. When I asked how they went about creating their standards, I was told that they deliberately chose not to take a least-common-denominator approach to putting things together. "There was this idea that there might be easier ways to do it, but we said 'no, let's make a proper AOC'. We don't just want crap calling itself cider brandy. When we created [the dossier] we were writing our own values" (interview U110). In this case the producers at Somerset Cider Brandy have very intentionally made a choice to shape what they believe GI-linked cider brandy is, and in doing that, they have both looked to their ideas about best practices as well as to connections both nationally and internationally.

The *terroir* and reputation links to Somerset as place are clearly quite important to the product. Apple cider is one of the most recognizable products of the region, going back to days when nearly all farmers produced cider on their own properties. Distillation of that cider into brandy also has a long, but less widespread, history. Burrow Hill cider is also famous in its own right, in part due to its association with the Glastonbury Music Festival each summer, where it is served from a bus. Reputationally, the brandy also holds a major role in UK foodie circles, being featured on the Radio 4 Food Program. The five year old brandy is also a favorite kitchen essential of Hugh Fearnley-Whittingstall, a high profile television chef who focuses on smallholding and locally produced food at his farm in rural Dorset. The

product also is part of the Slowfood Presidium program discussed earlier in this chapter. In the construction of Somerset Cider Brandy as a product, local production, ideas of quality and specialized production, and *terroir* factors all combine to create the recognizable specificity of the product.

Another set of connections in this case are tied to the product and its means of production: with similar producers of Calvados (the French apple brandy) and with the values of Slowfood (linked to artisan production values). Given the unfolding saga around the application for PFN status, I wondered how other producers internationally had reacted to the application-- especially since it was created in response to the spirits list problems. I asked whether the similarities between their products had caused any tension in building a relationship with those French producers-- suspecting that they might potentially consider British cider brandy producers to be unwanted competitors. It turned out to be quite the opposite. "We have a great relationship with Calvados," I was told. "They've even submitted a letter in support of our application" (interview U109).

The Calvados AOC specifications were one inspiration for the dossier that was submitted to DEFRA for Somerset Cider Brandy, and the idea that there were production strictures in the way that such a product was made was very important to the group as they were drafting the relevant documents. Yet there was never a sense that they were producing the same thing. While I was speaking to the distiller at Burrow Hill, he acknowledged both the connections and the specificity of the two products. "The *terroir* is different-- that's why we're not the same as Calvados-- the [products are] cousins. They're just different" (interview U110). This is a bond of products and practice, as differentiated by place. Shared artisan production values

help to connect GI producers even across the channel, and differences of *terroir* make the products similar but not identical-- allowing them to coexist noncompetitively despite their similarities.

Julian and his team have very explicit ideas about the industrialization of foodstuffs in the United Kingdom, and situate the business quite clearly in opposition to that phenomenon. "Everything in England is industrial," he lamented. "There is so much less respect for artisan production here. It requires a difference in philosophy" (interview U109). In this orientation, the values around Somerset Cider Brandy align quite tightly with the cultural heritage values of geographical indication status. Given this interest in *terroir* and small scale artisan production values, there is a desire to engage with both the commercial and cultural elements of PFN status, in a way which bears great similarities to the French model. Preserving some of the heritage based mystique of the product remains one major priority, and linking to communities which privilege such values helps them both in regard to internal consistency as well as in how they market their products to the wider world. As the distiller told me, "[t]here's a great story behind it, but we're trying to be commercial too" (interview U110). Ultimately these kinds of connections are linked to the product and in terms of artisan production as a value. The iconic role of such a product in the cultural landscape is one of the major qualities to be preserved, as well as its connections to other producers and parties.

The final set of relationships here is with the broader UK PFN community. One issue that has plagued the system in the United Kingdom is limited awareness and lack of large scale buy-in for the program. Slowly, however, PFN producers are trying to make a change. In the winter of 2009, a group

of PFN producers came together to further their objectives as statusholders. In conjunction with a DEFRA sponsored Christmas fair intended to allow producers to promote their products, a group led by representatives of a number of PFN products took the opportunity to meet about putting an organization together to better serve their interests.

After an initial meeting in February 2010, there is now a steering group to develop a more formal organization and set priorities. Their agenda is ambitious, and looks to narrow some of the gaps between UK producers and others in Europe, with plans to better represent themselves to the government and the European Union, encourage wider public and retailer awareness of status, as well as to encourage new applicants and preserve traditional skills and recipes. Plans for joint marketing are also very much in process (interview U113). The value of such an organization for producers is to remedy some of the power differentials that come from the structure and context of the program in the UK, in terms of scale, visibility, and the presentation of their values. Despite the fact that they had yet to receive status when it began, Somerset Cider Brandy was a founding member of this group, which also includes representatives from government agencies as well as the producers. As they told me at the time, "We haven't even officially received status yet, but they've asked us to be part of it. We've been really involved with the organization and the meetings so far. So, it'll be pretty embarrassing [if we don't get status] since we're so much a part of this already (interview U109). Ultimately, the role of this PFN-based alliance is creating bonds between producers and industries who may well never have been in contact before-- producers of everything from local cheeses and beers to those who raise prehistoric sheep breeds or farm salmon or beef. These networks are crosscutting and derive from a desire to gain value from



the system by allowing for broader based clout, with hopes to overcome some of the problems of power and scale that plague the system.

Despite these new types of connections, however, there remains one fundamental absence of community which continues to put Somerset Cider Brandy and other PFN producers in a curious sort of limbo-- an authoritative national community that would reinforce their practices and efforts at consecrating such production. After my initial period of fieldwork, I continued following up with the producers and relevant government actors, expecting that the application for the Somerset Cider Brandy PFN would be granted rather quickly, especially due to the overall strength of the dossier they had put together. Consequently, I was surprised to discover, a few months later, that the application was still under scrutiny at the EU commentary stage. The problem ultimately was based upon a technicality (and one that hearkened back to the original spirits list issue) linked to definitions of what precisely "brandy"<sup>40</sup> was. Spain in particular, due to concerns about sherry, fought strongly against the application.

Ultimately, the solution was political, requiring direct negotiation at the EU from both DEFRA staff and the regional MEP for the South West of England, as well as a representative from the Wine and Spirits Trade Association. Along with the influence of the UK based players, they were also able to find an ally on the European Spirit Drinks Committee, who helped to advocate on behalf of the PFN against some of the additional dissenters. Luckily this story has a happy ending, and the political drama was resolved in favor of the application, with 26 member states voting in favor of the

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<sup>40</sup> The problem related to an additional spirits list concern, as "brandy" was defined there as a variety of alcohol produced from grapes. Since cider brandy comes from apples, several of the EU level objections were initially couched in terms of this issue.

application and an abstention from Spain. Status was formally granted later in Spring 2012 (personal communications, 26 and 27 January 2012).

This story, however, does highlight the real dangers that UK based producers can run in these cases. Without national protection for Somerset Cider Brandy in the United Kingdom, the only chance of protection-- and survival of the product-- was via the EU. Needless to say, this type of negotiation can be a major political hurdle for small artisan producers seeking protection, and can make the PFN process into a very high stakes game. I found it telling when, after the dust settled, the relieved distiller noted:

Throughout the whole business, we've been pretty confident that we would get a PGI. However, since getting it, thoughts of the consequences of not having one start to creep in. Effectively, our stocks would lose their value and we would have lost our company. We, therefore, owe huge gratitude to DEFRA, the WSTA, our MEP, and, of course, [to the European Spirits Representative] [personal communication, 27 January 2012].

Without stronger possibilities of support for DEFRA in favor of the PFN system nationally, it seems that the United Kingdom and its producers will continue to lag behind their peers on the Continent both in terms of cultural and commercial recognition of their products and values. In the end, the different orientation seen here may be an effort to make up for many of the lacks of preexisting structure that mark the system, including different standards of heritage value.

In this case, and that of many of the products that are entering into the PFN landscape, any sort of purist value of authenticity is bypassed in favor of pragmatism and survival. Codeswitching is frequent by nearly all actors, as they engage with the different types of narratives that will lead to desired results from fellow producers, policymakers, and consumers. In the case of

my informants, "[t]here can be little doubt that [Marks of Collective Origin] are being used to reanimate local bonds between the environmental, the cultural and the social, to reactivate collective memories, and to generate hopes animated by desires for greater justice and recognition (Coombe 2011:25). Communities are being generated and reinforced to further values in the face of the difficulties of the market and the low profile. One of my informants thought this generative ability of PFN was one of the programs greatest strengths "There's no tradition of cooperatives in the UK like there is in France. Everybody's doing it all for themselves," he said. "It's, 'I've got my recipe...' [but] PDO and PGI is a great chance to get producers together to agree on what these products are all about" (interview U116).

The final of my case studies focuses on the PFN for Melton Mowbray Pork Pies, which brings together many of the threads of the other cases, in terms of conflict throughout the process, the need to reconnect product and place, and the creation of heritage value. It also brings out international questions about the value and delimitation of GI status in both legal and economic arenas, showing the practical implications of the types of philosophies surrounding status and the system.

### **Melton Mowbray: Setting boundaries, reconstructing history, and the value(s) of status**

Melton Mowbray pork pies received PGI status in 2008, although due to various controversies and complications the application process was ten years in the making<sup>41</sup>. Made in the vicinity of the market town of Melton Mowbray, located about 115 miles north of London, in the county of Leicestershire, these pork pies have a reputation of being the *crème de la*

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<sup>41</sup> For an alternative perspective on this case, see Gangjee 2006.

crème of the British meat pie industry. Economically they are big business, 150 million are sold in the UK each year, and the ability to use the Melton Mowbray label means a 100% markup on the price of a pie (interview U120).

Their origins go back to the early 19th century when Melton Mowbray was one of the more fashionable stops on the hunting circuit, dotted with lodges and other residences frequented by the London based aristocracy. Because of its close proximity to the capital railroad, the town gained a reputation among the upper classes who would spend the season there each year. The town is also said to be the source of the expression, "painting the town red," due to the drunken antics of one of the visiting aristocrats.

The pie itself is considered to be a variation on a previously existing regional pork pasty, which featured pork inside a pastry shell-- not dissimilar in style to Cornish pasties<sup>42</sup>. With the arrival of hunting parties, its design changed, becoming rounded and pie shaped rather than angular, and also in composition, with gelatin being injected into the pie to solidify it to prevent it from breaking apart when eaten on horseback. The meat itself also reflects its origins. An authentic Melton Mowbray pork pie can be distinguished by the color of the meat used-- grey is the real thing, while pink is an indication of an imposter. The pork used in the Melton Mowbray area was cooked before use in the pies-- hence the grey color, while pork in nearby regions was slaughtered earlier in the year, meaning pork used there was cured, and thus pink. The use of pork as a filling also relates to the production of regional cheese-- Melton Mowbray is also the home of Stilton

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<sup>42</sup> Cornish pasties, a similar cooked meat pastry made in Cornwall received PGI status in 2011. There were some similar concerns between the cases, but DEFRA was able to have this one certified over the objections, which never made it to the courts.  
<http://archive.defra.gov.uk/foodfarm/food/industry/regional/foodname/products/documents/cornish-pasty-pgi.pdf>

and Leicestershire cheese production-- and pigs are often fed on leftover whey from cheesemaking.

According to the PGI dossier:

Melton Mowbray Pork Pies have a bow walled pastry case giving them their characteristic bow shape. The pastry is golden brown in colour with a rich texture. The pork filling is uncured and therefore grey in colour – the colour of roast pork. The texture filling is moist and particulate. The meat content of the whole product must be at least 30 %. Between the filling and the pastry wall is a layer of jelly [Council Regulation Ec. No 510/2006 'Melton Mowbray Pork Pie', Article 4.1].

In this case, in particular, however, reading between the lines of those specifications is telling. The circumstances of the Melton Mowbray case highlight a number of different types of boundaries that are being constructed in the service of the PFN system-- all of which have served as sources of dissension and conflict, as evidenced in part through the long saga from application to status, including the role of the European Court of Justice case on the subject.

Firstly there is the setting of sociocultural boundaries. This would be the role of reputation. What are broader understandings of Melton Mowbray Pork Pies, and who holds them? Who or whom can act as an appropriate arbiter of that meaning? This would align with ideas of *usages loyaux* in the French case, but the robustness of consensus both within and outside the region is not as decisive as it could be. Secondly is the historical element. Those in charge of the PFN application were in a position of having to reconstruct traditions in the face of a historical record which was either murky or nonexistent. This raises, of course, the entire constellation of

questions that clusters around authenticity and the construction of tradition and heritage, as well as the politics and practice of cultural revival.

In putting together their application, the Melton Mowbray Pork Pies Association (MMPPA) had to define the geographic boundaries of the region that could legitimately lay claim to PFN status. Given a context of unsettled practice, the group engaged with a historian and reconstructed boundaries of the region with the aid of historical records, supposition, and arbitrary logistical decisions (interview U116). As a starting point, the town of Melton Mowbray had never been the limit of the production of the pies that took its name. Consequently, the MMPPA chose to use historical factors to approximate the traditional limits of pie production. They presupposed about 25 miles as a reasonable distance to travel and refined this basic circle by considering the distances sellers would go to bring pies to market, natural boundaries (like the River Trent), locations of the roads (the Great North Road), and logistical factors (which communities would provide closer markets than Melton Mowbray), to define the area. The idea was to imagine where producers would historically come from to bring such pies to market and to enshrine the boundaries so derived in the application. Additional communities were added to the limits during the DEFRA PFN consultation process, as producers from communities just outside the recreated boundaries claimed adherence to traditional pie-making practice.<sup>43</sup>

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<sup>43</sup> In light of this process, the ECJ case about Melton Mowbray Pork Pies gains even greater philosophical interest. The decision was not about recipe, or specifications, making pies or ingredients, but something more elemental: how to define a region for GI status. Although I would agree Northern Foods reading of the law to be disingenuous, it does raise interesting questions about the links between political and social boundaries. Interestingly they chose not to target the *ad hoc* region defined solely for the purpose of the PFN but the idea that a PFN product could be made outside of the community that shares its name-- a fact contradicted by a number of well-regarded GI products.

The case presents a noticeable tension between invented and recreated histories, which due to the context of the UK discussed earlier, is far from unusual. Those in charge of the PFN evoke history even as they are recreating it, but the very possibility to create such a narrative comes from the protection of the product under the legal system. "In short, they are responses to novel situations which take the form of reference to old situations, or which establish their own past by quasi-obligatory repetition" (Hobsbawm 1983:2).

There are also questions of definitions. What defines the product? Is the product marked enough to be any different than other pies on the market and why? What elements are necessary and which purely optional? These questions are difficult ones under any circumstances, but arguably even more so against the background of local, regional, and UK food practice.

As in the case of West Country Farmhouse Cheddar, the current producer group is relatively broad, including 9 producers who range in size from small bakeries with limited distribution, baking pies a couple of times a week to big corporate concerns (interview U116). In regard to the court case, insider/outsider status was a real concern as well as who was permitted to belong to the group or not. As in the earlier cases, questions of who decided and what products can be and from where, remain important and contested questions.

Finally there were legal boundary setting exercises, which both incorporate some of these and other (primarily technical) elements to the discussion. What kind of evidence of practice is available in a case like this? How representative is the group presenting the application and should it be

broadened? How enforceable and standardized are the practices being enshrined in law through GI protection?

In terms of cultural heritage value, there definitely is value in Melton Mowbray Pork Pies, both in the cultural imagination and the economic arena. Much can be said about the ways in which the case highlights both the heritage, technique, and human elements of artisan food production as well as the controversies and complications of their legal protection.

One of my informants put it quite clearly why he thought protection was justified:

In an interview someone asked me once, 'how can you compare a pork pie to champagne?' And I told him that making a Melton Mowbray pork pie requires an array of butchery skills, pastry skills, and other traditional skills and techniques...So many things...There is more skill and art in making pies than you can imagine...Certainly as much as in making champagne. It ferments by itself' [interview U113].

The European Court of Justice court case and the domestic legal controversies that led to it<sup>44</sup> showcase the difficulties of all of these types of boundarymaking and the ways in which sociocultural differences in the UK to alter the effects of geographical indications there, compared to what might be contemplated by policymakers in terms of practical applications of legislative philosophy.

The Melton Mowbray PGI was a decade in the making, and controversial at nearly every step of the way. Locally there were fights over the creation of the initial dossier and as the application passed through the system, debates over inclusion and exclusion in both the area of production and the

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<sup>44</sup> The following section is based on interviews, the various published decisions involved, as well as copies of the legal filings from both sides, which are not all published, but are currently in the possession of the author.



coalition of producers who would hold status. After a period of back and forth between the applicant group and other interested parties, the application went on to DEFRA for validation and went to the European Union for review. At that point, it was targeted by a producer from outside the applicant group on the grounds that the application was "compromised" in a procedural way. The application was regularized but again called up for judicial review, a case which the Melton Mowbray Pork Pie Association won. Then their opponents appealed again, although upholding the ruling should have been a pure formality.

Instead, however, in a rather cinematic chain of events, instead of upholding the original ruling, one of the judges decided the case should be sent on to the European Court of Justice. The head of the Melton Mowbray Pork Pie Association described the experience to me. "It was really unexpected. It was such a formality that I was the only one to attend [the hearing]. They had to arrange a recess so I could make some calls and get counsel there" (interview U116).

Speaking about that European Court of Justice case, one of my informants, the counsel for the Melton Mowbray Pork Pie Association, was quick to point out the difference between the legal positioning of the case and the perception among participants and other legal outsiders about what was going on. He told me:

The case was a bit of a storm in a teacup really. It had nothing to do with the region, the recipe, the ingredients or the cultural justification. It was about the definition of a region. the [earlier] fight w/ DEFRA was much more about that...defining the region, and the recipe, and the cultural jurisdiction [interview U119].

I was a bit incredulous upon hearing this and pressed a bit further before being assured that it was, in fact, true. "So it was about the idea of region and not the boundaries? I'd have thought that would be a lot less clear," I asked. He replied, "I thought that too. I pointed out [to the Pork Pie Association] that their region was an incomplete polyhedron, but nobody really cared about that" (interview U119).

Ironically, the more tenuous connections between the types of boundaries highlighted earlier were not what was on trial. The purely constructed categories of the Melton Mowbray Pork Pie Association's application were taken largely as givens, while what was in contention were the particularities of the PFN system itself, which was a legally far weaker case given broader precedents and experience of international practice. In a way there is a certain irony in how things proceeded-- the cultural was taken for granted while the legal GI system itself was largely what was on trial. That said, however, in determinations about GI courts do tend to be receivers of evidence of sociocultural meanings rather than stepping in to define them. Given the complexities of the case, what was this dispute actually about?

The course of the filings debate a number of the major philosophies of geographical indications discussed earlier in this text. Early on there is an argument made by Northern Foods that Melton Mowbray is a generic term for a "premium pork pie," for example. Ultimately they query many of the weaker points of the construction of the Melton Mowbray Pork Pies application, but ultimately the legal questions focus on region: what should define a GI region? Should it only extend to the town that bears its name? What are the extent of connections between product and place necessary for such protection and how to we prove it? Among other things, Northern

Foods argued-- against a wealth of protected European counterexamples-- that a geographical indication should be limited to the town which bears its name.

Tellingly, one of the main arguments for Melton Mowbray in this discussion is that:

[T]he label by which the PGI is known must not be confused conceptually with the actual geographical area that is covered by the PGI, as defined in the detailed definition. The label is not, and is not intended to be, a substitute for the detailed definition of the geographical area. Rather, it merely serves as a useful and convenient label, or name, or shorthand, for the particular PGI under consideration" [unpublished legal brief in possession of the author].

As stated in the judicial order sending the case to the European Court of Justice, "[t]he issue between the parties is therefore whether a PGI can protect products that are produced in a place other than that whose name appears in the PGI (ECJ referral (14 Mar 2006), ¶17, in author's files).

Ultimately Melton Mowbray succeeded in maintaining status, winning the case (as well as costs) from the ECJ challenge. Yet some questions remain: what would have happened if Northern Foods had targeted the more socially constructed elements of the application? It is hard to say, but contemplating the possibility highlights the vulnerabilities of UK based producers to these types of challenges.

For the purposes of my analysis, however, perhaps a more engaging question is to consider "what happens when you lose connections?" Many of these UK cases are very much embedded in the spirit and actuality of cultural loss in ways that are almost definitionally not the case in France. Is this the reason why people here have such trouble engaging with GIs? I will propose a

hypothetical scenario that might explain some of the contextual differences between my two cases, which may also align somewhat with the common law/civil law divide and concerns about the nature of the citizen referenced in Chapter Two.

On one hand this idea of different kinds of loss-- be it the village, historical links to places, or traditional skills and recipes-- constitutes part of what is manifested in the split between registers with which I began the chapter. A number of my informants seemed to think that maybe people in the UK were just "less poetic" about these things somehow. As one informant put it, "I think there's something of a North-South divide on the value of the system...I think the wider issue is that we're less flowery and romantic about these things" (interview U115). Others considered the lack of connections to places and provenance to be the legacies of these interrupted histories (interviews U109 and U119).

Perhaps an intriguing explanation for some of this, in the context of some of the wider debates in intellectual property, might link into debates about the physical Enclosure movement, ideas about shared property, and the ways such connections connect to communities. A potential scenario in this vein might go like this. Historically "[t]he replacement of [communal] holdings by individual hedged or fenced closes and farms, and the replacement of communal control by that of persons pursuing policies of 'enlightened self-interest' is the process technically known as enclosure" (Tate 1967:43). The consequences of this loss of communal land rights led to private control, rents, increased individuality and increased movement to cities-- ultimately the abandonment of the village and its more inclusive values. Although the commons are mourned, it is too late. People wind up detached from their

links to one another, even as rapid industrialization and urban migration, which to further adversarial approaches to other people due to the structure of markets and economic factors.

Ultimately this leads to a broader focus on individuality, exclusivity, and a tendency to go it alone. As an informant put it

[r]egulation is just something we don't really trust here in the UK. It's the English style-- 'I make something, give me a fair price for it.' It's not the French style, regulation/subsidy model. Here people would much rather just get a good return for what they produce rather than getting a handout. [interview U105].

Put another way:

Those enclosed fields that so strike the visitor were made step by step as a practical necessity which the newer agricultural technology had presented as the only choice a landlord bent on improvement could take. Like their formulation of social class, the reappropriated distinction between public and private became one of the modes through which the English reflected on the relationship between individual and society and between nature and culture [Strathern 1992:187].

Contrast this to the Continent where values about land and region and people are more associated with property and personhood-- the much more enduring love of the French *paysan*, for example. The difference in economic systems and their attendant philosophies might and technically seep further, into the types of policies they create and how they are expressed. Communal values and social duties are built into systems through things like communes and syndicates, leading to the creation of product styles that become linked to a community that actually thinks about itself that way. And because of a different sense of social duties, there is an ancillary requirement to sustain the system itself-- as in the idea of *locomotives* discussed in Chapter Three.

Thus GI products are constructed in a way is marked by an inability to separate the role of land and people from such products, and the idea of being able to (and arguably needing to) share control over the meanings they hold and how they are defined. UK communities, then and now, are more fundamentally based in exclusion-- defining insiders and outsiders, rather than having a great deal of internal cohesion. Although French communities are doubtless equally imagined, they are imagined differently, in ways that align far more clearly with the valorization of particularity and place that make AOC and GI what they are.

In the end, however, all of this is ultimately in the eye of the beholder anyway, and like tradition and authenticity can be invented or empirically untrue without losing any sociocultural meaning. Perhaps the important thing to note is that in the case of the UK, rather than acceptance, there appears to be a real remaining anxiety around British food heritage in these terms of loss and devaluation. In this case

tradition can be seen to have a pragmatic rather than an intrinsic value: people may emphasize the long historical roots of some practice not simply to demonstrate its consequent sacredness but to exhibit its appropriateness to those particular social circumstances and to portray the ingenuity of those who originated them-- and, by implication, of themselves [Cohen 1982:6].

The value of distinctiveness is the ability to justify ideas about heritage, identity and meaning in the face of a broader public that may have forgotten, neglected or need to rediscover the sociocultural power of such objects. "Neither for consumer nor for producers does the aura of ethno-commodities simply disappear with their entry into the market; sometimes, as we have seen, it may be rediscovered, recreated, regained" (Comaroff 2009:20). In the case of UK food culture, recapturing and hanging onto the

value of heritage is very much a part of what geographical indications are all about.

### ***Part Three: Conclusions***

Looking at the case of Protected Food Names in the United Kingdom, one finds that the simplicity of the French *usages locaux, loyaux, et constants* formula is not necessarily the most natural fit for the context of cultural practice around artisan foods. Power is more diffuse, so status alone is not enough to consolidate it, and coalitions need to be built, rather than existing prior to regulation. All of this leads to Protected Food Names which are not symbols with fixed, broadly shared meanings but very much an active and contested space for the construction and presentation of narratives.

Conceptually where does this lead? The implications of the schism between perspectives, usages and meanings discussed in this chapter clearly operate far more broadly than that imagined in abstract policy discussion. In one of my interviews, I found myself a little perplexed when my informant began to discuss the intensely commercial ways status was being used by some UK PFN holders. "They're forgetting about the magic!" I exclaimed. My informant replied, "In the case of the UK, I don't think they've ever *heard* about the magic..." (interview U113).

The division between localized heritage values and more abstract, culturally divorced commercial strategies seems to rob some of the soul of GI law, as well as the legitimacy of protection in the first place. Protection is not supposed to be solely about the cultural "branding" of locality. Place itself is not the target of the intellectual property at issue, but rather an attempt to capture more nebulous values that grow out of place. Thus despite the

intense valorization of the concept, the local is not quite the same as AOC, as much as actors might try to conceptualize it that way. The difference between GIs and many other types of law is that sociocultural values, reputations, and evidence are at the core of what is being protected. The importance is conjunction, the links between the product and the process and the people who make it, not any of those elements alone. Individually they are all necessary but ultimately insufficient conditions. The importance and creativity derives from conjunction, but the UK scenario is often marked by disjunction between the elements as legally defined.

In the end, however, perhaps all is not lost. The types of gaps which exist between policy and practice in the UK are allowing the system itself to be a way to create or recapture these more holistic values through the creation of recursive connections, rather than enshrining something that already exists. This is *communitas* engendering structure, with heritage value growing out of and being augmented by the system rather than antedating it. In the best case scenario GI protection can be the justification to move away from a view of artisan foods as simply objects and to a fuller vision of their ability to serve as vectors of social identities.



## Chapter Seven: Conclusions

*Our mystique is what we're about. We are an artisan product...It's like when you drink Scotch-- you're imagining the moors and the grasses and the breezes... The Japanese produce some really good whisky, but they can't supply that feeling. They can't make you think about the same things. With them it's all kamikazes and Godzilla or something...(interview U109)*

In a way it feels a little strange to end a critical study of a legal system on such a whimsical note, but ultimately, I think that is the point. Despite the strictures of regulation and the imprimatur of law, at the heart of geographical indications lies a type of synergy that can never be completely defined, built out of the stuff of shared cultural practice. The flexibility that comes from a system premised upon a spectrum of variations on a theme allows for the coexistence of a broader array of important social meanings while also maintaining an ability to maintain uniqueness in the face of encroaching homogenization. Being able to create a legal proxy for the social value of *je ne sais quoi*, as embedded in social practice, is the root of the legal justification for intellectual property protection in geographical indications. Defined or not, the social importance of such recognition argues in favor of broader significance of what may, at first, dismissively be seen as "just food." Property and personhood maintain a space within these debates as collective identities are used to define the boundaries of practice and status of iconic cultural signifiers. Geographical indications can be used in negotiations around heritage, connection, and belonging as vectors laden with meanings that can reinforce, construct, and reconstruct the ties that bind.

At the end of the previous chapter, I mentioned my concern about the lack of "magic" that seemed to be evident in how UK producers thought about the products they created. Yet still, regardless of that scenario, it is equally

telling that my most useful question throughout fieldwork was a simple one, "What do you think is special about your product and what you do?"

Tellingly, after a series of other more problematic queries, this was the question my interlocutors always had an answer to-- and a passionate one at that. It may be about *je ne sais quoi*, some kind of cultivated inscrutability, or some embedded influence of nature, the land, personal choices, or all three, but despite the lack of easy answers they present, the fact that GI products are special, for one reason or another, remains, at least for my informants.

The importance of many of these GI foodstuffs is the intensity of their sensory role. They are not only objects but encapsulations of experiences. The reason it matters whether you pick one cheese over another, or privilege the characteristics of one wine style over that of the neighboring commune is ultimately the way it makes you feel. As one of the professors at the ISVV told me, "the best wine is the wine that you prefer" (interview, 17 November 2009). These assertions are always a little bit ineffable, the matter of personal taste. The connections and sensations that come to you as you drink a glass of wine are always your own, regardless of who is with you, what the experts say, the name of the wine, or the asking price on its bottle. No matter how you share the experience, it is always individual as well, and that is exactly why it matters. It is about you and your identity in fundamental ways, both as a consumer as well as for producers. One of my informants keyed into this as he waxed philosophically about cheddar.

There's such a human element to cheesemaking. It depends a lot on measuring the acidity-- it should be a flow over time. It's like when you're in chemistry class with the paper that turns pink and blue? Litmus? The cheesemaker has to stop when the pink is right. And everyone has their own pink. The whole thing is the person. It's

amazing! Personality is affecting the cheese at an atomic level [interview U107].

The delicate balance between knowing in general what you are going to get, but to never be precisely certain of its expression, is the delight of it. One of my cheesemakers told me that this kind of unpredictability was precisely his goal when searching to maintain the character of his cheese. "If you're trying to get absolute consistency you lose the character. Then, why not pasteurize?" he told me. "It's a spectrum. Sometimes it hits 98 [out of 100] and sometimes it goes to 80, instead of just hitting 90 all the time" (interview U106). This is often what someone meant when insisting to me that Bordeaux wine is "not an industrial product." It ideally is the justification for why a Melton Mowbray Pork Pie should cost twice as the one next to it in a shop, or why only certain dairies are allowed to make Stilton. The synergy matters, and brings together elements difficult to define in other ways-- people, places, and processes that might be special alone, but that when combined are unique, singular, and sometimes magical. I would suggest that it is no accident that one of the members of the Forced Yorkshire Rhubarb PDO has styled herself as the "high priestess of rhubarb"<sup>45</sup>, or that another of my informants sensed a spiritual symbiosis between small cider producers and their product (interview U111). If all material culture is about how things make people, artisan foods constitute a vivid example of just that. You are what you eat, as the saying goes, which explains in many ways the importance of knowing where your food comes from and its sociocultural biography. In the end, the value of a GI product is in your mind, based on the types of connections it embodies. The sense of "just

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<sup>45</sup> Yorkshire forced rhubarb is produced in the so-called "Rhubarb triangle" in Yorkshire. The plants, which are noted for their sweetness and intense red color, finish their growth indoors in darkened sheds and are harvested by candlelight at the end of their shortened growing season. The PDO dossier can be found at:<http://archive.defra.gov.uk/foodfarm/food/industry/regional/foodname/products/documents/indoor-yorks-rhubarb-pdo.pdf>. Accessed 24 January 2012.

knowing" the importance of things operates in multiple registers at once: at the scale of individuals, communities, regions, nations, and perhaps beyond, building connections around deliberately undefined, though arguably not undefinable, things. These kinds of feelings lead outward to broader meanings, allowing geographical indications to operate in another fundamental way, through the construction of narratives, often around belonging, histories, heritage, and memory.

As a number of my interviewees noted, much hinges on the kinds of stories you are telling. In one of my interviews, an informant told me about what happened when he hired an artist to put together a poster to celebrate the *grands crus classés*.

When we had him put together the poster, the artist thought it was too sad to just use the bottles. It just didn't feel right to him, so he photographed them in the hands of people to highlight the human element behind them. I think that's a good representation of the *grand cru* style philosophy [interview B104].

Perhaps the intriguing feature of all of this is that, in contrast with most other forms of intellectual property, in the case of geographical indications, these stories matter, and are in fact the very stuff out of which legal protections are made.

In many ways one of the most positive values of geographical indications is their difference from other forms of intellectual property-- an otherness that leads to a certain flexibility and allows for reinterpretations with a variety of different styles of lived practice within collectivities. In the system a synergy between the management of uncertainty and the preservation of diversity of expressions provides a potential tie to actual cultural practices. Consequently, I think that geographical indications "work"

in ways that can potentially, at least, align with existing social systems while preserving spaces for producer creativity.

In presenting the system in the way I have done here, there is also a clear sense of the fundamental interrelationships between the legal and sociocultural factors around these products: they facilitate not simply a vision of either/or options, but also a fundamental conjunction between both orientations, not unlike the ways in which the natural, the human, and the procedural combine together to constitute AOC or the ways the various aromas blend together to create the *bouquet* of a *grand vin*. The lure of the special and the particular underlie all of this, whether that be through different visions of the local or other markers of value and specificity. Ultimately GI products do seem to hang onto an aura of culture, and whether that aura is real or constructed, the ways they relate to people, their lives, and perceptions certainly matters.

It may seem a bit inexact and lyrical, but in my opinion the space for movement around what is special and important tends to be the fundamental strength of geographical indication status. This room to maneuver around value(s) is one thing that makes geographical indications such an intriguing tool in the arsenal of intellectual property possibilities. Where traditional intellectual property can be heavily corporatized, too exclusive, or too individual, the simultaneous strictness of protection and flexibility of object within geographical indication systems can preserve a great variety of exchange between (nonexclusive) holders of intellectual property. The very idea of property shifts from a fully Western legalized construction to something at least a little more holistic and relationship driven.

This systemic study of geographical indications in ethnographical context allows the space to consider the influence of sociocultural values and understandings on the expression of legal systems, both in France, where practice and geographical indications law are firmly connected in organic ways, and in the United Kingdom, where spread and slippage between theory and practice lead to provocative alternative possibilities. Geographical indications thus expand the system in terms of content and objects of protection in subtle, but ultimately useful ways. Sociocultural factors can engage with legal ones as dispositive evidence, and legal frameworks are built upon structures of sociocultural practice, both reinforcing the consensus building push-pull construction that is the very foundation of the Western legal system and its simultaneous policy and adjudicative functions. Ultimately, considering geographical indications as I have in this dissertation embroiders the understandings upon which regulation is overlaid-- which allows for better fit and more functional alternatives for policymakers, as well as more culturally appropriate and useful protection for individual producers and producer communities. Being able to see the spaces in which philosophy and policy diverge can present a template of the more contentious elements in a system that has expanded from its beginnings in the *terroir* of France and the philosophies of labor and community that surround it there. Ideally, considering legal and sociocultural factors as entangled in fundamental ways can potentially inform policymaking to be more sensitive to the use of GI regimes in places outside of Europe. This is valuable because, if one thing is certain about geographical indications, it is that they will most likely continue to grow in scope. The move from wine and spirits through other foodstuffs is already well underway, and political and social pressure for expansion and spread beyond food to other products,

such as handicrafts, continues to broaden as well. One of my informants suggested, "It seems inevitable, it's just a matter of time-- every country has something that would fit" (interview U121). Although I would argue that expansion must necessarily be more difficult than his formulation, at base, I think the sentiment is right.

Due to the strong relationship between geographical indications and traditional knowledge, I think considered analysis of the system is additionally vital. The contrasting cases of this project highlight the value of context in the expressions and outcomes of legal policies and decisions. In the face of an academic literature that often distrusts the bare possibility that Western legal regimes can be of value for the protection of traditional cultural expressions, perhaps the material presented here can supply at least a glimmer of hope. If nothing else, the workings of the system provide an example of a complex coexistence between legal and sociocultural elements, and the ways in which social consensus and cultural differentiation function in the face of globalization.

Analysis of the role of communal rights and the ways in which evidence of sociocultural practice enters the discussions around geographical indications at law can provide the beginning of new models and new ideas for new places, and possibilities for broadening the template for collective rights under intellectual property law. I would argue that intellectual property is not *per se* aligned with sociocultural values (including in the Western context) but that it is not always antithetical to such values either, especially in the anti-intellectual property nature of geographical indications. I do think that such systems can potentially capture or approximate some of these concerns, and that geographical indications in particular do seem to

achieve just that, perhaps in a slightly more reasonable way than other models. Although I think an uncritical "geographical indications are the answer to all our problems" orientation is equally dubious, I do consider the inbuilt tension between the individual and the collective as one virtue of the system and one which has some real possibilities to better align protection of cultural property with at least some of its lived complexity.

Thinking about my informant's earlier comment about the importance of "losing the mystery but keeping the magic" of Bordeaux wine (interview B119), in the face of a world which seems to be becoming more and more the same, geographical indications can be one tiny bastion of the unique and particular against such encroaching generality. And perhaps in the end they put forth the possibility that there's still a little room for magic out there after all.



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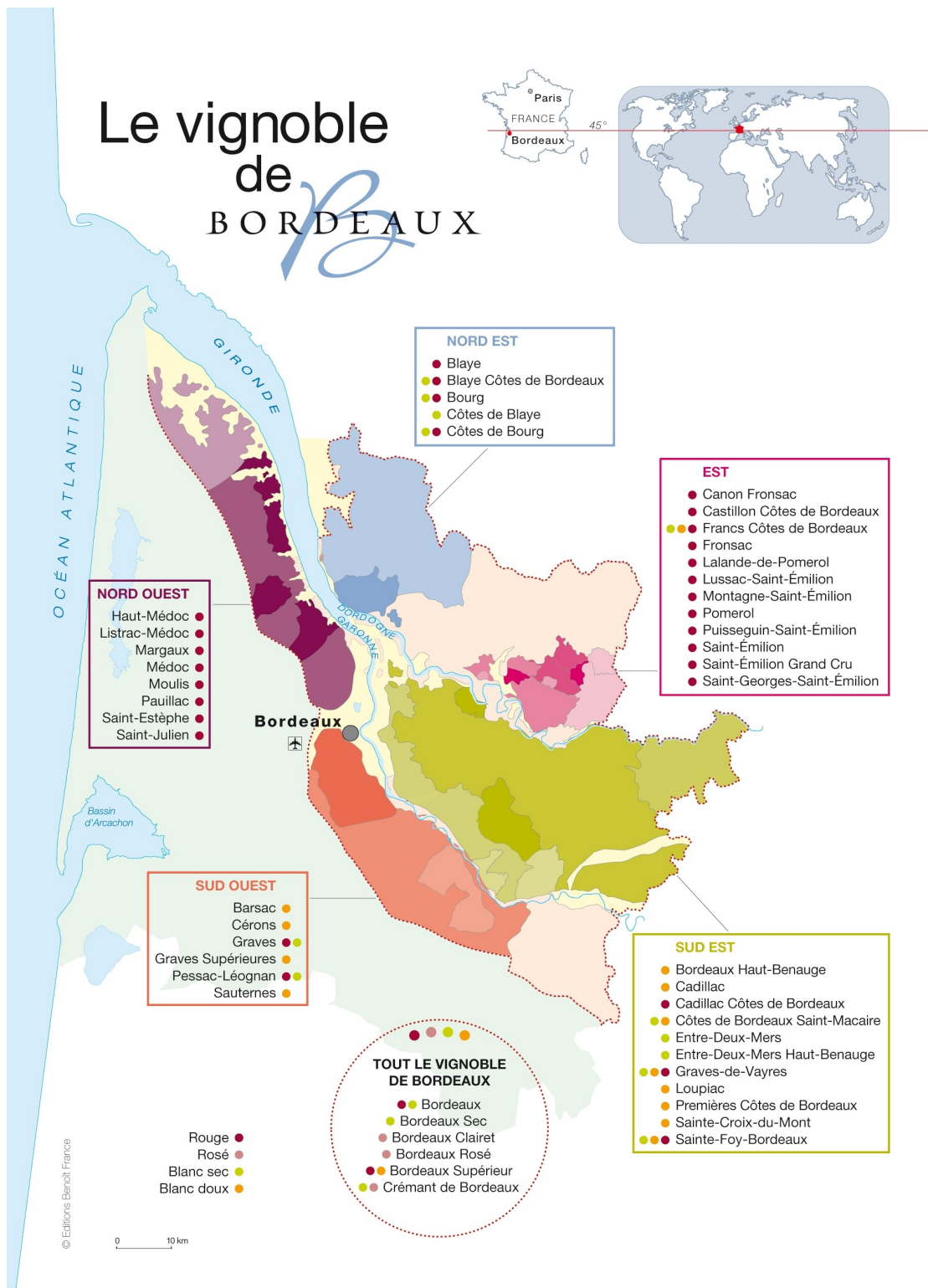
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# Appendix One: CIVB map of the Bordeaux AOCs



## Appendix Two: Excerpts from transcribed fieldwork interviews

### Interview B101, 16 November 2009

SS: We grow nearly all red wine grapes now, but historically we grew more white wine here too. They used it to sweeten the red, to make it more drinkable. That was especially true because the owners had a property in Sauternes as well. The red is purely traditional. There is no reason red or white is better in terms of *terroir*. Our two *châteaux* are only on opposite sides of a road, but they are slightly different *terroirs*.

SS: The *cuvées* were designed by the family in the 40s and 50s. We tend to use more classical techniques in wine production, but one unusual thing is that we do the assemblage before putting it into barrels. We don't try to make "blockbuster" wine. Wine needs to represent the qualities of the *terroir*. We use modern *cuvées* and traditional procedures. The *grand crus* tend to be more traditional. They like less interference with the grapes. In St. Emilion they tend to use some newer techniques that work the grapes more. Graves is the oldest wine producing region in Bordeaux, and for us one major goal is preserving the "style" of the wine. There is an expected style at [the *château*] and we look to create that each year.

me: It's been a little weird for me since I'm from America. I thought I knew what I liked there-- what kinds of grapes-- and then I got to Bordeaux and it was all completely different, all about assemblage.

SS: But if they do it that way how do you know what you're getting? Alsace is the only part of France that does it that way. There are three things that make the wine. The *terroir*. Using the *terroir* and knowing the right grapes to put in it. And the skill of the winemaker to put it all together.

### Interview B102, 19 November 2009

me: What is tradition here?

EE: We try to do as much of the harvesting and production by hand as possible. We use wooden *cuvées*. Wood allows for wider temperature control, and it looks prettier. We use Seguin Moreau to make the barrels. Since barrels contribute aromas to the wine, we mark and mix them accordingly. At harvest time we have 200 people to sort the grapes by hand. We use special tables to hand select from the harvest, which is hand harvested as well. Any oxidized grapes get tossed out before the maceration process. We have a special maceration process-- *maceration a la fois*-- which is particular to the *château*.

### Interview B103, 20 November 2009

AA: I'm sad that wine is no longer as much of daily life in France-- now it is a luxury product. But *grand crus* are only 10% of the total output in Bordeaux. When you think about wine, you need to think about food too. They go together, especially in France. But that is changing, especially with the younger generation. There have been increases in binge drinking, with the influences from America and the United Kingdom. As well as the spirits marketing. I think it's a real problem-- a loss of culture. Most of the consumption is domestic, so when things like that happen it is a problem.

AA: There are three parts to our mission. To act as a source for information on the economics of wine, to be part of research and experimentation to preserve quality-- also sustainability, and finally the promotion of Bordeaux wine in the global market.

### Interview B104, 23 November 2009

RR: The Conseil works for the member *châteaux* on the 1855 list. We have two purposes, first of all to defend the Classification. That means looking at mentions of "*grand cru classé*" status at the level of the EU but also potentially at higher levels, enforcing the protection against misappropriation. And we also are in charge of the promotion of the Classification and *châteaux*.

me: Does the number of AOCs decrease the profile of the *grand crus*?

RR: I don't think so. It's great that there are more quality wines in the world and more wine consumers. The importance of the *grand crus* will only continue with that.

RR: Tradition and modernity are both important to the people I work with. The *châteaux* in the group are still trying to do things by hand, but they also use technology for some things because it's the best way possible to make the best wine possible. There is a particular sense that there are certain things you just need to use people to do. It also sustains the population of the countryside. In Australia, they don't do such things and everything is mechanized. They need far fewer people and wine is an industrial product (*un produit industriel*). The role of modernity is to use the latest materials that work best for putting together the wine to take advantage of the human elements and the *terroir*. Wine is the combination of *terroir*, climate, and people (*les hommes*).

RR: When we had him put together the poster, the artist thought it was too sad (*trop triste*) to just use the bottles. It just didn't feel right to him, so he photographed them in the hands of people to highlight the human element behind them. I think that's a good representation of the *grand cru* style philosophy. We'll be taking the *grand cru* cookbook to the States next year, and worldwide on the next anniversary, which is 2015. That will be a big year. We find it important to associate the *grand vins* and great chefs (*les grands vins et les grands chefs*).

### Interview B105, 26 Nov 2009

II: It is very original, your research. It is very interesting for someone to think about tradition like that. We take tradition for granted here in Bordeaux.

II: *Château Couhins* is both a *cru classé* and an INRA property. There are two main kinds of projects here. First we look for ways to reduce added materials to production- things like manure and pesticides. We also use new technology to create a small scale pilot out of the vineyard. Things like GPS and infrared technology. The *château* has been an INRA property since 1969. The former owner wanted to sell it-- viticulture was in crisis then and nobody wanted to buy it, but INRA was nearby and knew the place well. It was a bargain, and they weren't sure what would happen otherwise. It could have become condos or something. INRA didn't buy the *château* itself for bureaucratic reasons...the economic climate...

me: The government didn't want to get caught buying a castle?

II: [laughs] Yes. When INRA got the vineyard, they didn't care a lot about the classification. They didn't manage it as a *cru classé*, more like a scientific space, and the other *châteaux* were unhappy. You don't maintain the standards, they would say. We had a pretty bad relationship for a while. But in 2005 we changed our approach a little. We put aside a part of the property to showcase research, and we dedicated the rest more formally to traditional winemaking. We had a unique challenge here. No other *château* has to consider the best way to balance the two in the same way. But being a *grand cru* is not only tradition. A *grand cru* also has to be a leader. To change the system and improve the quality of production. It is possible to integrate some tradition and also some innovation. Our image with the other *grand crus* is improving. We haven't changed that much, but we've explained what we're doing more. And we make sure that the *cru classé* doesn't come from any of the experimental plots. It has helped a lot since we started being more involved in the marketing and promotion of the *cru classé* group. Before they said we weren't doing our share. Because there aren't very many *cru classés*, they all need to be locomotives in that.

II: People don't really understand how these classifications are made. They think it's all about analysis and taste tests. But it's not about that at all.

me: What are the benefits of being a *grand cru*?

Sommeliers and journalists will often go straight to that list when they need a Bordeaux wine. There can be so many *châteaux*, and it's a way they can use to narrow things down. We have a small group of *cru classés* that meet together monthly and do promotion of the vintages. We have dinners at wineries with journalists, special events at restaurants. Those things are easier when you have a group. There are 45 non *cru châteaux* in Graves, and 15 that are. The visibility of the *château* is announced due to the classification.

me: Can you tell me more about the scientific work you do here?

II: We work on resistivity-- testing the amount of water in the soil using electric currents. Traditional viticulture is to dig a big hole to discern soil types, which has about 15 m<sup>2</sup> accuracy, the new technology uses electrical tests of water content to add precision to the method. Now accuracy is at the 3M<sup>2</sup> level. We also look at the vigor of vines-- the production of leaves, grapes, shoots...We use infrared sensors and GPS to map it. For the most vigorous patches we are able to lessen treatments, use no manure. We checked the acidity oenologically and were able to harvest at the optimum time. Before you just had to guess the right time to harvest. We also test anthocyanes in the skins and stems of the grapes with GPS. That's another way to be more precise about the harvest date.

95% of our production is sold on the market. 5% is used as a scientific control. We don't do anything to it, and it often doesn't produce grapes at all.

II: When the Pessac-Leognan *appellation* was made in 1955 the criteria were the same. For INAO the best judge is the market. If you have a special oyster from the place where you are, or a special kind of butter, one of the first things they think about is whether people are willing to pay more for it than the other kinds of butter or the other oysters in the shops. If you can prove that they will, that goes a long way toward justifying protection for your product.

me: Why is St Emilion so different?

II: Now they acknowledge that they followed the Parker style too fast and their wines lost something. He has that grading scale, and there are certain things you need for Mr. Parker to like your wine. In the end they lost

personality in an attempt to get consistent marks in tests. They also had the *vin de garage* fad-- it was small properties selling their entire production to be used as an investment-- that was big in the 90s, but it doesn't work any more. Revenue from that sort of thing has gone way down. Médoc is too calm, Pessac-Leognan has a good locomotive- a balance between tradition and economic dynamism, but the storm hasn't settled yet in St Emilion.

me: Are AOCs useful? What are the benefits?

ll: If we were no longer Pessac- Leognan and went back to just Graves it would be more difficult to sell. There would be increased competition-- since Graves is a bigger *appellation*, and the average bottle prices are about 30% lower. And some people like to fill their cellars with this wine from the Médoc, that wine from St Julien, and that one from Pessac-Leognan-- we'd lose that kind of decisionmaking. With the *cru classé* it's even better. It's good to sell an identity, but when it's written it's clearer. So yes, it's helpful being a *cru classé*. It's helpful but it's not enough. Our AOC is always evolving and getting stronger in the market. Having bottles of Pessac-Leognan or Graves for 3 euros affects the market and that attempt to improve though, so we try to keep an eye on pricing.

me: What makes Bordeaux wines different?

ll: It's a pioneer place, in terms of production and preparation for export. We were the first to do a lot of these things. Then there is the relationship between our climate, the soil, the grape varieties. This allows for a better balance in the wine. It's like with cabernet sauvignon. It matures at a slower rate here, it doesn't end up ripening too soon like it does in warmer places. That can be risky and unpredictable too but that's the treasure of Bordeaux (c'est le tresor de Bordeaux).

### **Interview B106, 30 November 2009**

PP: *Terroir* is really the Burgundian system. 25% of AOCs are there, and in the region AOC and *terroir* is a near perfect overlap. There are tons of different little *terroirs* and each gets its own AOC. It's all nested *appellations*, plus *premiers* and *grand crus*. [drawing a series of diagrams] Contrast that to Bordeaux. You have multiple *terroirs* per AOC. It has more to do with region. *Terroir*, AOC, and classifications are all related but not clearly understood. In St. Emilion, AOC and classifications are more or less the same. but that isn't the case for most of Bordeaux. Bordeaux is a political entity. That map is really the key to all of it. In Bordeaux, it's all about that map.

PP: St. Emilion is different. Historically they weren't that important, and in 1855 their prices were below those of the *cru bourgeois* so they couldn't make the list for the 1855 Exhibition. By 1955, though, they were even to the other *grand crus* and asked for inclusion with the other producers, but they were denied. So they created their own system which relied on more than price standards-- price, *terroir*, tasting, inspection of facilities, commercial facilities, and they decided they'd also reevaluate every ten years. Within the basic AOC you can choose to become a *cru classé*. To do that, you need to lower your yield and have 1% higher alcohol-- that way they ensure greater maturity of grapes at harvest, since the sugar content would have been higher. You need 8 out of 10 *grand cru* years to maintain status. Making a *grand cru* is an orientation- once you start making one, you don't really stop.

me: So what happened with the declassification scandal?

PP: Well, the top categories have stayed more or less stable since they were created. It's usually two on the top tier, ten on the second, but the lower categories are much more crowded and less stable. What used to happen was that if you were declassified you went back and worked harder so you could get re-promoted next time. It wasn't a really uncommon thing. There were notable cases in 1986, and 1996, including a friend of mine, who got promoted in 2006. But that year, about a half dozen dropped out of the classification. And then the American disease struck Bordeaux. It may also have had to do with the recession, maybe they thought they wouldn't survive ten years to try again. Anyway, they started targeting technicalities and it was two years of back and forth in the courts. In the end they decided to revert to the 1996 list. But that left people like my friend-- who did get promoted under the old rules-- in a tight spot. It didn't seem fair to penalize them because all of this happened, but it took special legislation to allow the vineyards that were promoted to stay up. After all of that, there is a lot of question of what value it currently has at all. Graves had been due to reclassify, but this killed that, and now we know for sure that 1855 will never be redone.

PP: Haut-Brion was the first *château* to be a brand. It's still the only *château* in two classifications, 1855 and Graves.

me: So does AOC matter?

*Appellation* matters, but not in the way it's been twisted to matter. *Terroir* is not one size fits all in all regions. People don't realize this when they complain '*appellation* quality is not what it once was.' Since in Bordeaux they aren't coterminous, there is no such thing as '*appellation* style.' You can describe the style of a property, but that's it. Jacques Boissenot, who is a

famous oenologist in the Médoc, once said you can find every style in an *appellation*...

me: So what does it mean then?

PP: In a given area you can have different geographic features that have different characters, so it's just never going to be the same. They stand for something, it's just that the fit is never going to be perfect. It comes from the connections you can make to the *appellation*. Being able to put Margaux on your label is the closest thing to a license to print your own money, and some *appellations* have no real point, like Moulis and Listrac. The two communities are not mapped onto *terroirs*, it's solely based upon the political boundaries, which makes no sense at all. There was a move to simplify the system and combine them, but it lost by one vote. There is still a mentality that persists here I think. People think, "Well my grandfather was AOC X, and my father was AOC X, so I don't want to be AOC Y..."

me: What is the benefit of an AOC?

PP: It gives you a commercial hook. It gives you some information along the six AOC criteria-- area of production, grape varieties, vineyard technique, yield, winemaking technique, and alcohol level. The value for the consumer is that you get what you expect. If you order champagne, you know it's going to come with bubbles. For consumers it is a marker of a certain kind of reliability. For winemakers it is protection.

me: Based on my experiences visiting vineyards in Napa, things feel different here to me.

PP: It's definitely different. The visit is an experience. It's always at least an hour-- they're teaching you about production. They aren't trying to sell the wine, it's name recognition for the future. So that when you're in a restaurant you think, 'I went there. I remember that place!' Everyone has this vision of what it's going to be like, and it's usually different than what they find. Burgundy is more 'traditional' and mom and pop style. People often come to Bordeaux looking for that and don't find it. They want to ring a little doorbell somewhere and have some old guy come out of the back and sort of show them around. And then he goes down to the cellar and pulls out the dusty bottle of the good stuff, and it's the best wine they've ever had. But that's just not how we do things here. Bordeaux has always been an innovative area. Bordeaux mixture is one of the first pesticides. It was to prevent powdery mildew.

me: They showed me their stainless steel *cuvées* when I was at *Château Haut-Brion*...

PP: That's an interesting one. The next place to do that was *Château Latour*. It's definitely easier when the leaders do things like that. If it had come



from lesser producers it may not have caught on. There have been a few issues with vacuum concentration, but not too many. With technology, people may think it's cheating, but it's just a tool to make better wine more easily.

me: What makes Bordeaux special?

PP: Nothing? Reputation? Once upon a time there were only three wines: Bordeaux, Champagne, and Burgundy, and even today that is still something of the case.

### **Interview B107, 3 December 2009**

HH: An AOC corresponds to a region but it is also related to human factors. *Typicité* is an important part of Bordeaux wines. It's the result of the work of man in the region. In the Médoc, for example, the soil was not good enough to grow grapes in for a long time. There was too much water, it would rot the roots of the vines. But then people learned how to drain the land there. That's how they started to be able to make great wines there. Only two things count for wine, color and aroma. That's the only difference between *un vin de table* and *un grand vin*. That's *typicité*. These are the products of the choices that people have made: the grape varieties they've used, the *assemblage*, the experience of the *viticulteur*, how he marries the vines together (*comment il marient les vignes ensemble*). The color and aroma will always be particular to the wine. That aroma, the aromatic intensity, the *bouquet*. It's man who makes that *typicité*.

HH: The vine has to suffer to make a *grand vin*. It needs to lack for water and have competition for resources. Vines can grow by themselves, but they tend to be of poor quality and produce few grapes. I was in Brazil recently and they had this wine made from natural vines, and it just wasn't very good. The same thing happens in the control plot at *Château Couhins*. All our research here is to figure out how to refine techniques. We're trying to find more technologically modern ways to do the same things people have always done

me: Why is Bordeaux wine different?

HH: We're studying that at a molecular level. Two of our initiatives are looking into the science behind the characteristic aromas of white wine-- we picked that because there are less of them and they are easier to identify. And we're looking at the fruity notes of red wines as well-- we picked that smell family because it is considered quite typical of Bordeaux wines. We are also looking at what happens with premature ageing of wine. Sometimes that can just happen, and we're trying to learn more about why.

HH: I like to travel to wine regions and try the different wines of the world, but I always love to return to Bordeaux and open a good bottle of Bordeaux wine.

me: What do you think of Napa?

HH: It's beautiful, but it's not for me.

me: What are people getting when they go to a shop and ask for a Merlot or Cabernet in the States?

HH: Well, we can't have California's weather. The weather in Bordeaux is much more variable. Things in California are more constant. Having more varieties of grapes allows us to do *assemblage* and compensate when conditions aren't as ideal for the primary varieties. *Monocépage* is not really an option here...

HH: There are two kinds of technology, in my opinion. There is corrective technology, which is pretty common in Bordeaux-- fixing problems with *millesimes*, reverse osmosis, filtration, things like that. More experimental technology, that is rare in Bordeaux. Things like extraction, oxygenation. People respond badly to those here. Technology for technology's sake. Here the most simple and gentle (*le plus simple et le plus doux*) is the technical preference.

me: What do you think about Mr. Parker?

HH: I think that Bordeaux should say, 'Thank you' to Mr. Parker. He's done a lot for the publicity of the wines of Bordeaux. But he certainly does have his own tastes, and that is reflected in the wines he's involved with. In St Emilion the wines are more heavily oaked (*boisée*) than before. They're using newer barrels and the wine tastes sweeter. That is, after all, the pleasure of Mr. Parker. So yes, they do have a little less personality than they used to. I think it is the risk that makes Bordeaux wines great-- the need to mix the *cépages*, the unpredictability of it.

me: What is traditional knowledge here in Bordeaux?

HH: *Typicité* is part of it, but not all. it's difficult to identify. The grape varieties have changed over time-- cabernet was bigger in the past, now more merlot. People cellar their wines less than they used to. The market does more to dictate style, but techniques are more or less the same. Here we don't abuse technology like they do in other parts of the world.

### **Interview B108, 10 December 2009**

OO: INAO comes from a 1935 decree-- there were *appellations* before that but not under its control. It comes in part out of the 1929 financial crisis. Wines couldn't find markets, regardless of quality, because of the global

economy, and *viticulteurs* responded by creating *caves cooperatives* and grouping into *syndicats viticoles*. Part of the mission was to protect the *appellations*. They asked the government to create stronger rules and to allow them to propose such rules. They created a parliament/committee to do that. Rules are proposed by the syndicate, and discussed in committee-- which includes representatives of the Ministers of Finance and Agriculture. They then go to the ministers who review, accept, and publish them in the *Journal Officiel*.

me: So can the ministers change things at that point?

OO: No. They either accept it or they don't.

me: So it's all or nothing?

OO: Yes, but they do have representatives in the committee. If they have problems with it they change things then.

me: How do you go about getting a new AOC?

OO: First you need a collective structure to link producers. If you come as an individual you won't get one. It must be a collective mark (*marque collective*).

me: What would happen if you were just one guy?

OO: Well, then you just go and get a trademark.

me: What does AOC have to do with quality?

OO: [laughs] I'd like to think with all the complications they cause there'd be some truth to the high quality...otherwise, it's a lot of trouble for no reason. Norms of quality are very difficult for wine though, because it's a matter of taste and personal preference. These things are difficult to quantify, and *degustation* is not an exact science. AOC means you know the basic shared characteristics and that in general wines are of predictably good quality. You also have to declare information about production that wouldn't appear otherwise as well, so statistically you're likely to get something good.

me: Should there be more AOCs? Less AOCs?

OO: This is my personal opinion, not that of INAO, but I think simplification is good. There are some *appellations* that have no point, they should really be IGP, but they can't change it because of the commercial consequences of demotion.

me: What's special about Bordeaux wines?

OO: I'd have to say two words: balanced and complex (*équilibré et complexe*) It's hard. I guess what I mean is that I want a wine that doesn't have an easy one word answer when someone asks you what it's like...That's why I don't like wines that try to be like the Australians-- this 'international

taste' (*goût international*). They're too generic and easy-- it makes them into caricatures.

me: What do you think of Mr. Parker?

OO: It's just a recipe! (*C'est une recette de cuisine!*) Why bother?

### **Interview B109, 17 December 2009**

KK: Wine is a balance between tradition and innovation. Some of our work deals with traditional methods and new demands for organic products. The problem in Bordeaux is that many growers don't want to make the sacrifices necessary to do that. You need to lower the level of fungicides which are really important in the industry, and to go organic you have to accept a certain amount of maladies, and perhaps a lower quality for your wine. Biodynamic is the way they go. But that carries big risks: losing crop to preventable disease, and the wine isn't worth much more on the market to make up for it.

KK: There are three big buzzwords for ISVV: quality, environment, and marketing. I'm in charge of the lab component of that. We look at the vine (*vigne*). In my lab it is a lot about physiology and genetics. Then there is the oenology section, they focus on the wine (*vin*). And then there is a group working on health (*santé*). Looking at health benefits of wine. Things like polyphenols which are supposed to be part of why wine is good for you. Also there is another nearby INRA lab that works on maladies of vines.

me: What is it about marketing? I find that everyone I talk to keeps bringing it up...

KK: Before it used to be production that drove the market, but now it's the market that guides production. That's why I think we should expand this part of our mission. We should be thinking about what makes a wine sell, for how much, why, and what kind of consumer it appeals to. That is very important. The number of organizations and actors is way too complicated.

me: I've also been talking to a lot of people about Parker. It seems people have pretty strong opinions about him...

KK: They're wines to a certain taste. An American taste...Sweet, a little fruity...For me the biodiversity is really important. That's the really richness of wine, not being the same thing (*C'est la richesse du vin, n'être le même chose*).

me: What do you think is traditional knowledge here in Bordeaux?

KK: How to take care of vines. The vinification process-- the transformation of the grapes, the aging process, it's a whole ensemble...

me: So, I'm American and one thing I found really interesting when I started my project was how important *assemblage* is here. Before I came to Bordeaux I guess I thought about everything in terms of *monocépage*.

KK: Well, in the end, the best wine is the wine that you prefer (*le meilleur vin est le vin que preferez vous*). *Assemblage* is also somewhat specific to Bordeaux-- it's not the norm for all of France. It's not the case in Alsace, for example, but the Bordelais tend to obscure that a bit. They want *assemblage* to be the important thing. With *assemblage* each wine is a little unique in each year, even within the same property.

KK: In my lab we also work on gene function-- ways to decrease pesticides, "vaccines" for vines, selection for resistance...there is a big debate in France about technology. There are TV programs that show how wine is made that make it appear very technologic and mechanical, like something devilish (*quelque chose du diable*). That leads to public distrust of technology in wine production even though it's not all that representative. It's a process of adapting technology. I don't have anything against technology. It's less poetic, but it gives interesting results as well.

me: What do you think about AOC in general?

KK: I'll answer that as a consumer. It's a tool to delimit. It's about what's in the wine. It should be regulated, but not too much...

me: What makes Bordeaux wines special?

KK: I'll answer you again as a consumer-- not a scientist. With the dry whites, it's the strong acrid bitterness (*goût agrume très fort*) they can have. That flavour of grapefruit. With the reds it's that silky character. The equilibrium. They're balanced, not aggressive. It's the roundness.

### **Interview B110, 17 December 2009**

XX: Tradition here is perpetual. It's not static, it's an ensemble. It's like the change in *cépages* over time-- the shift to merlot from cabernet sauvignon.

YY: All in all, it's just about practice. The French just like to disagree about other systems. There is a lot of *monocépage* in France.

XX: But the American system just doesn't work. A *cépage* is never enough to describe a product! You need to say where it's from! It's about the complementarity of *cépages*, to make a more complex product.

YY: I think it's really about commerce...

ZZ: And comparing Bordeaux to Bourgogne, can we really say things are less complex there? They have a lot more *terroirs* than we do.

XX: I think the real problem is that the wine is getting made for more common tastes and is getting drunk sooner and sooner.

XX: In a lot of areas, they make different wines for different markets, a more rustic one (*avec plus de rusticité*) for the local market and a smoother (*plus léger*) variety for export

ZZ: It's the winemaking tradition. Wine has always been made for exportation because of the links between the great families and others in England and France. AOC is just one or several *cépages* from a particular *terroir*.

YY: There are two orders of discourse. *Terroir* and tradition. From the 17th century onward wines have changed. They have always adapted to tastes and the market, and *cépages* have always changed to match changing tastes too.

XX: It's not linked to quality. [Full stop as the others squirmed in disagreement] It's the *cahier des charges*, the methods of production, the culture, the *typicité*, but not quality.

YY: I'm a little bit critical of AOC. As a historian, thinking about its relationship with phylloxera, the identity of products. The crisis wasn't really caused by the products that they argue it was. There are such strong links to syndicate interests.

ZZ: It reflects producers...

XX: Its the liaison with the syndicates. That's what INAO is meant to do.

XX: It helps because of the obligation to analyze the wine. It's an important first criterion. To see if it conforms to standards. The real goal of it is to create the best wine that you can, and even with the AOC, there are lots of choices to be made in each of the standardized categories. The best of the AOC will always get the benefit of status, it's the producers on the periphery that can be a problem. This is where you can see decreases in the quality of the *appellation*. You can see this with the bigger *crus*, like Mouton Rothschild, adding smaller places to the domain, but only using the best for the *premier vin*. The augmentation is linked to financial interest. The AOC is getting expanded in a similar way. It doesn't really affect the Latours, it's with the folks on the outside that it matters.

me: So what do you think about Parker?

XX: The problem with Parker is that there was already a system in place in Bordeaux and he interferes with that. Before it was about the relationship between producers, *courtiers*, and *negociants* and the system of *primeur*. In the 1970s Parker came and rating started to enter into the pricing. The old system was more about speculation than grades.

ZZ: It was an error to open the doors to Parker. He has created a value and hierarchy that are too personal. And who is he? A nobody from the street!

(*Un je ne sais qui de la ruel*) He knows what grade he's going to give before he even tastes the wine much of the time. He knows what he likes and he marks accordingly.

YY: I refer to the changes as "Parkerised" wine (*le vin parkerisé*). The same thing is appearing in Bourgogne now too. Parker has created his own style of wine.

[conversation got really heated here-- miscellaneous crosstalk and argument]

XX: I just don't like the simplification of products. I feel like now there is less diversity.

YY: They're making wine to appeal to the export market. It's more predictable and so linked to his taste. It leads to standardization of the product. The focus is the search for the best grade, not the quality of the wine.

ZZ: His style is a New World one. It's not the normal taste for Bordeaux. [further debate over how Parker works-- mainly about whether he's just a guy with commercial pull or if he has a school of disciplines]

XX: Quality doesn't exist.

YY: It's the work that determines the quality. The consumer just doesn't have all the information.

### **Interview B111, 18 December 2009**

me: You told me before that part of your mandate is to "defend the *grand crus*." How do you go about doing that?

RR: So, let's say someone in France is putting "*cru classé*" on their label and they don't have the right to use that title. It comes to the attention of one of our members who tells me about it. I put in a call to the Direction General de Repression des Frauds et Controle. They're the State office in charge of all fraud actions, including product safety. We send them a message with information about the producer and they recall all the products. By and large the State takes care of it. It's a low cost solution. Not like in the US with your litigation based system. It's not so difficult here. In the EU, the same thing would happen. There are shared rules throughout the EU about various agricultural products, including wine. Then I would call the Direction General and they contact their counterpart in the relevant country, reference the rule, and the products get recalled. The EU has specific treaties with some of the other wine producing countries as well. They're linked to general trade provisions. We have good relations with Chile and Australia, for example. In that case, the foreign government gets a call about the violation, and if they don't act appropriately, they are threatened with a suit by the EU for violation of the whole treaty. It's a major incentive to take care of minor infractions. Some things do get

written in too. Chile can use "*cru bourgeois*" in French even though the same term is used here in Bordeaux. It's specified in the legislation. Canada, the US, and China have no accords with the EU, and sometimes the negotiations don't go well. The situations are more adversarial. It's a lawyer driven model. It's not the same as with the Fraud Minister. The Anglo-Saxon world is a world of brands, and the European Union is a world of *appellations d'origine*. It's a battle between two different worlds that try to impose their views on each other. China is a third system entering the debate. There's no real predicting what they will do. They do what they want. And they have less protection for IP in general. What's important for them is the money. Sometimes that means our only recourse is a heartfelt appeal to the minister of the economy. That's what happens in the UK. You have to say something like, "there is a need to protect all these kinds of names for the sake of the economy in general." All of this means the EU can't do much about generics/semi-generics in the US, but at least they can take action to prohibit entry into the EU.

me: What do you think about what happened in St Emilion?

RR: I think the lawyers should respect the rules of the classification. There are rules to how these things work for a reason. I don't think the courts should be involved.

### **Interview B112, 22 December 2009**

VV: The *contrôlée* aspect of AOC is very important. It's the regulatory component of things. The origins are at the beginning of the 20th century. Phylloxera really hurt the wine market and hybrids were the main solution. There was just massive overproduction and little quality control. There was fraud in the air (*l'aire de la fraude*). All the producers throughout France were giving prestigious names to their wines to help increase sales. Everyone was committing fraud (*tout le monde fraudait*), and the names they took were usually Bordeaux. The reaction to that led to groups forming to have a legal basis to protect wine.

VV: The system is typically French. But it still spread and influences similar systems elsewhere in Europe. The perception was that it was that it was complicated but it gave good results. The conflict with the Anglo-Saxon world is because quality there is not a juridical notion, but something more about hygiene.

me: What do you think is the importance of AOC?

VV: It's a juridical and political guarantee of a quality. To have an AOC is constraining but *a priori* it is also more expensive.



me: Do you think there are too many?

VV: I think perhaps there are too many. The consumer can't possibly understand all the differences between them, assuming they exist at all.

me: What do you think of Mr. Parker?

VV: Mr. Parker has had a considerable role in France. He likes his wines very tannic, very oaky (*très tanniques, très boisés*). Unfortunately that has come to dictate taste-- if Parker loves it, it's a good wine. But it's obviously not as simple as that. The consumer should come at least somewhat informed. Though I think Parker is going out of fashion. Or at least I hope he is. What do you think? I think there are starting to be other voices, and people are learning more about their own tastes too.

me: What would you consider to be traditional knowledge in Bordeaux?

VV: That's a hard question. We do have five centuries of history. Tradition and modernization have always been in equilibrium. We have almost always been ahead in technique because it represents both income and the future. There's always been a source of modernization here, especially around vinification. But there are still a lot of traditional people-- *the courtiers*, for example. They tend to have been in the business for multiple generations. There's a relationship between business and tradition and tradition there. *Courtiers* are specific to Bordeaux and everyone respects their impartiality. They've been around since the 17th century. The practices are all that have modernized. The shape of our bottles and usage of corks is still the same. The whole *mise en bouteille* thing. It's all about traditional elements but in a modernized way.

me: What do you think about the role of marketing?

VV: Whether it's well or badly done, it is very important. The market is nearly saturated. It's like what they did with *beaujolais nouveau*. The Japanese especially just love that *beaujolais nouveau*. It's not that great of a wine-- you can get a lot better quality for the price most of the time-- but they make a big deal out of it every year when it comes out and about the limited availability. And people just go crazy about buying it. It's no question communication can impact reputation-- and changes happen so quickly now...

me: What is so special about Bordeaux?

VV: The prices? The genius of producers to realize they were rich enough to pursue their passions. The activity to always keep improving. The quest for perfection-- putting together excellent quality in large quantities. The

most exported wines are the most important *châteaux*, the mid to low grade stuff doesn't sell for enough to cover the freight.

### Interview B113, 12 January 2010

me: How did the movement to consolidate the *Côtes* start?

FF: The idea started in the middle of the 70s. After the wine crisis, CIVB decided to regroup the 57 Bordeaux *appellations* in six big families to clarify the message of our *appellations*. Certain *viticulteurs* of the *Côtes* already had the idea to put together a *Côtes de Bordeaux appellation*. In 1985 they put a group together. In 2000 certain producers, being aware of the perspectives of the lowering of the French market and the growing importance of the export markets-- Northern Europe, North America, and Asia-- represented the idea of a joint *appellation* to be more recognizable for export. The dossier was opened in Autumn 2004 and finalized on October 31, 2009, with the publication of the *cahier des charges* in the Journal Officiel.

me: Was changing the name principally a question of marketing and presentation?

FF: Not solely marketing, but in an attempt to clarify and specify what we were offering.

me: What do you think about AOCs in general? Are there too many? Do they lose importance if there are more?

FF: The *terroirs* are different and so it is logical that there would be many AOCs, but the limit will always be the comprehension of the consumer.

me: Was there any hostility to the consolidation? Were there *viticulteurs* who wanted to hang onto the old AOCs for historical reasons? What, if anything, do you and others think was lost in the change?

FF: Certain people were very attached to their old names-- sometimes the *appellations* were created by the grandparents of today's vineyard owners. In keeping the communal names, one doesn't lose the notoriety of the old names, one simply opens the possibility of new ones. It's a little early to make any final assessments, since the full effects of the reform won't be felt for 30 or 40 years. But the first signs, the creation of the *appellation*, the reactions of importers and distributors are, above all, encouraging.

### Interview B114, 14 January 2010

CC: There's more and more tourism in Bordeaux proper each day, Especially since the UNESCO designation there has been more urban tourism. There have been more beautification projects, but traditionally it's been all about the vineyards. Economically the reason for oenotourism is to sell wine, but not directly. It's a very useful marketing tool. They're trying to create a sensibility to the brand of the *château*.

CC: Napa Valley is like the Disneyworld of wine. You never see the property. It's like a glorified shop, they're marketing to sell. In France they can't just sell wine like an industrial product. It's cultural. Tourists come with their own sense of these things, and proprietors need help to make the process work. They don't understand how to sell tourism, they know how to sell wine. But you need to adapt to the audience-- this is why it can be bad when proprietors run tours.

me: What's special about Bordeaux?

CC: Bordeaux has good luck. We already have a very strong image. For many people their dream is Bordeaux, plus we have our historical heritage. We have all our *châteaux*, and nobody else has that. Rioja has its architecture, but Bordeaux has this historic legacy. Those are the two big things, the particularity of Bordeaux-- that's what they come for. Technology is okay because it's within a historic envelope. With quality and reputation it's just easier because of name recognition. It's an enormous advantage, but there is a need for infrastructure as well.

CC: Promotion and representation has tended to be through tourism offices. There are really only three: St Emilion, Bordeaux, Pauillac, and there isn't much else in terms of representation, although they are working on this center to open in 2012. Before these types of things tended to be private, within the *châteaux*.

### **Interview B115, 15 January 2010**

me: What's the experience like dealing with the United States?

GG: We really need to explain blending there. It's easier in Europe-- there's a culture of wine (*culture du vin*) and a historical market. *Monocépage* has only been a thing here for about 10 years, so it's hard to translate sometimes. With China it's a little less difficult because they're starting from scratch. They don't already have a wine culture we have to fit into. Historically our maximum consumption was Belgium & UK. The US buys less in volume, but buys more *grand crus*. We're building our outreach to Asia now-- doing conferences, press breakfasts-- they are the market of the future. The most important thing for us is to explain. We construct a base for consumers to understand Bordeaux wines. We educate them about geography. Consumers often don't really understand it at first, but once they start it draws them in. Presenting our 8 AOCs and the *grand crus* is a major first step of our strategy. We also present it as a different level of quality than other wines. It's an image of a dream-- of luxury. We perceive a timeline of consumption, which is why we don't target 20 somethings.

People start with beer and cocktails and then as they become older they start to appreciate *monocépage*. And then from there they get to *assemblage*. People become connoisseurs with time and increasing income-- they grow into the image. We also highlight the categories. Médoc has so many styles of wine-- *grand crus*, *artesan crus*, *crus bourgeois*, branded wines...

me: What do you think about Monsieur Parker?

GG: He's been a very good phenomenon for Bordeaux. The main issue is his singular taste. He raised interest in the United States and now people are learning about Bordeaux and finding their own taste. Traditionally Bordeaux is know for wines that are tied to *assemblage*, woody but with equilibrium (*boisé, mais équilibré*). His influence is important because the value of Bordeaux is in the mind, not because of his specific taste. It's like caviar-- nobody really understands why they should like it, but people buy it because of things like that.

#### **Interview U101, 18 February 2010**

C: Many of the cidermakers make cider for their own use and it never hits the broader market at all. Here at the farmshop we buy cider from a number of local producers who make it in the area. It's been that way for a long time.

C: People are buying more and more of our cider each year. Last year we actually ran out. People have started coming to the area and trying cider. Then when they leave they're buying a lot of the ones they remember to take back with them.

me: How do you tell if it's a "good bottle of cider"?

C: If I like how it tastes and it's not watered down, then it's a good bottle of cider. That's all I need.

me: Would you ever think it was worth having a PGI or something like that?

C: We don't need to worry about that stuff...it's just cider.

me: But if people are coming to your store and asking for it by name to remind them of their trip to Devon, it must have some value, right?

C: Well I guess you're right about that. [shrugs]

#### **Interview U102, 18 February 2010**

D: So when you're thinking about geographical indications you mean PGIs? We looked at PGIs and decided it wasn't worth doing.

me: Really? Why not?

D: Well, we can call it Devon cider with or without their permission...

me: Would it matter for export?

D: Maybe, but we don't do much of that. Perry has one-- Herefordshire, Gloucester, Worcester. Since Perry is a niche product they see it as an advantage. Cider's a bigger market and nobody's really trying to call their product Devon cider.

me: What would you do if they did?

D: If they did we can go to the Trading Standards to stop infringement. It's run at the county level and linked to health and safety. That would take care of most of the problems, I think.

me: So what happened with the discussions?

D: Well, the process is pretty involved. We already had an association, but after arguing about it for two years we decided against it. It was too much trouble and there was no point in it.

me: So what do you do in your meetings?

D: We get together about once a month and drink cider and talk about things. We share information about regulations and innovations, technology, business, things like that. There aren't too many secrets among us...

D: We're very proud of our heritage and provenance...[shows me a map of the region on the bottle-- the location is marked] We show where the cider comes from. On our vintage cider we even list the orchard...

### **Interview U103, 4 March 2010**

J: PDO products were hard for the cheesemakers to "get their heads around." The difficulty is, in large part, learning where to set your standard. What's important, who do you include, and if you don't include people where does that leave them? It's a changing industry-- there's industrial cheddar, small factories, and little artisanal shops-- there are a lot of economies of scale involved and it effects what gets made and how. There is a certain importance of marketing to preserve your niche. We consider ourselves an authentic heritage product, like our grandparents would have made.

J: World prices are important on the business side of things. Local can help because it's a way to argue in favor of increased value and justify higher prices. It allows businesses to survive. Some farms buy in milk, but we never have here. That means we don't have to pasteurize because we don't have to stabilize the milk for transport. It allows control over the milk supply. The raw milk thing is a major part of our work here. It's all about subtleties and flavours that would get standardized by pasteurization. The

idea is that raw milk allows for broader character and greater depth of flavour.

J: Slowfood UK made a Presidium here-- Somerset Artisan Cheddar. It includes us and two other manufacturers. They asked us to define what made the product special, and we came up with eight things. [handing me the descriptive Slowfood brochure]. The value of this sort of thing comes from identifying a particular quality of product-- setting guidelines for what quality cheese should be like. It's aspirational for customers. There's a market for it, and they're willing to pay a bit more for it because of how we do things.

J: Making similar cheese day by day is the skill of the cheesemaker. We're more about heritage and history than scientific planning about what happens with our cheese. So many products are designed in labs nowadays, but that doesn't take into account little idiosyncrasies that make things work. You can do all the chemical testing about how to make the perfect cheese and try it, but it still won't come out just right. In practice each day's cheese is slightly different.

J: The PDO is very heterogeneous. A lot of them are pasteurized and in block form. Some mature their cheese wrapped in plastic. It had to be done that way but the end products are really varied. It includes what I'd call a number of different styles of cheddar. They're at a range of prices and costs of production too.

J: We don't market much. The product basically sells itself. It's expensive but that's a factor of how it's made.

me: Why did the Artisan Cheddar group come together?

J: To broaden the market, to help people look at raw milk cheddar and say 'that's what I want.' There was a need to show the product is worth identifying and paying a few more pence for. Food is growing in profile and importance these days. It's also a safe indulgence, it's exciting without being a vice.

J: We've lost control over the name 'cheddar', now they make it all over the world-- in the US, Canada, New Zealand...

me: But this seems to be broadening what cheddar is. Do you feel upset that people are creating more 'industrial' cheddars based on different values in these different places and calling them the same thing? Does that dilute or cheapen what you do? Do you know what I mean?

J: It's history. We've lost it. It's very difficult to draw the line. It's part of why we just sell our cheese using the name of our farm.

me: But do you think it would be different if Cheddar could be protected more strongly?

J: Well maybe, but it just isn't that way. With the way things are it's harder than that. My neighbors would be thinking why should you take the name and be able to stop me using it?"

J: You never know what's going to come out in the cheese. Those little differences are the best part about it. All the technology and figures don't help at all, what we're looking for isn't measurable. It's about the choices the producer makes-- lab results are a distraction. For health and safety some of it gives retailers peace of mind, but that's all. I think people are starting to value that more too. There has been a major resurgence of small cheesemakers in Devon- 200 or so these days, and a lot of those were only established in the last 20 years.

me: What makes your cheese special?

J: It comes from our farm and we make it. And our heritage, that we take for granted. Family heritage and a family product. Recognizing what we shouldn't change. If you change things too much you might lose what makes it special, and then it could be just ordinary.

J: It's really great as an artisan to feel like you're doing something important. After going to one of these things I find myself looking at their stuff and seeing the value in it and then taking that sense of value back to looking at what I'm doing at home. If I were at home I just wouldn't think about it that way. It's something about heritage. We don't notice because it's part of our life.

### **Interview U104, 10 March 2010**

me: Can you tell me about the decision not to go for the PGI.?

A: Well, we talked about it, but nobody wanted to do the work...to follow through...People think it's worth having but they don't really have the desire to do the work. There's a lot of paperwork and stuff, and it's a lot to do for no major benefit. There was this organization called Somerset Foodlink that was trying to get a PGI for Somerset Cider-- they're defunct now. It was related to DEFRA somehow. They wrote down the 'rules' but it wasn't how we make cider. It was linked to a government program for rural development with a mandate to make things happen, but I'm not sure who it was aimed at really. The organization intervened to stop the process going forward. Someone also tried to do the same with Somerset Apple Juice but the same thing happened. One of the producers stepped in and stopped it.

A: The Association is an organization of cidermakers and people interested in cider. Between us and The Three Counties organization cover most of the region-- including a lot of small as well as larger cidermakers.

me: Is it weird having such a range of sizes in the group?

A: No. it's great. We get everything from stuff people made in their garden shed to a big factory like this one. It's all part of what cider is all about.

We operate on a much larger scale here. Our tanks hold 200,00 liters and can be regulated to plus or minus a tenth of a degree. It allows for more exact timing and maturation. Smaller manufacturers have less control over the process-- they just have to guess when things are done...

me: Does anyone ever agree about how to make things?

A: I don't think so-- and I don't think they want to. There's this attitude that 'nobody can tell me how to make apple juice'. The style is certainly not consistent-- that's part of why it's hard to define Somerset cider in the first place.

A: PFN status is just not worth it for big manufacturers unless it's a really lucrative product. I think the targets are mainly small producers. It's probably a marketing thing. I think it's kind of "so what" for the consumer, but more a case of satisfaction for the manufacturer. The security of knowing nobody else is making what he's making. But who understands it all?

A: Some cider is really disgusting. Some of the guys honestly seem to be making it in the same pot their grandpa made it in. The staunch traditionalists often don't make the best stuff. People have all kinds of different goals. Others are looking for more of the experience, the day out factor. Some of those small ciders are really an acquired taste. They can be difficult to drink. For large producers like us, every pint is the same. For them, every pint, every tank, is different. We couldn't do that. Our consumers wouldn't like it. They want something consistent. They don't want something that's different every time. With the small producers that's the fun of it...

### **Interview U105, 11 March 2010**

F: Making a pint of cider costs me a lot more per pint than it does for the big guys. That means the impact of duties is a lot harder on the small producers. Part of the reason I sell out of the back of the shop is to be able to cut out the middleman. It helps a little bit. I live in the next town over and bring the cider in from my farm with me. I sell it the "old-fashioned way"-- this barrel is sweet and this one is dry [gesturing]-- and I blend a little from each one when people buy it. That way you can have the medium



cider the way you like it. Cidermaking used to be something everyone did. Everybody had their little still. But that's not the case anymore, the duties and big commercial producers have intervened. The current duties are about 30p per pint less than beer, and the government saw it as an easy source of revenue-- especially looking at big producers-- and the West Country is not a huge political force. Cider sales have quadrupled in recent years, but the duty will force out small traditional producers. There is a loophole that allows a certain quantity to be produced "for personal use." I might have to start taking advantage of that if it gets really bad. I think that's definitely what will happen to some small producers-- making it for neighbors and quitting true commercial production altogether. There is some discussion of helping small producers with a duty exemption-- which would actually be great for us-- even the playing field with the bigger guys-- but who knows if that is going to happen?

F: Regulation is just something we don't really trust here in the UK. It's the English style-- "I make something, give me a fair price for it." It's not the French style, regulation/subsidy model. Here people would much rather just get a good return for what they produce rather than getting a handout.

me: What do you think about the single varietal ciders?

F: I'm not sure about all the "fashionable" ciders. They're popular, but I think it's kind of a gimmick. Before you couldn't have single varietals-- they'd be bitter and you had to mix them together so they'd be drinkable. It takes blending to make a good cider- too much of one apple is bitter and acidic. And single varietals don't keep because of lower tannin content. There's only one around here traditionally. It's called "Morgan Sweet" and it's supposed to be "ready by Christmas" and drunk over the season.

### **Interview U106, 11 March 2010**

G: I eventually left grocery buying because I wanted to move to the country. I worked for Unigate for a while before setting up on my own three or four years later. We were mainly importing, cutting, and packing. Things were going well and we were making 4-5 million pounds a year and expanding, but that's when listeria hit and soft cheese sales plummeted. When I saw the paper that day with the headline, 'This cheese killed my baby!' I knew it was time to get out while I still could. I sold the company and was approached by some former contacts in France about setting up a joint company to import French cheese to the UK. About ten years ago I decided I wanted to make cheese-- but on a decent scale-- not just a little shop where you sell out of the back. When I decided to do it I thought 'the only thing I won't make is Cheddar-- It's such a cliché...' but then this place

came on the market and it was too good to pass up. It was really different then-- really touristy. But I decided to do things differently.

G: I personally come in and make cheese every three weeks or so, You follow a recipe, but not quite-- you're making judgments all the way through the process. And when I'm not making the cheese myself I come in to police the consistency of the style two or three days a week. With multiple makers, it can diverge a lot over time if you don't keep an eye on it. But you don't want it to be totally consistent either. If you're trying to get absolute consistency you lose the character. Then, why not pasteurize? It's a spectrum. Sometimes it hits 98 and sometimes it goes to 80, instead of just hitting 90 all the time. That's the rationale of the business.

me: So is that the artisanal thing?

G: Yes. You have the potential to make something really good. I try to make cheddar as near as possible to the standards that made cheddar the best-selling cheese in the world. There are 200,000 tons of cheddar made each year. Out of those, only 2000 are made in the round. And out of those 2000, only 600-700 are artisanal. So there remains a massive opportunity to make cheddar in reasonable quantity but with high quality. People prefer different things. The only thing that would mortify me is if they said it tasted the same as the industrial stuff.

G: All of these things -- PDO and AOC and quality- it sets a standard, not a better or worse standard, but a different standard. It has to be distinctive. If the only thing you do is put a different label on it, it doesn't work, and it devalues the whole scheme. Once you lose the standard you can never get it back. That's why it's important that it's made here in Cheddar. We use milk from cows that have grazed the Cheddar pastures.

G: They've got the PDO because of where they are, but there's as much nuance between farms as between small producers and the big commercial ones.

me: Why didn't you want to go forward with the PDO?

G: I didn't want to be associated with it. It downgrades the quality because it's too broad, and there a number of things that matter to me, but not to the PDO. It's a niche market-- the only issue is defining it.

me: So what are the things you think are important then?

G: The way you make it. You know, using the cheddaring process. Using raw milk. Artisanal technique. Maturing it in the rind, not in plastic. I'd consider being part of the Presidium, but I can't because I don't have my own herd of cows. So I don't quite fit the requirements for that. But I do buy from only one farm, it's about 15-20 minutes away from here. Total we produce about

50-60 tons of cheese each year. There are the three of us who make it, including me, and two more looking after the store.

me: What's up with local?

G: It depends if you're selling or buying. The foodmiles thing is a lot of the local equals good thing. It may well be the emperor's new clothes but because *you're* local you support it. It's nearly out of principle. Local feeds into pride of place. It's like your local football team.

G: Quality is the only reason we exist. It's the most important thing about a business like ours. That's what we concentrate on. With PDO/ PGI you have to market it. It's the same thing that happened to the "Red Tractor"...it was supposed to be this symbol to designate "fresh foods" but no one really got what it meant. Now nobody uses it anymore. The PFN thing just doesn't mean a whole lot here, it's just not clear enough. Here in the UK we ignore things like cooperatives and our administration can be pretty unfocused.

me: [explaining a bit more of the mechanics of the French case]

G: Well that sounds okay to me. Maybe some sort of protection for "Mendip products." That would make sense to me. PDO here is seen as getting a government stamp of approval, rather than designating your product as something special. This other stuff sounds like a very Southern European way of dealing with things. Here it makes less sense. People who are doing well are thinking "why do I need it?" Conceptually it should be aimed at small folks growing their businesses, but they're not the ones being targeted.

me: Well then why go for PDO and not a trademark if that's what you want?

G: You don't know what it's for. It's just another badge.

### **Interview U107, 12 March 2010**

H: I was just at the recent meeting that [Informant M from U113] set up to get the PGI/PDO producers together. It was interesting. It was like there were two camps: on one hand people who were very commercial, using it as a proactive marketing tool and on the other people thinking about this as artisans-- being spiritual. Protection as protecting heritage and a way of life, that sort of thing. Kinda like the Slowfood Ark rationale. They're two different responses with very different vocabularies and agendas. The English tend to get bogged down talking about things like this. Europeans just go ahead with something and get on with it. Meanwhile the English are still talking and getting stuck on the details.

H: There's such a human element to cheesemaking. It depends a lot on measuring the acidity-- it should be a flow over time. It's like when you're in chemistry class with the paper that turns pink and blue? Litmus? The cheesemaker has to stop when the pink is right. And everyone has their own pink. The whole thing is the person. It's amazing! Personality is affecting the cheese at an atomic level. [Informant J's] grandmother won a 36 day consistency award at a farm show for that sort of thing. That kind of stuff makes small cheesemakers "a lovely story."

H: They don't think about it as a protectionist thing at all.

me: What is it then?

H: It's like a medal or badge of honor. Holders tend to think of it as a positive thing-- it's something that proves their marketing claims, qualifies the marketing story and proves that it's true. It's also a way of protecting their heritage. Everything is "written down for safekeeping" to preserve what they're all about.

(following a discussion about export and UK food heritage generally)

H: In the UK, all of the environmental stuff, the footprints, the mileage, I think it's all a justification really. They just have a preexisting preference for the local that they want to justify. I think it's a national personality in a lot of ways. There's this proximate, clan orientation working here. We love that local thing. There's this conflation between locality and regional specialty that happens too. You can't have it both ways with foodmiles and stuff. It's about which rationale are you buying into? People don't get the difference really. You're asking a lot of the consumer. We don't market the PDO cum PDO, mainly because there no generic campaign. At the end of the day it's not enough. PFN isn't really anybody's day job. There are some very British things about this and some very un-British things. It's a real mix between conformity and non-conformity.

### **Interview U108, 16 March 2010**

L: Reconnecting people with where they food comes from is a big part of our mission. When we started we made two initial decisions for the farm. One was to buy organic and the second was to buy traditional cattle breeds. Because of our conservation mission we decided organic was the best game in town to tell the story of what we were doing. We farm about 700 acres-- 150 on site and the rest scattered throughout the region. There are endless debates about what to stock. First we start with things we grow on the farm, then within the net of local farms we support, then within the region-- especially for specialty kinds of products. If we're sourcing from outside of Devon then we start thinking about things like organic or fairtrade. Organic

started before the war, and in practice it has a lot to do with annual inspections. We try to explain the higher cost to people, that organic and non-organic are fundamentally different kinds of food, like comparing apples and pears. We also support a net of local farms. Our consumers are much more interested in the local. Organic has negative connotations for people, and for producers it's also quite an onerous standard to have to maintain. We've moved to put as much emphasis on local as organic. Our cafe isn't organic, and that's deliberate. We've also tried to move beyond foodmiles to wider climate change issues.

me: Why is local so important?

L: Well, there are the negative connotations with organic. And people are more motivated by things that are local to them. It's easy to understand. You're helping your economy, local business, heritage. It's more about self interest than saving the planet. To the consumer, local is worth a little more, might be homemade. Organic is probably a con. They're going for high quality, not elitism. The problem with local is that it doesn't mean anything. Where do you draw the boundaries? With organic at least you get a benchmark of what you're getting. People like a simple idea of how to choose. How to make these decisions. You go for quality-- the West Country heritage niche.

me: So you're comparing heritage and local? What does that mean?

L: Well, I like to bring up World War II and the Dig for Victory campaign. I think heritage works for people because it's not some newfangled idea. We're trying to stay in line with the environmental agenda, but organic is only 2% of farms. The British are quite good at separating themselves by region. For people here, Devon is local. After that maybe these other things matter more. I think depending upon the products you also think about them differently. With what you're working on, cider's more local, cheese is more about craft. Also a lot of time the issues arise when local brands go mainstream. It makes a big difference and has a negative influence on consumer perception. People see it and they think, 'if it's at Sainsbury's it must be mass market.' British people love a market, but there's something un-British about supermarkets. There's an anxiety around that stuff-- local communities versus global multinational businesses. Local food is a way to try to recapture what's been lost. It's the loss of British food culture. There's been a slide since the post-war period. Lately there's been a strong response to niche products, but they don't change the system.

### **Interview U109, 17 March 2010**

U: We're a craft operation relying on the mystique of Somerset and apples and cider. Our mystique is what we're about. We are an artisan product. And that means you rely on the older products to create that mystique.

When you drink Scotch you're imagining the moors and the grasses and the breezes. The Japanese produce some really good whiskey, but they can't supply that feeling. They can't make you think about the same things. With them it's all kamikazes and Godzilla or something... Mr. Bulmer was a good cider guy-- but then when he left the company they forgot about the mystique...It's not supposed to just be about getting drunk.

U: We like using barrels from all over. That's what gives the distinctive flavour to the spirit. In the UK we like industrializing everything-- it leads to uniformity-- in France there are links to regional loyalty and family roots that we don't have here anymore. We have good relationships with Calvados. Everything in England is industrial, but our role is artisan production. There's just less respect for artisan production in England. There's a difference in philosophy. In England we have no philosophers, in France they're national heroes.

U: We're currently getting grief from Italy and France about our application. They both voted for publication but we're having issues. DEFRA sent folks to Paris and Rome, and we've also linked up with our MEP. The concern is whether the whinging will become a formal complaint. We have formal support from the Calvados producers, but the Spanish object and they can do so at both national and regional levels because of the way their government is structured.

U: In other places there have different views about heritage. Like how when they bury French politicians, they take them back to their native village. British politicians don't have a village, the very idea is laughable. Here you link to your class, not your village. It's something about roots with how you think about food. In France it's just in your blood. We could be sitting around this table and thinking about wine in terms of expertise, but a French plumber would trump us all. It's like in James Bond, the way you always know the villain is that he's not quite urbane enough in the right way. His outfit is perfect, but he doesn't tie his tie right or something. When it comes time to do certain kinds of things he doesn't quite follow the right convention. There is a social aspect to it. An idea of the noble peasant and the public. But I think it's mostly arrogance and insecurity. A kind of defense mechanism. It also links to our distrust of foreigners.

#### **Interview U110, 17 March 2010**

V: There's a great story behind it, but we're trying to be commercial too. We're looking for consistency within a spectrum. People have different

reasons for applying for a PGI. Ours is pure survival. We're not just trying to preserve the past. Without it we're stuffed as a company.

V: Brandy is anything distilled from fruit. It had been part of the EC spirits list when it was created. But a couple of months ago, we got a call from a distiller friend who noticed it wasn't on the list. That meant that we'd have to stop going by "cider brandy" and be "cider spirit" instead. It's a weights and measures issue. But by the time we found out it was too late to change anything in Brussels. In France they thought, "we've got Calvados," so it got omitted. Nobody thought to advocate for it because they didn't think there was a need for it anymore. We told Brussels they'd effectively destroyed the company and they offered to fast track the PGI to fix things. There are a couple of other producers in Hereford and Cornwall as well, but we're the main one. DEFRA just wanted to fix the problem, but we said, "No, let's make a proper AOC." We thought about Calvados-- that means a set of rules like organics, and Slowfood does the same kind of thing. We wrote our own values because we wanted things to conform to our high standards. We don't just want crap calling itself cider brandy. We created our producer group-- the Association of Somerset Cider Brandy Producers, and we're due to hear back April 10. We're currently in the 6 month complaint period. DEFRA is wholeheartedly behind it-- we were at the Christmas PFN market, and the Protected Food Names Association meeting they started a few weeks ago in Birmingham.

V: Cider used to be used as wages. Every farm would have an orchard and produce for its own use. They'd pay labourers with it. Often before they'd agree to take a job with you they'd check out your cider. It was really a part of everyone's everyday lives. We're featured frequently on the food programs on Channel Four. We sell to Fortnum and Mason, Waitrose, and Booths. Getting Fortnum and Mason is a good way to get through the door on the rest of them. It establishes your reputation when approaching other suppliers. Initially we marketed at a lot of farm shows. We'd take the arabic still along with us and hang out. Marketing is easiest to do through tasting. Regional, local, foodmiles stuff are all doing fine through the recession-- with organic, people are finally seeing through the bullshit.

V: *Terroir* is very much part of what they do. Cider apples self-ferment, but most need blending to be drinkable. The line for where they grow goes through the West of the UK but stop at Herefordshire. It's all the pure red Triassic sandstone. Long Ashton research institute names three areas for the best vintage cider apple production- all of them are in Somerset-- and we're

one. It probably the equivalent to *grand cru*. The *terroir* is different-- that's why we're not the same as Calvados-- they're cousins. They're just different me: What's special about Cider Brandy and what you guys do here?

V: The apples. it's got to be down to basics. The art is in the barreling. I'm not a fan of single varietals most of the time. Blending just makes better cider. The only singles we do are Kingston Black and Stoke but that's because we do them differently-- *methode champagnoise* style. Blending is what cidermaking is all about. The whole thing changes over time. It's an evolution. With proper food it's always unpredictable.

### **Interview U111, 25 March 2010**

AAA: I think there are two types of people-- there are the prescriptive ones that insist on telling you how to live versus the ones who just leave you alone to do your thing. The British have that kind of relationship with the State. It's like a pendulum swinging back and forth from repression to permissiveness.

AAA: You know the AOC is all about protection. The origins are because the French were already using it. The English lost cheddar because you can use the same process anywhere.

me: So why use PFN if it feels incompatible?

AAA: Because it exists you wind up using it. You're forced into it by the open market system. The Hereford PDO works pretty well. It's linked to the process and helps them with marketing, but the Southwest guys can't agree. There was also a move to protect "English Cider" for a while. We found ourselves thinking about how restrictive to be. What's the marketing value? Does it prejudice other products or the continuing development of markets? I think it's really only a means to market through. It's a way to build cache as a local heritage product. The reason I think it doesn't work is because we'd have to be confined by rules. *Terroir* is a ritualistic thing. Everybody knows a shiraz is a shiraz is a shiraz...

AAA: Some of these small producers are really attached to their cider. You can feel the way they love and are part of their product. It's like they're symbiotically part of it. There is a very real spiritual component to it.

AAA: Single varietals are still pretty tough. Katy works because it is very particular apple, but the original types of cider apples just won't work. It will kill you. The tannins are far too high. The mass market does not want that. Blending of sweetness and tannins and alcohol are necessary for consumers. It really is about marketing. Product differentiation is key to growing the market. It's also about scale. These definitions are linked to



market penetration. In my opinion, PDO/PGI has no cache whatsoever. The impact is on producers rather than consumers. If you want to go that route you need to support it with a heavy marketing budget. Right now it's the collective efforts of individual companies that are growing the market. It's the brands, not the PGIs.

### **Interview U112, 29 March 2010**

B: Officially you're meant to market the status prominently-- if you don't use it you lose it. I don't think Joe Public understands what it's all about. It's some logo. Some mark of quality but they don't know more than that really. DEFRA should be doing more to educate people, because you can't figure out easily what it means. I think it's easier to just focus on the other elements of the product because otherwise you wind up needing to do an entire education campaign just on that. In my work I tend to highlight the quality and heritage instead. I don't think we can really make the most of the PDO status because we'd need everyone to be making the most of it. There's definitely a lot of confusion. People think we've been protected as a corporation, but it's the product. It's the consumer who's been protected. It tells them how it's made. It should be marketed as a consumer thing. It would work if the consumer knew what it was, but until Mr. Consumer really gets it, there's more mileage to be had. Everyone who's got the status worked very hard to get it and want to make the most of it.

me: What's the best part of your job?

B: I love that it's a family business, that it's about integrity, family values, honesty and trust-- integrity. I feel so lucky that I get to represent one of the best products in Cornwall. It's world-renowned...I love eating it...It's a great story to sell with the family heritage and product. I'm not scrambling around trying to come up with things to say...

### **Interview U113, 2 April 2010**

me: How did the organization start?

M: I always had an interest in getting the PFN producers together, but I felt like I should wait until Melton Mowbray was formally granted status. Then last December DEFRA hosted a Christmas market for the different producers, and after that we had a meeting in a pub and decided to start putting something together. Our first meeting was Feb 16 in Birmingham, and it included DEFRA and ADAS along with the producers. Now there's a steering group to help develop a more formal organization.

me: What are you looking for?

M: Representation to the government and the European Commission. The government doesn't even always know all the producers the way things are

now. I think there should be registration to encourage government reviews and compliance. We want consultation on proposed changes in the regulations and to be the liaison with related organizations like Food Standards and Local Authorities. We want to build wider public and retailer awareness and promote applications for status. Long term there will hopefully be joint marketing and media outreach. Maybe some joint work to concentrate on preserving traditional skills and recipes.

me: How do you pitch the idea of status to people?

M: We get a very enthusiastic response from organizations but there are a number of single producers- Dorset Blue, Beaconfield Cheese...

me: And why do they want PFNs?

M: It's protection of the name in two ways: against people making it outside the area and not making it to recipe. Those things are important since, after all, it's jobs in the area. And when you're against a supermarket if it's a PFN you have a bargaining chip-- it means you can say "no" to changes in how the product is made. It gives you something you can use against Tesco-- you can say, 'I'm sorry I'm not legally able to change to cheaper ingredients.' Things like that. It allows you to preserve integrity. With PFN it's like when you're visiting a new place and you're hungry. And you're trying to figure out where to eat. And you see in your guidebook that there's a Michelin starred restaurant in town and you think 'Well, I can eat there. I know it's going to be good.' It says something about provenance, history, heritage, skills, quality, and inspection. With PFN you're more likely to get a welcome from the knock at the door. But it's not just about protecting a product, it's about promoting it as well. I also work on a program that seeks to preserve traditional food skills and recipes. We're trying to protect these kinds of traditions-- kind of like that "living treasures" thing in Japan. I wish more was going on in relation to DEFRA. It's a tough process and there's a lot of work to be done in putting this together, and people need more help writing applications. I've written a couple myself, but there should be a scheme to help. Compare it to our architectural heritage. We have the National Trusts and they make lists and all of that. We ought to list our iconic food heritage too. I think it's important. And it would be nice to have the same tastes in 200 years that we had 200 years ago.

me: What's going on with UK food heritage?

M: It used to be that nobody cared, but people are starting to care more now. They want cheap food but also something different, and interest in foreign food is raising interest in food back home. People are going on more holidays and trying foods while they're away, and then they come back and look for something similar when they come back home. It's like these local Cornish sardines. They've been around for years, but before they had a different name, until they were rebranded by some guy capitalizing on their

similarity to Mediterranean products. Then Marks & Spencer picked it up, and they're really popular now. They even got PFN status. It was a real turnaround just for the sake of a name. I think some of this can be a real renaissance for British heritage.

me: What's special about Melton Mowbray Pork Pies?

M: In an interview someone asked me once, 'how can you compare a pork pie to champagne?' And I told him that making a Melton Mowbray pork pie requires an array of butchery skills, pastry skills, traditional skills and techniques. There is more skill and art in making pies than you imagine. Certainly as much as in making champagne. It ferments by itself! It preserves tradition and reputation in a rural town. It's almost like a pilgrimage. People want to see where they're made. We have a vibrant tourism around this kind of thing. There are a lot of food based connections here. We have the third oldest livestock market in the country. That gets pretty busy over the school holidays...Afternoon tea was invented here. And we have Stilton and Melton Mowbray pork pies. We thought, 'wouldn't it be great if we could be the rural capital of food?' And it turned out no one was using the name, so we took it. There aren't too many other places that could have really claimed the title anyway....It's been good so far. It preserves tradition and reputation in a rural town. 250,000 people came to the main street pork pie shop last year and our population is only 25,000, so there must be *something* there. Before the crash, our unemployment was lowest in the country. It's really becoming part of this food tourism thing. 60% of our regional jobs have a connection to food.

### **Interview U114, 12 April 2010**

me: So what is your role?

K: Promotion is the key role. I spend a lot of time looking for potential applications by reviewing the historical literature and searching for products at a regional level that might be eligible for protection. I help with the applications. I can't write them myself, but I can help with difficulties about how best to present things. Things like that. I speak to the media, the Independent, the Grocer, Fine Food Magazine...

me: How do you think that British food heritage has changed? How does it articulate?

K: There's been a real food renaissance in the last fifteen to eighteen years. With all the celebrity chefs and things. Food has become very sexy in a real way. You have people wanting to know where their food comes from, how it's made, who's made it. And then there's the interest in health because of food scares and things like that too. I see it as a pivotal time where many

elements of the food industry have just converged together. Until World War II there was so much regionality and local food, but then around the war they stopped growing food. From the 40s and 50s until the 1980s there was a deliberate attempt to standardize and homogenize food here so that it would be more easily managed. The idea was to make it square and bland. It was a deliberate assault on diverse food culture. So we weren't standing still, we actually wound up going backwards. We're still dealing with the legacy of that history today. We've still got a long way to go, but there are positive signs that we're seeing. There's positive interest. It's now folding into our concerns with sustainability and carbon footprint and so on.... food has always been political, but I don't think it's ever been as political as it is now. With a big and a large "P." Advocacy is still a little behind in the UK-- that's why DEFRA is glad that the new PFN association can help to look to that role too.

K: [Informant M] and I have been working on pulling together a directory of British heritage foods. There are about 1200 to go through in the first phase of that project. In today's climate that product is going to be way more interesting now than it was before. It's trendy.

me: So do you consider this a cultural revival thing? What would you say is going on?

K: I think the difference now is that it's not altruistic. Not that it needs to be, but I think that's the only way we can revive it. You revive this recipe in the world that we're living in with regard to food-- the foodie world that we're in-- that handmade, handcrafted artisanal bread or cake or cheese or handreared animal that we had back in the day is going to be oh...way more interesting now. This is the world we're living in-- understanding what's a need in the market and adding heritage is a great business strategy. It makes it much more worthy somehow. If you understand what's needed and that can be backed with a heritage or a revival recipe. It's 'what story are you telling'? That's what people want to hear. They want to hear a story. And then if you have some history around that. And some story around that it makes it more...worthy. A worthy cause... There's a reticence here to claim many of these things as heritage, but once they do people really get excited about them. There's a truth about it that makes it worthwhile. It reminds people about heritage, how it's not about just you, it's about the whole of Europe. It feeds the desire for something unique that is made by people who have stories. Those links to human contact...

K: There is some concern that the PFNs that were fast tracked aren't specific enough about material and process. The standards have increased a lot. I'm not even sure a lot of those early applications would even make it today.

The newer apps are much tighter and more focused, but the older ones are trying to improve too. Quality is a difficult word because it means so many things to many different people at one level...but at another level we can kind of understand what we mean by quality. It's an elastic word. I think it aims to present the idea of quality because of the procedure producers have to go through....You can't say one thing and be doing something else. I do wish the policing was more stringent though. DEFRA's doing more now, but it's something left to the different member states, and it hasn't always been taken as seriously here.

K: The biggest hurdle we have is the size issue. Even with the new PFN organization we just don't have the clout of a Parma Ham or an AOC. I hope we'll be able to take better advantage of it someday, and that the EU standards will change to make it easier to access their funding as well. Right now it's always the same players taking advantage of it-- mostly France and Italy. We tend to have issues with agreement and then from there there's a lot of fire and brimstone and hoops to get in front of the first person to get EU support to expand things. Parmesan cheese is kept in banks in Italy...as money! That's how powerful they are. And then we have our West Country Cheesemakers, all eleven of them. Y'know, they don't cut the same mustard... In some circumstances the PFN is helping with the organizational thing though. A cheesemaker in Staffordshire applied for the PDO alone, but then he taught three others to make the cheese too. So after that the protection had an even stronger basis than before.

me: Why is this so hard?

K: It's hard getting people to look past their individual interests. It's not altruistic-- often they're trying to corner the market or reinforcing small scale rivalries from the past. It's like the fight I had getting a couple of neighboring sausagemakers to collaborate to put together an application. They just didn't want the other one making any decisions or to take the time to agree about things. Welcome to my world. It's the bigger picture that's the problem-- they don't really understand the full impact of having a PFN. I'm constantly explaining to them what it's there for, and what it's not there for...It's not there to monopolize the situation, and some producers that have had it for a long time think that it is. I do encourage them to try to use it as a marketing tool but if you're just trying to corner the market, then I say to them, go and get trademarked...

me: They're forgetting about the magic!

K: In the case of the UK, I don't think they've ever *heard* about the magic... I've also had a hard time convincing producers it's worth doing. I was recently trying to convince some bakers to apply, and I told them that if they got a PFN they would be able to stop TESCO from doing it. It's a

bargaining chip, you get your cake and you get to eat it too. There are so many things going on now-- local and organic and Slowfood. Before all of this was "just food."

K: There are requirements to put the label on to market the products, but before very few were displaying it prominently at all. As of this year the producers and retailers are required to use it. Big producers like Scotch Beef and Lamb have always had it on there. Scottish Salmon only use it when they sell abroad. They told me, 'in the UK we don't put it on our package because nobody knows what it means, but we put it on when we sell to France and Italy because they do.' I talk to producers all the time and I'm always nagging them about getting the logo on their products and websites.

### **Interview U115, 21 April 2010**

S: There was no separate UK scheme in place before PFN came into force. Only some of the Scandinavian countries had a similar background to that. We were the only state to vote against-- because of protectionism and distrust of regulation. Since then, there's been growing importance for the program. In 1999 there was a minister heavily in favor, who featured PFN at the Royal Show. There were tastings, producer presentations. There has been a shift over time due to the greater interest in food and food culture. A lot of the early applications came under the Fast track procedure-- that's under Reg 2081, Article 17. That was between 92 and 94. There was less public consultation and no publication requirement. They reviewed a huge number of applications in those early years, and of course there was some horse trading. You vote for my application, I'll vote for yours. That kind of thing. About 300 were certified in that first group. A lot of the broad, more contentious PFNs are often from that first wave. A lot of the Fast track apps tend to be under current review. They're working to fix the problems and tighten up the standards.

me: Why does the UK lag behind?

S: It's not the same culture. And then the other countries have the ability to fast track out of their existing national systems. We can't do that. I think there's something of a North-South divide on the value of the system. But the UK ranks 4th in terms of economic value, so people are starting to think this is worth doing after all. I think the wider issue is that we're less flowery and romantic about these things.

S: People definitely have a preference for the local. The state of local food is very vibrant and a lot of organizations are working to increase that-- including a couple funded by the Lottery Fund.. I think a lot of the

motivation for the local is things like knowing the person and the farm and wanting to support them. Nina Planck from Virginia encouraged the whole farmers' markets movement here. They act as a path into commercial sale. A stepping stone, a way of testing production. And there have been some higher profile events, one at Downing Street...last year we hosted a Christmas market. Getting into the press is easy these days too.

S: There's easier funding through the EU when you're talking about PFN. It's a way to hide the nationalism with procurement and things like that. With the regulations you aren't allowed to privilege national products over other products in the EU. You can't be explicit like that, but you can prioritize PFN products, so you have a backup way to serve your national interests sometimes.

### **Interview B116, 28 April 2010**

me: What is the value of AOC/AOP?

TT: For the producer it justifies a vigorously followed *savoir faire* which has financial consequences. For consumers it is a guarantee. An engagement of the public power (*pouvoir publique*). Quality and the characteristics that *typicité* brings with it. It's a way to recognize a quality product. It's necessary to demonstrate the characteristics and links to *terroir*, *savoir faire*, conditions of production, and geography.

me: What do you think of all the talk about marketing?

TT: I think it's all a bit confused. It's about quality without knowing what quality is meant to mean. It's in their subconscious. They don't totally understand what it means. What the standards are remain unclear, but people are still buying. France is often seen as the land of wine and cheese and there's a kind of culture built behind that. All French people know a bit about that. It's tradition. It's the same as evoking tradition and *savoir faire*. People are really into *savoir faire*- typical things and the value of *typicité*. There is a certain reputation associated with the notion of *terroir*.

TT: There's been this disgrace of wine. It used to be so important, and then with all the people saying it wasn't healthy, it started to drop off. There's this new movement now to refamiliarize students with their heritage, a specific campaign to bring wine back to student residences. Wine has been more and more linked to these luxury connotations. Maybe that's true with the big wines, your Bordeaux and Champagne, but not all of them. People are paying more attention to quality across the board than they were before, what they eat and drink, and sometimes wine gets reserved for special moments.

### **Interview U116, 28 June 2010**

T: We're seeing a lot more bilaterals these days. I think there are two drivers for that. First they're evangelizing. The EU really wants to build up a bloc that values GIs. And then there is the effect of the two tiered protection system. Right now wine and spirits get preference, and this is a way to dictate the level of protection. There's a new agreement with Switzerland but there are still issues with Gruyere and Emmental. The UK is favor of doing things this way though, because these kinds of agreements are in tune with their views on free trade as well. The EU preference is for cross border GIs when they can get them.

T: There are still a few things that work like PFNs without *cahiers*. That tends to fall under Council Reg 110- Scotch whisky and Plymouth Gin are two of them, but they are going to have to do the normal paperwork for PFN soon. Right now the Scotch whisky regulations list the inputs and are overseen by the Scotch whisky Association. Plymouth gin works a bit more broadly, more in the style of a TSG.

T: With Melton Mowbray we did the national level review, sent forth the application and then the suit happened. The same thing happened with Cornish Pasties. We sent it on to EU over objections too, but there was no further trouble over that one. It should come through in the first quarter of next year. I was at a meeting of a specialist cheesemakers association a while back. We talked a lot about PFNs. It can be an issue in part because it requires a shift in production methods for the big commercial producers. The roles of associations are changing because of this movement as well. There's a need to work together. There's no tradition of cooperatives in the UK like there is in France. Everybody's doing it all for themselves. It's, 'I've got my recipe...' PDO and PGI is a great chance to get producers together to agree on what these products are all about." Generally there's someone who wants to go for PFN and then they form a loose association-- a lot of them model themselves on Melton Mowbray. They go broadbased, with both big and small producers, with a neutral chairman. A lot of the issues are around agreeing on recipes. Disclosing them is often one of the big initial hurdles

### **Interview U117, 29 June 2010**

R: There are about nine producers and a range of styles. Some are more artisan, handmade a few times a week, and others are mass produced machine made ones. We hosted the British pie competition in our local church this year. It linked well to our history. Noblemen maintained a series of hunting lodges in the area. It was especially good because of the



railway and proximity to London. The cheesemaking meant there was whey-- which is what you feed to pigs, and they butchered in the fall which is why the meat is grey-- other pies have cured meat, which is why their meat is pink. Originally it was more like a pasty, but the nobles changed it to a pie. The jelly is to keep it together while you're hunting and riding on your horse.

R: My interest started from a concern that they were making porkpies outside of the area, and not to the traditional ingredients or recipe. The public was being had, and we were losing economically, in terms of both jobs and reputation. So, I went to all the supermarkets to find out where their "Melton Mowbray" pies were made and many wouldn't tell me. Ultimately I took an M&S pie to trading standards and asked them to take action against them for "passing off," but they told me they wouldn't go forward because there wasn't enough protection under English law. After that happened I got the producers together to try for PFN-- in 1999 or so. Once you get them together you have to get them to agree. That's the tough part. You always get fights because they have to agree about 1. protection and 2. using the recipe, which means they have to reveal how they make it. Then you have to come up with a list of ingredients and the process. You also have to think about what the link to the place is. Here it's Stilton to whey to the hunting culture, which meant that before long the reputation was good enough to allow shipping to London. After that you apply to DEFRA. Consultation is where the shit hits the fan. When we put things together, we had to recreate the historical way they would circulate. The town itself was too small, so we decided 25 miles or so would be a radius worth bringing them to market. Then we refined that by looking at the map and decided that the River Trent made a limit on one side and the Great North road on the other. Then we excluded communities that would have used other markets, towns at the boundary got added in. We called in a historian to help us figure all this out. With the court cases, DEFRA submitted the application and then Northern Foods challenged it. It went for judicial review and they were given a year to comply. The case went to the high court in December 2005. The association got our own barristers to add backbone to DEFRA and ensure good representation. It was in all the national press, especially the Times and Telegraph. There were even positive editorials being published about it. We won, they were given no leave to appeal, but Northern Foods appealed again for a personal hearing en banc. I went, but I was the only one there. Then, it turned out one of the judges was interested. It was really unexpected. It was such a formality that I was the only one to attend. They had to arrange a recess so I could make some calls and get counsel there. It ended up being referred to the ECJ. The case was ultimately withdrawn when Northern

Foods negotiated a five year concession from DEFRA. The association got its costs which is really rare. They were in the six figures, so that was a pretty big deal. I think it was important because it showed DEFRA's resolve to defend these cases. It showed small producers this stuff could work. It was kind of DEFRA putting its money where its mouth is. Northern Foods has since applied to join. They closed the infringing factory and moved to Nottingham, which is within the boundaries. It was an 11 million pound investment for them to do that. But they still insisted on sticking with the noncomplying products they can make under the transition, so we kicked them out of the association until all their production is in compliance. They'll probably rejoin in the new year. Samworth Foods and Northern Foods have history which played into this whole thing as well.

R: Stilton was trademarked by the high court in 1968. But you can't make Stilton in Stilton. It was not traditionally made there, it was only sold there. There's this guy there though, who's trying to argue that that's untrue-- using some of my research actually-- but he's reading the work wrong. Cheese was made in Stilton, but it's not what we know of Stilton-- there's a recipe for a regional hard cheese. And he's trying to say that that should be "Stilton" cheese too. The name recognition comes from one guy--- Cooper Thornhill at the Dell Inn. He was close to the Great North Road and sold it that way. He probably originally got it from Frances Paulette-- they created the recipe, production, punching the cheese to allow mold inside. Stilton was really from here.

### **Interview U118, 30 June 2010**

E: Our farmers' markets in the UK have been going for about 11 years now. The idea was imported from America. There was a woman in Virginia who brought the idea over.

me: Really? What was there before?

E: Shops, little ethnic places, pick your own, foodhalls...

me: So there weren't markets before that?

E: Well there were, but we've been losing farmers ever since the industrial revolution. There have always been farmshops, but they're problematic. Is it just what's on the farm? Do they bring stuff in? How big are they? Can you do all your shopping there? There's not much standardization in knowing what you'll get.

E: Our first London Farmers' Market was in 1999 in Islington. We get primary producers-- farmers, butchers, dairies-- what they make is what they sell. And then there are secondary producers, like bakers. They can use products they don't produce themselves, but they must be made from local products.

They usually buy from the other producers at the market. All the products in the market must be from a 100 mile radius of London. Our standard is local.

me: 100 miles? That sounds pretty far...

E: Well, if we were further out in the country it could be closer, but London is so big that to have the right variety we have to extend it a bit.

E: Organic does have the misfortune of being seen as classist. I know someone who uses 'organic' instead of 'yuppie.'" Lots of people just assume that farmers' markets are organic. I often have to explain the difference to people, how it's all about EU accreditation....People often equate local, seasonal, and organic. They wind up putting them all in the same package. But one thing our customers have in common is that they want food that's fresh and seasonal and they want to support farmers.

me: So who comes to the markets then?

E: They're simply people who want good, honest, and wholesome food. I'd say we get a good range of ages-- people in their mid 20s to their 60s. And we do have some of our producers joining the fruit and veg vouchers program to help lower income folks.

me: Are they foodies?

CC: No. A lot of them know about food, but mostly it's people who would ask questions. If you're scared of a stick of asparagus, you don't go to the farmers' market. One of the strengths is explaining and talking to people. Explaining to people what the vegetables are, things like that. Making communities. Our producers are really good at that. We also have a partnership with local schools-- the kids learned about the markets and then went home and educated their parents. It's about having a relationship with food, not a commodity. They talk about there being food poverty, but I think it's food education poverty.

me: So what do they sell at your markets? What's always there?

E: Anything raised or grown within 100 miles of London-- meat, poultry, dairy, veg. We try to source as close to the side of town as we can. If we're selling in east London we take producers from the east and so on. But it's worthwhile for certain producers to push the boundaries a little bit...

me: And what's not there? What wouldn't you see?

E: It's pretty self selecting, I guess. Most of the producers are pretty close to the values we have. We don't get a lot of wheat barons trying to be part of our farmers' markets.

E: I have this favorite quote. It's from Jane Grigson...the food writer? She says, 'We have more than enough masterpieces. What we need is a better

standard of ordinariness.' And I think that's really true. It's always been a really meaningful quote for me. I guess that's what we're looking to do, come up with a better standard of ordinariness...

me: What do you wish was different?

E: I wish that everyone, regardless of class barriers, shopped at farmers' markets. I wish there was planning against supermarkets killing off high streets. I wish farmers were taken more seriously and getting paid a decent honest wage. I wish food would stop being treated like a commodity. It's what we put on our plates and what we put in our bodies. What can be more important than that?

### **Interview U119, 8 July 2010**

P: I like to know who produced the stuff that I eat. That sense of community. I just feel like we should celebrate what we've got. Some of this stuff is just hard in the UK-- it's the legacy of the Industrial Revolution. We were much more homogenized here earlier on than on the Continent. Because of that I feel we have less of a sense of the value of place. As time went on, we just kept losing the links. People thought about it as just the recipe. If we know how to make it, why can't we just make it here? They didn't understand that it mattered where it came from. Localness is the thing in the UK, but the sense of provenance is just not there.

P: I guess I'm concerned about the kinds of standards getting enshrined in PDO. These new producers are protecting Stilton, but they're not protecting Stilton as it was originally made. They had to make Stichelton to make Stilton like it was traditionally. The UK producers are looking at it as a marketing thing. I get what you're saying about France, but the motivations in this country are different. That's why we have so few Presidia here. There just aren't enough products that are still tied to a small place and traditional methods. Slowfood is not mainstream-- we know that, but they are thinking about values. Our members understand *terroir*. One of our Presidia is linked to a particular style of managing grasslands. It can be that specific-- sometimes it really is just a specific habitat. Production is different too. Our producers don't come up with a uniform product. It's done when it's done-- they can't tell you to put in a liter of this for this amount of time and you'll get it. They just don't think about that-- it's not something you can just recreate that way. But sometimes there's a problem with scale. Once your business gets to a certain size you eventually have to write down what you do and how you make it, and then you have to standardize more and more down the chain. Presidia are about going behind the marketing and

labeling. It's like with Gloucester Old Spot pigs. Why do they need a PFN<sup>46</sup>? They already maintain the standards. To call your pig an Old Spot it has to be a pedigreed pig under their rules. It's already controlled under the industry body. I guess I question the motivation behind PFN applications sometimes. It's a bit of a vicious circle. It doesn't have much value unless you have it and people recognize it, but they won't recognize it unless you put your money where your mouth is and apply for it. Unless you do it that won't change. So it's about what producers value in the long term. It's about why you're in the market, I guess.

P: With the Presidium program, the idea is about food communities. You need a group of producers who are willing to work together in an old fashioned way. It's constructive competitiveness that leads to increased quality. It's sharing information, maybe marketing together. There is a way to try new techniques, to try things to make it better than it was. It's learning from a community of experts to bring about change in the product quality. Booths is our new supermarket partner-- we're working to build on that relationship and get the message out. We've chosen them because of their ethics and philosophy. Most of their products are local- they even have the relationships to sell day-dug potatoes. They have people out there digging the potatoes first thing in the morning and those are sent directly to the store. It's great. Overall our philosophy is to try not to be absolutely prescriptive. It's about informing choices. We don't want to be absolutist about it. We want people to be aware of the alternatives to the choices they're making. It's not about making people feel guilty if they decide to buy something that isn't Slow Food. We don't have certification, which can be good and bad. There are so many labels these days that it's just confusing, and nobody really knows what they all mean anyway. We make a choice not to add to that. But it's hard. When I was meeting with the supermarket they asked, 'Well, which products are they? We'll stock them.' I had to explain to them that that's not really the point. 'Can't you just put a snail on it or something?,' they asked. But that's not what it's about. You know it when you see it. It's having a sense of what's good, clean, and fair. It's about what you think that means. It's educating consumers. You can have a Slowfood burger. Or chips. Or baked beans. It's about the food, not the content. We're also trying to target lower income consumers as we develop further. If this is just an elitist thing, then what's the point?

### Interview U120, 12 July 2010

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<sup>46</sup> It actually turns out that, despite my informant's comments, there *is* in fact a PFN for Gloucester Old Spot pigs, under the Traditional Specialty Guaranteed (TSG) category.

Q: You know the court case wasn't really about anything in particular...Northern Foods resisted because they wanted to use the tag but they were outside the region. They're a big budget manufacturer, a huge commercial producer of cheap food, and the markup for Melton Mowbray vs. normal pies was significant. Marks and Spencer was using the label for whatever they wanted at the time too. Procedurally we had the initial judicial review of the case. It went to DEFRA, but it was compromised-- I don't recall quite why. The second judicial review was actually based upon a legal argument-- "what is a region." Crane was the judge. This is the reported case. Then Northern Foods appealed and R. Jacobs sent it out for immediate ECJ review under Article 234. It also was reported in the European law reports. Ultimately it just petered out though. Northern Foods didn't want to sell them anymore. With them it was just a straight money thing.

me: It was about the idea of region and not the boundaries? I'd have thought that would be a lot less clear.

Q: I thought that too. I pointed out that their region was an incomplete polyhedron, but nobody really cared about that. This was a highly lucrative case. There are 150 million pork pies sold a year, 60 million are Melton Mowbray. The markup on those is big-- it's about 100%-- and the market was completely unregulated.

me: Really? That's a lot of pork pies...

Q: I know, it is a lot. That's more than two for every man, woman and child in the UK. I have no idea who's eating that many pork pies, but they're a big part of people's lives in certain parts of the country. The case was a bit of a storm in a teacup really. It had nothing to do with the region, the recipe, the ingredients or the cultural justification. It was about the definition of a region. the fight w/ DEFRA was much more about that...defining the region, and the recipe, and the cultural jurisdiction. And a lot of the evidence for all that was pretty slim. In the end, Northern Foods were for the PGI if they could be part of it, but against it if they couldn't.

me: [brief discussion about the ways I had observed a conflation between TM and GI in my other interviews]

Q: That is definitely true. There is a direct conflict between the two. Lots of times people go for trademark without realizing a PFN or a certification/collective mark is most appropriate. But those are harder to get and cost more. There's a lot of ignorance around this so for simplicity makes them go for trademark. Lots of people don't understand what a GI is, but they vaguely understand what a trademark is. They don't understand the difference in philosophy. And at the end of the day it doesn't matter because they're dealing with people who are equally ignorant.

me: [brief description of enforcement of AOC in France]

Q: That may be true there, but I just don't think it will ever be like that here for a few reasons. One, there is no culture of protected names like that here in the UK. Two, trading standards are unlikely to enforce if there's no health problem, and three, it's considered a problem for private law.

me: What happens with new applicants?

Q: They have great expectations of what they'll get, which are not realized. They can't afford to fund the process and the legal bills can be higher than the little guys can possibly manage to pay. Part of why this doesn't work is because the trade system in the UK is completely opposite to the French one. You really need a protectionist regime in place to make this work. Ten years ago there was no proper understanding of GIs outside of a handful of people. Now a lot more think there's something to them, but I'm still not sure about the value of "that *terroir* stuff"--or however you say it.

Sometimes it seems justifiable, like those acorn pigs in Spain, but these days I think it's getting stretched too far to be relevant.

Q: I think there are two things going on with local. The first is that there's this foodmiles thing, with it being with so many miles from London. And there's the second, 'It's from this island in the middle of nowhere off Timbuktu and shipped in from there and you have to pay a premium for that.' I think the latter is a lot bigger, especially in London where people have the money to pay for it.

### **Interview U121, 14 July 2010**

Q: UK farmers markets began in 1998. The first was Bath, in August. Most of them are monthly-- there are about 250 certified, which is about 1/3 of the total. It is voluntary and there is a fee. Certification began in 2002 and the parameters are set by the communities as they have developed over time. The big things are that they should have produced what they sell, and the seller should be responsible for selling at the market. The definition of local is the most flexible. It's 30 miles in most areas but in some places it's 50 miles or the county boundary. And it can go up to 100 miles for big cities or really sparse rural populations. Made produce requires local ingredients-- from other stallholders or nearby farms. 25% local is the minimum requirement. The physical inspections are done by SA Search who also do organic certification. They go to the market-- how is it managed? How are vendors selected? Inspections are usually once every two years, occasional spot inspections happen too. Farmers' markets are still recognizable as separate from general markets because people understand the principles behind them and it has kept standards from slipping. There are

also new producer verification schemes to certify individual producers-- not just the market. They aim to be accessible. It's about £120 per inspection. Whole markets are applying. It boosts consumer trust in the producers. Otherwise there really is nothing to prove that they are who they say they are.

me: How have things changed since the movement started?

O: There was a lot of initial excitement. I think the time was right for it. Supermarkets had become so dominant. Having farmers' markets brought local food into city centers. It just ticked the boxes for local food, environment and such. Farmers' markets have entered into the consumer vocabulary. They have good overall penetration, 1/3 of the population shops at them, but newcomers do have trouble getting into them. It's energizing that we still have useful, dynamic farmers' markets. Our producers succeed and can find other options as well. It encourages entrepreneurial activity. It can be a testing ground before people open their own farmshop, or get a deal selling to one of the supermarkets. We recently did a UGov survey to find out who was using the markets. We target the kind of consumer interested in good food, added value food-- knowing what is in there. Animal welfare...

me: So is this about local food or quality food?

O: Before it used to be local. But now the divide has evened out a bit. They're there for the quality, regardless of the economic value. Organic is just not a driver in the market. Local food is what they've come for. Local has a quality that speaks to the consumer. Organic just equals 'more expensive.' Other qualities are seen as higher on the list that organic is-- it's just not a mainstream thing. People like buying foods they can't get anywhere else. What they want is things they can't get otherwise. That particular cheese from that farm, that gets made with that milk-- that is the special cheese they like. It's food with a difference. Artesan made means that they're getting something that other foods don't have.

me: What do you always have at your markets? What do you never have?

O: You should never have products that aren't made in the area. You should have things that are specific to that area. It depends on the traditions and the farming in the place you're talking about. It should always reflect what the farming community in the area is doing. I think people can break the mold of how things normally work these days. Markets can create the opportunity for bringing niche value products to market.

### **interview U123, 20 July 2010**

me: So what do you think about PFN?

N: I started looking at the system in 1996. We were advising the Parma Cheese and Ham consortium. They're very powerful, solid, and corrupt in my



opinion. There was a lot of concern about the idea of independent inspection. In Italy consortiums control prices, production and quality. They often limit supply. My sense at the start of this was that Parma ham was really bullish about protecting their name more than anything else. I mean really they couldn't just have pigs from Parma. There aren't enough pigs in Italy to make that much Parma ham. When we were doing the inspections we had some hostility from the Italian government about certification. Ultimately things got so bad that we were going to go to the ECJ about anticompetition concerns. In the end we had to withdraw the claim. DEFRA made us. They had a political discussion with Italy to allow import of British beef and they told us to back off to help that go through. The independent certification is something that happened when it went EU wide. It set up a smokescreen of impartiality, but it's the consortiums that control it. When we left they switched back and they have their own certification authority now.

N: It's very cottage industry here. The PFN movement has just never had much traction in the UK. I think they said that there might be a total of 200 products total that might be eligible for protection. And even less of those have gone for it. And a lot of the applications that there are tend to be about big business. Cornish pasty is one of the top industries in Cornwall. A lot of the major producers make Melton Mowbray pies too. I guess I feel the same about them. From the outside looking in, Melton Mowbray went in for commercial reasons. They're lovely people but they were trying to get a commercial advantage. There's still a lot of confusion about their getting it.

N: The amount of income this generates for a UK business is minimal. Melton Mowbray and Stilton are the prestigious ones-- the beers, some of the stuff out in Cornwall. Newcastle Brown Ale could have been, before they lost their status by moving the factory. I'm still shocked they got bad advice and just lost it like that. And it sounds like the Cornish Pasties one will succeed now too, especially after Melton Mowbray, though the recipe is pretty basic and whittled down, with all those producers having to agree about it. I think a lot of the value gets lost when they do things like that. PFN has value because we need to know what we're getting. It's about consumer protection and protecting the rural economy. Have you been reading these applications? The application for Parma ham is just beautiful. It's all about the Italian breezes and gazing on beautiful hillsides. Some of it is just poetry. I'll give them that. I think it's a bit of a farce without it. It has to be a traditional recipe or it shouldn't get protection. If you see

something getting made in a stainless steel vat, you know that can't be how it was traditionally made.

me: [brief discussion on cultural revival and Stilton]

N: I don't think that the consumers would be very happy about that. If you buy a Stilton cheese you think you know what you're buying. If you got a cheese that was different than that, it would be a problem.

N: A lot of this is about size. We certify a couple of dozen PFN products, but the tiny ones tend to go to local authorities because of the costs. We use the PFN applications and create an assessment based upon the information in there. We're just making sure they're living up to their standards. I'm just not totally convinced about the system. It's about stopping names from flying all over the world. It's about the rural economy. I think the intention is there, but the application is not quite there yet.

### **Interview B117, 30 October 2010**

me: What do you think about all the technology?

BB: It's not good *per se*, but it can lead to positive results. And you don't have to buy into all of it-- you can try something, and if you don't like it you just don't do it again. But you don't just use technology for its own sake. In the end you want to make a good wine, not *un vin technologique*. In other countries a lot more is done by machines, but we still try to do the most important parts by hand.

### **Interview B118, 3 November 2010**

QQ: We use mostly French oak. It's aged 150-200 years.

me: Why oak? Do you ever use any other types of wood?

QQ: It's what you use. There have been experiments with other things, like acacia, but it's just not the same. It just doesn't bring the same kinds of flavours to the wines.

QQ: We have a very strict set of regulations for accepting wood. It needs to a certain size and it needs to be safe and healthy--chemically and in terms of soundness. We do a lot of tests before accepting the deliveries. With provenance, checking the size-- we're always trying to create traceability of the product. We double check all the machine tests by hand. We use people and machines the whole way through. Almost all the tests are verified by people too. Things get selected by hand and finished by machine.

QQ: The other barrels are more mass produced. In here, every one of them is made to order to the client's exact specifications. They're the *haute couture* of barrels. It has a lot to do with the bigger scale, more things need

to be done by hand because we're talking about tree trunks rather than just planks. It's even more demanding and hands-on than the other things we do.

me: How do you make decisions about when to use technology?

QQ: If it's hard, if it makes it more difficult, and if it doesn't need human discretion then we're happy to use technology. We use lasers for our labeling and do a lot of cutting by machine, but the barrels are all fired by hand. The rings are added by hand, and the larger barrels are all turned by hand too. Personalization is at the heart of what we do.

me: Who are your repeat clients and why?

QQ: Our longtime clients are happy with our product. It's a question of taste and preference really, but I'd say they come to us for our *savoir faire*, for the product that we make. The special maturation process and our unique *chauffage* (firing) process. but in the end it's really an affective relationship. They're attached to the brand (*la marque*). It's historic and they know the business.

QQ: *Savoir faire* is one of the most important things for what we do here. What else is special? The way we select the wood, the maturation process, the innovation-- especially in making the really large barrels-- research and development. We are the only firm with a special person dedicated to research and development. Others partner with universities. We do that too, but we also keep someone on staff.

#### **Interview B119, 4 November 2010**

BBB: Margaux has really reorganized around land lately--especially post lawsuit. After *Château d'Arsac* everything changed. Everyone got reassessed.

BBB: The land is definitely important. It really is about the soil-- but that's just the starting point, it's also more than that. *Typicité* is a useful guide to a particular style for a specific consumer. There is a particular *typicité* profile for *crus bourgeois*, for example. That inherent quality is consumers want. It's about knowing the style is going to be consistent. If I order a St. Julien it should taste like a St. Julien, not a Pomerol, and that comes down to the soil and the practice and the grape varieties and all of that put together. The problem is how to get rid of the confusion but still hang on to something special. For wine educators it's about losing the mystery but keeping the magic.

BBB: Consumers are learning more about wine these days. They're reading the magazines and making their own decisions. The Americans know a lot more about wine than they used to.

BBB: Bordeaux has always looked outside itself, maybe that's part of why we're less snobby about these things here. With that kind of outlook, you can't be. You can see it with a place like *Château La Lagune* and some of the other new renovations. They're so state of the art. The thing about winemaking in Bordeaux is that the process hasn't really changed, it's just about using the best equipment to keep doing those same things.

### **Interview B120, 12 November 2010**

me: Tell me about the experience with *Château de Arzac*, why did you go to the courts?

WW: It's a long story. The property was bought by my family in 1986-- a generation ago. I used to work on it with my father. It all started when I found out that AOC was in the course of revision. Arzac is one of the towns that have the right to AOC Margaux, and I knew the property was very important in the past but it was not producing wine when the *appellation* was made. That was just a quirk though, the omission had nothing to do with the quality of the *terroir*. So I went to INAO on behalf of the *château* and explained the situation and asked to be included. But I picked a bad time. It was summer and nobody was around. That's how it is here. Everyone was on vacation. They told me to come back in September. The same thing happened at the syndicate. So I went home and wrote a letter detailing everything. I read up a lot on the situation while everyone else was on vacation. I got a book on the best *terroirs* of the region and it was in there. Before the AOC when it was just an *appellation d'origine* it was included. It was when they redid things that it got left out. So in September I went back to the president of INAO and the syndicate again. They told me that it was Haut-Médoc. My father had been deceived (*Mon père était trompé*). There was no discussion. They said it was the end of the story. So, I decided to go to a specialty lawyer and ask why I was being excluded. I also bought more parcels that were in Margaux around that time. The lawyer told me that the problem was that the only way to include me would be to change the borders of AOC Margaux. In the end, it required a *delimitation generale*. That was in October 2008. The war was finished, twelve years later. The other producers thought of it as a collective violation. Things are better now, but it was really bad at first. It was hostile but ultimately it was a good result. Later there were some parcels being sold on the Haut-Médoc/Margaux border that the syndicate has reclassified Haut-Médoc. They also had some of my wine reclassified as Haut-Médoc then. Having AOC Margaux status means 2.5 to 3 times the price for my wines.

me: What is the value of being AOC to you as a producer?

WW: Financially, it's very important. The quality of wine is very much linked to its price, the more expensive a wine, the better it is. If you're producing in AOC Margaux you can afford to do some of the better techniques like harvesting by hand, new barrels. You do less of that when the wine is less expensive. I produce in both *appellations* on my property, and I'd like to be able to do more of those things in the Haut Médoc parcels, but if the price is only going to be so high, it's not worth the investment.

me: Why did you create a site like Le Winery?

WW: We're also *negociants*, and we knew the experience of Napa Valley and wanted to bring a new experience to Bordeaux. So it's a Winery Californienne. It's the brand (*C'est le marque*). We don't have that word in French, but we wanted to create something similar to the American model-- with the gift shop, and the restaurant and the events all there. We wanted to create a place to promote wine culture. In 2009 we got 50,000 people. It's the biggest oenotourism site in Aquitaine-- we do art, tastings, wine dinners, have a couple of restaurants, do some oenological education...

me: These are all pretty fancy websites. What do you think about the role of technology in Bordeaux today?

WW: Consumption is going down now. Things are changing. Now you need to seduce the consumers. The old way of selling Bordeaux is dead. Now wine needs to be treated as a multifaceted product. It is a cultural product. You need a different approach now. We address ourselves to the wider public (*Nous adressons au grand public*)

me: Is the AOC system too complicated for consumers?

WW: It's very complicated now. There's a lot going on, but you need to think more about the pleasure of it. One of the things we do at Le Winery is the Winesign program we developed. It creates a sort of tasting profile, giving guidelines to individuals to choose among the multitude of wines they might find in a shop. It's about a cartography of taste. We try to simplify some of the complexity of it for our visitors. That way when you don't know the label, it's easier to pick based on taste. One can wander through the world of wines without losing one's way. It's marvellous. And from there you can understand more about what you like over time. It's a first step, and after that you can learn a little bit more. If I like this type of wine, I'll like wines from Bordeaux, and maybe from there wines from the Rive Gauche, and going on that way. The wine sign is just a start.

#### **Interview B120, 16 November 2010**

EE: It would be **unthinkable** for us to buy grapes from another vineyard.

EE: Bordeaux formula was originally used to discourage stealing of grapes. Because it was blue people thought they were poisoned. Then they discovered it stopped the mildew!

EE: The 2010 vintage is starting to finish the primary fermentation and enter the cellar now. We use 100% new oak barrels from 6 suppliers. We rack three times the first year, and three or four times after that. We prefer a light to medium toast on the barrels. We still make 400 a year here in house. The barrels come from Colbert's forests-- they were originally for shipbuilding, you know?

EE: We take out the sediments while we make the wine. The Margaux style is more about finesse than some other places. The most important thing is that you need the grapes to be ripe and healthy to begin with.

me: So what is happening with the style?

EE: There are still some debates today about what a Margaux should be like. It's just not as consistent as it used to be. It's a big *appellation*. There are definitely some people using hail nets--you're not supposed to be able to do that. I think some properties just don't deserve to be AOC Margaux. It's like when I went to meet a friend at a dinner party last week, and someone had brought a bottle of "Margaux" and I brought one from [our *château*]. They insisted on drinking the other bottle, but it just didn't taste like I think a Margaux should taste.

### **Interview B121, 18 November 2010**

FF: We renovated in 2001. Each of the *cuvées* is for a single parcel-- this helps with traceability and *assemblage*. We track the temperature and humidity of each of the individual *cuvées*, and the shape is individually selected by the *maître de chais* based upon the qualities of the parcel. We wanted it all to be-- and look-- very modern. The stainless steel allows for control and precision. It's been our system since the 1960s. We try to touch the grapes as little as possible once they've been picked. It prevents oxidation. We use a very gentle system and move grapes by gravity. On barrels we go for a medium toast. There can be a lot of difference between barrels so we don't stick with a single producer. We choose from among the top five *tonnelleries*. We do our *assemblage* in one big batch. We had a special stainless steel *cuvée* made for that. It's the biggest in the Médoc where they do this. We also have an on-site lab.

me: What's special about your/Bordeaux wines?

FF: The wines are very constant here. The attention to detail. And the quality. I love the philosophy very much. We don't have to do much

marketing. We have a marketing director but it's mainly a commercial position. We don't really have to do much promotion because of who we are.

### Interview B121, 26 November 2010

UU: Here it's all about the Latin law (*le loi latin*). There it's more... gentlemen's agreements? It's not the same mentality. I think what it is here in France is that there is just such a diversity of products. There is a strong recognition of the value of that. And there was this desire to protect them from imposters. It protects the place, education, savoir faire that goes into them.

UU: Our syndicate was created in 1956. It's the biggest communal AOC in the Médoc. There are 78 producers, 21 *grand crus*. They're massed heavily in the area. It's based on a map that was made back in the 18th century, mapping the places that were planted at that time. Now-- as of the last five or six years-- we work with a geologist to check that the geology is right in the parcels designated Margaux. He teaches us to understand our soils.

me: But they're not the same *terroir*, right?

UU: Oh no. The main soils alternate. There are five floodplains near the rivers. Closest to the rivers are the best *châteaux*, like Margaux and Palmer. Then there is an in between space-- which is best for grazing cows-- and then there are the spaces beyond that that have more of the *graves* (gravelly soils). They come down the river from the Pyrenees. These days we are looking at a geological level to see which soils are and aren't capable of creating wines of the calibre of AOC Margaux. The idea is to declass the ones that aren't. After all, it is the soil that speaks.

me: But isn't it a little late to do anything about that sort of thing now?

UU: Of course declassifying will be a problem, because of history and politics. Everyone wants the most wine possible within the *appellation*.

me: Tell me about what happened with *Château d'Arsac*.

UU: It's an enormous property. It was planted in the 18th century and you can find it on the map. The historic case was strong. But, like I was saying, there tends to be lower quality the further out in the *appellation* you go. there aren't any *cru classés* out there, for example. After he approached the syndicate, they did soil tests and discovered that most of it is *sable noir*. It's a kind of soil that is only good for growing bread. There is a height that is geographically similar to the better parts of the *appellation*, but it is only a tiny fraction of the property. It went to the court, and there were even more soil tests. INAO and a lot of independent people did them too. It's incredible what happened. They classed the good part in Haut Médoc and

the bad part in Margaux. It's the stupidity of the French bureaucracy. Everyone involved with the assessments was very competent, but it was very political too. Monsieur Raoux is very well connected. He knows a lot of people. It went all the way to the Conseil d'etat...That's the highest court we have...it's like...It's like appealing to the heavens (*ciel*)"

me: How would you describe a Margaux wine?

UU: The style of Margaux has changed a lot since 1995 or so. Before it was feminine. Elegant...smooth...almost too light (*trop léger*). St Julien and Margaux are about the same, and Pauillac, St Estephe, Moulis-Listrac are similar in style. Overall the new style is much more structured and powerful, and a bit more homogenous than before. But the new generation has been trained in the New World, and they make wine differently. It's a more technical kind of winemaking. That's how they make wine there-- they have fabulous technique but less intense *terroirs*. The new style wines are harvested earlier, and are less mature, which means they have more power to them-- the peppery notes come out-- and greater freshness (*fraicheur*). There has been a new valorization of wine lately. there has been a lot of money spent and renovation, especially of cellars. Everybody has renovated, it's a bit of marketing.

UU: The Margaux *cahier des charges* has been a model for other AOCs. It's so serious now. With the ODG and all the rules for control. It's become very serious, perhaps too much. But I can understand. It's to guard the standard. We have quality tests every two weeks or so, and there are also teams that go through the vines to spy (*espionner*) on yield, growth.

UU: We have very small producers and others that are larger...

me: [brief explanation of the UK issues in Cheddar] So with the different sizes of the producers involved does that lead to problems with the syndicate? Do some people's ideas get weighted more than others?

UU: No. I don't think so. The syndicate is truly a democratic organism. It's very democratic. There are five communities that are part of the *appellation*, and even with their multiple *châteaux* it's not like the Lurtons just dictate things. We also try to balance between *propriétaires* and *directeurs*-- the former have a sage long term vision, thinking about heritage and the inheritance for their children and grandchildren; the others are salaried and eventually will move on to someplace else, for them it is about performance. We prefer to have both types of voices working together in the group. We are the most active syndicate in the Médoc. You can compare that to Pauillac, which is only 11 producers and mostly very large *grand cru* estates. They're always in agreement. They get together, have a



good meal, open a good bottle of wine, and that's it. Our experience is very different than that. We have small producers that are more or less farmers, and then we have these big *grand cru classés* like *Château Margaux*, which is like the Las Vegas of wine. The differences are extreme.

UU: The development of the tourism might be led by bigger folks, but it's especially helpful to reinforce the roles of the small producers. People are like, so you're from Margaux, that's nice. What else have you got? It's an enormous amount of financial power, and the little guys wouldn't have the force alone. Oenotourism is formidable. It's great to allow people the chance to connect with the culture of wine and the properties and to explain what our wines are like. There are also "grands ambitions" in Margaux to have our own Tourist Office. It would focus on the importance of the river, understanding our *terroirs*-- simplify the dossier.

me: Do you think it's complicated to explain to people?

UU: Yes, it's complicated because *terroir* is complicated. The French are very individual like that. It can be a little incomprehensible for our clients sometimes, and I think that does lead to a certain elitism, snobbism.

Oenotourism is a great way to break down the fear, because that type of fear can be a striking one (*parce que cet type de peur est impressionnant*). It's important to be nice, simple, and to get your real message out to visitors. It's the contract with the general public (*le grand public*). Bordeaux has always been afraid of the *grand public*. The focus has always been on business.

me: What do you think about marketing?

UU: The focus for us is on two things: the *terroir* and the quality and standard. That's the reason the inspections are so important, especially for the American market. The cultural aspect is primordial for us. The marketing was excellent in the past, but perhaps less good now. It's been the English who made Bordeaux. They've been marketing for us since the 18th century-- sending our wines through their empire.

me: What's the value of AOC? Is it worth having?

UU: Yes, of course. There's a high level of value. It's very important. It's the reputation, the force of the syndicate, the animation. When I go to the grocery store, maybe not for wine because I know about that, but certainly for other products, I choose AOC. It's the traceability-- a word that's so in fashion right now. It's the quality. That's what it's for. If the price is right, I buy it. And even if the price is a little higher, it's worth it. If you have the chance to be an AOC, policing the reputation is one of the most important things.

me: What do you think about Parker?

UU: Parker? I think he's an excellent taster (*degusteur*). It's nice that consumers can consult his ratings. It's a shame for producers that China doesn't have an arbiter yet. Everyone's trying to open the market there.

### **Interview B122, 29 November 2010**

JJ: The *crus bourgeois* have existed since the Middle Ages, when we were under English rule. Some people received an exoneration from taxes and got rich faster than other owners. As a result, they bought the best properties-- the "crus de bourgeois" became a traditional mention of the best properties. When the 1855 classification was created they basically took the top rank of the crus bourgeois and granted them the new status. Technically one holds both statuses, but you would never call yourself *cru bourgeois* if you were also 1855 *grand cru*. Status was never official until 2003. There was a 1932 list of 444 properties that was widely used by negociants, but it was never recognized by the government. In 1962 we created a syndicate-- the Alliance des Crus Bourgeois. In part this was to try to create a more official list, to put things back in order in a more formal way. More recently the European Union also asked for an explicit list of the things that made a *cru bourgeois*, and why. In relation to that, 2000 was the creation of the official classification. It was created on the 30 November, and 500 properties created dossiers and applied for the *degustation* stage of the process. 247 of those were classed in June 2003, but the ones that were left out got really upset and protested the list. They ultimately found a point of attack in the person of the president of the *crus bourgeois*, and the fact that he was a vineyard owner as well as on the jury. Even though it was required by statute and he abstained from reviewing his own property they still focused on that. This was an 18 person committee and all the members had agreed on the system of review beforehand, but they still complained. In the end, the classification survived for three years before collapsing.

me: Why do you think they ultimately went to the legal system about this?

JJ: They had run out of other options. They'd already attacked the president and poured petrol in his vineyards. There wasn't much else they could do. They went to the courts in 2007 and won the right to apply again, but in the end the results were never published. I think they were really just looking for a weakness. But I think in the end they realized too late that it was all a big mistake because everyone lost the right to use the term *cru bourgeois*. The original plan had been for 10 year review, but after the collapse we had to start again from scratch. Thierry Gardiner, the outgoing president, asked the existing *cru bourgeois* if they wanted to continue, and they all voted yes, because they wanted to get the mention

back. They went to the minister of the economy to see what they could do, but there was understandable resistance after the affair of St Emilion-- which had collapsed only the month before. So he looked for another solution. He asked the others to rejoin and let them take part in crafting the new process. In the end they designated Bureau Veritas as an outside group to maintain impartiality and defined a *cahier des charges*. In November 2009 they agreed on rules and January 2010 was the start of review. It's a two part process. First there is an estate visit-- they're all visited by a single person who uses a checklist from the *cahier des charges*. If you pass you become eligible to submit your wines to the blind tasting. Those were held from February to July, and we used professionals chosen by CV. Which is a bit unusual. They then double-checked for conflicts of interest, and Bureau Veritas did also, before picking the final list. They were looking for people who wouldn't be too extreme, they wanted a certain middle-of-the-roadness in the grading for a sense of homogenous decisionmaking. The producers are required to be able to trace the wine from the parcel to the bottle now. They have a special number which is assigned randomly to assure the bottle is part of the certified production. There is a special scanner code too-- you can scan it with your mobile phone-- when you scan it you go to the *cru* and *château* websites. The system will be redone every year. This is a great warranty for consumers, no one else checks that often. And if you fail you can try again next year. There are definitely gains for the export markets, but it really is great all around, we can bring up both our tradition and the quality checking and provide the whole package to consumers. We try to show the *crus bourgeois* are dynamic. They survived so long without an official classification to begin with. They have a capacity to reinvent their lives because they have always been a part of Bordeaux life and culture.

JJ: People here are more conservative, but they're still glad they exist. If we hadn't reached this compromise there would have been no more use of the *cru bourgeois* name after 2008. Sure, they always compare to the 1932 list, but a lot of things have changed since then-- there have been wars, agricultural changes, and all kind of things-- it cannot be the same, but for classical consumers it is important to have *crus bourgeois*. Without them, there is a hole in the wine culture in Bordeaux. It's about good wines you know you can still afford for special occasions and things like that. Most of the *cru classés* are outside that realm for most people. It's nice to be reassured by the quality of knowing you have a *cru bourgeois*.

me: Why would a producer want to be *cru bourgeois*?

JJ: It's easier to sell. It's easier to be a part of a large family when you promote abroad. We have 243 members-- that's 25 million bottles, and the

group matters for setting things like tastings. It's about the links to the broader community of producers.

me: What special about Bordeaux wines, and especially the *crus bourgeois*?

JJ: We were the first to make *grands vins*. There are *crus bourgeois* in all eight of the *appellations* of the Médoc. There is such a history and links between them-- there is a real importance to cultural and social life. It's the art of living (*art d'vivre*). It's still a family way of being. And the technique. It's the quality of the *terroir* plus the history plus the technology.

### **Interview B123, 30 November 2010**

DD: The Grand Conseil represents all the confreries of Bordeaux wines-- there are 15 unique chapters. The Médoc/Graves and the Jurade St Emilion are the most important. There are about 100 members total. All the individual chapters are independent and linked to *appellations*-- their role is to educate about the *appellations* (*faire connaitre les appellations*). It's about trying to encourage people to learn more about what they are and try the wines of Bordeaux. We have "ambassadors" throughout the world. It's a club like the Rotary Club or the Key Club. There are 30 chapters in the United States, and they we just had the 30th anniversary in Bristol. There are four in Japan. We do big dinners, charity events, all kinds of events that are designed to promote the wine. People like the prestige of having a diploma from the Jurade. We arrange a lot of special events of different kinds, give out medals and things. People love that stuff. They even show up wearing them at special events like the Fête de la fleur.

DD: We're for all the *appellations* together, not just some of them. We try to make everyone work together from the little guys to *grand crus*. I'm surprised that there is not much of an initiative to promote Bordeaux wines on the menus in town. I think that's part of the importance of the Bar au vin over at CIVB.

DD: We're trying to protect the traditional side. We conserve all the traditions. We definitely think showing how things have been here is part of our mandate. We highlight the special ceremonies. We bring out traditional implements and things like that. Bordeaux wine has lots of prestige. I can have a Côtes de Rhone or a Bourgogne, but in the end, I'm faithful to Bordeaux. I think every bordelaise is like that.

DD: At a world level, Bordeaux has the luck that the wine takes the name of our town. Other places don't have that. Bordeaux *is* the wine.

### **Interview B124, 3 February 2011**

LL: We've been representing Bordeaux for five years.

me: What works in terms of promotion?

LL: What works? What works is getting people there-- seeing is believing in a lot of ways. We started by targeting the press and have moved on to cooking schools, now we're also looking at wine and mainstream journalists. We also represent the UK Beer Association. That's often through sampling and breaking down misconceptions. You find people who will say, "I don't like dark lagers," and then you have a girls' night out event where someone tries it, and it's "Surprise! Girls like Guinness!" Generally, what we do is try to demystify. With Bordeaux, it's teaching new people about the region. I think tourism is very important. I think everyone gets confused about Bordeaux...

LL: Everyday Bordeaux is our focus. It's a little easier to shout about because you don't need to worry so much about which slope the grapes were grown on. It's amazing how little people know-- they think it's just red wines-- it's great introducing them to the whites and the rosés. And the really fun thing is to take someone who's never been before-- they're all wowed. The women winemakers are especially great to work with-- they really work together and see it as a holistic thing. Journalists need to talk to more than one producer and they're already referencing each other. They have that connection. I think it's from being women in a male dominated industry. They just naturally get it. They're not scary but they get what they want.

LL: Cheesemakers are lucky. They have Alex James who has reinvented himself as a cheesemaker in Oxford. You can't buy that kind of publicity!

### **Interview B125, 4 Feb 2011**

MM: We just can't compete with the supermarkets for entry level wines. We have to provide something different to be able to survive. Part of that is why we look to build exclusive relationships with small producers. Our house range has always been a big deal. We want it to be what our regular customers drink for everyday. Waitrose is the big competitor with that range-- also Farr Vintners. We want to be exclusive since this is a prestigious thing, and we have a long tradition. But we'll really sell to anyone who can afford to buy the wine. Once they make it in the door, our goal is to be as friendly and non-pompous as we can be. It's a tension-- it's exclusivity for anyone with the money in their hand

MM: There are definitely some people out there who think *terroir* is a load of rubbish-- Mike Paul is one of them, I know. France has very cleverly marketed itself with this whole AOC thing. The whole mystique in the land,

you're just drawn into it. Is it really real or just a load of bullocks? Who knows? Who cares? It's interesting to discuss the soil, but you can't really tell the input the winemaker has. You've never really got a...what's the thing they have in science experiments? A control to measure against. I mean if there were five of us here and they gave us all the same flour and butter and ingredients and told us to bake a cake, you'd end up with five different cakes. So does that mean that *terroir* is real? It makes it seem like it isn't. When we teach, we say it's a combination of things. But I think we make up these things so that we can remember them. We conceptualize because there's just so much to take in. We don't know the half of it, but we conceptualize to make us feel we know loads. That why we market it..."

MM: France had it right from the beginning. It has always made provenance important. And it links in so well with the rest of this.

MM: We're expanding in China, but it means you have to change your strategy. They buy as a trophy, they just want to show off the top names. Nothing else really matters that much. But, I mean, can you really pick a wine from a lineup anyway? At least after a certain point, I'm not really sure. It's funny. We taste the wines, but we talk about them like we have them every day, and we just don't. It's what we associate them with. It makes me think about Christmas. Every Christmas with my Christmas dinner we have bottle of my favorite brand of champagne. I'm in love with that brand. That's the whole point. Christmas is just not Christmas without *that particular* champagne. I don't think a lot of people really realize how important the brand really is to them. It's not just China. The label really does set the scene...

MM: We do a whole series of in-house education programs. We tend to get less suits than they do at Christie's. I guess you could say we have a broader base than they do. At our events we educate in order to sell the wine. It's all about having fun and learning about taste. You can learn about acidity. You can learn about flavours. It's something any Tom, Dick, and Harry can do. You don't have to be a fancy connoisseur to understand at least some of that. You can look at people studying for this master of wines-- which is the strongest wine credential you can have, only a couple of hundred of people in the world have it. And you can ask them what's the real difference between *terroirs* and they *still* shrug...

MM: I like to think my food has been lovingly made. There is this lack of love for food because all they want is cheap.

## Interview B126, 15 February 2011

NN: I've been working on the account for seven years now-- it's really nuanced how I think about these things. One of the good things about it is that it's always evolving and changing. They're always looking for new ways to present what Bordeaux is all about. They don't rest on their laurels. It's about building Brand Bordeaux so that the demand remains, even when it's not on promotion. Everyday Bordeaux is really our focus-- the £5-20 range. That the marketing strategy. High end producers can pretty much name their price anyway. The strategies are definitely different. Bordeaux has 1% of the market here, 48% of the market in France-- that's two very different markets and mindsets. You can't run both of them the same way. They're very much unique beasts. In France its very much about the experience. In the UK that's different. We'll buy anything as long as it's on promotion. Australian wines are #1 here-- it's cheap, reliable and you know what you're going to get. Bordeaux are not really sipping wines either. And there's a real lack of awareness around the whites. People here know claret and just assume Bordeaux means red. If you go white you go Burgundy and if you go red you go with Bordeaux. That's how you drink French wines here. After all until two years ago you couldn't even put grape varieties on the label. And that's what people tend to identify with. The only exception is Rioja-- and I think they've just done a fantastic marketing job. With Bordeaux there are all these types, but Rioja is just Rioja. Bordeaux lacks the specificity for the noneducated market-- it takes education. That part of what shaped our new campaign. The new tagline builds the reliable association that that's a food wine.

NN: There's such a dissonance of the image of Bordeaux as stuffy and the actual welcome when you're there. Berry Bros and Rudd is just a small part of what Bordeaux is. That doesn't allow people to really see what things are like. No one is wrong with wine. You like what you like. I think of the wine aisle as a sweetie shop for grownups..."

me: What's special about Bordeaux?

NN: When you buy a bottle you're buying into someone's family and heritage, I've learned that from meeting with producers. They work so hard but a lot of time they, at least the smaller producers, are just keeping it going. It's the level of passion. You can get everything you want in one region and I wish everyone knew that.

NN: I really like the current Jack Daniels ad campaign. I like that image they have in the Tube, listing the history. That's a great project. I like things that

are set up that way-- it seems like it's more about making a living than making money...