

**Introductory Legal Research – Final Quiz - Answers**  
**Fall 2017**

**Note: Documents #1 and #2 follow at the end of the quiz.**

**Name:**

**Section:**

This quiz is worth 100 points and constitutes 25% of your final grade.

Directions:

- You may consult information on the course Wiki or from notes you have taken in class.
- You may consult information posted to D2L.
- **However**, you may **not** click on links in either of the two resources above that would take you outside the course Wiki or D2L.
- You may **not** use Westlaw, Lexis Advance, or *any other online resources* to answer these questions.
- *If you are found using any such resource, you will receive a zero on this Final Quiz.*
- For multiple choice questions, please choose all that might apply (there may be one or there may be more than one that applies).
- For matching questions, please select the answer that *best* applies. Letters will be used only once.
- For question #18, please use Document #1 and for question #39, please use Document #2.
- Please read carefully!
- If you have questions as you work through the Final Quiz, please come up to the front of the room to check with Prof Condit.

1. The ultimate goal of all legal research is to find what kind of authority to support your legal argument?  
Please highlight your response. (1pt)
  - a. Secondary authority
  - b. **Primary authority**

2. A 5th Circuit Court of Appeals case is \_\_\_\_\_ on an Arizona federal district court considering federal law. Please highlight your response. (1pt)
- a. Binding/mandatory
  - b. **Persuasive**
3. Please match the letter from the Word Bank below that *best* applies to an item in the top list. Each letter will be used only once. (3pts)

- D**   U.S. Constitution
- E**   DUI Trial Notebook
- B**   Case decisions are *not* precedent for later decisions
- A**   *Stare decisis*
- F**   Code of Federal Regulations (C.F.R.)
- C**   Delaware law on corporate law question for Arizona state law issue

Word Bank

- |                         |                        |
|-------------------------|------------------------|
| A. Common law           | D. Mandatory authority |
| B. Civil law            | E. Secondary authority |
| C. Persuasive authority | F. Primary authority   |

4. Which of the following statements are TRUE? Please highlight all that apply. (2pts)
- a. **The principle of *stare decisis* requires a particular law to be followed in future instances.**
  - b. Reliance on persuasive cases is more authoritative than reliance on mandatory cases.
  - c. **Persuasive authority for a state law issue in Arizona are high court decisions from Texas.**
  - d. **One mandatory authority for a state law issue in Arizona are Arizona regulations.**

5. Please refer to the screenshot below. Provide the full citation to this law review article. (2pts)

Richard E. Finneran & Steven K. Luther, *Criminal Forfeiture and the Sixth Amendment: The Role of the Jury at Common Law*, 35 *Cardozo L. Rev.* 1 (2013).

**CRIMINAL FORFEITURE AND THE SIXTH AMENDMENT: THE ROLE OF THE JURY AT COMMON LAW**  
Richard E. Finneran, Steven K. Luther | *Cardozo Law Review* (Approx. 105 pages)

Document | Citing References (11) | Table of Authorities | Powered by KeyCite

Return to History | 8 of 1,453 results | Go to

35 *Cardozo L. Rev.* 1  
**Cardozo Law Review**  
October, 2013  
Article

**CRIMINAL FORFEITURE AND THE SIXTH AMENDMENT: THE ROLE OF THE JURY AT COMMON LAW**  
Richard E. Finneran, Steven K. Luther<sup>d1</sup>

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*Throughout its recent jurisprudence after Apprendi v. New Jersey, the Supreme Court has emphasized that its analysis of the Sixth Amendment jury trial right centers upon the historical role of the jury at common law. Just last year, in Southern Union Co. v. United States, the Court extended the Sixth Amendment jury trial right to criminal fines after concluding that the jury's verdict determined the maximum fine that could be imposed at common law. The Court remained silent, however, with regard to another financial penalty commonly applied in the federal system: criminal forfeitures. Given that the Supreme Court has previously recognized that criminal forfeitures are "fines" within the meaning of the Eighth Amendment, it might be argued that the Sixth Amendment should likewise extend to criminal forfeitures under a formal application of Southern Union. Criminal forfeitures, however, draw from a distinct, complex, and largely unexplored historical tradition in which juries played little or no role. This Article, the first to provide a definitive account of that tradition, explains why the unique history of criminal forfeiture dictates that facts supporting forfeiture need not be found by a jury under the Sixth Amendment, insofar as*

6. Please match the letter from the Word Bank below that *best* applies to an item in the top list. Each letter will be used only once. (3pts)

  A   Good place to start if unfamiliar with area of law

  F   Sources of forms and checklists

  E   Distills “black letter law” from cases

  B   Provides in-depth treatment of area of law

  D   Provides analysis on narrow legal topics

  C   Often useful for researching emerging areas of law

Word Bank

A. Legal encyclopedia

B. Treatise

C. Law review

D. American Law Report (A.L.R.)

E. Restatements

F. Practice materials/aids

7. One of the most important basic steps of legal research is conducting a preliminary analysis. Please list the four parts that make up a preliminary analysis. (4pts)

Statement of the legal issue or issues you need to resolve

Relevant facts of your legal issue

Relevant jurisdiction

Key terms and phrases

8. You are researching the issue of actual physical control in Arizona, which is controlled by Arizona law. Which *one* of the following sources is *least relevant* for purposes of your research? Please highlight your response. (2 pts)

a. A.R.S. § 28-1381. Driving or actual physical control while under the influence.

b. *State v. Zaragoza*, 221 Ariz. 49, 209 P.3d 629 (2009).

c. Alexander Y. Benikov, *When Is an Arizona Drunk Driver Not a Driver? Zaragoza and Actual Physical Control*, 6 Phoenix L. Rev. 565 (2013).

d. *Atkinson v. State*, 331 Md. 199, 627 A.2d 1019 (Ct. App. 1993).

D. is the least relevant. Although answer choice D refers to primary law, it is a case out-of-jurisdiction and has no authority over an Arizona issue controlled by Arizona law. Choice C, a law review, is not primary law, but it is a valuable secondary source. It is from an Arizona law school on an Arizona case on the issue we are researching and would likely provide relevant information for our research, including background context and citations to primary law.

9. Please refer to the screenshot below for this question.

I am looking for an Arizona statute about defenses to provocation in cases of dog bites. I ran the following search [dog /3 bit! /P provo! AND defense], but I did not retrieve any statutes. However, I know for certain that there is a relevant Arizona statute on point. My supervising attorney looked at my screen page and said, "Oh, that's easy, you need to \_\_\_\_\_." What did my supervising attorney tell me to do? (2pts)

Change my jurisdiction from Federal to Arizona.

THOMSON REUTERS  
**WESTLAW** ▼ All Content adv: dog /3 bit! /P provo! AND defense ▼ All Federal Q Advanced

VIEW: << **Overview (9)**

Overview	9
Cases	22
Key Numbers	0
Trial Court Orders	0
Statutes	0
Regulations	0
Administrative Decisions & Guidance	0
Practical Law	0
Secondary Sources	184
Forms	39
Briefs	35
Trial Court Documents	45
Expert Materials	12
Jury Verdicts & Settlements	3
Proposed & Enacted Legislation	0
Proposed & Adopted Regulations	0
Arbitration Materials	1

Select all items | No items selected

**Cases** [View all 22](#)

**Nelson v. U.S.**  
 United States District Court, District of Columbia. | April 29, 1986 | 633 F.Supp. 1263 | CIV. A. 85-0949

Mother of military base resident brought suit individually and on behalf of resident to recover damages under Federal Tort Claims Act for **dog** bite occurring on military base. United States District Court, Joyce Hens Green, J., held that: (1) negligence of servicemember was attributable to United States under law of District of Columbia and...

...who was bitten by servicemember's dog and failed to establish **defense** of United States for servicemember's negligent control of dog. 28...

...him. Id. at 393. Plaintiffs also introduced evidence that the **dog** had previously **bitten** or scratched children. Base records indicate that Rocky bit eight...

...27, 1981, PX 21. The reports characterized both attacks as **provoked**, although written comments to the reports fail to specify what form the **provocation** took, stating that Powell was attacked while standing by...

...Sergeant Casey stated that he warned the child that the **dog** would **bite**. PX 19. Neither incident was **provoked**—in one case, the child was simply attempting to...

10. Last week, you located a great case for a research question. Unfortunately, you forgot the search you used to locate it and you neglected to write down the case name. Luckily, Westlaw and Lexis Advance provide a place where you can view the searches you previously ran and documents you retrieved. What tab would you use to locate this feature to find your previous search and case? (2pt)

- a. Folders
- b. **History**
- c. Alerts
- d. Favorites

11. Please look at the screenshot below, which contains a list of titles found in the Arizona Revised Statutes. This is an example of which type of “finding aid?” (2pt)

- a. Index
- b. **Table of Contents**
- c. Directory
- d. Keyword search

The screenshot shows the homepage of the Arizona Statutes & Court Rules website. At the top, there is a navigation bar with the text "Home > Statutes & Court Rules" and a star icon labeled "Add to Favorites". Below this is the main heading "Arizona Statutes & Court Rules" and a sub-heading "Includes current version of Arizona statutes, constitution & court rules. Browse Table of Contents below or search above." There is a search bar with the text "Effective Date: 09/06/2017" and a "Go" button. Below the search bar, there is a message: "Effective date versioning not available for certain content such as court rules and Federal Sentencing Guidelines". At the bottom of the search bar, there is a checkbox labeled "Select all content" and the text "No items selected" and "Clear Selection". The main content area is a list of titles, each with a checkbox to its left. The titles are: Treaty of Guadalupe Hidalgo, The Gadsden Treaty Between the United States and Mexico, Enabling Act, Constitution of the State of Arizona, Title 1. General Provisions, Title 2. Aeronautics [Repealed], Title 3. Agriculture, Title 4. Alcoholic Beverages, Title 5. Amusements and Sports, Title 6. Banks and Financial Institutions, Title 7. Bonds, Title 8. Child Safety, Title 9. Cities and Towns, Title 10. Corporations and Associations, Title 11. Counties, Title 12. Courts and Civil Proceedings, Title 13. Criminal Code, Title 14. Trusts, Estates and Protective Proceedings, Title 15. Education, Title 16. Elections and Electors, Title 17. Game and Fish, Title 18. Information Technology, Title 19. Initiative, Referendum and Recall, Title 20. Insurance, Title 21. Juries, Title 22. Justice and Municipal Courts, Title 23. Labor, and Title 24. Livestock and Animals [Repealed].

12. Please refer to the screenshot below and answer the questions that follow.

The screenshot displays the legal text for 18 U.S.C. § 983. The header includes the title "§ 983. General rules for civil forfeiture proceedings" and the source "United States Code Annotated | Title 18. Crimes and Criminal Procedure | Effective: February 18, 2016 (Approx. 9 pages)". Navigation tabs include "Document", "Notes of Decisions (236)", "History (266)", "Citing References (6,220)", and "Context & Analysis (110)". The main text describes the requirements for a hearing on a temporary order of civil forfeiture and lists inadmissible evidence. A "CREDIT(S)" section provides the legislative history, including amendments from 2000 to 2016. A "Notes of Decisions (236)" section is also visible.

for a hearing when a complaint has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought is subject to civil forfeiture and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 14 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

**CREDIT(S)**  
(Added Pub.L. 106-185, § 2(a), Apr. 25, 2000, 114 Stat. 202; amended Pub.L. 106-185, § 9, Apr. 25, 2000, 114 Stat. 216; Pub.L. 106-561, § 3(a), Dec. 21, 2000, 114 Stat. 2791; Pub.L. 107-56, Title III, § 316(d), Oct. 26, 2001, 115 Stat. 310; Pub.L. 111-16, § 3(1), May 7, 2009, 123 Stat. 1607; Pub.L. 114-122, Title I, § 105(b), Feb. 18, 2016, 130 Stat. 101.)

**Notes of Decisions (236)**

18 U.S.C.A. § 983, 18 USCA § 983  
Current through P.L. 114-244.

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a. Please provide the full citation to this statute. (2pts)

18 U.S.C.A. § 983. General rules for civil forfeiture proceedings.

b. When was this statute enacted? Please provide the full citation. (2pts)

Added Pub. L. 106-185, § 2(a), Apr. 25, 2000, 114 Stat. 202



13. Statutory annotations, such as Westlaw's Notes of Decisions and Lexis Advance's Judicial Decisions, are summaries of how courts have interpreted a statute. (1pt)

a. True

b. False

14. Please list 3 of the methods that you can use to locate statutes, according to the course Wiki. (3pts)

Index

Table of Contents

Keyword search

Citation

Popular Name Table

15. You have been given the following statutory citation: A.R.S. § 33-1551. Please answer the following questions. (2pts)

a. What does the number 33 refer to? Refers to the Title of the A.R.S. that the statute falls within

b. What does the number 1551 refer to? The section or law itself

16. Please explain why you never want to look at just one statutory section when conducting legal research. (2pts)

A single statute may be impacted by other statutory sections, such as defenses, exceptions, and definitions.

17. Please refer to the screenshot below. Please list the full citation to the range of Arizona statutes related to feeding of garbage to pigs. (2pts)

A.R.S. §§ 3-2661 to 2669.

<input type="checkbox"/>	<input type="checkbox"/>	<b>Chapter 15. Animal and Bird Feeds</b>
<input type="checkbox"/>		3 AZ ST Ch. 15, Refs & Annos
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 1. Commercial and Customer–Formula Feeds
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 2. Egg Mash
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 3. Garbage Fed to Swine
	<input type="checkbox"/>	§ 3–2661. Definitions
	<input type="checkbox"/>	§ 3–2662. Administration and Enforcement
	<input type="checkbox"/>	§ 3–2663. Revocation or Refusal of Permit
	<input type="checkbox"/>	§ 3–2664. Permit to Feed Garbage to Swine; Exception
	<input type="checkbox"/>	§ 3–2665. Application for Permit; Fee
	<input type="checkbox"/>	§ 3–2666. Permit for Removal of Swine from Premises
	<input type="checkbox"/>	§ 3–2667. Cooking or Other Treatment of Garbage
	<input type="checkbox"/>	§ 3–2668. Inspection and Investigation of Garbage Treatment; Records
	<input type="checkbox"/>	§ 3–2669. Violation; Classification
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 4. Meat Used as Animal Food
	<input type="checkbox"/>	§ 3–2691. Definitions
	<input type="checkbox"/>	§ 3–2692. Decharacterization of Fresh Meat to be Used as Animal Food
	<input type="checkbox"/>	§ 3–2693. Inspection of Establishments Selling Meat for Animal Food
	<input type="checkbox"/>	§ 3–2694. Violation; Classification
	<input type="checkbox"/>	§ 3–2695. Collecting Dead Stock by Tallow and Rendering Companies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 5. Hay Agents, Brokers and Dealers [Repealed]
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Chapter 16. Aquaculture</b>
	<input type="checkbox"/>	3 AZ ST Ch. 16, Refs & Annos
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 1. General Provisions

18. Please use Document #1, provided separately, to answer the questions that follow.

- a. The statute in Document #1 states it is unlawful to threaten to inflict physical harm to someone in any electronic communication. Provide the full citation to the part of the statute that tells us this. (2pts)

**A.R.S. § 13-2916(A)(2).**

- b. What does the phrase “electronic communication” mean when used in this statute? Please include the relevant full citation that provides this definition. (2pts)

According to A.R.S. § 13-2916(E), electronic communication means a “wire line, cable, wireless or cellular telephone call, a text message, an instant message or electronic email.”

- c. You are interested in finding a case that addresses threats made responding to a call. Please provide the full citation to a case on point for this issue. (2pts)

*State v. Mercer*, 116 Ariz. 542, 570 P.2d 484 (1977).

- d. How up-to-date is the version of the code for this statute? (2pt)

Current through the First Regular Session of the Fifty-Third Legislature (2017).

19. As you have learned over the semester, we want to ask two questions when we update *statutes* – is it current and is it valid. Please mark with an “X” whether the symbol or the purpose stated in the chart below is associated with determining the Currency of a statute ... **or** ... associated with determining the Validity of a statute (as discussed in this class). Only one “X” will apply to each statement. (3pts)

Symbol or Purpose	Currency	Validity
A Yellow flag or symbol	X	
A Red flag or symbol		X
Check if there is proposed or pending legislation	X	
Check if the statute has been declared unconstitutional		X
Check if you have the most up-to-date version of the code	X	
Check if the statute received negative case law treatment		X

20. Court rules that have been validly adopted have the same effect as statutory law. Please highlight your response. (1pt)

- a. True
- b. False

21. Please refer to the screenshot below to answer the questions that follow.

**Rule 26. Voluntary Dismissal**  
Arizona Revised Statutes Annotated  
Rules of Civil Appellate Procedure

Arizona Revised Statutes Annotated  
Rules of Civil Appellate Procedure (Refs & Annos)  
Part IV: Appellate Court Procedures and Decisions

Arizona Rules of Civil Appellate Procedure (ARCAP), Rule 26

**Rule 26. Voluntary Dismissal**

[Currentness](#)

**(a) Dismissal by the Superior Court.** If the appellate clerk has not assigned an appellate case number under Rule 12(a), the superior court may dismiss an appeal on the filing of a stipulation by all parties, or on the appellant's motion with notice to all parties.

**(b) Dismissal by the Appellate Court.** An appellate clerk may dismiss an appeal if the parties pay whatever appellate court fees are due and file a signed stipulation requesting dismissal and specifying the terms for payment of costs. The appellate clerk, however, may not issue a mandate or other process without an order from the appellate court. The appellant also may file a motion to dismiss the appeal, which the appellate court may grant on terms agreed upon by the parties or as determined by the appellate court.

**Credits**  
Amended Sept. 2, 2014, effective Jan. 1, 2015.

**Editors' Notes**

**APPLICATION**  
<The Jan. 1, 2015 amendment is applicable to all appeals filed on or after Jan. 1, 2015, as well as all other appeals pending on that date, except when application would not be feasible or would work an injustice, so that the former rule will be applied.>

**HISTORICAL NOTES**  
**Source:**

Fed. Rules Civ. Proc., Rule 73(a), 28 U.S.C.A.

Code 1939, Supp. 1952, § 21-1802.

Rules Civ. Proc., former Rule 73(c).

17B A. R. S. Civil Appellate Proc. Rules, Rule 26, AZ ST CIV A P Rule 26  
Current with amendments received and effective through 9/1/17

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a. When was this court rule last amended? (1pt)

Last amended Sept. 2, 2014, effective Jan. 1, 2015

b. How current is this court rule? (1pt)

Current with amendments received and effective through 9/1/17

22. Please match the letter from the Word Bank below that *best* applies to an item in the top list. Each letter will be used only once. (6pts)

- C      *State v. Roseberry*, 10 Ariz. 360, 111 P.3d 402 (2005).
- B      *Bridgeman Art Library, Ltd. v. Corel Corp.*, 36 F. Supp. 2d 191 (S.D.N.Y. 1999).
- E      46 C.F.R. § 294
- D      *Fund for Animals v. Lujan*, 962 F.2d 1391 (9th Cir. 1992).
- A      42 U.S.C. 2000e
- F      A unique way to identify primary law and many secondary sources

Word Bank

- A. Statute
- B. Federal District Court
- C. Parallel citation
- D. Federal Court of Appeals
- E. Regulation
- F. Citation

23. Outside of a few exceptions, state court systems in the United States are comprised of trial courts, intermediate courts of appeal, and a supreme court of last resort. (1 pt)

- a. True
- b. False

24. Which of the following statements are TRUE? Please highlight all that apply. (2pts)

- a. The official reporter for Arizona is the Pacific Reporter  
(It is the Arizona Reports)
- b. There are 7 justices who serve on the Arizona Supreme Court
- c. In Arizona there are 2 state appellate courts
- d. The Arizona Reports contains opinions from trial courts, courts of appeal and the supreme court  
(it contains only opinions from courts of appeal and the supreme court)

25. Please match the letter from the Word Bank below that *best* applies to an item in the top list. Each letter will be used only once. (3pts)

  C   Appellate court ruling that applies precedent

  F   Parallel citation

  A   Unpublished case

  D   Subject of appeals in court

  E   Specific point of law addressed in a case

  B   Compilation of regional case law

Word Bank

A. 2014 WL 4781854

B. Pacific Reporter

C. Opinion

D. Legal rulings on issues of law

E. Headnote

F. 198 Ariz. 280, 9 P.3d 311

26. Please refer to the screenshot below to answer the questions that follow.

The screenshot shows a legal document page from the Court of Appeals of Arizona, Division 1, Department C. The document is titled "Arizona Citizens Clean Elections v. Brain" and is dated October 24, 2013. The citation is 233 Ariz. 280, 311 P.3d 1093, 672 Ariz. Adv. Rep. 25 (Approx. 18 pages). The document is powered by KeyCite. The page includes a navigation bar with tabs for Document, Filings (8), Negative Treatment (2), History (2), Citing References (20), and Table of Authorities. A red flag icon indicates that the opinion has been vacated. The main text of the document is as follows:

Opinion Vacated by Arizona Citizens Clean Elections Com'n v. Brain, Ariz., April 2, 2014

Original Image of 311 P.3d 1093 (PDF)

233 Ariz. 280  
Court of Appeals of Arizona,  
Division 1, Department C.

ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION; Louis J. Hoffman; Victoria Steele; Arizona Advocacy Network, Petitioners,

v.

The Honorable Mark H. BRAIN, Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, Respondent Judge,

Ken Bennett, in his official capacity as Secretary of State; Andy Biggs, in his official capacity as President of the Arizona State Senate; Andrew M. Tobin, in his official capacity as Speaker of the Arizona House of Representatives, Real Parties in Interest.

No. 1 CA-SA 13-0239.  
Oct. 24, 2013.

**Synopsis**  
**Background:** Clean Elections Commission and legislator brought action seeking to enjoin provisions of house bill changing campaign contribution limits for statewide and legislative candidates for public office. The Superior Court, Maricopa County, No. CV 2013-010338, Mark H. Brain, J., declined to issue injunction.

a. Please provide the full citation to this case. (2pts)

*Ariz. Citizens Clean Election Comm'n v. Brain*, 233 Ariz. 280, 311 P.3d 1093 (Ct. App. 2013).

b. You want to cite to the *Ariz. Citizens Clean Election Comm'n* case on a point of law regarding an Arizona issue. Can you? Please explain your answer. (2 pts)

No, the case has a red flag stating the opinion has been vacated. A vacated case cannot be cited to at all.

27. Please refer to the screenshot below to answer the questions that follow.

**State v. Camargo**  
Supreme Court of Arizona, In Banc. | July 15, 1975 | 112 Ariz. 50 | 537 P.2d 920 (Approx. 6 pages)

Document | Filings (0) | Negative Treatment (1) | History (2) | Citing References (47) | Table of Authorities | Powered by KeyCite

**Distinguished by** State v. Rosenthal, Ohio App. 8 Dist., April 26, 1979

Original Image of 537 P.2d 920 (PDF)

112 Ariz. 50  
Supreme Court of Arizona, In Banc.

STATE of Arizona, Appellee,  
v.  
Ida Cordova CAMARGO and Carlos Miranda Espinoza, Appellants.

No. 3130-PR.  
July 15, 1975.

Defendants were convicted in the Superior Court, Pima County, Ben C. Birdsall, J., Cause No. A-25711, of possession of heroin for sale and of possession of marijuana, and petition for writ of review was accepted. The Supreme Court, Hays, J., held that trial judge could order that defendant be turned over to appropriate authorities for proceedings not inconsistent with law, but he did not have power to make a decision that controlled entry of alien defendant into the United States as a condition of probation, since such control was exclusive to the United States and outside the jurisdiction of a state court.

Judgments of guilt and sentences affirmed, except for modification of conditions of probation relating to one defendant.

Opinion 23 Ariz.App. 47, 530 P.2d 893, vacated.

a. Please provide the full citation to this case. (2pts)

*State v. Camargo*, 112 Ariz. 50, 537 P.2d 920 (1975).

b. You want to cite to the *Camargo* case on a point of law regarding an Arizona issue. Can you? Please explain your answer. (2 pts)

Yes. Although there is a yellow flag noting *Camargo* has been distinguished by another case, I don't need to worry because the distinguishing case is from Ohio, and out-of-state cases are not controlling authority on a point of law on an Arizona issue.



28. Over the semester you learned about 8 different methods that can be used to find cases. Please match the letter of the case-finding method in the Word Bank below that *best* applies to an item in the top list. Each letter will be used only once. (4pts)

F Criminal Law & Procedure > Appeals > Standard of Review > Abuse of Discretion

A Background and context and can lead to primary law citations

C Reading a case to find cases it cites to for authority

B Brief case summaries arranged by topics and called Judicial Decisions

D Use to update a case to locate citing references that cite your case for authority

E liability dog bite provocation defense

G 240 Ariz. 114

H Kidnapping 231Ek19 Motive; ransom

Word Bank

- |                                   |                            |
|-----------------------------------|----------------------------|
| A. Secondary source               | E. Keyword search          |
| B. Statutory case law annotations | F. Lexis Advance Headnote  |
| C. One good case                  | G. Citation (the easiest!) |
| D. KeyCite or Shepard's citator   | H. West Topic & Key Number |

29. Which of the following statements about case law opinions are TRUE? Please highlight all that apply. (2pts)

- a. The West Topic & Key Numbers system is used to locate case law opinions topically.
- b. Case law opinions are arranged chronologically in Reporters.
- c. Court rules determine which statutes are published.
- d. Individual case publications distributed immediately after a case has been decided are called session laws.

30. Which of the following are purposes of a citator (such as KeyCite or Shepard's) for cases? Please highlight all that apply. (2pts)

- a. Provide direct case history for prior and subsequent direct appellate litigation (cases in the same line of litigation).
- b. Provide any negative treatment from later cases not in the same line of litigation.
- c. Provide further research from cases that have cited to your case on your specific legal point of law (citing references).
- d. Checking for pending/proposed legislation (currency).

31. A case you updated has a red flag from another case within your jurisdiction. Does this mean you can't ever cite your updated case for your legal proposition? Please explain your answer. (2pts)

No. The red flag may have to do with an issue entirely different from your legal proposition, which means you could still cite to your updated case. A red flag means a case is no longer good for at least one point of law.

32. Formulating a terms & connectors search is basically a two-step process of choosing terms (keywords) and using connectors (such as: AND, OR, /P, /S) to string them together. Please highlight your response. (1pt)

- a. True
- b. False

33. Please construct a terms & connectors search about a dog hurting someone in a variety of ways. (1pt)

Dog OR canine OR "pit bull" /S bit! OR maim! OR maul! OR kill! /P adult OR man OR woman OR child OR minor

34. Please match the letter from the Word Bank below that *best* applies to an item in the top list. Each letter will be used only once. (4 pts)

- |                                  |                                    |
|----------------------------------|------------------------------------|
| <u>C</u> attack!                 | <u>D</u> “stop and frisk”          |
| <u>G</u> Natural language search | <u>H</u> Terms & connectors search |
| <u>A</u> Expands a search        | <u>B</u> Narrows a search          |
| <u>E</u> parent /5 right         | <u>F</u> bl**d                     |

Word Bank

- |               |  |
|---------------|--|
| A. OR         | E. Proximity connector                 |
| B. AND        | F. Universal character                 |
| C. Truncation | G. defense provocation dog bite        |
| D. Phrasing   | H. liabil! /P (dog /3 bit!) AND provo! |

35. Please refer to the screenshot below to answer the question that follows.

The screenshot displays two legal cases related to burglary. Each case includes a brief description, a list of relevant statutes, and a table of contents with a key icon.

**Case 7: Burglary**  
 Reaching into open bed of pickup truck to remove property constituted entry of a "structure," as required to support third-degree burglary conviction, even though truck bed was not securable, where truck bed was not an independent structure. A.R.S. §§ 13-105(41), 13-1501(3, 12), 13-1506(A)(1).  
 1 Case that cites this headnote

67	Burglary
67I	Offenses and Responsibility Therefor
67k1	Nature and Elements of Offenses
67k4	Character of building

**Case 8: Burglary**  
 Removal of property from open bed of pickup truck resulted in "entry" of structure, as required to support third-degree burglary conviction; sides of truck bed indicated the external boundary of that part of vehicle, and reaching into truck bed amounted to defendant's intrusion inside external boundary of structure. A.R.S. §§ 13-105(41), 13-1501(3, 12), 13-1506(A)(1).  
 1 Case that cites this headnote

67	Burglary
67I	Offenses and Responsibility Therefor
67k1	Nature and Elements of Offenses
67k9	Breaking and Entry
67k9(2)	What constitutes entry

- a. Using full citation format, please provide the most specific and relevant Topic & Key Number information for the headnote that discusses reaching into an open bed of a pickup truck to remove property as constituting entry of a structure to support a third-degree burglary conviction. (2pts)

Burglary 67k4 – Character of building

36. Please refer the Topic & Key Number listed immediately below and match the items in the Word Bank with an item in the top list. Each letter will be used only once. (4pts)

Animals 28k3.5(5) – Protective and anti-cruelty regulation in general

A Topic Number

C Topic title (or name)

B Key Number

D Key Number title (or name)

Word Bank

- a. 28
- b. 3.5(5)
- c. Animals
- d. Protective and anti-cruelty regulation in general

37. No Arizona statutory research is complete without finding any applicable Arizona state regulations. Please highlight your response. (1pt)

a. True

b. False

38. The Arizona Administrative Register is the state equivalent (or counterpart) to the Federal Register. Please highlight your response. (1pt)

- a. True
- b. False

39. Please use Document #2, provided separately, to answer the questions that follow.

- a. Please provide the full citation to the regulation, including the subsection, highlighted in pink. (2pts)

27 C.F.R. § 4.39(h)(1)(i) – Health related statements – definitions

- b. How current is this regulation? (2pts)

Current through November 9, 2017; 82 FR 52014.

40. Which of the following statements about legal forms are TRUE? Please highlight all that apply. (2pts)

- a. Sample petitions, motions, discovery request, and briefs are examples of transactional forms.
- b. Legal forms can be specific to a jurisdiction or for general use and adapted to your jurisdiction.
- c. Many court websites offer sample and statutory forms for attorneys and self-represented persons to use.
- d. Sample legal forms should be used wisely and not used to avoid thinking or actual work.

**Extra Credit:** (1 pt each)

1. What is the name of the bomb-sniffing dog that Ronnie, the medically retired veteran, wanted to adopt and who appeared in Class 3's statutory research part 1 exercise? **Rexy**
  
2. What is the last name of your class TA? **Rozanski (section 09); Lynch (section 01)**
  
3. Which of the following is the correct spelling of a bill that is passed and becomes a law? Please highlight your response.
  - a. Statue
  
  - b. **Statute**

## Document #1 – Notes of Decisions for A.R.S. 13-2916

**Condit, Cynthia 11/12/17**  
**For Educational Use Only**

**List of 13 Notes of Decisions for § 13-2916. Use of an electronic communication to terrify...**

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Notes Of Decisions (13)

### **Validity**

Criminal statute prohibiting use of telephone to threaten or intimidate swept in broad array of constitutionally protected speech in form of threats to person or property of another, and thus, violated First Amendment and State Constitution. [State v. Musser \(App. Div.1 1997\) 191 Ariz. 228, 954 P.2d 1053](#) , review granted, vacated [194 Ariz. 31, 977 P.2d 131](#) , reconsideration denied. [Constitutional Law 2146](#) ; [Telecommunications 730](#)

Court would not attempt narrowing construction of statute prohibiting use of telephone to threaten or intimidate, so as to save statute from constitutional overbreadth challenge; while one means of narrowing would have been to limit statute to threats to commit unlawful acts, criminal statutes had to define, rather than simply assert, illegality, and subsection following that at issue had previously been held to establish unconstitutional presumption. [State v. Musser \(App. Div.1 1997\) 191 Ariz. 228, 954 P.2d 1053](#) , review granted, vacated [194 Ariz. 31, 977 P.2d 131](#) , reconsideration denied. [Telecommunications 730](#)

Provision of § 13-895 (renumbered as this section) prohibiting obscene, threatening, or harassing telephone calls made with intent to terrify, intimidate, threaten, harass, annoy, or offend is not invalid as overbroad on theory that it applies to constitutionally protected speech. [State v. Hagen \(App. Div.1 1976\) 27 Ariz.App. 722, 558 P.2d 750](#) . [Constitutional Law 2146](#) ; [Telecommunications 730](#)

Provision of § 13-895 (renumbered as this section) proscribing any person, with intent to harass, annoy or offend, from telephoning another and using obscene, lewd or profane language was not unconstitutionally vague. [State v. Hagen \(App. Div.1 1976\) 27 Ariz.App. 722, 558 P.2d 750](#) . [Telecommunications 1013](#)  
Provision of § 13-895 (renumbered as this section) relating to “obscene” and “profane” telephone calls was not unconstitutionally vague. [Baker v. State \(App. Div.2 1972\) 16 Ariz.App. 463, 494 P.2d 68](#) .  
[Telecommunications 1010](#)

Provision of § 13-895 (renumbered as this section) proscribing “profane” telephone calls did not abridge freedom of religion guaranteed by First Amendment. [Baker v. State \(App. Div.2 1972\) 16 Ariz.App. 463, 494 P.2d 68](#) . [Constitutional Law 1414](#) ; [Telecommunications 730](#)

Provision of criminal statute relating to obscene telephone calls that ‘the use of obscene, lewd or profane language or the making of a threat or statement as set forth in the section shall be prima facie evidence of intent to terrify, intimidate, threaten, harass, annoy or offend’ was unconstitutional inasmuch as it was not rational to assume that merely because person used obscene, lewd, or profane language over telephone it could be concluded that person was doing so with intent proscribed by statute. [Baker v. State \(App. Div.2 1972\) 16 Ariz.App. 463, 494 P.2d 68](#) . [Telecommunications 730](#)

### **Threats made responding to call**

Defendant did not violate provision of § 13-895 (renumbered as this section) that it shall be unlawful to telephone another and use any obscene, lewd or profane language or to threaten to inflict harm, where defendant did not telephone his ex-wife and the offensive language and threats to her were allegedly made by him over telephone after she called him. [State v. Mercer \(1977\) 116 Ariz. 542, 570 P.2d 484](#) .  
[Telecommunications 1013](#)

### **Standing**

Defendant did not have standing to make overbreadth challenge to telephone harassment statute that was constitutionally applied to his conduct where statute did not pose real and substantial danger to protected

expression of parties not before court; no likelihood was shown that State would attempt to apply statute to protected activities and statute clearly implicated conduct as well as speech, both of which factors weighed against allowing challenge by one not directly affected. [State v. Musser \(1999\) 194 Ariz. 31, 977 P.2d 131](#) .  
[Constitutional Law 859](#)

Prospect of deterrence of protected speech was sufficiently colorable to confer standing on defendant to bring overbreadth challenge to statute prohibiting use of telephone to threaten or intimidate, even though he did not claim that telephonic conduct for which he was convicted was constitutionally protected. [State v. Musser \(App. Div.1 1997\) 191 Ariz. 228, 954 P.2d 1053](#) , review granted, vacated [194 Ariz. 31, 977 P.2d 131](#) , reconsideration denied. [Constitutional Law 859](#)

There is element of discretion in decision to relax standing requirements in cases asserting unconstitutional overbreadth; the more strained or unlikely the hypothetical invasion of another's rights, the less likely the conferral of standing. [State v. Musser \(App. Div.1 1997\) 191 Ariz. 228, 954 P.2d 1053](#) , review granted, vacated [194 Ariz. 31, 977 P.2d 131](#) , reconsideration denied. [Constitutional Law 795](#)

Only colorable prospect of real and substantial deterrence of legitimate expression will induce court to employ standing exception to examine potential impact of statute on expressive rights of persons not before court. [State v. Musser \(App. Div.1 1997\) 191 Ariz. 228, 954 P.2d 1053](#) , review granted, vacated [194 Ariz. 31, 977 P.2d 131](#) , reconsideration denied. [Constitutional Law 855](#)

Courts should not launch into constitutional overbreadth analysis merely because litigant can conceive of some impermissible applications of statute. [State v. Musser \(App. Div.1 1997\) 191 Ariz. 228, 954 P.2d 1053](#) , review granted, vacated [194 Ariz. 31, 977 P.2d 131](#) , reconsideration denied. [Constitutional Law 1163](#)



Code of Federal Regulations  
Title 27. Alcohol, Tobacco Products and Firearms  
Chapter I. Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury (Refs & Annos)  
Subchapter A. Alcohol (Refs & Annos)  
Part 4. Labeling and Advertising of Wine (Refs & Annos)  
Subpart D. Labeling Requirements for Wine

27 C.F.R. § 4.39  
§ 4.39 Prohibited practices.  
Effective: March 31, 2006  
[Currentness](#)

(a) Statements on labels. Containers of wine, or any label on such containers, or any individual covering, carton, or other wrapper of such container, or any written, printed, graphic, or other matter accompanying such container to the consumer shall not contain:

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead the consumer.

(5) Any statement, design, device or representation of or relating to any guarantee, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization; *Provided*, That this paragraph shall not apply to the use of the name of any person engaged in business as a producer, blender, rectifier, importer, wholesaler, retailer, bottler, or warehouseman of wine, nor to the use by any person of a trade or brand name that is the name of any living individual of public prominence or existing private or public organization, provided such trade or brand name was used by him or his predecessors in interest prior to August 29, 1935.

(7) Any statement, design, device, or representation (other than a statement of alcohol content in conformity with [§ 4.36](#)), which tends to create the impression that a wine:

(i) Contains distilled spirits;

(ii) Is comparable to a distilled spirit; or

(iii) Has intoxicating qualities.

However, if a statement of composition is required to appear as the designation of a product not defined in these regulations, such statement of composition may include a reference to the type of distilled spirits contained therein.

(8) Any coined word or name in the brand name or class and type designation which simulates, imitates, or which tends to create the impression that the wine so labeled is entitled to bear, any class, type, or permitted designation recognized by the regulations in this part unless such wine conforms to the requirements prescribed with respect to such designation and is in fact so designated on its labels.

(9) Any word in the brand name or class and type designation which is the name of a distilled spirits product or which simulates, imitates, or created the impression that the wine so labeled is, or is similar to, any product customarily made with a distilled spirits base. Examples of such words are: "Manhattan," "Martini," and "Daquiri" in a class and type designation or brand name of a wine cocktail; "Cuba Libre," "Zombie," and "Collins" in a class and type designation or brand name of a wine specialty or wine highball; "creme," "cream," "de," or "of" when used in conjunction with "menthe," "mint," or "cacao" in a class and type designation or a brand name of a mint or chocolate flavored wine specialty.

(b) Statement of age. No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except (1) for vintage wine, in accordance with the provisions of § 4.27; (2) references relating to methods of wine production involving storage or aging in accordance with § 4.38(f); or (3) use of the word "old" as part of a brand name.

(c) Statement of bottling dates. The statement of any bottling date shall not be deemed to be a representation relative to age, if such statement appears in lettering not greater than 8–point Gothic caps and in the following form: "Bottled in \_\_\_\_" (inserting the year in which the wine was bottled).

(d) Statement of miscellaneous dates. No date, except as provided in paragraphs (b) and (c) of this section with respect to statement of vintage year and bottling date, shall be stated on any label unless in addition thereto and in direct conjunction therewith in the same size and kind of printing, there shall be stated an explanation of the significance thereof such as "established" or "founded in". If any such date refers to the date of establishment of any business or brand name, it shall not be stated, in the case of containers of a capacity of 5 liters or less, in any script, type, or printing larger than 2 millimeters, and shall be stated in direct conjunction with the name of the person, company, or brand name to which it refers if the appropriate TTB officer finds that this is necessary in order to prevent confusion as to the person, company, or brand name to which the establishment date is applicable.

(e) Simulation of Government stamps.

(1) No labels shall be of such design as to resemble or simulate a stamp of the United States Government or any State or foreign government. No label, other than stamps authorized or required by the United States Government or any State or foreign government, shall state or indicate that the wine contained in the labeled container is produced, blended, bottled, packed, or sold under, or in accordance with, any municipal, State or Federal Government authorization, law, or regulation, unless such statement is required or specifically authorized by Federal, State or municipal law or regulation, or is required or specifically authorized by the laws or regulations of a foreign country. If the municipal, State, or Federal Government permit number is stated upon a label, it shall not be accompanied by any additional statement relating thereto.

(2) Bonded wine cellar and bonded winery numbers may be stated but only in direct conjunction with the name and address of the person operating such wine cellar or winery. Statement of bonded wine cellar or winery numbers may be made in the following form: "Bonded Wine Cellar No. \_\_\_\_", "Bonded Winery No. \_\_\_\_", "B. W. C. No. \_\_\_\_", "B. W. No. \_\_\_\_". No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under Government supervision or in accordance with Government specifications or standards.

(3) If imported wines are covered by a certificate of origin and/or a certificate of vintage date issued by a duly authorized official of the appropriate foreign government, the label, except where prohibited by the foreign

government, may refer to such certificate or the fact of such certification, but shall not be accompanied by any additional statements relating thereto. The reference to such certificate or certification shall be substantially in the following form:

This product accompanied at the time of the importation by a certificate issued by the

(Name of government)

government indicating that the product is

(Class and type as stated on the label)

and (if label bears a statement of vintage date) that the wine is of the vintage of

(Year of vintage stated on the label)

(f) Use of the word "Importer", or similar words. The word Importer, or similar words, shall not be stated on labels on containers of domestic wine except as part of the bona fide name of a permittee for or by whom, or of a retailer for whom, such wine is bottled, packed or distributed: *Provided*, That in all cases where such words are used as part of such name, there shall be stated on the same label the words "Product of the United States", or similar words to negative any impression that the product is imported, and such negative statement shall appear in the same size and kind of printing as such name.

(g) Flags, seals, coats of arms, crests, and other insignia. Labels shall not contain, in the brand name or otherwise, any statement, design, device, or pictorial representation which the appropriate TTB officer finds relates to, or is capable of being construed as relating to, the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any label contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated

(h) Health-related statements—

(1) Definitions. When used in this paragraph (h), terms are defined as follows:

(i) Health-related statement means any statement related to health (other than the warning statement required by §16.21 of this chapter) and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of alcohol, wine, or any substance found within the wine, and health benefits or effects on health. The term includes both specific health claims and general references to alleged health benefits or effects on health associated with the consumption of alcohol, wine, or any substance found within the wine, as well as health-related directional statements. The term also includes statements and claims that imply that a physical or psychological sensation results from consuming the wine, as well as statements and claims of nutritional value (e.g., statements of vitamin content). Statements concerning caloric, carbohydrate, protein, and fat content do not constitute nutritional claims about the product.

(ii) Specific health claim is a type of health-related statement that, expressly or by implication, characterizes the relationship of the wine, alcohol, or any substance found within the wine, to a disease or health-related condition. Implied specific health claims include statements, symbols, vignettes, or other forms of communication that suggest, within the context in which they are presented, that a relationship exists between wine, alcohol, or any substance found within the wine, and a disease or health-related condition.

(iii) Health-related directional statement is a type of health-related statement that directs or refers consumers to a third party or other source for information regarding the effects on health of wine or alcohol consumption.

(2) Rules for labeling—

(i) Health-related statements. In general, labels may not contain any health-related statement that is untrue in any particular or tends to create a misleading impression as to the effects on health of alcohol consumption. TTB will evaluate such statements on a case-by-case basis and may require as part of the health-related statement a disclaimer or some other qualifying statement to dispel any misleading impression conveyed by the health-related statement.

(ii) Specific health claims.

(A) TTB will consult with the Food and Drug Administration (FDA), as needed, on the use of a specific health claim on a wine label. If FDA determines that the use of such a labeling claim is a drug claim that is not in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act, TTB will not approve the use of that specific health claim on a wine label.

(B) TTB will approve the use of a specific health claim on a wine label only if the claim is truthful and adequately substantiated by scientific or medical evidence; sufficiently detailed and qualified with respect to the categories of individuals to whom the claim applies; adequately discloses the health risks associated with both moderate and heavier levels of alcohol consumption; and outlines the categories of individuals for whom any levels of alcohol consumption may cause health risks. This information must appear as part of the specific health claim.

(iii) Health-related directional statements. A statement that directs consumers to a third party or other source for information regarding the effects on health of wine or alcohol consumption is presumed misleading unless it—

(A) Directs consumers in a neutral or other non-misleading manner to a third party or other source for balanced information regarding the effects on health of wine or alcohol consumption; and

(B)(1) Includes as part of the health-related directional statement the following disclaimer: “This statement should not encourage you to drink or to increase your alcohol consumption for health reasons;” or

(2) Includes as part of the health-related directional statement some other qualifying statement that the appropriate TTB officer finds is sufficient to dispel any misleading impression conveyed by the health related directional statement.

(i) Geographic brand names.

(1) Except as provided in subparagraph 2, a brand name of viticultural significance may not be used unless the wine meets the appellation of origin requirements for the geographic area named.

(2) For brand names used in existing certificates of label approval issued prior to July 7, 1986:

(i) The wine shall meet the appellation of origin requirements for the geographic area named; or

(ii) The wine shall be labeled with an appellation of origin in accordance with [§ 4.34\(b\)](#) as to location and size of type of either:

(A) A county or a viticultural area, if the brand name bears the name of a geographic area smaller than a state, or;

(B) A state, county or a viticultural area, if the brand name bears a state name; or

(iii) The wine shall be labeled with some other statement which the appropriate TTB officer finds to be sufficient to dispel the impression that the geographic area suggested by the brand name is indicative of the origin of the wine.

(3) A name has viticultural significance when it is the name of a state or county (or the foreign equivalents), when approved as a viticultural area in part 9 of this chapter, or by a foreign government, or when found to have viticultural significance by the appropriate TTB officer.

(j) Product names of geographical significance (not mandatory before January 1, 1983). The use of product names with specific geographical significance is prohibited unless the appropriate TTB officer finds that because of their long usage, such names are recognized by consumers as fanciful product names and not representations as to origin. In such cases the product names shall be qualified with the word "brand" immediately following the product name, in the same size of type, and as conspicuous as the product name itself. In addition, the label shall bear an appellation of origin under the provisions of § 4.34(b), and, if required by the appropriate TTB officer, a statement disclaiming the geographical reference as a representation as to the origin of the wine.

(k) Other indications of origin. Other statements, designs, devices or representations which indicate or infer an origin other than the true place of origin of the wine are prohibited.

(l) Foreign terms. Foreign terms which: (1) Describe a particular condition of the grapes at the time of harvest (such as "Auslese," "Eiswein," and "Trockenbeerenauslese"); or (2) denote quality under foreign law (such as "Qualitätswein" and "Kabinett") may not be used on the labels of American wine.

(m) Use of a vineyard, orchard, farm or ranch name. When used in a brand name, a vineyard, orchard, farm or ranch name having geographical or viticultural significance is subject to the requirements of §§ 4.33(b) and 4.39(i) of this part. Additionally, the name of a vineyard, orchard, farm or ranch shall not be used on a wine label, unless 95 percent of the wine in the container was produced from primary winemaking material grown on the named vineyard, orchard, farm or ranch.

(n) Use of a varietal name, type designation of varietal significance, semi-generic name, or geographic distinctive designation. Labels that contain in the brand name, product name, or distinctive or fanciful name, any varietal (grape type) designation, type designation of varietal significance, semi-generic geographic type designation, or geographic distinctive designation, are misleading unless the wine is made in accordance with the standards prescribed in classes 1, 2, or 3 of § 4.21. Any other use of such a designation on other than a class 1, 2, or 3 wine is presumed misleading.

#### **Credits**

[T.D. 6521, 25 FR 13841, Dec. 29, 1960, as amended by T.D. ATF-53, 43 FR 37678, Aug. 23, 1978; T.D. ATF-66, 45 FR 40546, June 13, 1980; T.D. ATF-94, 46 FR 55095, Nov. 6, 1981; T.D. ATF-126, 48 FR 2764, Jan. 21, 1983; 49 FR 31671, Aug. 8, 1984; 50 FR 759, Jan. 7, 1985; 50 FR 51852, Dec. 20, 1985; 51 FR 20482, June 5, 1986; 51 FR 21547, June 13, 1986; T.D. ATF-355, 59 FR 14553, March 29, 1994; T.D. ATF-425, 65 FR 11890, March 7, 2000; T.D. ATF-431, 65 FR 59724, Oct. 6, 2000; 68 FR 10103, March 3, 2003; T.D. TTB-44, 71 FR 16921, April 4, 2006]

SOURCE: T.D. 6521, 25 FR 13835, Dec. 29, 1960; 50 FR 51852, Dec. 20, 1985; T.D. ATF-459, 66 FR 38549, July 25, 2001; T.D. ATF-463, 66 FR 42733, Aug. 15, 2001; T.D. ATF-479, 67 FR 30797, May 8, 2002; T.D. ATF-483, 67 FR 62857, Oct. 8, 2002; T.D. ATF-487, 68 FR 3747, Jan. 24, 2003; T.D. TTB-8, 69 FR 3829, Jan. 27, 2004, unless otherwise noted.

AUTHORITY: 27 U.S.C. 205.

Notes of Decisions (9)

Current through November 9, 2017; 82 FR 52014.

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