



CALIFORNIA  
TABLE GRAPE  
COMMISSION

392 W. Fallbrook,  
Suite 101  
Fresno, California  
93711-6150  
phone: 559.447.8350  
fax: 559.447.9184  
[grapesfromcalifornia.com](http://grapesfromcalifornia.com)

# News Release

FOR IMMEDIATE RELEASE  
October 5, 2010

Contact: Jim Howard  
[jim@grapesfromcalifornia.com](mailto:jim@grapesfromcalifornia.com)

## Grape Commission's Court Win Upheld

### Supreme Court Declines to Review Previous Court Ruling

FRESNO, California – The United States Supreme Court declined to review a lower-court ruling that had determined that the law establishing the California Table Grape Commission and authorizing its programs does not violate the First Amendment, ending a federal constitutional challenge against the commission that has been pending for over 14 years.

In April of 2008, United States District Court Judge Oliver Wanger rejected a First Amendment challenge to the commission's programs, concluding, among other things, that the speech of the commission, a creation of the state legislature, is that of the government and therefore immune from constitutional challenge.

That decision was appealed to the United States Court of Appeals, which upheld the decision in November of 2009. The plaintiffs in the case asked the U.S. Supreme Court to review the Court of Appeals' decision, but the Supreme Court today announced that it would not do so. As a result, the Court of Appeals' decision now marks the final resolution of the case.

"Since 1967, the majority of California's fresh grape farmers have looked to the commission to help increase demand for their product. Every five years they have voted to continue working together, through the commission, because it makes a difference," said commission President Kathleen Nave. "This case has been a cloud over their efforts and it is a welcome relief to finally have it end in their favor."

Commission legal counsel Seth Waxman said, "The Court of Appeals' decision in favor of the commission is well reasoned and thorough. It definitively holds that the law establishing the commission does not violate the First Amendment."

The California Table Grape Commission was created by the California legislature in 1967 to increase worldwide demand for fresh California grapes through a variety of research and promotional programs.

###