OPINION 982

OTIORHYNCHUS GERMAR, 1824 (INSECTA, COLEOPTERA): VALIDATED UNDER THE PLENIARY POWERS

RULING.—(1) Under the plenary powers:
(a) the following generic names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy:
   (i) Brachyrhinus Latreille, [1802–1803];
   (ii) Panaphilis Dejean, 1821;
   (iii) Lobarhynchus Schönherr, 1823
(b) the generic name Mecocerus Billberg, 1820, is hereby suppressed for the purposes of both the Law of Priority and the Law of Homonymy.
(2) The following generic names are hereby placed on the Official List of Generic Names in Zoology with the Name Numbers specified:
   (a) Otiorhynchus Germar, 1824 (gender: masculine), type-species, by designation by Schönherr, 1826, Curculio clavipes Bonsdorff, 1785 (Name No. 1959);
   (b) Mecocerus Schönherr, 1833 (gender: masculine), type-species, by original designation, Mecocerus gazella Gyllenhall, in Schönherr, 1833 (Name No. 1960).
(3) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:
   (a) clavipes Bonsdorff, 1785, as published in the binomen Curculio clavipes (type-species of Otiorhynchus Germar, 1824) (Name No. 2476);
   (b) gazella Gyllenhal, in Schönherr, 1833, as published in the binomen Mecocerus gazella (type-species of Mecocerus Schönherr, 1833) (Name No. 2477).
(4) The family-group name OTIORHYNChINAE (correction of OTIORHYNChIDES) Schönherr, 1826 (type-genus Otiorhynchus Germar, 1824) is hereby placed on the Official List of Family-Group Names in Zoology with the Name Number 470.
(5) The following generic names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified:
   (a) Brachyrhinus Latreille, [1802–1803] (as suppressed under the plenary powers in (1) (a) above) (Name No. 1999);
   (b) Panaphilus Dejean, 1821 (as suppressed under the plenary powers in (1) (a) above) (Name No. 2000);
   (c) Lobarhynchus Schönherr, 1823 (as suppressed under the plenary powers in (1) (a) above) (Name No. 2001);
   (d) Mecocerus Billberg, 1820 (as suppressed under the plenary powers in (1) (b) above) (Name No. 2002).
(6) The following family-group names are hereby placed on the Official Index of Rejected and Invalid Family-Group Names in Zoology with the Name Numbers specified:

(a) BRACHYRRHINIDAE Bedel, 1883 (type-genus Brachyrhinus Latreille, [1802–1803]) (invalid because the name of the type-genus has been suppressed under the plenary powers) (Name No. 463);
(b) LOBORHYNCHINAE Schönherr, 1823 (type-genus Loborhynchus Schönherr, 1823) (invalid because the name of the type-genus has been suppressed under the plenary powers) (Name No. 464).

HISTORY OF THE CASE (Z.N.(S.) 1819)

The present case was submitted to the office of the Commission by Dr. Elwood C. Zimmerman in August 1967. Dr. Zimmerman’s application was sent to the printer on 15 February 1968 and was published on 24 May 1968 in Bull. zool. Nomencl. 25 : 29–33. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the Bulletin as well as to the other prescribed serial publications (Constitution Art. 12b; Bull. zool. Nomencl. 21 : 184) and to seven entomological serials.


DECISION OF THE COMMISSION

On 22 March 1971 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (71)1 either for or against the proposals set out in Bull. zool. Nomencl. 25 : 33 and 27 : 4. At the close of the prescribed voting period on 22 June 1971 the state of the voting was as follows:

Affirmative votes—ten (10), received in the following order: Mayr, Melville, Lemche, Jaczewski, Tortoneze, Binder, Bonnet, Kraus, Brinck, Starobogatov.


Voting Papers not returned—three (3): Forest, Munroe, Ride.

Prof. G. G. Simpson did not vote, making the following comment: “I would vote to confirm current usage, but specialists do not agree as to what that usage is, so I do not feel that I have data necessary for an intelligent vote.” The following comments were made by Commissioners in returning their votes:

Dr. L. B. Holthuis (5.iv.71): “In a case like this where the opinions of workers in the group (and especially those working in applied entomology) are so divided it seems best to follow the Rules strictly. Dr. Thompson’s comment makes one wonder whether there are not more older synonyms of Otiorhynchus in existence, which would become invalid by the use of Brachyrhinus.”

Dr. E. Eisenmann (12.v.71): “There is admittedly a very extensive current literature in favour of the name having priority. When there is a conflict of
usage which has extended for a considerable time and the usage in favour of the technically valid name has been, and is, massive the rule of priority should be maintained and the plenary powers should not be used."

Dr. C. W. Sabrosky (17.V.71): Bedel and Pierce were correct in adopting Brachyrhinus as the oldest name for the genus. The authors who have used Otiorhynchus did so in violation of the Law of Priority. Now there is too much usage of Brachyrhinus to ignore it, and there is a vast economic literature under that name. A sizeable proportion of the cited usage for Otiorhynchus is by curculionid specialists, and the specialists must know both names anyway and will not be confused by them."

Because of the comments on this case, and the bare two-thirds majority vote received by the proposals the Secretary of the Commission, Mr. R. V. Melville, wrote the following letter on 25 October 1971 to those who had returned a negative vote and to Prof. Simpson, who had declined to vote:

"At the close of the voting period in this case, there were ten votes in favour and five against the proposals—that is, the minimum two-thirds majority for application of the plenary powers. I should, therefore, be entitled to publish an opinion giving effect to the Commission’s decision. However, in view of your individual comments, and of the even balance of opinion expressed in the comment received on the application before it was voted on, I have thought it prudent to look into the case a little further and to put my conclusions before you as a first step. The case has important implications both for taxonomists and for applied zoologists; in consequence, I feel that the Commission’s decision would carry more authority if it were supported by more than the minimum majority. Since there is no legal necessity to call for a new vote of the entire Commission, I am putting the following information (which is mainly factual) before you and invite you to reconsider your vote.

"First, opinion among zoologists is divided both on a geographical basis and on where the weight of economic usage of the two names lies. Of 37 zoologists who sent their comments to the Commission, 20, all from the New World, favoured Brachyrhinus; 17 favoured Otiorhynchus; these included not only all those received from the Old World, but four from the New World. The genus includes 1000 or more Palaearctic species; from 6 to 8 species are known in the New World, all thought to have been introduced. All the New World species are of economic importance: but what the comments have not brought out is that an equal, if not larger number of species (not necessarily the same ones) are of economic importance in the Old World. An analysis of the indexes of the Review of Applied Entomology from 1950 to 1969 gives 52 references from 15 Old World countries (in addition to one from Hawaii), distributed as follows (all used Otiorhynchus):

Bulgaria 5, Czechoslovakia 1, Denmark 3, France 1, Germany 14, Hungary 1, Italy 4, Netherlands 1, Norway 1, Poland 2, Switzerland 2, Turkey 1, United Kingdom 7, USSR 1, Yugoslavia 7.

"In the same period, the same indexes give 31 references for Brachyrhinus, all from the New World, except for one German paper in which both names were used.

"The above evidence seems to me to show a fairly strong preponderance in
favour of *Otiorhynchus* (52 references from 16 countries) as opposed to *Brachyrhinus* (31 references from 2 countries—USA and Canada). Where the taxonomic literature is concerned, I am reliably informed that *Otiorhynchus* is used almost exclusively.

"Incidentally, the plants of which *Otiorhynchus* is an economic insect in the Old World include vines, strawberries, lucerne, clovers, olives, citrus trees, young forest trees, greenhouse plants, rhododendrons, raspberries and currants.

"You may think that the Commission’s vote reflects with some accuracy the distribution of usage in economic entomology. On the other hand, there is more evidence of the economic importance of the genus in the Old World than was available at the time of the vote; and, as I have already said, I think it would be desirable for the Commission to give a clear-cut decision in this case (and indeed that it should do so as a general rule).

"The next number of the *Bulletin* will probably go to press about the end of November, unless unforeseen delays occur. It will include the Opinion giving the Commission’s ruling in favour of *Otiorhynchus* and I shall, of course, be happy to include any comments you care to make in reply to this letter."

The following comments were received:

Dr. L. B. Holthuis (3.xi.71): "I have read again the application and all the comments on this case, and again arrived at my negative vote, even though I know that this will not influence the outcome one way or the other.

"I still believe that if both the correct and the incorrect usage of a name have many followers (it does not have to be fifty-fifty), the correct usage should be upheld. In the present case there is no doubt that *Brachyrhinus* is the valid name for the genus in question and that *Otiorhynchus* has been used contrary to the provisions of the Code. As there is a considerable usage of both names, I think the Code should be strictly adhered to.

"Personally I do not see anything wrong with a decision obtained with an exact two-thirds majority. It is more important that zoologists see that Commissioners vote according to their honest convictions."

Dr. E. Eisenmann (11.xi.71): "Your information as to economic usage of the two names is useful, and I hope will be published, for it provides needed justification for exercise of the plenary powers, which, in my opinion, was not too well shown in the papers available before the vote.

"Nevertheless, I do not wish to change my vote, for in voting I follow a philosophy which facilitates decision in doubtful cases, and which (if memory serves) I expressed with my vote. It is this: Where there is substantial recent usage in favour of the name that under the Code is the valid name, I support that name, unless the situation is one where confusion would result or the special case makes some other treatment needed to ensure universality. In this case there is very substantial usage in favour of both names, with economic usage on both sides; to me a plain case for deciding under the Code provisions rather than invoke the plenary powers. Nevertheless, the Commission’s vote by two-thirds has gone the other way, for reasons I can well appreciate, so I am not bothered by the result especially after the additional information you have provided. A two-thirds vote seems to me clear cut enough to achieve general acceptance."
Prof. G. G. Simpson (22.xi.71): “I have been somewhat hesitant as to how to answer your letter of 25 October 1971 to Holthuis, Alvarado, Eisenmann, Sabrosky, and me. My first impulse was to circularize all the Commissioners with an extended discussion. I have decided to write a single letter to you, trusting you to take appropriate action.

“I do not intend to change my vote in the case of Otiorhynchus/Brachyrhinus. It is clear that Brachyrhinus is valid under the Code and is in widespread current use. It also now appears that a majority of comments received favoured retention of that valid name, a fact not previously known to us.* Your counter arguments are largely irrelevant and partly objectionable, being based in considerable part on geographic or nationalistic arguments and biased in some other respects as well.

“If a change in votes is to be called for, I believe that all the Commissioners should be asked to vote again. They should be told that most comments favoured Brachyrhinus, and the quite simple fact that this is the valid name and is in widespread current use. Use of the plenary powers to invalidate it certainly is not justified on the only correct grounds, the promotion of stability in nomenclature.”

ORIGINAL REFERENCES

The following are the original references for names placed on Official Lists and Indexes by the Ruling given in the present Opinion:

BRACHYRHINIDAE Bedel, 1883, Ann. Soc. ent. France (6) 2, Faune Coleopt. Bassin Seine : 20, 30
clavipes, Curculio, Bonsdorff, 1785, Hist. nat. Curcul. svec. (2) : 40
LOBORHYNCHINAE Schönherr, 1823, Isis (Oken) 7 (10) : col. 1144
Loborhynchus Schönherr, 1823, Isis (Oken) 7 (10) : col. 1145
Mecocerus Schönherr, 1833, Gen. Spec. Curc. 1 (1) : 115
OTIORHYNCHINAE Schönherr, 1826, Curc. Disp. meth. : 203
Otiorhynchus Germar, 1824, Ins. Spec. nov. 1, Coleopt. : 343
Panaphilis Dejean, 1821, Cat. Coléopt. (ed. 1) : 92

The following is the original reference for the designation of a type-species for a genus concerned in the present Ruling:

For Otiorhynchus Germar, 1824 : Schönherr, 1826, Curc. Disp. meth. : 205

CERTIFICATE

I certify that the votes cast on Voting Paper (71)1 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the

* [The names of supporters and objectors were listed on Voting Paper (71)1. Ed.]
COMMENT ON DENDROBATES (Z.N.(S.) 1930)

By Hector S. Cuellar, James D. Fawcett, John W. Ferner, Paul Maslin, Jonathan C. Oldham, Jan J. Roth, Alan Savitzky and Hobart M. Smith (Department of Biology, University of Colorado, Boulder, Colorado, 80302)

We collectively endorse the basic objectives of the proposals involving designation of Calamita tinctoria Schneider, 1799, as the type-species for Dendrobates Wagler, 1830. However, two points should be raised for consideration before an opinion is rendered. For one, the author of the proposal did not explicitly declare that C. tinctoria Schneider is more assuredly assignable to Dendrobates as currently understood, and fundamentally as generally understood over the past several decades, than is Hyla trivittata Spix, although such a conclusion is implicit in his request. We submit that an explicit statement is in order and should be requested by the ICZN. However, with removal from Dendrobates of Hyla nigerrima and H. trivittata, of Wagler's original group of three nominal species in the genus, by referral of both to Phyllobates, only Calamita tinctoria remains of the original group for fixation as type-species of Dendrobates. There is no advantage in shifting the type-species to tinctoria unless there is firm assurance that the name applies to a species conformant with current concepts of the genus. Nevertheless we fully concur with the conclusion that if at all possible the name Dendrobates should be perpetuated with its present concept, because of its wide understanding and acceptance in non-taxonomic as well as taxonomic literature.

Secondly, we question that it is wise to place generic names for genera as seemingly closely related as those now known as Dendrobates and Phyllobates both on the Official List of Generic Names in Zoology. In this particular case, the status of Phyllobates as a valid genus, separate from Dendrobates, should be firmly assured before Phyllobates is added to the Official List. As long as there remains any reasonable possibility that the two groups might be construed as congeneric, at some time in the future, it would be well to place only the earliest name (Dendrobates) on the Official List, since if both were on the Official List, another appeal to the International Commission of Zoological Nomenclature would be necessary to establish which conserved name should be designated as valid. There is no reason evident to us, however, for not requesting, and approving, addition of both specific names Calamita tinctoria Schneider and Phyllobates bicolor Bibron to the Official List of Specific Names in Zoology.

In summary, we recommend compliance of the Commission with all requests of this application except item 3 pertaining to conservation of the name Phyllobates. In our opinion it would be best to postpone conservation of the latter name until its validity is firmly assured by the test of time.

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