

**OPINION 2227 (Case 3375)*****Fidia* Baly, 1863 and *Lypesthes* Baly, 1863 (Insecta, Coleoptera): usage not conserved and priority maintained for *Fidia* Motschulsky, 1860**

**Abstract.** The Commission has ruled that priority is maintained for the leaf beetle generic name *Fidia* Motschulsky, 1860, thus it remains the senior homonym of *Fidia* Baly, 1863 and senior objective synonym of *Lypesthes* Baly, 1863.

**Keywords.** Nomenclature; taxonomy; Coleoptera; CHRYSOMELIDAE; EUMOLPINAE; *Fidia*; *Lypesthes*; *Lypesthes atra*; *Fidia viticida*; leaf beetles.

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**Ruling**

- (1) It is hereby ruled that the following names are not conserved:
  - (a) *Fidia* Baly, 1863;
  - (b) *Lypesthes* Baly, 1863;
  - (c) *viticida* Walsh, 1867, as published in the binomen *Fidia viticida*.
- (2) No names are placed on Official Lists or Indexes in this ruling.

**History of Case 3375**

An application to conserve the usage of the generic names *Fidia* Baly, 1863 and *Lypesthes* Baly, 1863 for leaf beetle genera by suppressing the name *Fidia* Motschulsky, 1860 (senior homonym of *Fidia* Baly, 1863 and senior objective synonym of *Lypesthes* Baly, 1863) was received from M.S. Strother and V.M. Bayless (*Louisiana State Arthropod Museum, Baton Rouge, LA, U.S.A.*) and C.L. Staines (*National Museum of Natural History, Smithsonian Institution, Washington, DC, U.S.A.*) on 21 November 2006. After correspondence the case was published in BZN 64: 35–38. The title, abstract and keywords of the case were published on the Commission's website. No comments on this case were received.

**Decision of the Commission**

The Case was sent to the members of the Commission for voting on 1 December 2007. The case received a majority of the votes cast (11 FOR, 7 AGAINST), but failed to reach the two-thirds majority required for approval. Brothers, voting FOR, commented that it seemed illogical to include an invalid name as the name of a type species without any qualification. Kottelat, voting AGAINST, said that the application did not provide information on why the use of *lurida* (the suppression of which for the purposes of the Principle of Priority had been requested) would create instability and what would be the consequences of not suppressing *Fidia* Motschulsky and *lurida*. He did not want to suppress *lurida* without knowing why and what he was suppressing, adding further that *Fidia* and *lurida* are two independent cases. Štys, voting AGAINST, said that he could agree with authors' requests (1a), (2a), (2b), (3b) and 4, but not with (1b), (3a), (5) and therefore he voted AGAINST the whole proposal, and advocated that it should be reconsidered and subjected to a new vote.

He added that he felt that the authors of the application did not provide appropriate evidence that *Fidia lurida* Baly, 1863 is a junior synonym of *Fidia viticida* Walsh, 1867, and that the mere reference to several catalogues and general works on the CHRYSOMELIDAE and/or fauna of North America is not sufficient evidence. He felt the Commission was being asked to decide upon a taxonomic problem by nomenclatural means without being sufficiently informed. Bouchet, voting AGAINST, said that the application did not adequately document the prevailing usage of *Fidia* Baly, 1863 (mentioning only three references in the last 50 years, 'and others') and *Lypestes* Baly, 1863 (mentioning only six references by four authors in the last 50 years, 'and others'). He said that the application did not refer to usage of these names outside a very small segment of the taxonomic literature and thus he saw no compelling reason to use the plenary power to suppress the name *Fidia* Motschulsky, 1860. Grygier, voting AGAINST, stated that the matters concerning these two genera are independent and should have been voted on separately, and, additionally, that the species matter (*lurida/viticida*) was independent. Given the option, he would have voted in favour of conserving the two genus names, but the species-level problem was brought in as an afterthought with no detailed explanation; it is specifically against this that he objected. He pointed out that with the Voting Papers worded as they were, all these matters had to be subsumed under a single vote, and particularly owing to the insufficient presentation of the species-level proposal, his vote was negative. Ng, voting AGAINST, said there were several points that needed clarification. One was whether the names were as widely used as indicated – certainly the number of papers indicated in the Case were not extensive enough to merit plenary intervention. He said that the change of an author's name and year was not significant and was easily appreciated by any taxonomist. He added that there is no basis for the names for these taxa being broadly used or of economic or commercial significance.

In accordance with Bylaw 35 the Case was sent for a revote on 1 December 2008. At the close of the voting period on 1 March 2009 the votes were as follows:

Affirmative votes – 4: Fautin, Papp, van Tol and Zhang.

Negative votes – 14: Alonso-Zarazaga, Bogutskaya, Bouchet, Brothers, Halliday, Kottelat, Kullander, Lamas, Lim, Minelli, Ng, Pape, Rosenberg and Štys.

Split votes: Grygier voted FOR proposals 1(a), 2, 3(b), 4, 5 and AGAINST: 1(b), 3(a); Krell voted FOR 1(a), 2(a), 2(b), 3(b), 4; AGAINST 1(b), 3(a), 5. Thus total votes for each proposal were as follows:

1 (a): 6 FOR; 14 AGAINST.

1 (b): 4 FOR; 16 AGAINST.

2 (a), (b): 6 FOR; 14 AGAINST.

3 (a): 4 FOR; 16 AGAINST.

3 (b): 6 FOR; 14 AGAINST.

4: 6 FOR; 14 AGAINST.

5: 5 FOR; 15 AGAINST.

Patterson and Pyle were on leave of absence.

Alonso-Zarazaga, voting AGAINST, said he could not see the need for disturbing the Principle of Priority in this particular case, where the authors did not succeed in demonstrating any real harm to nomenclature if the original uses of the generic and specific names are maintained. Brothers, voting AGAINST, explained that upon reconsideration he found the case unconvincing, especially since no detailed evidence

was provided of the actual consequences of not acting, and the names of the taxa involved apparently have no significance outside taxonomy. Grygier said that he felt he could split his vote this time, which was his preference in the first round of voting, as it was explicitly allowed for in the second voting paper. Halliday said that although he voted FOR this Case last time, he was voting AGAINST it in the second round as he felt on reflection that the Case did not provide enough information. He felt there was no evidence that *viticida* and *lurida* are synonyms nor enough evidence of the degree of usage of the names *Fidia* and *Lypesthes*. Halliday also said that the generic and specific questions were separate; whether to use *Fidia* or *Lypesthes* was separate from whether to use *lurida* or *viticida*.

No names are placed on Official Lists or Indexes and the issue is left open for subsequent workers to follow the precepts of the Code or to make new proposals to the Commission.