

July 13, 2012

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Emily Szutar
Dining Room – Bar Supervisor
Carlisle Country Club
1242 Harrisburg Pike
Carlisle, PA 17013

RE: Donating Beer and Wine for Charitable Golf Event

Dear Ms. Szutar:

ISSUE: In your e-mail of June 15, 2012, you advise that your country club often hosts charity golf events for which the club has donated wine and beer on a regular basis. You ask whether there is a form or paperwork that must be completed in order for you to continue this practice.

According to the Pennsylvania Liquor Control Board's ("Board") records, Carlisle Country Club holds Catering Club Liquor License No. CC-2493 (LID 3299) for premises located at 1242 Harrisburg Pike, Carlisle, Pennsylvania.

OPINION: The Liquor Code does not limit the amount or type of alcohol that a non-licensee may give away free of charge. A retail licensee, however, such as a catering club liquor licensee, may only give away one (1) standard-sized alcoholic beverage, which is defined as twelve (12) fluid ounces of a malt or brewed beverage, four (4) fluid ounces of wine (including fortified wine) and one and a half (1½) fluid ounces of liquor, per patron in any given offering for consumption on its licensed premises. [40 Pa. Code § 13.53].

Be advised that section 13.51 of the Board's Regulations prohibits licensees of one (1) class from contributing to or accepting from another licensee or group of licensees of a different class, their servants, agents or employees, anything of value by means of advertisements, contributions, purchase, sale of tickets, or donations or by any device, for any purpose. [40 Pa. Code § 13.51]. However, section 493(24)(i) of the Liquor Code allows manufacturers and licensees to provide advertising novelties of nominal value, which bear advertising matter, to other

licensees and consumers with or without a purchase. [47 P.S. § 4-493(24); see also 40 Pa. Code § 13.52]. “Nominal value” currently is interpreted as fifteen dollars (\$15.00) each, wholesale cost, or less. [Board Advisory Notice No. 10 (6th Revision)].

Accordingly, it would not be permissible for another licensee, such as a manufacturer, or an importing distributor or distributor, or limited winery to donate beer or wine to your club for its use at the proposed event.

However, be advised that manufacturers, such as breweries or wineries, or importing distributors or distributors may donate alcohol to an unlicensed charitable entity for its use at such a charitable golf event, assuming that the alcohol has been properly procured in the Commonwealth. Further, nothing would prevent a non-licensee from donating beer and/or wine to a charitable entity for its use at such a charitable event. Assuming that the role of your club would simply be to serve the donated alcohol to individuals attending the event, no additional license or permit would be required.

Please be aware that, while a manufacturer or distributor or non-licensee may donate an unlimited amount of alcohol to an unlicensed charitable entity, the entity would be prohibited from selling or auctioning off the donated wine or beer unless it held a license or permit from the Board to do so. Certain entities as enumerated in section 408.4 of the Liquor Code may apply for a special occasion permit (“SOP”) that authorizes the entity to sell liquor and/or malt or brewed beverages to persons of legal age on any day for which the permit is issued and in any municipality in which the electorate has approved the sale of liquor and/or malt or brewed beverages.

Should such an organization wish to apply for a special occasion permit, it may contact the Board’s Bureau of Licensing at (717) 783-8250 to obtain the necessary forms or it may obtain additional information via the Board’s website at www.lcb.state.pa.us.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND

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REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Acting Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 12-271