

July 30, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Dan Woodske
Beaver Brewing Company
1820 7th Avenue
Beaver Falls, PA 15010

RE: Brewery Pub Sales Question

Dear Mr. Woodske:

ISSUE: This office is in receipt of your e-mail dated July 4, 2013, wherein you ask whether the holder of a brewery pub license may sell distilled spirits produced by Pennsylvania distilleries in a manner similar to wine produced by licensed limited wineries.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that the Daniel T. Woodske t/a Beaver Brewing Company holds Brewery Pub License No. GP-419 (LID 67307) for premises located at 1820 7th Avenue, Beaver Falls, Pennsylvania.

OPINION: As you know, pursuant to section 446 of the Liquor Code and 3.92 of the Board’s Regulations, the Board is authorized to issue a brewery pub (“GP”) license to the holder of a brewery license. [47 P.S. § 4-446, 40 Pa. Code § 3.92]. The holder of a brewery pub license shall have all the rights and be subject to the same conditions and qualifications as those imposed on holders of an eating place retail dispenser (“E”) license, except as set forth in section 3.92. [Id.]. The brewery pub license may be issued to premises immediately adjacent to, but separate and distinct from, the brewery premises. [Id.]. Sales of alcoholic beverages at the brewery pub premises are limited to sales of malt or brewed beverages produced at and owned by the brewery adjacent to it or a brewery which is under common control with the brewery pub. [Id.].

A brewery pub licensee may also sell, for on-premises consumption, wine manufactured by the holder of a Pennsylvania limited winery license or from the Board. [47 P.S. § 4-446]. However, neither the Liquor Code nor the Board’s

Regulations permit brewery pub licensees to sell spirits purchased from licensed limited distilleries or from the Board. Therefore, in answer to your question, you may not sell distilled spirits in the same manner as you may sell wine produced by limited wineries.

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 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, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 13-349