

January 24, 2014

Telephone: (717) 783-9454  
FAX: (717) 787-8820

Kathy Reid  
President, Gettysburg Wine and Fruit Trail  
**RE: Hard Cider Sales at Agriculture Expo**

Dear Ms. Reid:

ISSUE: This is in response to your e-mail inquiry of December 4, 2013, wherein you advised that, as President of the Gettysburg Wine and Fruit Trail, you are working with the National Apple Harvest Festival (“Festival”) planning committee for 2014 to include Pennsylvania licensed hard cider producers in the event. The plan is to have presentations by these producers, to have samples of these producers’ products following the presentations, and to sell the products at the Festival from booths.

You do not specify whether these sales would be for on-premises consumption or off-premises consumption. You ask for confirmation of your understanding that this event would constitute the requisite criteria for a “permit,” which is presumed to be a wine exposition permit, such that the cider producers would be able to obtain the needed permits.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are the Vice President, Secretary and Stockholder of Reid’s Orchard, Inc., which holds Limited Winery License No. LK-228 (LID 57568) for the premises located at 2135 Buchanan Valley Road, Orrtanna, Pennsylvania.

OPINION: Limited winery licensees are permitted to produce and sell both wines and alcoholic ciders [47 P.S. § 5-505.2(a)(1)] and to sell alcoholic cider produced by the limited winery, or purchased in bulk in bond from another licensed limited winery, on the licensed premises, to the Board, to individuals, and to brewery, hotel, restaurant, club and public service liquor licensees, and to winery licensees. Limited winery licensees are also permitted to sell alcoholic cider on no more than

five (5) Board-approved locations other than the licensed premises to the Board, to individuals and to brewery, hotel, restaurant, club and public service liquor licenses. [47 P.S. § 5-505.2(a)(3)].

Wine exposition permits allow limited wineries to participate in wine and food expositions off their licensed premises and sell wine and alcoholic ciders by the glass, bottle or in case lots, and sell or give away samples in individual portions not to exceed one (1) fluid ounce. A limited winery can obtain a number of special permits per calendar year, but each permit can be used for only up to **THIRTY (30)** consecutive days and the total number of days for all of the special permits cannot exceed **ONE HUNDRED (100)** days per year. The fee for each special permit is thirty dollars (\$30.00) per day, and applications for the permit are available from the Board's Bureau of Licensing ("Licensing") at 717-783-8250, or via the Board's website, [www.lcb.state.pa.us](http://www.lcb.state.pa.us).

Be further advised that wine and food expositions are defined as "affairs held indoors or outdoors with the intent of educating those in attendance of the availability, nature, and quality of Pennsylvania-produced wines in conjunction with suitable food displays, demonstrations and sales," and may include other activities such as arts and crafts, musical activities, cultural and agricultural exhibits, and similar activities. [47 P.S. § 5-505.2(a)(4)].

Holders of wine exposition permits are also permitted to provide tasting samples of wine in individual portions not to exceed one (1) fluid ounce. These samples may be sold or offered free of charge. [47 P.S. § 5-505.2(a)(4)].

Finally, please note that each application for a wine exposition permit will be processed by Licensing, and not this office. Licensing will investigate the propriety of the application and make a recommendation to the Board, which has the ultimate discretion. For this reason, it is not possible for this office to provide you with any assurances concerning the future approval of potential permit applications.

**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**

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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. 13-548