

April 10, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

John Kellett

Re: Bringing Food into a Licensed Establishment

Dear Mr. Kellett:

ISSUE: This is in response to your e-mail sent on April 1, 2014, wherein you advise that you are the Treasurer of the Home Association of Susquehanna Post 2493 VFW in Mount Wolf, Pennsylvania (“the club”). You ask if the club can allow members and guests to bring food into your licensed establishment at times when your kitchen is not in operation. You explain that, although your kitchen is open seven (7) days a week, it is only open for approximately three to four (3-4) hours per day. You advise that some of your members would like to be able to bring in sandwiches, pizza, or other similar types of food, during those times when the kitchen is not open. It is assumed, for purposes of this response, that the food the club members wish to bring into the club is for their personal consumption and not for sale.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Home Association Susquehanna Post No. 2493 VFW holds Catering Club Liquor License No. CC-5983 (LID 4144) for the premises at 195 South Main Street, Mount Wolf, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the Board’s Regulations that prohibits someone from bringing food for their personal consumption into a licensed premises. However, the Board’s Regulations require clubs to follow their constitution and bylaws. [40 Pa. Code § 5.82]. Therefore, if there is a provision in either document that prohibits such a practice, then it is not permitted.

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

John Kellett
April 10, 2014
Page 2

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. 14-133