

April 22, 2014

Telephone: (717) 783-9454

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Jason Beam

**RE: Wine Tasting Event**

Dear Mr. Beam:

ISSUE: This office is in receipt of your e-mail dated March 17, 2014, in which you state that you are in the planning stages of hosting a wine tasting event at your bar. A customer is going to rent your banquet hall for that purpose. You inquire whether there are specific steps to take, and add that there will be wine vendors outdoors offering tastings and selling their products. You ask if the proposed event would be permissible.

You have not provided this office with information by which to identify your license. For the purpose of this response, it is assumed that you hold a retail liquor license.

OPINION: A “tasting” or “tasting event” is defined by the Board’s Regulations as “[a] presentation of alcoholic products to the public for the purpose of market research, disseminating product information and education of the public as to quality and availability.” [40 Pa. Code § 13.201]. In Pennsylvania, prior approval is not required to conduct product “tastings” for market research and for the purpose of educating consumers as to the quality and availability of wines, spirits, and malt or brewed beverages. Tastings may be conducted by sponsors on licensed or unlicensed premises. [40 Pa. Code § 13.211(a)]. A sponsor may be any licensed vendor, importer, distributor, importing distributor or manufacturer or its agent or employee who is twenty-one (21) years of age or older. [40 Pa. Code § 13.201].

When conducted by a sponsor, a tasting is subject to the following: (1) the products used must be legally procured, properly registered, and taxes paid [40 Pa. Code § 13.211(b)(1)]; (2) there can be no purchase requirement associated with the tasting [40 Pa. Code § 13.211(b)(2)]; (3) there can be no cooperative advertising associated with the tasting event; (4) wine and spirits manufacturers or their agents must be registered pursuant to Board Regulations; and (5) no more than one (1) standard-sized alcoholic beverage of each product shall be provided to each tasting participant. A standard-sized serving of wine is four (4) ounces. [40 Pa. Code § 13.211(b)(3)].

As mentioned above, there can be no purchase requirement for a tasting event. Therefore, the alcohol provided must truly be free and cannot be predicated

upon the purchase of an admission ticket, a donation or payment of any other fee. Accordingly, anyone who attends a sponsor-led tasting must be able to request and receive a tasting of wine.

Additionally, be advised that if limited wineries participate in the tasting event, they would not be permitted to sell their products at your event without first obtaining an "Alcoholic Cider, Wine and Food Exposition Permit." These permits allow limited wineries to participate in wine and food expositions off their licensed premises, to sell wine by the bottle, and to sell or give away samples of up to one (1) ounce. [47 P.S. § 5-505.2]. 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 calendar year. Wine and food expositions are defined as "affairs held indoors or outdoors with the primary 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)].

Assuming that this event would qualify as a wine expo and each winery obtained a permit, limited winery representatives must be located on an unlicensed portion of the premises, or you must de-license the portion of the premises that will be used for the event. If your banquet facility is part of the licensed premises, the limited wineries would not be able to sell their products there unless you de-license that portion of the premises. For additional information on this process, you may wish to contact the Bureau of Licensing at (717) 783-8250.

If you have any further questions or concerns regarding this matter, the Liquor Code or the Board's Regulations, please do not hesitate to again contact this office.

**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,

Jason Beam  
April 22, 2014  
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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. 14-154