

April 23, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Denise Schmitt
Home Delivery Pizza Inc.

Re: Beer Festival Participation

Dear Ms. Schmitt:

ISSUE: This is in response to your e-mail dated March 19, 2014, in which you state that your brewery is planning to participate in several brewers' festivals this spring and fall, and you would like to know the specific legal requirements for taking and serving your beers. A March 21, 2014 telephone discussion elicited the further information that you will be setting up a table and/or tent at events that are generally charitable in nature, and at which you will be giving away small tastings of your beers to persons who have been age-verified and who are not visibly intoxicated. You will not be selling any alcohol, nor will you be selling or serving any food at these events. You are not organizing any of these events; rather, the organizing entities are responsible for obtaining the appropriate permits.

Pennsylvania Liquor Control Board ("Board") records indicate that Home Delivery Pizza Inc., trading as Robin Hood Brewing Company, holds Malt Beverage Manufacturer License No. G-511 (LID 68610) for premises located at 1796 Zion Road, Bellefonte, Pennsylvania. Home Delivery Pizza Inc. also holds Restaurant Liquor Licenses No. R-18414 (LID 52525) for use at the aforementioned location and R-20541 (LID 21019) for use in State College, Pennsylvania.

OPINION: As discussed, unlike limited wineries that can obtain a wine exposition permit to sell their products at wine festivals in addition to serving tastings [see 47 P.S. § 5-505.2(4)], there is no equivalent provision in the liquor laws regarding malt or brewed beverage manufacturers and beer festivals. However, tastings may be conducted by sponsors upon licensed or unlicensed premises. [40 Pa. Code § 13.211(a)].

A sponsor of a tasting event 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]. For tasting events conducted by sponsors, products used must be properly procured and registered, and taxes on the products must be paid. [40 Pa. Code § 13.211(b)(1)]. There can be no purchase requirement associated with such tasting. [40 Pa. Code § 13.211(b)(2)].

Products offered must not exceed a standard size alcoholic beverage for that product. Board Regulations provide that a standard-sized alcoholic beverage for beer is twelve (12) fluid ounces of malt or brewed beverage. [40 Pa. Code § 13.201]. It is important to note that there cannot be any payment requirement associated with the beer tasting and the beer may only be offered to individuals twenty-one (21) years of age or older, who are not visibly intoxicated.

Should you have any additional questions, do not hesitate to 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,

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. 14-171