

May 14, 2014

Telephone: (717) 783-9454

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Derek Collins

RE: Distributor Selling Beer Online

Dear Mr. Collins:

ISSUE: This correspondence is in response to your e-mail sent on April 1, 2014, in which you indicate that you work at a beer distributor in Lower Bucks County, and you inquire as to whether it is permissible for the distributorship to offer online sales of the beer that it stocks and then deliver the ordered beer to consumers at their residences.

OPINION: Under the Liquor Code, licensed distributors and importing distributors are authorized to sell and deliver malt or brewed beverages in quantities of not less than a case or original containers containing one hundred twenty-eight (128) ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. [47 P.S. § 4-431(b)]. However, both the Liquor Code and the Board's Regulations prohibit licensed distributors and importing distributors from conducting sales of malt or brewed beverages anywhere other than on their licensed premises. [47 P.S. § 4-441(c); 40 Pa. Code § 9.95(a)]. A "sale" is defined as "any transfer of liquor, alcohol or malt or brewed beverages for a consideration." [47 P.S. § 1-102].

Thus, to answer your question, it is permissible for licensed distributors or importing distributors to accept orders for malt or brewed beverages in the quantities referenced above via the Internet from individuals who are twenty-one (21) years of age or older and then deliver such malt or brewed beverages to the individuals at their residences, as long as the sales transactions occur and are completed at the licensed premises prior to delivery. Nevertheless, please keep in mind that there may be territorial rights issues that your distributorship should consider as well prior to engaging in these activities.

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Should you have any further questions or concerns regarding 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,

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. 14-210