

June 19, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Jeff Brown

Re: Selling Another Manufacturer's Cider

Dear Mr. Brown:

ISSUE: This is in response to your e-mail sent on May 6, 2014, wherein you advise that you hold a limited winery ("LK") license and would like to sell hard cider at your three (3) licensed locations. You would also like to sell hard cider at any off premises events for which you are able to obtain a wine exposition permit. You note that the cider would be sold by the glass, by the bottle, or in case quantities.

However, you note that your limited winery does not manufacture the hard cider. You advise that you would be purchasing from another licensed winery a few miles from your main location. The hard cider would already be bottled and labeled by the manufacturer. It is understood that you are asking whether you may sell alcoholic cider that you did not manufacture.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Friends of Browns Vineyard, trading as Logan's View Winery, Joint Licensees, hold Limited Winery License No. LK-263 (LID 60678) for the premises at 4830 Hildebrand Road, Glen Rock, Pennsylvania.

OPINION: Pursuant to section 505.2 of the Liquor Code, limited winery licensees are permitted to produce and sell:

alcoholic cider, wine and wine coolers **produced by the limited winery** or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery

shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year. In addition, the holder of a limited winery license may purchase wine in bottles from another Pennsylvania limited winery if these wines undergo a second fermentation process.

[47 P.S. § 5-505.2(a)(2) (emphasis added)]. Because the cider you wish to sell has been manufactured by another limited winery, you would not be permitted under the Liquor Code to sell the cider at any location. You would only be permitted to purchase, in bulk in bond, a quantity of alcoholic cider that is up to fifty percent (50%) of the cider that you produced in the previous year.

Should you have any other further questions or concerns regarding this matter, please 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. 14-368