

July 8, 2014

Telephone: (717) 783-9454

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Michael F. Wolf, President
Wolf Candle
254 Mars-Valencia Road
Mars, PA 16046

Re: Importation Rights of a Sacramental Licensee

Dear Mr. Wolf:

ISSUE: This is in response to your e-mail sent on June 18, 2014, wherein you advise that you are the President of Paul J. Wolf Company, Inc. (“Wolf Co.”), which holds a Pennsylvania sacramental wine license. In the past, Wolf Co. has had its own truck pick up wine from the seller’s warehouse in Cleveland, Ohio. The seller has been purchased by another company, whose legal department will not allow any wine to be shipped to or picked up by Wolf Co. until it is certain that all legal questions concerning permits and/or licenses are answered. You ask what, if any, legal documentation is required for your companies to continue to do business together. You ask if the seller needs a permit or license to sell wine to Wolf Co.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Paul J. Wolf, Inc., holds Sacramental Wine License No. S-80 (LID 21239) for the premises at 246 Mars-Valencia Road, Mars, Pennsylvania.

OPINION: Section 409(d) of the Liquor Code sets forth the privileges available to sacramental wine licensees:

[H]olders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes only, and bottle and sell the same to priests, clergymen and rabbis for use in the cathedral, church, synagogue or temple, or for sustaining members of the congregation or members of the faith who attend religious services, duly certified by such priests, clergymen or rabbis. The sale and use of wine for sacramental or

religious purposes shall be subject to and in accordance with the regulations of the board.

[47 P.S. § 4-409(d)]. “Sacramental wine” is defined as any wine that is clearly marked on the bottle by the manufacturer as being produced or manufactured in accordance with religious law, practice or custom. [47 P.S. § 4-409(h)].

Therefore, your sacramental wine license grants you the privilege of importing sacramental wine. If Wolf Co. picks up the wine out-of-state and brings it into Pennsylvania, no additional licenses or permits are required. However, if the seller will be delivering the products to Wolf Co. in Pennsylvania, then the seller would have to obtain a transporter-for-hire license or employ an entity that holds a transporter-for-hire license.

Section 501 of the Liquor Code requires a license issued by the Board in order to transport-for-hire any alcoholic beverages within the Commonwealth. [47 P.S. § 5-501]. There are three (3) types of transporter-for-hire licenses issued by the Board. The Transporter-for-Hire Class A license authorizes the holder to engage in the commercial transportation of liquor, malt or brewed beverages or alcohol to or from points located in the Commonwealth. A Transporter-for-Hire Class B license allows the holder to engage in the commercial transportation of malt or brewed beverages only to or from points located in the Commonwealth. A Transporter-for-Hire Class C license is a fleet license that authorizes the holder to engage in the commercial transportation of liquor parcels within the Commonwealth. [40 Pa. Code § 9.11]. Therefore, if the seller wishes to deliver wine to any location in Pennsylvania, it must obtain a Transporter-for-Hire Class A or Class C license or employ an entity that holds such a license.

The seller may find the forms necessary to obtain a transporter-for-hire license on the Board’s website at www.lcb.state.pa.us. Under the link “Licensees” there is a link for “Applications/Forms.” On the Applications page there is an “Application Packet for License Manufacture, Storage or Transportation.”

If the seller would rather employ a transporter-for-hire license, it may find such licensees on the Board’s website. Again, under the link “Licensees,” scroll to the link for “Licensing Search.” At the next screen, click on the “Start” button at the bottom of the page. On the next page, the seller may enter parameters for a search of all of the licenses issued by the Board. To find those entities with an active transporter-for-hire license, go to the box labeled “Select a License Status,” click

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on the dropdown arrow and choose “Active Licenses.” Then, in the box labeled “Select a License Type,” click on the dropdown arrow and choose either “Transporter-for-Hire Class A” or “Transporter-for-Hire Class C.”

Should you have any other questions and/or issues related to the Liquor Code or the Board’s Regulations, please feel free to once 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. 14-401