

January 13, 2015

Max Rutkowski, Esquire

Re: Beer Tasting Event

Dear Mr. Rutkowski:

ISSUE: This is in response to your e-mail dated December 9, 2014, in which you state that you represent R3C Beverages LLC (“R3C”), a beer distributor. R3C would like to hold an event at which tastings or samplings of beer would be offered to the general public. The event would be held on the property on which R3C is located and said area comprises part of R3C’s leased property; however, the tastings would be served in an exterior, fenced-in area, abutting and located immediately behind the licensed premises.

The beer would be offered, supplied and served by importing distributors and brewers, all of which are properly licensed by the Pennsylvania Liquor Control Board (“Board”). No more than twelve ounces (12 oz.), and likely less, of any specific beer will be offered or supplied to any person, and all consumption must occur at the event.

There will be no purchase requirement or any fee charged to the participating public. If desired, after tasting or sampling, persons could enter R3C’s licensed premises to purchase beer in legal quantities for off-premises consumption and all appropriate taxes would be paid. You ask whether such an arrangement is permissible and whether any special permit or authority from the Board is required in advance.

Board records indicate that R3C holds Malt Beverage Distributor License No. D-3150 (LID 67699) for premises located at 7544-50 Frankford Avenue, Philadelphia, Pennsylvania.

OPINION: As you likely know, 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)].

It seems clear that you understand that samplings are different than tastings, and that the event in question would be a tasting; therefore, the specifics of samplings will not be set forth herein. For your reference, please see e.g., Advisory Opinion No. 14-506; 40 Pa. Code § 13.231 and Board Advisory Notice No. 10 (6th Revision).

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.

To the extent that your client's proposed event comports with these requirements, it is permissible and no special permits or authority is needed in advance from the Board. It is possible, however, that the City of Philadelphia may have certain requirements concerning such events and you are advised to seek input from the appropriate city authorities.

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