

September 15, 2014

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Francesca L. Dipiazza
La Vigneta Winery LLC
757 Woodbourne Avenue
Pittsburgh, PA 15226-2144

RE: Wine Festivals

Dear Ms. Dipiazza:

ISSUE: This is in response to your e-mail inquiry of August 8, 2014, in which you state that you are looking to purchase a farm; in a subsequent telephone call with this office, you stated that you intend to operate the farm with a limited winery license. You intend to have other wineries participate in wine festivals, located on your farm, where they would have the opportunity to offer samples of their wines and also sell their wines for off-premises consumption. You ask whether there are any laws against hosting these wine festivals on the licensed premises. You also ask whether it is permissible to have a wedding party purchase your wine, or bring their own alcohol, to serve to their wedding guests.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are the manager/steward for La Vigneta Winery LLC, which holds Limited Winery License No. LK-317 (LID 64990) for the premises located at 757 Woodbourne Avenue, Pittsburgh, Pennsylvania.

OPINION: As you may already be aware, wine exposition permits allow limited wineries to participate in wine and food expositions off their licensed premises, to sell wine by the bottle, and to sell or give away samples up to one (1) ounce. [47 P.S. § 5-505.2]. Each permit can be used for only up to thirty (30) consecutive days and the total number of days for all of the special permits cannot exceed one hundred (100) days per calendar year.

Wine and food expositions are defined as “affairs held indoors or outdoors with the intent of educating those in attendance of the availability, nature, and quality of

Pennsylvania-produced wines in conjunction with suitable food displays, demonstrations and sales,” and may include other activities such as arts and crafts, musical activities, cultural and agricultural exhibits, and similar activities. [47 P.S. § 5-505.2(4)]. Therefore, provided that the local wineries that you envision participating in your proposed event apply for or hold wine exposition permits, and provided further that the event meets the definition of a wine and food exposition, then the wineries would be able sell wine at the event.

It should be noted that licensees are strictly liable for violations of the Liquor Code and its attendant laws and regulations that occur on the licensed premises. Pennsylvania Liquor Control Board v. TLK, Inc., 544 A.2d 931 (Pa. 1988). Licensees are specifically prohibited by Liquor Code section 493(1) [47 P.S. § 4-493(1)] from selling, furnishing and/or giving alcohol, and from permitting the sale, furnishing or giving of alcohol, to minors or visibly intoxicated persons.

Please be advised, however, that if the proposed event will be conducted on your licensed premises, it would be necessary for you to de-license the area to be used for the Wine Exposition Permit, as dual licensing of a particular premises, absent specific statutory authority, is generally prohibited. The limited wineries would not be able to sell their products there unless you de-license that portion of the premises, and they acquire the appropriate permit.

With regard to your question about serving alcohol at weddings or similar events, limited winery licensees may sell food for consumption on or off premises and may sell by the glass the wine and alcoholic ciders that they may otherwise sell by the bottle from Board-approved satellite locations. [47 P.S. § 5-505.2(a)(6.1)]. Section 505.2(a)(3) of the Liquor Code authorizes the holder of a limited winery license to separately, or in conjunction with other limited wineries, sell alcoholic cider, wine and/or wine coolers produced by the limited winery at no more than five (5) Board-approved locations other than the licensed premises, with no bottling or production requirement at those additional locations. [47 P.S. § 5-502.2(a)(3)]. Therefore, you may sell wine to the wedding party to serve to their wedding guests at the farm.

There is nothing in the Liquor Code or the Board’s Regulations that prohibits an individual from bringing his or her own beer, wine or liquor (commonly called “BYOB”) into any establishment, whether or not the establishment possesses a license issued by the Board. An establishment such as your farm would be free to

allow or disallow members of the wedding party to bring their own alcohol to serve to their wedding guests at the farm, although you may not allow such alcohol to be consumed by minors or people who are already visibly intoxicated. [47 P.S. § 4-493(1)].

Should you have any 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

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