

December 19, 2014

Martin Virga
Bauernhof Brewing Company, LLC
15556 Elm Drive
New Freedom, PA 17349-9344

RE: Out of State Beer Sales by Brewery

Dear Mr. Virga:

ISSUE: This is in response to your e-mail of November 19, 2014, wherein you ask if Bauernhof Brewing Company, LLC is prohibited from selling its malt and brewed beverages to non-licensees outside of Pennsylvania via a telephone order or internet order to states where such sales are permitted.

Pennsylvania Liquor Control Board ("Board") records indicate that Bauernhof Brewing Company, LLC holds Brewery License No. G-462 (LID 66390) for the premises located at 15556 Elm Drive, New Freedom, Pennsylvania.

OPINION: As a general rule, sales of malt or brewed beverages may be made in Pennsylvania by manufacturers (breweries), importing distributors, distributors and retail licensees only on their licensed premises. [47 P.S. § 4-492(2)]. You could accept orders via the Internet from individuals in Pennsylvania so long as the sale occurs on licensed premises. You may also be permitted to sell and export malt or brewed beverages to entities located outside of Pennsylvania, if the sale and importation conforms to the law(s) of the state in which the sale occurred. The Board is vested with the authority to interpret and apply the provisions of the Liquor Code and Board's Regulations. However, it is unable to offer guidance with respect to other states' alcoholic beverage importation laws. As such, it is suggested that you contact any proposed receiving state for that state's laws regarding this issue.

Should you have any further questions or concerns, 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

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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. 14-623