

December 23, 2014

Donald Rhines  
The Eagles Club, Inc.  
16-22 East Main Street  
Waynesboro, PA 17268-1875

**E: Serving Food at Catered Event**

Dear Mr. Rhines:

ISSUE: This is in response to your e-mail of November 17, 2014, wherein you ask if the Eagles Club, Inc. has to serve food the entire time your ballroom is rented out for a catered event. Secondly, you ask if selling bags of snacks is considered offering food at the catered event.

Pennsylvania Liquor Control Board (“Board”) records indicate that the Eagles Club, Inc. holds Catering Club License No. CC-2554 (LID 3311), for the premises located at 16-22 East Main Street, Waynesboro, Pennsylvania.

OPINION: Pursuant to section 401(a) of the Liquor Code, the holder of a club liquor license is authorized to sell alcoholic beverages only to members of the club for consumption on the licensed premises. [47 P.S. § 4-401(a)]. The Liquor Code authorizes the Board to issue a catering club liquor license, such as that held by your club, to club licensees which cater to groups of nonmembers. [47 P.S. § 4-401(b)]. This subsection of the Liquor Code directs the Board to define “catering” by the enactment of regulations. [Id.].

A catered event is defined in the Board’s Regulations as an event involving the furnishing of liquor or malt or brewed beverages or both to be served with food prepared on the premises, or brought onto the premises already prepared, for accommodation of groups of nonmembers, who are using the facilities of the club by prior arrangement, made at least twenty-four (24) hours in advance of the time of the function, and which is paid for by nonmembers. Records must be kept showing the date and time the catering arrangements were made, the name of the person or organization making the arrangements, and the approximate number of persons to be accommodated. [40 Pa. Code § 5.83]. Nonmembers who are part of a lawful catered event can be sold/served alcohol. The club cannot self-sponsor a catered event. Rather, the catered event is an event arranged by a third party. The Liquor

Code does not specify how long food must be served during a catered event at your licensed premises.

With regard to your second question, it is required that Licensee furnish food along with the service of alcoholic beverages, in order for an event to meet the definition of a “catered event,” at which Licensee is permitted to sell and serve alcohol to groups of two (2) or more nonmembers. Therefore, the selling of bags of snacks would not constitute the furnishing of food for a catered event.

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 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

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. 14-637