

February 4, 2015

Jeff Krackow
Texas Roadhouse

RE: Pre-Mixed Cocktails

Dear Mr. Krackow:

ISSUE: This office is in receipt of your e-mail dated January 22, 2015, in which you ask whether it is legal in the Commonwealth of Pennsylvania to make bulk mixes with different types of alcohol into a plastic pint or gallon containers. You provide an example of a margarita mix containing tequila and triple sec.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Texas Roadhouse Holdings, LLC holds Restaurant Liquor License No. R-20444 (LID 42118) for use by it at 2317 Lincoln Highway East, Lancaster, Pennsylvania.

OPINION: Section 491(10) of the Liquor Code [47 P.S. § 4-491(10)] makes it unlawful for licensees to fortify, adulterate, or contaminate any liquor, except as permitted by the Board's Regulations, or to refill wholly or in part, with any liquid or substance whatsoever, any liquor bottle or other liquor container. Therefore, a licensee could not refill liquor bottles with margarita mix.

Nonetheless, it is permissible for infused spirits to be combined or prepared in plastic pint or gallon containers, temporarily stored, and then served by the glass. In other words, it is permissible to premix a cocktail and keep it in an infusion container, but the Liquor Code prohibits creating an infusion within the original liquor bottle or keeping the infusion overnight.

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

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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. 15-030