

February 23, 2015

Michael Moll
Operations Manager
Molly Pitcher Brewing Company
10 East South Street
Carlisle, PA 17013-3426
RE: Growler Questions

Dear Mr. Moll:

ISSUE: This is in response to your e-mail inquiry of January 21, 2015, in which you ask whether growlers with screw-on lids must have any additional sealing, such as shrink wrap or tape, to qualify as a sealed container. You also ask whether you are permitted to fill growlers that have branding of other breweries.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are a partner in Molly Pitcher Brewing Company, which holds Brewery License No. G-531 (LID 69203) and Brewery Pub License No. GP-531 (LID 69206) for use by it at premises located at 10 East South Street, Carlisle, Pennsylvania.

OPINION: Please be advised that because you are permitted to refill growlers that bear the label of another brewery. Pursuant to section 440 of the Liquor Code, a licensed brewery may sell its malt or brewed beverages, in any container or package of any volume, to individuals for off-premises consumption. [47 P.S. § 4-440].

Please be further advised that the Liquor Code and Board’s Regulations do not require growlers to be sealed or have any additional sealing, since these types of containers are inherently intended to be used repeatedly and not simply manufacturer-sealed and opened once. Since the concept of “open container law” violations falls into the jurisdiction of Crimes Code and/or municipal code enforcement, you should contact your local law enforcement and/or local municipality with this question and to determine if your municipality has any applicable open container ordinances.

Should you have any further questions or concerns regarding this matter, please do not hesitate to contact this office.

Michael Moll
February 23, 2015
Page 2

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

LCB Advisory Opinion No. 15-058