

April 15, 2015

Philip Jensen  
Big Spring Spirits  
198 Match Factory Place  
Building 10  
Bellefonte, PA 16823

**Re: Pouring Liquor Tastes at Festival**

Dear Mr. Jensen:

ISSUE: This is in response to your e-mail of March 27, 2015, wherein you advise that you would like to pour tastes of your product at the upcoming “PA Flavor” festival at the Farm Show Complex in Harrisburg on April 25, 2015. You would like to give free tastes, one half (½) ounces at most, to patrons at the event. You ask what permits you would need to do so.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate Nittany Valley Distilling LLC holds Limited Distillery License No. AL-23 (LID 69275) for the premises at 198 Match Factory Place, Building 10, Bellefonte, Pennsylvania.

OPINION: Tasting or tasting events are defined in the Board’s Regulations as presentations of alcoholic products to the public for the purpose of market research, disseminating product information and education to the public as to quality and availability. [40 Pa. Code § 13.201]. Tastings may be conducted by sponsors, which are defined as “any licensed vendor, importer, distributor, importing distributor or manufacturer or its agent or employee who is 21 years of age or older.” [Id.]. To answer your question, your limited distillery license allows you to offer tastings, and no additional permits or licenses are required.

Tastings may be conducted on licensed or unlicensed premises, provided the following conditions are met: (1) any products used must be legally procured and registered, and the taxes thereon must be paid; (2) there can be no purchase requirement associated with the tasting or tasting event; and (3) no more than one (1) standard size alcoholic beverage

of each product may be provided to each tasting participant. [40 Pa. Code § 13.211(b)]. Board Regulations provide that a standard-sized alcoholic beverage is twelve (12) fluid ounces of malt or brewed beverage, four (4) fluid ounces of wine (including fortified wine), or one and one-half (1½) fluid ounces of spirits. [40 Pa. Code § 13.201].

The above information applies to tasting events that occur off of your licensed premises, such as “PA Flavor.” On your licensed premises or at one of your Board-approved additional locations, you may charge a fee for tastings if you choose. [47 P.S. § 5-505.4(b)(5)]. Tastings may only be offered on the licensed premises between the hours of 9:00 a.m. and 11:00 p.m. [Id.]. However, you are not permitted to sell alcohol off of your licensed premises. When you are at a tasting event that occurs off of your licensed premise, the tasting must truly be free and cannot be predicated upon the purchase of an admission ticket, a donation or payment of any other fee.

Should you have any other questions and/or issues related to the Liquor Code or the Board’s Regulations, please feel free to once 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

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. 15-161