

April 17, 2015

Theresa Clark

VIA E-MAIL: [reese7884@comcast.net](mailto:reese7884@comcast.net)

**RE: Liquor Infusions for Sale at a Restaurant**

Dear Ms. Clark:

ISSUE: This is in response to your e-mail of March 16, 2015, wherein you state that you are an employee of a restaurant/bar in Bucks County. There is an interest in offering house infused vodkas and other liquors to build business and to provide patrons with unique, original cocktails. The proposed process is to soak fruits, herbs, or vegetables in vodka, rum or some other liquor for a period of time, strain the liquor, and pour it into a decanter for storage and display. You seek advice to ensure legal compliance.

OPINION: Section 491(10) of the Liquor Code 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. [47 P.S. § 4-491(10)]. Therefore, a licensee could not refill liquor bottles with infused spirits.

However, it is permissible for infused spirits to be combined or prepared in glass containers or jars, such as a decanter or infusion jar, temporarily stored, and then served by the glass. It is also permissible to premix a cocktail and keep it in an infusion jar, but the Liquor Code prohibits creating an infusion within the original liquor bottle or storing the infusion overnight.

This office is unable to provide you with legal advice as to other issues regarding the infusion process, whether there is any responsibility to contact the respective liquor manufacturers whose brands you intend to infuse, or whether there are any applicable Health Code provisions associated with an infusion process. You may want to contact a private attorney or your local health agency with reference to these matters.

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.

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.

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. 15-178