

July 7, 2015

Kevin Webb
Webb Winery
2531 South Hermitage Road
Hermitage, PA 16148
VIA E-MAIL: kevin@webbwinery.com

RE: Out-of-State Sale and Shipping of Wine

Dear Mr. Webb:

ISSUE: This is in response to your e-mail of June 2, 2015, wherein you state that you hold a limited winery license. You have been approached by a maple syrup producer from Ohio who wants you to make wine from its syrup from which it will subsequently use to produce maple wine vinegar. The Ohio Liquor Control Commission has already instructed the maple syrup producer as to its compliance requirements. You seek information regarding Pennsylvania requirements to ensure that this is a legal transaction and inquire about any restrictions regarding the transportation of the bulk wine to Ohio, specifically if you should deliver it or if the company in Ohio is able to pick it up at your location.

Pennsylvania Liquor Control Board ("Board") records indicate that Webb Winery LLC holds Limited Winery License No. LK-349 (LID 66379) for use by it at 2531 South Hermitage Road, Hermitage, Pennsylvania.

OPINION: Neither the Liquor Code nor the Board's Regulations prohibit a limited winery from selling wine to entities that are located outside of the state or shipping its product to other states. However, be advised that delivery of wine from Pennsylvania to other states, even if by a carrier having a Pennsylvania transporter-for-hire license, would be subject to the law and regulations of the destination state. You would have to contact the destination state's liquor regulatory agency to determine that state's requirements.

For shipping within Pennsylvania, section 501 of the Liquor Code requires a license in order to transport any alcoholic beverages, including wine. [47 P.S. § 5-501]. As you may know, a limited winery license issued by the Board entitles the holder to sell and ship the wine it produces in the limited winery's properly registered vehicle or in the alternative, the alcohol may be transported via either

licensed transporter-for-hire. [47 P.S. §5-505.2; 40 Pa. Code § 11.111]. The transporter-for-hire Class A license authorizes the holder to engage in the commercial transportation of liquor, malt or brewed beverages or alcohol to or from points located in the Commonwealth class B license information. A transporter-for-hire Class C license is a fleet license that authorizes the holder to engage in the commercial transportation of liquor parcels within the Commonwealth. [40 Pa. Code § 9.11].

In sum, the sale of bulk wine to an out of state company is lawful; its transportation must comport to the aforementioned restrictions.

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. 15-277