

July 13, 2015

Robert Antanitis

VIA E-MAIL: rob@civilwarcider.com

RE: Limited Winery Making Beer-Wine

Dear Mr. Antanitis:

ISSUE: Your correspondence of June 15, 2015 inquires whether it is possible for a limited winery to use a recipe that ferments a wort together with a white wine, and offer the resulting product for sale. You further inquire whether a brewery license would be applicable and/or needed.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Civil War Cider Company, Inc. holds Limited Winery License No. LK-415 (LID 69438) for use by it at premises located at 606 Market Street, Lewisburg, Pennsylvania.

OPINION: A limited winery license entitles the holder to manufacture up to two hundred thousand (200,000) gallons of wine per year. [47 P.S. §§ 1-102, 5-505]. “Wine” is defined in the Liquor Code as follows:

“Wine” shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term “wine” **shall not include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.**

[47 P.S. § 1-102 (emphasis added)].

Although “wort” is not defined in the Liquor Code, Merriam-Webster’s on-line dictionary defines wort as “a liquid formed by soaking mash in hot water and then fermented to make beer.”

Assuming that the wort in question is derived from malt, grain or cereal, it would not be permissible for a limited winery to use a recipe that ferments a wort together with a white wine, and offer the resulting product for sale.

A brewery license entitles the holder to manufacture malt or brewed beverages, which

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are defined as:

...any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one percentum or more of alcohol by volume, by whatever name such beverage may be called, and shall mean alcoholic cider.

[47 P.S. § 1-102].

The holder of a brewery license is not authorized to manufacture wine.

If the wort in question is manufactured, made or distilled pursuant to a distillery license or limited distillery license, it would be permissible to combine the resulting product with a white wine for sale by the holder of the distillery or limited distillery license.

As this is a significant commercial undertaking, you may wish to consult private counsel experienced in Pennsylvania liquor law before proceeding further.

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. 15-290