

July 17, 2015

Richard Eckroth

VIA E-MAIL: rick.eckroth@comcast.net

RE: Club Hosting Wine Festival

Dear Mr. Eckroth:

ISSUE: This is in response to your e-mail inquiry of June 24, 2015, in which you state that your club, the Reading Liederkrantz, is planning to hold a wine festival at your licensed premises. The club intends to invite several local wineries to provide wine tastings and to sell their respective wines. You ask whether participating wineries may sell wine by the glass and by the bottle for consumption on the premises. You also ask what parameters must be followed by the club in hosting such an event.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are the Board-approved manager/steward for Reading Liederkrantz German Singing and Sport Society, which holds Catering Club License No. CC-916 (LID 25877) for the premises located at 143 Spook Lane, Reading, Pennsylvania.

OPINION: As you may already be aware, wine exposition permits allow limited wineries to participate in wine and food expositions off their licensed premises, to sell wine by the bottle, and to sell or give away samples up to one (1) ounce. [47 P.S. § 5-505.2]. Each permit can be used for only up to thirty (30) consecutive days and the total number of days for all of the special permits cannot exceed one hundred (100) days per calendar year. A special permit shall entitle the holder to engage in the sale by the glass, by the bottle or in case lots of alcoholic cider or wine produced by the limited winery. [47 P.S. § 5-505.2(a)(4)].

Wine and food expositions are defined as “affairs held indoors or outdoors with the intent of educating those in attendance of the availability, nature, and quality of Pennsylvania-produced wines in conjunction with suitable food displays, demonstrations and sales,” and may include other activities such as arts and crafts, musical activities, cultural and agricultural exhibits, and similar activities. [47 P.S.

§ 5-505.2(4)]. Therefore, provided that the local wineries participating in your proposed event apply for or hold wine exposition permits, and provided further that the event meets the definition of a wine and food exposition, then the wineries would be able sell wine at the event.

It should be noted that licensees are strictly liable for violations of the Liquor Code and its attendant laws and regulations that occur on the licensed premises. Pennsylvania Liquor Control Board v. TLK, Inc., 544 A.2d 931 (Pa. 1988). Licensees are specifically prohibited by Liquor Code section 493(1) [47 P.S. § 4-493(1)] from selling, furnishing and/or giving alcohol, and from permitting the sale, furnishing or giving of alcohol, to minors or visibly intoxicated persons.

Please also note that if the proposed event will be conducted on your licensed premises, it would be necessary for you to de-license the area to be used for the wine exposition permit, as dual licensing of a particular premises, absent specific statutory authority, is generally prohibited. In sum, the limited wineries would not be able to sell their products there unless you de-license that portion of the premises, and they acquire the appropriate permit.

De-licensure can be accomplished by submitting to the Board's Bureau of Licensing a letter clearly specifying the area to be de-licensed, including a map of the licensed premises that denotes said area, and the dates and times that the area should be delicensed. The remaining licensed area must be such that you continue to qualify for your license, if you intend to use your license during the time in question.

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

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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. 15-299