

July 21, 2015

Floyd Foster

VIA E-MAIL: f.foster@zoominternet.net

Re: 12 Pack Law

Dear Mr. Foster:

ISSUE: Your e-mail of June 30, 2015 states that a competing distributor is selling eight (8)-packs of sixteen (16)-ounce aluminum bottles of Bud Light. You inquire whether this is permissible under the “12 pack law.”

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Foster Beer Distributor, Inc. holds Distributor License No. D-3736 (LID 57685) for use by it at premises located at 406 North Street, Grove City, Pennsylvania.

OPINION: As you appear to be aware, the Board recently clarified that licensed distributors may sell malt or brewed beverages in original containers, as prepared for the market by the manufacturer, containing one hundred twenty-eight (128) ounces or more. As such, the practice described in your e-mail is permissible, so long as the malt or brewed beverages in question are in original containers, as prepared for the market by the manufacturer.

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

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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. 15-313