

October 15, 2015

Dominic Capece
Free Will Brewing Company
VIA E-MAIL

Re: Labels on Taps

Dear Mr. Capece:

ISSUE: This is in response to your e-mail sent September 29, 2015, wherein you advise that you are part owner of Free Will Brewing Company. You ask for clarification of section 493(6) of the Liquor Code, which provides that it shall be unlawful:

For any licensee, his agents, servants or employes, to furnish or serve any malt or brewed beverages from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet, spigot or dispensing apparatus.

[47 P.S. § 4-493(6)]. You ask if this provision applies to your licensed establishment, since the only beer that you are permitted to sell is that which you have manufactured. You ask if each dispensing faucet needs to have a “Free Will Brewing Co.” name placed on it. You note that you use very small, generic faucet handles.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Free Will Brewing Company holds Brewery License No. G-451 (LID 65716) for the premises at 410 East Walnut Street, Suite 10, Perkasio, Pennsylvania.

OPINION: The language of section 493(6) provides that it shall be unlawful for “any licensee” to serve beer unless the trade name or brand of the product is “in full sight of the customer and in legible lettering upon such faucet, spigot or dispensing apparatus.” [47 P.S. § 4-493(6)]. There is no language in this section of the Liquor Code that would exempt brewery licensees from this requirement.

Therefore, your brewery is subject to the provisions of section 493(6) of the Liquor Code. Each dispensing faucet should be labeled with the registered name of the beer that is being dispensed by that faucet. Failure to do so may result in a citation from the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

Please note that, as an administrative agency, the Board does not have the authority to modify or ignore existing law. If you would like to have the Liquor Code amended, it is recommended that you contact your local representative or senator.

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. 15-439