

November 20, 2015

Daniel Lashinsky
Ungrapeful Winery, LLC
638 Turner Drive
Blairsville, PA 157171
VIA E-MAIL

RE: Labels, Brand Names

Dear Mr. Lashinsky:

ISSUE: This is in response to your e-mail of October 30, 2015, wherein you state that you have recently bought a pre-existing business, Walnut Hill Winery, and have changed the name of the business to Ungrapeful Winery LLC t/a Walnut Hill Winery. You have submitted requests for approval to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) for several new wines and intend to submit label approval under the new logo of Ungrapeful Winery; you also intend to rename the storefront. You want to keep the original wines under the name of Walnut Hill Winery, which has several label approvals/brand names. You inquire how to make the transition in re-naming the storefront and how to add Ungrapeful Winery as a brand name. You further ask if your winery can keep the Walnut Hill Winery as a brand name.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Ungrapeful Winery LLC holds Limited Winery License No. LK 243 (LID 71319) for use by it at 638 Turner Drive, Blairsville, Pennsylvania.

OPINION: Please be advised that neither the Liquor Code nor the Board’s Regulations address the naming of storefronts or the label requirements of wines. As you are aware, there are federal labeling requirements, as required by the TTB; any interpretation of the Code of Federal Regulations (“CFR”) would be made by the TTB.

Since this is a significant commercial enterprise, you may wish to consult with private counsel experienced in Pennsylvania liquor law to provide you with specific legal guidance.

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,

RODRIGO J. DIAZ
Executive Deputy 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. 15-475