

November 23, 2015

Michael Stiglitz  
**VIA E-MAIL**

**Re: Sales Permitted in Brewpub Area**

Dear Mr. Stiglitz:

ISSUE: This is in response to your e-mail dated October 29, 2015, wherein you ask if the following statements are correct:

1. In the brewpub licensed area, anyone purchasing beer to go, for off-premises consumption, can only purchase one hundred ninety-two (192) ounces.
2. Because of this limitation, keg sales for off-premises consumption cannot occur in the brewpub licensed area.
3. In the brewery-licensed area, the brewery can only sell/self-distribute to licensed retailers, and therefore the brewery cannot sell kegs to any customers who call or come in.
4. Therefore, a brewery with a brewpub cannot sell kegs to anyone from any part of the building.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Brewery 2SP LLC holds Brewery (“G”) License No. G-567 (LID 70661) and Brewery Pub (“GP”) License No. GP-567 (LID 71455) for the premises at 120 Concord Road, Units 101, 102, and 103, in Aston, Pennsylvania.

OPINION: A GP license allows its holder to operate a restaurant or brewery pub within or immediately adjacent to the brewery premises as well as conduct sales for on-premises consumption of the beer produced and owned by the brewery, and sales for off-premises consumption of its products not to exceed one hundred ninety-two (192) fluid ounces in a single sale. [47 P.S. § 4-446]. Therefore, the first two (2) statements above are correct.

However, your third and fourth statements are not correct. The holder of a G license may sell malt or brewed beverages produced and owned by the brewery to individuals for off-

premises consumption in containers or packages of unlimited quantity and of any volume. [See 47 P.S. § 4-440]. A licensed manufacturer may sell malt or brewed beverages to individuals in original containers and may also refill containers. However, sales to other licensees must be in one of two configurations; such sales must be in “case” quantities or they must be in original containers containing one hundred twenty-eight (128) ounces or more. [See 47 P.S. § 4-431].

Therefore, while keg sales may not occur on the licensed brewpub premises, such sales may occur on the licensed brewery premises.

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. 15-479