

March 9, 2016

James Cain
Vault Brewing Company
10 South Main Street
Yardley, PA 19067
VIA E-MAIL

RE: Shipping Packaged Beer

Dear Mr. Cain:

ISSUE: This is in response to your e-mail of January 14, 2016, wherein you request clarification regarding the legality of shipping beer to an individual through a package delivery service. As a holder of brewery (“G”) and brew pub (“GP”) licenses, your company is able to directly sell to individuals and to retailers. Your company has an interest in permitting customers to place orders online, with delivery via mail. The intention is to sell and ship a single premium bottle or a four-pack of cans. You are seeking permission to function as you describe many of the “beer of the month” clubs/services do.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Vault Brewing Company holds Manufacturer Malt Beverage License No. G-467 (LID 66650) and Brewery Pub License No. GP-467 (LID 66651) for use by it at 10 South Main Street, Yardley, Pennsylvania.

OPINION: Provided that the transaction for the sale of malt or brewed beverages is fully completed through the electronic transfer of funds, shipment of beer within the Commonwealth via a package delivery service holding a valid Pennsylvania transporter-for-hire license is permissible. 40 Pa. Code § 9.11. As you may know, section 501 of the Liquor Code requires a license in order to transport for hire any alcoholic beverages within Pennsylvania. 47 P.S. § 5-501. There are three types of transporter-for-hire licenses issued by the Board. The Transporter-for-Hire Class A license authorizes the holder to engage in the commercial transportation of liquor, malt or brewed beverages, or alcohol to or from points located in the Commonwealth. The Transporter-for-Hire Class B license permits the commercial transportation within the Commonwealth of malt or brewed beverages only. The Transporter-for-Hire Class C license is a fleet license that authorizes the holder to engage in the commercial transportation of liquor parcels within the Commonwealth. 40 Pa. Code § 9.11.

Please note that although the GP license permits sales for off-premises consumption of its products not to exceed 192 fluid ounces in a single sale and requires that sales to an individual for any quantities in excess of 192 fluid ounces to be made as separate sales 47 P.S. § 4-446 (2), the G license entitles its holder to 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, and to licensees in quantities of not less than a case or original containers containing 128 ounces or more. 47 P.S. §§ 4-431, 4-440.

The exportation of beer from Pennsylvania to another state would require compliance with the requirements of that state. You should contact the appropriate liquor regulatory agency in the receiving state before you attempt to send shipments of beer. You also may wish to contact the United States Alcohol and Tobacco Tax and Trade Bureau at the following web address: <http://www.ttb.treas.gov>.

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
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. 16-009