

March 17, 2016

Shawn M. Lang  
Lang Restaurant Group  
**VIA E-MAIL**

**RE: Sales of Home Brewed Beer**

Dear Mr. Lang:

ISSUE: This office is in receipt of your email of March 2, 2016, wherein you advise that an establishment in your town began marketing the sale of home brewed beers. You inquire if this is legal.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Lang Restaurant Group, LLC, holds Restaurant Liquor License No. R-16558 (LID 65058) for use at its premises at 15 North 7<sup>th</sup> Street, Indiana, Pennsylvania. You are a listed as a member of the LLC. Additionally, PLCB records indicate that you are also a member of LRG Cranberry, LLC, which holds Restaurant Liquor License No. R-13058 (LID 70881) for use by it at premises located at 926 Sheraton Drive, Mars, Pennsylvania.

OPINION: Please be advised that section 492(1) of the Liquor Code permits a person to produce up to 200 gallons per calendar year of malt or brewed beverages without a license, as long as such beverages are not produced for sale. 47 P.S. § 4-492(1) (emphasis added). If the home brew in question is offered for sale, the manufacturer would be required to possess a valid Pennsylvania manufacturing license, such as a brewery license. As such, the sale of home brewed beer by a retail licensee would be illegal.

Finally, please be advised that the day-to-day enforcement of the Liquor Code is handled by Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”) and not the PLCB. See 47 P.S. § 2-211. If you believe a violation of the Liquor Code is occurring, you are encouraged to contact BLCE via its hotline at 1-800-932-0602 or via the internet at <http://www.psp.pa.gov/LCE/Pages/online-complaint-form.aspx>

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. 16-078