

May 19, 2016

Bob Antanitis
VIA E-MAIL

RE: Limited Winery Producing Apple Brandy

Dear Mr. Antanitis:

ISSUE: This is in response to your e-mail dated March 28, 2016, wherein you state that your company currently produces hard cider and apple table wine. You further state that your company is interested in purchasing a still to produce a 30% ABV apple brandy. You ask if this is permissible with a limited winery license.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Benton Ciderworks, Inc. holds Limited Winery License No. LK-285 (LID 62125) for use by it at 126 South 3rd Street, P.O. Box 604, Benton, Pennsylvania.

OPINION: No, it is not permissible. To produce a 30% ABV apple brandy, your company will need to obtain a limited distillery license. Section 505.4 of the Liquor Code provides that the PLCB may issue a limited distillery license to an entity that will produce not more than 100,000 gallons of distilled liquor per year. 47 P.S. § 5-505.4(b)(1).

Please be advised that the Liquor Code prohibits a person from holding more than one class of license. 47 P.S. § 4-438(c). However, a limited winery license and a limited distillery license are both considered to be manufacturing licenses and of the same class. Therefore, your company could hold both a limited winery license and a limited distillery license.

Please be further advised that the PLCB’s Bureau of Licensing (“Licensing”) will not typically dual-license a location, absent specific statutory authority. Thus, only one license may be in effect at one time at any particular portion or location.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB’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.

Sincerely,



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. 16-146