

May 4, 2016

David E. Stein
Hidden Still, Inc.
VIA E-MAIL

RE: Selling Barrels of Aging Whiskey

Dear Mr. Stein:

ISSUE: This office is in receipt of your e-mail of March 15, 2016, wherein you state your company wishes to sell barrels of aging product to customers. When the product has aged, it will be bottled and sold to your customers who have pre-purchased the barrels. You inquire if there is a limit to the amount you can sell and if there are any other restrictions.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Hidden Still, Inc., holds Limited Distillery License No. AL-42 (LID 71037) for use by it at premises located at 435 Willow Street, Lebanon, Pennsylvania.

OPINION: A limited distillery license allows the holder to produce not more than 100,000 gallons of distilled liquor per year. 47 P.S. § 5-505.4. Limited distilleries can manufacture and sell bottled liquor produced on the licensed premises to the PLCB, to licensees, and to the public between 9:00 a.m. and 11:00 p.m., operate and maintain up to two PLCB-approved, additional satellite locations, apply for and hold a restaurant, hotel, or eating place retail dispenser license to sell alcoholic beverages for on-premises consumption at the licensed distillery premises, sell food and liquor for consumption on or off the licensed premises, and offer on-premises tastings. Id.

Additionally, if your product is listed for retail sale by the PLCB, you may not sell it to your customers at a lower price than that charged by the PLCB. Id.

Further, please note that sales of your distilled spirits may only occur on the licensed premises or at a PLCB-approved additional location. The Liquor Code defines “sale” as “any transfer of liquor, alcohol or malt or brewed beverages for a consideration.” 47 P.S. § 1-102.

So long as your endeavor complies with the above restrictions, it would be permissible.

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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-157