

June 15, 2016

Ben Kishbaugh  
**VIA E-MAIL**

**RE: Farmers' Market Permit**

Dear Mr. Kishbaugh:

ISSUE: This is in response to your e-mail of April 28, 2016, wherein you state that you are a member of Big Hill Winery & Ciderworks, LLC, annotating the pertinent license information. Your winery would like to utilize its farmers' market permit to sell your hard ciders and alcoholic ciders (5.5% ABV and above) at an existing and privately-owned and -operated roadside farmers' market. Both the winery and the roadside market are certified to operate by the Pennsylvania Department of Agriculture; both produce "value-added agricultural commodities" that come directly from each of your respective farms. You inquire if such a sale is permissible under your existing farmers' market permit. If it is permissible, you will submit the starting date of sales to the Pennsylvania Liquor Control Board ("PLCB").

Records of the PLCB indicate that Big Hill Winery & Ciderworks, LLC, holds Limited Winery License No. LK-403 (LID 69098) for use by it at 1365 Gablers Road, Gardners, Pennsylvania.

OPINION: The farmers' market permit entitles the holder to participate in more than one farmers' market at any given time and an unlimited number throughout the year and to sell, during the standard hours of operation of the farmers' market, alcoholic cider or wine produced by the holder under the authority of the underlying limited winery license by the bottle or in case lots. 47 P.S. § 5-505 (4.1). Since, under section 505.2 of the Liquor Code, limited winery licensees are permitted to produce and to sell specific products, you would be permitted to sell both wine and alcoholic cider products using your farmers' market permit. 47 P.S. §§ 5-505.2(a)(1), 5-505.2(a)(2). Please note that without further clarification as to what products constitute "value-added agricultural commodities," this office is unable to comment as to their sale.

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Please be advised that the permit holder must provide written notice of the date, times, and location the permit is to be used to the Bureau of Liquor Control Enforcement (“BLCE”) at least two weeks prior to the event. 47 P.S. § 5-505(a)(4.1).

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. 16-213