

June 17, 2016

Abigail Miller
Galer Estate Vineyard & Winery
700 Folly Hill Road
Kennett Square, Pa 19348
VIA E-MAIL:

Re: Wine Exposition Permits

Dear Ms. Miller:

ISSUE: This office is in receipt of your e-mail of May 10, 2016, in which you inquire how to sample and sell your wines in a tavern that “is only able to sell beer but is BYO for wine.” It is assumed for purpose of this response that the tavern in question holds an eating place retail dispenser (“E license”) and that BYO is short for “bring your own.”

Records maintained by the Pennsylvania Liquor Control Board (“PLCB”) indicate that Galer Estate Vineyard & Winery LLC, holds Limited Winery License No. LK-264 (LID 60693) for use by it at premises located at 700 Folly Hill Road, Kennett Square, Pennsylvania.

OPINION: Initially, please be advised that licensed limited wineries (“LKs”) are permitted to obtain a wine exposition permit from the PLCB, as provided for in section 505.2(a)(4) of the Liquor Code 47 P.S. § 5-505.2(a)(4). These special permits allow the LKs to participate in wine and food expositions off their licensed premises and sell wine by the glass, bottle or in case lots, and sell or give away samples in individual portions not to exceed one fluid ounce. An LK can obtain an unlimited number of special permits per calendar year, but each permit can be used for only up to thirty consecutive days and the total number of days for all of the special permits cannot exceed 100 days per year.

Wine and food expositions are defined as “affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature, and quality of Pennsylvania-produced wines in conjunction with suitable food displays, demonstrations and sales,” and may include other activities such as arts and crafts,

musical activities, cultural and agricultural exhibits, and similar activities. 47 P.S. § 5-505.2(4).

Given the fact that you seek to locate your event on the licensed premises of an E licensee and that the wine exposition permit designates a particular licensed area for an event, in order to conduct the event in the manner in which you intend, it would be necessary for the E licensee to temporarily de-license the portion of its licensed premises where the event would take place. In other words, the Bureau of Licensing (“Licensing”) will not “dual-license” a particular location.

Moreover, with regard to E licensees, section 492(13) of the Liquor Code 47 P.S. § 4-492(13) prohibits E licensees from possessing or permitting the storage of any alcohol or liquor on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises. Thus, no wine could be stored on the premises of the E licensee. As your event may necessitate the E license being placed in safekeeping, this can be accomplished by submitting to Licensing a letter clearly specifying the area to be de-licensed, including a map of the licensed premises that denotes said area, and the dates and times that the area should be delicensed.

**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. 16-222