

June 17, 2016

Kathleen Hall  
Red Bandana Winery, LLC  
**VIA E-MAIL**

**RE: Limited Winery Sales to Licensees**

Dear Ms. Hall:

ISSUE: This correspondence is in response to your e-mail dated May 19, 2016, wherein you inquire as to the requirements that must be satisfied in order for your limited winery to sell wine to a bar or tavern.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Red Bandana Winery, LLC, holds Limited Winery License No. LK-338 (LID 65552) for the premises located at 265 Allio Drive, Leeper, Pennsylvania.

OPINION: A limited winery licensee may sell alcoholic cider, wine, and wine coolers directly to other Pennsylvania limited winery licensees, breweries, retail licensees (e.g., restaurant licensees, hotel licensees, club and catering club licensees, and public service licensees), the public, and the PLCB. 47 P.S. § 505.2(a)(2). The sale of products must occur on the limited winery’s licensed premises. However, limited winery licensees are currently permitted to sell and deliver wine to the above-referenced licensees and to residents by a transporter-for-hire or in a vehicle that is properly registered with the PLCB. 40 Pa. Code § 11.111(a)(2). No additional permits are required to deliver the wine. Licensees are required to have painted or affixed on each side of each vehicle used in the operation of the business their name, address, including the street name, and number as shown on the license, and the license number as shown on the license in letters no smaller than four inches in height. 40 Pa. Code § 9.22. The license identification number shall be preceded by the letters “P.L.C.B.” Please be aware, however, that the law will be changing in August of 2016 and the rules on delivery may be impacted.

Given the fact scenario that you have provided, it is permissible under your limited winery license to directly sell any alcoholic cider, wine, and wine cooler produced at your limited winery to any of the above-referenced licensees. Further, if you

anticipate delivering wine to licensees, you must abide by the Liquor Code and the PLCB's Regulations articulated above.

Please do not hesitate to contact this office should you have additional questions.

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, appearing to read "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

PLCB Advisory Opinion No. 16-224