

June 22, 2016

Cherice Mosby
VIA E-MAIL

RE: Direct Shipment of Food with Wine

Dear Ms. Mosby:

ISSUE: Your e-mail of May 18, 2016 inquires whether nakedwines.com can ship wine direct to consumers with food items such as coffee, nuts, dried fruits, olives and olive oil.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that nakedwines.com, Inc. holds Direct Wine Shipper License No. DWS-210 (LID 69819).

OPINION: A direct wine shipper license does not permit shipment of wine direct to consumers within Pennsylvania; rather, it permits shipment of wine to Fine Wine and Good Spirits stores operated by the PLCB for pickup by consumers. 47 P.S. § 4-488. No mechanism exists for food items to be included with such shipments. Therefore, nakedwines.com would not be able to ship food items along with wines to PLCB stores pursuant to its direct shipper license.

In addition, please note that Act 39 of 2016 recently made numerous changes to the Liquor Code effective August 8, 2016, including changes to the entities that qualify to hold a direct wine shipper’s license. A summary of these changes will be available on the PLCB’s website.

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

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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. 16-225