

October 12, 2016

Kathleen Hall  
**VIA E-MAIL**

**RE: Limited Winery Sales**

Dear Ms. Hall:

ISSUE: This is in response to your e-mail of August 12, 2016, wherein you seek information as to how your wines can be sold in grocery stores.

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

OPINION: As you may be aware, Act 39 of 2016 (“Act 39”) created a wine expanded permit for restaurant and hotel licensees which permits holders to sell wine-to-go. 47 P.S. § 4-415(a)(2). Grocery stores are able to sell wine for off-premises consumption if they have a restaurant or hotel liquor license and have obtained a wine expanded permit. Id. Since your limited winery license allows you to sell alcoholic cider, wine, and wine coolers directly to restaurant licensees and hotel licensees, as well as to other delineated entities, 47 P.S. §§ 4-446, 505.2(a)(2), 5-505.4, you may sell your wine to any grocery store that holds a restaurant or hotel liquor license. There are no additional licenses or fees required on your part. The restaurant or hotel license holders must obtain a wine expanded permit to sell wine-to-go.

Please be advised that if you plan on shipping your wine to retail licensees, you will need to obtain a direct wine shipper license (DWS license). 47 P.S. §§ 1-102, 4-488(a), 4-488(f), 4-491(11). As per Act 39, this new license is available to any person licensed by the PLCB, another state, or another country as a wine producer. Limited wineries are specifically included in the definition of direct wine shipper. 47 P.S. §§ 1-102, 4-488(a).

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,

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

LCB Advisory Opinion No. 16-396