

October 31, 2016

Tom Trella  
**VIA E-MAIL:**

**RE: Refilling Bottles**

Dear Mr. Trella:

ISSUE: Your e-mail of October 11, 2016 inquires whether you may purchase large bottles of alcohol, such as 1.5 liter bottles, and fill smaller bottles, such as 750 milliliter bottles, and then use the smaller bottles to serve patrons at your establishment.

Records of the Pennsylvania Liquor Control Board indicate that Capriotti's, Inc. holds Restaurant Liquor License No. R-7038 (LID 58400) for use by it at premises located at 1 Banks Avenue, McAdoo, Pennsylvania.

OPINION: The Liquor Code expressly prohibits refilling liquor bottles, wholly or in part, with any substance whatsoever. 47 P.S. § 4-491(10). Therefore, you may not use larger bottles to refill smaller ones.

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.

Very truly yours,



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. 16-424