

December 24, 2018

Dan Brown
Deerfoot Vineyards and Winery
VIA E-MAIL

RE: Farmer's Market Permit Questions

Dear Mr. Brown:

ISSUE: Your e-mail of November 26, 2018, states that your winery holds a farmer's market permit and is considering a new market location. You pose the following two questions: (1) whether the farmer's market permit allows sales of wine by the glass, and (2) if so, whether wine sold by the glass may be carried by the purchaser to other parts of the market, such as a shared seating area.

Records of the Pennsylvania Liquor Control Board ("PLCB") indicate that Deerfoot Vineyards and Winery LLC holds Limited Winery License No. LK-451 (LID 71050) for use at premises located at 1492 Ridge Road, Shoemakersville, Pennsylvania.

OPINION: In answer to your first question, a farmer's market permit does not allow the permit holder to sell wine by the glass. Sales by a limited winery under the authority of a farmer's market permit are limited to individual bottles or case lots. 47 P.S. § 5-505.2(a)(4.1). Tasting samples may be given free of charge but may not exceed one fluid ounce per brand. Id.

Since a farmer's market permit does not allow sales of wine by the glass, your second question is rendered moot. If you have any additional questions about this, the Liquor Code, or the PLCB's Regulations, please do not hesitate to contact us again.

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

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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
Tisha Albert, Director of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 18-448