



September 1, 2020

Kira Paris Felker, MBA, RD, LDN
Quality Assurance Manager, Nutrition & Regulatory
Giant Eagle, Inc.
101 Kappa Drive
Pittsburgh, PA 15238
VIA E-MAIL

Re: Maple Bourbon Dressing in Salad Kit

Dear Ms. Felker:

ISSUE: This is in response to your e-mail of July 28, 2020, wherein you request guidance on a potential private label product that Giant Eagle, Inc. is working on. A third-party vendor has sent samples for a Salad Kit with Maple Bourbon Dressing as a separately-packaged component within the kit. The vendor has informed you that the 2.5 oz. dressing packet contains 1.4% alcohol by volume (“ABV”), but that the overall Salad Kit, with a total net weight of 12.8 ounces, would not need to be labeled with the alcohol content. You ask the following questions:

- Would this product fall under the jurisdiction of the Pennsylvania Liquor Control Board (“PLCB”), with the dressing technically being a “drinkable liquid” that can be consumed separately from the other components of the kit?
- Since the dressing packet is 1.4% ABV, would the packet itself need to be labeled with % ABV content?
- Would the outer packaging for the Salad Kit need to be labeled with % ABV?

Records of the PLCB indicate that Giant Eagle, Inc., holds over ninety Restaurant Liquor Licenses for premises throughout Pennsylvania. Nearly all of these restaurant locations also hold Wine Expanded Permits (“WEP”).

OPINION: With regard to your first question, it is the opinion of this office that the sale of Maple Bourbon Dressing falls under the exemptions of section 502 of the Liquor Code. 47 P.S. § 5-502. Therefore, a liquor license is not required to sell this product.

With regard to labeling requirements, please note that neither the Liquor Code nor the PLCB's Regulations address labeling requirements for salad dressing. You may wish to check with the Food and Drug Administration, www.fda.gov, or the Alcohol and Tobacco Tax and Trade Bureau, www.ttb.gov.

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,



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. 20-210