



September 17, 2020

Michael Podlogar
VIA E-MAIL

Re: Use of Grape Wine in a Distilled Spirits Specialty

Dear Mr. Podlogar:

ISSUE: This is in response to your e-mail sent on August 26, 2020, wherein you advise that your company has been creating various distilled spirits specialties that are registered with the Alcohol and Tobacco Tax and Trade Bureau (“TTB”). You further advise that TTB allows for the use of grape wine as an ingredient in these distilled spirits specialties. You ask if you must use Pennsylvania wine for this application or if you may use wine from another state. For purposes of this response, it is assumed that “Pennsylvania wine” means wine that is manufactured by a Pennsylvania limited winery licensee.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Boardroom Spirits LLC holds Limited Distillery License No. AL-47 (LID 71239) for the premises at 575 West Third Street in Lansdale, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the PLCB’s Regulations that requires a licensed limited distillery to use Pennsylvania wine to create distilled spirits specialties. You may use any wine that is lawfully acquired through the PLCB or from licensed importers “when in original containers of ten gallons or greater capacity.” 47 P.S. § 4-410(e). Manufacturers may also obtain an importer license to import liquor and wine from outside the Commonwealth. 40 Pa. Code § 9.33.

Please note that any wine obtained from a direct wine shipper licensee may only be acquired for personal use and not resale. 47 P.S. § 4-488(b), (f).

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.

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

LCB Advisory Opinion No. 20-222