



September 23, 2020

Kelsey L. Campbell  
Cochranton Volunteer Fire Department  
**VIA E-MAIL**

**RE: Purchasing and Selling Moonshine**

Dear Ms. Campbell:

ISSUE: This office is in receipt of your e-mail dated March 9, 2020, wherein you inquire about the legality of purchasing moonshine from a small batch moonshine distillery and using the purchased product in mixed drinks on your licensed premises. You indicate further that there is a distillery, Lynchwoods Spirits<sup>1</sup>, located in Jackson Center, Pennsylvania which produces flavored moonshine, and you would like to purchase some bottles to make mixed drinks at the catering club. For purposes of this response, it is assumed that “moonshine” is simply intended to refer to high proof or grain alcohol, and not an illegally procured/made liquor.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Cochranton Volunteer Fire Department holds Catering Club License No. CC-6417 (LID 55704) for the premises located at 21800 U.S. Highway 322, Meadville, Pennsylvania.

OPINION: Please note that because you are involved in a highly-regulated industry, it is recommended that you consult private counsel experienced in Pennsylvania liquor law. Further, it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”), and not the PLCB, that is authorized to enforce the Liquor Code and the PLCB’s Regulations.

There is nothing in the Liquor Code or the PLCB’s Regulations that would strictly prohibit a licensed retail establishment from using high proof or grain alcohol in the drinks it serves, as long as such alcohol is lawfully procured. With that being said, the Liquor Code does prohibit licensees from selling or serving alcoholic beverages to visibly intoxicated persons. 47 P.S. § 4-493(24)(i). Any retail establishment using high

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<sup>1</sup> Records of the PLCB indicate that Lynchwoods Spirits, LLC holds Limited Distillery License No. AL-32653 (LID 83960) for the premises located at 332 Stockfarm Road, Jackson Center, Pennsylvania.

proof or grain alcohol in the drinks that it serves may be at greater risk of violating this prohibition.

Please note that limited distilleries are only permitted to sell their products on their licensed premises (whether it be at their main location, satellite location, etc.). 47 P.S. § 5-505.4(b). A limited distillery is permitted to deliver its products on the days and during the hours that it is authorized to sell its products. 47 P.S. § 4-493(16).

Finally, a club is permitted to combine or prepare cocktails in another container, such as a barrel or decanter, temporarily stored, and then served by the glass. In other words, it is permissible for a retail licensee to premix a cocktail and keep it in a barrel, but the Liquor Code prohibits a retail licensee from creating the mixture within, or returning the mixture to, the original liquor bottle or keeping the aged cocktails overnight.

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

LCB Advisory Opinion No. 20-226