

November 12, 1998

Mark F. Flaherty, Esq.
S. David Litman, P.C.
3601 One Oxford Centre
Pittsburgh, PA 15219-6401

Re: Gelfo Distributing Co., Inc.

License No. ID-664

Dear Mr. Flaherty:

ISSUE: In your letter dated October 21, 1998, you inquired on behalf of your client, the subject licensee, as to whether it may sell hot cocoa mix to home trade customers.

OPINION: Board Advisory Notice No. 9 (3rd Revision) permits importing distributors to engage in the sale of nonalcoholic beverages consisting of nonalcoholic malt beverages, soft drinks, juices, water, carbonic and non-carbonic mixes to the general public and other licensees of the Board. It is the opinion of this office that hot cocoa mix would be considered a non-carbonic, nonalcoholic beverage mix. Therefore, your client may sell hot cocoa mix to home trade customers.

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,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Bureau of Liquor Control Enforcement,
Pennsylvania State Police
David C. Martin

Refer to: (717) 783-9454
FAX: (717) 787-8820

Advisory Opinion No. 98-371