

June 21, 1999

Warren Steff  
BRONCO WINE COMPANY  
P.O. Box 789  
Ceres, CA 95307

Dear Mr. Steff:

**ISSUE:** In your letter dated May 24, 1999, you ask whether your winery may ship samples into Pennsylvania directly to locations within the state for wine competitions or wine publications to sample.

**OPINION:** In Pennsylvania, the Pennsylvania Liquor Control Board operates the liquor and wine stores. Only the Board, a sacramental wine licensee or an importer licensee may import liquor and wine into the state. [47 P.S. Section 4-491(11)]. Samples of liquor and wine must be imported properly and purchased from a Pennsylvania Wine and Spirits Shoppe by a registered agent if the wine is to be used for sampling purposes [40 Pa. Code Section 13.81]. Copies of these provisions are enclosed. All appropriate taxes and service charges must be paid when purchased through the Board and sample bottles must be properly labeled.

Should you have any further questions, please contact us regarding the importation of wine into Pennsylvania.

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

Enclosures

Refer to: (717) 783-9454

FAX: (717) 787-8820

LCB Advisory Opinion No. 99-218

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**SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND LIQUOR LICENSEES. -**

It shall be unlawful -

**Importation of liquor**

(11) For any person, other than the board or the holder of a sacramental wine license or of an importer's license, to import any liquor whatsoever into this Commonwealth, but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining, club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth.

**Sec. 13.81. Samples of liquor.**

(a) Each registered agent of a licensed vendor may not use more than one case of each brand of liquor sold by such vendor as samples during any calendar month. Such samples shall be purchased only through the Board, at a sum equal to the cost price to the Board plus 25% and any required taxes. The purchase of samples at retail in any State Store is prohibited. A separate order for samples shall be placed for each registered agent, and the name of such agent shall appear on the order. The vendor (or his authorized supervisor) may be permitted to purchase and distribute to his registered agents the prescribed allotment for all such agents under his supervision. The vendor shall, upon request, file with the Board a statement giving the name of his authorized supervisor, together with the territories and names of all registered agents under his supervision.

(b) The samples described in subsection (a) shall be restricted in size to half pints of distilled spirits, and to half bottles or smaller sizes of wine, except where operating conditions do not permit supplying such sizes, in which cases the Board may, upon proper application setting forth satisfactory reasons, permit the use of other sizes as samples.

(c) All sample bottles, before leaving the State Liquor Store, shall have affixed thereto a separate label, or lettering on the commercial label, at least 1/4 inch high, reading: 'Sample. Not to be sold. Possession of this bottle by licensee unlawful.'

(d) Each licensed vendor shall keep a permanent stock ledger record of all the samples purchased by him, the names of the agents to whom samples were issued, and the quantity and brand. Each authorized supervisor of a vendor shall keep in his office in this Commonwealth a permanent stock ledger record of all samples purchased and distributed by him to his registered agents as provided in this section. A requisition shall be prepared for each package removed from sample stock, bearing the signature of the agent receiving such merchandise.