

June 21, 1999

Michael C. Stirm
Director of Restaurant Services
Rainforest Café
1133 Franklin Mills Circle
Philadelphia, PA 19154

RE: Mixes

Dear Mr. Stirm:

ISSUE: This is a response to your fax to this office dated June 8, 1999 in which you request an opinion as to the legality of pre-mixing several liquors into a one-quart batch.

OPINION: Section 491(4) of the Liquor Code [47 P.S. Section 4-491(4)] prohibits the use of decanters of alcoholic beverages by licensees, except for wines. Additionally, section 491(10) prohibits the refilling of any bottles or containers which contain liquor with any liquid or substance whatsoever [47 P.S. Section 4-491(10)]. However, this office historically has approved the use of glass containers to store liquor so long as the actual drinks were dispensed in other glass containers. Therefore, it would be permissible for Rainforest Café to pre-mix several liquors into a one-quart batch so long as the actual drinks were dispersed to patrons in other glass containers.

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
Robert P. Kaskiel

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

Advisory Opinion No. 99- 220