

December 29, 1999

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L. Arvin Krick, Jr.
Senior Vice President Operations
W & L SALES COMPANY, INC.
4050 Industrial Road
Harrisburg, PA 17110-2997

Dear Mr. Krick:

ISSUE: In your letter dated November 23, 1999 you ask whether an importing distributor may move its breakage and repacking department to another location, where malt beverages would be stored but not sold.

OPINION: Section 441 of the Liquor Code allows an importing distributor to license and maintain a place for storage of malt or brewed beverages, if in the same municipality in which its licensed premises is located, upon receiving Board approval. If no place of cold storage is available in that municipality, the Board may approve a place of cold storage in the nearest municipality. The importing distributor shall not maintain a place where sales are made other than the licensed areas. [47 P.S. Section 4-441(c); (d)(e)]. Importing distributors may repackage only where there is inadvertent damage and only identical units of malt or brewed beverages may be repackaged into a case for sales. Please contact the Licensing Department for the appropriate application should you choose to license a storage area.

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

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement
R. Kaskiel

LCB Advisory Opinion No. 99-404