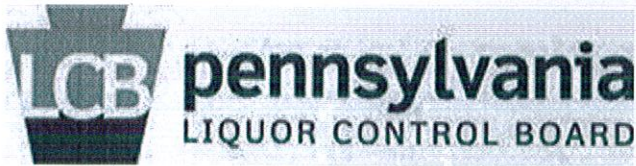


20-0510



December 22, 2021

Marc S. Reisman
Gelman & Reisman
VIA E-MAIL

RE: Winery Tour and Bottle Filling

Dear Mr. Reisman:

ISSUE: This is in response to your letter dated November 30, 2021, in which you pose the following scenarios on behalf of your client, which holds a limited winery license coupled with a restaurant liquor license, and ask whether they would be permissible:

1. The Licensee desires to conduct tours of the winery for a fee.
2. The Licensee would like to offer each tour patron with an opportunity to tap a bottle of Licensee's wine from a keg. The price of the bottle would be included in the wine tour fee.

Records of the Pennsylvania Liquor Control Board ("PLCB") indicate that Armen's Barrels, LLC holds Limited Winery License No. LK-46800 (LID 104978) coupled with Restaurant Liquor License No. R-17852 (LID 107770) for use at the premises located at 10 McCoy Lane, Washington, Pennsylvania.

OPINION: With regard to your first question, there is nothing in the Liquor Code or the PLCB's Regulations that would prohibit a limited winery from charging a fee for tours of the winery premises.

Similarly, as to your second question, nothing would prohibit a limited winery from allowing customers who are at least twenty-one years of age to fill their own wine bottle. That said, please note that if such sales would be for off-premises consumption, the winery must ensure that the container is properly sealed, as the PLCB's Regulations require that all wine "sold and destined to points within this Commonwealth shall be in sealed original containers." 40 Pa. Code § 11.111(a)(3).

Marc S. Reisman
December 22, 2021
Page 2

If you have any other questions 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 of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 21-432