

While the Pennsylvania Liquor Code and regulations don't define what amounts or offerings are sufficient and acceptable food provisions for Restaurant (R) and Eating Place (E) licensees, the law does specify that a restaurant must be habitually and principally used for the purpose of providing food to the public. Court cases over the years have informed acceptable versus unacceptable food offerings.

Below are examples of what has been found by the courts to be acceptable and unacceptable food offered by retail liquor licensees to the public.

FOOD-RELATED REQUIREMENTS FOR RESTAURANT (R), EATING PLACE (E), & HOTEL (H) LICENSEES

- Must maintain dishes and silverware sufficient to serve 30 or more patrons at one time.
- Must offer a menu of food that is available for ordering.
- May establish hours of food availability, but food must be available daily.

UNACCEPTABLE FOOD OFFERINGS

- A take-out menu from another establishment*
- Snack items (chips, pretzels, peanuts, etc.) only
- Expired or post-dated food
- Raw or frozen food without any method for cooking the food
- Food that cannot be identified or quantified due to long-term freezing
- Individual ingredients or food items that cannot be readily prepared as a meal
- Amounts or quantities of food that would not provide for 30 patrons at one time (examples: one pound of roast beef, 12 sandwiches, two steaks, three small cans of soup, etc.)

* Food for 30 or more patrons and the ability to prepare the food on-site is required at initial inspection before a license is issued. As such, Licensee Compliance Program inspections will require the licensee to maintain that standard and be able to prepare and serve food for 30 or more patrons.