



ADVISORY NOTICE NO. 25

SALE AND MARKETING OF ALCOHOLIC CIDER, MEAD AND FERMENTED FRUIT BEVERAGES OCTOBER 9, 2019

TO: All License Holders

Limited wineries may produce and sell alcoholic cider, mead and, most recently, fermented fruit beverages, even though such products are classified as malt or brewed beverages (beer) under the Liquor Code. The key distinction between alcoholic cider, mead and fermented fruit beverages sold as beer and similar if not identical products that are sold as wine is the decision by the limited winery to market and distribute the products as beer and not wine.

Questions have arisen as to what is required to establish that a particular brand of alcoholic cider, mead and fermented fruit beverage is to be treated as beer and not wine. This question is especially important to distributors and importing distributors since the Liquor Code expressly prohibits them from possessing, storing selling or otherwise handling wine.

The Board believes that, at a minimum, limited wineries must do the following if they wish to sell and distribute alcoholic cider, mead and fermented fruit beverages as beer and not wine.

- The product must meet the statutory requirements for mead, cider or fermented fruit beverage found in section 102 of the Liquor Code.
- Each brand of the product must be registered with the Board as beer set forth in section 445 of the Liquor Code. If the product is subject to a territorial agreement, a copy must be provided to the Board in the same manner as required for all other brands of beer.
- Once a brand of alcoholic cider, mead and fermented fruit beverage is registered as a beer, it may not be sold or marketed as a wine product.
- Neither the product packaging nor the marketing materials that are used in conjunction with the sale and distribution of the alcoholic cider, mead and fermented fruit beverage may refer to the product as “wine” “wine cocktail” “wine product” or any similar name.

To be clear, while limited wineries may sell beer in the form of alcoholic cider, mead and fermented fruit beverages to distributors and importing distributors, failure to take the steps set forth in this notice and to otherwise conform with the Liquor Code and Board

Regulations, will put the distributors' and importing distributors' licenses at risk for citation, since distributors and importing distributors cannot be involved in the wine business.

Any issues not covered by this Advisory Notice may be resolved by writing to:

**The Office of Chief Counsel
Room 401, Northwest Office Building
Harrisburg PA 17124-0001
ra-lblegal@pa.gov**

**BY ORDER OF:
PENNSYLVANIA LIQUOR CONTROL BOARD**

A handwritten signature in black ink, appearing to read "John K. Stark". The signature is written in a cursive, flowing style.

JOHN K. STARK
Secretary to the Board