

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 have, immediately and publicly accessible, a menu or similar indication of food available for on premises consumption.
- Must have available for consumption on the licensed premises food sufficient for 30 people. (Food must be stored on the licensed or unlicensed portion of the licensed business or, if the licensee has an interior connection to another business it operates, within the premises that houses the businesses.)
- May establish hours of food availability, but, by statute, food must be habitually and regularly available to patrons.

UNACCEPTABLE FOOD OFFERINGS

- 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.)