

Section 733. Certificates Owned Since July 24, 1939.— Persons other than licensed distillers, rectifiers, importers and distillery certificate brokers, holding distillery bonded warehouse certificates on and since the twenty-fourth day of July, one thousand nine hundred thirty-nine, may dispose of same without a permit required under the provisions of this act, but only to or through a distillery certificate broker holding a permit from the board.

Owners of
Certificates

(E) Administration and Enforcement.

Section 741. Duties of the Board.—It shall be the duty of the board to see that the provisions of this article are at all times properly administered and obeyed, and to take such measures and make such investigations as will detect the violations of any provisions thereof. In the event it shall discover any violation, it shall, in addition to revoking any permit or registration of an agent, take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof.

Administra-
tion
Investigations
Prosecution

(F) Fines and Penalties.

Section 751. Penalties.—Any person who shall violate any of the provisions of this article, or who shall engage in any fraud or fraudulent practice, as defined herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay the costs of prosecution and a fine of not less than one thousand dollars (\$1000), nor more than five thousand dollars (\$5000), or undergo imprisonment of not less than one year, nor more than five years, or both, at the discretion of the court.

Penalties
Misdemeanor
Fine \$1000-
\$5000
Imprison-
ment 1-5
years

ARTICLE VIII.

DISPOSITION OF MONEYS COLLECTED UNDER PROVISIONS OF ACT.

Section 801. Moneys Paid Into Liquor License Fund and Returned to Municipalities.—(a) The following fees collected by the board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund":

Disposition
of License
Fees

- (1) License fees for hotel, restaurant and club liquor licenses.
- (2) License fees for retail dispensers' (malt and brewed beverages) licenses.

(b) The moneys in the Liquor License Fund shall, on the first days of February and August of each year, be paid by the board to the respective municipalities in which the respective licensed places are situated, in such amounts as rep-

To munic-
pality in
certain cases

resent the aggregate license fees collected from licenses in such municipalities during the preceding period.

Refunds

(c) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities, the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities the amount of any over-payment previously refunded by the board to any person on account of an overcharge or over-payment on a license fee.

State Stores Fund

Section 802. (*As amended by Act 702 of September 28, 1961, P. L. 1728*) **Moneys Paid Into The State Stores Fund for Use of the Commonwealth.**—All moneys, except fees to be paid into the Liquor License Fund as provided by the preceding section, collected, received or recovered under the provisions of this act for license fees, permit fees, filing fees and registration fees, from forfeitures, sales of forfeited property, compromise penalties and sales of liquor and alcohol at the Pennsylvania Liquor Stores, shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund."

Enforcement Officers' Retirement Account

One-half of all application, filing and transfer fees shall be credited to a special account designated as the Enforcement Officers' Retirement Account. The moneys credited to this account shall be paid, annually, by the board to the State Employes' Retirement Board to be paid into the State Employes' Retirement Fund and credited to the Enforcement Officers' Benefit Account. All other moneys in such fund shall be available for the purposes for which they are appropriated by law.

Taxes

Section 803. Alcohol Tax Moneys Paid Into General Fund.—All taxes collected or received by the board on sales of taxable alcohol under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund.

**ARTICLE IX.
REPEALS.**

Repeal

Section 901. Acts and Parts of Acts Repealed.—The following acts and parts of acts and all amendments thereof are hereby repealed to the extent hereinafter specified:

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
1705, An act to restrain people from labor on the first day of the week.	1 Sm. L. 25	5
1705, An act for selling beer and ale by wine-measure.	1 Sm. L. 43	

Liquor Code

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<i>Act</i>	<i>Reference</i>	<i>Sections</i>
May 31, 1718	1 Sm. L. 104	
August 26, 1721	1 Sm. L. 126	
March 30, 1811	P. L. 145	20
March 14, 1814	P. L. 100	
March 8, 1815	P. L. 91	
March 13, 1815	P. L. 171	
March 27, 1821	P. L. 133	
April 2, 1821	P. L. 244	All in so far as it relates to wine or distilled liquors.
April 2, 1822	P. L. 226	
April 2, 1822	P. L. 286	1, 2, 3, 4
January 16, 1823	P. L. 10	
April 12, 1825	P. L. 247	1
April 7, 1830	P. L. 352	
February 15, 1832	P. L. 73	
March 11, 1834	P. L. 117	1-5 incl.; and 10-27 incl.
April 15, 1835	P. L. 384	123-140 incl.
June 13, 1836	P. L. 589	66
May 27, 1840	P. L. 548	22
March 29, 1841	P. L. 121	
March 25, 1842	P. L. 192	44
April 21, 1846	P. L. 431	4
April 10, 1849	P. L. 570	20, 21, 22, 23, 31, 32, 33
April 16, 1849	P. L. 657	
April 30, 1850	P. L. 634	5, 6, 8
April 14, 1851	P. L. 569	8
May 8, 1854	P. L. 663	1, 2, 3, 6, 7, 8
January 26, 1855	P. L. 53	
March 31, 1856	P. L. 200	1-25 incl. and 30, 32, 33, 34
April 20, 1858	P. L. 365	1-21 incl. and 23, 24
April 21, 1858	P. L. 393	
March 17, 1859	P. L. 167	2
April 14, 1859	P. L. 653	
March 29, 1860	P. L. 346	
April 15, 1863	P. L. 480	
March 22, 1867	P. L. 40	
April 29, 1867	P. L. 95	
April 8, 1873	P. L. 566	2, 4
April 12, 1875	P. L. 40	2-12 incl.
April 12, 1875	P. L. 48	1
June 2, 1881	P. L. 43	

Liquor Code

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
July 9, 1881	P. L. 162	
May 28, 1885	P. L. 27	4 in so far as it relates to premises for which a hotel, restaurant or club liquor license or a retail dispenser's license is held.
May 24, 1887	P. L. 194	
June 2, 1891	P. L. 173	
June 9, 1891	P. L. 257	
June 20, 1893	P. L. 474	
May 25, 1897	P. L. 93	1
June 21, 1897	P. L. 176	
July 30, 1897	P. L. 464	
May 11, 1901	P. L. 162	1
June 19, 1901	P. L. 572	
April 22, 1903	P. L. 257	
April 22, 1903	P. L. 259	1
April 23, 1903	P. L. 265	
April 27, 1903	P. L. 317	
March 29, 1907	P. L. 38	
April 27, 1907	P. L. 122	
May 29, 1907	P. L. 307	
April 22, 1909	P. L. 136	
April 2, 1913	P. L. 32	
May 14, 1913	P. L. 203	
June 12, 1913	P. L. 490	
July 22, 1913	P. L. 914	1 in so far as it exempts any person, firm or corporation owning or operating a distillery from the necessity of obtaining a license under the provisions of this act to operate such distillery.
July 17, 1917	P. L. 1020	
July 18, 1917	P. L. 1071	
February 26, 1919	P. L. 9	
May 8, 1919	P. L. 167	
June 26, 1919	P. L. 673	
July 21, 1919	P. L. 1069	
May 17, 1921	P. L. 869	42 in so far as it relates to liquor or malt or brewed beverages.

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
February 19, 1926	P. L. 16	
May 3, 1933	P. L. 252	
November 29, 1933	P. L. 13 (1933-34)	
November 29, 1933	P. L. 15 (1933-34)	
December 8, 1933	P. L. 57 (1933-34)	
December 20, 1933	P. L. 75 (1933-34)	
July 18, 1935	P. L. 1217	
July 18, 1935	P. L. 1246	
July 18, 1935	P. L. 1283	
June 16, 1937	P. L. 1762	
June 16, 1937	P. L. 1811	
June 16, 1937	P. L. 1827	
June 25, 1937	P. L. 2073	
June 26, 1939	P. L. 764	
June 24, 1939	P. L. 802	
June 24, 1939	P. L. 804	
June 24, 1939	P. L. 806	Except in so far as the provisions of section one, as amended, shall apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such license, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date.
July 18, 1941	P. L. 408	
July 24, 1941	P. L. 480	
July 24, 1941	P. L. 483	
April 16, 1943	P. L. 60	
May 21, 1943	P. L. 332	
May 21, 1943	P. L. 374	

Liquor Code

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
May 21, 1943	P. L. 401	
May 21, 1943	P. L. 403	
May 27, 1943	P. L. 688	
May 27, 1943	P. L. 694	
May 23, 1947	P. L. 287	
April 14, 1949	P. L. 481	
April 28, 1949	P. L. 764	
April 28, 1949	P. L. 769	
May 2, 1949	P. L. 896	
May 9, 1949	P. L. 964	All except in so far as it shall apply to hotel licenses, granted prior to September first, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such licenses, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date.
May 20, 1949	P. L. 1482	
May 20, 1949	P. L. 1546	
May 20, 1949	P. L. 1551	

**Inconsistent
legislation
repealed**

Section 902. General Repeal Clause.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

2. QUOTA LAW*

(Act 358 of June 24, 1939, P. L. 806)

AN ACT

Limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows :

Section 1. The word "hotel", as used in this act, shall mean any reputable place operated by a responsible person of good reputation, where the public may, for a consideration, obtain sleeping accommodations—

(a) In municipalities having a population of less than one thousand, shall have at least six permanent bedrooms for the use of guests;

(b) In municipalities having a population of one thousand and more but less than three thousand inhabitants, shall have at least ten permanent bedrooms for the use of guests;

(c) In municipalities having a population of three thousand and more but less than one hundred thousand inhabitants, shall have at least twelve permanent bedrooms for the use of guests; and

(d) In municipalities having a population of one hundred thousand and more inhabitants, shall have at least fifteen permanent bedrooms for the use of guests. All such hotels shall have a public dining room or rooms, operated by the same management, accommodating at least thirty persons at one time, and a kitchen apart from the dining room or rooms in which food is regularly prepared for the public.

The word "person" shall mean every natural person, association or corporation.

The word "municipality" shall mean any city, borough, incorporated town, or township.

Section 2. No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages, or the retail sale of liquor and malt or brewed beverages, in excess of one of such licenses, of any class, for each one thousand inhabitants or fraction thereof, in any municipality, exclusive of licenses granted to hotels, as defined in this act, and clubs; but at least one such license

* This Act was repealed by the Act of April 12, 1951, P. L. 90, the Liquor Code, "except insofar as the provisions of section one, as amended, shall apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such licenses, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date."

may be granted in each municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class, notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this act, no new license, except for hotels as defined in this act, shall be granted so long as said limitation is exceeded.

Section 3. The Pennsylvania Liquor Control Board shall have the power to increase the number of licenses in any such municipality which, in the opinion of the board, is located within a resort area.

Section 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 5. This act shall become effective immediately upon final enactment.

3. REGULATIONS OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

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June, 1970

REGULATION 100 LICENSE DISTRICTS

(Effective June 26, 1952)

Section 100.01. Assignment of Counties to Districts.—Under and pursuant to Section 402 of the Liquor Code, the Pennsylvania Liquor Control Board by this regulation divides the State into four license districts, as follows:

COUNTIES IN DISTRICT NO. 1

Expiration Date: October 31

Bucks	Delaware	Philadelphia
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COUNTIES IN DISTRICT NO. 2

Expiration Date: January 31

Adams	Dauphin	Montgomery
Bedford	Franklin	Northampton
Berks	Fulton	Northumberland
Blair	Huntingdon	Perry
Cambria	Juniata	Schuylkill
Centre	Lancaster	Snyder
Chester	Lebanon	Somerset
Clearfield	Lehigh	Union
Cumberland	Mifflin	York

COUNTIES IN DISTRICT NO. 3

Expiration Date: April 30

Allegheny	Butler	Indiana
Armstrong	Fayette	Lawrence
Beaver	Greene	Washington
		Westmoreland

COUNTIES IN DISTRICT NO. 4

Expiration Date: July 31

Bradford	Forest	Pike
Cameron	Jefferson	Potter
Carbon	Lackawanna	Sullivan
Clarion	Luzerne	Susquehanna
Clinton	Lycoming	Tioga
Columbia	McKean	Venango
Crawford	Mercer	Warren
Elk	Monroe	Wayne
Erie	Montour	Wyoming

Section 100.02. Licenses Affected.—Licenses subject to and affected by this Regulation are Hotel, Restaurant and Club Liquor Licenses, Eating Place, Hotel and Club Retail Dispenser Licenses and Distributor and Importing Distributor of Malt or Brewed Beverage Licenses.

Section 100.03. Dates for Filing Applications.—

A. Applications for Renewal

Applications for renewal of licenses shall be filed not less than sixty days prior to the expiration date provided herein for each of the respective districts:

<i>District</i>	<i>File Prior to</i>	<i>Effective Date</i>
No. 1	September 2	November 1
No. 2	December 2	February 1
No. 3	March 2	May 1
No. 4	June 2	August 1

B. Applications for New Licenses

Applications for new licenses subject to and affected by this Regulation shall be considered by the board only twice each license year and all such applications shall be filed with the board thirty days before they are to become effective.

All new licenses shall become effective either at the beginning of each license year in the respective districts, or six months later, depending upon the date the application is filed. The following is a schedule of the dates when new applications shall be filed, together with the date when the license shall become effective:

<i>District</i>	<i>File Prior to</i>	<i>Effective Date</i>
No. 1	October 2	November 1
	April 1	May 1
No. 2	January 2	February 1
	July 2	August 1
No. 3	April 1	May 1
	October 2	November 1
No. 4	July 2	August 1
	January 2	February 1

NOTE: The time for filing applications for exchange of Distributor and Importing Distributor Licenses is found in Section 115.14 of the Board's Regulations.

Section 100.04. Fees.—Applications for new and renewal licenses subject to and effected by this Regulation must be accompanied, at the time or filing, by separate remittances covering the required filing fee, license fee, and, amusement permit fee or vehicle identification card(s) fee.

REGULATION 101 MEASUREMENT OF DISTANCES FROM PREMISES

(Effective March 3, 1960)

Section 101.01. Statutory Provision.—Section 404 of the Liquor Code pertaining to the issuance of Hotel, Restaurant and Club Liquor Licenses, provides, inter alia, as follows:

“. . . Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises licensed by the board, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil. And provided further that the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed.”

Section 432 (d) of the Liquor Code pertaining to the issuance of Retail Dispensers' Licenses provides, inter alia, as follows:

“The board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil.”

The aforesaid provisions do not establish any method to be used in measuring the distances therein set forth. Therefore, the board adopts the following rule for such measurements.

Section 101.02. Points for Measurement.—For the purpose of establishing a fixed point for measurement, “church, hospital, charitable institution, school, and public playground” shall be the building and/or the adjoining ground used in connection therewith and “any other premises licensed by the board” shall be the portion of such premises covered by the current license.

“Place proposed to be licensed” shall be the rooms designated in the application for license.

Section 101.03. Method of Measurement.—The part of the church, hospital, charitable institution, school, public playground or premises currently licensed by the board and/or the adjoining ground used in connection therewith nearest to the place proposed to be licensed shall be determined, and the part of the place proposed to be licensed nearest to said church, hospital, charitable institution, school, public playground, or premises currently licensed by the board, shall also be determined.

“Within a radius of five hundred feet of the place proposed to be licensed” shall mean that area within five hundred feet of any point of the premises proposed to be licensed.

Measurements shall be made or calculated in a straight line between the fixed points or stations so determined, regardless of any intervening land, water, building or structures of any kind.

REGULATION 102 HEARINGS

(Effective June 26, 1952)

Section 102.01. Hearings on Applications.—In all cases where the board has refused an application for a license, renewal or transfer thereof, without hearing, it will, as provided in Section 464 of the Liquor Code, fix a time and place for hearing on such applications, upon the written request of the applicant, provided such request for hearing is filed with the board not later than twenty (20) days after notice of the board's refusal of the application is mailed to the applicant at the address given in the application.

Section 102.02. Continuance of Hearings—Applications and Citations.—Except as hereinafter provided, no continuance of any board hearing will be approved unless a request for such continuance is received by the board in Harrisburg at least forty-eight hours prior to the time fixed for hearing.

Requests for continuance received by the board within the forty-eight hour period will not be granted unless satisfactory arrangement, in writing, is made with the board for the payment of all expenses resulting from such continuance. However, the board may waive the payment of such expenses in cases of extenuating circumstances.

**REGULATION 103 CONNECTION OF RETAIL
LICENSED ESTABLISHMENT WITH
RESIDENCE OR OTHER BUSINESS**

(Effective June 26, 1952)

Section 103.01. Issuance of Restaurant Liquor License.—No licensed establishment may have an inside passage or communication to or with any residence other than the licensee's residence.

No licensed establishment may have an inside passage or communication to or with any other business conducted by the licensee or other persons except as approved by the board.

Section 103.02. Issuance of Retail Dispenser Eating Place License.—No licensed establishment may have an inside passage or communication to or with any residence other than the licensee's residence.

No licensed establishment may have an inside passage or communication to or with any business conducted by other persons.

The board will not issue a license to a person for an eating place (as defined in the Liquor Code) operated in conjunction with other business, unless such eating place has a total area of not less than three hundred square feet in one or more rooms other than living quarters, in addition to the floor space used by such person in the operation of the other business conducted in conjunction with the eating place.

Section 103.03. Sales by Eating Place Licensees Restricted.—No malt or brewed beverages shall be stored or sold for consumption on or off the premises in any room or rooms used for the sale of merchandise in the other business operated in conjunction with a licensed eating place. All storage and sales of malt or brewed beverages shall be confined strictly to the premises covered by the eating place license.

Section 103.04. Division Line Between Eating Place and Other Business to be Clearly Indicated.—In all cases where a Retail Dispenser Eating Place License has been issued and the licensed establishment is conducted in conjunction with another business, the dividing line between the area or floor space used in the operation of the other business conducted in conjunction therewith, shall be clearly indicated by a permanent partition at least four feet in height.

**REGULATION 104 APPLICANTS FOR LICENSES WHO
OPERATED UNDER A COUNTY MALT LIQUOR
DISTRIBUTOR LICENSE SUBSEQUENT TO
JULY 18, 1935**

(Effective June 26, 1952)

Section 104.01. Statutory Provisions.—The Pennsylvania Liquor Control Board, under the provisions of the Beverage License Law of July 18, 1935, was empowered to issue Distributor and Importing Distributor licenses, and it was unlawful to engage in the business of distributing malt or brewed beverages without a license from the board.

The fees fixed by the Act for such licenses were to be adjusted as therein provided.

Many persons licensed as distributors by the respective county treasurers failed, upon the approval of that Act, to obtain the new licenses therein required.

Section 104.02. Payment of Delinquent Filing and License Fees.—Such persons hereafter applying to the board for any type of license or permit shall first file an application on a form to be furnished by the board for permission to pay, and shall pay to the board, the filing and license fees required by that Act to be paid by those engaged in the sale of malt or brewed beverages either as a distributor or an importing distributor, and in accordance with the provisions of that Act.

The holder of a county treasurer distributor license who continued to operate under such license subsequent to the expiration date for licenses fixed by the board for the licensing district in which the licensed place of business is located, shall, if such expiration date was prior to May 31, 1936, which was the expiration date of county distributor licenses, pay for the intervening period between such expiration date and May 31, 1936, a license fee at the rate of \$33.33 per month or fraction thereof, if engaged in business as a distributor; and at the rate of \$75.00 per month or fraction thereof, if engaged as an importing distributor. These fees shall be in addition to the fees hereinbefore enumerated.

REGULATION 105 WHOLESALE LIQUOR PURCHASE PERMIT CARDS

(Effective June 26, 1952; as amended July 31, 1963)

Section 105.01. Definitions.—The following words shall have the meanings ascribed to them in this section:

- A. "Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.
- B. "Retail Liquor Licensee" shall mean any person, partnership, association, or corporation holding a hotel, restaurant, club, or public service liquor license issued by this board.
- C. "Permit Holder" shall mean any retail liquor licensee, registered pharmacist, hospital, State-owned institution, manufacturing pharmacist or chemist, manufacturer of products for nonbeverage purposes, or other person to whom a Wholesale Liquor Purchase Permit has been issued by the board.
- D. "Authorized Agent" shall mean an individual whose signature appears on the reverse side of a Wholesale Liquor Purchase Permit Card, provided such individual is regularly employed in the business or establishment of a Permit Holder.

Other words and phrases used in this regulation shall have the meanings ascribed to them in the Liquor Code, and if not defined therein shall have their usual and customary meanings.

Section 105.02. (As amended July 31, 1963) Issuance of Wholesale Liquor Purchase Permit Card.—As evidence of the privilege given by the Liquor Code to retail liquor licensees to purchase liquor from State Liquor Stores at wholesale, the board will issue to such licensees a Wholesale Liquor Purchase Permit Card, which shall allow the purchase, at wholesale, of liquors, provided the retail cost of the order is not less than \$15.00.

Special forms of Wholesale Liquor Purchase Permit Cards issued, in accordance with board regulations, to pharmacists registered under the laws of this Commonwealth, to hospitals, State-owned institutions, and to certain manufacturers of nonbeverage products, shall allow the purchase, at wholesale, of liquors listed thereon.

Section 105.03. Signature of Permit Holder.—The signature of the Permit Holder must appear on the Wholesale Liquor Purchase Permit Card, in ink, in the space provided for "Licensee." Such signature shall conform to the following provisions:

- A. If the Permit Holder is a corporation or association the signature shall be that of the President, Vice-President, Secretary, or Treasurer, and his title.
When a change of officers is made by a corporation or association the signature of the Permit Holder may be changed on the Wholesale Purchase Permit Card provided the proper Notice of Change of Officers has been filed with the board in accordance with Regulation 114.
- B. If the Permit Holder is a partnership, the signature shall be that of one or more partners.

- C. If the Permit Holder is an individual, such individual's signature shall be given.

Section 105.04. Authorized Agents.—A Permit Holder may authorize not exceeding two agents to make purchases for him at State Liquor Stores, for use in his business or establishment. Only individuals regularly employed in the business or establishment of a Permit Holder may be designated as agents. The signature of such agents shall appear on the Wholesale Liquor Purchase Permit Card, in ink, in the space provided for "Authorized Agents."

A Permit Holder may appoint an authorized agent in place of either of the two whose signatures originally appeared on the Wholesale Liquor Purchase Permit Card by crossing out the name of the deposed agent, in ink, and having the third party properly sign the card. No additional agents may be appointed in this manner, and at no time is a Permit Holder allowed more than two agents.

Section 105.05. Further Changes in Authorized Agents.—If a Permit Holder desires to make more than one change in his Authorized Agent personnel, he shall obtain a duplicate Wholesale Liquor Purchase Permit Card by depositing his old card at a State Liquor Store and obtaining therefrom an "Application for Duplicate License or Permit," PLCB-56, the application section of which shall be completed by the Permit Holder and returned, with a fee of one dollar, to the store. The employe of the State Liquor Store who receives the application, will complete the receipt section thereof and deliver same to the Permit Holder. The manager of the State Liquor Store shall forward such application to the Bureau of Licensing of the board at Harrisburg, and a new card will be forwarded to the store. During the time required for this transaction, purchases at wholesale may be made by the Permit Holder or his authorized agent, at the store where the old card is on deposit. Upon receipt of the new card, the store manager shall immediately notify the Permit Holder. The old card shall then become void and be forwarded to the Bureau of Licensing by the store manager. The manager shall deliver the new Wholesale Liquor Purchase Permit Card to the Permit Holder when he visits the store and requests delivery of same. The new card shall not be valid until properly signed in accordance with this regulation.

Section 105.06. Replacement of Wholesale Liquor Purchase Permit Cards.—Wholesale Liquor Purchase Permit Cards should be guarded from loss or destruction, and from unauthorized or illegal use.

If, however, a Permit Holder should mutilate his card, he may obtain a new card by proceeding in the same manner as when he desires to change his authorized agent as hereinbefore provided.

If a Permit Holder should lose his card, he shall obtain an application form for a duplicate card from a State Liquor Store. This form, when filled in, shall be returned to the store with a fee of one dollar and a letter explaining the loss of the original card. The store manager shall forward such application, fee, and letter in the same manner as hereinbefore provided. A duplicate card will then be issued as provided. During the time required for this transaction no purchases at wholesale may be made by the Permit Holder.

Section 105.07. Use of Wholesale Liquor Purchase Permit Card.—This card, when presented by the Permit Holder or his authorized agent at a State Liquor Store, will permit the purchase of liquors at the wholesale prices established by the board.

The board may suspend or revoke the license and/or permit of any Permit Holder who allows his Wholesale Liquor Purchase Permit Card to be used for the purchase of liquors for any use other than in the lawful conduct of his business or establishment. The board may also require any Permit Holder to refund to the board any discount granted in the purchase of liquors, if such liquors are used in violation of any laws of this Commonwealth or of any of the regulations of the board.

The Permit Holder, or his authorized agent, must present the Wholesale Liquor Purchase Permit Card each time a purchase is made at wholesale.

Section 105.08. Deposit of Wholesale Liquor Purchase Permit Cards.

—Whenever the board deems such action necessary, it may require all retail liquor licensees to deposit their Wholesale Liquor Purchase Permit Cards with one Pennsylvania Liquor Store of their own selection, unless otherwise designated by the board.

The said Wholesale Liquor Purchase Permit Cards shall remain on file in such store until the board grants permission for the transfer of the Permit Card to another store, or until the board decides that all Wholesale Liquor Purchase Permit Cards shall be released to the respective licensees.

All requests by licensees for transfer of Wholesale Liquor Permit Cards shall be directed to the Manager of the State Liquor Store where the card is on file, stating the reasons for the transfer and shall be subject to board approval.

Section 105.09. Temporary Release of Wholesale Liquor Purchase Permit Cards.—The Director of State Stores, the Division Superintendent, and/or the District Supervisor may permit the temporary release of the Wholesale Liquor Purchase Permit Card for purchase at another store or stores of merchandise not available or restricted in quantity at the store where his card is on file. The Wholesale Liquor Purchase Permit Card must be returned promptly to the original store.

**REGULATION 106 TRANSPORTATION OF ALCOHOL,
LIQUOR AND MALT OR BREWED BEVERAGES:
LICENSES AND VEHICLE IDENTIFICATION
REQUIRED**

*(Effective June 26, 1952; as amended March 1, 1954, April 1, 1962,
June 6, 1962, November 4, 1963, and August 29, 1966)*

Section 106.01. Definitions.—The following words, unless the context clearly indicates otherwise, shall have the meanings hereinafter ascribed to them:

- A. "Vehicles" shall mean all trucks, buses, cars, wagons, scooters, motorcycles, aircraft, water craft, or any other means of transportation.
- B. "Transporter-for-Hire license, Class A" shall mean a license authorizing its holder to engage in commercial transportation of alcohol, liquor or malt or brewed beverages to or from points located in the Commonwealth of Pennsylvania.
- C. "Transporter-for-Hire license, Class B" shall mean a license authorizing its holder to engage in commercial transportation of malt or brewed beverages only, to or from points located in the Commonwealth of Pennsylvania.

Section 106.02. Transportation for Hire.—Except as exempted herein, any person who transports for hire within this Commonwealth alcohol, liquor or malt or brewed beverages must obtain either a Transporter-for-Hire License, Class "A," or a Transporter-for-Hire License, Class "B," from the Pennsylvania Liquor Control Board.

Alcohol, liquor or malt or brewed beverages may be transported for hire without a Transporter-for-Hire License under the following conditions:

- A. When such alcohol is denatured as specified by the Liquor Code.
- B. When such transportation is accomplished by scheduled common carriers by air of mail and passengers, or by common carriers by railroad subject to regulation by the Public Utility Commission of the Commonwealth of Pennsylvania; or transporters-for-hire who transport alcohol, liquor or malt or brewed beverages under contract with and as agents of common carriers by railroad, under railroad tariffs, railroad bills of lading, railroad regulations, and railroad responsibility and direction, provided the main transportation of such alcohol, liquor or malt or brewed beverages is by rail and such agents perform only a collection and delivery service as part of the rail transportation, and provided further that certified copies of such agents' contracts with common carriers by railroad are filed with the board.
- C. When such alcohol, liquor or malt or brewed beverages are for the personal use of the transporter and are not to be resold.
- D. By licensees of this board whose licenses or permits authorize the transportation of alcohol, liquor or malt or brewed beverages in the regular operation of their licensed business; provided, however, that such licensees have secured Vehicle Identification Cards in accordance with this regulation.
- E. By persons who transport alcohol, liquor or malt or brewed beverages commercially under I. C. C. authority, through Pennsylvania and not

for delivery therein, provided the operator of the vehicle or conveyance has in his possession at all times, while in this Commonwealth, an invoice, bill of lading, or waybill showing the brand name, size and number of containers of alcohol, liquor or malt or brewed beverages so transported, which shall be produced for inspection upon request of any duly authorized police or enforcement officer of this Commonwealth, and provided also that the cargo remains intact and upon the same vehicle or conveyance while in this Commonwealth unless prevented by accident or other uncontrollable circumstances.

Section 106.03. *(As amended April 1, 1962 and August 29, 1966)*
Monthly Reports.—All Transporters-for-Hire shall, on or before the 15th day of each and every month, file with the Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania, monthly reports covering the operation of their licensed business for the preceding month. Such reports shall be on Form RCB-25, and may be a copy of the report on said form, forwarded to the Bureau of Cigarette and Beverage Taxes, Department of Revenue, Harrisburg, Pennsylvania. A copy of each report shall be retained by the licensee for a period of two years.

Section 106.04. Identification of Vehicles.—All persons transporting alcohol, liquor or malt or brewed beverages under the authority of a license or permit issued by this board, except as provided in Section 106.09 herein, shall have painted or affixed on each side of the vehicle or vehicles used by them in the operation of their business, their name, address (including the street name and number as shown on the license or permit), and the Pennsylvania Liquor Control Board License Number in letters no smaller than four inches in height. The Pennsylvania Liquor Control Board License Number must be preceded by the letters P.L.C.B.

Section 106.05. *(As amended March 1, 1954)* **Vehicle Identification Cards Required.**—Except as hereinafter provided, every licensee and permittee who desires to transport alcohol, liquor or malt or brewed beverages shall obtain a vehicle identification card from the board for each vehicle used. No vehicle identification card shall be required by a retail licensee, or his authorized agent named on his Wholesale Purchase Permit Card, for the transportation of liquor purchased at a Pennsylvania Liquor Store, for use in the licensed business; nor the transportation of alcohol purchased at a State Store by an Alcohol Permittee; nor the transportation of liquor purchased at a State Store by the holders of Pharmacy Permits, Hospital Pharmacy Permits or Chemists and Manufacturing Pharmacists Permits.

Section 106.06. *(As amended March 1, 1954, June 6, 1962, and November 4, 1963)* **Applications, Fees, Conditions.**—An application for a Transporter-for-Hire License, Class "A" shall be filed with the board on forms prescribed and furnished by the board and shall be accompanied by a filing fee of \$20.00, license fee of \$100.00 and an approved corporate surety bond in the amount of \$3,000.00. The license shall be issued for the calendar year and the \$100.00 license fee shall be prorated quarterly. (This is in accordance with provisions of Section 508 of the Liquor Code.)

An application for a Transporter-for-Hire License, Class "B," shall be accompanied by a filing fee of \$20.00, license fee of \$50.00 and an approved corporate surety bond in the penal sum of \$2,000.00. Such licenses shall be issued for the calendar year.

Application for vehicle identification cards shall be made on forms prescribed and furnished by the Pennsylvania Liquor Control Board and filed with the board at the time of filing the original or renewal applications for licenses or permits of the various kinds required by law, and when additional vehicles are intended to be used in connection with the respective license or permit.

A charge of \$2.00 will be made for each vehicle identification card.

Vehicle identification cards shall be issued only for commercial vehicles which are properly lettered in accordance with Section 106.04 herein, and which are either owned by the licensee or permittee, or possessed under lease or agreement which contains the following conditions:

- A. That the vehicle is in possession of and under exclusive control of the licensee.
- B. That the vehicle is operated by the licensee or by a paid employe of the licensee.
- C. That the licensee shall pay all expenses incurred in the operation of the hired vehicle, including gas, oil, repairs, etc.
- D. That the vehicle is lettered in accordance with Section 106.04 of this Regulation.

Vehicle identification cards shall be carried with all vehicles for which the respective cards have been issued.

If any vehicle identification card becomes marred, defaced, damaged, or lost, application for a new card must be made immediately. Application, accompanied by a fee of \$2.00, shall be filed with the board.

Section 106.07. Use of Vehicles.—No licensee, engaged in the purchase or sale of alcohol, liquor or malt or brewed beverages, shall use or permit to be used any vehicle bearing his or its vehicle identification card for the transportation of any alcohol, liquor or malt or brewed beverages, other than that used by the licensee in the operation of his or its licensed business. However, holders of Transporter-for-Hire licenses may, subject to the limitations of their respective licenses, transport for any person, legal alcohol, liquor or malt or brewed beverages, in vehicles owned or possessed by such licensees or operated by them under lease or agreement and for which vehicle identification cards have been issued as herein provided.

All vehicles must be operated by the licensee or by paid employes thereof, and no licensee shall sell, lease or permit the use by another of any vehicle for which an identification card has been issued without first defacing the lettering on the vehicle as described in Section 106.04 herein, and removing the card and returning it to the board together with notice of such sale, lease or disposition of said vehicle.

Section 106.08. Expiration, Termination.—All vehicle identification cards shall expire on the date indicated thereon unless the license of the licensee has been previously revoked or terminated for cause by the board, which action shall automatically terminate the validity of the vehicle identification card issued to such licensee. In the event of suspension by the board of the licensee's license, the use of identification card shall also be suspended for like period.

Section 106.09. Temporary Use of Vehicles.—If at any time a licensee finds it necessary to use for a period of not more than 10 days, a commercial vehicle not registered with the board, he may upon application and the pay-

ment of a fee of one dollar (\$1.00), be issued a temporary vehicle identification card or other authorization for the non-registered vehicle. Such card or other authorization will set forth a description of the vehicle and the period of time it may be used, and such card when issued, must be surrendered to the board upon expiration of the period fixed therein. While the vehicle is in operation, there must be affixed to each side a temporary sign containing the name, address, and license number of the licensee, in letters no smaller than four inches in height.

**REGULATION 107 MALT OR BREWED BEVERAGES:
IMPORTATION AND DISTRIBUTION**

*(Effective June 26, 1952; as amended April 1, 1960, April 1, 1962,
January 3, 1963, July 30, 1965, November 30, 1965 and August 29, 1966)*

Section 107.01. *(As amended July 30, 1965)* **Importation Prohibited; Exceptions.**—Except as hereinafter exempted, no person shall import into Pennsylvania, for delivery or use therein, any malt or brewed beverages, unless such person holds a valid Importing Distributor License issued by the board under and pursuant to the provisions of the Liquor Code, but this section shall not be construed to prohibit the importation of malt or brewed beverages by a resident of Pennsylvania, for personal use only and not for sale, provided that such malt or brewed beverages are in original containers and that the tax thereon has been paid or provisions for the payment thereof have been made pursuant to the Pennsylvania Malt Beverage Tax Law; or by railroad and pullman companies in their dining, club and buffet cars, duly licensed in Pennsylvania. However, all importations of malt or brewed beverages shall be made in accordance with the law and this regulation.

All sales of malt or brewed beverages intended to be transported into Pennsylvania for delivery or use therein, shall be consummated outside of this Commonwealth and shall be paid for in full prior to or at the time of delivery to the consignee in Pennsylvania, who shall pay all transportation charges. All such beverages shall be also tax paid in accordance with the provisions of the Pennsylvania Malt Beverage Tax Law, and the transporter thereof shall be considered the agent of the consignee.

Section 107.02. *(As amended July 30, 1965)* **Restrictions.**—

- A. No licensee shall transport in the same vehicle at the same time malt or brewed beverages and coal.
- B. No licensee shall transport in the same vehicle at the same time both malt or brewed beverages and any commodity that is hawked or peddled by the licensee.

Section 107.03. Nature of Other Business to be Considered.—Pursuant to and in accordance with Section 492, subsection 12, of the Liquor Code, the board will in each case consider the nature of any other business engaged in by the Distributor or Importing Distributor in order to determine whether or not its approval or disapproval shall be placed thereon. However, no Distributor or Importing Distributor may engage in any business which involves hawking and peddling any merchandise.

Section 107.04. *(As amended July 30, 1965)* **Stock of Malt or Brewed Beverages to be Segregated.**—Every Distributor and Importing Distributor, engaged in any other business with the approval of the board, shall keep his entire stock of malt or brewed beverages completely segregated from all other merchandise handled by such Distributor or Importing Distributor

Section 107.05. *(As amended April 1, 1962, January 3, 1963, July 30, 1965, November 30, 1965 and August 29, 1966)* **Records to be Maintained.**—Every Distributor and Importing Distributor shall maintain on the licensed premises, complete and truthful records in columnar form covering in full detail all transactions in malt or brewed beverages and other items.

A. Purchase Register

All purchases of malt or brewed beverages shall be entered in the purchase register and this register shall show the date of the purchase, the invoice number, the source of the purchase covering both cooperage and case goods. The cost of the beer shall be shown separately from any deposits paid on case goods and the refund obtained for the return of empty containers. The net cost of all invoices shall be shown and the register shall be totaled each day with the daily unit totals carried to the purchase column in the perpetual inventory record. The daily totals shall be accumulated into a monthly total.

A suggested form which meets minimal requirements is appended hereto.

B. Sales Register

All sales of malt or brewed beverages shall be entered in the sales register. The selling price of the beer shall be shown separately from any deposits charged on case goods and the credit allowed for the return of empty containers. The net selling price of all invoices shall be shown and the register shall be totaled each day with the daily unit totals carried to the sales column in the perpetual inventory record. The daily totals shall be accumulated into a monthly total. The sales register shall be maintained by one of the two following methods:

(1) Information outlined above may be accumulated each day on a summary sheet and one posting each day made to the sales register. The summary sheet shall act as a face sheet and be permanently fastened to each day's group of sales invoices. Sales invoices together with their attached face sheets shall be filed in order by date and be maintained for two years.

(2) Each sales invoice may be posted to the sales register showing date, invoice number, value of the beer, deposits collected and refunded, the net cost to the customer and the name and address of the recipient of the beer.

A suggested form which meets minimal requirements is appended hereto.

C. Perpetual Inventory Record

A perpetual inventory record shall be maintained for inventory control purposes of all stock of malt or brewed beverages. This record shall be separated according to container size, such as full barrels, half-barrels, cases of pints, quarts, cans, splits, etc. This record shall show the number of units of each size on hand at the beginning of each business day. It shall show the total units purchased as shown on the purchase register and the total units sold as shown on the sales register for each business day. The closing inventory of each size shall also be shown and reconciled with the physical inventory of stock on hand in the warehouse. The daily totals of the purchase and sales columns shall be totaled monthly. This record is the control of all stock on hand and shall be used in compiling figures for the monthly report.

A suggested form which meets minimal requirements is appended hereto.

D. Cash Receipts and Disbursements Book

A cash receipts and disbursements book shall be maintained showing daily details of all monies received and daily details of all monies expended in the operation of the licensed business.

All receipts shall be entered in detail covering income from the sale of malt or brewed beverages, soft drinks, other merchandise, and monies received from loans and other miscellaneous sources.

All expenditures shall be entered in detail covering payments for malt or brewed beverages, soft drinks, other merchandise, salaries and wages, truck expenses, rent, heat, light, taxes, insurance and license fees, advertising, sales expense, repairs and maintenance of equipment and premises, interest, personal withdrawals and miscellaneous expenses.

The cash receipts and disbursements book shall be totaled monthly and reconciled with bank account and cash on hand at the close of business each month.

Suggested forms which meet minimal requirements are appended hereto.

E. Sales Invoices

Except as hereinafter provided, sales invoices shall be prepared at the licensed premises for each sale prior to delivery. Such sales invoices shall be imprinted or affixed with the name and address of the Distributor or Importing Distributor. Sales invoices shall show the name and address of the recipient of the merchandise, date of sale, number of units, size and type of package, brand name, selling price of the malt or brewed beverages, deposits charged and refunds allowed for containers, and the net cost to the customer. The deposits charged and refunded, and the Pennsylvania sales tax where applicable shall be shown as separate entries. Sales invoices may be changed en route but only to increase or decrease the customer's original order. The sale of other commodities shall not be included on any sales invoice covering the sale of malt beverages. One copy of each sales invoice shall be given to the recipient of the merchandise. Provided, however, the name and address of private individuals will not be required on sales invoices covering cash and carry sales made at the licensee's place of business, when such individual sales are for quantities of three (3) cases or less, each case containing bottles or cans of not more than thirty-two (32) fluid ounce capacity, or for quantities of three (3) containers or less of 128, 144 or 288 fluid ounce capacity, or any combination of such containers in the quantities specified. In lieu of preparing sales invoices for such cash and carry sales, these transactions may be entered on a counter sheet maintained in columnar form showing all the information required on sales invoices other than name and address of the purchaser. This counter sheet shall be totaled daily and the totals entered into the sales register.

F. Monthly Report

Every licensed Distributor and Importing Distributor of malt or brewed beverages shall file with the board, each month, reports on Forms RCB-50, RCB-51 and RCB-52 covering all operations in malt or brewed beverages. Such report shall be signed by the licensee or by his duly authorized agent and shall be filed with the board on or before the 15th day of the month immediately succeeding the month for which the reports are prepared. A copy of each report shall be retained on the licensed premises for a period of at least two years.

Section 107.06. (*As amended July 30, 1965*) **Sales by Distributors and Importing Distributors.**—No sales of malt or brewed beverages shall be made at any time in any warehouses except those in which the licensee's principal office or place of business is maintained. Delivery thereof shall be made only from the licensed premises of such Distributor or Importing Distributor.

Section 107.07. (*As amended January 3, 1963, and July 30, 1965*) **Leaker Allowances.**—Malt or brewed beverages contained in cooperage that become unfit for consumption due to a head leaker, bung leaker, stave leaker, loose pitch, bushing leaker or spoilage, shall be handled as follows :

A tag shall be furnished by the manufacturer to the Importing Distributors and Distributors showing information covering the type of leaker or spoilage, the name of the retailer or distributor and the license number of the licensee making claim. The tag shall have a perforated portion which shall be retained by the claimant, showing the reason for the return of the leaker together with the claim number and date of claim. The top portion of the tag shall be fastened to the cooperage and returned to the manufacturer through the distributor from whom originally purchased. When the manufacturer has approved the claim, he shall issue a credit memorandum in triplicate. All three copies of this credit memorandum shall be signed by the retailer who will retain the triplicate copy. The duplicate copy shall be retained by the distributor and the original credit memorandum together with the stub of the tag, shall be returned to the manufacturer for his file. Credit replacement may then be made either in kind or in value. If credit is disallowed by the manufacturer, the retailer shall be so notified through the distributor, giving the reasons therefor. The manufacturer shall attach to his monthly report on Forms RCB-47, RCB-48, RCB-49, a statement showing all claims allowed, indicating names, addresses and dates involved in such allowances. Importing Distributors shall be governed by the same procedure covering returns to out-of-state manufacturers.

Section 107.08. (*As added April 1, 1960*) **Distributing Rights Given by Manufacturers and Importing Distributors of Malt or Brewed Beverages.**—All agreements, franchises, or statements of distribution rights given by any manufacturer or by any Importing Distributor under and pursuant to the provisions of Act No. 471 of the General Assembly of Pennsylvania, approved by the Governor on October 23, 1959, and effective immediately shall be in writing and a correct copy thereof shall be permanently maintained on the licensed premises of each party to each such agreement, franchise or statement of distribution rights. Said agreement, franchise, or statement of distribution rights shall be at all times open to inspection by any authorized representative of the Pennsylvania Liquor Control Board.

Section 107.09. (*As added January 3, 1963*) **Severability.**—The sections of this regulation shall be deemed severable. Should any such section be deemed by judicial opinion or legislative enactment to be invalid, unconstitutional or in any manner contrary to the laws of this Commonwealth, such opinion or enactment shall invalidate only that particular section of the regulation and all other sections shall remain in full force and effect.

CASH RECEIPTS BOOK

DATE	MILK BEVERAGES	SOFT DRINKS	OTHER SALEABLE MERCHANDISE	LOANS	OTHER MISCELLANEOUS RECEIPTS		TOTAL
					EXPLANATION	AMOUNT	
1							
2							
3							
TOTALS							

CASH DISBURSEMENTS BOOK

DATE	PAID TO	CHECK NO.	MILK BEVERAGES	SOFT DRINKS	OTHER SALEABLE MERCHANDISE	LOANS	PATROL DEDUCTIONS		REPAIRS AND MAINTENANCE	OTHER MISCELLANEOUS DISBURSEMENTS	TOTAL
							TRUCK	STATION			
1											
2											
3											
TOTALS											

PERPETUAL INVENTORY RECORD

DATE	CASES OF BOTTLES AND CASES				CONTAINERS				BOTTLES				
	1/2 PINTS	3/4 PINTS	1 PINT	1 1/2 PINTS	1 GAL.	1 1/2 GAL.	2 GAL.	3 GAL.	1/6	1/4	1/3	1/2	1
NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.
1923													
1924													
1925													
1926													
1927													
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1943													
1944													
1945													
1946													
1947													
1948													
1949													
1950													
TOTALS													

DAILY PURCHASE REGISTER

DATE	INVOICE NO.	PURCHASED FROM	CASES OF BOTTLES AND CANS				CONTAINERS			BARRELS			ADD BEER SUB-SUBMIT TOTAL PAID	DEDUCT BEER SUB-SUBMIT TOTAL REQUIRED	NET AMOUNT PAID
			1/2 PINTS	PINTS	QT.	1/4 GAL.	1/2 GAL.	3/4 GAL.	1/2	3/4	1				
1			24	36	48	72	144	144	144	144	144	144			
2															
3															
4															
TOTALS															

DAILY SALES REGISTER

DATE	INVOICE NO.	SALE TO	CASES OF BOTTLES AND CANS				CONTAINERS			BARRELS			ADD BEER SUB-SUBMIT TOTAL PAID	DEDUCT BEER SUB-SUBMIT TOTAL REQUIRED	NET AMOUNT RECEIVED
			1/2 PINTS	PINTS	QT.	1/4 GAL.	1/2 GAL.	3/4 GAL.	1/2	3/4	1				
1			24	36	48	72	144	144	144	144	144	144			
2															
3															
4															
TOTALS															

REGULATION 108 CASH DEPOSITS ON RETURNABLE ORIGINAL CONTAINERS OF MALT OR BREWED BEVERAGES

(Effective June 26, 1952)

Section 108.01. Deposits Required.—Section 493 (2) of the Liquor Code, requires that in all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces (one gallon).

In conformity with this statutory provision, therefore, the board by this regulation fixes a minimum cash deposit for the various sized containers and bottles, as follows:

Section 108.02. Definition of Returnable Original Container.—Under this regulation, a returnable original container, for which the aforesaid minimum cash deposits shall be obtained and paid, is:

- A. Any re-usable container of a capacity of 128 ounces (1 gallon) or less as to which title was retained by the manufacturer, licensee or vendor who bottled, sold or resold malt or brewed beverages in such container; or
- B. Any re-usable container of a capacity of 128 ounces (1 gallon) or less as to which title was not retained by the manufacturer, licensee or vendor who bottled, sold or resold malt or brewed beverages in such container but which the manufacturer, licensee or vendor, or a direct or indirect associate, agent, representative, employee, agency, distributor, affiliate or subsidiary of such manufacturer, licensee or vendor will repurchase or agree to repurchase from any vendee or person who has acquired title to such re-usable containers.

Section 108.03. Deposits on Case Lots.—A minimum cash deposit for wooden, cardboard or other type cases will be as follows:

- A. 24 pints or smaller size bottles, seventy-five cents (75¢) per case, calculated on the basis of two cents (2¢) per bottle and twenty-seven cents (27¢) for the case.
- B. 12 quart size bottles, seventy-five cents (75¢) per case, calculated on the basis of four cents (4¢) per bottle and twenty-seven cents (27¢) for the case.
- C. 6 half gallon size bottles, seventy-five cents (75¢) per case, calculated on the basis of eight cents (8¢) per bottle and twenty-seven cents (27¢) for the case.
- D. 36 pint or smaller size bottles, one dollar (\$1.00) per case, calculated on the basis of two cents (2¢) per bottle and twenty-eight cents (28¢) for the case.

If any other size of case is developed for use, the minimum deposit required should be ascertained from the Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania.

Section 108.04. Deposits on Less Than Case Lots.—For individual bottles or other returnable original containers, the minimum cash deposit to be required by licensees when selling or reselling malt or brewed beverages is hereby fixed for the various sized containers, as follows:

- A. Pint or smaller size bottles \$0.02 per bottle
- B. Quart size bottles04 per bottle
- C. Half-gallon size bottles08 per bottle

Section 108.05. Refund of Deposits.—Every licensee shall refund such deposits upon return of the empty container in as good condition as when originally delivered, natural wear and tear excepted. Manufacturer, Importing Distributor and Distributor licensees shall accept empty containers only from the person to whom originally delivered and shall accept only those containers on which they collected a deposit; except, manufacturer licensees shall accept their containers, and refund the deposits thereon, from persons who originally received them from an Importing Distributor or Distributor who is no longer in business, and Importing Distributor and Distributor licensees who have taken over the business of another person shall accept containers of those brands they handle, and refund deposits thereon, although said containers were originally delivered by the former licensee.

REGULATION 109 EMPLOYMENT: MINORS, CRIMINALS, LICENSEES; APPOINTMENT OF MANAGERS

(Effective June 26, 1952; as amended April 17, 1964 and May 28, 1968)

Section 109.01. Statutory Provisions Relating to Minors.—Section 493, sub-section 13, of the Liquor Code, declares it to be unlawful for any hotel, restaurant or club liquor licensee or any retail dispenser licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations.

In conformity with the aforesaid provision of the law, the board by this regulation provides for the employment of minors.

Section 109.02. *(As amended April 17, 1964 and May 28, 1968)* Employment of Minors by Retail Licensees. - Minors between the ages of eighteen and twenty-one years may be employed or permitted to render service in a retail liquor licensed hotel, restaurant or club, or in a retail dispenser licensed eating place, hotel or club; PROVIDED, such minors have no contact whatsoever with the actual ordering, service, handling or care of liquor or malt or brewed beverages, and PROVIDED, further, that minors between the ages of sixteen and eighteen years may be employed in a licensed hotel or restaurant or by the owner of a retail dispenser license in conjunction with the operation of a food service business on Sundays and on Election Day provided that no liquor or malt or brewed beverages are sold, dispensed, consumed or served in the licensed establishment during the hours when any such minor between the ages of sixteen and eighteen years is so employed.

Section 109.03. *(As amended May 28, 1968)* Employment of Minors by Licensees Other Than Retail. - Minors between the ages of eighteen and twenty-one years may be employed or permitted to render service by licensees other than retail in the operation of their licensed establishments, except as salesmen or in connection with the sale or delivery of liquor or malt or brewed beverages on or off the licensed premises, or as agents under the provisions of Regulation 119, or Regulation 129.

Section 109.03.1. *(As added May 28, 1968)* As provided in the Act of May 13, 1915, P. L. 286, as amended by Act No. 49 of April 25, 1968, P. L. , known as the "Child Labor Law," any minor of the age of seventeen years who is a high school graduate or who is declared to have attained his academic potential by the chief administrator of the school district wherein he resides shall be deemed to be a minor of the age of eighteen years for the purposes set forth in Sections 109.02 and 109.03 of this regulation.

Section 109.03.2. *(As added May 28, 1968)* It shall be the duty of and the burden of proof is on the employer to have in his possession on the the licensed premises and to produce on demand a certified copy of a diploma or certificate of graduation of the seventeen year old minor, or a letter on the official stationery of the school district and over the signature of the chief administrator of the school district in which the minor resides, declaring that the said seventeen year old minor has attained his academic potential.

Section 109.03.3. (*As added May 28, 1968*) For the purposes of Sections 109.02 and 109.03 of this regulation, it shall be the duty of and the burden of proof is on the employer to have in his possession on the licensed premises, and to produce on demand, a photostatic certified copy of the birth certificate of any employe under the age of twenty-one years.

Section 109.04. Employment of Criminals.—No retail licensee shall employ in his licensed establishment any person who is prohibited by Section 493, sub-section 14 of the Liquor Code from frequenting such establishment, except minors employed in accordance with Section 109.02 of this regulation.

Section 109.05. Employment of Licensees.—A license to manufacture, transport or sell liquor, alcohol and malt or brewed beverages, is a personal privilege which must be exercised by the individual to whom the license is issued. The operation of a licensed business is a full time responsibility requiring the constant attention of the licensee.

A. Retail Licensees

No individual holding a retail license in his own name is permitted to be employed at, or engaged in any other business, except such associated business as is permitted under Section 103.02 of these regulations. If the license is issued in the name of a partnership, it is permissible for the partners, except one, to have outside employment.

B. Distributor or Importing Distributor Licensees

No individual holding a distributor or importing distributor license is permitted to be employed in any other work; nor, as provided in Section 492, sub-section 12, of the Liquor Code, engage in any other business, on or off the licensed premises, without board approval. If the license is issued in the name of a partnership, the board may permit the partners, except one, to have outside employment. However, the partnership must first secure written permission from the board before any of its members may be employed in any occupation or enterprise other than the licensed business.

Section 109.06. Appointment of Managers.—In the event of illness or an extended vacation, the Liquor Control Board may approve the appointment of a manager for a period of not more than thirty days. In case of emergency, this approval may be extended upon written request from the licensee. This manager shall be a reputable citizen of the United States, and the licensee shall immediately notify the board in writing of his desire to appoint a manager, giving the name and home address of the manager, and the date and place of birth and, if naturalized, the date and place of naturalization. If there is any change of manager, the licensee shall immediately give to the board written notice of such change, together with full information for the new individual desired to be appointed. No individual may act in the capacity of manager in a licensed establishment until the licensee has received notice from the board that his appointment meets with approval. Any individual holding more than one license shall appoint a manager for each licensed establishment.

However, this section shall not be construed to prohibit the designation, as manager, of a reputable employe by a licensee when such designation is not intended to relieve the licensee of his responsibility for giving his full attention to the operation of the licensed establishment. The purpose and intent of this paragraph is to permit, without board approval, the licensee

to designate one of his employes as the person to be in charge of the business during short periods of time when the licensee must necessarily be absent from the licensed premises.

Section 109.07. Licensees in the Armed Forces of the United States.—Notwithstanding anything to the contrary in this regulation, individuals licensed to sell liquor or malt or brewed beverages in Pennsylvania, who may during an emergency in which a state of war is declared, or is imminent, enlist or be inducted into the Armed Forces of the United States of America; or who may be required by the Federal Government to enter a tour of duty with the Armed Forces and who furnish to the board documentary proof of such service, or evidence that such service is about to begin, may appoint a manager for their respective licensed establishments, subject however to the provisions of paragraph one (1), Section 109.06, hereof, as to appointment, qualifications, and change of managers.

All appointments of managers under this section shall be subject to approval by the board and, when approved, shall be effective only during the period the licensee is required by the Federal Government to be in the Armed Forces of the United States. Reenlistment in the Armed Forces, after the said emergency has ended, shall not be considered as justification for appointment of a manager.

Section 109.08. Licensee Not Exempt from Penalties.—Approval by the board of an appointment of manager shall not exempt the licensee from the penalties provided by law and board regulations for violations committed in the licensed establishment.

The board reserves the right to rescind the approval of an appointment of manager at any time for any cause which the board deems sufficient.

REGULATION 110 AMUSEMENT AND ENTERTAINMENT IN LICENSED ESTABLISHMENTS

(Effective June 26, 1952; as amended May 19, 1955)

Section 110.01. Issuance of Amusement Permits; Expiration; Transfers.—Under the provisions of the Liquor Code, the Pennsylvania Liquor Control Board is empowered to issue to the holder of a retail liquor or retail dispenser license, except clubs, upon proper application and payment of the required fee, a special permit authorizing dancing, theatricals, floor shows, and moving picture exhibitions in the licensed premises or in any place operated in connection therewith. Such special permit shall be known as an "Amusement Permit."

Applications for Amusement Permits may be filed with the board at any time during the license year and, if issued, such Permits shall expire with the licensee's license. An original (new) Amusement Permit will not be issued to any licensee against whom revocation or criminal proceedings are pending, neither will an original (new) or renewal Amusement Permit or transfer thereof be issued at any time to a licensee who charges admission to his licensed premises.

An Amusement Permit may not be assigned, but in event the licensee's retail liquor or retail dispenser license is transferred by the board from one person to another, or from one place to another, the Amusement Permit held by such licensee may also be transferred in like manner upon the payment of a filing fee of Five Dollars (\$5.00).

Section 110.02. (As amended May 19, 1955) Restrictions.—

- A. No licensee shall use or permit to be used on the inside or outside of the licensed premises a loud speaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard on the outside of the licensed premises.
- B. No licensee shall maintain on the licensed premises a platform or stage, level with or elevated above the floor and used by musicians or entertainers if such platform or stage, or the entertainment produced thereon, can be seen from the outside of the licensed premises.
- C. Except as hereinafter provided, no licensee shall advertise, or permit to be advertised, by descriptive poster, picture, placard, sign, flag, or otherwise on the outside of the licensed premises, or on the outside of any building of which the licensed premises are a part, or on the inside of such licensed premises (this includes windows, doors, and the glass therein), if the advertising can be seen from the outside, anything pertaining to the entertainment conducted therein: PROVIDED, however, that a licensee may display one (1) outside wall sign or advertisement not exceeding three feet by five feet (3' x 5') in area; said sign to contain only the name or names of the entertainer or entertainers; and shall not contain descriptive matter or paintings or photographs of any nature whatsoever.
- D. No licensee shall require, request or permit any person engaged directly or indirectly as an entertainer in the licensed establishment or in any room or place connected therewith, to contact or associate with the patrons in such establishment, room or place for any purpose whatsoever. (A copy hereof shall be constantly and conspicuously displayed on the wall of the dressing room or rooms used by such entertainers.)

- E. No licensee shall require, request or permit any waitress, hostess or any other employe in the licensed establishment, or in any room or place connected therewith, to contact or associate with the patrons in such establishment, rooms or place, for any purpose whatsoever except as is necessary in the actual service of food and beverages.
- F. No licensee shall employ, directly or indirectly, any minor person under the age of eighteen years, as an entertainer, in the licensed establishment or in any room or place connected therewith, nor shall a licensee permit in such establishment, room or place, any minor person under the age of eighteen years to act as an entertainer.
- G. In addition to the general provisions of the Liquor Code no hotel, restaurant or eating place licensee shall hold or permit to be held, any tournament or contest of any sort on the licensed premises or on premises contiguous and adjacent thereto, nor directly or indirectly, advertise, offer, award, or permit the award, on the licensed premises of any trophies, prizes, or premiums, of any sort, for any purpose whatsoever.

A licensee with or without an Amusement Permit may provide instrumental music for the entertainment of patrons.

The restrictions in this section shall apply not only to the licensee, but to all partners, officers, directors, servants, agents and employes of a licensee.

Section 110.03. Suspension or Revocation of Amusement Permits.—

The board, upon sufficient cause being shown or proof being made that any licensee holding an Amusement Permit issued by the board, or any partner, officer or director, servant, agent or employe of the licensee, has permitted in the licensed premises any lewd, immoral or improper entertainment or has violated any of the laws of this Commonwealth or regulations of the board relating to Amusement Permits or to the manufacture, sale, possession or transportation of liquor, malt or brewed beverages, or alcohol, upon due notice and proper hearing being given to such licensee holding an Amusement Permit, may suspend or revoke such Permit. The action of the board in suspending or revoking an Amusement Permit shall be final.

After a Permit has been revoked, an application for a new Amusement Permit may not be filed by such licensee until the expiration of one year from the date of revocation of the Amusement Permit.

If and when any licensee holding an Amusement Permit issued by the board, or any partner, officer, director, servant, agent or employe of such licensee, is found guilty of, or pleads guilty to, a violation of the laws of this Commonwealth or regulations of the board before any court, alderman, or justice of the peace, the board will in its discretion, after hearing, suspend or revoke the Amusement Permit of such licensee upon the receipt of a transcript of the record in said proceeding.

Section 110.04. Termination of Permits.—In the event that the liquor or malt or brewed beverage license issued by the board shall be revoked, suspended or terminated by the board or the court for any reason, then the Amusement Permit of the licensee shall likewise be automatically revoked, suspended, or terminated.

Upon the suspension, revocation or termination of an Amusement Permit as herein provided, there shall be no refund made nor credit given for the unused portion of the fee paid for such Permit.

Section 110.05. Hours for Amusements.—Licensees, holding Amusement Permits from the Pennsylvania Liquor Control Board, may permit dancing, theatricals, floor shows, and moving pictures in their licensed establishments only during the hours when the sale of liquor or malt or brewed beverages is legal.

However, this regulation shall not apply to or affect licensees or licensed establishments located in municipalities that have, by ordinance, resolution or other appropriate action in accordance with law, fixed the hours for such amusements in establishments licensed by the board; and the hours so fixed by ordinance, resolution and other appropriate action in accordance with law shall control if and when certified copies of same are filed with the board.

**REGULATION 111. SANITARY AND LIGHTING
CONDITIONS; CLEANING OF COILS**

(Effective June 26, 1952; as amended April 29, 1959, and July 22, 1964)

Section 111.01. Patrons Rest Rooms.—All establishments licensed for the retail sale of liquor and/or malt or brewed beverages shall have separate and properly identified toilets for men and women. In rural communities having no sewage disposal system, outside toilets will be permitted by the board. In all other places, such facilities must be provided inside the licensed premises.

All toilets shall be easily accessible to patrons, with no entrance through the kitchen or living quarters. They shall be completely separated from any room used for the preparation, service or storage of food and shall have full length self-closing doors.

Each inside toilet shall have outside ventilation or be vented thereto by air duct (vents and ducts to have a cross section of not less than 40 square inches), and shall be equipped with at least one flush type stool or commode with seat, one wash bowl with running water, soap and sanitary towels. In the case of outside toilets, the wash bowl, soap and sanitary towels shall be provided inside the establishment.

All toilet walls, floors, ceilings, and fixtures, shall be kept in a sanitary condition at all times.

The foregoing requirements for Patrons Rest Rooms are the minimum requirements for retail licensed establishments, regardless of any greater or lesser requirements to comply with Section 111.02 following.

Section 111.02. *(As amended April 29, 1959, and July 22, 1964)* **Compliance With Sanitation Requirements.**—No restaurant, hotel or club catering liquor license or retail dispenser eating place or hotel malt beverage license authorized under the provisions of the Liquor Code will be issued, renewed or transferred by the Liquor Control Board for any premises unless the application for the said license, renewal or transfer has attached thereto documentary evidence showing that the proper municipal or state authorities have found that the place to be licensed, or for which an application is filed for the renewal or transfer of the license, meets all the sanitary requirements for a public eating place in that municipality wherein the place to be licensed is operated, as provided by any statute, ordinance or regulation. Such evidence in any of the following forms will be deemed acceptable documentary evidence:

1. Photostatic copy of current sanitation and/or health license and/or permit issued for the premises by the proper municipal or state health authority.
2. Sanitation certificates issued by the proper municipal or state health authority.
3. Letter signifying municipal or state health authority's approval of premises.

Section 111.03. Lighting Conditions and Visibility in Licensed Establishment.—All hotel, restaurant and club liquor licensees, and all retail malt beverage dispensers, shall at all times during the hours when the sale of liquor or malt or brewed beverages is permitted, maintain throughout the licensed premises sufficient illumination to insure clear visibility of the premises covered by the license and to permit patrons to read a menu or newsprint with ease. All tables and booths available for the accommodation of the public shall be so situated as to permit clear visibility of all acts occurring at such tables or in such booths.

Section 111.04. Cleaning of Coils, Tap Rods and Connections.—All coils, tap rods and connections, used in the operation of drawing malt or brewed beverages in licensed establishments, shall be thoroughly cleaned at least once every seven days at the sole expense of the licensee dispensing such beverages on draft. Cleaning of coils, tap rods and connections by one licensee for another licensee is prohibited.

The following methods of cleaning coils, tap rods and connections have been approved by the board:

- A. Live steam.
- B. Hot water and soda solution, followed by thorough rinsing with hot water.
- C. Any other method that thoroughly cleans the coils, tap rods and connections, and leaves them in a sanitary condition.

Section 111.05 Certificate or Record Required.—Coils, tap rods and connections may be cleaned for a licensee by any person who is thoroughly equipped to do so other than another licensee, by any method above enumerated. However, in all cases the cleaner shall furnish the licensee with a certificate showing the date cleaned, the name of person by whom cleaned, and the method used. Such certificate shall at all times be kept on file for inspection by officers of the board.

Coils, tap rods and connections may be cleaned by the licensee by any method above enumerated. However, the licensee shall keep a record of the date of each cleaning and the method used, which shall be available at all times for inspection by officers of the board.

Section 111.06. Pressure Maintenance.—If air (line pump) is used for pressure, the intake shall be from outside the building and shall be provided with an air filter or satisfactory air cleansing device. In lieu of air, the use of carbon dioxide is recommended, as this conduces to the maintenance of normal flavor in that it is much less susceptible than air to the growth of organisms and to chemical changes which may serve to impair the flavor.

Section 111.07. Responsibility for Condition of Equipment.—It shall be the sole responsibility of the licensee to see that equipment used in dispensing malt or brewed beverages on draft is maintained in a clean and sanitary condition. The mere fact that records of licensees indicate that coils, tap rods and connections have been cleaned shall be no defense to disciplinary action under the law and this regulation if the coils, tap rods and connections are at any time found to be in an insanitary condition.

REGULATION 112 LUNCH

(Effective June 26, 1952)

Section 112.01. Food Items Permitted.—Section 493, sub-section 9 of the Liquor Code, prohibits every retail liquor and every retail dispenser licensee, his servants, agents or employes, from furnishing, giving or selling below a fair cost any lunch to any consumer, except such articles of food as the board may authorize and approve.

The board hereby authorizes the furnishing by retail licensees of peanuts, pretzels, popcorn and potato chips for consumption on the premises, to consumers, under this provision.

**REGULATION 113 CLUBS: RECORDS REQUIRED;
CATERING**

(Effective June 26, 1952)

Section 113.01. Provisions of the Law.—Section 102 of the Liquor Code requires that a club licensed by the board shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe. Pursuant to and in accordance with this provision of the law, the following regulation is promulgated prescribing records to be maintained by all clubs holding either a liquor or a retail dispenser license.

Section 113.02. Membership Record.—A complete membership record shall be maintained, showing the date of application of the proposed member, the date of admission after election, the date initiation fees and dues are paid and the amounts. This record shall also show the name of the sponsor and any other remarks desirable. This record shall be either on a ruled form or preferably a card index, which shall carry at the top the name of the member, the address of the member and the serial number of the membership card issued. All dues shall be accumulated and posted to the proper column in the income records. A separate sheet or card shall be prepared for each member, and when members are dropped or resign, their cards shall be removed from the active file and placed in the inactive file for two years.

Section 113.03. Income Account.—A cash book shall be maintained and posted currently showing income in detail, separated into dues, income from malt or brewed beverages and liquor, income from food, and a miscellaneous column. This cash book shall be totaled each month and used when the bank account is reconciled by the Treasurer. The total entries under "Dues" should balance with the number of members active in the club. This record shall be maintained in columnar form.

Section 113.04. Expenditures.—A detail expense ledger or record must be maintained, showing in detail all expenditures separated by payments for malt or brewed beverages, liquor, food, detailed payroll, entertainment, rent, heat, light, water, equipment, and all details of all other expenditures. This record shall be in columnar form with the proper headings at the top, and balanced each month with the bank account and the Treasurer's records. Every expenditure shall be supported by delivery tickets, invoices, receipted bills, cancelled checks, petty cash vouchers or other sustaining data or memoranda.

Section 113.05. Bank Account.—A bank or cash account shall be maintained which shall show all income and expenditures as a control account on the income and disbursements records. This account shall be balanced each month by the Treasurer and proper record made of this in the minutes of the Recording Secretary.

Section 113.06. Minute Book.—A minute book shall be maintained and shall be posted currently by the Recording Secretary. This record shall contain the minutes of all regular and special meetings. It shall show the names and dates of applicants for membership and it shall also record the dates the members were admitted and if ballots were taken. The minute book shall

record the financial reports of the Treasurer and record all bills approved for payment, the reason therefor and the amounts involved. It shall record all parties, banquets, socials, etc., given to members free of charge and the costs involved. It shall show all elections and appointments of officers and committees, and the term for which they are elected, together with all customary entries in a record of this nature.

Section 113.07. Other Documents and Instruments.—The board requires that club licensees maintain on the licensed premises at all times the following instruments and records, subject to inspection by authorized representatives of the board:

- A. Photostatic or certified copy of the charter, if incorporated.
- B. Copy of the Constitution.
- C. Copy of the By-Laws.
- D. All invoices and receipted bills covering purchases made by officers of the club for the benefit of the club.
- E. Prescribed books of record and membership lists.

Section 113.08. Records in English.—All club records shall be maintained in the English language.

Section 113.09. Constitution and By-Laws.—Every club licensee shall adhere to all of the provisions of its Constitution and By-Laws.

Section 113.10. Food Concession.—If a club does not sell food it may permit a food concession to be operated by a person who is not an officer or employe of the club, and such concessionaire shall not hire any person who is an officer or employe of the club or who is a licensee or an employe of any other licensee.

The concessionaire must buy, prepare, sell and collect for all food and receive all profits from the sale thereof; pay his own employes; and neither the concessionaire, nor any of his employes are permitted to handle or dispense any liquor or malt or brewed beverages; and further provided that club employes are not permitted to serve or collect for food. Separate checks for food and liquor or malt or brewed beverages must be presented to each member being served.

Records covering all operations of the concession shall be maintained for a period of two (2) years on the licensed premises. Such records shall show the cost of food supported by invoices; receipts from sale of food supported by cash register tape or guest checks; any rental paid for the privilege and equipment used; together with the name and address, social security number, and salary paid to each employe; together with all other expenditures.

Section 113.11. Catering.—Catering, for the purpose of this regulation, shall mean the furnishing of liquor or malt or brewed beverages, or both, or any admixture thereof, to be served with food prepared on the premises or brought onto the premises already prepared, for the accommodation of groups of nonmembers who are using the facilities of the club only by prior arrangement, made at least twenty-four (24) hours in advance of the time for private meetings or functions, such as, dances, card parties, banquets, etc., and which is paid for by the nonmember or nonmembers.

A record shall be maintained showing the date and time catering arrangements were made, the name of the person or organization making the arrangements, and setting forth the approximate number of persons to be accommodated.

Section 113.12. Entrance and Inside Doors; Inspection.—No licensed club shall maintain or permit to be maintained in the clubhouse or club quarters entrance or inside doors barricaded in any manner.

Enforcement officers and investigators of the board shall, upon presentation of their credentials, be admitted immediately to the clubhouse or club quarters and permitted without hindrance or delay to inspect completely the entire clubhouse or club quarters at any time during which the same are open for the transaction of business.

REGULATION 114 CHANGE OF OFFICERS OF CORPORATIONS AND CLUBS TO BE REPORTED

(Effective June 26, 1952)

Section 114.01. Method of Reporting.—Every corporation and club licensed by the Pennsylvania Liquor Control Board shall, within thirty days after any change is made in their officers or directors, report such change on form PLCB 470 which will be furnished upon request to the board.

**REGULATION 115 TRANSFER, EXTENSION, SURRENDER
AND EXCHANGE OF LICENSES**

(Effective June 26, 1952; Amended June 20, 1963; Amended October 30, 1968)

Section 115.01. Filing of Applications. All licenses issued by the Pennsylvania Liquor Control Board pursuant to the provisions of Article IV of the Liquor Code may be transferred, as hereinafter provided. Applications for transfer of licenses may be filed at any time, but when filed within thirty days of the expiration date of the license term the transfer shall apply to the renewal license only, except in the case of death. Applications for transfer shall be made on the regular transfer form, which shall be accompanied by two copies of the application for license, proper bond, and remittance in the amount of \$30.00 or \$20.00 (as prescribed in the Statute and noted on the transfer application form).

Section 115.02. Person to Person Transfers. When an application has been filed for transfer of a license from one person to another at the same address, a bill of sale of the business or fixtures shall be executed by the licensee and shall be exhibited to the Board or its representatives. The purchase price of the business, either in the form of cash or legal obligation as security for the purchase price, shall be placed in escrow with an attorney or financial institution, to be paid to the original licensee upon the approval of the transfer by the Board. The actual transfer of the ownership of the business shall not pass until approval of the transfer of license has been given. The transferee shall exhibit to the Board, or its representative, a deed or a lease for the premises, or bill of sale, or both, as the case may be. Inasmuch as the license shall not change hands until the license transfer has been approved by the Board, the original licensee may continue the operation of the business and may sell liquor and/or malt or brewed beverages until formal approval of the transfer has been given. However, if the original licensee does not continue operation under the license and remain in full charge of the business, no liquor or malt or brewed beverages shall be sold and the license shall be surrendered to the Board for safekeeping until the transfer is approved.

Section 115.03. Place to Place Transfers. In case a retail liquor or retail dispenser licensee moves his place of business from one address to another, the new establishment shall be open for business and in operation before the license transfer will be approved. No liquor or malt or brewed beverages shall be sold or served at the new establishment until formal approval of such transfer by the Board.

In the case of other type licenses transferable under the law, if the licensee desires to move his place of business from one address to another, proper application for transfer of license shall be made, and

approval of the Board obtained, before the business is operated at the new address

Section 115.04. Place to Place and Person to Person Transfers. In case of a transfer involving a change of both location and ownership, the new establishment, if retail liquor or retail dispenser, shall be open for business and in full operation, except as to the sale of alcoholic beverages. The new applicant shall satisfy the Board that he is the owner or lessee of the premises, the fixtures and equipment therein. No liquor and/or malt or brewed beverages shall be sold by the applicant until the transfer of the license has been approved. The transferor, provided his fixtures and equipment are not involved in the transfer, may, if he so desires, continue to operate at his original place of business until notified that the transfer of the license to the applicant has been approved, at which time the license and Wholesale Purchase Permit Card, if any, shall be surrendered, by the transferor, to the Board.

Section 115.05. Transfers in Case of Death. In the event of the death of the licensee, the license may be transferred to the surviving spouse, or to the administrator or executor of the licensee's estate, immediately upon presentation of the transfer form, application, bond, transfer or filing fee, and short form certificate from the Registrar of Wills. In the event it is desired to transfer the license to a person designated by and acting for the administrator or executor, the aforementioned papers, bond and fee, together with written evidence of such designation shall be submitted by the administrator or executor. The Board shall be notified in writing within five days in case of the death of licensee.

Section 115.06. Partnership Licenses. In the event of voluntary retirement of one or more partners, an application for correction of license shall be executed and filed by all the partners, including the retiring partner or partners. In the case of death of a partner, the application for correction of license shall be executed and filed by all the surviving partners, and by the administrator or executor of the deceased partner, if any, and be accompanied by a short form certificate from the Registrar of Wills. In the event there is no administrator or executor of the estate of a deceased partner, the application for correction of license shall be executed and filed by the surviving partners together with documentary evidence of the death of the partner. The above requirements shall also apply where the license is held jointly by husband and wife. All such applications for correction of license shall be accompanied by an approved bond rider executed by the applicant and the surety company on the current license bond. No fees shall be required on applications for correction of license.

Section 115.07. Return of Original License and Wholesale Purchase Permit Card. Immediately upon the approval of a transfer of license, the transferee may be authorized by letter to sell liquor and/or malt or brewed beverages, or manufacture malt or brewed beverages, as the case

may be, for a period of fifteen days. During the interim the original license and Wholesale Purchase Permit Card, if any, shall be returned to the Board.

Section 115.08. Extension of License to Cover Additional Premises.

No licensee of this Board may carry on any business permitted by his license on any other premises, or any portion of the same premises other than that for which the license was issued, without having first obtained approval from the Board for the inclusion of such additional premises in the license.

Section 115.09. Application; Fee. To obtain such approval, an application for extension of license must be filed with the Board describing the additional premises, to which shall be attached a bond rider covering such premises, properly executed by the surety or sureties who executed the bond filed with the application for the current license.

A filing fee of twenty dollars (\$20.00) shall accompany each application for extension of license, and a physical inspection of the premises shall be made whenever it is deemed necessary by the Board.

Section 115.10. Equipment. The additional premises, for which it is desired to extend any license, shall be completely equipped for the carrying on of the type of business permitted under the said license, but no sales of liquor or malt or brewed beverages, or storage, etc., shall take place in such additional premises until approval has been given by this Board. Such approval may be in the form of a new license, giving any additional address, or a letter authorizing the use of the additional premises. In the case of Distributors and Importing Distributors of malt or brewed beverages, no sales of malt or brewed beverages shall be made at any time in any warehouse except that in which the licensee's office or principal place of business is maintained.

Section 115.11. Refusal. The Board may, in its discretion, refuse to extend any license issued by it, and in all such cases the filing fee shall be retained by the Board.

Section 115.12. Surrender of Licenses in Certain Cases. Any licensee, whose licensed establishment for any reason whatsoever is not in operation for a period of fifteen (15) consecutive days, shall return his license (and, if a liquor license, also his Wholesale Purchase Permit Card) to the Pennsylvania Liquor Control Board not later than the expiration of the fifteen day period. The return of such license and card shall not invalidate the license, but the same shall be held for the benefit of the licensee and be available for his use when operations are resumed at the licensed premises, or for transfer.

However, when the license is returned due to the fact the licensee no longer has a lease for the licensed premises, or removes therefrom, or is dispossessed by legal process, the license shall be invalidated as to the particular premises for which issued but shall not be invalidated

generally nor cancelled, and shall be held available for the benefit of the licensee solely for transfer.

In the event that such license and card are not surrendered and returned voluntarily by the licensee as above provided, the enforcement officers of the Board shall lift such license and card, and return the same to the Board.

No license which has been surrendered to the Board nor any renewal thereof in possession of the Board shall be held for the benefit of the licensee for a period exceeding one year from the date of surrender, except when in the opinion of the Board, circumstances beyond the licensee's control prevent reactivation. Failure of the licensee to lift the license and resume operation of the licensed business, or failure to effect a transfer of the license within the said one year period shall be sufficient cause for the revocation of the license.

Section 115.13. Surrender of Licenses for Cancellation or Transfer.

No individual, partnership, association, or corporation, shall hold more than one retail license of the same type to cover the same establishment.

No retail licensee shall be granted a new retail license to cover the same establishment for which he already holds a retail license of a different type. In the event an application for a new retail license of a different type is approved, the license which is then in effect in the name of the applicant for that establishment must be surrendered to the Board for cancellation before the new license is actually issued.

In the event an application for transfer of an existing retail license of a different type to the premises already licensed is approved, the license which is then in effect in the name of the applicant for that establishment must be surrendered to the Board before the transferred license is actually issued in the applicant's name. In such case the license which has been surrendered to the Board or any renewal thereof in possession of the Board shall be held available for the benefit of the licensee solely for transfer for a period which shall not exceed one year from the date of surrender. In the event that a transfer of the license is not effected within the said one year period, the license shall automatically be cancelled and there shall be no refund of the license fee or any portion thereof; provided, however, that any transfer application pending at the expiration of the said one year period may be processed to conclusion.

Section 115.14. Exchange of Distributor and Importing Distributor Licenses.

A. Applications and Bonds

Applications for the exchange of Distributor or Importing Distributor Licenses shall be filed on forms furnished by the Board and shall be considered by the Board only at the times indicated in the schedule of dates as set forth in subsection "B" hereof. Each exchange application shall be accompanied by a bond executed on the standard form furnished by the Board in the penal sum required for the type of license desired.

B. Effective Dates

All Distributor and Importing Distributor Licenses issued in exchange shall become effective, either at the beginning of each license year in the respective districts, or six months later, depending upon the date the application is filed. The following is a schedule of the dates when exchange applications shall be filed, together with the date when the license shall become effective:

District	File Prior to	Effective Date
No. 1	October 2	November 1
	April 1	May 1
No. 2	January 2	February 1
	July 2	August 1
No. 3	April 1	May 1
	October 2	November 1
No. 4	July 2	August 1
	January 2	February 1

C. Fees

An application for the exchange of a Distributor License for an Importing Distributor License, if filed for the full license term, shall be accompanied by a license fee in the amount of \$900, filing fee of \$20 and the requisite vehicle card fee, if any.

An application for the exchange of a Distributor License for an Importing Distributor License, if filed for the last six months of a license term, shall be accompanied by a license fee in the amount of \$250, filing fee of \$20 and the requisite vehicle card fee, if any.

An application for the exchange of an Importing Distributor License for a Distributor License, if filed for the full license term, shall be accompanied by a license fee in the amount of \$400, filing fee of \$20 and the requisite vehicle card fee, if any.

An application for the exchange of an Importing Distributor License for a Distributor License, if filed for the last six months of a license term shall be accompanied by a filing fee of \$20 and the requisite vehicle card fee, if any. In the case of this type of exchange, a refund in the amount of \$250 representing one-half of the difference between the Distributor and Importing Distributor License Fees shall be granted to the licensee upon approval by the Board of the exchange and the claim for refund. This refund shall be requested by the licensee on the standard "Claim for Refund" forms furnished by the Board.

**REGULATION 116 DISPOSITION OF LIQUOR AND
MALT OR BREWED BEVERAGES UNDER
CERTAIN CONDITIONS**

(Effective June 26, 1952)

Section 116.01. Alcoholic Beverages Held by Estates; Under Legal Process; and by Licensees Who Have Discontinued Business.—Liquor purchased from a Pennsylvania Liquor Store and forming part of a decedent's estate, a bankrupt's estate, or liquor so purchased and in the custody of the law under legal process, shall not be sold except to the board as provided in this regulation.

Liquor purchased from Pennsylvania Liquor Stores by a licensee of the board and in the possession of such licensee at the time he discontinues the licensed business, either by transfer of his license or otherwise, may be sold by such licensee or may be repurchased from him by the board but only pursuant to and in accordance with this regulation.

Malt or brewed beverages purchased from a licensed Distributor or Importing Distributor or Brewer, forming part of a decedent's estate, a bankrupt's estate, or in the custody of the law under legal process, may be sold only to the licensed Distributor, Importing Distributor, or Brewery from whom originally purchased.

Malt or brewed beverages in possession of a licensee at the time he discontinues his licensed business, either by transfer of his license or otherwise, may be sold by him, only to the transferee of his license or to the Distributor, Importing Distributor or Brewery from whom originally purchased.

Section 116.02. Information to be Furnished Board.—Persons other than the purchaser and licensees who have discontinued business and who possess liquor purchased from Pennsylvania Liquor Stores and desire to sell the same, shall file with the board a sworn statement containing the following information:

A. Executors and Administrators

Name and address of decedent, and date of death.

Name and address of executor or administrator, who shall file with the statement a short form certificate from the Registrar of Wills.

Description of the liquor, including brand name, size and number of containers of each brand.

B. Receivers and Trustees in Bankruptcy

Name and address of bankrupt, and date of bankruptcy.

Name and address of receiver or trustee, who shall file with the statement a certified copy of his appointment or election, and a certified copy of the order of court authorizing or directing the sale of liquor.

Description of the liquor, including brand name, size and number of containers of each brand.

C. Officers of the Law

Name and address of debtor, and nature of debt.

Name and address of sheriff, constable or other officer of the law, who shall file with the statement written evidence of his authority to act, together with the name of court, number and term or name of magistrate.

Description of the liquor, including brand name, size and number of containers of each brand.

D. Licensees Who Have Discontinued Business Without Transfer of License

Name and address of licensee.

Written statement under oath that the licensee has discontinued his licensed business and the date thereof.

Description of the liquor, including brand name, size and number of containers of each brand.

E. Licensees Who Have Sold Their Licensed Business Together With the Liquor License (See Section 116.05 following).

Section 116.03. Repurchase by the Board, and Price.—Upon receipt by the board of the information required, and verification thereof by its investigator, the board will in its discretion arrange to repurchase at the price paid by the licensee or the then available price to licensees, whichever is lower, less twelve and one-half percent (12½%) handling charges, all such liquor purchased from Pennsylvania Liquor Stores.

Section 116.04. Containers Unopened, with Revenue Stamps and State Seals Intact.—Repurchases by the board will be confined solely to liquor in the original containers, unopened and with revenue stamps and State seals attached, as when sold by the State Liquor Stores.

Section 116.05. Licensees Who Have Sold Their Licensed Business.—If and when a licensee sells his licensed business, and transfer of the license is approved by the board, the board will in its discretion, as hereinbefore provided, repurchase the legal liquor in his possession at the time of the transfer of the license; or the licensee may if he so desires sell the said liquor to the transferee of his license; provided, however, the licensee at the time the application for transfer of his license is filed, notifies the board in writing of his intention to include such liquor or a designated quantity thereof in the sale of his licensed business; and provided further, when the transfer for a license is approved by the board, the licensee furnishes the board with a sworn statement containing a description of the liquor including brand name, size and number of containers of each brand so sold to such transferee.

Section 116.06. Sales of Liquor Prohibited.—Sales of other than State Store liquor, and sales of State Store liquor contrary to the provisions of this regulation, are prohibited, except sales made by licensees in accordance with the provisions of the Liquor Code.

REGULATION 117 ALCOHOL

(Effective June 26, 1952; as amended March 1, 1954, and November 4, 1963)

Section 117.01. Definition.—Alcohol, as defined in the Liquor Code, shall, for the purpose of this regulation, include absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines, and all other spirits by whatever name or designation given.

Section 117.02. Retail and Wholesale Purchase and Sale of Alcohol at Pennsylvania State Stores.—Any person legally qualified to purchase liquor at retail in the Commonwealth of Pennsylvania may purchase alcohol at retail either directly at State Stores or by special order through the State Store system.

A. Sales At Retail—The board will keep in stock at the State Stores for retail sales Ethyl Alcohol (190 proof).

Special Orders for Ethyl Alcohol (190 proof) will be accepted for a minimum quantity of one case of twenty-four (24) pints or one case of twelve (12) quarts; and special orders for Absolute Ethyl Alcohol (200 proof) will be accepted for a minimum quantity of one (1) gallon. At the time of placing such an order, a deposit of at least 25 per cent of the selling price must be made and the name of the manufacturer must be furnished.

B. Sales At Wholesale—The board may keep in stock Ethyl Alcohol (190 proof) in two (2) gallon containers, which will be priced at net wholesale, available only to holders of Wholesale Alcohol Purchase Permit Cards. There shall also be available to holders of Wholesale Alcohol Purchase Permit Cards, the containers which are carried in regular stock at net wholesale permittee prices.

Special Orders may be placed at State Stores by holders of Wholesale Alcohol Purchase Permit Cards for a minimum quantity of one (1) gallon of Absolute Ethyl Alcohol (200 proof) which is also known as Anhydrous Alcohol, and Ethyl Alcohol of 190 proof in standard case quantities. However, no special order will be accepted for any brand of alcohol sold as stock merchandise in the same size containers. At the time of placing such an order, a deposit of 25 per cent of the selling price must be made and the name of the manufacturer must be furnished.

Section 117.03. (As amended November 4, 1963) Permits—Fees, Classification and Requirements.—Wholesale Alcohol Purchase Permits shall be divided into three (3) classes and shall be designated as Permits AB (Beverage), AN (Non-Beverage), and AE (Tax Exempt). All three classes shall be issued by the board for the calendar year. Permits AB and AN shall be issued at a fee of \$2 each, and Permit AE shall be issued free of charge.

No fee shall be required for any Alcohol Permit issued to any state owned institution, any Department, Board or Commission of the Commonwealth, or to any political subdivision thereof, or to any agency of the United States Government.

There shall be no restrictions on the quantity of alcohol to be purchased under any class of alcohol permit.

AB Permits shall be issued only to Pennsylvania Distillery licensees. The holder of such permit may purchase alcohol at wholesale either directly or by special order through the State Store system or from Pennsylvania Distillery licensees or from legal vendors or manufacturers located outside of Pennsylvania or import alcohol manufactured by its own distilleries located outside of Pennsylvania.

AN Permits shall be issued only to physicians, dentists, veterinarians and pharmacists, duly licensed and registered under the laws of this Commonwealth, manufacturing pharmacists and chemists, manufacturers of products for non-beverage purposes, hospitals, sanitariums, eleemosynary institutions, dispensaries, governmental agencies, laboratories, universities and colleges of learning, located in Pennsylvania or for the use of their branches or subdivisions located in Pennsylvania. Permits shall be issued only for the address at which the alcohol is to be stored. Each address shall require a separate permit. The holder of such permit may purchase alcohol at wholesale either directly or by special order through the State Store system or from Pennsylvania licensed distillers designated in their application as provided in Section 117.08-B or from distillers outside this Commonwealth as provided in Section 117.08-C.

AE Permits shall be issued only to the holders of Federal Tax-Free Permits. The holder of such permit may purchase alcohol in the same manner as provided for the holder of an AN Permit.

Section 117.04. Application for Wholesale Alcohol Purchase Permits.—Application for a Wholesale Alcohol Purchase Permit shall be made in writing on the form provided by the board.

If a natural person, the application shall be made by and in the name of the person; if a partnership, by and in the name of the partnership, by an authorized partner; and if a corporation, by and in the name of the corporation, by its properly designated officer.

The board will, in its discretion, issue the permit applied for provided the permit fee as hereinbefore prescribed has been paid.

Section 117.05. Wholesale Alcohol Purchase Permit Cards.—A Wholesale Alcohol Purchase Permit Card will be issued for each approved application. This card will allow the permittee and not more than two (2) agents to purchase alcohol at wholesale from the State Stores. Each agent shall be directly employed by the permittee and, for identification purposes, shall sign the purchase permit card in the space provided.

Each time a purchase is made at the State Store, the purchase card shall be presented by the permittee, or his agent, and the quantity of each purchase shall be recorded on the reverse side of the card by the State Store Clerk.

In case any change in agents is desired, a new alcohol purchase permit card shall be obtained by making application to the board on form PLCB-56, "Application for Duplicate License or Permits." A fee of one dollar (\$1.00) shall be required with each such application and forms therefor may be obtained at any State Store.

Section 117.06. Restrictions on Use of Alcohol by Permittees.—Permittees purchasing alcohol in accordance with this regulation may use such alcohol only for the following purposes:

- A. *Physicians, dentists, veterinarians*—in their professional practice.
- B. *Pharmacists*—in the compounding of prescriptions and sterilizing of equipment.
- C. *Manufacturing pharmacists and chemists, and other manufacturers of non-beverage products*—in the manufacture and compounding of products unfit for beverage purposes.
- D. *Distillery licensees*—in the rectification of their products.
- E. *Governmental agencies, hospitals, sanitariums, eleemosynary institutions and dispensaries*—for medical, mechanical and scientific purposes and treatment of patients.

F. Laboratories—for scientific research.

G. Universities and colleges of learning—for scientific, mechanical purposes, and for medicinal purposes in infirmaries.

Section 117.07. (*As amended March 1, 1954*) **Purchase and Importation of Alcohol by AB Permittees from Other Distilleries.**—The holder of an AB Permit engaged in this state in the manufacture, rectification or blending of liquor, and the holder of an AB Permit who also manufactures alcohol under license in this state or any other state, may under an AB Permit import such alcohol into Pennsylvania and may purchase alcohol from Pennsylvania Distillery licensees who manufacture alcohol, and may purchase and import alcohol from legal vendors located outside of the Commonwealth of Pennsylvania, and in the case of affiliated companies may purchase alcohol from its affiliates or subsidiaries in the manner and for the purposes set forth below.

Every consignment of alcohol purchased or imported under the provisions of this section shall be shipped in bond and shall, upon arrival at its destination be placed in a bonded warehouse holding a Pennsylvania Bonded Warehouse License, unless the permittee maintains and operates its own bonded warehouse under its Pennsylvania Distillery License.

In the event that the alcohol so imported is stored in a bonded warehouse not maintained by the permittee, then and in that event the alcohol so stored may be delivered only to the permittee. Except as provided in Section 117.09 of this regulation, alcohol so imported or purchased by the permittee shall not be resold as such but shall be used only by the permittee in its manufacture, rectification or blending of liquor under its Pennsylvania Distillery License.

Section 117.08. Purchase of Alcohol by AN and AE Permittees.—

- A. AN and AE permittees may purchase alcohol requirements from the State Stores.
- B. AN and AE permittees may purchase alcohol from Pennsylvania distillery licensees who manufacture alcohol providing such distilleries have been designated in their applications. Upon approval of the application, the board will notify such distillers that deliveries of alcohol may be made direct to the permittee during the calendar year. The names of such distillers may be added to or deleted from the application at any time during the term for which the purchase permit is effective, and alcohol may be shipped direct to the purchase permittee upon notice by the board of specific approval for each addition or change.
- C. Alcohol may be purchased in bulk by AN or AE Permittees from distillers located outside this Commonwealth through the board.

AN and AE Permittees desiring to purchase alcohol in bulk shall submit their order for such purchases to the Pennsylvania Liquor Control Board at Harrisburg, Pennsylvania, on a Bulk Purchase Order, Form PLCB-381 (in duplicate), obtainable from the Purchasing Division, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania. Bulk purchases of 190 proof alcohol by AN Permittees will be allowed only in quantities of twenty-five (25) wine gallons or more and in containers of not less than five (5) gallon capacity. AE Permittees may purchase alcohol in bulk, without restrictions as to minimum size of container or minimum quantity. Each order submitted

by an AN Permittee shall be accompanied by a remittance in the amount of two dollars (\$2.00). No service charge will be required of AE Permittees. Immediately upon receipt from a permittee of a bulk purchase order for alcohol, the board will, if approved, note thereon its approval and send it to the distiller designated therein, notifying such distiller to make shipment to the Pennsylvania Liquor Control Board at the destination indicated in the order.

The board will furnish the distiller with board seals which shall be affixed by him to each container of the shipment to identify such container as a legal purchase in Pennsylvania. The board will furnish the permittee with a "Notice of Release," in duplicate, both copies of which shall be signed by the permittee and surrendered to the carrier upon delivery of the shipment. The carrier shall, in turn, forward one copy of this "Notice of Release" to the office of the Pennsylvania Liquor Control Board in Harrisburg, Pennsylvania.

The board shall not be liable to any distiller for the purchase price of any alcohol purchased in bulk by a permittee, but will allow the payment of the purchase price by the permittee directly to the distiller upon such terms as may be agreed between them.

Section 117.09. (As amended March 1, 1954) Prohibited Purchases and Sales.—Except as hereinafter provided, no permittee or any other person may purchase alcohol for repackaging or resale in its original state; provided, however, that this prohibition shall not be construed to apply to sales and/or transfers of alcohol between affiliates or subsidiaries holding Pennsylvania Manufacturers' Licenses (distilleries) and alcohol permits as herein required, if and when such alcohol is used by the licensees solely in blending and rectification of liquor.

Distillers may not sell alcohol to anyone in this Commonwealth, except to alcohol permittees in accordance with this regulation or to the board.

Section 117.10. Records to be Maintained by Alcohol Permittees.—All alcohol permittees shall maintain on the premises where the alcohol is used, for a period of two (2) years, complete and truthful records covering the purchase, importation and use of alcohol. These records shall consist of a stock ledger maintained on a perpetual inventory basis showing all withdrawals from stock and setting forth in detail the purpose for which the alcohol is to be used.

The records of alcohol permittees, and the premises wherein alcohol is stored and used, shall be open to inspection, during regular business hours, by the board or its duly authorized representatives.

Section 117.11. Reports to the Board.—AB Permittees shall submit monthly reports on forms provided by the board (Forms PLCB-42, 43 and 44). Such reports shall be filed with the Pennsylvania Liquor Control Board not later than the fifteenth (15th) day of the following month.

Section 117.12. Transfer of Permits Prohibited.—No alcohol permit may be transferred from one person to another.

An alcohol permittee who changes his address from that shown on his alcohol purchase permit card, shall file within fifteen (15) days thereafter an application for correction of permit.

If any change in ownership of the permittee's business takes place, the alcohol permit shall automatically terminate and a new application must be filed by the successor.

Section 117.13. Renewal of Alcohol Permits.—Every alcohol permit issued under this regulation shall expire December 31, of the calendar year for which issued.

Such permits may be renewed by the filing of an application accompanied by the required fee, at least thirty (30) days prior to the expiration date of the current permit.

Section 117.14. Revocation or Suspension of Alcohol Permits.—The board may revoke or suspend any alcohol permit issued under the provisions of this regulation, if after notice and hearing it shall appear to the board that the permittee has violated any law of the United States or of this Commonwealth, or any regulation of the board, relating to liquor, malt or brewed beverages, or alcohol. The action of the board in revoking or suspending the permit shall be final.

**REGULATION 118 PURCHASE OF LIQUOR BY
PHARMACISTS, HOSPITALS AND STATE
INSTITUTIONS**

(Effective June 26, 1952; as amended April 29, 1959, and November 4, 1963)

Section 118.01. *(As amended November 4, 1963)* **Applications and Permits.**—A registered pharmacist operating a drug store or pharmacy, who desires to purchase liquor from a State Liquor Store, at wholesale, and sell or dispense such liquor on prescription or use such liquor in the compounding of prescriptions, only, shall make application to the board for a Wholesale Liquor Purchase Permit (Pharmacies, Hospitals and Institutions). The application shall be made in the form provided by the board and shall be accompanied by a fee of \$2.00.

Hospitals and State-owned institutions desiring to purchase liquor from a State Liquor Store, at wholesale, and sell or dispense such liquor to patients upon prescription of a physician, or use such liquor in the compounding of prescriptions or medicines, only, shall make application to the board for a Wholesale Liquor Purchase Permit. The application shall be made on the form provided by the board, but no fee shall be required.

Upon receipt of an application in proper form, the board may issue to the applicant a Wholesale Purchase Permit as provided in Regulation 105, authorizing the purchase of liquor at wholesale in accordance with the provisions of Section 118.02 below.

All Wholesale Purchase Permits issued to Pharmacists, Hospitals and State-owned institutions shall expire December 31, of the year in which issued and may be renewed upon the filing, not later than December 1, of an application and in the case of Pharmacists, only, the prescribed fee of \$2.00.

The board may refuse to issue or renew a Wholesale Liquor Purchase Permit under this regulation if it is of the opinion, based upon evidence obtained, that the provisions of this regulation or of the laws of this Commonwealth relating to liquor, malt or brewed beverages and alcohol have not been or will not be complied with.

Section 118.02. Sales on Prescription Only.—The holder of a permit under this regulation may purchase at wholesale at a State Liquor Store, and sell, dispense, or use in the compounding of prescriptions and medicines only, whiskey, brandy, Holland gin, champagne, port and sherry wines (herein called and referred to as "liquor"). A pharmacist may sell or dispense on the premises of his drug store or pharmacy, only upon a written prescription of a duly licensed physician, dentist or veterinarian. Every prescription for liquor shall be signed by a duly licensed physician, dentist or veterinarian, shall be dated and shall contain the name and address of the person for whom the liquor is prescribed. No prescription for liquor shall be written, prepared or executed in or on the premises of a drug store or pharmacy. A prescription for liquor shall be filled only once and shall entitle the person named therein to not more than one quart of the particular liquor specified.

Section 118.03. Prescriptions to be Retained.—All prescriptions upon which liquor has been sold or dispensed, by a pharmacist, or in a hospital or State-owned institution, shall be retained for at least two (2) years on the premises of the drug store, pharmacy, hospital or State-owned institution and shall be available for inspection by any authorized representative of the board.

Section 118.04. *(Rescinded April 29, 1959)*

Section 118.05. Inspection—Records.—The premises of every Permittee under this regulation wherein liquor is sold or dispensed on prescription, shall be subject to inspection by authorized representatives of the board at any time during normal business hours.

All Permittees under this regulation shall keep and maintain upon the premises, books and records which shall show (a) quantity of liquor which has been purchased, the location of the State Store where procured, and the date purchased; (b) the name and address of the person to whom sold or dispensed, with quantity and date of sale; and, (c) quantity of liquor used in compounding prescriptions and medicines. These records shall be available for inspection by any authorized representative of the board at any time during normal business hours.

Section 118.06. Consumption in Pharmacy Prohibited.—No liquor purchased under this regulation shall be consumed on the premises of any pharmacy or drug store.

Section 118.07. Penalties.—Failure to maintain the records herein specified, or the sale, furnishing or dispensing of liquor by any permittee contrary to the provisions of this regulation and the Liquor Code, shall be sufficient cause for the suspension or revocation of the Wholesale Liquor Purchase Permit issued under this regulation and shall be construed as a violation of the Liquor Code.

REGULATION 119 WINES

(Effective June 26, 1952; as amended November 4, 1963)

Section 119.01. Purchase and Importation of Sacramental Wine.—The holder of a sacramental wine license may purchase from manufacturers within this Commonwealth, or import into the Commonwealth, only wine to be used solely for sacramental or religious purposes, and such purchases shall be consigned and delivered to the licensee.

Section 119.02. Sale and Delivery of Sacramental Wine.—A. Sales of sacramental wine may be made by the licensee only to a priest, clergyman or rabbi, duly ordained and in charge of a congregation, for use in the cathedral, church, synagogue or temple.

B. Sales of sacramental wine may be made by the licensee only to a priest, clergyman or rabbi, duly ordained and in charge of a congregation, for the use of sustaining members of the congregation or members of the faith who attend religious services, when religious rites of his denomination require the use of sacramental wine in the home.

The priest, clergyman or rabbi purchasing the wine shall furnish to the licensee the name and address of the member or family and the quantity of wine to be delivered; and, no sale or delivery shall be made until the names and addresses have been duly certified to the licensee.

Such sales are limited to an amount not exceeding ten (10) gallons annually to one family.

All deliveries shall be by the licensee direct to the home address as certified by the purchasing priest, clergyman or rabbi.

Section 119.03. Sacramental Wine Containers.—Containers for wine sold for use in the church, synagogue or temple under Section 119.02 (A), may be of glass or wood and of unlimited capacity. The wine sold by the holder of a sacramental wine license for use in the homes of members under Section 119.02 (B), shall be limited to containers not exceeding one gallon. Each container shall be capped or corked by the manufacturer or the holder of a sacramental wine license and shall have affixed thereto the official seal of the board as required by the Liquor Code.

Section 119.04. Records of Sacramental Wine Licensees.—The holder of a sacramental wine license shall keep in duplicate, daily records containing the date of purchase, the name and address of the person from whom purchased, the date of sale, the name and address of the priest, clergyman or rabbi to whom sold, and the kind, quantity and price of wine sold. Also, the name and address of members to whom wine is delivered direct, together with the quantity. A copy of all sales records shall be attached to the monthly report filed with the board, and a copy retained in the records of the licensee on the licensed premises for a period of two (2) years.

All stock of wine on hand shall be reconciled with the records by means of a physical inventory taken at the close of business each month, at which time proper claim shall be made for any unusual losses of wine through theft, evaporation, absorption, or other conditions. No retroactive claims for losses will be allowed.

The records maintained by licensees under this regulation shall be open to inspection by any representative of the board, during business hours.

Section 119.05. (*As amended November 4, 1963*) **Registration of Agents.**—It shall be unlawful for any sacramental wine licensee to employ individuals to solicit orders for sacramental wines or to promote the sale of such wines unless and until each such individual has been registered by the licensee with the board, in accordance with this regulation. Every application for registration shall be made upon forms provided by the board and shall set forth the name and address of the sacramental wine licensee together with the name and home address of the agent and any additional information required. The form shall be signed by both the sacramental wine licensee and the agent employed. Two photographs of the agent, exactly two by two inches in size, taken within two years, shall also be submitted therewith. Every application shall be accompanied by a remittance in the amount of \$10.00 for each agent to be registered, and an approved surety bond (form to be furnished by the board) in the penal sum of \$250.00. Such bond shall be conditioned for the faithful observance by the sacramental wine licensee, and the agent, of all the laws of the Commonwealth and regulations of the board, relating to liquor, alcohol and malt or brewed beverages. The board reserves the right to refuse to register any agent.

Section 119.06. Identification Cards.—Upon approval by the board of the licensee's application for registration of agents, there shall be issued to such authorized agents, identification cards containing the name and address of the licensee, and the name and address and physical description of the agent. There shall also be affixed to the identification card, a photograph of the agent, and no identification card shall be valid until signed by both the licensee, and the agent, and countersigned by a representative of the Pennsylvania Liquor Control Board.

Section 119.07. Privileges of Sacramental Wine Agents.—An agent of a sacramental wine licensee may solicit and obtain orders solely for sacramental wine and only from priests, rabbis or clergymen. No licensee or agent is permitted to contact persons other than priests, rabbis or clergymen. No agent of a sacramental wine licensee is permitted to have in his possession or on his truck any sacramental wine for which he does not have an order in his possession. No agent of the sacramental wine licensee may take orders for any alcoholic beverage except wine to be used for sacramental or religious purposes, unless such agent has been registered in accordance with the board's regulations, neither may he deliver any other type of merchandise. Every truck or vehicle used by a sacramental wine licensee or his agent, must be registered with the board in accordance with the Liquor Code and regulations of the board.

Section 119.08. Cancellation of Registration.—Any licensee may request the cancellation of an agent's registration by returning the identification card issued to the agent. The board shall cancel the registration so requested, and may release liability on the surety bond originally filed, provided there has been no breach of the condition of such bond. When the employment of any agent is terminated, the licensee shall immediately notify the board, and the identification card issued to the agent shall be surrendered to the board.

Section 119.09. Revocation or Suspension of Registration.—Upon learning of any violation of any regulation promulgated by the board, or any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, by the agent of the sacramental wine licensee, the board may cite such agent to appear before it or its examiner, not less than ten (10) days nor more than fifteen (15) days from the date of sending such agent,

by registered mail, a notice to show cause why the agent's registration should not be suspended or revoked. Upon such hearing, if satisfied that such violation has occurred, the board shall immediately suspend or revoke the agent's registration, notifying the licensee and the agent by registered mail. When a registration is suspended or revoked, the bond filed with the application for such registration may be forfeited, and the full amount of the bond, or any part thereof may be fixed as a penalty, and collected by the board. Any agent whose registration has been revoked shall be ineligible for re-registration under this regulation for such period of time as the board in its discretion shall determine. The action of the board shall be final.

Section 119.10. Wine to be Dispensed from Original Containers.—No wine may be dispensed by retail liquor licensees except from the original container purchased from Pennsylvania Liquor Stores.

Section 119.11. Destruction of Original Container by Licensees.—The original container of wine purchased from Pennsylvania Liquor Stores by licensee must be destroyed within twenty-four (24) hours after the contents have been removed therefrom, as required by Section 491 (5) of the Liquor Code, which provides "It shall be unlawful for any restaurant, hotel or club licensee, his servants, agents or employes, to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom."

This regulation is not intended to prohibit the use of decanter style bottles as original containers, but they must be destroyed within twenty-four (24) hours after emptied.

Section 119.12. Use of Dispensers.—This regulation is not intended to prohibit the use of siphons or other types of dispensers so long as the contents are dispensed directly from the original container.

Section 119.13. Wine in Kegs.—Wine in kegs of any capacity shall not be purchased or sold by the Pennsylvania Liquor Control Board.

No wine shall be sold through the board in containers exceeding one (1) gallon capacity.

REGULATION 120 BRANDIES FOR RELIGIOUS USE

(Effective June 26, 1952)

Section 120.01. Procurement of Brandy.—Members of a religious denomination who require for religious use specially prepared brandies not stocked in State Liquor Stores may obtain the same only during the months of March and April, in each year, on Special Order, solely from Permittees as hereinafter provided:

- A. Pennsylvania importers and manufacturers (including rectifiers) licensed by the board, desiring to accept orders for such brandies, shall obtain from the board, free of charge, upon application, Special Permit Cards for such purpose, for themselves only, (Registered Agents of such licensees may not solicit nor accept Special Orders for this type of merchandise). This Special Permit Card shall be exhibited at the State Store when such Special Orders are placed.

Section 120.02. Listings.—Applications for the establishment of selling prices for brandies for religious use shall be submitted on Form E-161 to the Pennsylvania Liquor Control Board, Purchasing Division, Harrisburg.

Section 120.03. Special Orders.—Orders for not less than one pint of such brandies may be accepted by Permittees, under this regulation, but shall be written on forms furnished by the board.

The total of such orders received from individuals, when transmitted to a State Store shall aggregate a full case; and shall be paid for in full when placed.

It will not be necessary for a Permittee, under this regulation, to ship the merchandise to a State Store, but no deliveries of individual bottle orders shall be made until a purchase order has been received by the Permittee from the board.

Section 120.04. Official Seals.—Each bottle of brandy sold under this regulation shall have thereto affixed the official decalcomania seal of the board, as provided in the Liquor Code, in such manner as prescribed by the board.

Section 120.05. Violations.—Any permittee hereunder who shall violate any of the provisions of this regulation shall be subject to the penalties provided in the Liquor Code.

REGULATION 121 IMPORTER LICENSES

(Effective June 26, 1952)

Section 121.01. Statutory Provisions.—Section 410 of the Liquor Code, provides:

“(e) Importers’ licenses shall permit the holders thereof to bring or import liquor from other states, foreign countries, or insular possessions of the United States, and purchase liquor from manufacturers located within this Commonwealth, to be sold outside of this Commonwealth or to Pennsylvania Liquor Stores within this Commonwealth, or when in original containers of ten gallons or greater capacity, to licensed manufacturers within this Commonwealth.

“All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee.

“(f) Every importer shall maintain on the licensed premises such records as the board may prescribe.”

Pursuant to and in accordance with the foregoing sections of the code, and for the more efficient administration thereof, this regulation is promulgated.

Section 121.02. Importation, Sales and Bottling.—Except as hereinafter provided, all liquors imported into and/or purchased within this Commonwealth and sold by the holder of an importer’s license, shall be in the original container in which it was received by such importer, which container has been capped, corked and labeled by the manufacturer. Such liquors, imported or purchased within this State, may not be reduced, repackaged, fortified, blended, rectified or compounded by the importer unless he also holds a manufacturer’s license issued by this board. However, the holder of an importer’s license may have liquor imported or purchased by him in Pennsylvania in bulk, bottled for him by the holder of a manufacturer’s license issued by this board. Such bulk liquor shall be bottled straight or reduced in proof only, and shall not be fortified, blended, rectified or compounded.

Section 121.03. Importations and Purchases by Distilleries Holding Importer Licenses.—A distillery which holds a manufacturer’s license, issued by this board, may not import any liquor from outside this Commonwealth nor purchase liquor from a Pennsylvania manufacturer unless such distiller also holds an Importer License issued by this board. When both such licenses are held, liquor may be imported or purchased from a Pennsylvania manufacturer, in bulk, by the holder thereof to be used in the manufacture, rectification, blending and reduction in proof for straight bottling. Liquors which have been rebottled, as well as rectified, and manufactured products, may be sold to the board, exported to other States, or sold to the holder of an Importer License within this State. Such importation or purchase of liquor must be for the sole use and benefit of the holder of the manufacturer’s license, and the liquor so imported or purchased may not be resold in its original state.

Pennsylvania manufacturers holding Importer Licenses may purchase liquor in bulk from other manufacturers in this Commonwealth in accordance with the following procedure:

Bulk sales will be permitted only in quantities of 50 gallons or more for each sale. Manufacturers desiring to purchase liquor in bulk must place their

orders with the Purchasing Division of the board in Harrisburg. Every order shall set forth:

- A. The name and address of the manufacturer.
- B. The name and address of the person or firm to which the order is directed.
- C. Description of the liquor desired.
- D. Manner in which the liquor is to be packed (size and number of containers).
- E. Manner in which the liquor is to be shipped—name of carrier (if the carrier is a trucking company said carrier must hold a valid Transporter-for-Hire Permit issued by the board).

Every order shall be accompanied by a remittance in the amount of \$2.00. The board will not be liable to any vendor for the purchase price of liquor purchased hereunder in bulk, nor for any transportation charges or claims in connection therewith.

Upon approval by the board of an order from a manufacturer, the order will be forwarded to the person or firm to which directed and the vendor notified to make shipment to the Pennsylvania Liquor Control Board at the destination given in the order. The board will furnish the vendor with seals which shall be affixed by him to each container of the shipment to identify such container as a liquor purchased in Pennsylvania.

The board will also furnish the purchaser with a Notice of Release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier will in turn sign the original in the space provided and forward it to the Liquor Control Board in Harrisburg, retaining the other copy for his file.

The board reserves the right to inspect purchases made under this regulation and also all records covering transactions under this regulation.

Section 121.04. Records to be Maintained by Importers.—The holder of an Importer License shall keep on the licensed premises for a period of two (2) years daily records on forms approved by the board, showing all transactions in liquor. These records shall show particularly the date of purchase, the name and address of the person from whom purchased, the kind and quantity of liquor purchased, and if purchased in bulk and bottled in Pennsylvania, the name and address of the manufacturer therein that bottled the bulk liquor, together with the kind and quantity thereof so purchased and bottled, the date of sale, the name and address of the person to whom sold and the kind, quantity and price of the liquor sold.

Records must also be maintained for all liquor withdrawn from stock. Such records shall show the date of withdrawal, quantity withdrawn and the purpose for which used.

Section 121.05. Monthly Reports.—All importers shall, on or before the 15th day of each and every month, file with the board monthly reports covering the operation of their licensed business during the preceding month. Said reports shall be on Form PLCB-44, with attached schedules on Forms 43-A and 43-B. Duplicate copy of these reports shall be retained on the licensed premises for a period of two (2) years.

REGULATION 122 SIGNS, ADVERTISING, LABELING

(Effective June 26, 1952; as amended December 23, 1965, May 8, 1967 and April 24, 1970)

Section 122.01 *(As amended April 24, 1970)* Billboard, Newspaper, Magazine, Radio and Television Advertising of Malt or Brewed Beverages. Manufacturers of malt or brewed beverages, importing distributors and distributors may advertise in or by billboards, newspapers, magazines, radio and television, provided such advertisement makes no direct or indirect reference to the price at which such manufacturer, importing distributor and/or distributor will sell malt or brewed beverages or imply an inducement by the use of words or expressions, such as "Special," "Save," "Big Value," "Get Acquainted Offer," etc.

Manufacturers of malt or brewed beverages and importing distributors may include the names and addresses of all distributors and importing distributors to whom they sell in the locality covered by such billboard, newspaper, magazine, radio and television advertising. No discrimination may be shown to one distributor or importing distributor over another, and if more than one distributor or importing distributor purchases the products from the manufacturer or importing distributor in a given area covered by any such advertisement, the names and addresses of all who purchase the product directly from the advertiser shall be displayed or mentioned in equal prominence; otherwise none may be displayed or mentioned.

Section 122.02 *(As amended April 24, 1970)* Window and Doorway Advertising of Brand Names. No licensee shall install or permit to be installed any electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers and similar items advertising brand names and intended for window and doorway display on the licensed premises until he has submitted detailed information to the Board on Form PLCB-948, and obtained Board approval. Such signs shall not exceed 300 square inches in display area and must carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign must accompany the application Form PLCB-948.

Only one sign (electric, lithograph, etc.) advertising the products of one manufacturer may be installed in the show windows or doorways of any one establishment.

If the approved sign, lithograph or similar material is of maximum size, no crepe paper or other background material may be used in conjunction with the installation. When installing approved signs of smaller area, if crepe paper or other background or decorative material is used, the combined area of the approved sign and background or decoration shall not exceed the maximum area of 300 square inches.

No brand name advertising matter shall be painted or affixed in any manner to the inside or outside of the glass in show windows or doorways of licensed establishments.

Section 122.03 *(As amended April 24, 1970)* Interior Advertising of Brand Names (other than window and doorway) No licensee shall install or permit to be installed any electrically operated signs or devices,

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lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers and similar point-of-sale items advertising brand names and intended for interior display on the licensed premises until he has submitted detailed information to the Board on Form PLCB-948, and obtained Board approval. No single piece of advertising shall exceed a cost of \$10.00, and such signs must carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign must accompany the application Form PLCB-948.

If the approved sign, lithograph or similar material, is of maximum value no crepe paper or other background material may be used in conjunction with the installation. If the approved display piece is of less than the maximum value, crepe paper, background or other decorative material may be used; however, the combined cost of the piece of advertising and crepe paper, background, etc., may not exceed \$10.00.

The Liquor Code provides that the total cost of all such point-of-sale advertising matter relating to products of any one manufacturer shall not exceed the sum of \$20.00.

Signs or displays intended for use interchangeably in a window, doorway or in the interior must meet both statutory requirements as to maximum area of 300 square inches and maximum value of \$10.00.

Section 122.04 (As amended April 24, 1970) Prohibition Against Giving and Accepting Things of Value. Except as hereinafter provided, no licensee or group of licensees, or their servants, agents or employes, shall directly or indirectly, in person, individually or through a trade organization, contribute to or accept from another licensee or group of licensees of a different class, their servants, agents or employes, or a trade organization of licensees of a different class, anything of value by means of advertisements, contributions, purchase or sale of tickets, donations, or by any device or for any purpose whatsoever. Nothing contained herein shall prohibit manufacturers of alcoholic beverages and their servants, agents, or representatives from participating in the activities of State or National conventions of State or National organizations of retail liquor licensees or distributor and/or importing distributor malt beverage licensees.

Such participation shall be limited to the payment of registration fees entitling registrant to admission to the convention, to the insertion of advertising in the convention program of the State or National convention aforesaid and to the furnishing of food, beverages and entertainment to persons who are bona fide registrants at such conventions.

No licensee may furnish to, or do, or cause to be done for another licensee, and no licensee shall permit to be furnished to him, any painting of any sort, under any pretext whatsoever, whether or not such painting may be paid for by the licensee for whom done.

Section 122.05 (As amended April 24, 1970) Advertising Novelties. Board approval must be obtained before any distribution is made of advertising novelties. The request for approval may be submitted in letter form and should include the source of purchase, quantity, unit cost, the exact advertising copy to be imprinted thereon, together with a photograph, catalogue picture, sketch or sample of the novelty.

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Section 122.06. Labeling and Advertising of Wine and Distilled Spirits.—For the protection of the public, and as it is deemed advisable that there be cooperation between the Federal Authorities and the respective states in the adoption of regulations so that they may be uniform, the Pennsylvania Liquor Control Board herewith adopts as its regulation Federal Regulation No. 4 as now or hereafter amended, relating to labeling and advertising of wine, and Federal Regulation No. 5 as now or hereafter amended, relating to labeling and advertising of distilled spirits, insofar as both regulations are applicable to the traffic in wine and distilled spirits within this Commonwealth and not contrary to or inconsistent with the provisions of the laws of Pennsylvania and regulations of the board.

Section 122.07 (*As amended April 24, 1970*) **Advertising of Liquor, Wine or Malt or Brewed Beverages.** Except as hereinafter provided no licensee or permittee shall distribute by mail, personally, or through servants, agents or employes, price lists, circulars or handbills off the licensed premises to the general public as a means of advertising liquor, wine or malt or brewed beverages. Nothing herein contained shall be construed to prohibit distributors, importing distributors or manufacturers of malt or brewed beverages licensed by the Board, or licensed vendors selling liquors to the Pennsylvania Liquor Control Board and holding a Manufacturer's, Importer's or Limited Winery License, or a Vendor's Permit from notifying licensees of the Board by mail, personally or through servants, agents or employes, the sales price of malt or brewed beverages or liquors to such licensed purchasers, or from furnishing descriptive brochures, pamphlets and items of a similar nature regarding their products to such licensed or other prospective purchasers.

Rough copy and lay-outs for all proposed direct mail advertising shall be submitted, before use, to the Board at Harrisburg for approval.

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**REGULATION 123 DISTILLERY CERTIFICATE
BROKERS**

(Effective June 26, 1952)

Section 123.01. Records to be Maintained.—Distillery Certificate Brokers licensed by the Pennsylvania Liquor Control Board shall maintain at their licensed Pennsylvania address complete and truthful records covering their operations as brokers in Pennsylvania. Such records shall include the name and address of the distillery or person from whom distillery bonded warehouse certificates are purchased, the serial numbers thereof, the purchase price, the date of purchase, number of barrels with their serial numbers and the age of the whiskey covered by such certificates.

The name and address of the person, or persons, to whom all certificates are sold and the selling price thereof, together with the date of sale shall also be included as shall all profits and commissions earned by the broker on the sale of certificates, whether such certificates were actually owned by the broker or not.

Records shall also be maintained, covering the receipt and disposition of all samples, obtained in accordance with the provisions of this regulation.

All records maintained by Distillery Certificate Brokers shall be open to inspection by authorized representatives of the Pennsylvania Liquor Control Board during regular business hours.

Section 123.02. Samples for Brokers.—Distillery Certificate Brokers licensed by the board may obtain samples of liquor as may be required from distillers in Pennsylvania or outside the State in the following manner: A written request in the form prescribed by the board shall be made by the broker to the distillery from which the sample, or samples, are desired and a copy of such letter shall be submitted at the same time to the Purchasing Division of the board at Harrisburg. This Division will, if the request is approved, assign a release number to the transaction and notify the distillery from which the sample, or samples, have been requested by letter that shipment may be made. The distillery will be furnished, with this letter of authority, the required number of decalcomania seals of the board which must be affixed to each bottle of the shipment. Samples may then be shipped, using the label supplied by the broker, to the Pennsylvania Liquor Control Board at either of the following designated stores: (or any other store which the board may designate) Store No. 5128, 1422 South Penn Square, Philadelphia, Pennsylvania, or Store No. 0207, 340 Boulevard of the Allies, Pittsburgh, Pennsylvania. A release under the same number will then be issued to the broker, which release must be presented in duplicate to the State Store in order to obtain possession of the sample, or samples.

All samples shipped to brokers in accordance with this regulation must be packaged in four (4) ounce bottles bearing labels with at least the following information:

- A. Name and location of the distillery.
- B. Exact date of distillation.
- C. Proof when entered into bond.
- D. Date withdrawn from bond.
- E. Proof when withdrawn from bond.
- F. Serial number of containers from which withdrawn.

In order that the merchandise may be properly identified when it reaches the State Store, the distiller shall mark plainly on the package the release number as assigned by the Purchasing Division, and the name of the Distillery Certificate Broker.

**REGULATION 124 UNLAWFUL MANUFACTURE OF
LIQUOR; COMPENSATION TO INFORMERS**

(Effective June 26, 1952)

Section 124.01. Location of Illicit Stills; Arrest and Conviction of Operators.—The efficient administration of the Liquor Code requires the suppression of the unlawful manufacture of intoxicating liquor, and to that end the Pennsylvania Liquor Control Board will in its discretion pay for information leading to the location and seizure of illicit stills and the arrest and conviction of persons engaged in the operation of such stills.

Section 124.02. Compensation.—Compensation to informers shall be based in each case upon the gallon capacity of the illicit still seized by reason of the information furnished, and the amount of such compensation shall be fixed by agreement between the board and the informer but will be paid only after the seizure of such still by the duly constituted agents of the board.

REGULATION 125 SALES TO THE BOARD OF LIQUORS, OTHER THAN WINES

(Effective June 26, 1952)

Section 125.01. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

- A. "Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.
- B. "Person" shall mean every natural person, association, or corporation.
- C. "Manufacturer" shall mean any person engaged in the manufacture, rectification, or compounding of liquors, other than wines, or any agent or representative of such manufacturer.
- D. "State, territory, or country of origin" shall mean the place where liquors other than wines, offered for sale to the board, are manufactured, rectified or compounded (prepared for the market).

Section 125.02. Sales to the Board.—Persons desiring to sell to the board, liquors other than wines not manufactured in this Commonwealth, shall make application for, and be granted, a Permit by the board before such liquor will be purchased from such persons. (Form of application will be furnished by the board). The fee for such permit shall be on a reciprocal basis, as provided in the Liquor Code. However, a licensed Pennsylvania Importer shall not be required to obtain such Permit if the liquor is wholly owned by the Importer. Persons holding Importer Licenses issued by the board who desire to sell to the board, liquors other than wine manufactured outside of this Commonwealth, and not wholly owned by the Importer, shall obtain a Permit and pay to the board such reciprocal fee, if any, if not previously paid by or for the manufacturer thereof.

**REGULATION 126 OFFICIAL SEAL OF THE BOARD
(DECALCOMANIA SEALS)**

(Effective June 26, 1952; as amended June 5 1958)

Section 126.01. Seals to be Affixed to Bottles.—It shall be the duty of each vendor supplying liquor to the Pennsylvania Liquor Control Board to affix to all containers and bottles shipped to the board the official decalcomania seal of the board. By arrangement in advance, representatives of the board may affix the official decalcomania seal of the board to unsolicited special orders and to merchandise received from beyond geographical boundaries of the United States (foreign imports), and vendors supplying such merchandise will be invoiced at cost to the board, but not less than fifty cents (50¢) per case for this service.

Section 126.02. Seals to be Accounted for by Vendors.—Vendors receiving, using, affixing or otherwise disposing of any decalcomania seals provided for in this regulation shall be held strictly accountable for all such seals that come into the vendor's possession. No credit for losses or tolerance will be allowed unless and until audits of the vendors' seal accounts are made and/or adjustment of such accounts approved in writing by the board.

All damaged or mutilated decalcomania seals that vendors consider unusable for affixing to bottles shall be retained by the vendors for examination by authorized representatives of the board, and such seals shall be destroyed by such representatives if and when they are satisfied that the seals are unusable. Explanation for losses of seals not accounted for must be made to the satisfaction of the board.

Merchandise presealed in anticipation of its shipment to the board, and merchandise so sealed shipped to and returned by the board to vendors shall not be shipped by such vendors to any person or persons other than the board unless and until arrangements have been made with the board for the removal of and accounting for such seals. Seals shall not be removed from presealed merchandise for any reason whatever unless and until arrangements have been made with the board for the removal and accounting for such seals.

Vendors may furnish to manufacturers, wholesalers and bottlers of liquor supplying the liquor to such vendors for delivery to the board, decalcomania seals provided such seals are either transmitted by registered mail and Return Receipt Card retained, or delivered personally and receipt therefore obtained and retained by the vendors. All such Registered—Return Receipt Cards and personal delivery receipts shall be exhibited by the vendors to representatives of the board upon request.

Decalcomania seals sold to vendors furnishing liquor to the board shall be held and used by such vendors subject to the provisions of this regulation, and the board reserves the right to require the return of such seals as the board may deem unnecessary or when in the opinion of the board an excessive amount of seals are in the possession of vendors. The board will reimburse vendors for the cost price paid by them for all usable seals returned to the board.

Section 126.03. Records to be Maintained.—Each vendor coming into possession of Pennsylvania Liquor Control Board decalcomania seals will be required to keep true and accurate records of all seals received, and from whom received, and all seals affixed to bottles for shipment to the board; record of all shipments of sealed bottles to the board; records of all seals mutilated or lost in connection with bottling operations; seal losses for any

other reason whatsoever ; and, all seals transferred to any subsidiary or any other agency authorized to receive them. These records shall be maintained currently, reported monthly or as otherwise required, and be available and subject to audit by authorized representatives of the board or the Auditor General at any time.

Section 126.04. (*As amended June 5, 1958*) **Reports.**—Vendors receiving, using or affixing decalcomania seals shall file with the board monthly decalcomania seal reports and/or such other reports with respect to seals as the board shall from time to time prescribe. All such reports shall be made upon forms furnished by the board, and shall be signed and sworn to by the vendors or by their duly authorized agents. The monthly reports shall be filed with the board on or before the 15th day of the month immediately succeeding the month for which the report is prepared.

Section 126.05. Cost of an Annual Audit.—The full amount of the transportation and subsistence expenses of authorized representatives of the board, incurred in making an annual audit of seals of any vendor outside of this Commonwealth, shall be paid to the board by such vendor upon presentation of an invoice.

Section 126.06. Penalties.—Violation of any of the provisions of this regulation by a vendor shall be deemed sufficient cause for citation of such vendor and the suspension or revocation of his license and/or his sales permit, and/or the suspension of sales of the vendor's merchandise at Pennsylvania Liquor Stores for such period as the board shall determine.

**REGULATION 127 PERSONAL PHOTOGRAPHS OF
APPLICANTS, MANAGERS AND PHOTOGRAPHS OF
PREMISES**

(Effective June 26, 1952)

Section 127.01. Personal Photographs.—Two (2) photographs shall be required of all persons applying as individuals, members of a partnership, or principal officers of a corporation, for retail liquor licenses, except public service and club licenses; retail dispenser malt beverage licenses, except public service and club licenses; and distributor or importing distributor licenses. Applications for appointment of managers, shall not be considered unless accompanied by two photographs of the proposed manager. Personal photographs shall bear, on the back, the name of the individual and the address of the establishment, shall be at least 2" x 3" in size, unmounted, and taken within one year of the date submitted.

Two (2) photographs shall be required of all applicants for Registration as Agent. Photographs of the agent to be registered shall be 1½" square, unmounted, and taken within 30 days of the date of filing.

Section 127.02. Photographs of Premises.—Applications for new retail liquor or retail dispenser malt beverage licenses and all applications for transfer thereof, except public service licenses, shall be accompanied by four (4) photographs of the premises proposed to be licensed, two (2) photographs to be a view of the exterior of the building, showing the street number, if any, the other two (2) to be a view of the main serving room.

Applications for new distributor and importing distributor licenses and all applications for transfer thereof, shall be accompanied by two (2) photographs each of the exterior of the principal place of business and all additional storage warehouses, showing the street number, if any.

All photographs shall be at least 5" x 7" in size, unmounted, and shall bear on the back the name of the applicant and address of the establishment. If any material physical change is made to the exterior or interior of the licensed premises after the license has been issued, new photographs shall be required.

Section 127.03. Renewal of Photographs.—Personal photographs of licensees, principal officers of a corporation, except public service and club licensees; and managers of licensed establishments shall be renewed every three years. The new photographs shall be filed with the application for renewal of license at regular three year intervals.

Personal photographs of Registered Agents shall be renewed every year. New photographs, as required herein, shall be filed with each application for renewal of Registration of Agent.

**REGULATION 128 SALES OF LIQUOR TO CHEMISTS
AND MANUFACTURING PHARMACISTS**

(Effective October 10, 1952)

Section 128.01. Requirement for Liquor.—Chemists and manufacturing pharmacists may, as herein prescribed, obtain through the State Stores at wholesale prices, or through the Bureau of Purchases of the board in Harrisburg, liquors customarily and actually used in the operation of their business.

Chemists, desiring to obtain liquor solely for experimental purposes from manufacturers or vendors within or outside this Commonwealth, shall apply to the board at Harrisburg, for permission, which will be granted or refused at the discretion of the board.

Section 128.02. Applications and Permits.—Every chemist and manufacturing pharmacist who desire to purchase liquors under this regulation shall apply to the board for a permit.

Application for such permit shall be made by and in the name of the owner, if a natural person; by an authorized partner, if a partnership; or, by a principal officer, if a corporation. Every application shall be accompanied by a permit fee of \$5.00, and shall set forth:

- A. The name under which the applicant's business is operated.
- B. The address, including street and number, of the applicant's principal place of business in this Commonwealth.
- C. The name and description of each product or process in which liquor is used.
- D. The name, type and quantity of liquor customarily and actually used in each product or process.
- E. Such other information as the board shall require.

Every application shall be verified by oath or affirmation of the applicant that the liquors described in the application are to be used solely for the listed purposes.

Upon receipt of the application in proper form, the board will in its discretion issue to such person a Wholesale Liquor Purchase Permit Card authorizing the purchase of the type or types of liquor required by him.

Such cards shall be subject to the provisions of Regulation 105, entitled: "Wholesale Liquor Purchase Permit Cards."

Permittees may purchase the liquor designated in their permits in either manner prescribed herein.

All permits herein described shall expire December 31, of the year in which issued and may be renewed upon the filing, not later than December 1, of an application for renewal, accompanied by the prescribed permit fee of \$5.00.

Section 128.03. Wholesale Sales at State Stores.—Upon presentation of the permit, such permittees may purchase liquor at wholesale from stock merchandise or through special order, at any State Liquor Store. Sales at wholesale will be made only in containers not exceeding one gallon each and will be at such rates as the board shall establish.

Section 128.04. Bulk Purchases.—Bulk purchases will be allowed under this regulation only in quantities of fifty (50) gallons or more per order

consisting of not less than twelve (12) gallons per type in containers of one gallon or larger capacity. Where operating conditions do not permit supplying such sizes, the board may, upon receipt of a written application setting forth satisfactory reasons, permit the use of smaller sizes. The board will not approve applications for sizes smaller than a gallon if the same brands are listed for sale in State Stores. Permittees shall place their orders with the Bureau of Purchases of the board at Harrisburg. Each order shall set forth:

- A. Name and address of the purchaser.
- B. Name and address of the person or firm to whom the order is directed.
- C. Brand name and/or description of the liquor desired.
- D. Manner in which the liquor is to be packed (size and number of containers).
- E. Manner in which the liquor is to be shipped—name of carrier (if the carrier is a trucking company, such carrier must hold a valid transporter-for-hire license issued by the board).
- F. Destination to which shipment is to be made.

Every order shall be accompanied by a remittance in the amount of \$2.00. The board will not be liable to any vendor for the purchase price of liquor purchased hereunder, nor for any transportation charges, or claims, in connection therewith.

Upon approval by the board of an order from a permittee, the order will be forwarded to the specified vendor who will be notified to make shipment to the Pennsylvania Liquor Control Board at the destination given in the order. The board will furnish such vendor with seals which shall be affixed by him to each container of the shipment to identify such container as a legal purchase in Pennsylvania.

The board will also furnish the purchaser with a Notice of Release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier will sign the original in the space provided and forward it to the board in Harrisburg, retaining the other copy for his file.

The board reserves the right to inspect purchases made under this regulation, as well as all records covering transactions hereunder.

Section 128.05. Refusal of Board to Purchase Liquor, and Revocation of Permits.—The board may in any case refuse to purchase or import liquor for any permittee, or may revoke any permit issued under this regulation, if after notice and hearing it shall appear to the board that the permittee has used any liquor purchased under this regulation for any purpose other than that set forth in his application, or has violated any law of the Commonwealth or regulation of the board relating to liquor, malt or brewed beverage or alcohol. The action of the board in refusing to purchase liquor and/or revoking a permit, shall be final.

REGULATION 129 PROMOTION OF SALE OF LIQUORS BY VENDORS

(Effective November 2, 1964; Amended December 10, 1968)

Section 129.01. Definitions. The following words, unless the context clearly indicates otherwise, shall have the meanings hereinafter ascribed to them:

A. "Licensee" shall mean any person, partnership, association or corporation holding a Pennsylvania hotel, restaurant, club, or public service liquor license.

B. "Licensed Vendor" shall mean a natural person, partnership, association or corporation selling liquors to the Pennsylvania Liquor Control Board and holding a Pennsylvania Manufacturer's or Importer's License, or a Vendor's Permit.

C. "Vendor's Permit" shall mean a permit issued to a non-resident vendor under the provisions of Section 208 (j) of the Liquor Code, entitling such vendor to register agents in accordance with this regulation. An application for such permit shall be filed with the Board accompanied by a filing fee of \$20.00, permit fee of \$100.00 and an approved corporate surety bond in the penal sum of \$2,000.00. Such permit shall be issued for the calendar year.

D. "Agent" shall mean any individual employed and registered as herein provided by a Licensed Vendor to promote the sale of liquor through Pennsylvania State Liquor Stores, but no person who is a licensee as herein defined, or the holder of a malt or brewed beverage license, or an officer, director, agent or employe of either a licensee as defined or a malt or brewed beverage licensee, or who is not at least 21 years of age, a citizen of the United States, and of good repute, shall be eligible to be registered as an agent of any vendor under this regulation.

E. "Special Order Listing" shall mean the formal filing with the Board, on its prescribed form, of such information as the Board shall require as to brand, age, proof, type, blend, cost, etc., of liquors to be sold through the Special Liquor Order Division, but no such listing shall become effective until approved by the Board or its duly authorized representative.

F. "Stock Merchandise" shall mean any liquors which are obtainable at a State Liquor Store, without placing a special liquor order.

G. "Miniature" shall mean any container, as prepared by the manufacturer for the market, containing less than six (6) ounces of any liquor.

H. Other words and phrases used in this regulation shall have the meaning ascribed to them in the Liquor Code as amended, and if not defined therein shall have their usual and customary meanings.

Section 129.02. Registration of Agents.**A. Solicitation by Un-Registered Agents Prohibited**

No vendor shall employ agents, salesmen or solicitors to promote the sale of his products in this Commonwealth unless and until such agents, salesmen or solicitors have been registered with the Board in accordance with the provisions of this regulation and have been issued identification cards, as herein provided. No individual shall act as an agent, salesman or solicitor for any vendor in promoting the sales of such vendor's liquors in this Commonwealth unless and until he has been properly registered and has been issued such identification card.

B. Applications for Registration

A vendor of liquors to the Pennsylvania Liquor Control Board who desires to employ agents to call upon retail licensees and other persons to promote the sale of his brands of liquor through the State Liquor Stores and/or on special order, must be the holder of a Pennsylvania Manufacturer's or Importer's Liquor License, or a Vendor's Permit. Such vendor is then known as a "Licensed Vendor" and is eligible to register agents in accordance with this regulation. The "Licensed Vendor" shall make application for the registration of agents on the form provided by the Board, setting forth such information as the Board may from time to time require.

The application shall set forth the full address of the place where complete records are maintained covering the vendor's Pennsylvania operations. In the case of a Pennsylvania Manufacturer or Importer, such records shall be maintained within this Commonwealth. If, in the case of the holder of a Vendor's Permit, the records are maintained outside the Commonwealth, the application shall contain an agreement by the vendor that the records are, during all business hours, open to inspection and audit by representatives of this Board, and that the full amount of transportation and traveling expenses of such representatives incurred in making the inspection and/or audit outside this Commonwealth will be paid to the Board by such vendor.

With each vendor's application there shall be filed a "Statement of Agent" for each agent for whom registration is requested. This "Statement of Agent" shall be on the form provided by the Board and shall contain such information as the Board may from time to time require. Accompanying the "Statement of Agent" there shall be two unmounted photographs of each agent 1½" square and taken within thirty days of the date of filing.

The agent to be registered shall present himself for fingerprinting at any one of the Enforcement Offices of the Board located at Allentown, Altoona, Erie, Harrisburg, Philadelphia, Pittsburgh, Punxsutawney, Wilkes-Barre and Williamsport. The "Statement of Agent" and photographs must be submitted by the agent at this time. If the agent to be registered has been previously registered and fingerprinted as an agent as herein defined, the provisions of this paragraph may be waived and the application and photographs submitted directly to Harrisburg.

C. Filing Fee and Bond

In order to register a new agent, a vendor shall be required to pay a filing fee of \$20.00. In the event the application for registration is refused the filing fee will be retained by the Board. All registrations shall expire December 31, of the year in which they become effective.

The application for registration of agent shall also be accompanied by an approved corporate surety bond (form to be furnished by the Board) in the penal sum of \$500.00 for each agent to be registered. Each bond shall be conditioned for the faithful observance by the registered agent of all the laws of this Commonwealth relating to alcohol, liquor and malt or brewed beverages and all the regulations of the Board.

D. Renewal of Registration

The registration of agent may be renewed for a period of one calendar year upon the filing by the Licensed Vendor of an application for renewal of registration, new surety bond and the payment of a filing fee of \$20.00. A "Statement of Agent" for each agent to be registered shall also accompany the application as shall new photographs of each agent, 1½" square, taken within thirty days of the filing of the application. Applications for renewal of registration, accompanied by all the necessary forms, etc., shall be filed with the Board at the Harrisburg office not later than December 1, of each year.

Section 129.03. Privileges of Registered Agents. Agents properly registered by a Licensed Vendor and holding identification cards as herein provided, may advertise and promote the sale of stock merchandise by "missionary work" of only those brands sold to the Board by the vendor by whom said agents are registered. Missionary work may include the use of the "Agent's Order" form approved by the Board.

Agents may also solicit and obtain from retail purchasers orders for stock merchandise or gift certificates for stock merchandise.

Agents may also solicit and obtain from licensees or other persons, orders for those brands of liquor which have been listed with the Special Order Division, as herein provided, by the vendors by whom said agents are registered. All special orders obtained by the registered agents shall be filed with one of the State Liquor Stores as provided herein.

Section 129.04. Identification Cards - Individual Vendors and Registered Agents. No vendor shall personally solicit orders or promote the sale of his products unless he has submitted photographs of himself and has been issued an identification card, as herein provided for registered agents. No application, bond, or fee will be required for this card.

Upon approval by the Board of a Licensed Vendor's application for registration of agents, there shall be issued to such authorized agents, identification cards containing the name and address of the Licensed Vendor, and the name and physical description of the agent. There shall also be affixed to the identification card a photograph of the agent, and such card shall be countersigned by a representative of the Pennsyl-

vania Liquor Control Board. The identification card, if mailed, will be mailed by the Board to the applicant Licensed Vendor for delivery to the agent. The agent shall return the identification card to the Licensed Vendor when requested.

When the employment of any agent is terminated, the vendor shall immediately notify the Board on the form provided for cancellation and the identification card issued to the agent shall be surrendered to the Board. Liability on the bond which was filed, covering such agent, will be released for the balance of the registration period if the Board is satisfied that such agent has not within the past year, violated any of the laws of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages, or any regulation of the Board.

Section 129.05. Refusal and Cancellation of Registrations. The Pennsylvania Liquor Control Board reserves the right to refuse any application for registration of agent. A Licensed Vendor may request the cancellation of any of his or its agent's registration by returning the identification card and order books (or notice of transfer of books) issued to the agent, together with a written request for such cancellation on the form provided by the Board. Forms will be furnished upon request to the Bureau of Licensing, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania. The Board will, in its discretion, cancel the registration so requested, and if cancelled, issue a release from subsequent liability on the surety bond originally filed, provided there has been no breach of the conditions of said bond.

Section 129.06. Special Order Listings. No brand of liquor shall be accepted for Special Order Listing under this regulation unless and until such brand conforms with the Board's requirements for listing as stock merchandise.

All listings of liquor, except wine, shall be limited to case quantities containing not less than 240 fluid ounces unless specially authorized by the Board. Listings of wines and liquors in quarts will not be accepted if $\frac{4}{5}$ quarts of the same brand are sold as stock merchandise. Also, listings in $\frac{4}{5}$ quarts will not be accepted if the same brand is sold in quarts as stock merchandise. Other listings shall be at the discretion of the Board.

If a vendor has a brand of liquor except wine listed as stock merchandise, the Board will not accept for listing by him under this regulation any other brand of the same class, unless the cost to the Board is at least \$3.00 per case more than the cost of the brand listed as stock merchandise, except when specially authorized by the Board.

For the purpose of this regulation, change of proof or age shall not be considered as a different class except when such change in proof or age causes a change in class under Federal law or regulations.

If a vendor has a brand of liquor except wine, listed as stock merchandise and stocked in the State Stores in two bottle sizes, he may not list the same brand in a third bottle size on special order under this regulation unless specially authorized by the Board.

If a vendor has any stock listed brand of United States wine selling at the lowest price, then the Board will not accept from him for Special Liquor Order Listing another brand of the same type that would sell for the same or lower price.

No listing of combination cases or assortments containing whiskies or dry gins will be accepted or considered by the Board. No listing shall be effective, nor shall prices be quoted, nor orders solicited therefor, until such listing has been approved by the Board and the selling prices formally released, in writing, to the vendor. The cost prices upon which such selling prices are based, shall not become effective until the aforementioned selling prices are released.

The Board reserves the right to cancel at any time any special order listing, or to list any brand or brands of liquor as stock merchandise.

It is the intent of this regulation that vendors shall not compete on special order with items sold to the Pennsylvania Liquor Control Board as stock merchandise.

Section 129.07. Order Books. Upon approval of the Licensed Vendor's application for registration and the issuance of identification cards to his registered agents, the Board, upon request, will issue to such Licensed Vendor order books for himself and his registered agents, in which each special order for liquors shall be entered. Each agent's order shall be prepared in quadruplicate and shall bear the signature and address of the person from whom the order is obtained, and the signature of the registered agent. In the case of a licensee, the order shall in addition set forth the license number. The agent's original order shall be forwarded by the Licensed Vendor or his registered agent to a State Liquor Store not later than the next business day after the order is obtained. One copy of the order shall be furnished by the vendor or his registered agent to the person from whom the order is obtained; one copy shall be retained by the Licensed Vendor for his records; and, the other copy shall remain in the agent's order book. When the order book of an agent has been filled, it shall be returned to the Pennsylvania Liquor Control Board at Harrisburg. The Board reserves the right to examine any records of any Licensed Vendor and/or his registered agents pertaining to all transactions under this regulation.

Upon cancellation of an agent's registration, partially used order books may be assigned to and used by another agent of the same vendor after written request to, and approval by, the Special Liquor Order Division of the Board at Harrisburg.

Licensed Vendors shall pay to the Pennsylvania Liquor Control Board the sum of \$1.00 for each order book furnished to them, such order books to contain fifty (50) sets of order blanks. A Licensed Vendor shall not be entitled to have in his possession at any one time more than four (4) order books for each agent registered with the Board.

Section 129.08. Special Orders - Requirements and Conditions. All agent's orders obtained in accordance with the provisions of this regulation and presented by Licensed Vendors or their registered agents to State Liquor Stores, for and on behalf of licensees, shall be filed at the

established wholesale case prices prescribed by the Board for sales to licensees. Provided, however, that the wholesale prices shall apply only if the retail value of the order equals or exceeds the minimum retail value established by the Board for obtaining licensee's discount.

All agent's orders presented at State Liquor Stores by registered agents on behalf of other than licensees, shall be at the established retail Special Liquor Order prices. No order shall be taken for less than case quantities as herinbefore provided.

A Licensed Vendor or his or its registered agents, shall not obtain or accept an order from either a licensee or other person under this regulation unless there is obtained from the licensee or other person at the same time, a sum not less than the amount required by the Board for deposit on Special Order sales under the Liquor Code (now 25%). State Liquor Stores may, at the time of receiving the agent's order and/or the releasing of the liquor at such stores to the purchaser thereof, accept checks of licensees in payment.

A LICENSED VENDOR OR HIS REGISTERED AGENT SHALL NOT EXTEND CREDIT TO A LICENSEE OR ANY OTHER PERSON.

Unless specially authorized by the Board, no liquor, except wine, shall be delivered to the Board unless each bottle or container has attached to it the official seal of the Board.

Section 129.09. Special Orders - Restrictions. Licensed Vendors and their registered agents shall not place Special Orders for liquor at State Liquor Stores unless they have agents' orders, prepared on the prescribed agents' order book forms, and signed by the licensee or his or his duly authorized agent, or in the case of a retail sale, by the customer.

Except by special permission of the Board, no special order merchandise sold under this regulation shall be delivered to any State Liquor Store until the Licensed Vendor has received from the Board a formal purchase order calling for delivery of such liquor. Each case of liquor so delivered shall have clearly marked thereon, in addition to the information required by Federal or State regulations, the purchase order number, the store order number, the brand and size, the code number as called for in the purchase order, and such other information as the Board may prescribe.

Liquor sold to licensees will be released only at the State Store, by the State Store, to the licensee or his agent named on the licensee's Wholesale Purchase Permit Card.

Special orders placed by a licensed vendor or his registered agent for a retail customer may be released by the State Store to said vendor or registered agent for delivery to the retail customer.

Section 129.10. Special Orders for Miniatures, Etc. Orders for miniatures of liquor will not be accepted either by the Board or the State Liquor Stores from licensees or other persons. Orders from licensees for half-pints of liquor, except wine, will not be accepted.

Section 129.11. *Samples.* A registered agent of a Licensed Vendor shall not be permitted to use as samples during any calendar month more than one case of each brand of liquor sold by such vendor to the Board. Such samples of liquor shall be purchased only through the Board, and upon payment to the Board of a sum equal to the cost price to the Board plus 25 per cent and any taxes that may be required. The purchase of samples at retail in any State Store is prohibited. A separate order for samples shall be placed for each registered agent, and the agent's name shall appear on the order. No order shall be filled for more than one case of each brand per agent, and no agent shall have in his possession at any time more than one case of each brand; except that the vendor or vendor's authorized supervisor may be permitted to purchase and distribute to his registered agents the herein prescribed allotment for all such agents under his supervision. The vendor shall, upon request, file with the Board a statement setting forth the name of his or its authorized supervisor, together with the territories and names of all registered agents under his supervision.

The samples hereinbefore mentioned shall be restricted in size to half pints of distilled spirits, and to half bottles or smaller sizes of wine, except where operating conditions do not permit supplying such sizes. In such cases, the Board may, upon proper application filed with it setting forth satisfactory reasons, permit the use of other sizes as samples.

All such sample bottles, before leaving the custody of the State Store shall have affixed thereto a separate label, or lettering on the commercial label, at least one-quarter inch high, reading:

"SAMPLE. NOT TO BE SOLD. POSSESSION OF THIS BOTTLE BY LICENSEE UNLAWFUL."

Each Licensed Vendor shall keep a permanent stock ledger record of all the samples so purchased by him, and the names of the agents to whom samples were issued, together with the quantity and brand. Each authorized supervisor of a vendor shall keep in his office in Pennsylvania, a permanent stock ledger record of all samples purchased by him and distributed by him to his registered agents as provided in this section. A requisition shall be prepared for each package removed from sample stock, which requisition shall bear the signature of the agent receiving the merchandise.

Section 129.12. *Unsolicited Special Orders.* Nothing in this regulation shall affect or apply to unsolicited Special Liquor Orders as provided in the Liquor Code as amended, except the prohibition covering acceptance of orders for miniatures and/or half-pints of liquor, deposit required, and the minimum case quantity.

Section 129.13. *Use of Stock Merchandise Request Forms.* Agents engaged in missionary work, promoting the sale of stock merchandise, may use the "Agent's Order" form PLCB-115, to assure the availability of any merchandise requested by licensees in full case lots. Licensed Vendors may obtain supplies of this form for distribution

to their agents from the Bureau of Purchases, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania, at a cost of \$1.00 per book.

All required information must be furnished and the completed forms must be directed to the State Store from which the licensee will purchase the merchandise. Only requests for full cases received at the store by mail or delivered to the store by a retail licensee will be accepted. Licensed Vendors or their agents shall not deliver such requests to a State Store.

Vendors or their agents shall not accept any cash deposit on stock merchandise requests.

The use of this form is restricted to promotional work with retail licensees.

Section 129.14. Vendor Agent's Authorization to Purchase for Retail Customers. Registered Vendor Agents by using Form PLCB-115 - Vendor Agent's Authorization to Purchase, may purchase stock merchandise or gift certificates for stock merchandise for retail customers.

Licensed Vendors may obtain supplies of this form for distribution to their agents from the Bureau of Purchases, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania at a cost of \$1.00 for a book of fifty (50) order sets.

When a retail customer has signed this form, it may be presented by the agent to any Pennsylvania State Store as authorization for the agent to purchase for the customer either stock merchandise or gift certificates for the quantity and brand specified by the customer.

Section 129.15. Unlawful Acts. Section 491, sub-section 14, and Section 493, sub-sections 22, 23 and 24 of the Liquor Code, provide that certain practices in connection with the sale of liquor shall be unlawful. Although not limiting the scope of the statutory provisions, the following practices are in violation of one or more of these sections:

- A. To grant, allow, pay or rebate any cash, merchandise or any other thing of value, to any licensee, their servants, agents, or employes, including the purchase of merchandise at retail for delivery to a licensee; to grant, allow or pay anything of value to a licensee, their servants, agents, or employes, for the privilege of advertising display; to purchase drinks "for the house" to induce the purchase of merchandise.
- B. To visit State Stores or warehouses or directly or indirectly contact the store or warehouse employes for the purpose of promoting the sales of merchandise.
- C. To solicit or induce PLCB personnel to promote the sale of particular brands.
- D. To apply at State Stores, or of store personnel, for information as to Stores' merchandise inventories.
- E. To furnish entertainment or to offer gratuities to PLCB personnel
- F. To grant, allow or pay money or anything of substantial value (this includes tips) to licensees, their servants, agents or employes, to induce the sale of merchandise.

- G. To represent, expressly or by implication, that he is connected with any department of the State Government or has any influence therewith.
- H. To repurchase, replace or exchange any liquors purchased by licensees or other persons from State Stores. Defective liquors will be replaced only by the State Store from which such liquor were purchased, in accordance with Board Procedure.

Section 129.16. Agency Provisions. Licensed Vendors and their registered agents shall, under this regulation, for all intents and purposes except as herein restricted, be considered the agents of the persons from whom they obtain special liquor orders. Neither the Commonwealth nor the Pennsylvania Liquor Control Board will be responsible for the proper disposition of any moneys collected from a licensee or other person by a Licensed Vendor or his agents. Under no circumstances shall the Commonwealth or the Liquor Control Board be responsible for any actions of a Licensed Vendor or his agents under this regulation.

Section 129.17. Records. Every Licensed Vendor shall maintain for two (2) years complete and accurate records covering all operations in Pennsylvania, which shall be open to inspection by representatives of the Board. These records shall include salaries or commissions of all registered agents and other employes working in Pennsylvania, expenses of such employes supported by detailed vouchers, all promotional and advertising expenditures, special order sales, and Stock Merchandise Requests.

All vendor's agents operating in Pennsylvania, whether licensed or not, shall maintain complete and truthful records covering their operations in Pennsylvania, which records shall be open to inspection by representatives of the Board.

Section 129.18. Liability of Vendor. In the absence of persuasive evidence to the contrary, it will be presumed by the Board that any representative of a vendor who violates this regulation acts with the consent and knowledge of the vendor, and/or his employer, and penalties will be fixed accordingly on agent, vendor and/or employer.

Section 129.19. Penalties - Forfeiture. Upon learning of any violation of this regulation or of any other regulation promulgated by the Board, or of any laws of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages by any Licensed Vendor, or registered or unregistered agent or upon any other sufficient cause shown, the Board may, within one year from the date of such violation or cause appearing, cite such licensed Vendor or registered agent, or both, to appear before it or its examiner not less than ten (10) nor more than fifteen (15) days from the date of sending such Licensed Vendor or registered agent, by registered mail, a notice addressed to the vendor and/or the

registered agent, at the address filed with the Board, to show cause why the license, permit and/or registration(s) should not be suspended or revoked. And, upon such hearing, if satisfied that any such violation has occurred, or for other sufficient cause, the Board may suspend or revoke such licenses, permits and/or registration(s), notifying the Licensed Vendor or registered agent by registered mail, addressed to the vendor and/or the registered agent, at the address filed with the Board. When the license, permit and/or registration(s) is revoked, the bond filed with the application for such license, permit and/or registration(s) may be forfeited and the full amount of such bond or any part thereof may be fixed as a penalty and collected by the Board. Any Licensed Vendor or registered agent whose license, permit or registration has been revoked shall be ineligible to hold any license, permit or registration under this or any other regulation of the Board or any law of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages until the expiration of three (3) years from the date such license, permit or registration was revoked. The action of the Board shall be final.

**REGULATION 130 IMPORTATION OF LIQUOR ON
BEHALF OF RESIDENTS OF PENNSYLVANIA
IN CERTAIN CASES**

(Effective June 26, 1952)

Section 130.01. Types of Importations.—

A. Gift Liquor

Liquor given to persons residing in Pennsylvania by non-residents thereof, may, in the discretion of the Liquor Control Board, be imported into Pennsylvania in the manner hereinafter provided in this regulation.

B. Liquor Dividends

Liquor representing a liquor dividend to stockholders of a distillery located outside of Pennsylvania, may, in the discretion of the Liquor Control Board in the manner hereinafter provided in this regulation, be imported into Pennsylvania for stockholders of such distillery resident in this State.

C. Liquor Allotted to Stockholders of a Distillery Under Purchase Privilege Plan

Liquor allotted to its stockholders under a purchase privilege plan, by a distillery located outside Pennsylvania, may, if such liquor is not stocked in Pennsylvania Liquor Stores, be imported into Pennsylvania, in the discretion of the Liquor Control Board and in the manner hereinafter provided in this regulation, for the distillery's stockholders resident herein.

D. Heirs and Legatees

Liquor owned and possessed outside Pennsylvania by a resident or a non-resident decedent passing to a resident of Pennsylvania by will or intestacy, may, in the discretion of the Liquor Control Board, be imported into Pennsylvania for and in behalf of the beneficiary in the manner hereinafter provided in this regulation.

E. Liquor Purchased Prior to January 1, 1934

Liquor purchased outside Pennsylvania prior to January 1, 1934, by residents of this State for purposes other than resale, may, in the discretion of the Liquor Control Board be imported into Pennsylvania for such residents in the manner hereinafter provided in this regulation.

F. New Residents of Pennsylvania

Upon the establishment of residence in Pennsylvania by persons residing outside this State, liquor owned and possessed by them in their foreign residence for personal use, may, in the discretion of the Liquor Control Board, be imported into Pennsylvania for such residents in the manner hereinafter provided in this regulation.

G. Confiscated Liquor for Hospitals

Hospitals desirous of obtaining legal possession of confiscated liquor, offered by Federal authorities or granted to them by the courts of this Commonwealth, shall make written application to the board for its official seals to be affixed to the containers not bearing such seals, and for permission to import the liquor if located outside of Pennsylvania. Written application must include the number and size of bottles and the brand of liquor, the address of the Federal Supply Service office and the federal transfer number.

Section 130.02. Application.—Except as otherwise provided for confiscated liquor for hospitals or for the importation of liquor allotted to stockholders of a distillery under a purchase privilege plan, every resident of Pennsylvania desiring to obtain liquor outside this State, under the provisions of this regulation, shall file with the Liquor Control Board an application, which shall set forth:

- A. Name and address of the applicant.
- B. Name and address of persons or firm from whom the liquor is to be received.
- C. Whether the liquor is a gift, a dividend, a bequest or a purchase.
- D. Description of the liquor, including the brand name, size and number of bottles.
- E. Name and address of the transporter (if the transporter is a trucking company, such transporter shall hold a valid Transporter-for-Hire license issued by the board).

The Liquor Control Board reserves the right to request any additional information it may deem necessary.

Every application involving more than 1 quart of spirituous liquor, or more than 1 gallon of wine shall be verified by oath or affirmation of the applicant. Every application shall, in the case of a gift, dividend or bequest, specifically state that the liquor was not obtained by the applicant by purchase or for a consideration of any kind and that the donee is at least 21 years of age. In the case of a purchase, the affidavit shall also set forth the date of purchase and that the liquor is not for resale.

Section 130.03. Service Charge.—Every applicant hereunder, except a Hospital applying under Section 130.01 G, shall at the time of filing the application, pay to the Liquor Control Board a service charge at the rate of twenty-five cents (25¢) per gallon or fraction thereof. All service charges authorized under this section shall be paid to the Liquor Control Board in cash, money order, certified or cashier's check, and shall be paid by the said board into the State Stores Fund.

Section 130.04. Consent Certificate.—Upon receipt of the application and the proper service charge, and upon being satisfied of the truth of the statements in the application, the Liquor Control Board will in its discretion grant and issue to the applicant a Consent Certificate permitting the importation of the liquor designated therein and entitling the applicant to obtain, in the manner hereinafter set forth, such liquor from the transporter or the authority in custody thereof.

Section 130.05. Release of Liquor.—Upon the arrival of the liquor in Pennsylvania for the holder of a Consent Certificate under this regulation, the Liquor Control Board will furnish him with a Notice of Release in duplicate, both copies of which shall be signed by the holder of the certificate and surrendered to the carrier for delivery of the liquor. The carrier will in turn sign the original in the space provided and forward it to the Liquor Control Board at Harrisburg. Before the Notice of Release will be furnished, the holder of the Consent Certificate must present to the Liquor Control Board a certificate from the Department of Revenue evidencing the payment of the requisite Pennsylvania Spirituous and Vinous Liquor tax upon such liquor and proof satisfactory to the Liquor Control Board of the payment of all transportation and other charges, if any, against the shipment.

The Liquor Control Board will furnish official board seals, which will be affixed to each bottle of liquor by an officer or employe of the board.

Section 130.06. Liquor to be Shipped in Care of the Liquor Control Board.—All shipments of liquor authorized under this regulation shall be consigned to the holder of the Consent Certificate in care of the Liquor Control Board. Any shipments consigned otherwise shall for all intents and purposes be considered in the constructive possession of the Liquor Control Board until released by the said board to the holder of the Consent Certificate.

Section 130.07. Procedure for Importation of Liquor Allotted to Pennsylvania Stockholders Under Purchase Privilege Plan.—Liquor allotted by a distillery located outside Pennsylvania to its stockholders under a purchase privilege plan, may, in the discretion of the Liquor Control Board, be acquired and possessed in this State by Pennsylvania stockholders of such distillery (except the holders of hotel, restaurant and club liquor licenses, who, under the law, are prohibited from being stockholders), in the following manner.

Every such Pennsylvania stockholder desiring to acquire and possess in this State liquor allotted such stockholders under a purchase privilege plan, shall fill out, sign and file with the Liquor Control Board at Harrisburg, Pennsylvania, a Special Liquor Order Form (PLCB-110) for the said liquor, designating in said order the Pennsylvania Liquor Store at which delivery of the liquor is to be made, and shall also file therewith a true and correct copy of the completed order form required under the purchase privilege plan, to be transmitted by the stockholder to the distillery or its trustee, containing, inter alia, the number of cases of liquor to be purchased and the cost price thereof to the stockholder. (Special Liquor Order Form PLCB-110 will be furnished by the Liquor Control Board upon application therefor at Harrisburg.)

Upon receipt of the Special Liquor Order and the copy of the stockholder's order to the distillery or its trustee, the Liquor Control Board if it accepts the Special Liquor Order will so notify the stockholder, and, if under the purchase privilege plan the said board cannot make the actual purchase of the liquor, permission will be given to the stockholder to do so and to authorize delivery of the liquor to the Liquor Control Board at the liquor store designated in the Special Liquor Order, provided all transportation charges are prepaid by the shipper.

Special Liquor Orders filed under authority of this regulation shall be subject to the Liquor Control Board's markup and any Emergency State Tax, but where the liquor is purchased by a stockholder under a purchase privilege plan the cost price of the liquor to such stockholder shall be the basis for the Board's markup. In addition to the Liquor Control Board's markup and any Emergency State Tax, the stockholder shall be required to pay all taxes (except the Pennsylvania Spirituous and Vinous Liquor Tax), expenses and charges, if any, due upon delivery of the liquor to the board, and the cost of board seals to be attached to each bottle of liquor at the rate of twenty-five cents (25¢) per case.

If, as, and when the liquor is delivered to the board, the stockholders will be notified of its arrival and requested to pay all taxes, charges and expenses, if any, due on such liquor or its shipment. Unless the stockholder makes full payment thereof and accepts delivery of the liquor within five (5) days after notice of its arrival, the Liquor Control Board will, in its discretion, place such liquor in stock for general sale through its stores upon payment to the stockholder of the actual cost price of the liquor to him under the purchase privilege plan.

The Liquor Control Board will not be liable for non-delivery of the liquor by the distillery or its trustee, loss of or damage to the liquor in transit

through breakage, pilferage or any other cause, and the stockholder shall assume any and all risk until the liquor is actually delivered to the stockholder.

Section 130.08. Distillery Bonded Warehouse Certificates.—Distillery Bonded Warehouse Certificates, evidencing the ownership of liquor, are excepted from this regulation, as the sale, purchase and possession of such certificates is subject to the provisions of Article VII of the Liquor Code.

Section 130.09. Miscellaneous Provision.—No liquor will be imported under the provisions of this regulation except liquor in bottles properly labelled, and upon which all Federal liquor taxes have been paid. Such liquor shall be for personal use only and shall not be sold in this State except by the Liquor Control Board. All importations of liquor hereunder shall be at the risk of the applicant.

Section 130.10. Pennsylvania Distillers and Importers.—This regulation shall not apply to or affect in any way the rights and privileges of distillers and importers, duly licensed by the Pennsylvania Liquor Control Board, under the provisions of the Liquor Code.

REGULATION 131 IMPORTATION, TRANSPORTATION AND POSSESSION OF LIQUOR PURCHASED IN A FOREIGN COUNTRY

(Effective October 4, 1961)

Section 131.01. Statutory Provision.—The Liquor Code (Act of April 12, 1951, P. L. 90) as amended by Act No. 381, approved by the Governor on July 26, 1961, permits any person to import into Pennsylvania, transport or have in his possession one gallon of liquor upon which a state tax has not been paid and the package containing the liquor does not bear the official seal of the board, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country and was allowed to bring it into the United States duty free.

The aforementioned amendatory act does not prescribe the nature or kind of proof to satisfy the board, as aforesaid, and therefore it is provided, as follows :

Section 131.02. Proof Required.—Any person who possesses or transports, in Pennsylvania, not in excess of one gallon of liquor claimed by such person to have been purchased by him in a foreign country shall, upon request of the board, submit documentary evidence, as follows :

- (1) The stub or receipt for passage on the railroad, bus, steamship or airplane, or hotel receipt, or other satisfactory evidence to prove the foreign travel.
- (2) A receipt evidencing the purchase of the liquor personally by such person while in such country.
- (3) An affidavit by such person that he was allowed to bring the liquor into the United States duty free.

Section 131.03. Imports in Excess of One Gallon Per Person.—If the quantity of liquor being imported is in excess of the permitted one gallon, the excess will be subject to the board's mark-up, and state taxes, calculated in the usual manner.

REGULATION 132

(Rescinded August 30, 1965)

REGULATION 133 BREWERY LICENSES

(Effective June 26, 1952; As amended April 1, 1962 and August 29, 1966)

Section 133.01. Records.—Every manufacturer of malt or brewed beverages holding a license issued by the Liquor Control Board shall maintain and keep on the licensed premises for a period of at least two (2) years daily records showing the following information:

The purchase and receipt of all raw materials used in the manufacturing of malt or brewed beverages together with the name and address of the person from whom purchased; the quantity of raw material used in the manufacturing of malt or brewed beverages together with the quantity produced from those raw materials; the withdrawal of all finished malt or brewed beverages showing the number and size of all containers; the quantity of Federal Tax paid malt or brewed beverages withdrawn for bottling together with the quantity and size of cases bottled; the quantity and size of all tax paid or non-tax paid malt or brewed beverages used for consumption on the premises; the quantity and size of all containers removed from the licensed premises either for personal consumption or other purposes together with the name and address of person for whom removal is made; sales invoices showing name, address, quantity and size of all containers, cost of malt or brewed beverages, deposits collected on all returnable containers, refunds paid or credited and net amount of invoice; a sales register showing the total quantity by size of container, the cost of malt or brewed beverages, deposits collected on all returnable containers, refunds paid or credited and net amount of cash for each day's business; a cash book showing all cash received; a disbursement record showing amount of all cash disbursements together with the name of the person to whom paid, such disbursements shall be supported by invoices or memoranda; a record of all salesmen's expenses showing cost of travel, lodging, subsistence and promotional expenses. All promotional expenses must be broken down to show place and amount expended.

Federal reports showing any of the aforementioned information will be satisfactory record. Such Federal reports will be subject to the same inspection and control as any other records required by the board.

Section 133.02 *(As amended April 1, 1962 and August 29, 1966)*
Monthly Reports.—All manufacturers of malt or brewed beverages licensed by the board shall file with the board each month, reports on Forms RCB-47, RCB-48 and RCB-49. Such report shall be signed and sworn to by the licensee or his duly authorized agent and shall be filed with the board on or before the fifteenth day of the month immediately succeeding the month for which the report is prepared. A copy of each report shall be retained by the licensee for a period of two (2) years.

REGULATION 134 BONDED WAREHOUSE LICENSES

(Effective June 26, 1952)

Section 134.01. Storage.—The holder of a Bonded Warehouse License may receive and store "In Bond" (A) Alcohol or liquor legally manufactured in Pennsylvania; (B) Liquor legally imported into Pennsylvania by Pennsylvania Licensed Importers; (C) Alcohol legally imported into Pennsylvania by the holder of an "AB Permit" issued by the Pennsylvania Liquor Control Board.

Where alcohol or liquor is to be received for deposit "In Bond" from a distillery not on the same or contiguous premises, or from another Internal Revenue Bonded Warehouse, approval of transfer must be obtained from the Pennsylvania Liquor Control Board on forms furnished by the board.

Where alcohol and liquor is to be received for deposit "In Bond" from a distillery on the same or contiguous premises, no approval from the Pennsylvania Liquor Control Board is necessary.

Section 134.02. Records.—Daily records shall be maintained on the licensed premises for a period of two (2) years. Such records shall show:

A. Receipts

The name of producer and location of Distillery where produced; name and address of bonded warehouse from which transferred; name and address of the owner for whom stored; type, whether alcohol, whiskey, etc.; type and number of containers; quantity in proof gallons (tax gallons); and, warehouse certificates issued; must be included.

B. Shipments

The name and address of person to whom shipped; type, whether alcohol, whiskey, etc.; type and number of containers; quantity in proof gallons (tax gallons); name and address of person from whose inventory the alcohol or liquors were withdrawn; and, warehouse certificate numbers cancelled; must be included.

Withdrawals In Bond shall show the original proof gallons (tax gallons). Tax Paid withdrawals shall show the regauged proof gallons (tax gallons) and losses in regauging.

C. Transfer of Ownership of Warehouse Certificates

When the alcohol or liquors are not removed from the Bonded Warehouse any transfer of ownership of warehouse certificates shall be recorded showing the name of person from whom transferred, the name and address of the person to whom transferred, together with the type of alcohol or liquor, type and number of containers and proof gallons (tax gallons), the warehouse certificate cancelled and the warehouse certificate issued to the new owner.

Section 134.03. Reports.—All Bonded Warehouse Licensees shall, on or before the 15th day of each month, file with the Pennsylvania Liquor Control Board, monthly reports together with necessary supporting schedules, covering the operations of their licensed business during the preceding month. Such reports shall be on forms provided by the board. A copy of each such report shall be retained on the licensed premises for a period of two (2) years.

REGULATION 135 SALES OF LIQUOR TO NON-BEVERAGE MANUFACTURERS (OTHER THAN MANUFACTURING PHARMACISTS)

(Effective October 10, 1952)

Section 135.01. Requirement for Liquor.—Chemists and manufacturing pharmacists may obtain their liquor requirements under the provisions of Regulation 128.

Persons who manufacture any product wherein liquor (distilled spirits and wine) is used and changed into other chemical substances and does not appear in the finished product as liquor, may obtain necessary liquor for such use in the following manner:

- A. Purchases at State Stores from stock merchandise or on special liquor order. (No permit needed.)
- B. Purchases under authority of a Bulk Purchase Permit in quantities of fifty (50) gallons or more in containers of one gallon or larger capacity, except where operating conditions do not permit supplying such sizes.

Section 135.02. Application and Permit.—Application for a Bulk Purchase Permit shall be made by and in the name of the owner, if a natural person; by an authorized partner, if a partnership; or, by a principal officer, if a corporation. Every application shall be accompanied by a permit fee of \$5.00 and shall set forth:

- A. The name under which the applicant's business is operated.
- B. The address, including street and number, of the applicant's principal place of business in this Commonwealth.
- C. The name and description of each product or process in which liquor is used.
- D. The name, type and quantity of liquor customarily and actually used in each product or process.
- E. Such other information as the board may require.

Every application shall be verified by oath or affirmation of the applicant that the information therein is true and correct, and that the liquors set forth in the application will be used solely for the listed purposes.

Upon receipt of the application in proper form the board will, in its discretion, issue a Bulk Purchase Permit, authorizing the purchase of the required type or types of liquor. All permits shall expire December 31 of the year in which issued and may be renewed upon the filing not later than December 1 of an application for renewal accompanied by the prescribed permit fee of \$5.00.

Section 135.03. Bulk Purchases.—Bulk purchases will be allowed under this regulation only in quantities of fifty (50) gallons or more per order consisting of not less than twelve (12) gallons per type, in containers of one gallon or larger capacity. Where operating conditions do not permit supplying such sizes, the board may, upon receipt of a written application setting forth satisfactory reasons, permit the use of smaller sizes. The board will not approve applications for sizes smaller than a gallon if the same brands are

listed for sale in State Stores. Permittees shall place their orders with the Bureau of Purchases of the board at Harrisburg. Each order shall set forth:

- A. Name and address of the purchaser.
- B. Name and address of the person or firm to whom the order is directed.
- C. Brand name and/or description of the liquor desired.
- D. Manner in which the liquor is to be packed (size and number of containers).
- E. Manner in which the liquor is to be shipped, including name of carrier. (If the carrier is a trucking company, such carrier must hold a valid transporter-for-hire license issued by this board).
- F. Destination to which shipment is to be made.

Every order shall be accompanied by a remittance in the amount of \$2.00. The board will not be liable to any vendor for the purchase price of liquor purchased hereunder nor for any transportation charges or claims in connection therewith.

Upon approval by the board of an order from a permittee the order will be forwarded to the specified vendor who will be notified to make shipments to the Pennsylvania Liquor Control Board at the destination given in the order. The board will furnish such vendor with seals which shall be affixed to each container of the shipment to identify such container as a legal purchase in Pennsylvania.

The board will also furnish the purchaser with a Notice of Release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier will sign the original in the space provided and forward it to the board in Harrisburg, retaining the other copy for his file.

Section 135.04. Use of Liquor.—All liquor purchased under authority of this regulation shall be used only in the specified manufacturing process or in the manufacture of the specified product and may not be used for any other purpose whatsoever.

Section 135.05. Records.—Each permittee shall maintain for a period of two (2) years records showing all purchases of liquor under authority of their permit and all withdrawals. The withdrawal record shall indicate the quantity withdrawn and actually used in the particular product or process. The board reserves the right to inspect the premises of the permittee and examine the records. Such inspection may be made at any time when the establishment is open for business.

Section 135.06. Refusal to Purchase Liquor and Revocation of Permit.—The board may refuse to approve the purchase of liquor by any permittee or may revoke any permit issued under this regulation if it shall appear that the permittee has used any liquor purchased under this regulation for any purpose other than that set forth in his application or has violated any law of the Commonwealth or regulation of the board pertaining to alcohol, liquor or malt or brewed beverages. The action of the board in refusing approval and/or revoking a permit shall be final.

REGULATION 136 NOTICE OF APPLICATION

(Effective January 1, 1955)

Section 136.01. Statutory Provision.—Section 403, sub-section (g) of the Liquor Code requires applicants for hotel, restaurant and club liquor licenses to post notice of their license application and provides: “Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.”

Section 432, sub-section (e) of the Liquor Code requires applicants for hotel, eating place and club malt and brewed beverage retail dispenser licenses to post notice of their license application and provides: “Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.”

Pursuant to and in accordance with the above quoted statutory provisions, the following regulation is adopted, effective January 1, 1955.

Section 136.02. Forms.—Form W-112, “Notice of Application for Retail Liquor License” shall be approximately 11 inches by 17 inches in size and shall contain the following text: “Notice of Application for Retail Liquor License. Date Posted. To Whom It May Concern: The undersigned, proprietor of this establishment, hereby gives notice that he has on this date filed, with the PENNSYLVANIA LIQUOR CONTROL BOARD, Harrisburg, an application for a Retail LIQUOR LICENSE for these premises. Name: (Typed or Printed) Name: (Signed) This ‘Notice of Application’ shall be continuously posted during the period the application is pending, in a conspicuous place on the outside of the premises for which the license is applied, in such a place and in such a manner that it is easily and readily visible to the general public at all times. Posted in accordance with the provisions of the Liquor Code, approved April 12, 1951, P. L. 90, and the Regulations of the Pennsylvania Liquor Control Board. Removing, defacing, covering up or destroying this ‘Notice of Application’ by anyone during the period the application is pending is a CRIMINAL OFFENSE and will be prosecuted according to Law.”

Form W-113, “Notice of Application for Malt and Brewed Beverage Retail Dispenser License” shall be approximately 11 inches by 17 inches in size and shall contain the following text: “Notice of Application for Malt and Brewed Beverage Retail Dispenser License. Date Posted. To Whom It May Concern: The undersigned, proprietor of this establishment, hereby gives notice that he has on this date filed, with the PENNSYLVANIA LIQUOR CONTROL BOARD, Harrisburg, an application for a MALT AND BREWED BEVERAGE RETAIL DISPENSER LICENSE for these premises. Name: (Typed or Printed) Name: (Signed) This ‘Notice of Application’ shall be continuously posted

during the period the application is pending, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied, in such a place and in such a manner that it is easily and readily visible to the general public at all times. Posted in accordance with the provisions of the Liquor Code, approved April 12, 1951, P. L. 90, and the Regulations of the Pennsylvania Liquor Control Board. Removing, defacing, covering up or destroying this 'Notice of Application' by anyone during the period the application is pending is a *CRIMINAL OFFENSE* and will be prosecuted according to Law."

These forms are furnished by the board and are available upon request at any of the board's District Enforcement Offices or at the board's offices in Harrisburg. No other form will be acceptable or considered to be in compliance with this regulation.

Section 136.03. Applicant's Responsibility.—A. The "Notice of Application" must remain posted from the date the application is filed until the license or notice of refusal is received by the licensee or applicant.

B. The applicant shall be fully responsible for the posting and maintenance of the "Notice of Application," at all times during the period the application is pending.

C. If, upon the original or any subsequent investigation of the applicant and the premises made in connection with the current application, it is disclosed that the "Notice of Application" is not posted as provided herein, it shall be considered sufficient cause to refuse to grant the license applied for, and for prosecution.

D. If it is ascertained after a license has been granted that the "Notice of Application" was removed before the license was received, it shall be considered sufficient reason for the issuance of a citation to show cause why the license should not be revoked, and for prosecution.

Section 136.04. Affidavits.—In addition to the affidavit in the application in which the applicant swears or affirms that the "Notice of Application" was posted as prescribed on the date of filing of the application, the applicant shall furnish to the board, upon request, another affidavit attesting to the fact that the "Notice of Application" was continuously and conspicuously posted as provided herein, from the date the application was filed to the date of making the second affidavit. The second affidavit will not be requested until at least fifteen (15) days subsequent to the filing of the application.

**REGULATION 137 MALT OR BREWED BEVERAGE
ORIGINAL CONTAINERS**

(Effective December 9, 1954; as amended July 30, 1965, and May 1, 1966)

Section 137.01 *(As amended July 30, 1965, and May 1, 1966)* **Nature, Form and Capacity of All Packages and Original Containers To Be Used For Containing Malt or Brewed Beverages.**—Section 207(g) of the Liquor Code provides: “Under this act, the board shall have the power and its duty shall be: To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages.”

In conformity with the foregoing statutory provision, the board by this regulation fixes the nature, form and capacity of all original containers for containing malt or brewed beverages as defined in the Liquor Code and that may be lawfully sold for use and consumption in the Commonwealth of Pennsylvania, regardless of the place of manufacture, as follows:

BOTTLES, CANS, KEGS AND BARRELS

Seven (7) fluid ounces	
Eight (8) fluid ounces	
Twelve (12) fluid ounces	
Sixteen (16) fluid ounces	
Thirty-two (32) fluid ounces	
One hundred twenty-eight (128) fluid ounces	
One hundred forty-four (144) fluid ounces	
Two hundred eighty-eight (288) fluid ounces	
Three and seven-eighths ($3\frac{7}{8}$) gal.	$\frac{1}{8}$ Bbl.
Five and one-sixth ($5\frac{1}{6}$) gal.	$\frac{1}{6}$ Bbl.
Seven and three-fourth ($7\frac{3}{4}$) gal.	$\frac{1}{4}$ Bbl.
Ten and eight-tenth ($10\frac{8}{10}$) gal.	Approx. $\frac{1}{3}$ Bbl.
Fifteen and one-half ($15\frac{1}{2}$) gal.	$\frac{1}{2}$ Bbl.
Thirty-one (31) gal.	1 Bbl.

The customary tolerances permitted by Federal Regulations shall apply to all the aforementioned original containers.