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McKeesport Beer Distributors, Inc. V. All Brand Importers, Inc.

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608 A.2d 485

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530 Pa. 250
Supreme Court of Pennsylvania.

McKEESPORT BEER
DISTRIBUTORS, INC., Appellee,

v.

ALL BRAND IMPORTERS, INC., Appellant.

Argued March 12, 1992.

|

Decided May 14, 1992.

Synopsis

Importing distributor which had been given exclusive distributing rights to distribute manufacturer's products brought action to enjoin manufacturer from terminating distributor's distribution rights as result of distributor's illegal sale of malt or brewed beverages outside geographical area for which it had been given exclusive distributing rights. The Court of Common Pleas, Civil Division, Allegheny County, No. GD 86-1680, [John L. Musmanno, J.](#), entered judgment for manufacturer. Distributor appealed. The Superior Court, No. 1819 Pittsburgh 1988, [James E. Rowley, J.](#), [390 Pa.Super. 627, 569 A.2d 951](#), reversed and remanded. Petition for allowance of appeal was granted. The Supreme Court, No. 76 W.D. Appeal Docket 1990, [Larsen, J.](#), held that illegal sale of malt or brewed beverages was not "rectifiable deficiency."

Superior court reversed.

West Headnotes (2)

[1] **Alcoholic Beverages** 🔑 Mode or system of distribution; wholesalers and retailers

23H Alcoholic Beverages
23HII Control and Regulation
23HII(E) Particular Subjects of Control and Regulation
23HII(E)7 Interjurisdictional Traffic; Imports and Exports

23Hk282 Interstate Traffic
23Hk284 Mode or system of distribution; wholesalers and retailers

(Formerly 223k124 Intoxicating Liquors)

Illegal sale of malt beverages outside geographical area for which importing distributor had been given exclusive distributing rights was not "rectifiable deficiency" under Liquor Code, and thus, importing distributor could not, by discounting such illegal sales, avoid termination for cause of its distributing rights agreement with out-of-state manufacturer.

🚩 47 P.S. § 4-492(19).

4 Cases that cite this headnote

[2] **Alcoholic Beverages** 🔑 Duration, termination, and renewal

23H Alcoholic Beverages
23HII Control and Regulation
23HII(E) Particular Subjects of Control and Regulation
23HII(E)5 Distribution
23Hk254 Agreements and Franchises
23Hk256 Duration, termination, and renewal

(Formerly 223k124 Intoxicating Liquors)

Only remedy importing distributor had when faced with notice of termination for good cause of its distributing rights agreements with out of state liquor manufacturer was to challenge alleged cause within 90 days; thus, because distributor did not challenge cause alleged by manufacturer, manufacturer was entitled to terminate distributing rights agreement. 🚩 47 P.S. § 4-492(19).

3 Cases that cite this headnote

All Citations

530 Pa. 250, 608 A.2d 485