

1975 WL 29053 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 4, 1975

***1 Re: Importation and Storage of Alcoholic Beverages in South Carolina Warehouses by Out-of-State Distillers**

Mr. Kenneth E. Allen
Director
South Carolina Alcoholic
Beverage Control Commission
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Allen:

You have asked this Office to advise you as to the pertinent laws and regulations which would apply to a proposed practice whereby an out-of-State distiller would ship alcoholic liquors by rail to a distribution center located in South Carolina where it would be stored in warehouses temporarily until shipped to other locations both in South Carolina and out-of-State. Laws governing the importation of alcoholic beverages are assembled in Article 7 of Chapter 1, Title IV. Particularly in point are Sections 4-140 and 4-141, South Carolina Code of Laws (1962), as amended.

Section 4-140 provides that registered producers (which by definition includes distillers) 'may store alcoholic liquors only in a warehouse of such registered producer duly licensed by the Tax Commission.' Section 4-141 provides that such alcoholic liquors 'shall be shipped or moved only to the registered producer in care of the producer's representative, who is registered to handle the property of the registered producer originating the shipment.' Therefore, before any practice of the type herein proposed would be legally permissible, it would be necessary for the out-of-State distiller to, inter alia, register in this State as a producer, register his products by brand name, register a producer representative, and have a suitable warehouse licensed by the Tax Commission.

If you have any other questions with regard to this matter, please feel free to call upon me.

Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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