

1983 WL 181694 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 24, 1983

*1 Ms. Lyn Hensel
Associate Legal Counsel
Assistant Legal Department
University of South Carolina
Columbia, South Carolina 29208

Dear Lyn:

You have asked this office whether the advanced sale of tickets to events sponsored by student organizations where beer and wine will be served, constitutes an unlicensed sale in violation of §§ 61-9-310, et seq., [Code of Laws of South Carolina](#), 1976, as amended. It is the opinion of this office that this type of transaction involves a “sale” of beer and, thus, a license is required by §§ 61-9-310, et seq.

In your letter you note, and correctly, that where beer is provided or offered to those persons who purchase tickets, the transaction constitutes a sale of beer, therefore requiring a permit. This is true, even though the beer was purportedly offered for free to the ticket holder or is provided as an accompaniment to other items such as meals. See, Anno. 9 ALR3d 551, 673-680 (1979); 45 AM.JUR.2d “Intoxicating Liquors” § 239 (1969).

The mere fact that the tickets are sold prior to the time the beer is provided or served does not negate the fact that the transaction constitutes the sale of beer. Supportive of this conclusion is [Winter v. Pratt](#), 258 S.C. 397, 189 S.E.2d 7, 9 (1972), appeal dismissed, 409 U.S. 1003, wherein our Court noted that “... the court will discount any trick, artifice, or subterfuge intended to evade [the Alcoholic Beverage Act]....” See also, 48 C.J.S. Intoxicating Liquors § 244.

Accordingly, it is the opinion of this office that the sale of tickets by student organizations to functions or events wherein beer is provided to the ticket holder, whether or not the ticket sale occurs simultaneous to the serving of the beer, constitutes the sale of beer, and accordingly the organization must be licensed pursuant to §§ 61-9-310 et seq., [South Carolina Code of Laws](#), 1976, as amended.

Very truly yours,

Edwin E. Evans
Senior Assistant Attorney General

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