

1983 S.C. Op. Atty. Gen. 34 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-19, 1983 WL 142690

Office of the Attorney General

State of South Carolina

Opinion No. 83-19

June 9, 1983

***1 Re: R-101 of 1983**

The Honorable Michael R. Daniel

Lieutenant Governor

Post Office Box 142

Columbia, SC 29202

Dear Mike:

You have requested this office's opinion as to whether R-101 of 1983 [Sections 61-9-1100 et seq., South Carolina Code of Laws, as amended] is applicable to wine. It is the opinion of this office that the territorial distribution scheme prescribed in R-101 is applicable only to 'beer, ale, porter and other similar malt or fermented beverages', and that wine does not fall within this categorization.

'Malt liquor' is described as a beverage produced merely by the fermentation of malt. Common usage of the term 'malt liquor' is understood to include beer, ale and porter, but clearly does not include wine. 48 C.J.S. Intoxicating Liquors § 11, at 287. 'Beer' is generally defined as a malt liquor which is fermented, but not vinous. Supra, at § 12. 'Wine', on the other hand, is generally described as a vinous liquor; which although is fermented, differs from malt liquor in that it is fermented from fruits—usually grapes. Supra, § 14.

Ordinarily, the language in a statute should be given its plain and everyday significance, [Merchants Mutual Insurance Company v. South Carolins Second Injury Fund](#), 277 S.C. 604, 291 S.E.2d 667 (1982), to effectuate the intention of the Legislature. Nowhere does R-101 suggest that the terms 'beer, ale, porter and other similar malt or fermented beverages' were intended to be used in other than their usual and ordinary significance. As noted above, wine, although fermented, is not a 'similar beverage' thus there appears to be no basis for interpreting R-101 as including wine in the statutory distribution scheme prescribed therein.

Furthermore, review of present legislation pertaining to the subject matter reinforces this conclusion. Article VII of Chapter 9 of Title 61 of the Code of Laws of South Carolina, 1976, is entitled 'Provisions Affecting Beer Only'. This Article deals exclusively with 'beer, ale, porter and other similar malt or fermented beverages', and the language used therein does not include wine. In addition, Article V of Chapter 9 of Title 61 which is entitled 'Provisions Affecting Wine Only', makes no reference to beer, ale or porter while specifically referring to wine as a beverage fermented from fruit or vegetable. See, Section 61-9-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. Thus, it is apparent that the General Assembly, in dealing with this same subject matter, did not intend to include wine within a provision affecting 'bear, ale, porter and other similar malt or fermented beverages'. Thus, the General Assembly did not intend to include wine within the territorial distribution scheme mandated in R-101.

If this office may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

T. Travis Medlock

Attorney General

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