

1982 WL 189244 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1982

***1 Re: Agriculture—Public Funds**

The Honorable G. Bryan Patrick
Commissioner
South Carolina Department of Agriculture
Post Office Box 11280
Columbia, South Carolina 29211

Dear Commissioner:

You have requested an opinion regarding services currently offered by your Department to a South Carolina wine producer. Specifically, your question relates to the propriety of using certain printing facilities at your disposal to print brochures to promote the product of a particular South Carolina vineyard. It is my understanding that your agency has a policy of permitting the use of your printing facilities to agricultural producers who pay the cost of having the plate made and other incidental expenses. The question has arisen as to whether or not your name and/or the logo of your agency may appear on such brochures. As I see it, the resolution of your question depends upon a two step process of analysis. First, it must be determined whether you may lend the auspices of your office toward the promotion of domestic wine. Second, we must explore the question of whether or not your name and/or the logo of your agency may be used to promote the products of one particular vineyard.

Agriculture has been defined as 'the science or art of the production of plants and animals useful to man and in varying degrees the preparation of these products for man's use and their disposal (as by marketing).' Webster's Third New International Dictionary (G & C Merriam Company, Springfield, Massachusetts, 1976). Based upon this definition the cultivation of South Carolina grapes and the processing of those grapes into wine must be considered 'agriculture.' Therefore, you have authority under [Section 46-3-80\(1\), Code](#), to use the facilities and auspices of your office to promote the products of South Carolina vineyards. This authority, of course, is tempered with your obligation to manage the resources of your agency, determine priorities, etc.

Having determined that this authority exists, the question remains whether your printing facilities and logo may be used for the benefit of one particular vineyard. This office has held fast to the opinion that public funds may not be used solely for the benefit of a private individual or corporation. Attorney General's Opinions, 1962, No. 1363, Page 136. Adherence to this principle requires that you may not provide this service for one particular vineyard unless you are willing to provide the same service for all vineyards in the State. In fact, the implication could arise that you are obligated to do the same for any producer of agricultural commodities in this State.

I trust this has answered your question sufficiently. If not, please feel free to call.

Sincerely,

Clifford O. Koon, Jr.
Assistant Attorney General

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