

1982 WL 189114 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 21, 1982

*1 The Honorable Elliott D. Thompson
Commissioner
South Carolina Alcoholic Beverage
Control Commission
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Commissioner Thompson:

Thank you for your letter of September 23, 1982, requesting the opinion of this office. You have asked whether the Alcoholic Beverage Control laws in South Carolina prohibit I.H.C. Corporation [an out-of-state corporation] from holding a sale and consumption license. The facts as related to this office are that I.H.C. Corporation is a wholly-owned subsidiary of Grand Metropolitan P.L.C., a foreign corporation. Further, Paddington Corporation and Carillon Importers Ltd. are wholly-owned subsidiaries of Grand Metropolitan P.L.C. as well, and are registered producers in South Carolina. We are advised that no other corporation in which Grand Metropolitan holds an interest maintains a license or registration pursuant to the Alcoholic Beverage Control laws of South Carolina. Based upon this synopsis of facts, it is the opinion of this office that I.H.C.'s relationship with Paddington and Carillon would not prohibit it from holding a sale and consumption license in South Carolina.¹

Although I.H.C. is related to Paddington and Carillon, this relationship is not one prohibited by the Alcoholic Beverage Control laws of the State of South Carolina. The Alcoholic Beverage Control laws prohibit producer-representatives [§ 61-7-120] and wholesalers [§ 61-3-750]² from maintaining any interest in a retail liquor business. Paddington and Carillon are neither producer-representatives nor wholesalers, but are registered producers pursuant to § 61-7-80. There is no statutory prohibition within the Alcoholic Beverage Control laws prohibiting a registered producer from having an interest in a sale and consumption license within the State.

Thus, in conclusion, you are advised that the Alcoholic Beverage Control law does not prohibit I.H.C. Corporation from holding a sale and consumption license because of the status of Paddington and Carillon as registered producers.

Very truly yours,

Edwin E. Evans
Senior Assistant Attorney General

Footnotes

- 1 This opinion addresses a single issue of whether the relationship between I.H.C. and Paddington or Carillon prohibits per se the granting of a sale and consumption license. See, i.e. § 61-3-420 for an example of other considerations.
- 2 "Wholesaler" is defined in §§ 61-3-20 and 61-3-410(2) to include one who imports liquor into South Carolina. However, it is clear from a reading of the entire statutory scheme pertaining to the shipping of liquor into South Carolina that a registered producer, not a wholesaler, ships or imports liquors into the state from geographical areas removed from the state. § 61-7-60. Wholesalers may receive liquors imported from without the state. § 61-7-140. Thus, Paddington and Carillon are not "wholesalers" under the South Carolina Statutory Scheme regulating liquor.

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