

1980 WL 121261 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1980

***1 Re: Opinion Concerning the Importation and Storage of Scotch**

The Honorable Nicholas P. Sipe
Executive Director
South Carolina Alcoholic Beverage Control Commission
1205 Pendleton Street
Columbia, South Carolina

Dear Mr. Sipe:

You have asked whether an importer may import scotch Liquor for storage in a bonded warehouse until distribution to wholesalers within the state without the benefit of a wholesale license.

Although § 61-3-20, Code of Laws of South Carolina, 1976, includes within the definition of 'wholesaler' the term 'importer', § 61-7-10, *et seq.*, Code of Laws of South Carolina, 1976, as amended [Chapter 7 of Title 61], provides a comprehensive legislative scheme for the importation of alcoholic beverages in South Carolina. *Cf. Hublein Inc. v. South Carolina Tax Commission*, 257 S.C. 17, 183 S.E.2d 710, *aff'd* 409 U.S. 275 (1972). These latter provisions, which require that importation may be made only by a 'registered producer', § 61-7-60, Code of Laws of South Carolina, 1976, as amended, must prevail as the more recent expression of legislative intent. *Garey v. City of Myrtle Beach*, 263 S.C. 247, 209 S.E.2d 893. Pursuant to this statutory scheme, a registered producer may store alcoholic liquors in the warehouse of such registered producer. §§ 61-7-130 and 140, Code of Laws of South Carolina, 1976.

Thus, it is clear that the importation process set forth in Chapter 7 envisions the maintenance of a warehouse by a registered producer. It is equally clear that a registered producer may not have any interest in a wholesale liquor business. § 61-7-120, Code of Laws of South Carolina, 1976.

Accordingly, it is the opinion of this Office that a registered producer may maintain a licensed and bonded warehouse for storage of his registered brands until distribution to licensed wholesalers without obtaining a wholesale license. It is further the opinion of this Office that a registered producer is prohibited from obtaining a wholesale license in South Carolina.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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