

1977 S.C. Op. Atty. Gen. 262 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-327, 1977 WL 24666

Office of the Attorney General

State of South Carolina

Opinion No. 77-327

October 18, 1977

*1 TO: Mr. Donald S. Adams
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QUESTION PRESENTED:

Are distributors of pesticides within the State of South Carolina required to obtain a separate registration for their products when the same products are registered by the manufacturer in the State?

STATUTES, CASES, ETC., INVOLVED:

S. C. Pesticide Control Act, § 46-13-10, et seq., Code of Laws of South Carolina, 1976; [Boyd v. State Farm Mut. Auto. Ins. Co.](#), 195 S.E.2d 206, 260 SC 316 (1973).

DISCUSSION OF THE ISSUES:

The South Carolina Pesticide Control Act, § 46-13-10, et seq., Code of Laws of South Carolina, 1976, generally provides for the registration of pesticides which are distributed within or moved in commerce through the State of South Carolina. § 46-13-30 of the 1976 Code of Laws of South Carolina deals specifically with registration of pesticides and devices. This section requires that 'every pesticide or device which is distributed within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered subject to the provisions of this chapter.' Following this proviso is § 46-13-30(1) of the 1976 Code which provides generally that products having the same formula and which are manufactured by the same person and labeled and identified as the same product may be registered as a single pesticide by the manufacturer. You have asked whether this section will allow a distributor who is marketing under his own label a pesticide product purchased from a separate manufacturer to add his label to the manufacturer registration as an additional or supplemental label under that registration.

This question is controlled by the provisions in § 46-13-30(1) which limit the pesticide products which may be registered together under that section as a single pesticide. This proviso is set forth as follows:

Provided, that the manufacturer is also the distributor. All products manufactured by one person for distribution by another and labeled as the distributor's products will be treated as separate products from those marketed as the manufacturer's products.

Where as here the meaning of the words of the statute is plain and obvious, it is improper to look outside the plain meaning of the words used to speculate on legislative intent. [Independence Insurance Company v. Independent Life and Accident Insurance Company](#), 61 SE2d 399, 218 S.C. 22 (1950); [Boyd v. State Farm Mut. Auto. Inc. Co.](#), 195 SE2d 206, 260 S.C. 317 (1973). Using this rule of construction, it is the opinion of this office that under the S. C. Pesticide Control Act products which are

labeled and distributed as a distributor's product must be registered as separate products of that distributor even though they are the identical products registered by a manufacturer and sold to the distributor.

CONCLUSION:

*2 The clear language of Section 46–13–30 of the S. C. Code of Laws of 1976 makes it plain and obvious that a distributor must register a product which he labels and distributes as his own regardless of the fact that this same product has previously been registered by the manufacturer.

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