

1977 S.C. Op. Atty. Gen. 218 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-286, 1977 WL 24626

Office of the Attorney General

State of South Carolina

Opinion No. 77-286

September 13, 1977

*1 TO: Nicholas P. Sipe, Esquire
Legal Counsel and Hearing Officer
South Carolina Alcoholic Beverage Control Commission

QUESTION:

Would a wine warehouse require a winery permit from the Alcoholic Beverage Control Commission?

AUTHORITIES:

Sections 61-9-1220, 61-9-1210, 12-21-1010, Code of Laws of South Carolina, 1976, as amended;

R7-6, Rules of ABC pertaining to sale and consumption, Code of Laws of South Carolina, 1976, as amended;

R7-81, Rules of ABC pertaining to beer and wine, Code of Laws of South Carolina, 1976, as amended.

DISCUSSION:

The initial question presented involves the following fact situation:

A winery utilizes for storage of wine after production a warehouse that is not located on the winery premises. Wine produced by the winery is stored therein pending disposition to appropriate whole-salers.

You have asked whether such a warehouse must obtain a winery permit.

Any individual operating a winery in South Carolina must first secure a permit for the same from the South Carolina Alcoholic Beverage Control Commission (hereinafter called Commission). See § 61-9-1220 Code of Laws of South Carolina, 1976, as amended. Winery is not defined therein, but § 61-9-1210 relates the term winery as being a place for the production of beverages (wines). Websters Third International Dictionary (1971) defines winery as 'a building or plant where wine is made.'

Utilizing the term winery in its ordinary sense, it would appear that a 'warehouse' used only for storage after production of wine would not necessarily qualify as a winery and would not have to be licensed as such.

The question next arises whether or not the warehouse would have to obtain a 'warehouse permit' from the Commission. While the scheme of regulation of wine in South Carolina appears to encompass all activities concerning the importation or production, wholesale and retail of wine there appears to be no provision for the licensing of warehouses owned and operated by wineries. See § 61-9-310, Code of Laws of South Carolina, 1976, as amended, for licensing of retail and wholesale dealers; § 61-9-1220, licensing of wineries. As such, a facility serving solely as a warehouse for a winery would not have to be separately licensed for that purpose.

CONCLUSION:

A facility which solely warehouses wine for a licensed winery is not required to secure a winery permit.

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