

1977 S.C. Op. Atty. Gen. 232 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-304, 1977 WL 24644

Office of the Attorney General

State of South Carolina

Opinion No. 77-304

September 27, 1977

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

QUESTION:

Does the law of South Carolina provide for the importation of alcoholic beverages into South Carolina from outside the continental United States?

AUTHORITIES:

Chapter 7, Title 61, Code of Laws of South Carolina, 1976, as amended;

[Feldman v. S. C. Tax Commission](#), 203 S.C. 49, 26 S.E.2d 22;

[Heublein v. S. C. Tax Commission](#), 257 S.C. 17, 183 S.E.2d 710; affirmed, 409 U. S. 275;

[Delameter v. South Dakota](#), 205 U. S. 93;

[Pabst Brewing Co. v. Crenshaw](#), 198 U. S. 17.

DISCUSSION:

Importation of alcoholic beverages into South Carolina is restricted to registered producers:

No person other than a registered producer shall ship or move or cause to be shipped or moved, any alcoholic liquors from a point outside South Carolina to a point within the geographical limits of South Carolina and then only in accordance with the provisions of this chapter. Section 61–7–60, Code of Laws of South Carolina, 1976, as amended. (Emphasis added). See, Heublein v. S. C. Tax Commission, 257 S.C. 21, 183 S.E.2d 710.

A ‘point outside South Carolina’ is not limited by said section to mean only a point within the continental United States. The regulation of importers is within the power of the states. [Delameter v. S. Dakota](#), 205 U.S. 93; [Pabst Brewing Co. v. Crenshaw](#), 198 U.S. 17.

‘Producer’ is further defined to mean:

... a manufacturer, distiller, rectifier, blender, or bottler of alcoholic liquors and shall include an importer of alcoholic liquors engaged in importing such alcoholic liquors into the United States. Section 61–7–10(1), Code of Laws of South Carolina, 1976, as amended. (Emphasis added).

The inclusion of an importer of alcoholic beverages within the definition of producer, hence within the definition of ‘registered producer’ indicates a legislative intent to provide for the regulated importation of alcoholic beverages from outside the continental United States. Therefore, it appears that Chapter 7, Title 61 of the Code of Laws of South Carolina, 1976, as amended, provides for the regulated importation of alcoholic beverages from outside the continental United States to within the geographical boundaries of South Carolina.

CONCLUSION:

Chapter 7 of Title 61 of the Code of Laws of South Carolina, 1976, as amended, provides that pursuant to prescribed conditions, a foreign manufacturer, distiller, or bottler of alcoholic beverages may ship alcoholic beverages to a producer representative in South Carolina.

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