

1975 S.C. Op. Atty. Gen. 210 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4142, 1975 WL 22438

Office of the Attorney General

State of South Carolina

Opinion No. 4142

September 30, 1975

\*1 Establishments which are licensed to possess liqueurs, wines and similar alcoholic beverages to be used solely in cooking and preparation of food may serve foods containing these alcoholic beverages on Sunday.

TO: Kenneth E. Allen

Director

South Carolina Alcoholic Beverage Control Commission

QUESTION PRESENTED:

Is it lawful for establishments which are licensed to possess liqueurs, wines and similar alcoholic beverages to be used solely in cooking and preparation of food to prepare and serve foods containing these alcoholic beverages on Sunday?

STATUTES, CASE LAW, ETC.:

Regulations of the South Carolina Alcoholic Beverage Control Commission pertaining to the purchase and possession of liqueurs, wines, and similar alcoholic beverages used in the preparation of foods by establishments which offer meals to the public, . . .

Section 4-29, 1962 Code of Laws of South Carolina, (as amended).

DISCUSSION:

Section 16 of Part II, Permanent Provisions of Act 1136 of 1974 allows licensed establishments to purchase and possess liqueurs, wines and similar alcoholic beverages used in the preparation of food. The above cited Regulations define 'food' as:

. . . nutritive material taken into the body by means of eating and does not include liquids or drinks to which liqueurs and similar alcoholic beverages are added and served for consumption as beverages. [Section 1(A), Regulations of the South Carolina Alcoholic Beverage Control Commission pertaining to the purchase and possession of liqueurs, wines, and similar alcoholic beverages used in the preparation of foods by establishments which offer meals to the public.]

Section 7(A) of the same Regulation provides that the beverages described above ' . . . shall be used solely and exclusively in the preparation of food . . . '

The prohibition of the sale and consumption of alcoholic liquors on Sunday is expressed in Section 4-29(4), 1962 Code of Laws of South Carolina, as amended:

Except on Sunday, it shall be lawful to sell and consume alcoholic liquors and beverages sold in sealed containers of two ounces or less . . . (emphasis added)

It appears from the above cited Statutes and Regulations that the liqueurs and similar alcoholic beverages possessed for use solely in the preparation of food are not for sale in 'sealed containers of two ounces or less.' Neither does the term 'food' include liquids of drinks to which alcoholic liqueurs are added and served for consumption as alcoholic beverages.

It is obvious from the above cited Regulations and Statutes that duly licensed establishments may use alcoholic beverages solely in the preparation of food and that such beverages become an ingredient of the food served for the purposes of consumption by eating and are not for sale under any circumstances for the purpose of drinking.

It is, therefore, the opinion of this office that the sale, on Sunday, of food prepared with alcoholic beverages described by the Statutes and Regulations above cited is not prohibited by law.

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