

1974 WL 27701 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 5, 1974

***1 Re: Sale of Wine on Sunday in Private Clubs**

Honorable Joe G. Shinn
Director
South Carolina Alcoholic Beverage Control Commission
P. O. Box 1445
Columbia, South Carolina 29202

Dear Mr. Shinn:

You have asked this office to advise you as to the legality of the sale of wine on Sunday on the premises of nonprofit organizations licensed to sell alcoholic liquors in sealed containers of two (2) ounces or less.

Section 4-204, South Carolina Code of Laws (1962) provides, inter alia, that:

It shall be unlawful for any person to sell or offer for sale any wine or beer in this State between the hours of twelve o'clock Saturday night and sunrise Monday morning.

One found in violation of this section is subject to fine, imprisonment, forfeiture of license and confiscation of all beer and wine discovered upon the premises at the time of the illegal sale.

Neither Section 4-204 nor any other provision of the 1962 Code excepts private clubs from the proscription against the sale of wine and beer on Sunday. Nevertheless, it has been submitted that the lack of any statutory prohibition against the Sunday sale of minibottles on the premises of licensed nonprofit organizations constitutes implied authorization for the sale of wine on Sunday. Such a construction is not possible, however, because the relevant provision, Section 4-29(3), SOUTH CAROLINA CODE OF LAWS (1962), as amended, is applicable only to the sale and consumption of alcoholic liquors and beverages in sealed containers of two (2) ounces or less whereas most wines and beers have been declared by statute to be 'nonalcoholic and nonintoxicating beverages.' Section 4-201. Likewise, Section 4-82, which was recently amended to allow 'minibottle' licensees to sell the fortified wines commonly used as 'mixers,' is silent as to the Sunday sale of such beverages.

It is, therefore, the opinion of this office that it is unlawful for any person to sell wine between the hours of twelve o'clock Saturday night and sunrise Monday morning on the premises of a nonprofit organization licensed to sell 'minibottles.'

Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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