

1974 WL 27958 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 17, 1974

***1 Re: Display of Prototype Liquor Stills**

Mr. Gary C. LeCroy
Director
Berkeley County Development Board
P. O. Box 963
Moncks Corner, South Carolina 29461

Dear Mr. LeCroy:

You have asked this office to advise you with regard to the state and federal laws governing construction of liquor stills for display purposes.

Section 4-97, South Carolina Code of Laws (1962), as amended makes it unlawful to manufacture a still or any other similar device to be used for the purpose of making alcoholic liquors. On the federal level, the Internal Revenue Code of 1954 requires the issuance of a permit prior to the setting up of a still (§ 5105), the registration of the still (§ 5174) and criminal penalties for failure to comply with these requirements (§§ 5601, 5602). These sections speak in terms of stills 'to be used for the purpose of distilling.'

It would be advisable to approach both the Federal Bureau of Alcohol, Tobacco and Firearms and the State Alcoholic Beverage Control Commission with your proposal and learn what specific objections, if any, either has to the construction of a 'model' still which will not be used for distilling purposes. Although I cannot speak for either agency, it is possible that these questions might be resolved if your 'model' still is constructed in a manner so as to be incapable of distilling spirits.

I hope that this information has been of some service to you.

Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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