

1973 WL 26974 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 16, 1973

\*1 Mr. Christopher J. Gintz  
Lexington County Sheriff's Department  
105 South Lake Drive  
Lexington, South Carolina 29072

Dear Mr. Gintz:

You have requested an opinion from this office as to whether it would be a violation of the Sunday Blue Laws to sell goldfish and other small 'creatures' on Sunday. Section 64-2 of the Code of Laws of South Carolina provides, in pertinent part, that . . . it shall be unlawful for any person to engage in worldly work, labor, business of his ordinary calling or the selling or offering to sell, publicly or privately or by telephone, at retail or at wholesale to the consumer any goods, wares or merchandise or to employ others to engage in work, labor, business or selling or offering to sell any goods, wares, or merchandise, excepting work of necessity or charity.

Various exceptions to the above statutory prohibition are provided for in Section 64-2.1, but there is no mention of an exception for the sale of goldfish and other small animals. Since such items are not specifically excluded, their sale is necessarily prohibited by the Sunday Blue Laws.

We hope that you will find this information helpful. If we can be of further assistance to you, please advise us.

Sincerely,

C. Tolbert Goolsby, Jr.  
Deputy Attorney General

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