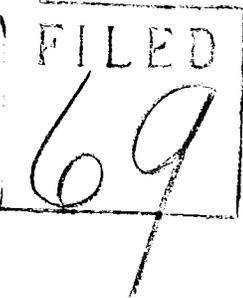


INTOXICATING
LIQUOR:

The penalty for a violation of Section 8
of the Liquor Control Act is a misdemeanor
as provided by Section 43 of said act.

January 21, 1941



Mr. James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri

Dear Mr. Paul:

This is in reply to your request for our opinion
by your letter dated January 17, 1941, which is in the
following terms:

"Would you kindly inform me whether or
not under Section 8, page 7 of the in-
toxicating liquor laws, State of Missouri
1929, as published by the Department of
Liquor Control, the same being Section
8 of page 528 of the Laws of Missouri,
1927, whether or not the penalty is a
misdemeanor or a felony. I would appreciate
an early reply in regard to this matter."

Section 8 of the Liquor Control Act, Laws 1933, Ex.
Sess. page 77, Section 8, as amended, Laws 1937, page
527, Section 2, Mo. Stat. Ann. page 4686, Section 4525g-9
provides:

"No person shall possess intoxicating
liquor within the State of Missouri unless
the package in which such intoxicating
liquor is contained and from which it is
taken for consumption has, while contain-
ing such intoxicating liquor, been labeled
and sealed with the official seal prescribed

January 21, 1941

under this act and the regulations made hereunder; provided further, that nothing in this act shall be so construed as to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home and their guests."

It is provided by Section 43 of the Liquor Control Act, Laws 1933, page 77, Section 43, as amended, Laws 1935, page 267, Section 1, Mo. Stat. Ann. page 4689, Section 4525g-48 that:

"Any person violating any of the provisions of this Act, except where some penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor and punished by a fine of not less than Fifty (\$50.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and jail sentence."

Inasmuch as a penalty for a violation of Section 8, supra, is not provided otherwise than by said Section 43, the penalty is for a misdemeanor as provided by Section 43, supra.

CONCLUSION

It is our opinion that the penalty for a violation of Section 8 of the Liquor Control Act is a misdemeanor as provided by Section 43 of said Act.

Respectfully submitted

APPROVED:

LAWRENCE L. BRADLEY
Assistant Attorney General

COVELL R. HEWITT
(Acting) Attorney General

EH:RT