



1962

## Digest of Attorney General Opinions

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# DIGEST OF ATTORNEY GENERAL OPINIONS

## COOKING WINE—CLASSIFICATION AS FOOD OR LIQUOR

*March 5, 1962*

May cooking wine be sold in grocery stores as food or do the laws pertaining to liquor and beverages apply?

The opinion states, *inter alia*: If cooking wine is unfit for beverage purposes, the laws pertaining to alcoholic beverages would not apply to the sale and distribution of this product. However, although it may be unfit for beverage purposes, the alcoholic beverage laws would apply if the seller knew or should have known the purchaser intended to use the product for beverage purposes. While it is quite clear that cooking wine could be classified as a food product, the main question to be determined is whether cooking wine is also a beverage. This boils down to a question of fact.

It is our opinion that if cooking wine is reasonably fit for beverage purposes, it could not be sold by any persons who did not have a liquor license. If it is not reasonably fit for beverage purposes, as it might possibly be, the product could continue to be sold in grocery stores.

## BOARD OF DIRECTORS OF COUNTY PUBLIC LIBRARY— TRAVEL EXPENSES

*March 9, 1962*

In view of § 40-38-03 of the N.D. Cent. Code which states: “. . . No compensation shall be paid or allowed to a director . . .” may a member of the Board of Directors of a County Public Library be reimbursed for travel expenses incurred in the attendance of meetings?

The opinion states: It is our opinion that the actual and necessary expenses of these public officers which are incurred in performance of their official duties are distinct from and not included within the term “compensation.” We believe, since the Code does not specifically indicate otherwise, that payment of mileage to the directors attending monthly meetings would constitute “expense reimbursement” rather than “compensation.”

PROMISSORY NOTES—FORGIVENESS OF INTEREST IF PAID ON OR  
BEFORE MATURITY DATE

*April 18, 1962*

Is N.D. Cent. Code § 47-14-05 violated by a note which contains the following language: "This note shall bear interest at the rate of \_\_\_\_ per cent per annum, provided that such interest shall be waived if this note is paid in full on or before maturity date."

The opinion states: We do not believe that the language is in violation of § 47-14-05 for it does not provide for two different rates of interest but merely forgives the interest if paid on or before maturity date. The rate of interest is the same before and after maturity if the principal is not paid on or before maturity.

It is, therefore, our opinion that the language set out above does not violate § 47-14-05 of the N.D. Cent. Code.

LICENSED LIQUOR ESTABLISHMENTS—MARRIED  
MINORS PROHIBITED

*May 29, 1962*

May a married woman who is under 21 years of age be served liquor in a licensed establishment?

The opinion quotes § 5-05-04 of the N.D. Cent. Code which provides in part: "No person under twenty-one years of age shall be permitted in any room wherein is operated or maintained a bar on or over which alcoholic beverages are sold, furnished, or distributed."

From the above-quoted section, it is our opinion that no person under 21 years is to be permitted in a licensed liquor establishment irrespective of her being a single woman, or a married woman, or the head of a family.