

## Opinion No. 21-2820

February 9, 1921

**BY:** A. M. EDWARDS, Assistant Attorney General

**TO:** Mr. J. W. Wuttermann, Angostura Bitters Agency, Inc., 12th East 46th St., New York City, N. Y.

### Importation of Angostura Bitters.

#### OPINION

{\*23} We have been orally asked by your representative to give an opinion as to whether Angostura Bitters may be imported into and sold in New Mexico.

{\*24} Our constitution provides that no person, association or corporation shall import into this state any ardent spirits, ale, beer, alcohol, wine or liquor of any kind whatsoever, containing alcohol, and that no person, association, or corporation, shall, within this state, sell, or barter, or keep for sale or barter, any of such liquors or beverages, or offer any such liquors or beverages for sale, barter or trade; provided that denatured or wood alcohol or grain alcohol, when intended to be used for medicinal, mechanical or scientific purposes only, or wine when intended and used for sacramental purposes only, may be imported or sold.

The enforcement statute of this constitutional provision, Chapter 151, Laws 1919, enacts practically the same provision, and provides penalties for violation, of imprisonment from ninety days to five years.

It is apparent from the language of both the constitution and the statute that the importation or sale of any liquor containing alcohol, besides wood alcohol, grain alcohol, or sacramental wine, is prohibited.

Our Supreme Court has never defined "liquor" as used in our constitution and statute. In most states where similar language has been used, the courts have construed the word "liquor" not to include those used for beverage purposes. If Angostura Bitters are not used as a beverage, it is probable that their importation and sale would not be a violation of our prohibition laws.