



IRVIN D. PARKER
ADMINISTRATOR

The State of South Carolina
Department of Consumer Affairs

600 COLUMBIA BUILDING
P. O. BOX 11739
COLUMBIA, S. C. 29211
(803) 758-2040

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March 4, 1976

Administrative Interpretation No. 1.301-7604

"AGRICULTURAL PURPOSE" REFERS TO COMMERCIAL AGRICULTURE
AND THEREFORE EXCLUDES NON-COMMERCIAL GARDENING.

Your question concerned the definition of "agricultural purpose" in South Carolina Code Section 8-800.131(4) [Consumer Protection Code Section 1.301(4)]. Specifically you asked whether the definition excludes non-commercial gardening, i.e. the production and harvest by an individual of agricultural products in his garden to be consumed primarily or exclusively by himself and his family.

South Carolina Code Section 8-800.131(4) states in full:

"Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

This subsection is the exact language of the Official Text of the Uniform Consumer Credit Code. The official comments to that subsection state that the definition of "agricultural products" is derived from the Agricultural Marketing Act of 1946, 7 U.S.C. Section 1626. The Code definition is substantially the same as the federal Act definition. The purpose of the federal Act is to promote the agricultural industry by a system of distribution and marketing of agricultural products which will result in "full employment and . . . the welfare, prosperity, and health of the nation." The Act is obviously not aimed at non-commercial agriculture.

When the drafters of the Uniform Consumer Credit Code included the definitions of "agricultural purpose" and "agricultural

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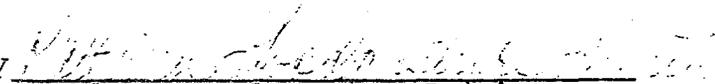
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products," they no doubt intended to describe commercial agriculture in order to broaden the sweep of the Code. A credit transaction involving non-commercial gardening would be included in the phrase "personal, family, or household purposes." Adding the phrase "agricultural purposes" could only be an extension to cover commercial farming.

While the South Carolina General Assembly expressed its intent to exclude sales, leases, or loans made primarily for agricultural purposes from the scope of the Consumer Protection Code, surely it did not intend to cut back the definitions of consumer credit sale, consumer lease and consumer loan to exclude non-commercial gardening which is done primarily for a personal, family or household purpose.

South Carolina Code Section 8-800.102(1) [Consumer Protection Code Section 1.102(1)] says, "This Act shall be liberally construed and applied to promote its underlying purposes and policies." One of its purposes, [Section 8-800.102(2)(d)] is to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers of consumer credit. It is the opinion of this office that non-commercial gardening is primarily for a personal, family, or household purpose and therefore not excluded from the coverage of the Consumer Protection Code.

By


Kathleen Goodpasture Smith
Staff Attorney



Irvin D. Parker
Administrator