

Business law: the of illegal alcohol selling

Law



The different legal issues that are needed to be determined in this case for reaching a conclusion is that whether the three minors who have misrepresented themselves to the company while making a purchase of the alcohol have any liability and whether there is any liability of the company for selling liquor to minors. The law governing the aforesaid legal issues is Title-23 Chapter- 6 of the Idaho Code. According to Idaho Code § 23-604, any person under 21 years of age who shall purchase, attempt to purchase or possess any alcoholic beverages, beer or wine shall be guilty of a misdemeanor and punished according to the schedule set out in § 18-1502. Moreover, no person licensed in pursuance to title 23 Idaho code shall sell any alcoholic beverage to a person under 21 years of age and shall be guilty of a misdemeanor in case of its violation. In case of misrepresentation made by the purchaser, the purchaser shall also be liable with the licensee (Idaho Code § 23-615). It was held in *State vs. Kolliche*, 143 Me. 281, 284-85 (1948) that furnishing alcohol to the minors is *malum prohibitum* and does not require the prosecution to prove intent. This makes both the company as well as the minors liable for a misdemeanor.

Minors are allowed to rescind the contract on the ground of incapacity but they are not going to get the whole purchase price and are going to get an amount after deducting the depreciated amount from the purchase price. It was held in *Dodson v. Shrader's Auto Sales* 824 S. W. 2d 545 (TN 1992) that the minors full purchase price recovery are subject to a deduction from use, depreciation of the item in possession of minor.