

References to Territory, District, etc., were revised and same changes made as in section 1264 of this title.

The provision that “such liquor shall be forfeited to the United States” was omitted as covered by section 3615 of this title, which was derived from section 224 of title 27, U.S.C., 1940 ed., Intoxicating Liquors.

The provision that such liquor “may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law” was likewise omitted as covered by section 3615 of this title, which provides for seizure and forfeiture under the internal revenue laws rather than under provisions of law “for the seizure and forfeiture of property imported into the United States contrary to law” or, in other words, rather than under the customs laws. Section 224 of title 27, U.S.C., 1940 ed., Intoxicating Liquors, on which said section 3615 of this title is based, was derived from the Liquor Enforcement Act of 1936 (Act June 25, 1936, ch. 815, 49 Stat. 1928). Said section 224 included, in its coverage, section 390 of title 18, U.S.C., 1940 ed., on which this revised section is based, even though the Liquor Enforcement Act of 1936, in another section thereof, in amending said section 390, retained the provision that seizures and forfeitures thereunder should be under the customs laws. By eliminating this conflicting provision, a uniform procedure for seizures and forfeitures, under the internal revenue laws, is established under said section 3615 of this title.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

1968—Pub. L. 90-518 struck out “of or package” after “any package” and substituted “shipment is accompanied by copy of a bill of lading, or other document showing” for “package is so labeled on the outside cover as to plainly show”.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-518, § 3, Sept. 26, 1968, 82 Stat. 872, provided that: “This Act [amending this section] shall become effective ninety days after the date of its enactment [Sept. 26, 1968].”

#### CONGRESSIONAL DISCLAIMER OF INTENT TO PREEMPT STATE REGULATION OF SHIPMENTS OF INTOXICATING LIQUOR

Pub. L. 90-518, § 2, Sept. 26, 1968, 82 Stat. 872, provided that: “Nothing contained in this Act [amending this section] shall be construed as indicating an intent on the part of Congress to deprive any State of the power to enact additional prohibitions with respect to the shipment of intoxicating liquors.”

### § 1264. Delivery to consignee

Whoever, being an officer, agent, or employee of any railroad company, express company, or other common carrier, knowingly delivers to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, or other fermented liquor or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, which has been shipped into any place within the United States, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 761; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 388 (Mar. 4, 1909, ch. 321, § 238, 35 Stat. 1136; June 25, 1936, ch. 815, § 6, 49 Stat. 1929).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Words “Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof,” which appeared twice, were omitted. See section 5 of this title defining the “United States.”

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

### § 1265. C.O.D. shipments prohibited

Any railroad or express company, or other common carrier which, or any person who, in connection with the transportation of any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, into any State, Territory, District or Possession of the United States, which prohibits the delivery or sale therein of such liquor, collects the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or in any manner acts as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 762; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 389 (Mar. 4, 1909, ch. 321, § 239, 35 Stat. 1136; June 25, 1936, ch. 815, § 7, 49 Stat. 1929).

Changes similar to those made in section 1264 of this title were also made in this section.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

## CHAPTER 61—LOTTERIES

Sec.

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| 1301. | Importing or transporting lottery tickets.  |
| 1302. | Mailing lottery tickets or related matter.  |
| 1303. | Postmaster or employee as lottery agent.  |
| 1304. | Broadcasting lottery information.   |
| 1305. | Fishing contests.   |
| 1306. | Participation by financial institutions.  |
| 1307. | Exceptions relating to certain advertisements and other information and to State-conducted lotteries. |

#### AMENDMENTS

1988—Pub. L. 100-625, § 3(a)(2), Nov. 7, 1988, 102 Stat. 3206, substituted “Exceptions relating to certain advertisements and other information and to State-conducted lotteries” for “State-conducted lotteries” in item 1307.

1975—Pub. L. 93-583, § 2, Jan. 2, 1975, 88 Stat. 1916, added item 1307.

1967—Pub. L. 90-203, § 5(b), Dec. 15, 1967, 81 Stat. 611, added item 1306.