



STATE BOARD OF EQUALIZATION

PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001
TELEPHONE (916) 445-6450

March 29, 1965

[M]
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Attention: Mr. [B]
Western Distribution Manager

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Gentlemen:

Under date of February 17, 1965, you addressed us a letter concerning a product ENFAMIL NURSETTE, an infant formula in a disposable formula bottle. You ask for a ruling as to whether this product is taxable.

The formula itself, according to your literature, would be exempt as a food for human consumption. In addition, the disposable formula bottles in which the formula is sold would be considered as exempt non-returnable containers. If the pre-sterilized disposable nipple units are included in the package sold, we would consider the entire package to be an exempt sale, since it consists essentially of a food item in a non-returnable container, with the necessary nipples for feeding out of the bottle. If, however, the nipple units are separately sold, e.g., as replacements, or for any other reason, such separate sales could not be considered exempt.

We note that among the products you sell is sterile water. There is no exemption of sales of water, except water delivered through mains, lines, or pipes. Therefore, your sales of sterile water are not within the exemption.

Very truly yours,

E. H. Stetson
Tax Counsel

EHS:fb

cc: San Francisco – District Administrator