



STATE BOARD OF EQUALIZATION

(916) 445-3723

August 16, 1991

Mr. A--- R. C. R---, CPA
Certified Public Accountant
P. O. Box XXX
---, NJ XXXXX

Dear Mr. R---:

This is in response to your letter of June 25, 1991, which reached this office on August 8, 1991.

We understand that you represent a company that has been selling microbes that consume toxic hydrocarbon chains in order to control pollution. Some of these bacterial products will be sold at the retail level. You inquire as to whether these retail sales will be subject to California sales tax.

The transactions in question are subject to sales tax in this state. California does have an exemption for sales of animal life of a kind the product of which ordinarily constitutes food for human consumption; that is food animals. We also have an exemption for sales of seeds and animal plants, the product of which ordinarily constitutes food for human consumption. Neither of these exemptions are applicable to the sale of microbes. Additionally, there is no exemption for products that aid in pollution control.

Very truly yours,

Gary J. Jugum
Assistant Chief Counsel

GJJ:sr