

M e m o r a n d u m**385.1340**

To: San Francisco - Aud. (LC:DB)

Date: Nov. 11, 1967

From: Tax Counsel (GAT)

Subject:

This is in regard to your memo of October 19, 1967 concerning the publications which "V" prints for Beverage Industry News.

It is our understanding that "V" prints two sets of publications for the Beverage Industry. Each set (Valley Edition and Coast Edition) consists of two issues each month of the Beverage Industry News in newspaper form containing articles of interest to liquor wholesalers and retailers, one issue each month in magazine form containing listings of current fair trade wholesale and retail liquor prices, and the names of distributors handling particular brands. The issue in magazine form is titled Beverage Industry News Price Book. A notice in each Price Book states that the price information is confidential to the liquor industry.

The issues in newspaper form and magazine form are issued serially and numbered consecutively. Formerly, there was no separate Price Book the pricing information being incorporated in the publication issued in newspaper form.

The masthead in each issue states that the Beverage Industry News is "Published THREE TIMES MONTHLY EXCEPT APRIL WHEN IT IS PUBLISHED FOUR TIMES AT SAN FRANCISCO, CALIFORNIA."

Included in the masthead is the statement "Second-Class Postage Paid at San Francisco, Calif."

As indicated in Ruling 50, the term "periodical" includes publications which appear at stated intervals, each issue containing news or information of interest to the public or to some particular group of persons and bearing a relationship to prior or subsequent issues with respect to similarity of subject matter, each issue being connected with other issues of the series in the nature of the articles appearing in them.

Inasmuch as the Price Books are issued each month as regular editions of Beverage Industry News and contain information of current interest to persons in the liquor merchandising industry, it is our opinion that they qualify as periodicals under Section 6362 and Ruling 50.

In addition, in order to qualify for second-class mailing rates, a publication must be classified by the Postal Department as a newspaper or periodical. The definition of a "periodical" in Ruling 50 is based on the definition of "periodical" made in cases involving publications seeking to use second-class mailing rates. In view of the foregoing, it would appear that since Business Industry News qualifies for the second-class mailing rate it is classified by the Postal Department as a periodical.

GAT:mh [lb]