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December 9, 1993

Dear X-----:

This is in response to your letter of September 21, 1993, which was addressed to Mr. Carl J. Bessent.

Calligraphy is an ancient art. Then again the Sales and Use Tax Law, which has been in effect for over 60 years, has a heritage of its own. It has been this agency's consistent interpretation of that law that charges for calligraphy are subject to sales tax. It is our position that the tax applies, even in circumstances where calligraphy is done on paper or other products supplied by the client.

Revenue and Taxation Code section 6006(b) provides that the term "sale" includes:

“(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.”
 (Emphasis added.)

Thus, transactions which involve the furnishing of labor only can be subject to tax under the Sales and Use Tax Law.

Our position with respect to calligraphy is reflected in our Regulation 1540, “Advertising Agencies, Commercial Artists and Designers.” Handlettering is regarded as artwork. The regulation provides in paragraph (a) (2) that "artwork" includes "drawings, paintings, designs, lettering and the like."

Note that not all charges for calligraphy are taxable. Tax does not apply to charges for addressing for the purpose of mailing. Our Regulation 1541, "Printing and Related Arts," provides in paragraph (c) that "tax does not apply to charges for ... addressing for the purpose of mailing (by hand or by mechanical means)" (Emphasis added.) Copies of our Regulations 1540 and 1541 are enclosed for your reference.

We would ask that your client obtain a seller's permit from this agency.

Very truly yours,

Gary J. Jugum
 Assistant Chief Counsel

GJJ:sr

Encs.

Cc: Mr. Carl J. Bessent – MIC:82