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April 15, 1992

Ms. S--- L---
Publisher
S--- E---, Inc.
XXXX --- Road
--- ---, CA XXXXX

Dear Ms. L---:

This is in reply to your March 10, 1992 letter regarding our November 21, 1991 letter on the subject of the application of sales tax to sales of printed sales messages.

You believe that the sale to you of the printed sales messages should be exempt notwithstanding that the seller delivers the publications to your parking lot. You sent letters from your two distributors, each of which stated that the distributor picks up the publications from your place of business and distributes the publications. You explained that the reason the publications are delivered to you is that they must be distributed the day they are delivered to you.

Regardless of the reason that you have the publications delivered to you by the seller, since your seller does deliver them to you instead of to the third party donees who receive them at no cost, the seller's sale does not qualify for exemption under Revenue and Taxation Code section 6379.5.

If you were to change your procedures to have the seller deliver to your distributor, you must still have some involvement in some stage of the delivery by a common carrier.

If you have further questions regarding this, feel free to write again.

Very truly yours,

Ronald L. Dick
Senior Tax Counsel