



STATE BOARD OF EQUALIZATION

December 20, 1968

Gentlemen:

This is in response to your letter of December 9 in which you inquire as to the tax status of a booklet to be published by you to be known as "The Official 200th Anniversary Souvenir and Program Guide" of the 200th Anniversary Celebration of San Diego.

Briefly, we understand that the booklet will be the official guide of the celebration and will be published with the approval of a civic committee called the 200th Anniversary Committee. At least 100,000 of the booklets will be distributed in Southern California. They will sell for \$1.00. They will contain the official schedule of events, maps, historical data on San Diego, articles on the present and future of the city, what to do, where to go, and how to get there. The booklet will carry a small percentage of advertising, approximately 20 pages out of approximately 140.

Several editions are anticipated in order to bring the calendar-of-events up to date, in order to accept more advertising, and in order to embellish the editorial sections. The executive committee believes you should publish at least four times a year, but, depending on demand, the editions might be more frequent.

Section 6362 of the Revenue and Taxation Code provides that there are exempted from the sales tax, the sale of any periodical regularly issued at average intervals not exceeding three months.

The term "periodical" is limited to those publications which appear at stated intervals, each issue of which contains news or information of general interest to the public, or to some particular group of persons. Each issue must bear a relationship to prior or subsequent issues in respect to continuity of literary character or similarity of subject matter, and there must be some connection between the different issues of the series in the nature of the articles appearing in them. The term does not include books complete in themselves, catalogs, or programs.

In our opinion the Guide does not qualify as a "periodical" within the definition given above. Rather, we view the Guide as being essentially a single publication subject to being reissued in revised form. We do not think that the facts that later issues of the Guide will contain some

additional advertising, some additional editorial commentary, and an updated calendar-of-events are sufficient to alter the character of the Guide from a souvenir program to a periodical.

It further appears that the Guide will not be published with sufficient regularity to qualify it for the exemption provided for in Section 6362. It appears that it is anticipated that the Guide will be republished at least four times a year. It also appears that if the demand is sufficient, additional editions will be published. We do not regard such a schedule of publication to be a regular schedule as regarded by the law.

For the reasons stated above, it is our opinion that the Guide does not qualify for exemption from the tax.

Very truly yours,

T. P. Putnam
Tax Counsel

By Gary J. Jugum

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