

M e m o r a n d u m**432.1100**

To: Mr. Morris Verna, Jr.
San Francisco Audit

Date: December 16, 1991

From: Ronald L. Dick
Senior Tax Counsel

Subject: Revenue and Taxation Code Section 6379.5

This is in reply to your question regarding the language in section 6379.5 and Sales and Use Tax Regulation 1541.5, Printed Sales Messages, which requires in relevant part that printed sales messages be “mailed or delivered by the seller, the seller’s agent, or a mailing house, acting as the agent for the purchaser, through the United States Postal Service or by common carrier”.

You ask whether there is any legislative intent to restrict the parties to using a mailing house that acts solely as the purchaser’s agent and not one that acts as the seller’s agent. We do not believe so. If the mailing house acts as an agent of the seller, then the printed sales messages would be “mailed or delivered by the seller”. We believe that the language is meant to allow the seller to deliver the printed sales messages to a mailing house hired by the purchaser without losing the exemption.

RLD:sr