



235.0140

STATE OF CALIFORNIA

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STATE BOARD OF EQUALIZATION

October 24, 1950

REDACTED TEXT

Gentlemen:

This is in answer to your letter of October 17 with respect to the application of the California sales and use tax to the amount of the federal excise tax on photographic apparatus, imposed by Section 3406 (a) (4) of the Internal Revenue Code.

A review of Section 3406 (a) (4) of the Internal Revenue Code, and of the various tax services indicates that the federal excise tax on photographic apparatus is a manufacturer's excise tax, within the meaning of the second paragraph of Sales and Use Tax Ruling 57, referred to in your letter. Accordingly, the "gross receipts" or "sales price," as the case may be, subject to the sales or use tax, includes the amount of federal tax. In the example outlined in your letter the measure of the tax would be \$750.00.

Very truly yours,

R. G. HAMLIN  
Associate Tax Counsel

RGH:HB

cc: REDACTED TEXT