

## DEPARTMENT OF TAXATION

57

## Chapter Tax 9

## TOBACCO PRODUCTS

Tax 9.06	Affixing of state revenue stamps	Tax 9.31	Sales out of Wisconsin
Tax 9.11	Refunds	Tax 9.36	Displaying of tobacco products
Tax 9.12	Refunds—military	Tax 9.41	Vending machines
Tax 9.16	Meter machines	Tax 9.42	Vending machines—penny
Tax 9.17	Meter machine settings	Tax 9.46	Purchases by the retailer
Tax 9.21	Shipments to retailers	Tax 9.51	Samples
Tax 9.22	Drop shipments	Tax 9.56	Branch offices
Tax 9.26	Trade or transfer of unstamped tobacco products	Tax 9.61	Warehousing of cigarettes
		Tax 9.67	Tobacco tax credit

**Tax 9.06 Affixing of state revenue stamps.** (1) Tax stamps of the proper denomination shall be affixed either to the top of each individual package of cigarettes or on the bottom thereof, excepting in the case of flat tins or other odd-sized containers when said tax stamps shall be affixed to some portion of the flat surface thereof. In no event shall any tax stamp be placed over or cover any part of the federal tax stamp.

(2) Tax revenue meter imprints shall be affixed at the bottom of each individual package of cigarettes, opposite the federal stamp.

**Tax 9.11 Refunds.** (1) Any manufacturer or wholesaler who has in his possession damaged tobacco products and who desires a refund on the stamps attached to such merchandise, shall notify the commissioner of taxation and furnish the department of taxation with an affidavit setting forth the kind and quantity of merchandise so damaged, location thereof, the amount of tax paid thereon, and the cause and type of damage thereto. These instructions must be followed or a refund will be refused. The stamps must be destroyed in the presence of a representative of such department, and a proper affidavit made up and returned to such department by said representative before refund will be allowed.

(2) Refund will be granted on all stamps unfit for use, or otherwise unused, returned to this department by duly authorized permittees, providing the sale thereof may be verified by the commissioner.

(3) On all refunds granted, the cost of printing and service charges will be deducted therefrom.

**Tax 9.12 Refunds—military.** The state tax paid on tobacco products sold to post exchanges of the armed forces of the United States and to federally operated veterans' hospitals may be refunded to the licensed manufacturer, wholesaler or subjobber making the sale under the following conditions and provisions:

(1) State stamps of the proper denomination must be affixed to each package before delivery.

(2) An invoice covering each sale must be executed in triplicate, the original to be retained at the office of the manager of the post exchange or veterans' hospital and the other two copies to be receipted

by the post exchange officer or the manager of the post exchange or veterans' hospital or his designated representative and retained by the firm making the sale.

(3) A claim for refund together with a copy of the receipted invoice or invoices should be filed with the division of beverage and cigarette taxes on or before the tenth day of each month covering all sales made to post exchanges or veterans' hospitals during the preceding month.

(4) In the event tobacco products sold or delivered under the provisions of section 139.50 (17), Wis. Stats., and this regulation are returned to the manufacturer, wholesaler or subjobber, a notation of such return, signed by the manager of the post exchange or veterans' hospital, or his designated representative, must be recorded on the original invoice and on both copies clearly indicating quantity and description of tobacco products returned.

(5) Under no consideration may any tobacco products upon which a tax refund has been paid or applied for, be returned to any manufacturer, wholesaler, or subjobber without special permission from the Division of Beverage and Cigarette Taxes.

**Tax 9.16 Meter machines.** (1) All meters are under the direct control of the commissioner of taxation, and all transfers or anything pertaining thereto must first be authorized by the department of taxation.

(2) Any wholesaler or manufacturer desiring to use a cigarette meter machine in lieu of affixing revenue stamps must apply to the commissioner of taxation for permission to have such machine installed for such purpose.

(3) All repairs to either the machine or the meter are strictly prohibited except by an authorized representative of Pitney-Bowes, Inc. Requests for service should be directed to the branch office of Pitney-Bowes, Inc., for your territory.

(4) Meter machine ink imprints on all packages must be clear and legible. All dyes and other equipment must be serviced and cleaned according to the instructions issued by Pitney-Bowes, Inc., otherwise this office shall reserve the right to refuse the continued use of the meter.

(5) All inks used in the stamping of cigarettes must be purchased from Pitney-Bowes, Inc., Stamford, Connecticut, and must be made up from the formula having the approval of the department of taxation.

**Tax 9.17 Meter machine settings.** (1) Meters may only be set by authorized representatives of the commissioner of taxation and all individuals doing so should be requested to show their credentials to the permittee requesting the setting.

(2) All requests for meter settings shall be in units of 100 and may not exceed 99,900.

(3) Permittees, if they so desire, may forward their meter direct to the office of Beverage and Cigarette Taxes for setting, accompanied by the proper remittance and the card titled "The Record of Meter Settings," form CT-3020. Express charges must be prepaid on meters sent to the office of Beverage and Cigarette Taxes for setting and the machines will be returned by express collect after setting.