In matter of giving away cars under plan of Motor Vehicle Dealers Association of Kansas City, Mo.

February 18, 1933.

FILED
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Mr. Thomas A. J. Martin
Prosecuting Attorney
Kansas City, Missouri

Dear Sir:

In letter addressed to Attorney-General by Better Business Bureau, Inc., Kansas City, Missouri, that organization states as follows:

> "Under their method of distribution of tickets each person who enters the motor show, after being required to pay an admission charge of 40 cents, is then handed a numbered ticket. Later in the evening a drawing is held and the person holding the number corresponding to the number drawn from a barrel wins the motor car."

You ask my opinion on whether or not this plan executed would constitute a lottery. In my opinion, it would.

In State ex rel. Home Planners Association vs. Hughes, Commissioner of Finance, 289 Mo. l. c., p. 533-534, our Supreme Court said:

> "The first question argued is whether relators plan is a lottery within the meaning of Section 10, Article 14, of the Constitution which forbids organization of lotteries or gift enterprises for any purpose. The term "lottery" thus used, includes every device whereby anything of value is for a consideration allotted by chance."

Hon. Thomas A. J. Martin #3

The fact that the receiver of ticket was given it **after** he had paid an admission charge of 40 cents, makes no legal difference. In my opinion the plan executed would constitute a lottery and my views are, I think, supported by the following authorities:

State vs. Mumford, 73 Mo. 647;
McDonald vs. United States, 63 F. 426;
Siver vs. Investment Co., 183 Mo. 50.

Very respectfully,

EDWARD C. CROW

APPROVED: _____
ROY McPITTRICK
Attorney-General.

ECC:EG