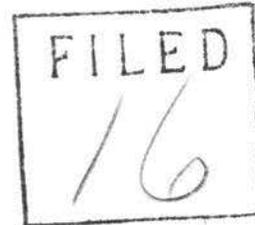


LOTTERIES: Cleo Colo Bottle Caps.

October 4, 1937

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Hon. G. R. Chamberlin  
Prosecuting Attorney  
Cass County  
Harrisonville, Missouri

Dear Sir:

We have your request of September 25, 1937, for an opinion relative to the distribution of prizes (money), by inserting in Cleo Colo bottle caps a piece of cork, properly lettered, showing the holder thereof is entitled to receive five cents to One dollar in cash prizes for presenting this to a dealer.

We assume that all bottle caps are not so stamped and that the corks used in the various bottles of Cleo Colo vary in value according to the stamps placed upon them. Under these circumstances a person who buys a bottle of Cleo Colo also buys a chance on getting no prize, or a prize varying in size from five cents to One dollar in cash.

Without burdening this opinion too much with citations of authorities we refer you to State vs. Emerson, 1 S. W. (2) 109; State ex rel. vs. Hughes, 299 Mo. 529; 253 S.W. 229; 28 A.L.R. 1305; State vs. Becker, 248 Mo. 555, 154 S.W. 769.

It is therefore the opinion of this office that the awarding of prizes by this method is a lottery prohibited by Section 4314 R. S. Missouri 1929, and Article IV, Section 10 of the Missouri Constitution.

Hon. G. R. Chamberlin

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October 4, 1937

If dealers are conducting such a lottery in your County, it becomes your duty to institute prosecutions, as per an opinion of this Department written by Mr. Covell R. Hewitt, which is enclosed herewith.

Respectfully submitted

FRANKLIN E. REAGAN,  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

FER:MM  
Enclosures.