

LOTTERIES---Hollywood and similar theatre schemes.

March 23, 1937

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Hon. E. L. Redman
Prosecuting Attorney
Gentry County
Albany, Missouri



Dear Sir:

We have your request of March 19, 1937, for an opinion, which request in part is as follows:

"I desire an opinion from your office concerning the legality of the use of a game called Hollywood, in connection with a moving picture business. Enclosed find a pamphlet which the promoters of this game have prepared, explaining its operation.

The game is played by the audience at the picture show, who have paid a regular theatre admission and received a ticket of admittance to a moving picture program, and the audience compete for prizes offered for successful players. Each person, when he enters the theater, is given a card with the names of three movie stars, and during the course of the theater program the game is played on the screen by an electric wheel with an arrow pointing to letters of the alphabet on the dial, which electric wheel itself is operated successively by means of an extension cord with a button, placed in the hands of different persons in the audience. Some member presses the button and the electric mechanism causes the arrow to point to some letter on the dial, which is shown on the screen. Each person then holding a card watches the letters indicated on the screen, and if it is a letter embodied within the three names

on his card, he checks his card by means of punching below the letter. This operation is repeated until some person in the audience has succeeded in getting the complete names of two of the stars on his card punched out. He then calls "Hollywood," and is a candidate for a money prize which he draws by number. The game is continued in operation until eleven other persons have also completed a Hollywood, and twelve prizes are given, totalling \$15.00 in money. Should some player in the audience score a Hollywood score within the first twelve spins he gets a grand prize of a larger sum of money. If it is not won in one night, it is doubled and is played for at the next theater attendance."

The principle underlying all lottery laws and particularly Section 4314 R. S. Missouri 1929, is that a lottery is a scheme or device wherein anything of value is, for a consideration, allotted by chance. State vs. Emerson, 1 S. W. (2) 109. Brooklyn Daily Eagle vs. Voorhies, 181 Fed. 579; 38 C. J. 289.

We notice in the pamphlet furnished with your letter describing the play "Hollywood" that prizes are awarded by spinning a wheel. The arrow or wheel is required to stop on certain letters contained in names on cards distributed to patrons as they enter the theatre. Patrons have no way of knowing and cannot find out when and where the arrow of the wheel will stop on each spin. The Supreme Court of the United States in Dillingham vs. McLaughlin, 68 L. Ed. 742, 1. c. 747 said:

"What a man does not know and cannot find out is chance as to him, and is recognized as chance by the law."

The selection of these letters by spinning a wheel is sufficient to constitute the element of chance in a lottery scheme.

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The third and last element "consideration" is present in the game "Hollywood". Featherstone vs. Independent Service Station (Tex.) 10 S. W. (2) 124; City of Wink vs. Griffith Amusement Company (Tex.) 100 S. W. (2) 695. There is little or no distinction between the game "Hollywood" and other similar games such as "Screeno", all of which are plain lotteries, operated in violation of state law.

I am enclosing herewith a copy of an opinion declaring schemes similar to "Bank Night" to be lotteries.

It is therefore the opinion of this Department that the scheme "Hollywood" is a lottery prohibited by the Constitution and statutes of Missouri.

Respectfully submitted,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

FER:MM
Enclosure.