

GAMING.

: Bingo is prohibited even if proceeds
: go to charity lottery.
:

November 22, 1944

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Mr. H. A. Kelso
Assistant Prosecuting Attorney
Vernon County
Nevada, Missouri

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Dear Sir:

Your letter of September 15, 1944 is as follows:

"I have been requested by the local chapter of the Veterans of Foreign Wars to write for an opinion on the following set of facts:

"The V. F. W. proposes to open a game commonly called 'bingo' in an empty store building located at Nevada, Missouri. This game is one of chance the players paying a fee to engage as a player and the winner being determined by whether or not the player holds a card with a certain sequence of numbers on it. The winner would receive a prize offered by the operator of the game.

"Would the fact that the profits of the game are to go to charity, after deducting the costs of operation, prevent this from being a lottery within our statutes?

"Would the offering of war bonds and stamps as prizes make this game any less a lottery?"

Section 4704, R. S. Mo., 1939 prohibits the establishment of lotteries in this state. In State ex inf. McKittrick v. Globe-Democrat Publishing Co., 110 S. W. (2d) 705, 713, is said that the statute "includes every scheme or device whereby anything of value is for a consideration allotted by chance."

As we understand the game "Bingo", the players pay a certain sum for a card on which is printed certain numbers, each column of numbers headed by a letter of the alphabet. The operator of the game then draws from a container cards or wooden blocks bearing numbers and letters and announces to the players, for example, that the number drawn is "50 under G." The

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player then covers that number if it appears on his card. When a complete row of numbers on a card are covered, the player doing so first wins a prize.

This type of game clearly falls within the statute for it awards a thing of value (the prize) for a consideration (the charge for the card) allotted by chance (the probability that numbers will be called out corresponding to those appearing on the cards).

The fact that the proceeds of such enterprise are to go to charity and prizes are to consist of war stamps--no matter how laudable the purpose-- does not alter the terms of the statute. It makes no exceptions for charity and clearly war stamps are a "thing of value". In New York in *People v. Keifer*, 16 N.Y.S. (2d) 858, 173 Misc. 300, the proposition that because the proceeds were to go to charity, the scheme was legal, was expressly rejected.

CONCLUSION.

Therefore, it is our opinion that the game of "Bingo" is a lottery; that the facts that the prizes given consist of war stamps and the proceeds are to go to charity does not legalize the game.

Respectfully submitted

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APPROVED:

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