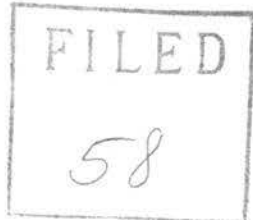


In matter of giving away car under plan of Motor Vehicle
Dealers Association of Kansas City, Mo.

February 12, 1933.



Mr. Thomas A. J. Mastin
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, 299 Mo. 1. c., 2. 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 organ-
ization 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 No. 647;
McDonald vs. United States, 63 F. 426;
Siver vs. Investment Co., 153 No. 50.

Very respectfully,

EDWARD C. CROW

APPROVED: _____
ROY McFITTRICK
Attorney-General.

EGC:EG