

105TH CONGRESS
2D SESSION

H. R. 4340

To require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1998

Mr. LOBIONDO introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NOTICE REQUIRED ON MAILINGS USING**
4 **GAMES OF CHANCE.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Honesty in Sweepstakes Act of 1998”.

7 (b) NOTICE REQUIRED.—Section 3001 of title 39,
8 United States Code, is amended—

9 (1) by redesignating subsections (j) and (k) as
10 subsections (k) and (l), respectively; and

1 (2) by inserting after subsection (i) the follow-
2 ing:

3 “(j)(1) Matter otherwise legally acceptable in the
4 mails that constitutes a solicitation or offer in connection
5 with the sales promotion for a product or service that uses
6 any game of chance of winning anything of value (includ-
7 ing any sweepstakes) shall not be carried or delivered by
8 mail, and may be disposed of as the Postal Service directs,
9 unless such matter in conspicuous and legible type in con-
10 trast by typography, layout, or color with other printing
11 on its face, in accordance with regulations which the Post-
12 al Service shall prescribe—

13 “(A) bears on the envelope the following notice:
14 ‘This is a game of chance (or sweepstakes, if appli-
15 cable). You have not automatically won.’, or a notice
16 to the same effect in words which the Postal Service
17 may prescribe; and

18 “(B) bears on the top of the first page of en-
19 closed printed matter the following notice: ‘This is a
20 game of chance (or sweepstakes, if applicable). You
21 may not have automatically won. Your chances of
22 winning are (insert applicable mathematical prob-
23 ability). No purchase is required either to win a
24 prize or enhance your chances of winning a prize.’,

1 or a notice to the same effect in words which the
2 Postal Service may prescribe.

3 “(2) Matter otherwise legally acceptable in the mails
4 that constitutes a solicitation or offer in connection with
5 the sales promotion for a product or service that uses any
6 matter resembling a negotiable instrument shall not be
7 carried or delivered by mail, and may be disposed of as
8 the Postal Service directs, unless such matter bears on the
9 face of the negotiable instrument in conspicuous and leg-
10 ible type in contrast by typography, layout, or color with
11 other printing on its face, in accordance with regulations
12 which the Postal Service shall prescribe, the following no-
13 tice: ‘This is not a check (or negotiable instrument). This
14 has no cash value.’, or a notice to the same effect in words
15 which the Postal Service may prescribe.

16 “(3) The notices described under paragraphs (1) and
17 (2) shall be printed in a font which is the larger of—

18 “(A) 80 percent or more of the size of the larg-
19 est font otherwise used in the matter; or

20 “(B) a 16-point font.

21 “(4) Nothing in this subsection shall preempt any
22 State law that regulates advertising or sales of goods and
23 services associated with any game of chance.”.

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