

105TH CONGRESS
2D SESSION

S. 2141

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 SENATE OF THE UNITED STATES

JUNE 5, 1998

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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.”.

