

Games of Chance Registration

(In connection with Sale of Commodities)

PLEASE READ REVERSE CAREFULLY, BEFORE FILING THIS STATEMENT.

Send this completed form and all necessary attachments to the above address along with a **nonrefundable \$100 filing fee**. Please make your check payable to NYS Department of State.

Attach: —Certificate of Deposit or prize monies in a trust account **OR** Surety Bond for total prize amount; and
—Rules and Regulations pertaining to the promotion, advertising scheme or plan.

1. NAME AND ADDRESS OF PERSON, FIRM OR CORPORATION PROPOSING TO ENGAGE IN THE GAME, CONTEST OR PROMOTION

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2. GEOGRAPHIC AREA IN NEW YORK STATE COVERED BY PROMOTION
(List by county, if not statewide)

3. DESCRIPTION OF GAME, CONTEST OR PROMOTION (if not provided
by your rules and regulations)

4. TIME PERIOD COVERED BY CONTEST

BEGINNING:

ENDING:

5. NUMBER OF ENTRY BLANKS
TO BE MADE AVAILABLE
IN NEW YORK STATE

6. NUMBER OF PRIZE WINNING
CHANCES INCLUDED IN PLAN
IN NEW YORK STATE

7. RETAIL VALUE OF PRIZES
TO BE MADE AVAILABLE
IN NEW YORK STATE

8. PROPORTIONATE OPPORTUNITY OF WINNING PRIZES

Level of Prize

Proportionate Opportunity

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9. NAME OF PERSON SUBMITTING FORM

RELATIONSHIP TO FIRM

ADDRESS

Signature **X**

Date

REMINDER: Filing fee and specified documentation must accompany this registration statement.

SECTION 369-e, GENERAL BUSINESS LAW — Use of games of chance in selling commodities

1. **Every person, firm or corporation proposing to engage in any game, contest or other promotion or advertising scheme or plan in connection with the promotion, advertising or sale of consumer products or services which offers the opportunity to receive gifts, prizes or gratuities,** as determined by chance, without any consideration therefor, **where the total announced value of the prizes offered is in excess of \$5,000 shall file with the Secretary of State, at least 30 days prior to the commencement of such game, contest or promotion upon a form that shall be provided,** a statement setting forth: the minimum number of participating objects to be made available; the minimum number of prizewinning objects that will be included in such promotion or advertising scheme or plan; the proportionate opportunity of winning prizes; the minimum value of prizes to be made available; and the rules and regulations pertaining to such promotion or advertising scheme or plan, which shall include the period of time and the geographic area to be covered by the contest and such other information as the Secretary of State may, from time to time, require. The non-refundable filing fee of one hundred dollars shall accompany each such statement. Failure to file such statement shall be a Class B Misdemeanor.

2. **Every person, firm or corporation** engaging in any promotion or advertising game or contest of the type set forth in subdivision one of this section, **shall cause to be posted in a conspicuous and prominent location in every retail establishment offering the opportunity to participate** in such game or contest and published in all advertising copy used in connection therewith, **a statement showing the minimum number and value of prizes available to be won over a stated period of time and stated geographic area, and the rules and regulations pertaining to such promotion or advertising scheme or plan.** Failure to cause such posting and publication shall be a Class B Misdemeanor.

3. Every person, firm or corporation who manipulates or rigs any promotion or advertising scheme or plan of the type set forth in subdivision one of this section so that prize-winning objects are dispersed to predetermined individuals or retail establishments shall be guilty of a Class B Misdemeanor, provided, however, that this subdivision shall not prevent distribution of prize-winning objects of equal value to retail establishments in a uniform ratio to the number of participating objects distributed to those establishments.

4. **Every person, firm or corporation** engaging in any promotion or advertising game or contest of the type set forth in subdivision one of this section **shall establish and maintain a special trust account** in a branch of a national or state chartered banking institution with a balance sufficient to pay or purchase the total value of prizes offered. In lieu of establishing such trust account, said operator may furnish a bond, with sufficient sureties, in an amount equal to the total value of all prizes offered; such bond shall be in favor of the people of the State of New York. **A copy of a certificate of deposit indicating the balance of said trust account or a copy of the surety bond shall be filed with the office of the Secretary**

Secretary of State simultaneously with the filing of the statement required by subdivision one hereof. The monies so held in escrow or said surety bond shall at all times equal the total amount of prizes so offered. **The monies may be withdrawn, from time to time, in order to pay, award or purchase prizes offered only upon certification to the Secretary of State of the names and addresses of the winners and the amount or value of the respective prizes.**

5. **Every person, firm or corporation** engaging in any promotion or advertising scheme or plan of the type set forth in subdivision one of this section **shall within 90 days following the completion of said promotion or advertising scheme or plan, file with the Secretary of State a listing of the name and address of each winner of every prize having a value of more than \$25, the description of the prize won by each such person, and the date when such prize was delivered to each such person, and shall maintain complete records of such promotion or advertising scheme or plan for a period of 6 months thereafter.** Failure to file such listing with the Secretary of State or to maintain such records shall be a Class B Misdemeanor. **A copy of such listing shall be furnished, without charge, to any person who requests the same from said promoter.** Nothing herein shall prohibit a requirement that such request must be accompanied by a stamped, self-addressed envelope provided such requirement shall be included in and made a part of the rules and regulations filed pursuant to subdivision one [*of this section*].

6. Every person, firm or corporation who prints, publishes or circulates literature or advertising material, used in connection with any promotion or advertising scheme or plan of the type set forth in subdivision one of this section, which is false, deceptive or misleading, shall be guilty of a Class B Misdemeanor.

7. Every person, firm or corporation who coerces a retail dealer to participate in any promotion or advertising scheme or plan of the type set forth in subdivision one of this section shall be guilty of a Class B Misdemeanor. Such coercion includes, but is not limited to, circumstances in which a course of business conduct extending over a period of one year or longer between a supplier and a dealer is materially changed, for no legitimate business reason, coincident with a failure or refusal of the dealer to participate in such games.

8. Whenever the Attorney General shall have reason to believe that any promotion or advertising scheme or plan of the type set forth in subdivision one of this section is being operated in violation of this section, he may bring an action in the Supreme Court, in the name and on behalf of the people of the State of New York to enjoin the continued operation of such promotion or advertising scheme or plan. An action for violation of this section may be instituted by the Attorney General in the name of the people of the State of New York, and in any such action, the Attorney General shall exercise all of the powers and perform all the duties, which the District Attorney would otherwise be authorized to exercise or to perform therein.

Games of Chance Surety Bond

BOND NUMBER

KNOW ALL MEN BY THESE PRESENTS, that _____, (Name of Corporation)

a corporation duly authorized and existing under the laws of the state of _____ and having its principal place of business at _____, as principal,

and _____, (Name of Surety)

as surety are held firmly bound to the people of the State of New York in the sum of \$ _____, pursuant to Section 369-e of the General Business Law; that the principal binds itself, its successors and assigns and the surety binds itself, its heirs, executors and administrators and assigns.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the principal has filed with the Secretary of State of the State of New York to engage in a game, contest, promotion, advertising scheme or plan pursuant to Section 369-e of the General Business Law;

NOW, THEREFORE, if the principal performs and fulfills all of the undertakings and obligations as offered in such game, contest, promotion, advertising scheme or plan as provided in Section 369-e of the General Business Law, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the principal and the surety have signed this instrument on the day and year indicated below.

Date: _____ (Name of Principal)

By: _____

Title: _____

Date: _____ (Surety)

STATE OF _____ COUNTY OF _____ s.s.:

On this _____ day of _____, 20____, before me personally came the above named individual, to me known and who, being duly sworn by me, did depose and say that (he)(she) resides at _____; and that (he)(she) is the _____ of the corporation described in and that executed the foregoing instrument.

_____, (Notary Public)

STATE OF _____ COUNTY OF _____ s.s.:

On this _____ day of _____, 20____, before me personally came _____, residing at _____, to me known and known to be the same person described in and that executed the foregoing instrument and who acknowledged to me that (he)(she) executed the same.

_____, (Notary Public)

Certificate of Deposit

This certificate evidences that on the _____ day of _____, 20 ____, trust account No. _____ was open at this bank, located at _____, The name of the account is _____.

This certificate evidences a balance in the account as of this day in the amount shown above. Funds cannot be withdrawn from this account without certification to the Secretary of State of the State of New York.

Bank _____
By _____
Cashier

Sworn to before me this _____ day of _____, 20 ____.

Notary Public

Certification of Winners - Commodity Games of Chance

I certify that the persons whose names are shown below and on attached sheets have been awarded prizes in the amount or value shown and on date shown. This contest is registered with the New York Secretary of State under Sponsor Name _____, Name of Game _____ and File No. _____

DATE _____ NAME _____ TITLE _____ FIRM _____

NAME OF WINNER	ADDRESS (STREET, CITY, STATE, ZIP)	DESCRIPTION OF PRIZE	AMOUNT OR VALUE	DATE PRIZE DELIVERED
		
		
		
		
		
		
		
		
		
		
		