

SUBJECT: CONSUMER PROTECTION – CONTESTS AND PRIZES
ATTORNEY GENERAL – PUBLIC PROTECTION UNIT ADOPTED
PURSUANT TO 9 V.S.A. SECTION 2453(c)

RULE CP 109

Effective Date: 1/28/74
Revised by Statute 4/26/13

Effective April 26, 2013, this rule does not prohibit a person from requiring or paying any kind of entry fee, service charge, purchase, or similar consideration in order to enter, or continue to remain eligible for, a game of skill or other promotion that is not based on chance. 9 V.S.A. § 2481x.

CP 109.01 Contests

CP 109.02 Prizes

CP 109.01 Contests

It shall constitute an unfair and deceptive trade act and practice in commerce under 9 V.S.A. Section 2453(a) for any person to solicit any other person to engage in any kind of a game of skill, contest, sweepstakes, give-away or other promotion which:

- (a) is deceptive or misleading as to chances of winning, the number of winners, the value of the prizes, or the availability of the prize;
- (b) requires any kind of entry fee, service charge, purchase or similar consideration in order to enter or to continue to remain eligible; or,
- (c) uses publications, literature, written or verbal promotion that is false, deceptive or misleading.

CP 109.02 Prizes

It shall constitute an unfair and deceptive trade act and practice in commerce under 9 V.S.A. Section 2453(a) for any person to represent that any other person is a “winner” or has been “selected” or is otherwise being included in a select group for receipt of a prize or an opportunity or that a person is entering a “contest”, “sweepstakes”, “drawing”, or other competitive enterprise from which a winner or select group of winners will receive a prize or opportunity when, in fact, the enterprise is a promotional scheme designed to make contact with prospective customers and all or a substantial number of those “entering” receive the same “prize” or “opportunity”.