

chapter L-6, r. 6

Rules respecting publicity contests

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 20)

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1. These Rules do not apply to publicity contests where the total value of the prizes offered does not exceed \$2,000, with the exception of sections 5 and 6 that apply to all publicity contests in which the total value of the prizes exceeds \$100.

Decision 82-08-02, s. 1; M.O. 98-12-03, s. 1.

2. A person for whom a publicity contest is carried on shall file with the Régie des alcools, des courses et des jeux:

(1) the prescribed form in accordance with section 59 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) within the prescribed timeframe;

(2) the text of the rules of the publicity contest 10 days before the date on which it is publicized;

(3) where a contest is carried on for more than 1 person, the name and address of each person, or where applicable, the name and address of their mandatary.

Decision 82-08-02, s. 2; Decision 88-12-14, s. 1; M.O. 98-12-03, s. 2.

3. A person for whom a publicity contest is carried on shall, 10 days prior to the date that the contest is publicized to the public in the case of a publicity contest in which the total prize value exceeds \$2,000, file with the board the text of any advertisement used in the publicity contest.

Notwithstanding the first paragraph, where the contest is carried on by or in cooperation with a broadcaster required under the Broadcasting Act (R.S.C. 1985, c. B-9) to keep taped recordings of all advertising broadcast by him, a person for whom the publicity contest is carried on shall file the text referred to in the first paragraph with the board not later than 5 days following the date on which the contest is publicly launched.

Decision 82-08-02, s. 3; Decision 88-12-14, s. 2; M.O. 98-12-03, s. 3.

4. Documents filed with the board with respect to a publicity contest become the property of the board.

Decision 82-08-02, s. 4.

5. The rules of a publicity contest must be accessible to the public and must include as a minimum:

(1) the conditions for entering the contest;

(2) the places where the public must deposit or send the contest entry forms;

(3) the deadline for entering the contest;

(4) a description of the method of awarding the prizes;

(4.1) the number and a detailed description of the prizes offered and the value of each prize;

(5) the place, date and precise time the prizewinner will be named;

(6) the media used to inform the winners of the prizes won;

(7) the place, date and deadline for claiming prizes, or where applicable, whether the prizes will be delivered to the winner;

(8) the information that the winners will be selected by a jury, where applicable;

(9) the information that as a minimum the persons specified in section 12 must be excluded in all cases;

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(10) the following text: “Any litigation respecting the conduct or organization of a publicity contest may be submitted to the Régie des alcools, des courses et des jeux for a ruling. Any litigation respecting the awarding of a prize may be submitted to the board only for the purpose of helping the parties reach a settlement”;

(11) the nature of the skill-testing requirement that a winner has to satisfy in order to claim his prize.

Decision 82-08-02, s. 5; Decision 88-12-14, s. 3; M.O. 98-12-03, s. 5.

6. The person for whom a publicity contest is carried on shall ensure that the advertising for the contest does not imply that any person:

(1) has won a given prize;

(2) may enter a contest for the purposes of receiving a prize or being able to win a prize, when in fact all participants receive a prize.

The person shall ensure that the advertising states the number of and describes the prizes offered in the contest and their respective value, that it mentions that only one prize is offered or that it specifies the smallest and largest value of the prizes.

The person shall also ensure that the advertising states how and where the public may obtain the text of the contest rules.

Where participation in a publicity contest requires the purchase of a good or service, the person shall ensure that the advertising states the nature of the skill-testing requirement that a winner must satisfy in order to claim his prize.

Decision 82-08-02, s. 6; Decision 88-12-14, s. 4; Decision 91-10-21, s. 1.

7. Where the system used for awarding prizes does not allow the winners’ names to be known, the contest entry form or the advertisement must specify the place in Québec and the period when the winning numbers may be found out or where a list of them may be obtained.

Decision 82-08-02, s. 7; Decision 88-12-14, s. 5.

8. A person for whom a publicity contest is carried on shall furnish security to the board where the person:

(1) has no head office or establishment in Québec declared in accordance with the laws of Québec;

(2) has been convicted of an offence against the Act or these Rules in the year preceding the date of the launching of the publicity contest;

(3) the value of a prize offered to residents of Québec is more than \$5,000;

(4) the total value of prizes offered to residents of Québec is 20,000 or more.

Decision 82-08-02, s. 8; Decision 88-12-14, s. 6; M.O. 98-12-03, s. 5.

9. Security may be furnished:

(1) by filing a letter of guarantee that complies with the form prescribed by the board; or

(2) by depositing a sum of money with the board or in a trust account in a financial institution.

Decision 82-08-02, s. 9; Decision 88-12-14, s. 7.

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10. Where a publicity contest is cancelled or changes are made thereto after the prescribed form referred to in section 59 of the Act has been filed with the board, the person for whom the publicity contest is carried on must immediately notify the board thereof in writing.

Notwithstanding the foregoing, the person may not cancel or make any change in a publicity contest from the time it is publicly launched unless the board so authorizes on the basis of proof of superior force, or where the board is of the opinion that the public will not be adversely affected.

Decision 82-08-02, s. 10; Decision 88-12-14, s. 8.

11. A publicity contest is publicly launched when an advertisement of the contest is released to the public for the first time, regardless of the media used.

Decision 82-08-02, s. 11.

12. A person for whom a publicity contest is carried on, his employee, representative or mandatary, a member of the jury and the persons with whom they are domiciled may not enter the contest.

Decision 82-08-02, s. 12.

13. The means used for awarding prizes in a publicity contest must give each contestant an equal chance of winning a prize.

Decision 82-08-02, s. 13.

14. A person for whom a publicity contest is carried on shall, within 30 days following the date of the naming of the prizewinner, inform the winner of the procedure to follow in order to claim his prize.

Decision 82-08-02, s. 14; Decision 88-12-14, s. 9.

15. A person for whom a publicity contest is carried on shall, within 60 days following the date on which a prizewinner is named, file a written report with the board that specifies:

- (1) whether all the prizes offered have been delivered;
- (2) the name and address of each winner of a prize valued at \$100 or more;
 - (2.1) the prize won by the participant and the date on which the prize was delivered;

(3) the name and address of any winner who has not claimed his prize, the prize won by him, the reason his prize has not been delivered to him and the measures taken in an attempt to deliver the prize to him, whatever the value of the prize;

(4) the prizes that have not been awarded or delivered, their description and the reason why each prize has not been awarded or delivered.

Decision 82-08-02, s. 15; Decision 88-12-14, s. 10.

16. A person for whom a publicity contest is carried on shall keep, for 120 days following the date on which a winner is named, all entry forms, documents and other vouchers enabling the board to verify whether the contest has been properly carried on.

The board may, however, change that period:

- (1) where the vouchers have already been verified;
- (2) where the file includes documents proving that the contest has been properly carried on;

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(3) where the file contains documents demonstrating the necessity of conducting an inquiry and it was not possible to conduct the inquiry within the timeframe set out in the first paragraph.

Decision 82-08-02, s. 16; Decision 88-12-14, s. 11.

17. These Rules replace the Rules respecting publicity contests (R.R.Q., 1981, c. L-6, r. 3).

Decision 82-08-02, s. 17.

18. (*Omitted*).

Decision 82-08-02, s. 18.

UPDATES

Decision 82-08-02, 1982 G.O. 2, 2077

Decision 88-12-14, 1989 G.O. 2, 15

Decision 91-10-21, 1991 G.O. 2, 4279

M.O. 98-12-03, 1998 G.O. 2, 4763

