

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.

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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

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## 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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