



---

# Publicity Contest Notice

---

-  Important Notice
-  List of Documents to Include With This Notice
-  List of Documents to be Kept At All Times
-  General Information
-  *Publicity Contest Notice* Form
-  Rules Respecting Publicity Contests
-  Excerpts from the *Act respecting lotteries, publicity contests and amusement machines*

## IMPORTANT

We enclose the *Publicity Contest Notice form*.

Please note that **fees are payable in cash, by cheque or by money order** to the order of the *Régie des alcools, des courses et des jeux* and must be attached to the Publicity Contest Notice form.

Further, you may now pay your fees by credit card **Visa, MasterCard** or **American Express** by filling in the credit card coupon.

Thank you for your co-operation.

Customer Service – Horse racing and games

Encl.

### For payment by credit card, please attach this coupon to your form

Visa     MasterCard     American Express

Amount paid

Surname and given name of the credit card holder or legal person's name.

Card number

V-Code\*

Card expiry date

(MM/YY)

Signature: \_\_\_\_\_

\* The last three digits appearing on the back of the card.

## IMPORTANT NOTICE

### **Caveat regarding the Criminal Code provisions or any other legislative provision on publicity contests**

The person for whom a publicity contest is carried on identified on the Publicity Contest Notice is hereby warned that the Régie **does not issue** publicity contest licenses.

Please consult your legal counsel to determine the legality of the contest described on this notice.

## LIST OF DOCUMENTS TO INCLUDE TO THE PUBLICITY CONTEST NOTICE

- Publicity contest notice
- Cheque or money order for the payment of the duties payable to the order of the Régie des alcools, des courses et des jeux or
- Credit card coupon
- Text of contest rules (see Regulations, s. 5)
- Text of the advertising for the contest (see Regulations, s. 6)

## LIST OF DOCUMENTS TO BE KEPT AT ALL TIMES AND SUBMITTED TO THE RÉGIE UPON REQUEST

- Copy of the power of attorney
- Proof of juridical personality

## GENERAL INFORMATIONS

Every natural or legal person for whom a publicity contest is carried on is subject to the *Act respecting lotteries, publicity contests and amusement machines* (R.S.Q., c. L-6) and to publicity contest regulations thereunder (R.R.Q., L-6, r. 3.1). Sections of the Act which apply specifically to publicity contests as well as the complete version of the publicity contest regulations are reproduced in this document.

### A Notes on the *Publicity Contest Notice Form*

- 1** State in Section 1 the exact name and address of the legal or natural person for whom a publicity contest is carried on. If the contest is carried on for several legal persons, join a list stating their names and addresses.
- 2** In Section 2, state the contest's name, launch date, participation deadline, winner selection deadline and the complete address of the location where the prizes will be awarded.  
  
The date a contest is publicly launched may be different from the date a contest begins.  
  
Under Section 11 of the Rules, a contest is publicly launched from the moment an advertising of the contest has been publicly broadcast for the first time.
- 3** State the total value of the prizes offered and fees payable in Section 3.  
  
Under section 61 of the Act, the value of a prize is that which is advertised in the advertising of the contest.  
  
If fees are not paid before the prescribed deadlines, either thirty (30) or five (5) days, as the case may be (see s. 59 of the Act), they shall bear interest at the rates prescribed in section 91 of said Act.
- 4** The person authorised to sign the publicity contest notice or any other document required by the Régie must check the appropriate box and fill in his or her surname, given name, address and telephone number in Section 4.
- 5** The authorized person must sign and date the publicity contest notice in Section 5.

### B An Act respecting lotteries, publicity contests and amusement machines

Before undertaking any procedures, make sure your contest is a publicity contest under subparagraph b), section 1 of the Act.

The total value of the prizes offered must **exceed \$100** before a person for whom a publicity contest is carried on has to notify the Régie and pay applicable fees (s. 58).

The Régie must be notified within thirty (30) days if the total value of the prizes offered exceeds \$1,000, or five (5) days in any other case. **This period begins before the publicity contest is publicly launched.** Some contests may be launched before participation forms are available; in that case, the day the advertising for the contest was broadcast is deemed the launch date (s. 59a).

### C Publicity Contest Rules

Contest rules must be submitted the day the contest is publicly launched, at the latest. However, advertising for a publicity contest where the total value of the prizes offered exceeds \$2,000 must be submitted at least ten (10) days before the publicity contest is publicly launched. Please note that some exceptions apply for radio and television broadcasts (s. 2 and 3).

Winners must be selected and prizes awarded at the place and on the date and time stipulated in the Rules.

Where a facsimile is accepted as a participation form, the contest rules must specify whether hand-drawn and mechanically reproduced facsimiles are accepted.

Where applicable, clearly state the minimum age required to enter the contest (s. 5).

Advertising for the contest must comply with contest rules and not be misleading. Because inaccuracies may lead to litigation, a detailed description of all prizes offered is very important, especially when offering prizes such as trips, cars or immovables (s. 6).

The following elements are offered as **suggestions only**, but you might want to include them in your prize description to help avoid legal disputes:

#### **For trips:**

- retail value;
- is the trip transferable to another person;
- can the winner choose between the trip and its cash equivalent;
- name of airline;
- destination;
- number of people included;
- length of trip;
- does the trip have to be taken within a certain period and is there a deadline;
- details on lodging, meals, taxes, transfers, insurance, etc.

#### **For vehicles:**

- retail value;
- can the winner choose between the vehicle and its cash equivalent;
- complete description of the vehicle;
- are sales tax and registration fees included.

**For immovables:**

- retail value;
- can the winner choose between the immovable and its cash equivalent;
- are the lot, foundation, and earthworks included;
- is sewage connection included;
- are taxes included;
- is insurance included;
- does the prize include furniture, household and electrical home appliances.

**For swimming pools:**

- retail value;
- are installation costs included and, if so, is there a deadline;
- is delivery included;
- are accessories and hookups included.

Security amounts and terms are fixed by the Régie. However, the Régie must demand a security in the event that a condition described in section 8 should arise.

Securities may be posted by a bank, an insurance company, a caisse populaire or a trust company (s. 9).

The most common complaint lodged with the Régie is when a contest is changed after it has been publicly launched. Contests cannot be changed without the Régie's authorization, which is only granted in cases of force majeure, acts of God or if the Régie deems that the change will have no adverse affect on the public (s. 10).

In addition to providing the information required in the report that must be submitted within sixty (60) days of the winner selection date, the person for whom a publicity contest is carried on must also declare to the Régie whether all prizes have been given away (s. 15).

All documents, participation forms and other vouchers must be kept 120 days following the winner selection date (s. 16).

**D****Violations**

Under sections 121 and 123 of the Act, any person who infringes a provision of this Act and its regulations is guilty of an indictable offence. Therefore, failure to meet deadlines prescribed therein constitutes a violation.

**Examples of deadlines to be met:**

- the thirty (30) or five (5) day deadline, as applicable, before the contest is publicly launched, to submit the *Publicity Contest Notice* Form and pay fees;
- the ten (10) or five (5) day deadline, as applicable, to submit the advertising for the contest to the Régie;
- the sixty (60) day deadline following the winner selection date to submit a written report to the Régie.

Any person for whom a publicity contest is carried on must also ensure that the contest complies with the provisions of the *Criminal Code* and any other applicable law.

Please Print

<b>1 Identification of the legal (business) or natural person for whom a publicity contest is carried on</b>		<i>(Include additional pages if there is more than one legal person)</i>	
Name of business:		RACJ File No., if known <b>20-</b>	
Mailing address:			
City:			
Province:		Postal code:	
Name of person in charge of principal place of business in Québec:		Duty:	
Telephone no.	area code	extension	Fax no.
			area code
Québec Business Registration Number			

<b>2 Contest description</b>			
Contest name:			Launch date
	year	month	day
Participation deadline	year	month	day
	time	Winner selection date	year
			month
			day
			time
Winner selection place:			
Address, street:			
City:			Postal code:

<b>3 Fees payable</b> (see Act, c. IV, s. 58, 61 and 62)			
Participation forms can be obtained (see section 62 c) of the Act)		<input type="checkbox"/> Only in Québec	<input type="checkbox"/> Elsewhere
Prizes are offered to:	Prize value	Fees payable	
a) contestants from Québec exclusively:	\$ _____ x 10% =	\$ _____	
b) a group of contestants from Canada exclusively, when that group includes contestants from Québec	\$ _____ x 3% =	\$ _____	
c) any other group of contestants, including contestants from Québec	\$ _____ x 0.5% =	\$ _____	
Total value of the prizes	\$ [ ]	\$ [ ]	

<b>4 Identification of person authorized to sign this notice and any other document required by the Régie</b>			
I am:	<input type="checkbox"/> Sole owner or an employee of the person identified in <b>Section 1 – Identification of the legal or natural person</b>		
	<input type="checkbox"/> Mandatory acting for and on behalf of the person identified in <b>Section 1 – Identification of the legal or natural person</b>		
Authorized person's surname and given name:		Duty:	
Legal person's name (business):			
Legal person's address:		Email address:	
City:			Postal code:
Telephone no.	area code	extension	Fax no.
			area code

<b>5 Authorized person's statement (identified in Section 4)</b>			
I declare that the information provided herein and which appears on the documents annexed hereto is true and complete. I also acknowledge having read the important notice printed on the back of this form.			
_____ signature			Date [ ] [ ] [ ] year month day

## RULES RESPECTING PUBLICITY CONTESTS (R.R.Q., c. L-6, s. 19 and 20)

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.
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 (R.S.Q., c. 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 one person, the name and address of each person, or where applicable, the name and address of their agent.
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 (Revised Statutes of Canada, 1985, chapter B-9) to keep taped recordings of all advertising broadcast by him, a person for whom a 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.
4. Documents filed with the board with respect to a publicity contest become the property of the Régie.
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;
  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 Régie 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.
6. The person for whom the 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 rule.

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.
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.
8. A person for whom a publicity contest is carried on shall furnish security to the board where:
  1. he has no head office or place of business in Québec declared in accordance with the laws of Québec;
  2. he has been convicted of an offence against the Act or these Rules in that year precede the date of the launching of the publicity contest;
  3. the value of a prize offered to Québec residents is more than \$5,000;
  4. the total value of prizes offered to residents of Québec is \$20,000 or more.
9. Security may be furnished:
  1. by filing a letter of security 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.
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 fortuitous event or of irresistible force, or where the board is of the opinion that the public will not be adversely affected.
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.
12. A person for whom a publicity contest is carried on, his employee, representative or agent, a member of the jury and the persons with whom they are domiciled may not enter the contest.
13. The means used for awarding prizes in a publicity contest must give each contestant an equal chance of winning a prize.
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.
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.
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;
  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.
17. Omitted.
18. Omitted.

# EXCERPTS FROM THE ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES (L.R.Q., c. L-6)

## CHAPTER I DEFINITIONS

1. In this Act, and in the regulations and rules hereunder, unless the context indicates otherwise.
  - (b) “publicity contest” means a contest, a lottery scheme, a game, a plan or an operation which results in the awarding of a prize, carried on for the object of promoting the commercial interests of the person for whom it is carried on;
  - (f) “person” means an individual, a corporation, a partnership, an association, a testamentary heir or executor, a sequestrator, a trustee in bankruptcy, a liquidator, a trustee or an administrator;
  - (h) “prescribed”, in the case of a form or of information to be provided on a form, means prescribed by the Régie and, in other cases, prescribed by regulation of the Government;
  - (i) “Régie” means the Régie des alcools, des courses et des jeux, established under the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);
  - (j) “rule” means a rule adopted by the Régie by virtue of this Act.

## CHAPTER II REGULATORY POWERS OF THE RÉGIE

20. Except with respect to video lotteries and State casinos, the Régie may make rules respecting...
  - (k) the advertising relating to activities governed by this Act.

Subject to the same restriction, it may also make any other rule relating to the organization, management, conduct and operation of publicity contests and lottery schemes and to the operation of amusement machines.

## CHAPTER IV DUTIES ON PUBLICITY CONTESTS

58. A person for whom a publicity contest is carried on in which the total value of the prizes offered exceeds \$100 must pay to the Régie, at the same time as he sends the form provided for in section 59, the following duties:
  - (a) 10% of the value of a prize offered to contestants from Québec exclusively;
  - (b) 3% of the value of a prize offered to a group of contestants from Canada exclusively, when that group includes contestants from Québec;
  - (c) 0.5% of the value of a prize offered to any other group of contestants including contestants from Québec.
59. The person contemplated in section 58 must, in addition,
  - (a) not less than thirty days before the publicity contest is launched, in the case of a contest in which the total value of the prizes offered exceeds \$1,000, or five days in any other case, notify the Régie that it is being held by sending in the prescribed form duly completed;
  - (b) file any relevant information or document that the Régie may require; and
  - (c) comply with all the conditions relating to the publicity contest provided for by the rules.
60. The Régie may, in the cases provided for by the rules, require from a person for whom a publicity contest is carried on, security in the amount fixed by the Régie, taking into account the value of the prizes offered to Québec contestants in this contest.
61. For the purposes of section 58, the value of a prize is that which is advertised in the advertising of the contest; if it is not, it is equal to the total amount that would be charged to a person wishing to obtain, on the Québec market, goods or services identical or similar to that prize.
62. For the purposes of section 58, a prize is offered to contestants from Québec exclusively when, *inter alia*,
  - (a) the rules or the advertising of a publicity contest clearly indicate that prize is offered only to a contestant from Québec, that the contest is carried on only in Québec or that it is only for persons residing in Québec;
  - (b) the participation form for a publicity contest may be obtained only in Québec; or
  - (c) the main part of the commercial interests of the person for whom a publicity contest is carried on are in Québec, even if the advertising of that contest is broadcasted outside Québec.
63. This chapter does not apply to a publicity contest carried on to promote the commercial interests of a regional periodical from outside Québec or a radio station or television station from outside Québec, even if that periodical is distributed in Québec or that station broadcasts into Québec.

## CHAPTER V ENFORCEMENT

67. The Régie may require that a person holding a licence or for whom a publicity contest is carried on file with it, in the form and at the time determined by the Régie, a report of his activities, together with all the information required.

68. A member of the personal of the Régie authorized by the president and, at the request of the Régie, any member of a police force authorized for such purposes by the Minister or any member of the Sûreté du Québec may, for an audit or examination, enter at any reasonable time any place in which registers and books must be kept under this Act, the regulations or the rules or any place where activities for which a licence is prescribed or registration is required under this Act, the regulations or the rules are carried on.

A person acting pursuant to the first paragraph may

- (a) audit or examine the registers, books, accounts, vouchers, letters, telegrams or other documents, and the property, apparatus, equipment, processes or material the audit or examination of which may, in his opinion, help him in determining if this Act, the regulations and the rules are being complied with;
  - (b) compel a person found on the premises to give him reasonable assistance in his audit or examination and, for that purpose, to accompany him on the premises;
  - (c) if, during an audit or examination, he believes, on reasonable grounds, that an offence against this Act, the regulations or the rules has been or is about to be committed, seize and remove anything mentioned in paragraph (a) that may be used as evidence of the commission of that offence and, where required, immediately put an end, on the conditions he fixes, to the activity with which that offence is connected.
69. Where the Régie, under this Act, terminates a lottery scheme or a publicity contest, it may
    - (a) seize the amounts of money collected from the public, the prizes to be awarded and the other property relating to the conduct of that lottery scheme or publicity contest;
    - (b) require the payment of the security required under this Act or confiscate the amount deposited as security;
    - (c) proceed with a drawing of lots to determine as many winners as that scheme or contest provided for;
    - (d) award the prizes seized to the winners; and,
    - (e) out of the amounts of money seized and the amount of security paid or confiscated, after deducting the expenses incurred by the Régie to carry out the preceding measures,
      - (i) award to each winner who was not able to receive a prize mentioned in paragraph (d) a prize in money equivalent in value to the prize that should have been awarded to him under that scheme or contest or, if the funds are insufficient, proportionate to the value of that prize; and
      - (ii) if, in the case of a lottery scheme, any funds remain, pay the expenses incurred to organize and conduct it, up to the percentage of the amounts collected from the public permitted by the rules, and, if there is any remainder, remit it to the individual or agency to whom the licence for that scheme was issued or, at the discretion of the Régie, to a charitable or religious body; or
      - (iii) in the case of a publicity contest, if any funds remain, remit them to the person for whom the contest was carried on, or his representative.
  70. The Régie may, by a demand that it transmits by registered or certified mail or by personal service, require from the holder of a licence or from a person for whom a publicity contest is carried on, within such reasonable time as it may fix, the filing by registered or certified mail of information, books, letters, accounts, invoices, financial statements or other documents.

The person to whom that demand is made must, within the fixed time, comply with the demand whether or not he has already filed information or documents of such a kind.
  71. The Régie or any person authorized by the Régie or the Minister may inquire into any matter within the scope of this Act, the rules or regulations thereunder or the by-laws relating to the lottery schemes of State casinos or video lotteries adopted under section 13 of the Act respecting the Société des loteries du Québec (chapter S-13.1).
  72. A member of the staff of the Régie or a person designated by the Régie, and a peace officer that such member of the staff or person calls to his assistance may make a search in accordance with the Code of Penal Procedure (chapter C-25.1).

## CHAPTER VII PENAL PROVISIONS

121. Any person who, in the matter of lotteries, publicity contest, amusement machines or video lottery machines, infringes a provision of this Act, of the regulations or of the rules or refuses to comply with an order given under this Act, the regulations or the rules is guilty of an offence and liable to a fine of not less than \$50 nor more than \$7,000 in the case of a natural person, and not less than \$75 nor more than \$70,000 in the case of a legal person.

However, in the case of an offence under section 52.1, 52.2 or 52.3, the fine shall not be less than \$500 and not more than \$50,000; in the case of a second offence, the fine shall not be less than \$1,500 and not more than \$75,000, and for any subsequent offence, the fine shall not be less than \$5,000 and not more than \$100,000.
123. Any person who prescribes or authorizes the commission of an offence, consents thereto or acquiesces or participates therein is a party to the offence and is liable to the same penalty as that prescribed for the person who committed the offence, whether or not the latter has been prosecuted or found guilty.