

1981 WL 158086 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 28, 1981

***1 Re: Opinion Request**

The Honorable Charles E. Hodges
228 Blatt Building
Columbia, South Carolina 29211

Dear Representative Hodges:

You have asked this Office whether a promotional contest in which the public is invited to participate at no charge is in violation of the lottery statutes of this State. It would appear as though the contest in question would not constitute a lottery.

You have described a contest in which members of the public are invited to spin a wheel, by appointment, to win money or property valued from \$1.00 to over \$300.00. All contestants are guaranteed to win at least \$1.00. There is no charge for the opportunity to spin the wheel, although participants are invited to view and inspect certain real estate being promoted by the contest.

Under the laws of this State, a lottery is characterized by the elements of a prize, chance and consideration. [Darlington Theatres v. Coker](#), 190 S.C. 282, 2 S.E.2d 782. The contest in question clearly involves the elements of prize and change; however, since members of the public are invited to play the game at no cost, the element of consideration is lacking.

Therefore, it is the opinion of this Office that the contest which you describe lacks the element of consideration, and it is therefore not a lottery under the laws of this State.

Sincerely,

Scott Elliott
Assistant Attorney General

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