

Broadcasting Contests, Lotteries, And Solicitation of Funds

Contests

Licensees that broadcast or advertise information concerning a contest that they conduct must fully and accurately disclose the material terms of the contest and must conduct the contest substantially as announced or advertised. Contest descriptions may not be false, misleading or deceptive with respect to any material term. Material terms include those factors that define the operation of the contest and affect participation in the contest.

Lotteries

Although federal law (18 U.S.C. Section 1304) prohibits the broadcast of any advertisement of, or information concerning, a lottery, there are a number of exceptions to this law. The FCC has defined a lottery as “any game, contest, or promotion that combines the elements of prize, chance and consideration.” The following are exceptions to the general ban on lottery advertising:

- (1) lotteries conducted by a state acting under the authority of state law, where the advertisement or information is broadcast by a radio or television station licensed to a location in that state or in any other state that conducts such a lottery;
- (2) gambling conducted by an Indian Tribe pursuant to the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 et seq.);
- (3) lotteries that are authorized or not otherwise prohibited by the state in which they are conducted, are conducted by a not-for-profit or governmental organization, or are conducted as a promotional activity by commercial organizations that are clearly occasional and ancillary to the primary business of that organization.

Casino gambling is a form of lottery because it has the elements of prize, chance, and consideration. The broadcasting of advertisements or information concerning legal casino gambling is permitted. The Supreme Court has held that the FCC's former prohibition on broadcasting advertisements for lawful casino gambling could not constitutionally be applied to truthful advertisements broadcast by radio or television stations licensed to a location in states where such gambling is legal. As a result of the Supreme Court's action, the FCC has determined that it is permissible to broadcast truthful advertisements for lawful casino gambling, regardless of whether the state in which the broadcaster is licensed permits casino gambling.

Solicitation of Funds

There is no federal law prohibiting the broadcast of requests for funds intended for lawful purposes (including requests for contributions to meet station operating expenses) if the contributions are used for the announced purposes. However, the Criminal Code prohibits fraud by wire, radio or television, and violation of this provision may lead to Commission sanctions against FCC licensees.



Filing a Complaint

If you believe that a station has violated the contest, lottery, or funds solicitation rules, you may file a complaint with the FCC. The complaint must include:

- Information regarding the content of the broadcast;
- The date and time of the broadcast; and
- The call sign of the station involved.

Mail your complaint to:

Federal Communications Commission
Enforcement Bureau
Investigations and Hearings Division
445 12th St., SW, Room 3-B443
Washington, DC 20554

For general information on other telecommunications-related issues, you may contact the FCC's Consumer & Governmental Affairs Bureau by e-mail at fccinfo@fcc.gov, or by telephone at 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY. You can also contact us by mail at the following address:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
445 12th Street, SW
Washington, DC 20554

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For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please contact us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on www.fcc.gov/cgb/emailservic.html.

This document is for consumer education purposes only and is not intended to affect any proceeding or cases involving this subject matter or related issues.

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