



EMORY

Office of the General Counsel

*Representing Emory University
and Emory Healthcare*

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OGC ADVISORY*

TOPIC: Raffles and Other Contest Giveaways

Raffles or giveaway contests are often useful tools to get people to fill out surveys or participate in research studies. Instead of paying each participant, in a lottery, raffle or other giveaway, the person or department conducting the contest pools its resources and offers one big prize to a winning participant, the hope being, that the larger prize offers more of an incentive to participate than a guaranteed smaller payment. These raffles and contests, while helpful, must be administered according to state law in order to avoid potential legal problems.

It is a felony in Georgia to conduct a lottery, raffle or similar game of chance without a license. The Georgia Code defines lotteries and raffles as “any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prize.” This definition encompasses almost any contest in which something is given away, as long as the participant is required to provide something of value, known in the law as “consideration,” in exchange for the chance to win. The consideration can be in any form and can be something as simple as requiring someone to attend a meeting or participate in research. For example, conducting a contest in which a person is required to fill out a survey in exchange for a chance to win a prize could be considered an illegal lottery or raffle, unless the contest is conducted pursuant to a license. Emory University has a license to conduct such contests, but it is limited to only three contests a year. Consequently, use of the license is generally reserved for big fundraising occasions and is usually not available for smaller events.

These contests may, however, be conducted without a license if contestants are allowed to enter without having to provide anything of value. For example, you may have a contest to provide an incentive for people to participate in a research survey, but individuals must be able to enter the contest without participating in the survey.¹ If contestants are not provided with a way to win without having to do anything, the party running the contest may be guilty of a felony. This is why you typically see the “no purchase required” disclaimer in most commercial contests and giveaways.

If you have any questions about this advisory, please contact Melinda Simon in the Office of the General Counsel at (404) 727-6011. Complying with this advisory will protect Emory and those departments and individuals conducting these contests. We appreciate your cooperation.

¹ Remember, certain surveys used for research and publication may need to be reviewed by Emory’s Institutional Review Board.

* The Office of the General Counsel Advisories are general statements intended to alert the Emory Community or specific portions thereof about significant legal issues and to provide helpful guidelines for complying with legal standards in effect as of the issuance date of each advisory.