

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 879  
HOUSE BILL 1209

AN ACT TO PROHIBIT DECEPTIVE SOLICITATIONS.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 75 of the General Statutes is hereby amended by adding the following sections:

**"§ 75-31. Representation of winning a prize.** — No person, firm or corporation engaged in commerce shall, in connection with the sale or lease or solicitation for the sale or lease of any goods, property, or service, represent that any other person, firm or corporation has won anything of value or is the winner of any contest, unless all of the following conditions are met:

- (1) the recipient of the prize must have been selected by a method in which no more than ten percent (10%) of the names considered are selected as winners of any prize;
- (2) the recipient of the prize must be given the prize without any obligation; and
- (3) the prize must be delivered to the recipient at no expense to him, within 10 days of the representation.

The use of any language that has a tendency to lead a reasonable person to believe he has won a contest or anything of value, including but not limited to 'congratulations', and 'you are entitled to receive', shall be considered a representation of the type governed by this section.

**"§ 75-32. Representation of eligibility to win a prize.** — No person, firm or corporation engaged in commerce shall in connection with the sale or lease or solicitation for sale or lease of any goods, property or service represent that any other person, firm or corporation may win or is eligible to win anything of value, unless all of the following information is clearly and prominently conveyed at the time of the representation:

- (1) the actual retail value of each prize (the price at which substantial sales of the item which constitutes the prize were made in the area within the last 90 days, or if no substantial sales were made, the actual cost of the prize to the conductor of the contest);
- (2) the actual number of each prize to be awarded;
- (3) the odds of winning each prize.

**"§ 75-33. Representation of being specially selected.** — No person, firm or corporation engaged in commerce shall represent that any other person, firm or corporation has been specially selected in connection with the sale or lease or solicitation for sale or lease of any goods, property, or service, unless all of the following conditions are met:

- (1) the selection process is designed to reach a particular type or particular types of person, firm or corporation;
- (2) the selection process uses a source other than telephone directories, city directories, tax listings, voter registration records, purchased mailing lists, or similar common sources of names;
- (3) no more than ten percent (10%) of those considered are selected.

The use of any language that has a tendency to lead a reasonable person to believe he has been specially selected, including but not limited to 'carefully selected' and 'you have been chosen', shall be considered a representation of the type governed by this selection.

"§ 75-34. **Simulation of checks and invoices.** — No person engaged in commerce shall in any manner issue any writing which simulates or resembles: (1) a negotiable instrument; or (2) an invoice, unless the intended recipient has actually contracted for goods, property, or services for which the issuer seeks proper payment."

**Sec. 2.** This act shall become effective on January 1, 1980.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.