





**COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF CONSUMER AFFAIRS  
SECRETARY'S OFFICE**

**SWEEPSTAKES REGULATIONS**

**Approved on October 27, 2009**

DEPARTAMENTO DE ESTADO  
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**SWEEPSTAKE REGULATIONS**

**RULE 1: LEGAL AUTHORITY**

These Regulations are promulgated in reliance on the powers granted to the Secretary of the Department of Consumer Affairs by Act Number 5 of April 23, 1973; Act Number 148 of July 1, 1968; Act Number 97 of June 19, 1953; Act Number 228 of May 12, 1942 and Act Number 170 of August 12, 1988, as amended.

**RULE 2: GENERAL PURPOSES**

These Regulations establish consumer protection rules governing commercial promotion by means of sweepstakes. The purpose thereof is for every participant to receive the necessary information regarding the procedure, terms and conditions of the sweepstakes and the proper award of the prizes.

The Department of Consumer Affairs promulgates these Regulations intended to establish guidelines and acknowledge rights and obligations regarding the promotion of sweepstakes in Puerto Rico. Owing to the wide variety of sweepstakes that may be carried out, by means of these Regulations, the Department establishes the minimum levels of disclosure, dissemination and publication. It also establishes procedures to modify or change the rules, terms and conditions and prizes of the sweepstakes, as well as the grounds for cancellation or suspension of the sweepstakes.

### **RULE 3: SCOPE AND APPLICATION**

These Regulations apply to any person who advertises, makes, promotes, holds, organizes or otherwise entrusts the holding of sweepstakes to promote companies, institutions, products, goods, services or any other purpose of commercial gain.

They do not apply to activities limited to intellectual, or sports competitions or games where some kind of talent, skill capability, qualification or other special attribute is displayed which is the predominant determining element for the selection of the winner. They likewise do not apply to not for profit institutions, associations or political parties.

### **RULE 4: INTERPRETATION**

These regulations shall be liberally construed in favor of the consumer.

In case of discrepancies between the original text in Spanish and its translation into English, the Spanish text will prevail.

### **RULE 5: DEFINITIONS**

The words and phrases used in these Regulations shall be interpreted according to the context in which they are used and shall have the meaning accepted by common usage.

Where applicable, the meanings given to terms defined herein shall be equally applicable to both present and future, the masculine and feminine and the singular and plural forms of such terms.

As used herein, the following terms shall have the following meanings:

- 1. Entrant** – an individual participating in a sweepstakes organized to grant prizes.
- 2. Sweepstakes** – an activity whereby an offer is made to more than one person,

of the opportunity or expectation that one or more, but not all of them will receive one or more prizes, with chance being the predominant element in the selection of the winner.

Any sweepstakes where participants are required to pay Consideration will be considered an illegal lottery pursuant to Section 15 of the Act No. 10 of May 24, 1989, as amended, unless the promoter provides at least one alternative way of participating without having to pay such Consideration.

**3. Consideration-** provision of a monetary payment that financially benefits the promoter or a person related to the promoter. It does not include the requirement by the promoter that participants provide self-addressed and stamped envelopes, visit a commercial establishment or any other place, pay standard text messaging charges that do not financially benefit the promoter, or pay any other charges or fees to unrelated third parties for the use of any other technology as a means to participate in a Sweepstakes. All alternative methods of entry must be disclosed in the full rules of the Sweepstakes.

**4. Department** – the Department of Consumer Affairs.

**5. Day** – a natural day, unless otherwise specified.

**6. Participating establishment** – a commercial outlet where business transactions are made directly with consumers, or where some direct financial gain may be derived from the visit of consumers, or where the full Sweepstakes Rules and entry therein may be obtained during the effective period of the Sweepstakes.

**7. Facsimile** – any written document that reasonably refers to the entry in, product or company sponsoring the sweepstakes, and includes paper manuscripts,