



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

March 25, 1975

Opinion No. 75-131

Mr. George H. Herrelson, Jr.  
Cherokee County Attorney  
Cherokee County Courthouse  
Columbus, Kansas 66725

Dear Mr. Herrelson:

You have requested an opinion as to the legality of the BCI Dividend checks promotion.

It is our opinion that the promotion as described in the information which you submitted is in violation of the Kansas Trading Stamp Law. K.S.A. 21-2801 and K.S.A. 21-2802 specifically state that it shall be unlawful to use, issue or distribute in conjunction with the sale of goods, wares or merchandise, any stamps, coupons, tickets, certificates, cards, or other similar devices which shall entitle the recipient to procure any goods, wares, merchandise, cash, or any other thing of value upon the production of any number of said stamps, coupons, tickets, certificates, cards, or other similar devices.

In the instant case, all of the elements of the prohibitions of K.S.A. 21-2801 and -2802 are present: a sale of goods is consummated by a seller to an individual, and along with the sale of goods dividend point coupons are issued, which may be accumulated and later redeemed for cash or merchandise of value.

Therefore, we suggest that you inform the local merchants interested in this promotion that it is in violation of the law.

Yours very truly,

CURT T. SCHNEIDER  
Attorney General

CTS:GFW:kj