



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

August 25, 1975

ATTORNEY GENERAL OPINION NO. 75-344

Mr. Jack N. Williams
Assistant District Attorney
Director, Consumer Protection Division
Sedgwick County Courthouse
525 North Main Street
Wichita, Kansas 67203

Re: Crimes and Punishment--Trading Stamps--Exceptions to Act

Synopsis: A manufacturer or packer may enclose within its package a coupon redeemable for a single item not manufactured or packed by said manufacturer or packer.

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Dear Mr. Williams:

You have inquired as to the legality of the promotion of the Sta-Krisp Potato Chip Company wherein that company encloses a "fun chip" in its 9 ounce potato chip bags, which are redeemable at Joyland Amusement Park for free rides. You add that the value of the single chip is less than \$5.00 and the rides for which each is redeemable are also less than \$5.00.

K.S.A. 21-2803 provides exceptions to the prohibitions against giving and redeeming trading stamps:

"This act shall not apply to the use, issuance, distribution, furnishing or redemption of any coupon, ticket, certificate, card or other similar device which is issued, distributed furnished or redeemed by a manufacturer or packer in connection with the

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sale of its manufactured or packed products, when such coupon, ticket, certificate, card or other similar device is redeemable, without or with accompanying cash not exceeding five dollars (\$5.00) for any product of said manufacturer or packer or for one specified and particular product not manufactured or packed by said manufacturer or packer."

It is our opinion that the program which you have described falls within the exception contained in K.S.A. 21-2803. The "fun chip" is a coupon, ticket, etc., or other similar device issued by a manufacturer in connection with the sale of its product, and is exchanged at no cost for one product of another manufacturer, in this case the Amusement Park. Therefore, the activity follows the wording of this statute as nearly exactly as possible.

Very truly yours,

CURT T. SCHNEIDER
Attorney General

CTS:GFW:sas