

January 9, 2005

## Quebecers often excluded from contests due to red tape

By ROSS MAROWITS

MONTREAL (CP) - Like many other Canadians, Carol Emard loves to enter contests and dreams of winning big.

But the Montreal-area mother is among the millions of Quebecers whose hopes are often frustrated by provincial regulations that prompt many companies to exclude them from Canada's most lucrative promotional contests.

"I don't think it's fair," said Emard, who spends several hours daily entering contests by mail and the Internet. "There's a lot I'm missing out."

The 43-year-old woman regularly scours grocery store aisles, scans magazines and surfs the Internet as part of her ceaseless hunt for grand prizes.

"I look like a crazy woman," she says of efforts that have netted her a series of smaller rewards, including movie passes, CDs, and a trip to Disney World.

While some companies permit Quebec entrants, many are scared away by unique rules that are mandated by the province's gaming agency.

Quebec is the lone Canadian jurisdiction that requires security deposits, charges fees and enforces strict rules about draws valued at more than \$100. Some American states also enforce rules that prevent their residents from participating in contests.

In addition to requiring that all documents be written in French, Quebec's agency charges three per cent of the value of all national prizes, even if a Quebecer doesn't claim a prize, or 10 per cent of the value of a contest run exclusively in the province. The agency collected nearly \$1.7 million in fees last year.

In the rest of Canada, large contests are governed only by the federal Competition Act, a broad framework for promotional contests.

"People often exclude Quebec just because they're afraid of these rules and don't really understand them," said Sharon Groom, a Toronto lawyer who represents many advertisers that run contests as a marketing tool.

"They're not actually that bad but a lot of our clients will say we don't want to be bothered with doing this, so they exclude Quebec.

"It's part of being a distinct society, I guess."

By regulating contests, the government agency attempts to weed out disreputable organizations that fail to deliver prizes as promised.

"It's a question of protection of the people," said Francois Houle, spokesman for the provincial gaming agency that was created in 1979.

More than 5,600 contests were offered in Quebec between April 1, 2003 and March 31, 2004, with prizes valued at nearly \$71 million. About \$26 million worth of goods were awards exclusively to Quebecers, while nearly \$28 million involved national contests.

No national figures are available because registration isn't required in the other provinces.

Sylvie Laforest said she's comforted by Quebec's protection, even though it limits what she can enter.

"I don't feel less Canadian because of contests," the 54-year-old nurse said recently.

Laforest has managed to win a European trip and countless smaller prizes despite the Quebec handicap. She regularly logs onto one of several Internet sites that link players to available contests.

Despite the restrictions of some games, everyone who enters regularly wins, said Sylvain Sacha, 25, who runs the [Concoursweb.ca](http://Concoursweb.ca) website when he's not working at Bombardier.

"Yes, we miss many contests but at the same time, we are protected," he said.

Companies like Dell exclude Quebecers from contests like a recent entertainment package even though they reap substantial sales from the province.

"Dell is respectful of Quebec laws and like many other companies occasionally must exclude Quebec from some contests where timing constraints do not allow us to meet the filing requirements mandated by the Regie des alcools des courses et des jeux," spokesman David Gair said in a statement.

Montreal lawyer Pierre Savoie said there's no real justification for excluding Quebec when a company does business in the province. The government requirements are neither onerous nor prohibitively costly, he said.

"When (a contest) runs in the millions, paying \$30,000 in rights to the Regie (the government agency) should not be a big issue if you have customers here who buy your services and products."

But Toronto lawyer Susan Vogt cautions her clients about the added requirements of running a contest in Quebec.

"The question for national and multinational companies is whether the French-Canadian market is worth the trouble and expense of complying with those laws," she wrote in a published legal article.

While Quebecers must occasionally temper their dreams, they also take comfort from improved odds of success for contests restricted to provincial residents, said Laforest.

"Sometimes I'm happy about it because it gives us more chances."