

insights

Now on deck: The law behind sports trading cards promotions

Because sweepstakes and contests are such a popular marketing strategy, many industries develop promotions specifically tied to their products. For the world of sports trading cards, one popular promotion is the “box break.”

Prior to a box break, a number of rare, more valuable cards and other items are added to some (but not all) of the packages of cards to be sold. After all of the packages are sold, box breaks are held (some of which are televised) during which the packages are opened and the purchasers find out which valuable cards or other items, if any, that they have received. Participants do not know before that time if they are going to receive a package that is worth more or less than the price they paid for the package.

This mix of valuable and average cards creates some interesting questions about whether these specific types of promotions could possibly be considered illegal gambling. I recently wrote a guest post about some of these issues for [The Cardboard Connection](#), the leading online resource for independent sports card and memorabilia collectors. My friend and former Thompson Coburn colleague **Paul Lesko** writes a great column for the site, [Law of Cards](#), that parses a number of legal issues related to the sports cards industry.

My post, “[A Q&A on the Legality of Box Breaks with Sweepstakes Law Blog’s Dale Joerling](#),” hits on many issues related to these types of promotions, including:

- Whether the general format of box breaks incorporates the three basic elements of illegal gambling: prize, chance, and consideration
- Single-card “razzes
- The process for including a “no purchase necessary” option
- The potential liability of trading card manufacturers

I really enjoyed diving into the legal issues for these specific type of promotions. If you're in an industry that has developed its own specific giveaways, promotions, or sweepstakes, please let me know. I'm always eager to take a look at any related legal issues.

This post was written by retired Thompson Coburn partner Dale Joerling. If you have any questions about the topics discussed in this post, please contact Thompson Coburn partner [Hap Burke](#).

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