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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

FEBRUARY 16TH, 1916.

REX v. POLLOCK.

Criminal Law—Disposing of Trading Stamps—Criminal Code, secs. 335(u), 505—Voting Contest—Ticket—“Premium.”

Case stated by the Senior Judge of the County Court of the County of York, before whom, without a jury, the defendant (with his own consent) was tried on the 8th December, 1915, upon a charge that “he did, directly or indirectly, issue, give, sell, or otherwise dispose of trading stamps to one Montgomery and others, being merchants or dealers in goods, for use in their business, contrary to the Criminal Code.”

The Crown contended that a system adopted by the defendant of distributing prizes and issuing voting tickets constituted a violation of sec. 505 of the Code.

By sec. 335(u), “trading stamps” includes, “besides trading stamps commonly so-called, any form of cash receipt, receipt, coupon, premium ticket, or other devise, designed or intended to be given to the purchaser of goods by the vendor thereof or his employee or agent, and to represent a discount on the price of such goods or a premium to the purchaser thereof, which is redeemable,” etc.

The defendant contended that the evidence disclosed a voting contest or competition, and that the voting ticket given to a purchaser of goods did not represent either a discount or premium on the price of the goods purchased, and was lacking in the elements necessary to constitute it a trading stamp.

The County Court Judge found the defendant “guilty” as charged; and, at the request of counsel for the defendant, reserved the question whether there was any evidence upon which the defendant could properly be convicted of the offence charged—making the charge-sheet and depositions a part of the case.