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10 **SUPERIOR COURT OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN DIEGO**

12 DENISE KELLER, an individual) Case No.
13)
Plaintiff,)
14 v.) COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF
15 CEC ENTERTAINMENT, INC., a Kansas)
corporation, and DOES 1-10,)
16 Defendants.)
17)
18

19 Plaintiff Denise Keller (“Keller” or “Plaintiff”), by and through her attorneys, alleges,
20 upon personal knowledge as to herself and her acts, and as to all other matters upon information
21 and belief based upon, *inter alia*, the investigations made by her attorneys, as follows:

22 **I.**
23 **NATURE OF THE ACTION**

24 1. This case has one narrow purpose: to stop Defendant CEC Entertainment, Inc.
25 (“CEC”), a publicly-traded corporation, from offering in its California restaurants, certain games
26 that California law defines as “slot machines.” These games, as more fully described below, are
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1 ones that are not predominantly based on skill and thus, are illegal. This suit does not request
2 monetary relief.

3
4 **II.**
JURISDICTION AND VENUE

5 2. Defendant CEC has offered and sold, and continues to offer and sell, the services
6 at issue throughout California, including San Diego County. Jurisdiction and venue are proper in
7 San Diego County pursuant to California Business and Professions Code §17203.
8

9 **III.**
PARTIES

10 3. Plaintiff Denise Keller is and was at all relevant times, a California citizen,
11 domiciled in San Diego, California. She is the mother to two girls, Kylie (3 years old) and
12 Mackenzie (5 years old).
13

14 4. Defendant CEC Entertainment, Inc. is and was at all relevant times, a Kansas
15 corporation with its principal place of business in Irving, Texas, operating and conducting
16 business throughout California including in San Diego county. It is a publicly-traded corporation
17 whose shares trade on the New York Stock Exchange under the ticker symbol "CEC." It is the
18 owner and operator of 507 Chuck E. Cheese's restaurants in forty-eight states.
19

20 5. Plaintiff is not aware of the true names and capacity of defendants sued herein as
21 DOES 1 through 10 inclusive and, therefore sues these defendants by such fictitious names.
22 Plaintiff is informed and believes, and thereon alleges, that each of said fictitiously-named
23 defendants is in some manner responsible for the acts, omissions, injuries and/or damages
24 alleged herein. Plaintiff will amend this complaint to allege the true names and capacities of said
25 fictitiously-named defendants when the same have been ascertained.
26

27 6. Plaintiff is informed and believes, and thereon alleges, that at all times herein
28

1 mentioned, each of the defendants was the agent, employee, representative, partner, joint
2 venture, and/or alter ego of each of the other defendants and, in doing the things alleged herein,
3 was acting within the course and scope of such agency, employment or representation, on behalf
4 of such partnership, joint venture, and/or as such alter ego with the authority, permission,
5 consent, and/or ratification of each of the other defendants.
6

7
8 **IV.**
9 **SUBSTANTIVE ALLEGATIONS**

10 **THE ARCADE BUSINESS AND THE LAW**

11 7. In California, local law enforcement officials have customarily enforced
12 California Penal Code §§ 330a and 330b that prohibit illegal slot machines and other gambling
13 devices. For example, detectives in the vice unit of the Los Angeles Police Department
14 (“L.A.P.D”) used to regularly seize machines from operators of arcades, convenience stores,
15 restaurants, and bars. Unless the operator successfully challenged the seizure in court, the
16 machine was destroyed. While some local law enforcement officials, like the ones from
17 L.A.P.D., are trained to understand the difference between a legal and illegal device, many
18 jurisdictions do not have the resources necessary to develop the expertise or to seize the illegal
19 machines. Thus, in many jurisdictions, enforcement is minimal.
20

21 8. Operators have taken advantage of this lax enforcement. Traditional arcade
22 games have given way to slot machines because they are able to generate significantly-higher
23 revenues in less time. Where a game of Pacman™ might last 2 – 3 minutes, a majority of the
24 illegal games last a few seconds. A token is dropped, a button is pushed, a wheel spins, and out
25 comes a prize. If the prize is not big enough, another token is dropped and the process begins
26 again.
27
28

1 9. Manufacturers of these games have also taken notice of the lax enforcement. For
2 example, manufacturer BMI Gaming offers: *All Aboard* – a children’s train-themed game that
3 looks and operates like a slot machine (attached as Exhibit A is picture of the game); *Big Bass*
4 *Wheel* (discussed below) (attached as Exhibit B is a picture of the game); and *Roulette Twirl* – a
5 not-so-subtle Vegas-style roulette wheel (attached as Exhibit C is a picture of the game).
6

7 10. Legal gambling establishments are concerned about the competition. In 2005,
8 pari-mutuels (dog and horse tracks) opposed a Florida bill that they perceived to expand the use
9 of games in adult arcades.

10 11. CEC is well aware that it is subject to gambling laws and regulations in each of
11 the jurisdictions in which it operates. Indeed some states, like Iowa, require arcade operators like
12 CEC to obtain amusement concession licenses for their games. CEC has obtained hundreds of
13 licenses from Iowa during the past ten years for the games offered in its arcades in Iowa.
14

15 12. Most states prohibit all devices in which anything of value is inserted into the
16 machine for an opportunity to win something of value. Some states have enacted exemptions to
17 allow games to be played for prizes without running afoul of gambling laws, so long as *skill* is
18 required to win the prize. These exemptions are commonly referred to as the “Chuck E. Cheese”
19 exemption. The state of Texas, where CEC is headquartered, does not require an element of skill
20 to meet the exemption so long as the game is for bona fide amusement purposes and the prize is
21 worth less than \$5. However, this exemption has been exploited by gaming interests to open
22 gaming parlors offering “8-liners” (video slot machines.) 8-liners have proliferated across Texas
23 and are now found in grocery stores and shopping malls. A woman criminally prosecuted in
24 Texas for running an 8-liner game parlor argued, in her defense, that she believed the games
25 were legal because Dave & Busters (a popular adult arcade) and Chuck E. Cheese’s offered
26 similar games.
27
28

1 13. Businesses in the arcade and video game industry are keenly aware of and
2 sensitive to this “skill v. luck” distinction. Manufacturers routinely and falsely describe games in
3 a manner that suggest that skill is required. For example, distributor House of Arcades’ website
4 describes Ticket Troopers: “A bonus target gives *skilled* players a chance to win big ticket
5 values!” Games at Chuck E. Cheese’s describe the trigger buttons (the buttons that initiate the
6 game) as a “Skill Shot.” CEC’s Securities and Exchange Commission filings describe its games
7 as “skill-oriented.” CEC’s characterizations reflect its awareness of the games’ illegality.
8

9 14. Parties interested in promoting luck-based devices, such as coin-pusher games
10 (see description of Wheel of Fortune below) recently circulated a bogus memorandum
11 purportedly from the California Attorney General’s Office advising Law Enforcement Officers
12 that coin-pusher games were legal. On November 1, 2010, the California Bureau of Gambling
13 Control, which operates under the auspices of the Attorney General’s Office, issued a real
14 advisory explaining that the memos were bogus. It further explained:
15

16 *As a general matter, most, if not all, gambling devices—other than those*
17 *operating in California Tribal Casinos—that a person pays to play, and that offer*
18 *anything of value for playing, are illegal devices. Common types of illegal devices*
19 *include coin pushers, electronic trivia games that include any element of chance,*
claw machines, traditional slot machines, and slot machines that purport to have
a skill element.

20 ***

21 *The Bureau notes, however, that its field operations have detected a growing*
22 *number of gaming devices throughout California that are illegal because they*
23 *offer prizes and are not otherwise exempted from the prohibitions of the Penal*
Code.

24 Attached hereto as Exhibit D is a copy of the memo.

25 **CHUCK E. CHEESE’S ARCADES**

26 15. Chuck E. Cheese’s is a family restaurant that features games, rides, prizes, food
27 and entertainment for children. Its website claims that Chuck E. Cheese’s is a “great place to
28

1 take the kids for everyday fun or for special occasions such as birthdays, play groups and school
2 fundraising events.” It markets the Chuck E. Cheese’s restaurants as a safe, wholesome
3 environment where kids can laugh, play and enjoy being kids. CEC owns and operates hundreds
4 of Chuck E. Cheese’s family restaurants that feature games, rides, prizes, food and entertainment
5 for children.
6

7 16. A major component of Chuck E. Cheese’s restaurants is their arcade-style game
8 rooms. The arcades contain a variety of games and rides. The majority of these games are
9 operated by inserting into the machine Chuck E. Cheese’s tokens which are purchased by
10 customers for \$0.25 each. At the conclusion of the game, most of the machines dispense a
11 handful of tickets that can be redeemed for various prizes at a prize center. For example, for 100
12 tickets earned by playing 25 games, a child might be able to obtain a plastic ring or a piece of
13 candy. But more expensive prizes are available as well. For thousands of tickets, a child might
14 be able to obtain electronics.
15

16 17. Despite marketing itself as a wholesome place for children’s entertainment, a
17 number of the machines are illegal gambling devices. The following is a description of some of
18 the illegal games at the Chuck E. Cheese’s restaurant at Grossmont Center in La Mesa,
19 California:
20

21 a) *Thunderation* consists of a vertical spinning wheel with numerous prongs
22 protruding from it. The customer inserts a token at the top of the machine and lets the
23 token drop onto the spinning wheel. The token then randomly bounces off of the
24 spinning prongs until it is eventually dropped into one of the buckets at the bottom of the
25 wheel. Depending on which bucket the token lands in, the customer receives a set
26 number of tickets.
27
28

1 b) *Wheel of Fortune* is a coin-pusher machine. The customer deposits a
2 token in a slot near the top of the machine and the token slides down a chute where it
3 rolls and bounces to a resting position on a tray below. The machine has an automated
4 pusher arm that sweeps back and forth on the tray. The tray contains hundreds of other
5 tokens that have piled up near a ledge. Based on where the token lands, there is a
6 possibility that the newly-deposited token will cause the pusher arm to push one or more
7 of the other tokens over the ledge and into a collection tray. The number of tokens that
8 fall into the collection tray determine the amount of tickets the player receives. There is
9 no ability to control or predict whether tokens will fall into the collection tray.
10

11 c) *Big Bass Wheel* closely resembles the wheel featured on *The Price Is*
12 *Right* television game show. Customers deposit a token into the game and then turn a
13 crank as fast as they can. The crank spins a large wheel that has numbers printed on it.
14 The customer wins an amount of tickets equal to the number on which the wheel stops.
15 There is no ability to control or predict where the wheel will rest.
16

17 Other illegal games include:

- 18 a) Slap Happy
19 b) Hat Trick
20 c) Chuck E.'s Rubble Bubble
21 d) Rollin' on 24's
22 e) Ticket Troopers
23 f) Jackpot Extreme
24 g) Wonder Wheel
25 h) Deal or No Deal

26 18. CEC owns, stores, possesses, leases, and permits the operation, placement,
27 maintenance, and keeping of "slot machines" as that term is defined in Penal Code § 330b(d) in
28 violation of Penal Code § 330b(a). While Section 330b(f) provides an exception for games that
are "predominantly games of skill," this exception does not apply to many games found at Chuck

1 E. Cheese's restaurants including the games identified above and many others. Unlike many
2 arcade games (e.g. Wac-a-Mole™, Pacman™, racing games, Skee-ball, etc.) which require hand-
3 eye coordination, concentration, and physical skill, the outcome of operation of the games
4 identified above at Chuck E. Cheese's is based entirely or predominantly on chance or hazard.
5
6 In other words, the players have no ability to control the outcome.

7 **GAMBLING AND YOUTH**

8 19. Upon information and belief, the illegal games are highly profitable for CEC
9 because they last for only a few seconds and the chance to win dozens of tickets entice children
10 to play repeatedly, much like a casino slot machine. Machine gambling is one of the most
11 addictive forms of gambling because they are highly addictive, involve rapid-restaking, and
12 encourage the players to chase their losses. Young people are especially vulnerable to the
13 attractions of gambling.
14

15 20. Protecting children from gambling serves an important public purpose. Gambling
16 addiction is a serious and devastating problem for many adults. According to a recent study by
17 the University of Buffalo's Research Institute on Addiction, problem gambling is more common
18 among adults than alcohol dependence. Children who start gambling early in childhood are at
19 increased risk for developing a gambling problem later in-life. Placing illegal gambling devices
20 in arcades ostensibly created for amusement perpetuates confusion between play and dangerous
21 habit-forming activities. The fact that the stakes are relatively low is of no consequence to a
22 child, whose allowance or allotted tokens provided by his parents are at stake on a visit to Chuck
23 E. Cheese's; the games create the same highs and lows experienced by adults who gamble their
24 paychecks or mortgage payment.
25

26 21. Youth gambling is not a trivial matter. The book *Futures at Stake: Youth,*
27
28

1 *Gambling, and Society* is a product of a Harvard Medical School think tank comprised of leading
2 researchers, government officials, and gambling experts. As *Futures at Stake* explains:

3 In previous eras, children's access to gambling opportunities was more limited, as
4 most games of chance required a process of negotiation, odd-setting, and
5 communication that demanded time before the actual wager could take place.
6 These factors provided informal social protection from excessive gambling.
7 Contemporary gambling, however, is more readily available, and with the new
8 technology used to produce, distribute, and market games of chance, there is little
9 natural social control to protect young people.

10 Even the gaming industry-funded National Center for Responsible Gambling ("NCRG")
11 explains that "research [shows] young people are at higher risk for developing gambling
12 disorders than adults." NCRG focuses much of its research on youth gambling.

13 22. Keller and her children have paid for tokens and played these illegal games at the
14 Grossmont Center Chuck E. Cheese's. One of the reasons they played these games was for an
15 opportunity to win tickets in order to redeem the tickets for prizes. Initially, Keller was unaware
16 that the games were purely ones of chance. Upon playing the games, Keller realized that some
17 of the games her children were playing involved little or no skill. Had Keller known that the
18 machines were gambling devices, she would not have exchanged her money for Chuck E.
19 Cheese's token and allowed her children to participate in gambling activities. The prizes that
20 Plaintiff and her children ultimately acquired in exchange for the tickets they received were
21 worth far less than the value of the tokens they inserted into the machines.

22 23. The California legislature enacted Penal Code §§ 330a and 330b(a) and (d) to
23 further California's public policy against gambling. These sections explicitly forbid certain
24 types of gambling, specifically slot machines. Keller, her children, and other patrons of Chuck
25 E. Cheese's are persons that this statute was meant to protect.
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V.
CAUSES OF ACTION

FIRST CAUSE OF ACTION
Violation of Cal. Bus. & Prof. Code § 17200
(Against CEC and DOES 1-10)

24. Plaintiff incorporates by reference each of the preceding allegations as though fully set forth herein.

25. The California Unfair Competition Law (“UCL”) (Bus. & Prof. Code §§ 17200, et seq.) prohibits acts of unfair competition, which include any “unlawful, unfair, or fraudulent business act or practice.”

26. By its actions described above, Defendant violated and continues to violate the UCL in that it has engaged and continues to engage in unfair and unlawful business practices within the meaning of the UCL.

27. Defendant has engaged and continues to engage in unfair business practices and acts by offering gambling devices and by promoting gambling to children in order to earn a profit. The harm caused by Defendant’s conduct outweighs any utility of such conduct and such conduct offends public policy, is immoral, unscrupulous, unethical, deceitful and offensive, and causes substantial injury to consumers, including Plaintiff. In addition, Defendant’s conduct specifically violates public policies tethered to laws that were designed to protect the public welfare against the deleterious effects of gambling.

28. Defendant has engaged and continues to engage in “unlawful” business practices by violating California Penal Code §§ 330a and 330b. Defendant’s unlawful and unfair acts and practices are ongoing and continue to the date of this filing. Defendant has failed to publicly acknowledge the wrongful nature of its actions and has not corrected its unfair and unlawful practices.

1 29. As a direct and proximate result of these acts, Plaintiff has suffered injury in fact
2 and has lost money and property in the form of money that was used to purchase Chuck E.
3 Cheese's tokens.

4 30. Plaintiff, pursuant to Bus. & Prof. Code § 17203, seeks an order and/or judgment
5 from the Court to enjoin Defendant from engaging in practices which constitute unfair
6 competition.

7
8 **SECOND CAUSE OF ACTION**
9 **Declaratory Relief**
10 **(Against CEC and DOES 1-10)**

11 1. Plaintiff hereby incorporates by reference each of the preceding allegations as
12 though fully set forth herein.

13 2. An actual, present, and substantial controversy exists between Plaintiff, on the one
14 hand, and Defendant on the other. Defendant contends that the gaming devices described above
15 are not slot machines and legal. Plaintiff contends that the gaming devices are slot machines and
16 illegal.

17 3. A declaration as to the respective rights and duties of the parties is necessary and
18 appropriate.
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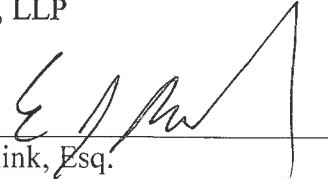
1 **PRAYER**

2 Wherefore, Plaintiff requests judgment in favor of herself and against Defendants,
3 individually and jointly and severally, as follows:

- 4 A. Equitable and injunctive relief enjoining Defendant from continuing to engage in
5 the acts and practices alleged in this action;
6
7 B. A judicial declaration that the gaming machines are illegal;
8
9 C. Attorney's fees and costs as provided for under the law.
10
11 D. Such other relief as the Court deems just and proper.

12 Dated: May 19, 2011

KRAUSE KALFAYAN BENINK &
SLAVENS, LLP

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15 Eric J. Benink, Esq.
16 Attorneys for Plaintiff
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EXHIBIT A



EXHIBIT B



EXHIBIT C



EXHIBIT D



BUREAU OF GAMBLING CONTROL

EDMUND G. BROWN JR.
Attorney General

JACOB A. APPELSMITH,
Bureau Chief

NUMBER 10

LAW ENFORCEMENT ADVISORY

NOVEMBER 1, 2010

Illegal Gambling Devices

The Bureau of Gambling Control (Bureau) provides this advisory regarding illegal gambling devices in response to inquiries from local law enforcement agencies, inquiries from state agencies including the California State Lottery and the California Department of Alcoholic Beverage Control, and from the Bureau's observations in the field. This advisory also addresses misrepresentations contained in documents circulating in the industry that are fraudulently prepared to appear as though they were issued by this office. As a general matter, most, if not all, gambling devices—other than those operating in California Tribal Casinos—that a person pays to play, and that offer anything of value for playing, are illegal devices. Common types of illegal devices include coin pushers, electronic trivia games that include any element of chance, claw machines, traditional slot machines, and slot machines that purport to have a skill element.

The attached flow chart outlines the steps for determining what is an illegal gambling device. (See attachment #1.)

Illegal Gambling Devices

California's gambling device statutes are broad in their coverage and prohibit any person from owning, renting, or possessing illegal gambling devices. (Penal Code, §§ 330a, 330b, 330.1.) An illegal gambling device has three features:

1. It is a machine, apparatus, or device (coin operation is not required);
2. Something of value is given to play the device; and
3. The player has the opportunity to receive something of value by *any* element of hazard or chance ("something of value" is not limited to coins, bills, or tokens—it also includes free replays, additional playing time, redemption tickets, gift cards, game credits, or anything else with a value, monetary or otherwise.) (Penal Code, §§ 330a, 330b & 330.1.)

In addition, if a device can readily be converted to have the features of an illegal gambling device, (as listed in 1, 2, and 3 above), it is an illegal device. (Penal Code, § 330b(d).)

Narrowly Defined Amusement Device Exception

Devices that fall within the definition of an illegal gambling device above may nevertheless qualify for the “pinball” or “amusement device” exception if they meet the narrow requirements set forth in the provisions of Penal Code section 330b, subdivision (f), and section 330.5. A gaming device qualifies for the amusement device exception, and therefore is lawful, if it:

1. Provides an opportunity to win nothing other than additional or free play; and
2. Is predominantly a game of skill.

A lawful device is one that is predominately a game of skill (as are most arcade pinball machines), on which what can be won is limited to additional chances or free plays. If, however, the player has paid to play and can win something other than additional plays, such as food, toys, or other prizes, the machine does not qualify for the amusement device exception and is an illegal gambling device. As an additional example, a coin pusher is an illegal gambling device, whether or not it purports to have an element of skill, because the player can win coins by playing.

California Tribal Casinos

California Tribal Casinos are permitted to operate slot machines pursuant to the terms of approved Tribal-State Compacts and California law.

False Representations Regarding the Legality of Devices

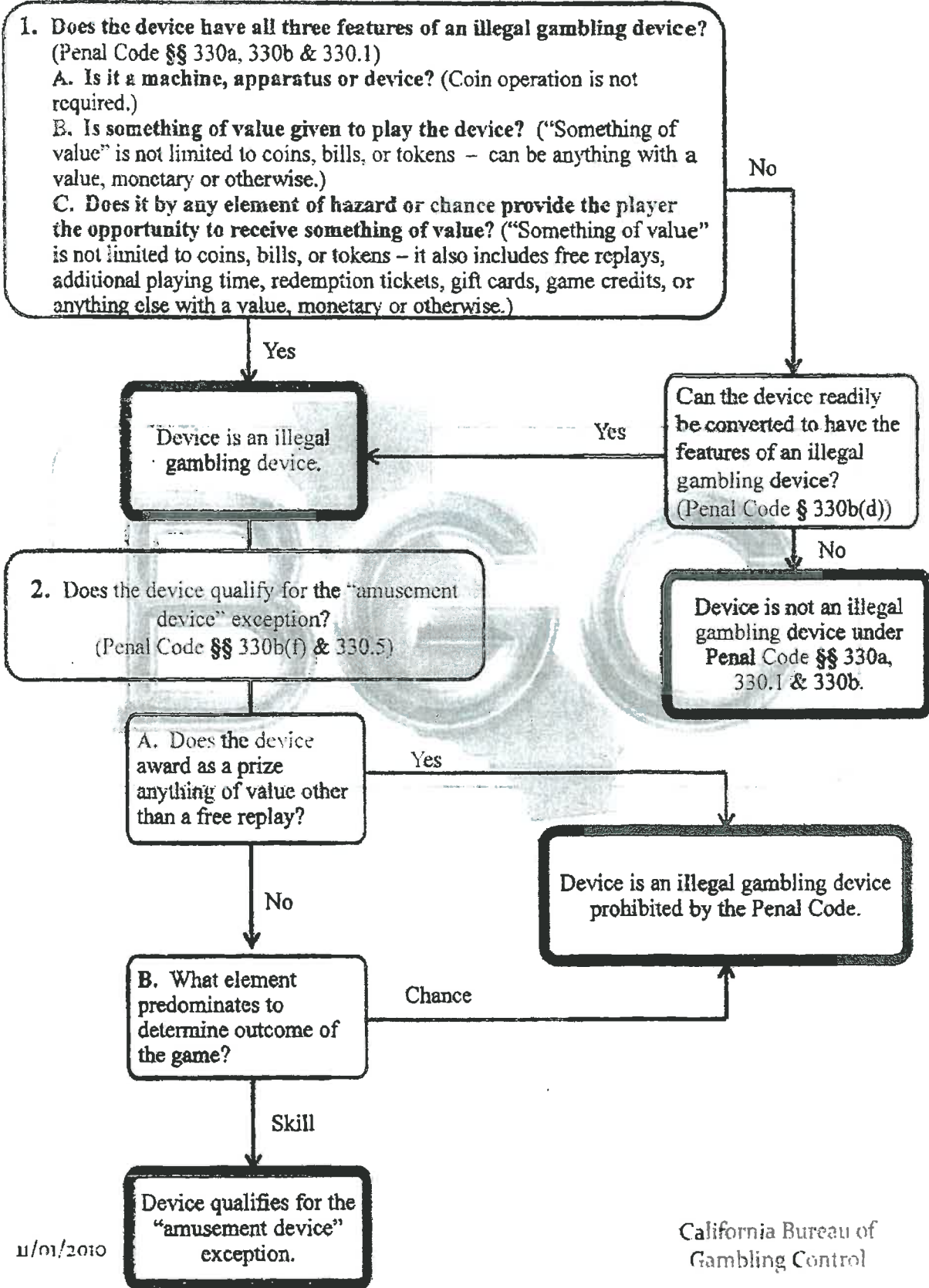
The Bureau has obtained memorandums that falsely purport to be issued by the Office of the Attorney General claiming that coin pusher games are legal as games of skill. (See attachment #2.) In addition, the Bureau has received information that some manufacturers and vendors are misrepresenting the Penal Code’s narrow “amusement device” exception in an attempt to portray their gambling devices as compliant with California law.

The Attorney General’s Office has not approved any such device for play in California, nor issued any opinion or statement regarding the legality of any such device on the basis of the predominance of skill. The Bureau notes, however, that its field operations have detected a growing number of gaming devices throughout California that are illegal because they offer prizes and are not otherwise exempted from the prohibitions of the Penal Code.

The purpose of an advisory is informational. An advisory does not constitute legal advice.

For more information regarding this advisory, contact the California Department of Justice, Bureau of Gambling Control at (916) 263-3408

Attachment 1
 Qualification for the Amusement Device Exception
 under the Penal Code as a Flow Chart



11/01/2010

California Bureau of
 Gambling Control



STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

EDMUND G. BROWN JR.

MEMORANDUM

TO: ALL LAW ENFORCEMENT OFFICERS

Coin Pusher machines that have vending capabilities or games of skill may be operated in the State of California.

California Penal Code

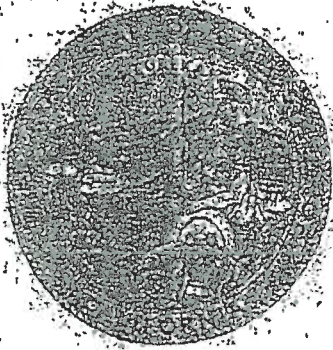
330.1. Every person who manufactures, owns, stores, keeps, possesses, sells, rents, leases, lets on shares, lends or gives away, transports or exposes for sale or lease or offers to sell, rent, lease, let on shares, lend or give away or who permits the operation of or permits to be placed, maintained, used or kept in any room, space or building owned, leased or occupied by him or under his management or control, any slot machine or device as hereinafter defined, and every person who makes or permits to be made with any person any agreement with reference to any slot machine or device as hereinafter defined, pursuant to which agreement the user thereof, as a result of any element of hazard or chance, may become entitled to receive anything of value or additional chance or right to use such slot machine or device, or to receive any check, slug, token or memorandum, whether of value or otherwise, entitling the holder to receive anything of value, is guilty of a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment. A slot machine or device within the meaning of Sections 330.1 to 330.5, inclusive, of this code is one that is, or may be, used or operated in such a way that, as a result of the insertion of any piece of money or coin or other object such machine or device is caused to operate or may be operated or played, mechanically, electrically, automatically or manually, and by reason of any element of hazard or chance, the user may receive or become entitled to receive anything of value or any check, slug, token or memorandum, whether of value or otherwise, which may be given in trade, or the user may secure additional chances or rights to use such machine or device, irrespective of whether it may, apart from any element of hazard or chance also sell, deliver or present some merchandise, indication of weight, entertainment or other thing of value.

330.4. It is specifically declared that the mere possession or control, either as owner, lessee, agent, employee, mortgagor, or otherwise of any slot machine or device, as defined in Section 330.1 of this code, is prohibited and penalized by the provisions of Sections 330.1 to 330.5, inclusive, of this code.

It is specifically declared that every person who permits to be placed, maintained or kept in any room, space, enclosure, or building owned, leased or occupied by him, or under his management or control, whether for use or operation or for storage, bailment, safekeeping or deposit only, any slot machine or device, as defined in Section 330.1 of this code, is guilty of a misdemeanor and punishable as provided in Section 330.1 of this code.

It is further declared that the provisions of this section specifically render any slot machine or device as defined in Section 330.1 of this code subject to confiscation as provided in Section 335e of this code.

330.5. It is further expressly provided that Sections 330.1 to 330.4, inclusive, of this code shall not apply to music machines, weighing machines and machines which vend cigarettes, candy, ice cream, food, confections or other merchandise, in which there is deposited an exact consideration and from which in every case the customer obtains that which he purchases; and it is further expressly provided that with respect to the provisions of Sections 330.1 to 330.4, inclusive, only, of this code, pin ball, and other amusement machines or devices which are predominantly games of skill, whether affording the opportunity of additional chances or free plays or not, are not intended to be and are not included within the term slot machine or device as defined within Sections 330.1 to 330.4, inclusive, of this code.



Coin Pusher machines that have vending capabilities or games of skill may be operated in the State of California.

Slot Machines are illegal under the California Penal Code 330a. However, Coin Pushers are not related and are considered a game of skill. Please review the following California Penal Code.

California Penal Code Section 330.5

It is further expressly provided that Sections 330.1 to 330.4, inclusive, of this code shall not apply to music machines, weighing machines and machines that vend cigarettes, candy, ice cream, food, confections or other merchandise, in which there is deposited an exact consideration and from which in every case the customer obtains that which he purchases; and it is further expressly provided that with respect to the provisions of sections 330.1 to 330.4, inclusive, of this code, pin ball, and other amusement machines or devices which are predominantly games of skill, whether affording the opportunity of additional chances or free plays or not, are not intended to be and are not included within the term slot machine or device as defined within Sections 330.1 to 330.4, inclusive, of this code.



STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

TO: INSPECTING AUTHORITIES,

Devices categorized as "coin pusher", "penny slider", "coin slider" or any machine bearing such nomenclature; that have vending capabilities and are games predominately of skill, may be operated in the State of California.

California Penal Code

330.5. It is further expressly provided that Sections 330.1 to 330.4, inclusive, of this code shall not apply to music machines, weighing machines and machines which vend cigarettes, candy, ice cream, food, confections or other merchandise, in which there is deposited an exact consideration and from which in every case the customer obtains that which he purchases; and it is further expressly provided that with respect to the provisions of Sections 330.1 to 330.4, inclusive, only, of this code, pin ball, and other amusement machines or devices which are predominantly games of skill, whether affording the opportunity of additional chances or free plays or not, are not intended to be and are not included within the term slot machine or device as defined within Sections 330.1 to 330.4, inclusive, of this code.