Penny Falls: Friend or Foe?

"A penny falls device erroneously leads a player to believe that the game can be beaten by virtue of the player's skill."

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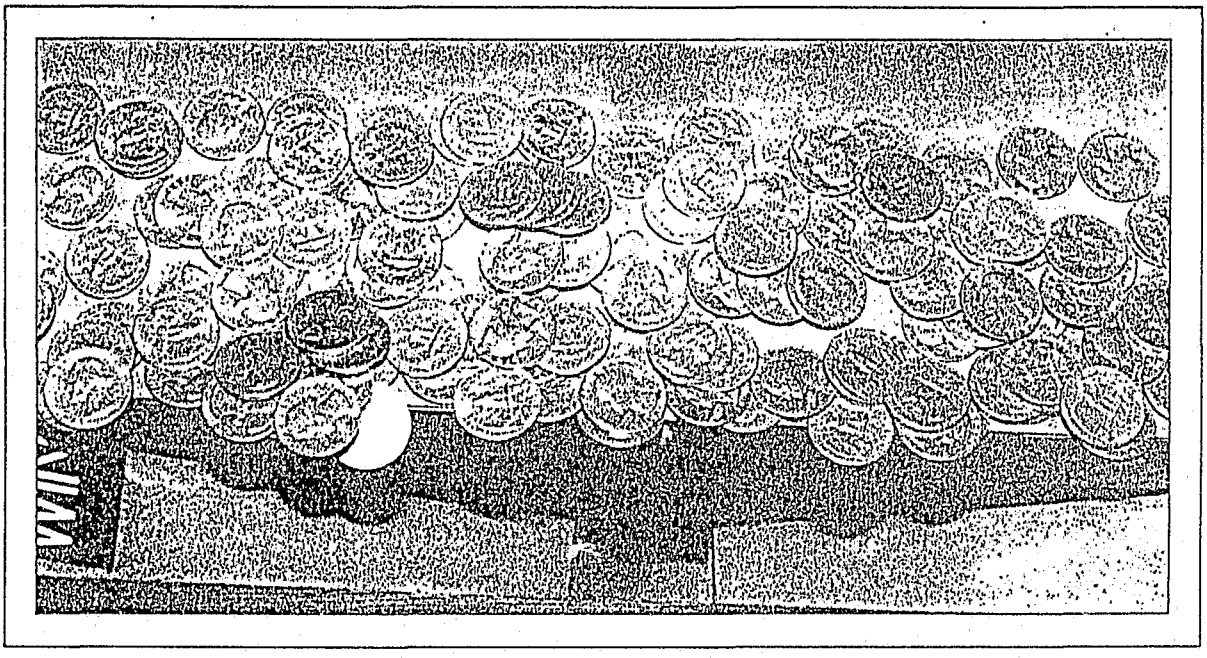
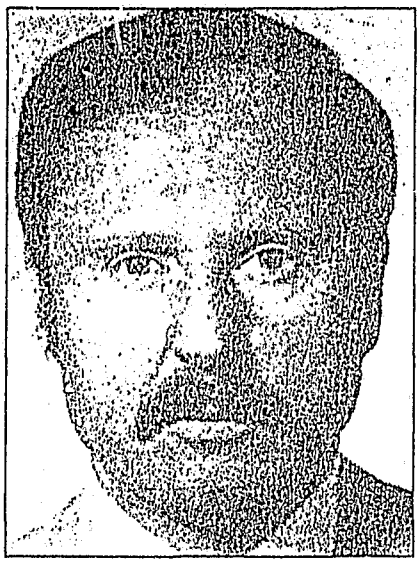




Special Agent Holmes

Fast profits with little risk are an enticement for all age groups, regardless of sex, race, religion, or socioeconomic status. Thus, it is not surprising that the business world might want to take advantage of this phenomenon. The gaming industry, as an example, is fully cognizant of such hopes and motivations. This industry learned long ago that games of chance offer greater lure and a greater sense of excitement to players than mere games of skill.

In the past, manufacturers of games of chance catered to a restricted market, such as legal casinos. In order to expand this market, games were designed or modified in an attempt to comply with local demands or criteria.

Some of these new games appeared to run afoul of the law, thereby initiating a controversy as to their legality. Thus, it became incumbent upon the gaming industry, law enforcement community, and judicial systems to distinguish a game of skill from a game of chance. Acceptable and enforceable standards needed to be developed.

Skill Versus Chance

Broadly speaking, one might say that games of skill are "friendly" contests which allow a player's ability to influence the final outcome of the game. For example, in a game of Pac Man,® the player's manipulation of a lever, relative to an image on a video screen, will dictate how successful that player will be. The more-successful, i.e., skillful, player will be able to avoid the "monster" image and extend the time of play.

Games of chance, on the other hand, are based on laws of probability and are not appreciably influenced by the skill of the player. In a game of chance, winning combinations, randomly selected, determine the outcome of play. For example, when rolling a pair of dice, a "7" will appear 6 times out of every 36 rolls of the dice, over an extended period of play. Theoretically, the laws of probability dictate the frequency an event will occur in a series of events. Once the dice leave the player's hand, the player has no control over what number will appear when the dice come to rest. Therefore, skill does not influence the final outcome of play.

One might, therefore, expect that a game of skill would differ in basic characteristics from a game of chance. However, the gaming industry has developed some games that on the surface appear to be games of skill which, in reality, contain characteristics peculiar to a game of chance. Thus, a "friendly" game in effect becomes a "foe," unbeknownst to the player. An example of this sort of game is the penny falls device.

A penny falls device erroneously leads a player to believe that the game can be beaten by virtue of the player's skill. This game has several features which encourage this erroneous assumption. For instance, an outwardly visible, movable "shooter" or coin chute gives the impression that a player can aim a coin with consistent accuracy. Also, there is a "stop" button which interrupts the sweep-arm cycle. Finally, a player can control the rate of feeding coins into the machine. These features, used alone or in combination with other features, are employed by a player continuously while playing the game. Since these operational features are used frequently, singly or in combination with other features, this leads a player to believe that the outcome of play is determined by the manipulation of these various components.

"There are several hidden characteristics of penny fall devices which are not readily apparent to the player and which reduce the potential win ratio."

Additionally, there are several non-observable features which affect the operation of a penny falls device. These features are described later in this article.

Therefore, both overt and covert features on a penny falls device turn what appears to be a game of skill, a "friendly" game, into a game of chance, violating norms of fair play and legal statutes.

Developmental History

In keeping with trends set by other manufacturers of gaming devices, devices are named after a particular play characteristic, an operational procedure, or a design feature. This is true of a penny falls device. "Penny falls"[1] is a generic term which applies to several devices, including the money pusher and gravitation device, having the same components, such as the sweep-arm, coin chute, coin mass, raised lip, playing surface, or side slots. One such device, money pushers, which was first manufactured in 1962, has an arm which sweeps across a playing surface, pushing coins over the front edge of the surface through a chute and into a tray or hopper. These coins (winnings) are retrieved by the player.

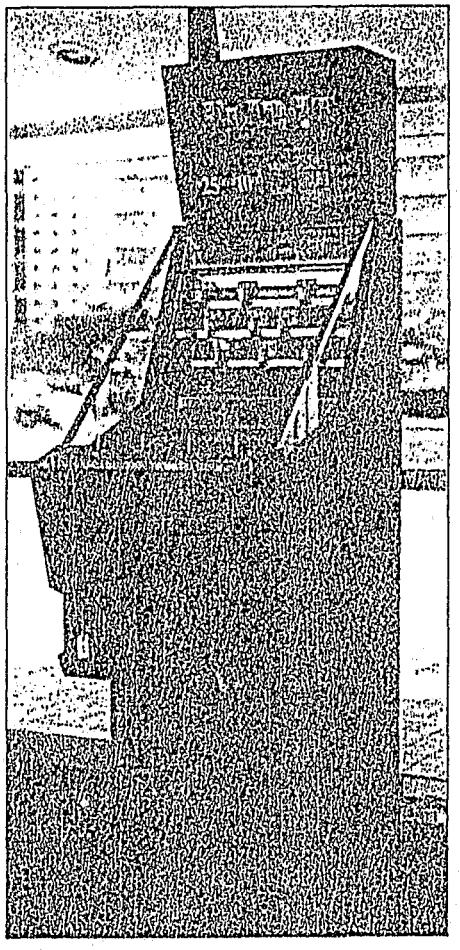
A gravitation device has a design feature which uses gravity to move coins. Coins inserted into a coin chute are propelled by gravity toward the playing surface. Coins forced over the front edge of the playing surface are also influenced by gravity.

With the advent of video games and their resulting popularity, manufacturers began naming their games after events or movies, as well as functional characteristics. For example, some of the most popular video games are "Star Wars" (named for the movie of the same name), "Skywalker" (named for a role in the movie Star Wars), "Slash Down" (named for the splash down of the space capsuel), and "Moonrakers" (named for the moon landing).

Other penny falls models were named for functional characteristics, i.e., "Flippa Winna" (after the coin delivery method) or "Silver Falls" (for the rotating drum between two playing surfaces imitating a water fall of coins). Devices currently used in casinos, which provide more winning opportunities, are the "Flip-it," "Silver Shooter," or "Whirl Win."

The penny falls popularity guaranteed the manufacturer of the devices, Crompton, Limited, of England, a large share of the English market, as well as the Canadian market. However, Crompton did not have authorized dealers in the United States but realized the great marketing potential.

In 1976, an attempt was made to introduce Crompton penny falls into the United States and application was made to the Nevada Casino Control Commission.[2] Allegedly, this application was denied by the commission because of the extremely high retention



"Flip-it," a penny falls device currently used in Nevada casinos, features baskets which offer players more opportunities to win.

"The accumulated coin mass on the front portion of the playing surface is the most important element of a penny falls device."

ratio (house percentage) of the device. The penny falls devices in use in the United States prior to 1976 came primarily from Canadian sources.

In 1979, representatives from Crompton, Limited, again applied to the Nevada Casino Control Commission for permission to install penny falls devices in Nevada casinos. Crompton had made modifications to the earlier devices, reducing the retention ratio considerably. These modifications provided more winning opportunities for the player and complied with the suggested 15-percent retention ratio. Thus, permission was granted.

Types of Penny Falls

Basic physical characteristics of the earlier penny falls were retained when the current devices were being developed. However, now there are two types of penny falls devices, one with a single-level playing surface, the other with a multilevel (two or more) playing surface. Each type may have either a single player position or multiplayer positions.

The current penny falls devices have three methods of coin delivery. One model of the device contains an elongated coin chute located in front of and above the playing surface. A second method is through a coin chute located at the top rear of the device, which allows the inserted coin to travel down the rear wall of the device. On another device, a coin inserted at the front of the device drops onto a rotating drum which propels the coin toward the rear of the device. These last two coin delivery methods are usually found on the multilevel devices.

Physical Characteristics

A penny falls contains six basic physical characteristics — playing surface, raised lip on the front of the playing surface, an accumulated mass of coins or tokens, side slots, sweep-arm, and shooter or coin chute.

Each playing surface constitutes a player position. One or more playing surfaces are encased in a cabinet with a large glass or plexiglass front. A playing surface will vary in size, depending on the model, and contain or support all of the physical characteristics, except the shooter.

At the edge of each playing surface is a raised triangular lip. This lip reduces the forward movement of the coin mass and is a major element in the skill versus chance concept and design of a penny falls device.

An accumulated mass of coins or tokens will extend from the raised lip at the edge of the playing surface back to a point on the playing surface where the forward motion of the sweep-arm cycle ends. This coin mass will vary in density (layers of coins) with the method of play. Each level of a multilevel device will contain an accumulated mass of coins with the same characteristics as the coin mass of a single-level device.

On each side of the playing surface is a narrow slot approximately 3 inches long. Coins forced through these slots drop onto the bottom of the device. On multilevel devices, these slots will appear only on the bottom-level playing surface.

The number of coins that pass through these slots, relative to the number of coins played, determines the retention ratio (house percentage). These slots are not readily apparent to the player. They are either blocked from view by prizes on top of the coin mass or from the coin mass itself.[3]

Each playing surface bears a sweep-arm, located on the rear portion of the playing surface, which moves in a continuous cycle for a predetermined distance and length of time. This sweep-arm is used to move newly deposited coins forward toward the accumulated coin mass.

The sweep-arm also has several variations. Earlier single-level playing surface models used a rectangular sweep-arm. The multilevel penny falls created a need for a new sweep-arm configuration. This new sweep-arm is in the shape of "paddles" or "fingers," which operate with staggered time cycles.

Imbedded in the glass or plexiglass front, over each playing surface, is an elongated coin chute or shooter. Each shooter has limited side-to-side mobility and is slanted downward toward the playing surface.

Two other coin delivery methods have been previously described; however, regardless of the shooter configuration, the end result is to deposit a coin on the uppermost playing surface to begin the sequence and object of play.

Object of Play

The object of play is to force the maximum number of coins over the front edge of the playing surface into the win chute, using the least number of coins possible; in other words, to win a large profit for a small investment with little risk.

A player begins play by inserting a coin into the shooter. The insertion of this coin is timed so that the coin drops onto the playing surface in a vacant area created by the backward movement of the sweep-arm. The coin is inserted into the shooter in a vertical position (on edge) and exits in the same position.

The side-to-side mobility of the shooter allows the player to direct the newly deposited coin to a specific area of the playing surface but is limited to the area between the coin mass and the sweep-arm. The sweep-arm, moving in a continuous cycle, will force the newly deposited coin into or onto the accumulate coin mass. As the coin is pushed forward, it will cause the coins it comes in contact with to move forward and/or to the side.

As the affected portion of the coin mass is pushed forward, it may or may not cause some of the precariously balanced coins on the front edge of the playing surface to fall into the win chute. Coins falling into the win chute are retained by the player.

On the surface, the player's goal should be met without great difficulty after a few practice plays. Unfortunately, some of the other features of the game prevent this from happening.

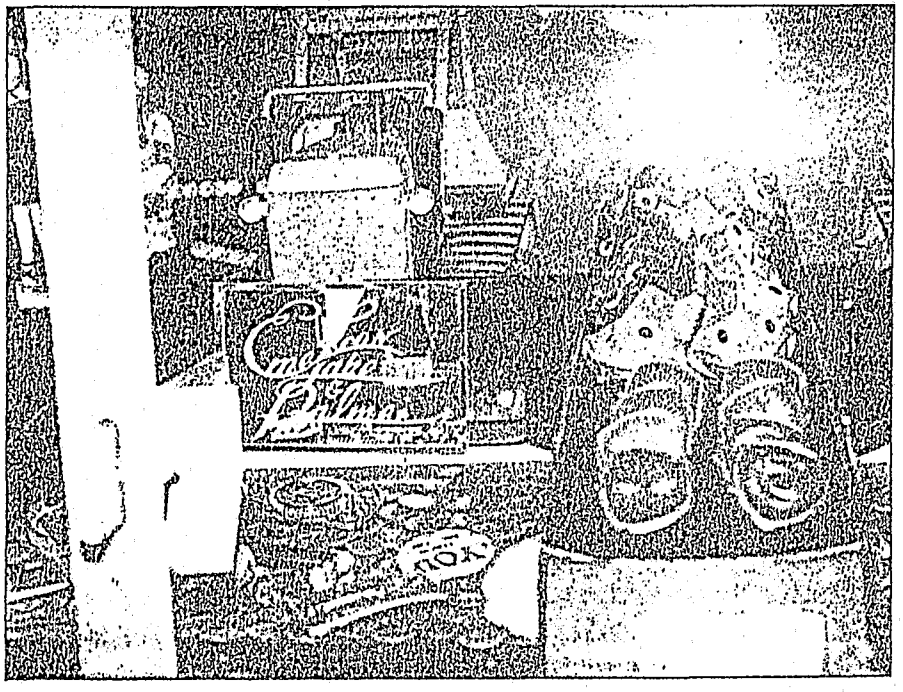
Impeding Factors

According to Webster's *New World Dictionary*, the word "impede" means to obstruct or delay progress. Impeding factors are used to minimize or eliminate the effect an element of skill may have on the final outcome of play or an event. There are several hidden characteristics of penny fall devices which are not readily apparent to the player and which reduce the potential win ratio. These include screw heads, texture of the playing surface, triangular lip, an accumulated mass of coins, prizes placed on top of the coin mass, and side slots.

Screw Heads

The first penny falls contained two screw heads on the front portion of the playing surface and were usually positioned beneath the accumulated coin mass. An operator could raise the screw heads slightly to protrude above the playing surface, thereby impeding the forward movement of the coin mass and causing the coins to "pile-up" and increase the density of the coin mass.

A newly deposited coin forced into the coin mass by the sweep-arm will encounter resistance created by the unequal distribution of the coins, as well as the density of the coin mass. The circular shape of the coin and these uneven forces will cause the newly deposited coin to move (rotate) in the direction of least resistance. This reaction produces two results which tend to minimize the effect skill may have on the final outcome of play. First, the screws in the center of the playing surface cause a denser concentration of coins.[4] A greater resistance will occur in this area; thus, the newly deposited coin will tend to move toward the sides of the playing surface, forcing coins into the side slots. Second, these unequal forces will cause a coin to move in an



A toy bulldozer is one example of the different types of "sweep-arms" currently used in penny falls devices. Prizes such as belt buckles are placed in the device to restrict the forward movement of the coin mass.

"Strategy used in playing a penny falls is limited to the choice of where the coin should be aimed and how many coins should be inserted at any one time."

unpredictable manner, which minimizes the effect of a player's skill.

Playing Surface

A sweep-arm pushing a coin over a smooth or polished surface will tend to move the coin in a straight line. If the texture of the surface is coarse, the coin will tend to move forward in an erratic and unpredictable path; the rougher the surface, the more erratic the path of the coin.

An uneven playing surface will come in contact only with portions of a coin. When a weight is added to the coin (prizes), there is an unequal distribution of increased friction between the coin and playing surface which causes the coin to deviate from its intended path. When an uneven surface is coupled with a mass of accumulated coins and prizes, the forward movement of a newly deposited coin becomes even more unpredictable.

Triangular Lip

The front edge of each playing surface contains a triangular lip which is raised slightly above the playing surface. This raised lip reduces the forward movement of the accumulated coin mass and produces a "piling-up" effect, similar to that which occurs with the screw heads. This piling-up gives the illusion of delicately balanced coins on the front edge of the playing surface. A denser accumulation of coins will occur at this point, a result of the raised lip. In reality, the denser the coin mass, the greater the resistance, and the less likelihood of the coins dropping over the front edge into the win chute.

Coin Mass

The accumulated coin mass on the front portion of the playing surface is the most important element of a penny falls device. The interaction of the coin mass with the other components, as well as the play characteristics, creates a game with an inherent retention ratio. A coin mass will have from two to several layers (density) of coins, depending on the method of play. This coin mass, extending from the front (lip) of the playing surface to a point on the playing surface where the forward motion of the sweep-arm cycle ends, is caused by the friction between the coins and the playing surface. This friction is directly proportional to the number of layers of coins and the size, weight, and number of prizes, tokens, or chips added to the coin mass.[5]

Imposed Impediments

These are add-on features which can take the form of prizes, chips, and/or large weighted tokens. For each item added, the retention ratio will increase and is directly proportional to the size and weight of the added components. The added weight increases the friction between the layers of coins and the playing surface. This increased friction requires more force to move the accumulated coin mass. The weight and mass (size) of the newly deposited coin has not changed; therefore, when it is forced into the heavier coin mass, it will tend to move in the direction of least resistance, i.e., to the sides of the playing surface.

Strategy

Strategy is a thought process which, when used in conjunction with motor skills and the operational components of the game, will affect the final outcome of a game. Strategy used in playing a penny falls is limited to the choice of where the coin should be aimed and how many coins should be inserted at any one time. Using several coins for one play is called "loading."

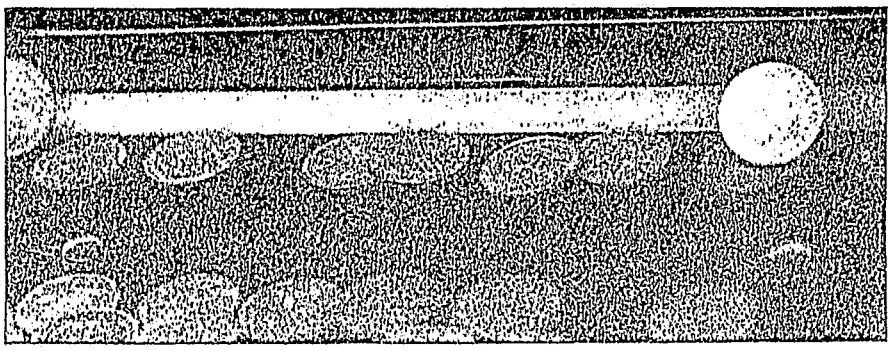
Loading

With penny falls, the term "loading" refers to the insertion of multiple coins into the device while the sweep-arm is in the stop mode. "Random loading" and "concentrated loading" are variations of this practice.

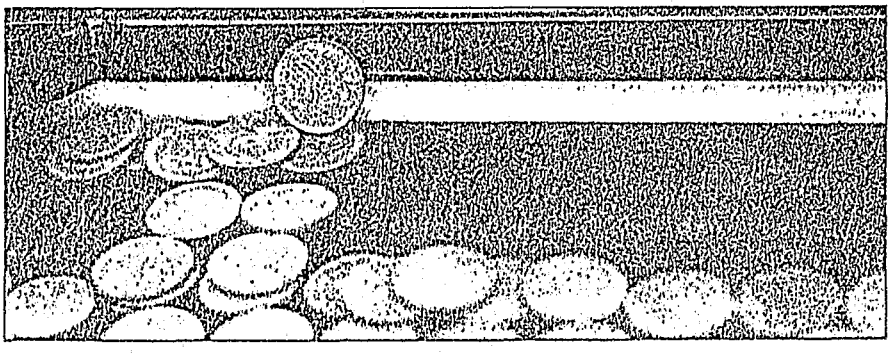
Random loading means depositing several coins so that they will fall in a random pattern across the entire width of the playing surface while the sweep-arm is stopped at the rear of its cycle. When the sweep-arm begins to move forward, it will force the newly deposited coins into the accumulated mass of coins at several points. This distributed force may cause more of the precariously balanced coins to fall into the win chute than would normally occur.

Initially, this method of playing may yield a return of coins equal to or greater than the initial number of coins played. However, the return to the player will be reduced the longer this method is used. Before the player can again win a large number of coins, there must be a buildup of coins on the front edge of the playing surface. When this buildup of coins reaches its saturation point, the coins will be forced into the win chute. This buildup effect will occur in cycles and will dictate the win ratio of the player.

Concentrated loading means depositing several coins into a concentrated area of the playing surface when the sweep-arm is stopped at the rear of its cycle. The player attempts to deposit these coins directly in line with an area on the front edge of the playing surface containing the largest accumulation of coins.



"Random loading" is the depositing of several coins across the width of the playing surface in an attempt to move the entire accumulated coin mass forward.



"Concentrated loading" is the depositing of several coins in one area on the playing surface in an attempt to force a specific accumulation of coins into the win chute.

It is important to note that if a one- or two-coin strategy was used prior to the concentrated loading method, the accumulated coin mass will be one or two layers deep. The density or layers of the coin mass then determines the win ratio over an extended period of play.

When the sweep-arm moves forward, it will force these newly deposited coins into the coin mass at one point. Due to the heavier weight of the multiple coins, it will force all the coins in front of them forward, thus forcing several coins into the win chute. If this method of play is continued, the player will have a higher win ratio than with the single coin strategy. This higher win ratio is only temporary, and after a period of play, will return to the same win ratio, proportionally, as in the single coin play.

A unique characteristic of the penny falls device is that the number of coins in the coin mass will remain fairly constant and will seek its own level of density relative to the method of play. For example, if 10 coins are used in the concentrated loading method each and every play, the accumulated mass will have a density of several layers, while the front portion will contain one or two layers. The combined weight of the 10-coin play will easily move the lighter two-layer mass of coins forward. As the percentage of the coin mass containing four layers increases, the force required to move this also increases. When the entire mass of coins has a density of four or more layers, the 10-coin play will yield the same return, proportionally, as the single coin play when the density of the coin mass was one or two layers.

Stop Buttons

A "stop button," which interrupts the sweep-arm cycle, was added to several models of penny falls devices in approximately 1978. This stop button allows the player to stop the sweep-arm at any point in its predetermined cycle and facilitates the use of the loading strategy during play. It provides a longer length of time for the insertion of one to several coins, as well as aiming the shooter.

Shooter

The shooter or coin chute, which gives the player limited control, is used to implement a player's strategy. A coin is inserted into the shooter, in a vertical position, by the player. The player aims the shooter at a specific area. At this point, player control ceases. Once the

"...the penny falls device remains one which is based predominantly on chance."

coin exits the shooter, it lands on the playing surface, on end, and rolls, hitting the sweep-arm and/or coin mass, until it comes to rest. Where the coin finally comes to rest cannot be controlled or predicted by the player.

The shooter is only one of six basic elements of the penny falls device. The true nature of a device is dependent on all of its component parts and their interrelationship and not on any single element.

Retention Ratio

Retention ratio, also referred to as "house percentage," is the percentage of coins inserted into the device relative to the number of coins retained by the device. All gambling devices, i.e., games of chance, have a house percentage which is dictated by the game and the operational and play characteristics of the device.

Factors which are inherent in penny falls guarantee the operator a predetermined retention ratio, over an extended period of play, of approximately 35 percent to 45 percent. When "imposed" factors are used by the operator, the retention ratio increases dramatically, approximately 55 percent to 65 percent.[6]

A true amusement device, one in which skill predominates, does not have a "retention ratio," inasmuch as nothing is returned to the player except the "extension of play." This extension of play may take the form of "free games" or "replays" which are awarded for a predesignated point/score accumulation or, as in Pac Man, the awarding of additional grids which increase in difficulty until the player is defeated by the grid.

A true amusement device requires a skillful player to manipulate balls, levers, buttons, etc., relative to a field of play, the result of which significantly affects the final outcome of play.

A prime example to illustrate the "skill" versus "chance" aspect of a device is the pinball machine. If the device has "flippers," the device is a game of skill, inasmuch as the player can keep a ball in play by manipulating the flippers. The length of time of play is dependent on the manipulation of the flippers relative to the ball in play.

A "bingo" pinball machine does not have flippers; therefore, the result of play is dependent on the design characteristics (gravity) of the game. The player cannot influence the path of the ball which precludes the element of skill from affecting the final outcome of play. It is alleged that "body english" is an act of skill which will influence the final outcome of play. Body english is defined as hitting the device slightly to change the path of the ball as it rolls down the playing surface. The effect of body english can be neutralized by setting the "tilt" mechanism to a very sensitive mode. In this mode, a player would not be able to alter the path of the ball without tilting the device; therefore, bingo pinball is not a game of skill. The point accumulation is a result of chance.

Current Trends

Manufacturers of penny falls devices are constantly striving to design a device which will earn acceptance by the judicial system and law enforcement community, while also continuing to attract players.

Multilevel Devices

Since approximately 1980, a new concept in the design of penny falls devices has been the use of multilevel playing surfaces. On these versions, sweep-arms have a different design configuration than those previously mentioned. A single sweep-arm configuration may use several "finger-" or "paddle-" shaped arms to push newly deposited coins forward. When the top-level sweep-arm is in the extreme forward position of its cycle, the lower-level sweep-arm will be in the extreme rear position of its cycle. This alternating movement allows the coins forced over the edge of the top level to be picked up at the lower-level sweep-arm and pushed into the lower-level mass of coins.

Other features were introduced to take advantage of the shooter location. For example, on the "Flip-A-Winna," a spinning drum (located below the shooter), bearing ribs or fingers, rotates in a direction away from the player. As the newly deposited coin hits the spinning reel, it is propelled up against the back of the device, above the second-level playing surface. This coin falls onto the second level and is picked up by the sweep-arms and forced into the top-level mass of coins, which may force coins over the edge of the top-level playing surface onto the lower-level playing surface.

A device identified as the "Silver Falls" has the shooter located at the top of the device. A coin inserted into the shooter travels down the vertical rear surface of the device, bouncing off pegs imbedded in the vertical surface, randomly spaced, and lands on the upper-level playing surface. Sweep-arms force this newly deposited coin into the mass of coins, forcing some over the edge. A spinning drum is positioned between the two playing surfaces. The drum spins in a forward direction and propels the coins forced over the edge of the top level onto the lower-level

playing surface. The lower-level sweep-arm then performs its normal function.

All of these devices have side slots on the lower-level playing surface. Coins forced into these slots are retained by the device (i.e., house percentage).

The "Flip-it," "Silver Shooter," and "Whirl Win" are types of penny falls devices which are currently used in legal casinos only. The addition of "baskets" or "target holes" mounted on the back of these devices increase the player's chances of winning. These alterations resulted in a greater player win ratio but did not change the nature of the game itself; it remains a game based predominantly upon chance.

Some of the "Flip-it" devices currently used in Las Vegas casinos contain an additional enticement. A slot machine configuration is mounted on top of the Flip-it cabinet. When a player succeeds in getting a coin into the top target "basket," mounted on the rear vertical wall of the device, the slot machine is activated. This slot machine operates in the same manner as the other slot machines on the casino floor, except for the method of activation.[7]

Wedges and Ledges

When a device contains the characteristics of a penny falls, i.e., shooter, sweep-arm, playing surface, raised lip at edge of playing surface, accumulation of coins, and side slots, it is predominantly a game of chance. However, it is acknowledged that the use of a "shooter" and or a "stop button" is a skillful act which may promote "accuracy" and "strategy" (loading) in and of themselves. However, if these factors are only two of several factors that constitute a single game, accuracy and strategy are not the predominant factors; therefore, the nature of the game is still one of chance.

A new "gravitation" device, identified as "Wedges and Ledges,"[8] was introduced into the Los Angeles area in 1983. This device incorporated some of the characteristics of the penny falls device; however, the design eliminated the side slots and added seven "wedges" (partitions) to each playing surface. There are four player positions per device. "Wedges" divide each playing surface into eight "channels" approximately 2½ inches wide. Each wedge is tapered; the thin end is adjacent to the spot where the forward motion of the sweep-arm cycle ends. Coins forced up on these wedges will fall into one of the channels.

These wedges effectively limit the sideward movement of the coins forced into the accumulated coins, as well as the coin mass itself. Since the lateral movement of the coins has been restricted, the primary direction of the coins will be forward, toward the win chute. The interaction of the coin mass within each "channel," in conjunction with the newly deposited coin(s), constitutes the major portion of play of the Wedges and Ledges device.

With the elimination of the side slots and the addition of the wedges, the Wedges and Ledges device relies more on the use of the shooter and strategy of play. Strategy, in this instance, is defined as determining which channel has the most precariously balanced coins at the leading edge of the playing surface and then attempting to force these coins over the edge. These restrictions and modifications make Wedges and Ledges more a game of skill than one of chance.

For a reward, a player receives a ticket (or token) for each coin forced into the win chute. A coin-counting mechanism counts the coins as they fall through the win chute and dispenses a ticket for each coin won. These tickets cannot be exchanged for money, only for prizes. A player may realize a potential return on monies inserted into the device of approximately 75 percent to 104 percent.

The payoff feature of the Wedges and Ledges turns the device into a merchandising tool. The owner/operator makes his profit based on the difference between the purchase price of the prizes (merchandise) and the value assigned to each prize for redemption by the player. The profit potential is approximately 30 percent.

This profit potential can be regulated by the operator by adjusting the value of the prizes. An increased redemption value increases the profit margin. A decreased redemption value decreases the profit margin. This adjustable profit margin does not affect the nature of the device itself.

Payoff Methods

A "direct coin payout" is the most popular method of reimbursement. A player uses a coin to operate the device and receives coins for a successful play.

Another method of payout is to allow a player to deposit coins on the playing surface, and upon completion of a successful play, receive tokens. A coin-counting mechanism at the base of the win chute counts the coins that fall into the win chute and dispenses the same number of tokens to the player. These tokens may be replayed or they may be redeemed for prizes.

Prizes on the playing surface that fall into the win chute are retained by

the player. Larger and/or colored tokens are usually used with these prizes and may be redeemed for larger prizes.

Large weighted chips may be used in conjunction with prizes on the playing surface. In this mode of play, only large weighted chips may be redeemed for prizes. The other tokens won must be replayed as before.

A penny falls device may also be equipped with a ticket-dispensing mechanism which dispenses a ticket for every coin that falls into the win chute. This method of payoff is usually used in conjunction with coins. Tickets won by the player are redeemed for prizes. The number of tokens needed to redeem a prize have a much lower value than the prizes offered for redemption.

There are several payoff methods used by operators of penny falls to circumvent local gambling laws. For example, if an element of a local statute states, "No monies may be an integral element of a game of device . . .," tokens will be used instead of coins. If a statute implies that "no coin operated game or device may be operated . . .," a player will purchase tokens from the operator and use the tokens to operate the device in lieu of coins.

Summary

A penny falls device contains features which imply that skill can influence the final outcome of a game. Use of these features, i.e., movable shooter and stop button, tend to ignore the fact that they must interact with other operational and play characteristics during play of the device.

In determining the nature of a device, whether it is based on skill or chance, a common mistake is to evaluate one or two characteristics of play independent of the operation of the game itself. This type of testing procedure leads to an invalid conclusion as to the true nature of the device. A device must be tested or evaluated under the same operating conditions as would normally occur when on location, i.e., carnival, arcade, etc.

Inasmuch as the use of the movable shooter, stop button, and application of strategy do not appeciably affect the final outcome of play, the penny falls device remains one which is based predominantly upon chance. FBI

Footnotes

[1]The first manufactured "penny falls" device required the use of the English penny, hence the name "penny falls."

[2]Communication from Kent County Constabulary, Fraud Investigation Department, Police Headquarters, Sutton Road, Maidstone, Kent (November 1980); record from Nevada Casino Control Commission bearing names and dates of applicant regarding penny falls devices.

[3]Recently, operators of penny falls devices have been charged with theft by deception, as well as operating a gambling device, by local police departments. The deception charge was based on the hidden side slots and their true function. To preclude a charge of this nature, operators are labeling these slots; however, labeling these side slots does not change their function or effectiveness.

[4]The newer models of penny falls devices, both single and multilevel playing surfaces, do not contain screws imbedded in the playing surface.

[5]Movement of the newly deposited coin usually affects the bottom layer of the coin mass more so than the other layers of coins, especially when prizes are used.

[6]Testing by author of penny falls devices identified as "Mighty Payloader." A target area of 2-inch square was used to test for accuracy revealing a 42-percent accuracy rate (February 1980).

[7]Author observed and played the Flip-it device in the Las Vegas casinos (July 1986).

[8]Testing by author, Redondo Beach, CA, of the "Wedges & Ledges" device (April 1984).