'Sweepstake Delusion' May Have Medical Explanation; Elder Law

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Body

Many people have received a letter congratulating them on winning millions of dollars which will be released upon the payment of a small fee of several thousand dollars. Most people are able to distinguish the fantasy from the reality and can easily see that this is a con game.

Unfortunately there are large numbers of people who fall for these schemes, and many of them are seniors. It is often detected by family members who note unexplained withdrawals of significant sums. The common approach is to try to convince the person that the promise of a financial windfall is a fraud and to try to point out the flaw in his or her thinking. They will show the senior articles from The New York Times ("Americans sent more than $30 million to Jamaica last year to claim winnings in a nonexistent lottery")[1] and The Wall Street Journal ("In a 2005 survey, the Federal Trade Commission estimated that 30.2 million U.S. consumers were victims of marketing fraud, led by bogus weight-loss products. Fraudulent lottery schemes were second, reeling in more than three million victims a year, the agency estimated.")[2] But, no amount of logic or persuasion can change the belief that the senior has won the prize. It is this fixed, immutable, unshakeable idea, in the face of contrary evidence, that defines the "sweepstake delusion."

The lengths that the victim will go to pay funds to the perpetrators of the scheme frustrate many families and professionals. Typically the senior is oriented in all other spheres and the problem is restricted to this one area. The condition is commonly persistent and present over an extended period of time. The victim is given little sympathy out of a feeling that someone who fails to recognize the obviousness of the scam and cooperates with the perpetrators deserves the misfortune of losing their savings.

There is now medical research suggesting that this condition is not a weakness of character but has an organic basis in damage to a specific portion of the brain. This finding could have significant implications in the way that this disorder is treated.

Case Example

The details of an actual case may be helpful to give a sense of the dimensions of this problem, particularly to those who have not encountered it. The details have been altered to protect the identity of the individual.

Mr. A, 82 years old, a graduate of an Ivy League college with a degree in economics spent his career as financial officer for several well-known large corporations. His problem began innocently when he wrote small checks to dozens of charities in response to their mailings. As a result he was inundated with bogus sweepstake and lottery scams. He gave his personal information out to numerous disreputable firms and began receiving constant mail, telephone and email appeals.

His home health aide called the police when he went to the bank to withdraw $9,000 in cash to be sent to a lottery office in Canada to obtain his winnings. They were successful in having him redeposit the money. However, he still believed that he had won $500,000 and was angry that he had been prevented from delivering the money.

He re-contacted the scam artist, apologized for not delivering the cash, and then asked where he could send a check. He was given an address in California to which he sent a check for $8,000 from his brokerage account. On another occasion he rushed to Western Union to wire several thousand dollars at the request of another scam artist, but was prevented from doing so only by the vigilance of the Western Union manager.

He wrote 280 checks over a six-week period to various recipients. When his sons convinced the bank to monitor their father's activity he began withdrawing money at the cash machine and forwarding it to the sweepstake and lottery offers. His sons changed his telephone number two times to try to prevent the scammers from contacting their father, but he continued to receive calls from strangers trying to obtain funds.

The Medical Evidence

Recent medical research suggests that a specific part of the brain, the ventromedial prefrontal cortex (vmPFC), helps tag or identify false information. Damage to this region of the brain can result in disruption of the ability to detect misleading information. This results in what has been called a "doubt deficit." It can lead to a vulnerability to deception. The research included individuals with damage to their vmPFC and found that they were more likely to believe misleading advertising, even when they were given corrective information.

The authors of an article in the journal "Frontiers in Neuroscience" report that "Indeed, this specific deficit may explain why highly intelligent vmPFC patients can fall victim to seemingly obvious fraud schemes. Warnings from friends and family often go unheeded and vmPFC patients' susceptibility can result in bankruptcy if they continue to make their own financial decisions."[3]

Conclusion

The issue of sweepstake delusion has become better known and has even been the premise of a recent major motion picture, "Nebraska," which was nominated for six Academy Awards. Unfortunately, it is now common in the elder law practice to encounter a client who has spent thousands of dollars on bogus sweepstakes. This research would suggest that reasoning with the elder is the wrong approach and a better approach would be to have a medical assessment to determine if there is damage to the portion of the brain that has been identified.

If an MRI confirms the damage the suggested approach may be the use of a power of attorney or the imposition of a guardianship rather than attempts to reason with the victim. It is important to alert the legal and medical and law enforcement community to the possible explanation of this activity so that their response can be tailored appropriately.

Endnotes:

1. "Jamaica: Action on Fraudulent Lotteries," New York Times, May 27, 2009, p. A10.

2. Blumenthal, Karen: Wall Street Journal, "A Family's Fight to Save an Elder from Scammers," June 17, 2009.

3. "A Neuropsychological Test of Belief and Doubt: Damage to Ventromedial Prefrontal Cortex Increases Credulity for Misleading Advertising," Asp, E., Manzel, K., Koestner, B., Cole C., Denberg, N. and Tranel, D., Frontiers in Neuroscience, 2012; Vol. 6, p. 100.

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