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Investor Alert: Ponzi Schemes Using Virtual Currencies

July 23, 2013

The SEC's Office of Investor Education and Advocacy is issuing this investor alert to warn individual investors about fraudulent investment schemes that may involve Bitcoin and other virtual currencies.

Ponzi Schemes Generally

A Ponzi scheme is an investment scam that involves the payment of purported returns to existing investors from funds contributed by new investors.

Ponzi scheme organizers often solicit new investors by promising to invest funds in opportunities claimed to generate high returns with little or no risk. In many Ponzi schemes, rather than engaging in any legitimate investment activity, the fraudulent actors focus on attracting new money to make promised payments to earlier investors as well as to divert some of these "invested" funds for personal use. The SEC investigates and prosecutes many Ponzi scheme cases each year to prevent new victims from being harmed and to maximize recovery of assets to investors.

As with many frauds, Ponzi scheme organizers often use the latest innovation, technology, product or growth industry to entice investors and give their scheme the promise of high returns. Potential investors are often less skeptical of an investment opportunity when assessing something novel, new or "cutting-edge."

Look Out for Potential Scams Using Virtual Currency

Virtual currencies, such as Bitcoin, have recently become popular and are intended to serve as a type of money. They may be traded on online exchanges for conventional currencies, including the U.S. dollar, or used to purchase goods or services, usually online.

We are concerned that the rising use of virtual currencies in the global marketplace may entice fraudsters to lure investors into Ponzi and other schemes in which these currencies are used to facilitate fraudulent, or simply fabricated, investments or transactions. The fraud may also involve an unregistered offering or trading platform. These schemes often promise high returns for getting in on the ground floor of a growing Internet phenomenon.

Fraudsters may also be attracted to using virtual currencies to perpetrate their frauds because transactions in virtual currencies supposedly have greater privacy benefits and less regulatory oversight than transactions in conventional currencies. Any investment in securities in the United States remains subject to the jurisdiction of the SEC regardless of whether the investment is made in U.S. dollars or a virtual currency. ***In particular, individuals selling investments are typically subject to federal or state licensing requirements.***

Bitcoin Ponzi Scheme. In a recent case, *SEC v. Shavers*, the organizer of an alleged Ponzi scheme advertised a Bitcoin "investment opportunity" in an online Bitcoin forum. Investors were allegedly promised up to 7% interest per week and that the invested funds would be used for Bitcoin arbitrage activities in order to generate the returns. Instead, invested Bitcoins were allegedly used to pay existing investors and exchanged into U.S. dollars to pay the organizer's personal expenses.

Common Red Flags of Fraud

Many Ponzi schemes share common characteristics. Following are some red flags:

- **High investment returns with little or no risk.** Every investment carries some degree of risk, and investments yielding higher returns typically involve more risk. "Guaranteed" investment returns or promises of high returns for little risk should be viewed skeptically.
- **Overly consistent returns.** Investments tend to go up and down over time, especially those seeking high returns. Be suspect of an investment that generates consistent returns regardless of overall market conditions.
- **Unregistered investments.** Ponzi schemes typically involve investments that have not been registered with the SEC or with state securities regulators.
- **Unlicensed sellers.** Federal and state securities laws require certain investment professionals and their firms to be licensed or registered. Many Ponzi schemes involve unlicensed individuals or unregistered firms.
- **Secretive and/or complex strategies and fee structures.** It is a good rule of thumb to avoid investments you don't understand or for which you can't get complete information.
- **No minimum investor qualifications.** Most legitimate private investment opportunities require you to be an *accredited investor*. You should be highly skeptical of investment opportunities that do not ask about your salary or net worth.
- **Issues with paperwork.** Be skeptical of excuses regarding why you can't review information about the investment in writing. Always read and carefully consider an investment's prospectus or disclosure statement before investing. Be on the lookout for errors in account statements which may be a sign of fraudulent activity.
- **Difficulty receiving payments.** Be suspicious if you don't receive a payment or have difficulty cashing out your investment. Ponzi scheme organizers sometimes encourage participants to "roll over" promised payments by offering higher investment returns.
- **It comes through someone with a shared affinity.** Fraudsters often exploit the trust derived from being members of a group that shares an affinity, such as a national, ethnic or religious affiliation. Sometimes, respected leaders or prominent members may be enlisted, knowingly or unknowingly, to spread the word about the "investment."

Where can I go for help?

If you have a question or concern about an investment, or you think you have encountered fraud, please contact the SEC, FINRA or your state securities regulator to report the fraud and to get assistance.

U.S. Securities and Exchange Commission
Office of Investor Education and Advocacy
100 F Street, NE
Washington, D.C. 20549-0213
(800) 732-0330
sec.gov
investor.gov

Financial Industry Regulatory Authority (FINRA)
FINRA Complaints and Tips
9509 Key West Avenue Rockville, Maryland 20850
(301) 590-6500
www.finra.org/Investors/

North American Securities Administrators Association (NASAA)
750 First Street, NE
Suite 1140
Washington, D.C. 20002
(202) 737-0900
www.nasaa.org

Additional Information

For more information about Ponzi schemes, visit sec.gov/answers/ponzi.htm.

For a list of SEC enforcement actions against Ponzi schemes, visit sec.gov/spotlight/enf-actions-ponzi.shtml.

For more information about being an accredited investor, visit sec.gov/answers/accred.htm.





For our publication about affinity fraud, visit investor.gov/sites/investorgov/files/Affinity-Fraud.pdf.

For our Investor Alert about social media and investing, visit sec.gov/investor/alerts/socialmediaandfraud.pdf.

For additional investor educational information, see the SEC's website for individual investors, investor.gov.

The Office of Investor Education and Advocacy has provided this information as a service to investors. It is neither a legal interpretation nor a statement of SEC policy. If you have questions concerning the meaning or application of a particular law or rule, please consult with an attorney who specializes in securities law.

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